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IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

ALL ASBESTOS LITIGATION FILED
BY THE SIMMONS FIRM, L.L.C.,

Plaintiffs,

vs.

GEORGIA-PACIFIC, et al.,

Defendants.

VIDEO
DEPOSITION OF: C. WILLIAM LEHNERT

DATE: October 3, 2001

TIME: 10:49 A.M. to 2:22 P.M.

LOCATION: Sanibel Harbour Resort
17260 Harbour Pointe Drive
Fort Myers, Florida

TAKEN BY: Counsel for Defendant
Georgia-Pacific Corporation
BEFORE: Sheryl L. Akerley, RMR
Notary Public
State of Florida at Large.

COPY

1 APPEARANCES:

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21 Also Present:

22 Joe Pitcher, Videographer

23 - - -

24

INDEX OF EXAMINATION

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26 By Ms. Jagger - Pages 8, 107
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1 THE VIDEOGRAPHER: My name is Joe Pitcher,
2 videographer. Today's date is October 3rd, 2001.
3 The time is 10:49 a.m. This is the video deposition
4 of C. William Lehnert being held at Sanibel Harbour
5 Resort, 17260 Harbour Pointe Drive, Fort Myers,
6 Florida in the case of All Asbestos Litigation filed
7 by The Simmons Firm, LLC versus A.P. Green
8 Industries, Incorporated, et al., defendants.

9 The court reporter is Sherie Akerley.

10 Do you all want to state your names for the
11 record?

12 MR. BONO: And who they represent, please.

13 THE VIDEOGRAPHER: And who you represent.
14 And do you want to start right here at the corner
15 right here?

16 MR. MAJOR: Robert Major, USX Corporation.

17 MR. BONO: Randall Bono, plaintiffs.

18 MR. KOHLBURN: William Kohlburn, plaintiffs.

19 MS. JAGGER: Julie Jagger, Georgia-Pacific.

20 MR. HEBRANK: Jeff Hebrank, Georgia-Pacific.

21 MR. COLLIER: Chris Collier, Scapa.

22 MR. ODOM: Jason Odom, Mt. Vernon Mills.

23 MR. WALSH: James Walsh, John Crane.

24 MS. GEISE: Elizabeth Geise, Certain-Teed
25 Corporation.

1 MR. PLOTNER: Kent Plotner, Certain-Teed
2 Corporation and Union Carbide Corporation.

3 MR. WILL: Trevor Will, Union Carbide
4 Corporation.

5 MR. ROMANCE: Mark Romance, 3M.

6 MS. JOHNSON: Virginia Johnson,
7 Georgia-Pacific.

8 MR. BAILEY: Curtis Bailey, Sears Roebuck &
9 Company and Congoleum Corporation.

10 MR. SANDERS: Gary Sanders, ACandS.

11 THE VIDEOGRAPHER: The court reporter may
12 swear in the witness.

13 MR. BONO: Before we do, first I want to put
14 on the record that we are cancelling the discovery
15 deposition that was to precede the evidence
16 deposition.

17 (Witness sworn.)

18 MS. GEISE: Can I ask about stipulations for
19 objections before we start?

20 MS. JAGGER: Yes. We may want to swear him
21 again and make some general statements. This
22 deposition is being taken pursuant to Notice filed
23 by counsel for plaintiffs and cross noticed by
24 Georgia-Pacific Corporation. By agreement of all
25 counsel, the deposition is limited in scope to the

1 following issues. First, the use of Union Carbide
2 SG-210 asbestos in Georgia-Pacific products.

3 Second, authentication of Georgia-Pacific
4 product formulas containing Union Carbide SG-210
5 asbestos. These formulas were given to
6 Georgia-Pacific, Certain-Teed and Union Carbide
7 counsel by plaintiffs' counsel in advance of the
8 deposition.

9 And third, limiting -- limited questioning
10 regarding the relationship between Bestwall Gypsum
11 Company and Certain-Teed Corporation.

12 MR. BONO: One clarification. Although we
13 gave you the formulas, those were formulas that you
14 gave us in discovery.

15 MS. JAGGER: Correct. The formulas are from
16 the files and records of Georgia-Pacific
17 Corporation, and that will be established through
18 the witness, but I just wanted it to be clear that
19 these formulas are not being seen by the attorneys
20 here for the first time, they were distributed by
21 plaintiffs' counsel in advance of the deposition.

22 MR. BONO: And also it should be pointed out
23 that the videographer, although he mentioned this is
24 for The Simmons Firm, this is in the Circuit Court
25 of the Third Judicial Circuit, Madison County

1 Illinois, although it doesn't have a case number to
2 it.

3 MR. PLOTNER: And Randy, can we stipulate
4 that an objection by one is an objection for all?

5 MR. BONO: No.

6 MR. PLOTNER: No? State your objections?

7 MR. BONO: State your objections.

8 MS. GEISE: Everything but form of the
9 question reserved?

10 MR. BONO: No.

11 MS. JAGGER: Does anyone object if we have
12 Mr. Lehnert sworn in again so that we have a --

13 MR. BONO: No.

14 MS. JAGGER: -- a nice record for the video?

15 MR. BONO: Do we unswear him when the
16 deposition's over so we can get him back to normal
17 life?

18 C. WILLIAM LEHNERT,
19 called as a witness by the Defendant Georgia-Pacific
20 Corporation, having been first duly sworn, as hereinafter
21 certified, was deposed and said as follows:

22 EXAMINATION

23 BY MS. JAGGER:

24 Q Good morning, Mr. Lehnert. Could you state
25 your full name for the Court and jury, please?

1 A Charles William Lehnert. I go by Bill.

2 Q Okay. Mr. Lehnert, as you know, I'm Julie
3 Jagger and I represent Georgia-Pacific Corporation. I'm
4 going to be asking you some questions this morning, and
5 then there will be some other attorneys who will ask you
6 some questions as well.

7 Can you tell us first, please, if you are
8 appearing here today voluntarily at the request of
9 Georgia-Pacific Corporation?

10 A Yes.

11 Q Okay. Were you aware prior to the deposition
12 that the questions today would be primarily limited to
13 matters relating to the use of Union Carbide SG-210
14 asbestos in Georgia-Pacific products?

15 A Yes.

16 Q Mr. Lehnert, how old are you?

17 A Seventy-three.

18 Q And where do you live?

19 A I live at 14111 Mystic, M-Y-S-T-I-C, Seaport
20 Way, Fort Myers, Florida 33919.

21 Q Are you retired?

22 A Yes.

23 Q When did you retire?

24 A In August of 1990.

25 Q Have you lived in the Fort Myers, Florida

1 area since your retirement?

2 A Yes.

3 Q Okay. From what company did you retire?

4 A Georgia-Pacific Corporation.

5 Q Since your retirement in 1990, have you done
6 consulting work for Georgia-Pacific?

7 A Yes.

8 Q Can you tell the jury what types of
9 consulting work you have done for Georgia-Pacific?

10 A Yes. I have testified in litigations such as
11 I'm doing right now. I have testified in some trials,
12 and I have provided other technical assistance to
13 Georgia-Pacific when they have asked.

14 Q Has all of your consulting work related to
15 asbestos matters?

16 A No.

17 Q What other types of matters do you consult
18 for Georgia-Pacific on?

19 A They call me from time to time to ask
20 questions about different products based on the fact that
21 I have a background in the technical aspects of the
22 business. I have also gone to the research laboratory
23 and collated some documents for them. One particular
24 case it was on water resistant gypsum board. And I have
25 testified in a patent infringement case.

1 Q Okay. Why were you asked to maintain a
2 consulting role for Georgia-Pacific when you retired?

3 A I was involved in the technical part of the
4 gypsum business for my entire career, and when I retired
5 I was the manager of the Product Development & Technical
6 Service Department and had held that title for some
7 number of years.

8 Q Did you attend college, Mr. Lehnert?

9 A Yes.

10 Q Where did you attend college and during what
11 years?

12 A Let's see. 1945 I got some college in an
13 Army specialized training program that was held in
14 Virginia Polytechnic Institute. They just call it
15 Virginia Tech now. And I went to Georgia -- went to
16 Grove City College, and also to Pitt some summers, and
17 graduated from Grove City in 1950.

18 Q Okay. With a degree in what subject?

19 A Bachelor of Science degree in -- major in
20 chemical engineering.

21 Q Okay. Can you tell the jury where you were
22 employed in 1951?

23 A I was employed by Certain-Teed Products
24 Corporation.

25 Q What was your job title?

1 A Chemist.

2 Q How long were you employed by Certain-Teed
3 Products Corporation?

4 A Until May of 1956.

5 Q Throughout that time of 1951 until May of
6 1956, were you always a chemist?

7 A Yes.

8 Q Okay. Who was your boss at Certain-Teed?

9 A Originally it was Gilbert Hoggatt,
10 H-O-G-G-A-T-T.

11 Q And then did you have another boss
12 subsequently at Certain-Teed?

13 A Yes.

14 Q And who was that?

15 A Clarence Shuttleworth.

16 Q Okay. Are either Mr. Hoggatt or
17 Mr. Shuttleworth alive today?

18 A No.

19 Q During the years that you worked for
20 Certain-Teed Products Corporation did you do any work
21 with joint system compounds?

22 A Yes.

23 Q And before we get into that, could you just
24 explain generally to the jury what joint system compounds
25 are?

1 A Joint system compounds are products that are
2 used to tape and finish the joints on gypsum wallboard.
3 They are also used to conceal the dimpled nail heads, and
4 to cover the corner beads in gypsum wallboard
5 construction.

6 Q Okay. When you were employed by Certain-Teed
7 Products Corporation, what work did you do that involved
8 joint system compounds?

9 A I was asked to assume the responsibility for
10 the formulation of joint system compounds.

11 Q Did those joint system compounds contain
12 asbestos?

13 A Yes.

14 Q What was the purpose of asbestos in the
15 products?

16 A The asbestos would absorb a lot of water
17 which enabled the product to be able to be handled and
18 applied more easily than if the asbestos had not been
19 present.

20 Q Now, in May of 1956 by whom did you become
21 employed?

22 A Bestwall Gypsum Company.

23 Q How did that come about?

24 A Certain-Teed spun off the Gypsum Division and
25 called it Bestwall Gypsum Company.

1 Q Okay. Were you still a chemist at the time
2 that you began employment with Bestwall Gypsum Company in
3 May of 1956?

4 A Yes.

5 Q Was Mr. Shuttleworth still your boss at that
6 time?

7 A Yes.

8 Q Okay. And how long were you employed by
9 Bestwall Gypsum Company?

10 A From 1956 to 1965.

11 Q Okay. During your years at Bestwall, did you
12 have any changes in your job title?

13 A Yes.

14 Q Okay. What change and when did that occur?

15 A In 1960 a small research group was formed and
16 I was appointed the working group leader.

17 Q Okay. During your years with Bestwall Gypsum
18 Company were you still doing work on joint compound
19 products?

20 A Yes.

21 Q Okay. As a group leader beginning in 1960,
22 were you involved in the development of any new joint
23 compound products?

24 A Yes.

25 Q What products?

1 A Ready Mix joint compound.

2 Q Can you explain how Ready Mix joint compound
3 differed from the joint compounds that had existed
4 previously?

5 A The previous joint compounds were dry and
6 they were furnished in a bag, and Ready Mix was, as the
7 name indicates, mixed with water. It was a paste-type
8 product and it was sold in a pail, later in a carton.

9 Q Who had responsibility for the development of
10 Bestwall Ready Mix joint compound?

11 A I had that responsibility as the leader of
12 that research group.

13 Q When did Bestwall Ready Mix joint compound go
14 on to the market?

15 A I believe it was around 1965.

16 Q Did the joint compound products of Bestwall
17 between 1956 and 1965 contain asbestos?

18 A Between 1950 --

19 Q 1956 and 1965.

20 A Yes.

21 Q Okay. By whom did you become employed in
22 1965?

23 A Georgia-Pacific Corporation.

24 Q Were you employed by any particular group or
25 division at Georgia-Pacific?

1 A We became the Gypsum Division, which was a
2 part of the Building Products Division of
3 Georgia-Pacific.

4 Q Okay. Did you work for the Building Products
5 Division or the Gypsum Division?

6 A The Gypsum Division.

7 Q And did you always work for the Gypsum
8 Division during your years at Georgia-Pacific?

9 A Yes.

10 Q Okay. What were generally the products of the
11 Gypsum Division of Georgia-Pacific?

12 A Gypsum wallboard, which some people call
13 sheetrock. Firestop, which was a fire rated gypsum
14 wallboard product. Tile Backer Board, which was a tile
15 backing product of Georgia-Pacific.

16 Q So board products, and what else?

17 A And joint compounds and textures.

18 Q Now, when you began employment with
19 Georgia-Pacific in 1965, what was your job title?

20 A I was -- I think the title was changed to
21 Manager of Research at that time.

22 Q Okay. And how long did you hold that
23 position?

24 A Actually the position never changed much.
25 The title changed sometime and later it was changed to

1 Manager of Product Development & Technical Services.

2 Q So it was more of a name change than a change
3 in the type of work you did?

4 A Yes.

5 Q And were you responsible in that position for
6 the laboratory research on products?

7 A Yes.

8 Q Including joint compounds?

9 A Yes.

10 Q Who was your boss during your employment at
11 Georgia-Pacific Corporation?

12 A Up until 1967 it was Clarence Shuttleworth.
13 After that it was Glen Wilson.

14 Q Is Mr. Wilson still alive?

15 A No.

16 Q What was his title?

17 A He was the Vice President of the Gypsum
18 Division and General Manager of the Gypsum Division.

19 Q Mr. Lehnert, in your positions with
20 Certain-Teed, Bestwall and Georgia-Pacific, were you at
21 all times familiar with the product formulas for joint
22 compound products?

23 A Yes.

24 Q Okay. Would that include texture products?

25 A Yes.

1 Q Would it also include acoustical products?

2 A Yes.

3 Q Was there a period of time when some
4 Georgia-Pacific joint system products contained asbestos
5 and others did not contain asbestos?

6 A Yes.

7 Q When was that, approximately?

8 A Approximately 1972 we began to be able to
9 develop products that did not have asbestos.

10 Q Okay. Did there come a time when
11 Georgia-Pacific no longer manufactured any joint system
12 product containing asbestos?

13 A Yes.

14 Q When was that?

15 A May 4th, 1977.

16 Q Mr. Lehnert, you have in front of you a set
17 of documents that has been marked as Exhibit A. Do you
18 see those?

19 A Yes.

20 Q Have you had an opportunity to review those
21 documents in advance of this deposition?

22 A Yes.

23 Q Okay. Are you familiar with them?

24 A Yes.

25 Q What are they?

1 A They are joint system product formulas.

2 Q Okay. Of what company?

3 A For Georgia-Pacific Corporation.

4 Q Do you know whether or not that group of
5 formulas includes all of the joint compound formulas of
6 Georgia-Pacific?

7 A No, it does not.

8 Q Okay. Do you have any understanding as to who
9 selected the particular formulas included in Exhibit A
10 for discussion at this deposition?

11 MR. BONO: Objection, relevancy and
12 foundation.

13 THE WITNESS: I understand that they were
14 furnished by the plaintiffs' attorneys.

15 BY MS. JAGGER:

16 Q Okay. Do the documents contained in Exhibit A
17 come from the files of Georgia-Pacific Corporation?

18 A Yes.

19 Q Would you have been familiar with the
20 formulas in Exhibit A at or about the time they were
21 originally created?

22 A Yes.

23 Q Where at Georgia-Pacific would these formula
24 documents in Exhibit A have been housed?

25 A Since 1982 they would have been housed at the

1 Decatur gypsum laboratory.

2 Q And prior to 1982?

3 A They would have been housed at the Tigard
4 gypsum laboratory.

5 Q Okay. Who was --

6 A Tigard, Oregon. I'm sorry.

7 Q Okay. Who was in charge of the Tigard, Oregon
8 and the Decatur, Georgia laboratories?

9 A I was the manager.

10 Q Would the documents in Exhibit A have been
11 under your custody and control?

12 A Yes.

13 Q Do those documents in Exhibit A, Mr. Lehnert,
14 appear to be true and correct copies of documents
15 maintained in the regular course of Georgia-Pacific's
16 business?

17 A Yes.

18 Q All right. In addition to reviewing the
19 formulas contained in Exhibit A, did you review anything
20 else in preparation for this deposition?

21 A Yes.

22 Q What did you review?

23 A Several hundred other formulas of
24 Georgia-Pacific's joint compounds, as well as some other
25 lab documents.

1 Q Did you review only selected formulas?

2 A No.

3 Q Did you have access to and review the entire
4 joint system formula set of Georgia-Pacific?

5 A Yes.

6 Q Why did you make that review, Mr. Lehnert?

7 A So that we could put a history together of
8 the development of joint compounds, and in this case the
9 history concerning SG -- the use of SG-210 in joint
10 compounds.

11 MS. JAGGER: Can we go off the record a
12 second?

13 THE VIDEOGRAPHER: We're going off the
14 record. The time is 11:13 a.m.

15 (Discussion off the record.)

16 THE VIDEOGRAPHER: Back on the record. The
17 time is the 11:28 a.m.

18 MS. GEISE: Elizabeth Geise for Certain-Teed.
19 I just wanted to state for the record that my
20 understanding is that this deposition is being taken
21 pursuant to the Illinois Rules, which would provide
22 that all objections except to the form of the
23 question are reserved until trial. And I don't want
24 my silence at Mr. Bono's insistence that objections
25 have to be stated at the time to indicate that I

1 have stipulated to that. I have stipulated to the
2 fact that this deposition is taken pursuant to the
3 Illinois Rules.

4 MR. BONO: What Illinois Rules are you
5 referring to?

6 MS. GEISE: The Illinois Rules of Civil
7 Procedure.

8 MR. BONO: Do you know a particular rule
9 number that says that that is in existence?

10 MS. GEISE: No, Mr. Bono, and I don't mean to
11 have an argument on the record. I just don't want
12 you to think that by my silence that I have
13 stipulated to those rules. I understand that we're
14 governed by the Illinois Rules, and I'll take my
15 chances. And I do not want you to think that I have
16 agreed with you that any objection except as to the
17 form of the question is reserved. I mean that any
18 objection on any basis needs to be stated at this
19 deposition.

20 I don't understand how we can possibly make
21 relevance objections in a deposition noticed in re
22 all Simmons cases. I think that would be an
23 impossibility.

24 MR. WILL: Trevor Will for Union Carbide. I
25 want to put on record that it is my understanding as

1 well that the Illinois Rules under which this
2 deposition is being taken under provide for the
3 reservation of all objections except as to form of
4 the question. I don't agree with Mr. Bono's
5 statement either, and I would point out that it is
6 possible that this deposition may attempt to be used
7 in jurisdictions other than Illinois, and it would
8 be my position on the record that we will object to
9 matters of form that can be corrected, but not to
10 other types of objections which would be reserved
11 till the time of trial.

12 MR. BONO: I'm putting on the record that
13 we're not agreeing to reserving any objections. If
14 you want to make any objections, you better make
15 them now.

16 MR. WILL: Well, that's your position,
17 Mr. Bono. I don't think you're the judge, so I
18 think the record's clear. Let's go ahead.

19 MR. BONO: Well, I can assure you you're not
20 the judge, counselor. Are you even licensed in the
21 State of Illinois?

22 MR. WILL: That's why I'm with counsel.

23 MR. BONO: Are you licensed in the State of
24 Illinois, sir?

25 MR. WILL: No, I'm not.

1 MR. BONO: Okay. Have you entered your
2 appearance in re the asbestos litigation as filed by
3 the Simmons Firm?

4 MR. WILL: I have not.

5 MR. BONO: Have you been admitted pro hac
6 vice in the State of Illinois in re the asbestos
7 litigation filed by The Simmons Firm?

8 MR. WILL: I have not, counsel, and let's
9 proceed. That's why I'm here with co-counsel.

10 MR. BONO: Well, let him make his objections.

11 BY MS. JAGGER:

12 Q Mr. Lehnert, during the break we have
13 adjusted the light so that it's not so bright, but if it
14 gets too bright, would you please let us know?

15 A Yes. Thank you.

16 Q Okay. Pointing your attention to Exhibit B,
17 do you recognize this document?

18 A Yes.

19 Q Did you prepare this document?

20 A Yes, I did.

21 Q Can you explain generally what this document
22 represents?

23 A Yes. It represents following the review I
24 made of Georgia-Pacific formulas, it is a history of
25 those joint compounds and texture formulas that contained

1 SG-210 Union Carbide asbestos.

2 Q Mr. Lehnert, without reviewing or having this
3 document in front of you, would you be able in this
4 deposition to quickly and succinctly identify the
5 products manufactured by Georgia-Pacific which contained
6 Union Carbide asbestos?

7 A No. I went through several hundred documents
8 and it just wouldn't be possible to remember all of this
9 without making some kind of a history, as I have done
10 here.

11 MS. JAGGER: Okay. At this point I would
12 tender into evidence Exhibit B on behalf of
13 Georgia-Pacific Corporation.

14 BY MS. JAGGER:

15 Q Mr. Lehnert, is it correct that Exhibit B
16 relates only to Georgia-Pacific products and Union
17 Carbide asbestos?

18 A Yes.

19 Q Okay. Did Certain-Teed Corporation joint
20 compounds ever contain Union Carbide asbestos?

21 A No.

22 Q Do you know what company supplied asbestos to
23 Certain-Teed for joint compounds?

24 A Yes.

25 Q Who were those companies?

1 A Phillip Carey Company and Johns Manville
2 Corporation.

3 Q Did Bestwall Gypsum joint compounds ever
4 contain Union Carbide asbestos?

5 A No.

6 Q Do you know what companies supplied Bestwall
7 Gypsum with asbestos used in their joint compounds?

8 A Yes.

9 Q What companies were those?

10 A It was the Johns Manville Corporation and the
11 Phillip Carey Company.

12 Q Okay. Did Georgia-Pacific joint compounds
13 ever contain Union Carbide asbestos?

14 A Yes.

15 Q Was Union Carbide the only supplier of
16 asbestos to Georgia-Pacific?

17 A No.

18 Q Do you know who the other suppliers were?

19 A Yes.

20 Q Who were they?

21 A Johns Manville and Phillip Carey.

22 Q Were there ever instances where a particular
23 joint compound would contain asbestos supplied by more
24 than one company?

25 A Yes.

1 Q Mr. Lehnert, when you review the product
2 formulas of Georgia-Pacific, such as those contained in
3 Exhibit A, how do you determine what company supplied the
4 asbestos used in that particular formula?

5 A By the designation in the formula itself.

6 Q Okay. So using, just for an example, Exhibit
7 A, Page A-1, Ready Mix Filler, Acme, Texas, it says under
8 "Raw Materials" Asbestos 7RF09. How do you determine who
9 supplied Asbestos 7RF09 for that formula?

10 A That was the designation used by the Phillip
11 Carey Company.

12 Q Okay. And down a little bit farther it says
13 Asbestos SG-210. Do you see that?

14 A Yes.

15 Q How do you determine what company supplied
16 the Asbestos SG-210 for that formula?

17 A That was the designation used by Union
18 Carbide --

19 Q Okay.

20 A -- for their asbestos.

21 Q So would it be correct, then, that in any
22 given formula if the designation 7RF09 appears that means
23 it was supplied by Phillip Carey?

24 A Yes.

25 Q Would it also be correct that if the

1 designation Asbestos SG-210 appears, that asbestos would
2 have been supplied by Union Carbide?

3 A Yes.

4 Q Okay. In a few of the other formulas there is
5 a designation for Asbestos 7RF02. Do you recognize that
6 designation?

7 A Yes.

8 Q What company had that designation, if you
9 know?

10 A Johns Manville Corporation.

11 Q So that would it be correct that if a formula
12 identifies Asbestos 7RF02, that asbestos would always
13 have been supplied by Johns Manville?

14 A Yes.

15 Q Okay. In Exhibit B, Mr. Lehnert, at the top
16 of that document you have written "Overall usage dates".
17 Do you see that?

18 A Yes.

19 Q Could you give us those dates and tell us
20 generally what that means?

21 A Okay. The dates were December 29, 1969 to
22 May 4th, 1977. And the December 29, '69 date was the
23 first that Union Carbide SG-210 asbestos was used in a
24 Georgia-Pacific joint compound product. And 5 --
25 May 4th, 1977 was the date when there was no further

1 Union Carbide asbestos used in Georgia-Pacific joint
2 compounds.

3 Q Now, it appears that in Exhibit B you have
4 broken down those usage dates by plants and products. Is
5 that correct?

6 A That's correct.

7 Q Okay. And the first one you have listed is
8 the Acme, Texas plant?

9 A Yes.

10 Q Can you tell us what geographical area the
11 Acme, Texas plant supplied?

12 A Yes. It would have supplied joint compounds
13 for the southwestern part of the United States.

14 Q Okay. The second plant that you list is
15 Akron, New York. What geographical area would that plant
16 have supplied?

17 A The Akron, New York plant could have supplied
18 the northeastern United States with joint compounds.

19 Q Okay. The third plant is the Chicago,
20 Illinois plant. What geographical area would that plant
21 supply?

22 A The Chicago plant would have furnished the
23 requirements for joint compounds in the Midwest.

24 Q The next plant is Marietta, Georgia. What
25 area geographically would that plant supply?

1 A The Marietta, Georgia plant would furnish the
2 requirements for the southeastern part of the United
3 States.

4 Q And the last plant that's listed is the
5 Milford, Virginia plant. What geographical area would
6 that plant supply?

7 A Milford supplied in between Akron and
8 Marietta, so I don't know how we designate that
9 particular part. Maybe the east central part of the
10 United States.

11 Q Okay. Were all of these plants gypsum
12 plants?

13 A No.

14 Q Were they all plants of the Gypsum Division
15 of Georgia-Pacific?

16 A Yes.

17 Q Mr. Lehnert, in your review of the formulas
18 of Georgia-Pacific, did you identify products
19 manufactured at the Acme, Texas plant which contained
20 Union Carbide asbestos?

21 A Yes.

22 Q What products did you identify?

23 A All Purpose, Triple Duty, Speed Set, non
24 aggregate texture for walls and ceilings, polystyrene
25 ceiling texture and Ready Mix.

1 Q Okay. And have you identified in Exhibit B
2 the dates and ranges of Union Carbide asbestos for those
3 products?

4 A Yes.

5 Q Okay. What is the difference between the
6 textures and the All Purpose, Triple Duty and Speed Set
7 joint compounds, in terms of use?

8 A In terms of use? For the most part the All
9 Purpose, Triple Duty and Speed Set were used in joint
10 taping and finishing operations in the gypsum wallboard
11 construction, whereas the textures were used as a
12 decorative effect after the joints and nail heads and
13 corner beads were all finished.

14 Q Okay. Based on your review of the
15 Georgia-Pacific product formulas, did you identify
16 products manufactured at the Akron, New York plant which
17 contained Union Carbide asbestos?

18 A Yes.

19 Q What products did you identify?

20 A Drywall adhesive, bedding compound, topping
21 compound and Ready Mix.

22 Q And have you on Exhibit B identified the
23 dates and the amounts of Union Carbide asbestos --

24 A Yes.

25 Q -- contained in those products?

1 A Yes.

2 Q Based on your review of the formulas, did you
3 identify any products manufactured at the Chicago,
4 Illinois plant that contained Union Carbide asbestos?

5 A Yes.

6 Q What products were those?

7 A All Purpose, bedding compound, topping
8 compound and Ready Mix.

9 Q Have you set out on Exhibit B the dates and
10 amounts of the use of Union Carbide in those products?

11 A Yes.

12 Q Based on your review of the Georgia-Pacific
13 formulas, did you identify any products manufactured at
14 the Marietta, Georgia plant which contained Union Carbide
15 asbestos?

16 A Yes.

17 Q What products were those?

18 A Central Mix and Ready Mix.

19 Q Okay. And have you set out the dates and the
20 amounts of the Union Carbide usage for those products?

21 A Yes.

22 Q Based on your review of the Georgia-Pacific
23 formulas, did you identify any products manufactured at
24 the Milford, Virginia plant that contained Union Carbide
25 asbestos?

1 A Yes.

2 Q What products were those?

3 A Ready Mix.

4 Q Okay. Mr. Lehnert, I'd like to focus your
5 attention in Exhibit B on Ready Mix. And I'm going to go
6 plant by plant, beginning with the Acme, Texas plant.

7 During what times did Ready Mix joint
8 compound manufactured at the Acme, Texas plant contain
9 Union Carbide asbestos?

10 A Between September 22nd, 1971 to May 4th,
11 1977.

12 Q And in what ranges percentage-wise was Union
13 Carbide asbestos used?

14 A One percent to 3.75 percent.

15 Q Did all of the Ready Mix manufactured at
16 Acme, Texas between September 22, 1971 and May 4, 1977
17 contain Union Carbide asbestos?

18 A No.

19 Q Okay. What Ready Mix formulas during that
20 time, and again we're talking about September 22, 1971 to
21 May 4, 1977, what Ready Mix formulas did not contain
22 Union Carbide asbestos?

23 A Ready Mix topping furnished between
24 March 8th, 1974 to September 10th, 1975 in four-gallon
25 cartons and five-gallon pails did not contain SG-210

1 asbestos. And of course the asbestos-free products did
2 not contain SG-210 asbestos.

3 Q Okay. Now, what's the difference between
4 Ready Mix topping and formulas which are just Ready Mix?

5 A Ready Mix topping is different inasmuch as it
6 has a lesser amount of binder because it's not required
7 for the taping operation. And so -- and also it sands
8 easier since it doesn't have as much adhesive in the
9 formula.

10 Q Okay. What can a person use a general Ready
11 Mix formula to do?

12 A He can tape the joints in gypsum wallboard
13 construction. He can finish those joints with this same
14 material. He can cover the nail heads so that they're
15 hidden, and he can use it to fill in the corner beads in
16 gypsum wallboard construction.

17 Q Could a person use Ready Mix topping to do
18 all of those same functions?

19 A No.

20 Q Which one of those functions or ones of those
21 functions could a person use Ready Mix topping to
22 perform?

23 A The finishing only.

24 Q Pointing your attention now to the second
25 page, to the Akron, New York plant, in your review of the

1 product formulas, did Ready Mix joint compound
2 manufactured at the Akron, New York plant contain Union
3 Carbide asbestos?

4 A Yes.

5 Q During what time periods did Akron Ready Mix
6 contain Union Carbide asbestos?

7 A Between December 29th, 1969 to May 4th, 1977.

8 Q Did all of the Ready Mix manufactured at
9 Akron between those dates contain Union Carbide asbestos?

10 A Virtually all of the formulas contained Union
11 Carbide asbestos, except for the asbestos-free formulas.

12 Q Okay. Were there any asbestos-containing
13 formulas between December 29, 1969 and May 4, 1977 for
14 Akron Ready Mix that did not contain Union Carbide
15 asbestos?

16 A No, all of the Akron formulas contained the
17 SG-210 asbestos, except for asbestos-free joint compound
18 Ready Mix.

19 Q Your Exhibit B contains the language
20 virtually all formulas up to September, or 9, which I
21 assume is September, 1970, used 7RF-9 asbestos. Is that
22 what you wrote?

23 A Yes.

24 Q Okay. Whose asbestos or who supplied 7RF-9
25 asbestos?

1 A Phillip Carey.

2 Q So between December 29 and 1969 -- excuse me.
3 Strike the question.

4 Between December 29, 1969 and September '70,
5 are you indicating by this that virtually all of the
6 asbestos used was 7RF-9 Phillip Carey?

7 A What were the dates again? I got lost here.
8 What were the dates? Can I have the question asked
9 again?

10 Q I'm just -- I'm trying to understand your
11 chart.

12 A Okay.

13 Q Between December 29, 1969 and
14 September 1970 --

15 A Oh, I see.

16 Q -- did Akron Ready Mix contain only Union
17 Carbide or some mix of asbestos?

18 A It would have contained -- could have
19 contained some mix of asbestos during that period of
20 time. Between '69 and -- well, no, my notes here say
21 that virtually all formulas, and I suppose there were
22 some maybe that had a combination, however, but virtually
23 all the formulas up to September 1970 had the 7RF-9
24 asbestos. But from September forward all available
25 formulas used some SG-210, some SG-210, except for

1 asbestos-free.

2 Q Moving now to Chicago, in your review of the
3 formulas, was Ready Mix manufactured at Chicago a product
4 which contained Union Carbide asbestos?

5 A Yes.

6 Q And what were the dates that it contained
7 Union Carbide asbestos?

8 A Between October 21st, 1970 to May 4th, 1977.

9 Q Did all of the Ready Mix manufactured at
10 Chicago during that timeframe contain Union Carbide
11 asbestos?

12 A All of the general formulas, but there were
13 some exceptions between -- do you want me to give you the
14 exceptions?

15 Q Yes.

16 A Between May 20th, 1974 to December '74 there
17 was a special request formula, and between March 1st,
18 1975 to March 23rd, 1976 there was some special trial
19 shipments made. And there were two Ready Mix topping
20 formulas available between May 27th, 1975 and March 22nd,
21 1976, and also between March 25th, 1974 and March 23rd,
22 1976.

23 In addition to those -- those were the two
24 Ready Mix. The first date I gave you was the first Ready
25 Mix and the second date was the second Ready Mix which

1 did not contain SG-210. And then in addition to those
2 the asbestos-free formulas that were made available.

3 Q Okay. Mr. Lehnert, if -- what does it mean to
4 say that a formula is a special request only?

5 A There were customers that asked for some
6 special Ready Mix, and it might have been a different
7 color. It might have had some additional workability
8 characteristics. It was something that was made for --
9 that the customer had requested.

10 Q Okay. If a customer didn't request a specific
11 special formula, would they receive the general formulas?

12 A Yes.

13 Q Moving to the next page of Exhibit B, the
14 Marietta, Georgia plant, based on your review of the
15 formulas, was Union Carbide asbestos used in Ready Mix
16 manufactured at the Marietta, Georgia plant?

17 A Yes.

18 Q During what years?

19 A Between March 6, 1972 to May 4th, 1977.

20 Q Okay. Did all of the asbestos-containing
21 Ready Mix manufactured at the Marietta, Georgia plant
22 contain Union Carbide asbestos?

23 A Yes. The only exception was the
24 asbestos-free product that was made available.

25 Q Okay. And lastly, the Milford, Virginia

1 plant, based on your review of the product formulas, did
2 Ready Mix joint compound manufactured at Milford,
3 Virginia contain Union Carbide asbestos?

4 A Yes.

5 Q During what time frames?

6 A Between June 21st, 1973 to at least
7 January 20th, 1975.

8 Q And why do you say at least January 20, 1975?

9 A We had a formula for Ready Mix with SG-210
10 asbestos on March 20th, 19 -- up until March 20th, 1975,
11 but there --

12 MS. JOHNSON: January.

13 A -- January 20th, 1975, but a lab document
14 excluded it as of that date. So we're not absolutely
15 sure. There might have been a formula, but the lab
16 document excluded it, so it wouldn't have gone beyond
17 that date. It wouldn't have been available beyond that
18 date.

19 Q Did all of the Ready Mix general formulas at
20 Milford, Virginia, between June 21, 1973 and January 20,
21 1975 contain Union Carbide asbestos?

22 A No. Oh, yes, all the general formulas, yes,
23 that's correct.

24 Q Okay.

25 A Is that what your question was?

1 Q Yes. Were there some Ready Mix formulas that
2 did not contain Union Carbide asbestos from Milford?

3 A Yes.

4 Q Okay.

5 A There were topping. There was a crack
6 resistant formula that was furnished on special request.
7 A buff tapping formula was special request, as well as the
8 asbestos-free, which wouldn't have SG-210.

9 Q Okay. Mr. Lehnert, based on your review of
10 the Georgia-Pacific product formulas, does the
11 information contained in Exhibit B identify all of the
12 joint compound products of Georgia-Pacific which ever
13 contained Union Carbide asbestos?

14 A Yes.

15 Q Okay. As you sit here today, do you recall
16 ever personally meeting or talking to anyone from Union
17 Carbide Corporation?

18 A No.

19 MS. JAGGER: That's all the questions I have
20 right now. These other attorneys are going to have
21 some questions, and I would suggest a short break.

22 THE VIDEOGRAPHER: We're going off record.

23 The time is 11:59 a.m.

24 (Recess taken.)

25 THE VIDEOGRAPHER: Back on the record. The

1 time is 12:14 p.m.

2 BY MS. JAGGER:

3 Q Mr. Lehnert, I apologize. I have a couple of
4 more questions. During the break you pointed out to me
5 that you had made a mistake in your testimony regarding
6 Ready Mix at the Milford, Virginia plant. Am I correct?

7 A That's correct.

8 Q Okay. Would you explain that mistake?

9 A I understand that I said, and I didn't mean
10 to say, that it was Ready Mix with SG-210 was not made
11 between 6/21/73 and on to at least January 20th, '75, and
12 I should have said it was used in Ready Mix in those
13 dates.

14 Q Okay. Exhibit B indicates that the Ready Mix
15 manufactured at Milford, Virginia containing Union
16 Carbide asbestos was manufactured to at least January 20,
17 1975, correct?

18 A Yes.

19 Q Okay. And why do you say it was until at
20 least January 20, 1975?

21 A There was a lab document that told us that it
22 was not manufactured after that date. There was a lab
23 document that omitted that particular product.

24 Q Omitted, is that what you said?

25 A Excluded, yes, that product after 1 --

1 January 20th, 1975.

2 MS. JOHNSON: At least.

3 THE WITNESS: Yes, to at least. Yeah. It
4 may have been dropped before that, but -- oh, no, it
5 was at least until 1975, and the lab document
6 indicated that it wasn't manufactured thereafter.

7 BY MS. JAGGER:

8 Q Okay. You have testified about some special
9 formulas, like special request only or crack resistant
10 formulas? Mr. Lehnert?

11 A Yes. I'm still back on this. Could I go
12 back on this?

13 Q Yes.

14 A I realize what I'm saying now, and I'm all
15 fouled up. It was at least, but it could have been
16 manufactured longer than that, and a lab document
17 indicated that it was manufactured after that rather than
18 was not manufactured. So I'm sorry I got that fouled up.

19 Q Okay. So let's make sure we have a clear
20 record. At Milford, Virginia, Ready Mix joint compound
21 containing Union Carbide asbestos was manufactured from
22 June 21, 1973 to at least January 20, 1975, is that
23 correct?

24 A That's correct.

25 Q Okay. And how do you know that it was

1 manufactured at least until January 20, 1975?

2 A Well, we had a lab document that included it,
3 not excluded it, so then it would at least have been
4 still manufactured at that point.

5 Q Okay. Now, changing gears for a minute,
6 Mr. Lehnert, you have made reference in this deposition
7 to special formulas such as special request formulas,
8 special crack resistant formulas, and things like that.
9 Do you recall?

10 A Yes.

11 Q Okay. If a special formula was being
12 manufactured, would the general Ready Mix formulas still
13 be manufactured at the same time?

14 A Oh, yes.

15 MS. JAGGER: Okay. Thank you for your time.
16 That's all my questions for right now.

17 EXAMINATION

18 BY MR. BONO:

19 Q We can say good afternoon now, Mr. Lehnert.

20 A Sure.

21 Q What was the biggest plant that
22 Georgia-Pacific had that made the joint compound
23 products?

24 A The Acme, Texas plant was the largest plant.

25 Q Do you know what percentage of the products

1 they manufactured?

2 A No, I do not.

3 Q Okay. Looking at your Exhibit B, sir, you
4 have the first product there being All Purpose. Was that
5 All Purpose joint compound?

6 A Yes.

7 Q Did that come in a dry or wet formulation?

8 A It was a dry product.

9 Q Okay. The Ready Mix line, is that -- when
10 you say Ready Mix, does that mean it's already ready
11 mixed with water?

12 A Yes.

13 Q Okay. And it comes like a paste?

14 A Yes, in a metal pail or a plastic pail.

15 Q Okay. The Ready Mix line, was that the only
16 line that Georgia-Pacific manufactured that came in pails
17 or buckets?

18 A Yes.

19 Q Okay. The other joint compound products that
20 Georgia-Pacific manufactured came in bags, is that
21 correct?

22 A That's correct.

23 Q And it came in a powdered form?

24 A Yes.

25 Q And it had to be mixed with water? And had

1 to be mixed with water?

2 A Yes.

3 Q Okay. The All Purpose joint compound that's
4 No. 1 on your Exhibit B, from March 11th, 1990 -- '74
5 until at least 12/16/75 contained SG-210, is that
6 correct?

7 A Yes.

8 Q Did any other plants manufacture All Purpose
9 joint compound?

10 A Yes, I believe Chicago did. And I believe we
11 have Chicago down here.

12 Q Yes, sir.

13 A Yes.

14 Q Any other plants besides Chicago or Acme,
15 Texas?

16 A I don't have all -- I'd have to consult the
17 formulas, all the formulas, to be sure, but it was -- I
18 think it was limited to those two plants.

19 Q Okay. Moving on, still on Exhibit B, sir,
20 your Triple Duty, is that a Triple Duty joint compound?

21 A Yes.

22 Q Came in a bag?

23 A Yes.

24 Q From October 5th, 1974 to at least
25 April 22nd, 1976 did all Triple Duty joint compound

1 manufactured at Acme, Texas contain Union Carbide SG-210
2 asbestos?

3 A Until when?

4 Q April 22nd, 1976.

5 A 1976, yes.

6 Q Did any other plants make Triple Duty joint
7 compound?

8 A Yes.

9 Q What plant?

10 A I believe it was manufactured at Akron. And
11 I believe it was also manufactured at Chicago, but I
12 would have to consult the formulas again to be absolutely
13 sure of that.

14 Q Do you know if the Akron and Chicago plants
15 used SG-210?

16 A If it was manufactured at those plants and it
17 used SG-210 it would be on this list, and it's not on the
18 list, so presumably if it was manufactured, it did not
19 contain SG-210 asbestos.

20 Q Moving on to Speed Set.

21 A Okay.

22 Q Next one. Is that Speed Set joint compound?

23 A Yes.

24 Q And it came in a powdered form?

25 A Yes.

1 Q Sold in a bag?

2 A Yes.

3 Q Okay. From 6/29/71 to 3/30/74, did Speed Set
4 manufactured at the Acme, Texas plant contain Union
5 Carbide SG-210 asbestos?

6 A Yes.

7 Q Did any other plants manufacture Speed Set?

8 A At what time period are we talking about?

9 Q 6/29/71 to 3/30/74.

10 A No.

11 Q Previously you had testified as to something
12 called texture and acoustical. In a generic term, can
13 you tell me what textured products are?

14 A Yes. Textures are dry products that are
15 mixed with water, and they either have or do not have an
16 aggregate in them. And they're usually spray applied,
17 but they can be -- some of them without the aggregate can
18 be applied with a brush or with some other implement to
19 get a textured surface.

20 Q And what is a texture product used for?

21 A It's used for decorative effect, usually on
22 ceilings.

23 Q Does it make little raised ridges, or designs
24 on drywall?

25 A Yes. It depends on the particular texture

1 that you apply.

2 Q And you also mentioned acoustical, sir. What
3 is acoustical?

4 A Acoustical. It was an acoustical plaster
5 that was manufactured.

6 Q Georgia-Pacific also manufactured plasters,
7 is that correct?

8 A Yes.

9 Q And some of those plasters contained
10 asbestos?

11 MS. JAGGER: Object to the form and the
12 scope.

13 THE WITNESS: Can I answer?

14 MR. BONO: (Indicating.)

15 MS. JAGGER: The question --

16 THE WITNESS: Yes.

17 MS. JAGGER: The question is did
18 Georgia-Pacific plasters contain asbestos?

19 MR. BONO: Some.

20 THE WITNESS: He said some.

21 MR. BONO: Some did, some didn't.

22 MS. JAGGER: No, I'll object. That's outside
23 the scope of this.

24 (Discussion off the record.)

25

1 BY MR. BONO:

2 Q At some point in time did Georgia-Pacific
3 make acoustical plasters that contained asbestos?

4 A Yes.

5 MS. JAGGER: Georgia-Pacific?

6 MR. BONO: Georgia-Pacific.

7 MS. JAGGER: Not Bestwall?

8 MR. BONO: Georgia-Pacific.

9 THE WITNESS: Yes.

10 BY MR. BONO:

11 Q Okay. Did any of those Georgia-Pacific
12 acoustical plasters contain SG-210?

13 A No.

14 Q Moving on down your Exhibit B, you have non
15 aggregate texture for walls and ceilings. From 11/7/72
16 to March 22nd, '73 did non aggregate texture contain
17 SG-210 made by Union Carbide?

18 A Yes, during those dates.

19 Q Did any other plants manufacture non
20 aggregate texture?

21 A I'd have to go back to the formulas, but
22 obviously if we manufactured it it wouldn't contain
23 SG-210 it would be on here, but I can't be sure that we
24 didn't manufacture it elsewhere.

25 Q Okay. Moving on to the next item is

1 polystyrene ceiling texture?

2 A Yes.

3 Q Between April 20th of 1972 to April 17th of
4 1973, did polystyrene ceiling texture contain Union
5 Carbide SG-210 asbestos?

6 A Yes.

7 Q Did any other plants manufacture polystyrene
8 ceiling texture other than Akron, Texas?

9 A No.

10 Q Okay. Georgia-Pacific manufactured a product
11 called Ready Mix joint compound, is that correct?

12 A Yes.

13 Q Did Georgia-Pacific also manufacture a
14 product called Ready Mix topping compound?

15 A Yes.

16 Q Is there a difference between a Ready Mix
17 joint compound and Ready Mix topping compound?

18 A Yes.

19 Q Can you explain that difference?

20 A Yes. The Ready Mix topping compound contains
21 less binder or adhesive so it could not be used to do the
22 taping operation nor the first coat over the nail heads
23 and the corner beads. But it had the advantage of being
24 easier to sand as a result of having less adhesive, and
25 that was the main difference.

1 Q Okay. Did the Ready Mix joint compound
2 manufactured by Georgia-Pacific at the Acme, Texas plant
3 between September 22nd, 1971 and May 4th of 1977 contain
4 SG-210 asbestos?

5 A Did the Ready Mix joint compound?

6 Q Ready Mix joint compound.

7 A Between September 22nd, '71 to May 4th, '74?

8 Q '77.

9 A '77, I mean, contain SG-210 asbestos? Yes.

10 Q Okay. The exception that you have on your
11 Exhibit B regarding topping compounds from March 8, '74
12 to 9/10/75 does not affect the Ready Mix joint compound,
13 is that correct?

14 A That's correct.

15 Q Okay. Did some Ready Mix topping compounds
16 also contain SG-210 asbestos?

17 A Again, I would have to go back and consult
18 the formula, because when we considered Ready Mix I don't
19 think we made any distinctions except where it wasn't
20 used, and so I would have to consult the actual formula
21 to be sure.

22 Q Moving on to the Akron, New York plant, first
23 product you have there is something called drywall
24 adhesive. Can you tell me what that is?

25 A Drywall adhesive was also called stud

1 adhesive, and it was a pre mixed product that was
2 furnished in a tube, in a caulking tube, and applied to
3 the studs to adhere the gypsum board to the studs.

4 Q Moving on to the bedding compound, did that
5 come in a bag?

6 A Yes.

7 Q Okay. From March 30th, 1972 to February of
8 1973 did bedding compound contain Union Carbide SG-210
9 asbestos?

10 A Yes.

11 Q Did any other plants make bedding compound
12 besides Akron?

13 A Yes.

14 Q What plants?

15 A Acme, Chicago. Did I say -- oh, we said
16 Akron, didn't we? Chicago, Acme and Akron would all have
17 made bedding compound.

18 Q Did the bedding compound manufactured at
19 Acme, Texas contain SG-210 asbestos?

20 A No, otherwise we would have had it on this
21 list here.

22 Q Moving on to topping compound from the Akron,
23 New York plant, from March 30th, 1972 to February of 1973
24 did the topping compound contain SG-210 asbestos?

25 A Yes.

1 Q Did any other plants make topping compound
2 besides Akron?

3 A Yes.

4 Q Which plants?

5 A Acme manufactured topping compound as did
6 Chicago.

7 Q Okay. Moving on -- keeping Akron, New York
8 plant, between December 29th, 1969 and May 4th of 1977,
9 did all Ready Mix joint compounds manufactured by
10 Georgia-Pacific contain SG-210 asbestos?

11 A No.

12 Q Which did not?

13 A The ones that were asbestos-free.

14 Q Okay. Let's talk about the asbestos-free
15 formulas for all the plants. When Georgia-Pacific
16 started manufacturing asbestos-free joint compound,
17 didn't they advertise or put on the labels "Asbestos-free
18 joint compound"?

19 A Yes, that's my recollection.

20 Q Okay. Other than the asbestos-free joint
21 compound manufactured at the Akron, New York plant,
22 between December 29th, 1969 and May 4th of 1977, did all
23 Ready Mix joint compounds contain Union Carbide SG-210
24 asbestos?

25 MR. WILL: Object to the form.

1 BY MR. BONO:

2 Q Let me rephrase the question, sir. At the
3 Akron, New York plant between October 29th, 1969 and --

4 A I think it's December 29th.

5 Q I'm sorry. Let's start all over again. At
6 the Akron, New York plant of Georgia-Pacific, did the
7 Ready Mix joint compound manufactured by Georgia-Pacific
8 between December 29th, 1969 and May 4th, 1977 contain
9 Union Carbide SG-210 asbestos?

10 MR. WILL: Same objection.

11 THE WITNESS: Yes.

12 BY MR. BONO:

13 Q Moving on to the Chicago, Illinois plant --
14 back up a second, back to Akron. Did Akron also make a
15 topping compound, Ready Mix topping?

16 A I'm not sure. I'd have to go back in the
17 formulas to be sure.

18 Q Okay. On to Chicago. All Purpose joint
19 compound, that was a dry product, is that correct?

20 A Yes, it is.

21 Q Between December 5th of 1972 till February of
22 1973 did All Purpose joint compound manufactured by
23 Georgia-Pacific contain Union Carbide SG-210 asbestos?

24 A Did you say all All Purpose?

25 Q All Purpose joint compound.

1 A All All Purpose?

2 Q All Purpose.

3 A Oh, just this All Purpose, yes.

4 Q Okay.

5 A There was an All Purpose manufactured between
6 those dates that contained SG-210 asbestos.

7 Q I'm -- let me --

8 A If there was another --

9 Q Let me rephrase the question --

10 A Okay.

11 Q -- and start all over again, make sure we're
12 on the same wavelength. At the Chicago, Illinois plant
13 of Georgia-Pacific, did the All Purpose joint compound
14 between December 5th, 1972 to February of 1973 contain
15 Union Carbide SG-210 asbestos?

16 A I believe the answer is no, but I would have
17 to go back to the formulas.

18 Q And why are you saying no?

19 A Because there could have been another All
20 Purpose manufactured at Chicago that contained some other
21 asbestos.

22 MS. JOHNSON: He didn't hear you right. Try
23 it again. Listen to the question.

24 THE WITNESS: I think I heard it. Yeah, I
25 heard it.

1 BY MR. BONO:

2 Q Maybe I'm stuttering and adding a word.

3 Let's try it one more time.

4 A Okay.

5 Q From December the 5th of 1972 until February
6 of 1973 did All Purpose joint compound contain Union
7 Carbide SG-210 asbestos?

8 A And my -- I have to ask you, do you mean all
9 of the All Purpose manufactured?

10 Q No, sir.

11 A Okay. There was some All Purpose
12 manufactured, yes, with Union Carbide asbestos.

13 Q Okay. You were thinking I was saying all All
14 Purpose?

15 A Yes. I did too many alls in there, I guess.

16 Q Okay. Moving on. At the Chicago, Illinois
17 plant between March 30th, 1972 and February 1973 did
18 bedding compound contain Union Carbide SG-210 asbestos?

19 A Some of the bedding compound, yes.

20 Q Between March 30th, 1972 and February 1973
21 did topping compound contain Union Carbide SG-210
22 asbestos?

23 A Some of the topping compound.

24 Q When I'm looking at the topping compound on
25 your list, is that a Ready Mix topping compound or is

1 that the dry formula topping compound?

2 A This is the dry formula.

3 Q At the Chicago, Illinois plant did the Ready
4 Mix joint compound manufactured from October 21st, 1970
5 until May 4th, 1977 contain Union Carbide SG-210
6 asbestos?

7 A Yes.

8 Q That was all general formulas during that
9 period of time contained Union Carbide SG-210, is that
10 correct?

11 A Yes.

12 Q Marietta, Georgia plant, was Marietta the
13 only plant that manufactured a product called Central
14 Mix?

15 A No, I think it was manufactured elsewhere.

16 Q Between May 18th, 1971 to January 20th, 1975,
17 did Central Mix manufactured at the Marietta, Georgia
18 plant contain Union Carbide SG-210 asbestos?

19 A Yes, at least some of the Central Mix
20 manufactured during those dates contained SG-210
21 asbestos.

22 Q At the Marietta, Georgia plant did the Ready
23 Mix joint compound between March 6, 1972 and May 4th,
24 1977 contain Union Carbide SG-210 asbestos?

25 A Yes.

1 Q Other than the asbestos-free?

2 A Yes.

3 Q Okay. And then Milford, Virginia plant, did
4 the Ready Mix joint compound between June 21st, 1973
5 until at least January 20th, 1975 contain Union Carbide
6 SG-210 asbestos?

7 A Yes.

8 Q You discussed the regions that the plants
9 serviced.

10 A Yes.

11 Q Would there be inter-regional moving of
12 product? Acme product, as an example, could go to New
13 York or Chicago or Georgia, or Georgia product go to
14 Texas or the southwest?

15 A That could happen and I'm sure it did at
16 times.

17 MS. JOHNSON: When you get to a place, I'd
18 like to take a break, please.

19 MR. BONO: Okay.

20 MS. JOHNSON: Thank you.

21 MR. BONO: You're welcome. Okay. This is a
22 good time.

23 MS. JOHNSON: Thank you.

24 THE VIDEOGRAPHER: We're going off record.

25 The time is 12:40 p.m.

1 (Recess taken.)

2 THE VIDEOGRAPHER: Back on the record. The
3 time is 12:51 p.m.

4 BY MR. BONO:

5 Q Mr. Lehnert, I'm going to show you what has
6 been marked as Georgia-Pacific Composite A, or Group
7 Exhibit A. Can you identify that for me, please, sir?

8 A These are the formulas of Georgia-Pacific
9 that were furnished by the plaintiffs' attorneys.

10 Q Okay. What are those documents?

11 A These are formulas from various plants
12 containing SG-210 asbestos.

13 Q Are those Georgia-Pacific formulas for
14 various Georgia-Pacific products?

15 A Various Georgia-Pacific joint compound
16 products containing SG-210.

17 Q Okay. And were all those formulas prepared
18 by you or under your direction when you were head of the
19 Georgia-Pacific Research & Development Department?

20 A Yes.

21 Q Okay. Are those all true and accurate copies
22 of the formulas of Georgia-Pacific?

23 A Yes.

24 Q You reviewed each and every one of them,
25 haven't you?

1 A Yes.

2 Q And they're all true and accurate?

3 A What do you mean by true and accurate?

4 Q Those are the copies, good copies of the
5 formulas that existed in the timeframe that's listed on
6 the individual pages?

7 A Yes.

8 Q Those are the formulas used by
9 Georgia-Pacific during that timeframe?

10 A Yes.

11 Q And are those records that would have been
12 kept by you in the normal course of business at
13 Georgia-Pacific?

14 A Yes.

15 Q And did those come from the records of
16 Georgia-Pacific Corporation?

17 A I understand that they have, yes.

18 MR. BONO: Okay. That's all I have. Thank
19 you very much.

20 EXAMINATION

21 BY MR. KOHLBURN:

22 Q Mr. Lehnert, I'm want to go back to when you
23 first started working for Certain-Teed in 1951. Okay?
24 At that time Bestwall was a brand name for products, but
25 it wasn't a separate company, is that correct?

1 A No, I don't think that's correct.

2 Q In 1951?

3 A Yes.

4 Q Was it a separate company then?

5 MS. GEISE: Objection, foundation.

6 THE WITNESS: Would you ask the question
7 again?

8 BY MR. KOHLBURN:

9 Q In 1951 --

10 A Yes.

11 Q -- when you started with Certain-Teed, was
12 there a separate company then known as Bestwall?

13 MS. GEISE: Objection, foundation.

14 THE WITNESS: No.

15 BY MR. KOHLBURN:

16 Q Okay. When did that separate company come
17 into being?

18 A In May of 1956.

19 Q Between 1951 and 1956, between the time you
20 started and the time there was a separate company called
21 Bestwall, who was the president or chief executive
22 officer of Certain-Teed?

23 A Rawson Lizars.

24 Q Okay. Now, at the time that Certain-Teed
25 created Bestwall in 1956, did it also create another

1 corporation?

2 MS. GEISE: Objection to the form of the
3 question.

4 THE WITNESS: Yes.

5 BY MR. KOHLBURN:

6 Q Okay. What was that corporation called?

7 A Bestwall Certain-Teed Sales Corporation.

8 Q And what was the function of Bestwall

9 Certain-Teed Sales Corporation?

10 MS. GEISE: Objection, foundation.

11 THE WITNESS: It was to market the products
12 of both companies.

13 BY MR. KOHLBURN:

14 Q Okay. And how is it that you know that?

15 A From being there when it all happened.

16 Q Okay. And as of 1956, which company did you
17 go to work for?

18 A Bestwall Gypsum Company.

19 Q Okay. Between 1956 when Bestwall and Sales
20 Corporation were created, and 1965, who was the president
21 or chief executive officer of Bestwall?

22 A Rawson Lizars.

23 Q And in that same time period, June of 1956 to
24 1965, who was the president or chief executive officer of
25 Certain-Teed?

1 A Rawson Lizars.

2 Q And between 1956 and 1965, who was the
3 president or chief executive officer of the Sales
4 Corporation?

5 A Rawson Lizars.

6 Q Between June 1956 and 1965 did all three
7 companies, Certain-Teed, Bestwall and Bestwall
8 Certain-Teed Sales Corporation, have their headquarters
9 at the same building in Ardmore, Pennsylvania?

10 A Yes.

11 Q Between June 1956 and 1965 did Certain-Teed
12 and Bestwall both have laboratory facilities in the same
13 building in Paoli, Pennsylvania?

14 A Between 1956 and 1965?

15 Q 1965.

16 A Yes.

17 Q And at what location did you work between
18 1956 and 1965?

19 A I worked at the Paoli laboratory of Bestwall
20 Gypsum Company.

21 Q Between 1956 and 1964, did Bestwall sell all
22 of its products through the Certain-Teed Bestwall Sales
23 Corporation?

24 MS. GEISE: Objection, foundation.

25 THE WITNESS: As far as I know, they did.

1 BY MR. KOHLBURN:

2 Q Okay. Between 1956 and 1964 did Certain-Teed
3 also sell all of its products through Bestwall
4 Certain-Teed Sales Corporation?

5 MS. GEISE: Objection, foundation. Also
6 objection vague as to products.

7 THE WITNESS: To my knowledge they did.

8 BY MR. KOHLBURN:

9 Q Okay. As far as you know, having been there
10 during that time period from June 1956 through 1964, did
11 Certain-Teed Bestwall Sales Corporation provide all of
12 the marketing and advertising for both Certain-Teed and
13 for Bestwall?

14 MS. GEISE: Objection, foundation.

15 THE WITNESS: And those dates again were?

16 BY MR. KOHLBURN:

17 Q June of 1956 to 1964.

18 A Yes.

19 Q Okay. And I believe that you previously
20 testified that your supervisor between 1956 and 1965 at
21 Paoli was Mr. Shuttleworth. Is that correct?

22 A Yes.

23 Q To whom did Mr. Shuttleworth report during
24 that time period?

25 A Between 1956 --

1 Q -- and 1965.

2 A -- and 1965. Initially he reported to
3 Mr. Hoggatt.

4 Q Was there a time period where he ceased
5 reporting to Mr. Hoggatt?

6 A Yes. And I don't remember that date.

7 Q Okay. Do you know who Mr. Hoggatt reported
8 to?

9 A Yes.

10 Q Okay. Who was that?

11 A Mr. Grieve.

12 Q Okay. And was Mr. Grieve a Bestwall employee
13 or a Certain-Teed employee?

14 MS. GEISE: Objection, foundation.

15 THE WITNESS: He was a Bestwall employee.

16 BY MR. KOHLBURN:

17 Q Okay. Now, during that time period were
18 there some individuals who were employees of both
19 Bestwall and of Certain-Teed?

20 MS. GEISE: Objection, foundation.

21 Q To your knowledge.

22 A Do you mean the -- I don't understand the
23 question.

24 Q Were there people who worked for both
25 companies, for Bestwall and for Certain-Teed from 1956 to

1 1965?

2 MS. GEISE: Same objection, foundation.

3 THE WITNESS: Yes.

4 BY MR. KOHLBURN:

5 Q Okay. And can you recall who those people
6 were?

7 A They were the Bestwall Certain-Teed Sales
8 Corporation employees.

9 Q Okay. Excluding the Sales Corporation
10 employees, were there some people that you know of who
11 worked for both Bestwall and for Certain-Teed from 1956
12 to 1965?

13 MS. GEISE: Objection, foundation.

14 THE WITNESS: Unless there were management
15 people, I don't know of anyone.

16 BY MR. KOHLBURN:

17 Q Okay. Are there management people that you
18 know of?

19 A No, other than Mr. Lizars.

20 Q Mr. Lizars. From 1956 to 1965 did everyone
21 that worked for Bestwall and for Certain-Teed eventually
22 report to Rawson Lizars?

23 MS. GEISE: Objection, foundation.

24 THE WITNESS: Directly?

25

1 BY MR. KOHLBURN:

2 Q Not directly, ultimately, either indirectly
3 or directly.

4 MS. GEISE: Objection, vague.

5 A Between -- the dates again were?

6 Q 1956 to 1965.

7 A Yes.

8 Q To your knowledge, between 1956 and 1965 did
9 the same upper management run both Certain-Teed and
10 Bestwall?

11 MS. GEISE: Objection, foundation.

12 Objection, vague.

13 THE WITNESS: I don't know what you mean by
14 running Bestwall.

15 BY MR. KOHLBURN:

16 Q The people at the top for Bestwall and the
17 people at the top for Certain-Teed, the top management
18 for both corporations between 1956 and 1965, were they
19 essentially the same group of people?

20 MS. GEISE: Objection, foundation.

21 Objection, vague.

22 THE WITNESS: I can't answer for
23 Certain-Teed, but Bestwall had some changes in
24 management during that period of time.

25

1 BY MR. KOHLBURN:

2 Q Okay. Who negotiated the merger between
3 Bestwall and Georgia-Pacific in 1965?

4 MS. GEISE: Objection, foundation.

5 A I don't know.

6 Q Before 1965 were there other companies other
7 than Georgia-Pacific that were looking at buying or
8 acquiring Bestwall from Certain-Teed?

9 MS. GEISE: Objection, foundation.

10 THE WITNESS: Yes.

11 BY MR. KOHLBURN:

12 Q Okay. And how is it that you know that there
13 were other companies that were interested in looking at
14 or acquiring Bestwall from Certain-Teed?

15 A Companies came through the laboratory, and I
16 understand to the plants as well, from some other
17 companies who apparently were interested in purchasing
18 the Bestwall Gypsum Company.

19 Q Okay. And can you recall which companies
20 those were, at least some of them?

21 A I can recall two, Johns Manville Corporation
22 and Weyerhaeuser.

23 Q Okay. Is it your impression that from the
24 time Certain-Teed created Bestwall in 1956 until it was
25 acquired by Georgia-Pacific in 1965 that Certain-Teed was

1 actively seeking a purchaser for Bestwall?

2 MS. GEISE: Objection, foundation, vague.

3 THE WITNESS: That was the general feeling at
4 that time.

5 BY MR. KOHLBURN:

6 Q And what is the basis of that impression?

7 A One would be the visitors from other
8 companies that came to our facilities.

9 Q Okay. For the period of 1951, now this is
10 when you started with Certain-Teed, through 1956, did
11 Certain-Teed manufacture and sell asbestos-containing
12 products as part of its gypsum business?

13 A During the period from 1951 to 1956?

14 Q Yes.

15 A Did we sell asbestos-containing products?

16 Q In the gypsum business.

17 A In the gypsum business? Yes.

18 Q Okay. And did that include joint compounds?
19 Still 1951 to 1956.

20 A Yes.

21 Q Can you remember any brand names or trade
22 names of the asbestos-containing joint compounds that
23 Certain-Teed made and sold between 1951 and 1956?

24 A I can remember one.

25 Q Okay.

1 A Certex.

2 Q Certex. Okay. Did Certain-Teed in the period
3 of 1951 to 1956 make and sell any reinforcing joint
4 finishers that contained asbestos?

5 A Yes.

6 Q Can you recall the brand names or trade names
7 of any of those products?

8 A They eventually became called a Bestwall
9 products, but I'm not sure the exact date when that
10 happened.

11 Q Just for 1951 and 1956, can you remember the
12 names they went by in that timeframe?

13 A Well, that's the only name that I can
14 remember was Bestwall.

15 Q Okay. From 1951 to 1956 did Certain-Teed
16 make and sell any asbestos-containing patching plasters?

17 A Did we sell any asbestos-containing patching
18 plasters?

19 Q Yes.

20 A I would have to go back to the formulas and
21 determine whether patching plasters contained asbestos.

22 Q So as you sit here today you don't know about
23 that one, is that correct?

24 A No, I'm not sure about that.

25 Q Between 1951 and 1956 did Certain-Teed make

1 and sell any asbestos-containing textures?

2 A Yes.

3 Q Okay. Can you recall any brand names or trade
4 names of those asbestos-containing textures for the
5 period of 1951 to 1956?

6 A Certex.

7 Q For the period of 1951 to 1956 did
8 Certain-Teed make and sell any asbestos-containing
9 acoustical plasters?

10 A Did Certain-Teed?

11 Q Certain-Teed, 1951 to 1956.

12 A Yes.

13 Q Okay. And can you recall the brand names or
14 trade names of any of those products, asbestos-containing
15 acoustical plasters, for the period of 1951 to 1956?

16 A Lite Acoustic.

17 Q Okay. Are you familiar with a product called
18 Kalite?

19 A Yes.

20 Q Okay. Is that an asbestos-containing
21 acoustical plaster?

22 A I would have to go back and consult the
23 formula to be absolutely sure whether it was or not.

24 Q Okay. For the period of 1951 to 1956 did
25 Certain-Teed make and sell any asbestos-containing

1 bedding compounds?

2 A Yes.

3 Q Okay. Can you recall the brand names or trade
4 names of any of the asbestos-containing bedding compounds
5 that Certain-Teed made and sold during 1951 to 1956?

6 A Not other than the Bestwall name that I
7 already have given you.

8 Q Okay. Between 1951 and 1956 did Certain-Teed
9 make and sell any asbestos-containing topping compounds?

10 A Not unless it was the Bestwall name that I've
11 already given you.

12 Q Okay. For the period of 1951 to 1956, and
13 confining ourself to the gypsum line of products that you
14 worked with and are familiar with, can you recall any
15 other types of asbestos-containing products that were
16 made and sold by Certain-Teed?

17 A What do you mean by other types?

18 Q Other than the ones we've talked about here.

19 A Oh, no.

20 Q Okay. Now, I want to switch and I want to go
21 to the period of 1956 to 1965, talk about Bestwall.

22 Okay. Between 1956 and 1965 did Bestwall make and sell
23 any asbestos-containing joint compounds?

24 A Yes.

25 Q Okay. And as you sit here today, can you

1 recall the brand names or trade names of any of the
2 asbestos-containing joint compounds that were made and
3 sold by Bestwall from 1956 to 1965?

4 A Only the name Bestwall.

5 Q Did Bestwall make and sell any
6 asbestos-containing reinforcing joint finishers between
7 1956 and 1965?

8 A Yes.

9 Q Okay. And can you recall any of the brand
10 names or trade names of the asbestos-containing joint
11 finishers that were made and sold by Bestwall between
12 1956 and 1965?

13 A Only the Bestwall name.

14 Q Okay. Did Bestwall make and sell any
15 asbestos-containing patching plasters between 1956 and
16 1965?

17 A Again, I would have to consult the formulas
18 to determine whether they did or didn't.

19 Q The patching plasters you're not sure about?

20 A I'm not sure about it.

21 Q Okay. Did Bestwall make and sell any
22 asbestos-containing textures between 1956 and 1965?

23 A Yes.

24 Q Okay. And other than just the Bestwall name,
25 can you recall any brand name or trade name associated

1 with the textures that contained asbestos that were sold
2 by Bestwall between 1956 and 1965?

3 A Well, there was a Bestex name used.

4 Q Between 1956 and 1965 did Bestwall
5 manufacture and sell any asbestos-containing acoustical
6 plasters?

7 A Did Bestwall?

8 Q Bestwall.

9 A Yes.

10 Q Okay. And other than just the Bestwall name,
11 can you recall any brand name or trade name?

12 A Just the Lite Accoustic.

13 Q Lite Accoustic. Okay. Between 1956 and 1965
14 did Bestwall make and sell any asbestos-containing
15 bedding compounds?

16 A Yes.

17 Q Okay. And other than the Bestwall name, can
18 you recall any brand name or trade name associated with
19 asbestos-containing bedding compounds that were
20 manufactured and sold by Bestwall between 1956 and 1965?

21 A No.

22 Q Okay. Did Bestwall, during the period 1956 to
23 1965, manufacture and sell any asbestos-containing
24 topping compounds?

25 A Yes.

1 Q Okay. And other than the Bestwall name, can
2 you recall any brand name or trade name that was
3 associated with asbestos-containing topping compounds
4 made and sold by Bestwall between 1956 and 1965?

5 A No.

6 Q Okay. Other than the products for Bestwall
7 that we've just talked about for the period of 1956 to
8 1965, can you recall any other types or brand names or
9 trade names of asbestos-containing products that were
10 manufactured and sold by Bestwall?

11 A Yes.

12 Q Okay. What would those be, please?

13 A Triple Duty.

14 Q And what kind of a product is Triple Duty?

15 A It's a dry product that can be used for
16 taping and finishing of joints in drywall construction.
17 It can be used for texturing as well.

18 Q Okay. Any others?

19 A Did we mention One Day joint compound?

20 Q No, we did not mention One Day joint
21 compound.

22 A Okay.

23 Q And what would One Day joint compound --

24 A Which are the dates -- oh, yes, okay.

25 Q 1956 to 1965, Bestwall.

1 A Yes, I believe we would have had One Day
2 joint compound, so that would be another name.

3 Q Okay. Now, you previously testified that you
4 worked on the development of the Ready Mix joint
5 compound. Is that correct?

6 A Yes.

7 Q And I believe you indicated that that was put
8 on the market in about 1965. Is that correct?

9 A Yes.

10 Q Okay. Was that before or after
11 Georgia-Pacific acquired Bestwall?

12 A I think we had started at least to do some
13 limited marketing prior to 1965.

14 Q Other than the Ready Mix joint compound that
15 was begun to be marketed in 1965, were all of the other
16 joint compounds that contained asbestos that were made
17 and sold by Bestwall and by Certain-Teed of a dry
18 variety?

19 A I'm sorry, I didn't quite understand your
20 question.

21 Q Let me -- you previously testified that Ready
22 Mix is different from other joint compounds because it
23 comes with water already added, correct?

24 A Yes.

25 Q And other joint compounds come dry and have

1 to be mixed, correct?

2 A Yes.

3 Q Prior to 1965 when Ready Mix went on the
4 market, were all the other joint compounds that were made
5 and sold by either Certain-Teed from 1951 to 1956 and by
6 Bestwall from 1956 to 1965 of the dry variety that had to
7 be mixed with water?

8 A I don't understand the question. It was kind
9 of a complex question.

10 Q Okay. I'll break it up.

11 A If you can break it down for me, it would
12 help.

13 Q From 1951 to 1956, Certain-Teed made and sold
14 asbestos-containing joint compounds, correct?

15 A Yes.

16 Q Okay. Were any of those joint compounds of a
17 premixed type?

18 A Prior to --

19 Q Between 1951 and 1956.

20 A No.

21 Q Okay. Did they all come in a bag from 1951 to
22 1956?

23 A No.

24 Q Okay. What kind of packaging did they come
25 in?

1 A Some came in a box.

2 Q Okay. Was it always a dry product during that
3 time period?

4 A Yes.

5 Q Okay. For the period of 1956 to 1965, the
6 joint compounds that were made and sold by Bestwall that
7 contained asbestos, were any of those a pre mix variety?

8 A Prior to 1965?

9 Q Prior to 1965.

10 A We may have had some early shipments of Ready
11 Mix prior to 1965. I can't be sure of the precise date
12 when we began to market it.

13 Q Other than Ready Mix --

14 A Oh, other than Ready Mix?

15 Q Other than Ready Mix, were the joint
16 compounds from 1956 to 1965 that were made and sold by
17 Bestwall a dry variety or a pre mix variety?

18 A You mean were the products -- say it one more
19 time. I can't quite understand.

20 Q 1956 --

21 A I understand the dates, yes.

22 Q -- to 1965 --

23 A Yes, I understand the dates.

24 Q -- joint compounds that were made by
25 Bestwall, other than Ready Mix, were those premixed

1 products or were those dry products?

2 A They were dry products.

3 Q Okay. And did they also come in bags or
4 boxes?

5 A Yes.

6 MR. KOHLBURN: Okay. That's all I've got.

7 MR. BONO: Thank you.

8 MS. JOHNSON: Let's go off the video while
9 they switch seats, please.

10 THE VIDEOGRAPHER: We're going off record.

11 The time is 1:18 p.m.

12 (Recess taken.)

13 THE VIDEOGRAPHER: We're back on the record.

14 The time is 1:31 p.m., beginning of Tape No. 2.

15 EXAMINATION

16 BY MR. WILL:

17 Q Good afternoon, Mr. Lehnert. My name is
18 Trevor Will. I'm here for Union Carbide Corporation. I
19 have a couple of questions for you about some of the
20 things you've been asked about here previously today.

21 Would you take Exhibit B, which is your
22 summary? And I notice on the right-hand side of that
23 exhibit there's a column, isn't there, where you've got
24 "Comment" or "Comments"?

25 A Comments, yes.

1 Q And if we turn to the second page of Exhibit
2 B, this is for the Akron, New York plant and the Chicago,
3 Illinois plant, you have -- what does that say there? Is
4 that "Dow Resin"?

5 A Yes.

6 Q And there's an asterisk there, is that
7 correct?

8 A Yes.

9 Q Now, what is the significance of Dow Resin?

10 A It was a formula that was marketed only
11 briefly and failed, and so that was the reason it was
12 only available for some number of months.

13 Q Okay. When you -- and was Dow Resin an
14 ingredient in these products?

15 A Yes.

16 Q When you say the product failed, what do you
17 mean?

18 A Well, it cracked after it dried and in some
19 cases fell away from the corner beads, and so we pulled
20 it off the market.

21 Q Okay. If we go back to the first page of
22 Exhibit B in the "Comment" column under Acme, Texas for
23 the All Purpose products you have -- what have you
24 written there?

25 A "Memphis only".

1 Q What's the significance of that comment?

2 A That formula was manufactured for the Memphis
3 market.

4 Q Only?

5 A Only.

6 Q So does that mean that the Union Carbide
7 SG-210 was included only in the All Purpose that was sold
8 in the Memphis market during those time periods?

9 A Yes.

10 Q And was there other All Purpose product then
11 made at the Acme plant that did not contain Union Carbide
12 SG-210 asbestos?

13 A Yes.

14 Q If we go down to Triple Duty under Acme,
15 Texas, and what have you written in the "Comment" there?

16 A "Denver only". And then below that I wrote
17 "Gardineer".

18 Q What is the significance of "Denver only,
19 Gardineer"?

20 A The product was manufactured and shipped
21 strictly to Denver for Gardineer Drywall. It's a large
22 drywall company.

23 Q Now, does that mean there was other Triple
24 Duty made at the Acme, Texas plant during the October
25 5th, 1974 to April 22nd, 1976 time period that did not

1 have Union Carbide SG-210 in it?

2 A Yes, that's correct.

3 Q And I believe when Mr. Bono was asking you
4 some questions earlier I thought I heard you say that all
5 of the Triple Duty made at the Acme, Texas plant between
6 October of '74 and April of '76 would have had Union
7 Carbide asbestos in it. If you said that, was that a
8 misstatement?

9 MR. BONO: Objection to the form.

10 THE WITNESS: I hope I didn't say that,
11 because that would have been a mistake.

12 BY MR. WILL:

13 Q Okay.

14 A Because obviously it was only for -- only the
15 shipments that went to Denver that were for this one
16 drywall contractor was SG-210.

17 Q Okay. So I'm clear, then, the only Triple
18 Duty out of the Acme, Texas plant that had Union Carbide
19 SG-210 was the Triple Duty that was sent to the Gardineer
20 contractor in the Denver area?

21 A Yes, that is correct.

22 Q The next item you have under Acme, Texas is
23 Speed Set. Is that correct?

24 A Yes.

25 Q Now, was Speed Set made before June 29th of

1 1971?

2 A The reason I'm hesitating is the product
3 originally was called One Day, and One Day may have been
4 made before 1971, and the name was later changed to Speed
5 Set.

6 Q Did the -- do you know why the name was
7 changed?

8 A No, I don't.

9 Q Okay. Was the formula, though, for the One
10 Day and the Speed Set, it was pretty much the same
11 product?

12 A Yes.

13 Q All right. And so before June 29th of 1971,
14 whether this product was called Speed Set or One Day, it
15 was made with asbestos other than Union Carbide's?

16 A Well, I'm not sure it even contained asbestos
17 and I would have to consult the formulas to be sure.

18 Q Was Speed -- if I refer to it as Speed Set,
19 will you understand that includes One Day as well as
20 Speed Set?

21 A Yes.

22 Q Okay. Was Speed Set made at plants other
23 than Acme, Texas?

24 A Yes.

25 Q Now, the fact that you do not have Speed Set

1 listed under any of the other plants would indicate that
2 you did not find any formulas that called for Union
3 Carbide SG-210 in that product at those other plants. Is
4 that right?

5 A That's correct.

6 Q Okay. And if you wanted to know the years
7 when Speed Set or One Day was made you would go and look
8 at the Georgia-Pacific formulas. Is that right?

9 A Yes.

10 Q And obviously you haven't memorized all of
11 that sitting here today, correct?

12 A Not quite.

13 Q Okay. Ready Mix, the Ready Mix line of
14 products was made starting you said in 1965, or maybe a
15 little earlier?

16 A Yes.

17 Q And it had asbestos in it up until May of
18 '77. Is that correct?

19 A Yes.

20 Q So prior to the time that the Union Carbide
21 SG-210 asbestos was used in it, what type of asbestos was
22 used in it?

23 A Phillip Carey 7RF-9 was the primary asbestos
24 that was used.

25 Q And as I look at your Exhibit B I see that

1 there are different dates for different plants when the
2 SG-210 was introduced into the Ready Mix. Would that be
3 correct?

4 A Yes, that's correct.

5 Q For example, Chicago began using SG-210 it
6 looks like in October of 1970?

7 A Yes.

8 Q Whereas Acme, Texas didn't begin using it in
9 Ready Mix until September of '71?

10 A That's right.

11 Q And so in Acme, Texas, then, until September
12 of '71 they would have been using the Phillip Carey or
13 the Johns Manville, or some combination of those?

14 A Yes.

15 Q Mr. Bono asked you a series of questions
16 about the dates that the different products were made in
17 the different plants. Do you remember that?

18 A Yes.

19 Q He pretty much went through your exhibit
20 plant by plant and asked you about the products and the
21 dates, didn't he?

22 A Yes.

23 Q And the only question I had was sometimes he
24 made it a point of saying this product was made at this
25 particular plant for these particular dates with Union

1 Carbide asbestos, and sometimes he'd just say this
2 product for these dates.

3 Do you remember that difference, or am I
4 confusing you here?

5 MR. BONO: Objection, relevance.

6 BY MR. WILL:

7 Q Let me --

8 A I don't remember that.

9 Q Okay. Let me see if I can ask you a better
10 question. If we look at Exhibit B, what you have tried
11 to do there is set out the dates that particular plants
12 made particular products with formulas that contained
13 Union Carbide SG-210, is that correct?

14 A Yes.

15 Q And certain plants may have made a product
16 that had Union Carbide SG-210 in it while another plant
17 could have made that same product without Union Carbide
18 SG-210, is that possible?

19 MR. BONO: Objection, speculation.

20 THE WITNESS: I think we tried to -- outside
21 the limits of these were the limits we gave for the
22 use of the SG-210 and we gave the exceptions to
23 that.

24 BY MR. WILL:

25 Q Right. What I'm -- let me see if I can focus

1 the question a little better.

2 A So we said all formulas contained SG-210
3 except --

4 Q Right. And if they were making Ready Mix in
5 Acme, Texas in June of 1970, they were making it without
6 Union Carbide SG-210, is that correct?

7 A Yes.

8 Q Likewise, if they were making Speed Set or
9 One Day in Akron, New York, they were making it without
10 Union Carbide asbestos? If we look at Akron, New York --

11 A Yes, but the answer's no.

12 Q The answer's -- do you know whether they made
13 Speed Set in Akron?

14 A It was not manufactured in Akron.

15 Q In Akron. Okay. Was it ever manufactured in
16 Chicago?

17 A No, it was not.

18 Q Okay. Was it manufactured anywhere other than
19 Acme?

20 A Other than --

21 Q Speed Set --

22 A Other than Acme?

23 Q -- the product. Let me see if I can go back.
24 The product Speed Set or One Day --

25 A Yes.

1 Q -- was that manufactured in plants other than
2 Acme, Texas?

3 A Yes.

4 Q Okay. But the only place where the records
5 show that it contained Union Carbide SG-210 is the Acme,
6 Texas plant?

7 A Yes, that's correct.

8 Q Okay. And for example, was Triple Duty, was
9 that product made at places other than Acme, Texas?

10 A Yes.

11 Q And was it made in Akron? Not with the Union
12 Carbide asbestos, I'm just asking in general, was Triple
13 Duty made there?

14 A I'd have to go back through the formulas to
15 be sure.

16 Q At which plants it was made.

17 A Yes.

18 Q But you do know it was made at other plants?

19 A Yes, I do.

20 Q And since looking through your exhibit,
21 Triple Duty is not listed as containing SG-210 at any
22 plant other than Acme, Texas, is that correct?

23 A Yes.

24 Q Okay. So to the extent Triple Duty was made
25 at these other plants, it was made without SG-210?

1 A That's correct.

2 Q And that would be true for all of these
3 products?

4 MR. BONO: Object. Objection to the form of
5 the question.

6 THE WITNESS: What do you mean by all these
7 products?

8 BY MR. WILL:

9 Q All right. Let me see if I can rephrase.
10 The -- you have listed the product under the plant where
11 it was made where the formula called for Union Carbide
12 SG-210, is that right?

13 A Yes.

14 Q But if the product was made at a different
15 plant without SG-210 you have not listed that on Exhibit
16 B, correct?

17 A That is correct.

18 Q All right. The other thing, that you put
19 some percentages of SG-210 on your Exhibit B, is that
20 right?

21 A Yes.

22 Q And is that percentage by weight or by
23 volume?

24 A That's a percent by weight.

25 Q Okay. But you mentioned before that some of

1 these products had more than one type of asbestos in
2 them, correct?

3 A Yes.

4 Q And you have not -- Exhibit B does not list
5 the other types of asbestos, does it?

6 A No, it does not.

7 Q And it doesn't list the percentage of the
8 other asbestos, does it?

9 A Yes, it does not.

10 Q Yes, it does not. Okay.

11 A Is that right?

12 Q All right. Well, for example, Speed Set had
13 Phillip Carey asbestos in it, didn't it?

14 A I'm not sure. I'd have to go back to the
15 formula to see whether indeed it had any asbestos at all.

16 Q All right. Well, let me show you, and this
17 is just by reference, it's just a page I grabbed. It's
18 A-119 out of the Exhibit A.

19 MS. JOHNSON: Speed Set?

20 MR. WILL: Yes.

21 MS. JAGGER: A-19?

22 MR. WILL: A-119.

23 BY MR. WILL:

24 Q And it has the number on it SGP for
25 identification 0018388. Is that right?

1 A SGP 0018388, yes.

2 Q Right. And it's been hand numbered Exhibit

3 A-119?

4 A Yes.

5 Q All right. Now, that is a formula for Speed

6 Set joint compound from the Acme, Texas plant, is that

7 right?

8 A That's right.

9 Q Dated June 29 of 1971?

10 A That's right.

11 Q And this shows SG-210 was in the product

12 formula, correct?

13 A Yes.

14 Q At half a percent of weight, right?

15 A That's correct.

16 Q It also shows that Phillip Carey 7RF09 was in

17 the formula?

18 MR. BONO: Objection, relevance.

19 BY MR. WILL:

20 Q Is that correct?

21 A Yes, that's correct.

22 Q At 2.25 percent?

23 A Yes.

24 Q And when you put together your Exhibit B you

25 did not then list the percentages of other companies'

1 asbestos that were in the products, is that correct?

2 A That's correct.

3 MR. BONO: Objection, relevance.

4 BY MR. WILL:

5 Q Okay. You mentioned that in putting together
6 your Exhibit B you looked at, I think you said, hundreds
7 of pages of formulas. Is that correct?

8 A Yes.

9 Q Do you actually have a copy of all of the
10 formulas for Georgia-Pacific joint compound products?

11 A I believe I do.

12 Q And can you give us an idea of how big a
13 volume of paper that is?

14 A Well, it's two of these big boxes. I don't
15 see one of the boxes here, but it's two of those boxes,
16 so I'm guessing it's somewhere in the neighborhood of 300
17 or more formulas.

18 Q When you say "boxes", are you talking about
19 what's called a banker's box of documents?

20 A Well, it's kind of a document box, yes.

21 Q Okay. About, what, two feet by two feet,
22 something like that?

23 A It's longer than it is wide, so --

24 Q Okay. Three feet by two feet?

25 A I don't know what the exact dimension is.

1 Q Okay. But anyway, they're both filled with
2 these formulas?

3 A Yes.

4 Q And what we've produced today in Exhibit A
5 is -- can you tell me how many pages that is of formulas
6 there?

7 A I haven't counted them, no.

8 Q They're numbered. All you have to do is look
9 at the last page.

10 A Oh, 123.

11 Q Pages of formulas. Were the -- when a
12 formula was changed slightly there would be a revision
13 issued, is that correct?

14 A Yes.

15 Q Okay. So that in Exhibit A, what, there are
16 formulas that may have only been in effect for a very
17 short period of time and then been replaced by another
18 one?

19 A Yes.

20 Q And what you have done in Exhibit B is to try
21 to distill or summarize the time period covered in total
22 by all of those formulas, is that right?

23 Maybe I can rephrase the question. When you
24 put Exhibit B together did you go through the documents
25 that have been marked as Exhibit A, or were you working

1 off of your own documents at home?

2 A I was working off of the large volume of
3 formulas that I have.

4 Q So you used your boxes at home, not Exhibit
5 A?

6 A Yes.

7 Q You mentioned a lab note with respect to the
8 Milford, Virginia document -- plant, rather, and also a
9 lab document with respect to the Marietta, Georgia plant.
10 Do you know whether those documents are in Exhibit A, or
11 are they something different?

12 A They're something different.

13 Q Okay. In Exhibit A there are -- I think the
14 first page is a good example. There are some documents
15 that have handwriting on them. Do you see that?

16 A Yes.

17 Q And do you know whose handwriting that is?

18 A No, I can't be sure.

19 Q Okay. Could I see the exhibit for just a
20 second? Thank you.

21 Could you -- the first page, A-1, which has a
22 number on it, SGP 0017274, do you know what the
23 significance of the handwriting is at the bottom of that
24 page?

25 A I don't. I looked at these and I was not

1 sure what the author had in mind when he put this
2 information down.

3 Q Okay. So in terms of your relying on those
4 documents, you would stick with the printed or the typed
5 material as opposed to the handwritten material?

6 A Insofar as the asbestos amounts?

7 Q Yeah. Yes.

8 A Yes.

9 Q Okay. If you'd look at Exhibit B again in --
10 on the second page, the Akron, New York plant where it
11 talks about Ready Mix, I wanted to make sure I understood
12 your note after the Ready Mix. And did I understand you
13 to say correctly that in December -- on December 29th of
14 1969 the first formula was changed to include some
15 SG-210?

16 A Yes.

17 Q But that up until September 7 -- September of
18 1970, most of the Ready Mix products from Akron, New York
19 used exclusively the Phillip Carey 7RF09?

20 A Yes.

21 Q And then starting in September of 1970, all
22 available formulas used some Union Carbide SG-210?

23 A Except for asbestos-free.

24 Q Except for asbestos-free. Okay. So that
25 most of the Ready Mix products made prior to

1 September '70, September 1970 in Akron, New York would
2 not have contained SG-210. Is that correct?

3 A Yes. The first products that contained it
4 were manufactured on December 29th, 1969.

5 Q Right. But for the next nine months you said
6 most of the Ready Mix products did not have the SG-210.
7 Is that correct?

8 A For the next nine months?

9 Q Yeah, up until September of 1970.

10 A I see. Yes. There may have been --
11 virtually all it says.

12 Q Right.

13 A And so I assume that there was an overlapping
14 here.

15 Q Right. And if we wanted to know exactly
16 which product formulas did and which ones didn't, we
17 should go back to Exhibit A and look at the individual
18 Ready Mix formulas for Akron?

19 A I don't know if I understand the question.

20 Q All right. Let me see. If I wanted to know
21 when SG-2 -- well, let me back up and ask a different
22 question. How many different Ready Mix products were
23 there or formulas were there?

24 A I don't think I know exactly, but there were
25 some number of different Ready Mix formulas.

1 Q All right. And if we wanted to know when
2 SG-210 was introduced into any one particular formula we
3 should go back to Exhibit A and look carefully, or should
4 we go back to your documents and look carefully?

5 A Well, I think this document tells you which
6 formulas were used in it. Is that your question?

7 Q No.

8 A No.

9 Q Let me see if I can try again. As I
10 understand your note, I believe you testified under
11 Akron, New York, you said that some formulas got SG-210
12 in December of 1929 -- excuse me. Let me try again --
13 December 29th, 1969 --

14 A Yes.

15 Q -- but that most of them did not contain
16 SG-210 until September of 1970.

17 A Yes, I think that's correct.

18 Q Okay. And if I wanted to know which formulas
19 had SG-210 as of December 29th, 1969, I should look at
20 the formulas themselves?

21 A Yes.

22 Q All right. You were asked a question about
23 whether product was shipped from one area -- from a plant
24 in one area to a region that was typically served out of
25 another plant. Do you remember that question?

1 A Yes.

2 Q And you said that it would happen sometimes.

3 A Yes.

4 Q Do you know whether it was usual or typical
5 for it to happen, or was it unusual?

6 A It depended on the product.

7 Q Okay. Were there hard and fast geographic
8 lines where one plant was supposed to serve and not go
9 outside of its area, or were distributors free to sell
10 wherever?

11 A I don't know of anything like that.

12 Q Okay. Do you know the circumstances under
13 which product from one plant might be sent halfway across
14 the country?

15 A Yes.

16 Q Okay. What were some of those circumstances?

17 A Well, take for example, Acme made polystyrene
18 texture and they were the only ones that manufactured
19 polystyrene texture. In fact they manufactured most of
20 the textures, and so they would ship them to the other
21 plants so that the textures then could be marketed along
22 with the products that they had.

23 Q What about something like Ready Mix, would
24 that sometimes be sent to a different region?

25 A I don't know of any instance where Ready Mix

1 would have been shipped to a different region.

2 Q So the time, the occasions when a product
3 would be sent from one region to another would generally
4 be when a plant in the other region didn't make that
5 product, or there was a shortage of it, something like
6 that?

7 A I don't know about shortages, but where they
8 didn't manufacture the product, why, they would get it
9 from a plant that did.

10 Q That did, okay. Do you know where the
11 boundary line was between the Chicago plant, for example,
12 and the Acme, Texas plant?

13 A No, I don't.

14 Q Or any of the plants?

15 A No.

16 Q In terms of the volume of asbestos, what was
17 the biggest supplier of asbestos to Georgia-Pacific for
18 use in the joint products?

19 MR. BONO: Objection, foundation.

20 THE WITNESS: I don't know.

21 BY MR. WILL:

22 Q Okay. Do you have any way of comparing how
23 much Union Carbide asbestos was purchased versus how much
24 Phillip Carey asbestos was purchased?

25 MR. BONO: Objection, relevance.

1 A No.

2 Q Okay. Do you know in terms of all the
3 formulas -- never mind.

4 Was there a procedure in manufacturing that
5 permitted variations from the formulas? That is, could
6 the product be made with a change from the approved
7 formula under certain circumstances?

8 A No.

9 Q Did -- do you have any sense of what quantity
10 of product was made for any of the formulas that you have
11 set out in Exhibit B?

12 A No, I do not.

13 MR. WILL: Okay. I think that's all I have
14 for you right now, Mr. Lehnert. Thank you very
15 much.

16 MS. JOHNSON: Let's go off the video while we
17 switch seats, please.

18 THE VIDEOGRAPHER: Going off record. The
19 time is 2:00 p.m.

20 (Brief break.)

21 THE VIDEOGRAPHER: Back on record. The time
22 is 2:07 p.m.

23 EXAMINATION

24 BY MS. GEISE:

25 Q Good afternoon, Mr. Lehnert. My name's Betsy

1 Geise. I'm from the firm of Shea & Gardner in
2 Washington, D.C. and I'm here for Certain-Teed
3 Corporation.

4 When you were hired by Certain-Teed in 1951
5 it was as a chemist, correct?

6 A It was what?

7 Q As a chemist, correct?

8 A Yes, that's correct.

9 Q And in 1956 when Bestwall Gypsum corporation
10 was created, I believe your testimony was that you were,
11 quote, still a chemist, correct?

12 A Yes, that's correct.

13 Q And your primary responsibility in 1951 and
14 1956 and during your employment for Bestwall Gypsum
15 Corporation was in creating and keeping track of the
16 formulas for products manufactured by those companies,
17 correct?

18 A I don't think that's accurate.

19 Q Why don't you tell us what your main
20 responsibilities were?

21 A It was formulating joint compounds that would
22 be acceptable in the marketplace.

23 Q And that was your job between 1951 and 1956?

24 A No. I started that in the early fifties, I
25 started working on joint compounds, and about 1955 was

1 given that responsibility to formulate -- it may have
2 earlier. It may have been 1954 -- the joint compounds at
3 the request of the Sales Department.

4 Q And then between 1954 and 1956 when you went
5 to work for Bestwall your job was formulating the
6 formulas for the products that were manufactured by the
7 company, correct?

8 A Well, it didn't really change.

9 Q And that job didn't change between '56 and
10 '65, did it?

11 A No, it was pretty much the same throughout
12 that whole time.

13 Q You were never an officer of Certain-Teed
14 Products Corporation, were you?

15 A No, I was not.

16 Let me back off. You said '65. I'm sorry,
17 we have to go up to '50 to '60. My job didn't change
18 until 1960.

19 Q In 1960, why don't you tell us what your job
20 change was?

21 A All right. It was -- they created a small
22 Research Department and I was the working group leader.

23 Q But you were never an officer of Certain-Teed
24 Products Corporation, were you?

25 A Yes, I was never an officer.

1 Q And you were never an officer of Certain-Teed
2 Bestwall Sales Corporation, were you?

3 A No, I was never an officer of that --

4 Q Or of Bestwall Gypsum Corporation?

5 A Never.

6 Q And you were never a director of any of those
7 three corporations, were you?

8 A That's correct, I was not.

9 Q And you never attended any board meetings of
10 any of the those corporations, did you?

11 A No, I did not.

12 Q And you were not familiar with the minutes of
13 board meetings of those corporations?

14 A I was not.

15 Q And you're not a lawyer, are you?

16 A No, I'm not.

17 Q Thankfully.

18 Now, are you familiar with the separation
19 agreement in 1956 between Certain-Teed Products
20 Corporation and Bestwall Gypsum Corporation?

21 A No, I'm not.

22 Q You weren't involved in negotiating that
23 separation agreement, were you?

24 A No, I was not.

25 Q And you weren't involved at all in drafting

1 it?

2 A That's correct, I was not.

3 Q And you weren't involved in carrying it out,
4 were you?

5 A No, I was not.

6 Q And you don't know the financial arrangements
7 whatsoever between Certain-Teed Products Corporation,
8 Certain-Teed Bestwall Sales Corporation and Bestwall
9 Gypsum Corporation, do you?

10 A That's correct, I do not.

11 Q Now, you testified that a man named
12 Mr. Shuttleworth was your supervisor at Certain-Teed
13 Products Corporation?

14 A My first supervisor was Gilbert Hoggatt.

15 Q Correct. And was Mr. Shuttleworth your
16 supervisor after Mr. Hoggatt?

17 A Yes.

18 Q And was he your supervisor when you were at
19 Certain-Teed?

20 A Let's see. I can't remember exactly when
21 Mr. Hoggatt was transferred to a different position and
22 then I reported to Mr. Shuttleworth, but -- so I don't
23 know whether it was before '56 or after '56.

24 Q And Mr. Shuttleworth, however, was your
25 supervisor when you worked for Bestwall Gypsum Company?

1 A Yes.

2 Q And Mr. Shuttleworth was also your supervisor
3 when you worked for Georgia-Pacific, correct?

4 A Yes.

5 Q So he, like you, followed the business?

6 A Yes. That went up to 1967.

7 Q You testified, I believe, that when you
8 worked for Certain-Teed -- which was 1951 to '56,
9 correct?

10 A That's correct.

11 Q -- that the fiber, the asbestos fiber, that
12 was used in the products was purchased either from
13 Phillip Carey or Johns Manville Corporation, correct?

14 A Yes.

15 Q And that fiber was all chrysotile or white
16 fiber, correct?

17 A That is correct.

18 Q One final question. Mr. Kohlburn led you
19 through a whole long list of products from Certain-Teed's
20 Gypsum Division from 1951 to 1956. Do you remember that
21 list of products?

22 A Yes.

23 Q And just to make sure that the record's
24 clear, you can't think of any product that he named --
25 that he did not name that was produced by Certain-Teed's

1 Gypsum Division between 1951 and '56 that contained
2 asbestos?

3 A Would you ask that question again? I'm not
4 sure I follow it.

5 Q You went through a long list of products with
6 Mr. Kohlburn, remember, joint compounds --

7 A Yes.

8 Q -- joint finishers, patching plasters,
9 acoustical, et cetera?

10 A Yes.

11 Q Is there any product that you can think of
12 between 1951 and 1956 that Certain-Teed's Gypsum Division
13 made that contained asbestos that you haven't told us
14 about today?

15 A We talked about some possibilities that I
16 said I would have to check the formula for.

17 Q Right.

18 A Some textures.

19 Q Right. There were things you weren't sure
20 whether they contained asbestos?

21 A Yes, yes.

22 Q But can you think of any other type of
23 product between 1951 and 1956 that contained asbestos
24 that Certain-Teed manufactured through its Gypsum
25 Division?

1 A I can't think of any.

2 MS. GEISE: Thank you. I don't have any
3 other questions.

4 MS. JAGGER: Do you have followup? I have
5 three questions.

6 MR. BONO: I don't know if anybody else has
7 got further cross before we go.

8 EXAMINATION

9 BY MS. JAGGER:

10 Q Mr. Lehnert, through the course of the
11 deposition today you've been asked some questions about
12 acoustical plaster. Acoustical plaster is not a product
13 that you have listed on Exhibit B, is that right?

14 A That's correct.

15 Q Okay. Did Certain-Teed Corporation
16 manufacture acoustical plaster during the years that you
17 worked for them?

18 A I can't be sure exactly the dates, but there
19 was some acoustical plaster manufactured through the
20 Certain-Teed Bestwall dates.

21 Q Did Georgia-Pacific ever manufacture
22 acoustical plaster?

23 A No, they did not.

24 MS. JAGGER: That's all my questions.

25 MS. JOHNSON: Anybody else?

1 MR. BONO: Yeah, just one, I think, or one
2 little series.

3 EXAMINATION

4 BY MR. BONO:

5 Q Mr. Lehnert, again going back drawing your
6 attention to the '51 to '56 timeframe, did Certain-Teed
7 Products Corporation invent and patent a product called
8 Firestop?

9 MS. JAGGER: Objection.

10 MR. BONO: I understand your objection. She
11 opened the door to it, though.

12 MS. JAGGER: No.

13 MR. PLOTNER: No.

14 MS. GEISE: No, I did not.

15 MR. BONO: Yes, you did --

16 MS. JAGGER: No. Off the record.

17 MR. BONO: -- because it contained asbestos.
18 You asked about whether or not they made any other
19 asbestos-containing products.

20 MS. JAGGER: No, no.

21 MR. BONO: Hold on. You asked about whether
22 or not they manufactured any other
23 asbestos-containing products, and they did get a
24 patent on a product called Xboard or Firestop that
25 contained asbestos. You asked him.

1 MS. GEISE: I asked him if they manufactured
2 it.

3 MR. BONO: Well, you opened the door. I'm
4 going to ask the questions. It's only '51 to '56.

5 MS. JAGGER: Counsel, I'm going to let you
6 proceed until I say no.

7 MR. BONO: Okay. I agree.

8 BY MR. BONO:

9 Q Going back, sir -- I'll have to start all
10 over again -- between 1951 and 1956, did Certain-Teed
11 Products Corporation invent and patent a product that was
12 marketed around the term of Firestop Wallboard?

13 MS. GEISE: Objection, compound.

14 A Yes.

15 Q Okay. Well, let's straighten out the
16 compound question. Did they invent a product called
17 Firestop Wallboard, Certain-Teed Corporation?

18 A Yes.

19 Q Did they patent a product called Firestop
20 Wallboard?

21 A Yes.

22 Q Did the original patent for Firestop
23 Wallboard call for the use of asbestos fibers?

24 A Yes.

25 Q Did the Firestop Wallboard contain

1 Vermiculite from '51 to '56?

2 MS. JAGGER: Objection, no. That is by our
3 agreement something that was not going to be
4 discussed.

5 MR. BONO: I moved to '51 to '56.

6 MS. JAGGER: That doesn't matter. I mean,
7 you asked about asbestos. I mean, we had an
8 agreement that Firestop would not be discussed, and
9 if your intention is that the door was opened
10 because of the comment about asbestos fiber, then
11 ask about, as you have been doing, the patent and
12 the marketing with asbestos, but Vermiculite by
13 agreement --

14 MR. BONO: Pursuant to my agreement with you,
15 I will not inquire any further regarding the
16 Vermiculite in Firestop.

17 MS. JAGGER: Thank you.

18 MR. BONO: That's all I have.

19 MS. GEISE: I want to take a break.

20 MR. BONO: I don't want a break. Let's go.
21 I'm done.

22 EXAMINATION

23 BY MS. GEISE:

24 Q Mr. Lehnert, between 1951 and 1956 did
25 Certain-Teed ever market Firestop with asbestos fibers in

1 it?

2 MR. BONO: Objection, foundation.

3 A No.

4 Q And how do you know that?

5 A Because I was there and witnessed the events
6 that occurred with the patents and the marketing of the
7 Firestop products.

8 Q And can you explain in a little more detail?

9 A All right. The first patent was Mr. Croce's
10 patent and it contained asbestos. And almost on the
11 heels of that, why Mr. Shuttleworth and Mr. Croce jointly
12 came up with the use of fiberglass in lieu of asbestos to
13 manufacture a type X or Firestop board, and it was that
14 product -- the other product never went through any
15 building codes and got acceptance or was marketed,
16 whereas the fiberglass board was, and there were further
17 patents that were prosecuted with the glass fiber in, and
18 that was the board that was ultimately manufactured.

19 Q So as marketed by Certain-Teed Products
20 Corporations, Firestop was asbestos-free, correct?

21 MR. BONO: Objection, foundation, and we're
22 going to be getting into the issue that Vermiculite
23 came from Libby, Montana --

24 MS. JAGGER: Okay. I think that --

25 MR. BONO: -- was added from W.R. Grace which

1 was contaminated with tremolite asbestos, so --

2 MS. JOHNSON: Move to strike.

3 MS. JAGGER: I think that our record is clear
4 enough without the last question, so if counsel will
5 withdraw that question, I believe we will be --

6 MS. GEISE: I'll withdraw the question.

7 MS. JAGGER: Thank you.

8 MS. GEISE: Thanks very much, Mr. Lehnert.

9 EXAMINATION

10 BY MR. BONO:

11 Q Mr. Lehnert, when you testified that there
12 were no asbestos fibers in the Firestop board from '51 to
13 '56, I'm assuming you meant that they added no asbestos
14 fibers to the mix. Is that correct?

15 A I don't -- I don't really understand the
16 question.

17 Q Okay. Did you just testify that they did not
18 market Firestop between '51 and '56 with asbestos in it?

19 A Yes.

20 Q Okay.

21 MS. JAGGER: Let's just stop here for a
22 moment. This is --

23 MR. BONO: I can't let the question the way
24 it stands stand as part of the record.

25 MS. JAGGER: All right. Ask the question was

1 the patent -- the product as patented with asbestos
2 fiber ever marketed according to that patent.

3 MR. BONO: No, that's not the question.

4 MS. JAGGER: Because that's what he answered
5 to her, that that is not -- that it was not
6 marketed, and she withdrew the other question.

7 MR. BONO: She phrased her questions as to
8 whether or not the asbestos board had asbestos
9 fibers in it.

10 MS. JAGGER: No, I think that was her last
11 question that I asked her to withdraw.

12 MR. WILL: Could he answer the question
13 whether the asbestos fiber was an ingredient?

14 MS. JAGGER: Yes, if you want to put it that
15 way, a constituent, or however, something like that,
16 but not --

17 MR. WILL: In the formula, an ingredient.

18 MR. BONO: That was the original question
19 that I asked and he couldn't answer it. So let me
20 rephrase the question again.

21 MS. JAGGER: He just didn't understand it.

22 MR. BONO: Okay.

23 BY MR. BONO:

24 Q Between 1951 and 1956 was the Firestop
25 Wallboard manufactured and sold with added -- strike

1 that.

2 Between 1951 and 1956 was the Firestop
3 Wallboard manufactured and sold with asbestos fibers as a
4 constituent?

5 A No.

6 Q As an added ingredient in the Firestop
7 Wallboard?

8 A No.

9 Q Between 1951 and 1956 was Vermiculite a
10 constituent of Firestop Wallboard?

11 MS. JAGGER: Object. No, that's where our
12 agreement kicks in that we agreed not to discuss
13 today.

14 MR. BONO: Okay.

15 MS. JOHNSON: That's it?

16 THE VIDEOGRAPHER: That concludes the video
17 deposition of C. William Lehnert. The time is
18 2:22 p.m. We're off record.

19 - - -

20 (Thereupon, at 2:22 p.m., the deposition was
21 concluded.)

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CERTIFICATE OF OATH

STATE OF FLORIDA)

)

COUNTY OF LEE)

I, the undersigned authority, certify that C.
WILLIAM LEHNERT personally appeared before me and was
duly sworn.

WITNESS my hand and official seal this 6th day of
October, 2001.

Sheryl L. Akerley, RMR
Notary Public, State of Florida
My Commission No. CC954774
Expires: August 15, 2004

REPORTER'S DEPOSITION CERTIFICATE

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STATE OF FLORIDA)

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COUNTY OF LEE)

I, Sheryl L. Akerley, RMR, certify that I was authorized to and did stenographically report the deposition of C. WILLIAM LEHNERT; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 6th day of October, 2001.

Sheryl L. Akerley, RMR

DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE

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This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Under penalties of perjury, I declare that I have read my deposition and that it is true and correct subject to any changes in form or substance entered here.

C. WILLIAM LEHNERT

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Circuit Court - Third Judicial Circuit - Madison County, IL
All Asbestos Cases filed by The Simmons Firm, L.L.C.

Video Deposition of
C. William Lehnert
October 3, 2001

Summarized by: Georgia Smith

Attorneys Present:

Plaintiffs, The Simmons Firm, L.L.C. - Randall A. Bono, William A. Kohlburn.
 Defendant Georgia-Pacific Corporation, Nelson, Mullins, Riley & Scarborough, L.L.P., by Julia Bennett
 Jagger; Johnson Tomlin & Johnson by Virginia Easley Johnson; Burroughs Hepler Broom MacDonald
 Hebrank & True by Jeffrey S. Hebrank.
 Defendant USX Corporation, Winderweede, Haines, Ward and Woodman, P.A. by Robert P. Major.
 Defendants Union Carbide Corp. and Certain-Teed, Heyl Royster Voelker & Allen by Kent L. Plotner
 Defendant Union Carbide, Foley & Lardner by Trevor J. Will
 Defendant Scapa Dryer Fabrics, Hawkins & Parnell, LLP by S. Christopher Collier
 Defendant Certain-Teed, Shea and Gardner by Elizabeth R. Geise
 Defendant Mt. Vernon Mills, Inc., Kasowitz, Benson, Torres and Friedman, LLP by Jason C. Odom
 Defendant 3M Corporation, Richmann Greer Weil Brumbaugh Mirabito and Christensen by Mark A.
 Romance
 Defendants Sears Roebuck and Co. And Congoleum Corporation, Kurowski and Bailey, P.C. by
 By Curtis R. Bailey
 Defendant AcandS, Bice, Cole, Glenny, et al by Gary L. Sanders
 Defendant John Crane, Daniel J. O'Connell & Associates by James M. Walsh

Others present:

Videographer Joe Pitcher
Court Reporter Sherie Akerley

Defendant Georgia Pacific Exhibits:

Composite A - 123 pages of formulas (pg. 18)
Composite B - Asbestos-containing formulas (pg. 24)

Pages: **Testimony:**

- 1, use of Union Carbide (hereinafter UC) SG-210 asbestos in Ga.-Pac. Products; 2, authentication of Ga.Pac. (hereinafter "GP") product formulas containing UC SG-210 asbestos (provided to GP, Certain-Teed and UC counsel by plaintiff's counsel in advance of deposition;) and 3, limited questioning regarding relationship between Bestwall Gypsum Co. And Certain-Teed Corporation.

Mr. Bono clarified that although formulas were given by plaintiff's counsel, they were the same formulas given to plaintiff's counsel by GP Counsel in discovery, from files and records of GP, not being seen by attorneys here for first time, were distributed by plaintiff's counsel in advance of deposition.

8. No stipulation that an objection by one is an objection for all.

Witness sworn.

EXAMINATION BY MS. JAGGER

9. Charles William (Bill) Lehnert, speaking voluntarily at request of GP Corp. Was aware questions primarily limited to use of UC SG-210 asbestos in GP Products. Seventy-three years old, resides at 14111 Mystic Seaport way, Fort Myers, FL 33919. Retired since August of 1990.
10. Lived in Ft. Myers since retirement from GP Corp. Done consulting work for GP Testifying in some trials, provided other technical assistance when asked. Not all consulting work was related to asbestos matters. They call me about different products based on my background in technical aspects of the business. Have gone to the research laboratory and collated some documents for them, one case in particular being on water resistant gypsum board; also testified in a patent infringement case.
11. Was asked by GP to maintain consulting role because of involvement in the technical part of the gypsum business for entire career. Was manager of Product Development Technical Service Dept. For some years. Got some college in 1945 in an Army specialized training program in Virginia Polytechnic Institute (now called Virginia Tech. Went to Grove City College, also to Pitt some summers, and graduated from Grove City in 1950 with a degree in chemical engineering. Employed by Certain-Teed Products Corporation in 1951 always as a
12. chemist until May of 1956. Boss at Certain-Teed originally Gilbert Hoggatt, then Clarence Shuttleworth, neither of them alive. During years at Certain-Teed worked with joint system compounds.
13. Joint system compounds are products that are used to tape and finish the joints on gypsum wallboard and to conceal the dimpled nail heads, and to cover the corner beads in gypsum wallboard construction. When employed by Certain-Teed was asked to assume the responsibility for formulation of joint system compounds. They did contain asbestos. The purpose for asbestos was because it would absorb a lot of water enabling the product to be handled and applied more easily. In May of 1956 became employed with Bestwall Gypsum Company, a spin-off of Certain-Teed.
14. Still a chemist; Mr Shuttleworth still my boss. I worked there from 1956 to 1965. In 1960 a small research group was formed - I was the working group leader. Still doing work on joint compound products. As group leader beginning in 1960 was involved in development of new joint compound products
15. Product was Ready Mix joint compound - differed from previous joint compounds in that they were dry and furnished in a bag and Ready mix was mixed with water - was a paste-type product sold in a pail and later in a carton. As leader of the research group I had responsibility for development of Bestwall Ready Mix joint compound. Believe it went on the market around 1965. Between 1956 and

1965 joint compound products of Bestwall contained asbestos. In 1965 was employed by GP Corporation

- 16 We became the Gypsum Division, which was part of the Building Products Division of GP. I always worked for the Gypsum Division. Products of the Gypsum Division were Gypsum wallboard (some people call it Sheetrock,) Firestop (a fire-rated gypsum wallboard product,) Tile Backer Board (a product of GP. Other products were joint compounds and textures.

Job title in 1965, I think, was changed to Manager of Research. Position never changed - title changed sometime later to

- 17 Manager of Product Development and Technical Services. More of a name change than a change in the type of work. Was responsible for laboratory research on products including joint compounds. Boss at GP until 1967 was Clarence Shuttleworth, then Glen Wilson, no longer alive. He was Vice President of the Gypsum Division and General Manager of the Gypsum Division.

In positions with Certain-Teed, Bestwall and GP, was at all times familiar with product formulas for joint compound products, including texture products

- 18 and acoustical products. There was a period when some GP Joint system products contained asbestos and others did not. In approximately 1972 we began to develop products without asbestos. Then from May 4, 1977, GP no longer manufactured any joint system product containing asbestos?

Referring to Exhibit A, deponent reviewed in advance of deposition, was familiar with them

19. being joint system product formulas of GP Corp. It does not include all of the joint compound formulas of GP.

BONO OBJECTION

I understand that particular formulas in Exhibit A were furnished by the plaintiffs' attorneys. Documents in Exhibit A are from files of GP Corp. Was familiar with formulas in Exhibit A at time originally created. Since 1982 documents were housed at

- 20 Decatur gypsum laboratory, Prior to that at Tigard, Oregon gypsum laboratory. I was manager of both laboratories, documents in Exh. A were under my custody and control. Appear to be true and correct copies of documents maintained in regular course of GP's business. In addition to reviewing formulas in Exh. A, also reviewed several hundred other formulas of GP's joint compounds, and some other lab documents

- 21 Did not review only selected formulas. Had access to and reviewed the entire joint system formula set of GP. I made that review so we could put a history together of the development of joint compounds, and in this case the history concerning the use of SG-210 in joint compounds.

OFF THE RECORD DISCUSSION

Elizabeth Geise for Certain-Teed wanted to state for record her understanding that deposition is being taken pursuant to Illinois Rules which would provide that all objections except to the form of question

are reserved until trial. Don't assume my silence at Mr. Bono's insistence that objections have to be stated at the time to indicate I

- 22 have stipulated to that. I have stipulated to the fact that this deposition is taken pursuant to the Illinois Rules of Civil Procedure. I don't know of a particular rule number and I don't mean to have an argument on the record. Just don't want you to think that by my silence I have stipulated to those. I understand we're governed by the Illinois Rules - I'll take my chances. Don't want you to think I have agreed with you that any objection except as to the form of the question is reserved. I mean that any objection on any basis needs to be stated at this deposition. Believe it would be an impossibility to make relevant objections in a deposition notices in re all Simmons cases.

Trevor Will for UC - wants to put on record it is his understanding as

- 23 well that Illinois Rules under which this deposition is being taken provide for reservation of all objections except as to form of question. Doesn't agree with Mr. Bono's statement, pointing out that it is possible this deposition may attempt to be used in jurisdictions other than Illinois, and his position on record is we will object to matters of form that can be corrected, but not to other types of objections which would be reserved till the time of trial.

Mr. Bono putting on record we're not agreeing to reserving any objections. If you want to make any, make them now.

Mr. Will - to Mr. Bono - "I don't think you're the judge, so I think the record's clear. Let's go ahead.

Mr. Bono to Mr. Will: "Are you even licensed in the State of Illinois."

Mr. Will to Mr. Bono "That's why I'm with counsel. No, I'm not.

- 24 Have not entered appearance in re asbestos litigation as filed by The Simmons Firm? Have not been admitted pro hac vice in Illinois in re asbestos litigation filed by The Simmons Firm. That's why here with co-counsel.

Mr. Bono - Well, let him make his objections.

EXAMINATION RESUMED BY MS. JAGGER

Referring to Exhibit B, I recognize the document, I prepared it. It represents following the review I made of GP Formulas; it's a history of those joint compounds and texture formulas that contained

- 25 SG-210 UC asbestos. I would not be able to quickly and succinctly identify the products manufactured by GP which contained UC asbestos. Went through several hundred documents and just wouldn't be possible to remember without making some kind of a history.

EXH. B. TENDERED INTO EVIDENCE BY MS. JAGGER

Exhibit B relates only to GP Products and UC asbestos. Certain-Teed Corporation joint compounds never contained UC asbestos.

26. Companies who supplied asbestos to Certain-Teed for joint compounds were Phillip Carey Co. And Johns Manville. Bestwall Gypsum joint compounds never contained UC asbestos.

Companies who supplied Bestwall Gypsum with asbestos used in their joint compounds were Johns Manville Corp. And Philip Carey Company. GP joint compounds did contain UC asbestos. UC was not the only supplier of asbestos to GP. Other suppliers were Johns Manville and Phillip Carey. There were instances where a particular joint compound would contain asbestos supplied by more than one company.

27. You can determine what company supplied the asbestos used in a particular formula by the designation in the formula itself. For instance, Exhibit A, Page A-1, Ready Mix Filler, Acme, Texas, it says under "Raw Materials" Asbestos 7RF09. That was the designation used by the Philip Carey Company. Asbestos SG-210 was the designation used by UC. In any given formula if the designation 7RF09 appears that means it was supplied by Phillip Carey.
28. Designation for Asbestos 7RF02 was from Johns Manville Corporation. Designation for Asbestos SG-210 was from UC. In Exhibit B at the top deponent had written "Overall usage dates". The dates were December 29, 1969 to May 4, 1977. December 29 was the first date UC SG-210 was used in GP Joint compound product, and May 4, 1977 was the date when there was no further
29. UC asbestos used in GP Joint compounds. Exhibit B breaks down usage dates by plants and products. Acme Texas plant supplied joint compounds for the southwestern part of the United States. Akron, New York plant supplied Northeastern United States; Chicago, Illinois plant furnished joint compounds in the Midwest.
30. Marietta, Georgia plant furnished southeastern United States. Milford, Virginia supplied in between Akron and Marietta, or the east central part of the U.S. All of these plants were part of the Gypsum Division of GP, but not all were gypsum plants. Products manufactured at the Acme, Texas plant which contained UC asbestos were All Purpose, Triple Duty, Speed Set, non aggregate texture for walls and ceilings, polystyrene ceiling texture and Ready Mix.
31. In Exhibit B the dates and ranges of UC asbestos for those products have been identified. The difference between textures and All Purpose, Triple Duty and Speed Set joint compounds in terms of use is that All Purpose, Triple Duty and Speed Set were used in joint taping and finishing operations in the gypsum wallboard construction, whereas the textures were used as a decorative effect after joints and nail heads and corner beads were all finished. Products manufactured at the Akron, New York plant which contained UC asbestos were drywall adhesive, bedding compound, topping compound and Ready Mix. The dates and amounts of UC asbestos contained in those products have been identified on Exhibit B.
32. Products manufactured at the Chicago, Illinois plant containing UC asbestos were All Purpose, bedding compound, topping compound and Ready Mix. I have set out on Exhibit B the dates and amounts of the use of UC in those products. Products manufactured at the Marietta, Georgia plant which contained UC asbestos were Central Mix and Ready Mix. Dates and amounts of the UC usage for those products are set out on Exhibit B.
33. The only product manufactured at the Milford Virginia plant that contained UC asbestos was Ready Mix. Between September 22, 1972 to May 4, 1977. Ready Mix joint compound manufactured at the

Acme, Texas plant contained UC asbestos. Percentage-wise it was used 3.75 per cent. Not all of the Ready Mix manufactured at Acme, Texas between those dates contained UC asbestos. Ready mix topping furnished between March 8, 1974 and September 10, 1975 in four-gallon cartons and five-gallon pails did not contain SG-210

- 34 asbestos, and all the asbestos-free products did not contain SG-210. Ready mix topping is different from just Ready Mix in that it has a lesser amount of binder because it's not required for taping operations; it sands easier since it doesn't have as much adhesive. General Ready Mix formula is used to tape the joints in gypsum wallboard construction, finish those joints with the same material, cover nail heads so they're hidden, and fill in the corner beads in gypsum wallboard construction. Ready Mix topping can be used for the finishing only.
- 35 Ready Mix joint compound manufactured at the Akron, NY plant contained UC asbestos between December 29, 1969 and May 4, 1977. All of the Akron formulas between those dates contained SG-210 asbestos except for asbestos-free joint compound Ready Mix. I wrote the language in Exhibit B which says: "virtually all formulas up to September, 1970 used 7RF09 asbestos which was supplied by
- 36 Phillip Carey. Akron Ready Mix could have contained some mix of asbestos between December 29, 1969 and September 1970. My notes here say "virtually all formulas..." Maybe some had a combination. From September forward all available formulas used some SG-210 except for
37. asbestos-free. Ready Mix manufactured at Chicago contained UC asbestos between October 21, 1970 to May 4, 1977 with the following exceptions: Between May 20, 1974 and December, 1974 there was a special request formula; between March 1, 1975 and March 23, 1976 there were some special trial shipments made; there were two Ready mix topping formulas available between May 27 1975 and March 22, 1976 and also between March 25, 1974 and March 23, 1976. Those were both Ready Mix - first date was the first Ready Mix and the second date was the second Ready Mix which
38. Contained no SG-210, in addition to the asbestos-free formulas. A special Request formula might have been a different color, might have had some additional workability characteristics, something the customer had requested. If not requested, they would receive the general formulas. Marietta Georgia plant used UC asbestos in all Ready Mix between March, 1972 to May 4, 1977, only exception being the asbestos-free product.

NOTE: Some of the testimony concerning Milford, VA plant was corrected after the break

- 39 Ready Mix joint compound manufactured at Milford, Virginia contained UC asbestos between June 21, 1973 to at least January 20, 1975. I say "at least" because we had a formula for Ready Mix with SG-210 up until January 20, 1975, but a lab document excluded it as of that date. It wouldn't have been available beyond that date. All of the general Ready Mix formulas at Milford Virginia between June 21, 1973 and January 20, 1975 contained UC asbestos.
- 40 Some Ready Mix formulas did not contain UC asbestos from Milford - there were topping. There was a crack-resistant formula furnished on special request; a buff taping formula was special request, as well as the asbestos-free. The information contained in Exhibit B identifies all of the joint compound products of GP which ever contained UC asbestos. I do not recall ever meeting or talking to anyone from UC Corporation.

RECESS TAKEN

EXAMINATION RESUMED BY MS. JAGGER

- 41 Additional questions by Ms. Jagger, correcting earlier testimony regarding Ready mix at the Milford, Virginia plant. I didn't mean to say that it was Ready mix with SG-210 not made between 6/21/73 and on to at least January 20, 1975. I should have said it was used in Ready Mix in those dates. A lab document told us it was not manufactured after that date, it excluded that product after at least January 20, 1975.
- 42 Ms. Jagger (clarifying) Let's make sure we have a clear record. At Milford, Virginia, Ready Mix joint compound containing UC asbestos was manufactured from June 21, 1973 to at least January 20, 1975.
- 43 I Know it was manufactured at least until January 20, 1975 because we had a lab document that included it. With reference to special request formulas, special crack resistant formulas, and things like that, the general Ready Mix formulas would be manufactured at the same time. End of Ms Jagers' question.

EXAMINATION BY MR. BONO

The Acme, Texas plant was largest GP plant that made the joint compound products.

44. Do not know percentage of products they manufactured.

Reference Exhibit B, first product there was All Purpose joint compound; it was a dry product. The Ready Mix line is already mixed with water, comes like a paste in a metal or plastic pail. That was the only line that GP Manufactured that came in pails or buckets. Other joint compound products came in bags in a powdered form. Had

- 45 to be mixed with water. The All Purpose joint compound, No. 1 on Exhibit B, from 3/11/74 to at least 12/16/75 contained SG-210. I think just The Chicago and Acme, Texas plants manufactured it. Moving on Exhibit B to Triple Duty - it's a joint compound, came in a bag; from Oct. 5, 1974 to at least April 22, 1976 all Triple Duty joint compound
- 46 manufactured at Acme, Texas contained UC SG-210 asbestos. Triple Duty was also manufactured at Akron and I believe Chicago, would have to consult the formulas to be sure. If it was manufactured at those plants and used SG-210 it would be on this list - it's not on the list so presumably if it was manufactured, it did not contain SG-210 asbestos. Speed Set is a joint compound, came in powdered form
- 47 sold in a bag. From 6/29/71 to 3/30/74 Speed Set manufactured at the Acme, Texas plant contained UC SG-210 asbestos? No other plants manufactured Speed Set during that time. Textured products are dry products mixed with water, and either have or do not have an aggregate in them, usually spray applied, but they can be - some of them without the aggregate - applied with a brush or some other implement to get a textured surface; used for decorative effect, usually on ceilings, makes little raised ridges or designs on drywall, depending on the particular texture
- 48 you apply. Acoustical was an acoustical plaster. Some of the plasters did contain asbestos, Some

didn't.

OBJECTION BY MS. JAGGER. Discussion off the record.

- 49 At some point in time GP made acoustical plasters that contained asbestos, but not SG-210. From 11/7/72 to March 22, 1973 non aggregate texture contained S-210 made by UC. Can't be sure we didn't manufacture non-aggregate texture elsewhere.
- 50 Between 4/20/72 and 4/17/73 polystyrene ceiling texture contained UC SG-210 asbestos. No other plants manufactured polystyrene ceiling texture other than Akron, Texas. GP Manufactured a product called Ready mix joint compound and also Ready Mix topping compound. Difference between Ready Mix joint compound and Ready Mix topping compound is that the topping compound contains less binder or adhesive so it could not be used to do the taping operation nor the first coat over the nail heads and the corner beads. It had the advantage of being easier to sand as a result of having less adhesive - that was the main difference.
51. Ready Mix joint compound contained SG-210 asbestos between 9/22/71 and 5/4/77. The exception on Exhibit. B. regarding topping compounds from 3/8/74 to 9/10/75 does not affect the Ready Mix joint compound. I would have to consult the actual formula to be sure if some Ready Mix topping compounds also contained SG-210. Akron New York plant product called drywall adhesive was also called stud
52. adhesive. It was a pre-mixed product furnished in a caulking tube, applied to studs to adhere the gypsum board to the studs. Bedding compound came in a bag, contained UC SG-210 asbestos. Akron, Chicago and Acme all made bedding compound. Bedding compound manufactured at Acme, Texas did not contain SG-210 asbestos. Topping compound from Akron, NY plant, from March 30, 1972 to February of 1973, contained SG-210 asbestos.
53. Akron, Acme and Chicago plants all manufactured topping compound. Not all Ready Mix joint compounds manufactured by GP contained SG-210. The asbestos-free did not. When GP Started manufacturing asbestos-free joint compound, they advertised on their labels "Asbestos-free joint compound."
- 54 At Akron NY plant of GP Ready Mix joint compound manufactured by GP Between 12/29/69 and 5/4/77 contained SG-210 asbestos

OBJECTION BY MR. WILL

Not sure if Akron also made a topping compound Ready Mix. Would have to go back in the formulas to be sure. All Purpose joint compound is a dry product.

- 55 Rephrasing question
- 56 From December 5, 1972 until February of 1973 there was some (not al) All Purpose joint compound manufactured with UC asbestos. At the Chicago Illinois plant of GP between March 30 1972 and February 1973, some of the bedding compound contained UC SG-210 asbestos. Between March 30 1972 and February 1973, some of the topping compound contained UC SG-210 asbestos. This is

- 57 the dry formula of topping compound. At Chicago the Ready Mix joint compound manufactured from October 21, 1970 until May 4, 1977 contained UC SG-210. All general formulas during that time contained UC SG-210. Marietta, GA plant was not only plant that manufactured Central Mix - think it was manufactured elsewhere. Between 5/18/71 and January 20, 1975 some of the Central Mix manufactured at Marietta GA. Plant contained UC SG-210 asbestos. Ready Mix joint compound at Marietta Plant contained UC SG-210 asbestos between March 6, 1972 and May 4, 1977,
58. other than asbestos-free. Milford, VA plant, between June 21, 1973 until at least January 20, 1975, Ready Mix joint compound contained UC SG-210 asbestos. There was inter-regional moving of product I'm sure at times.

RECESS FROM 12:40 PM TO 12:51 PM

RESUMED EXAMINATION BY MR. BONO:

- 59 Referring to GP Group Exhibit A, identified by deponent as GP formulas for various GP Joint compound products containing SG-210, all of which were prepared by deponent or under his direction while head of the GP Research and Development Dept.
- 60 are all true and accurate copies of the formulas of GP meaning those are good copies of the formulas that existed in the time frame listed. Records kept by me in normal course of business at GP They came from the records of GP Corporation.

EXAMINATION BY MR. KOHLBURN

- 61 In 1951 when first started with Certain-Teed there was not a separate company known as Bestwall.

OBJECTION - MS. GEISE

That separate company came into being in May of 1956. Between 1951 and 1956 (the time deponent started and the time a separate company called Bestwall was formed.) President or CEO of Certain-Teed was Rawson Lizars.

- 62 Corporation was called Bestwall Certain-Teed Sales Corp. Function was to market products of both companies.

OBJECTION - GEISE

I know that because I was there when it all happened. As of 1956 I went to work for Bestwall Gypsum Company. Between 1956 and 1965, CEO of Bestwall was Rawson Lizars, also of Certain-Teed

- 63 and the Sales Corporation. Between June, 1956 and 1965 all three companies, Certain-Teed, Bestwall and Bestwall Certain-Teed, had their headquarters at the same building in Ardmore, PA. Between June 1956 and 1965 Certain-Teed and Bestwall both had laboratory facilities in the same building in Paoli, PA. At that time I worked at Paoli laboratory of Bestwall Gypsum Company. As far as I know between 1956 and 1964, Bestwall sold all of its products through the Certain-Teed Bestwall Sales Corporation.

OBJECTION - GEISE

- 64 Certain-Teed also sold all of its products between 1956 and 1964 through Bestwall Certain-Teed Sales Corporation. Having been there from June, 1956 through 1964 I know that Certain-Teed Bestwall Sales Corporation provided all of the marketing and advertising for both Certain-teed and Bestwall

OBJECTION - GEISE

Per previous testimony, supervisor at Paoli was Mr. Shuttleworth.

- 65 Between 1956 and 1965 Mr. Shuttleworth reported to Mr. Hoggatt. Mr. Hoggatt reported to Mr. Grieve. Mr. Grieve was a Bestwall employee

OBJECTION - GEISE

There were people who worked for both companies, Bestwall and Certain-Teed from 1956 to 1965

OBJECTION - GEISE

- 66 Those people were the Bestwall Certain-Teed Sales Corporation employees. Unless there were management people, I don't know of anyone excluding the Sales Corp. Employees who worked for both Bestwall and Certain-Teed from 1956 to 1965 other than Mr. Lizars. From 1956 to 1965 everyone that worked for Bestwall and for Certain-Teed eventually reported to Rawson Lizars.

- 67 **OBJECTION - GEISE**

Regarding same upper management running both Certain-Teed and Bestwall, can't answer for Certain-Teed, but Bestwall had some changes in management during the period 1956 and 1965

OBJECTION - GEISE

- 68 I don't know who negotiated the merger between Bestwall and GP in 1965.

OBJECTION - GEISE

Before 1965 there were other companies other than GP Looking at acquiring Bestwall from Certain-Teed.

OBJECTION - GEISE

I know that because companies came through the laboratory and plants as well, from other companies apparently interested in purchasing the Bestwall Gypsum Company. I can recall the Johns Manville Corp. And Weyerhaeuser were two of them.

- 69 It was the general feeling that from the time Certain-Teed created Bestwall in 1956 until it was acquired by GP In 1965, Certain-Teed was actively seeking a purchaser for Bestwall. Basis for the feeling was visitors from other companies that came to facilities.

OBJECTION - GEISE

During period 1951 through 1956 Certain-Teed manufactured and sold asbestos-containing products as part of its gypsum business, which included joint compounds.

70. I recall one brand name - Certex. During period of 1951 and 1956 Certex made and sold reinforcing joint finishers that contained asbestos. Brand name eventually called Bestwall Products, but I'm not sure exact date that happened. Just for 1951 and 1956 the only name I can remember was Bestwall. I'm not sure without looking at formulas if from 1951 and 1956 Certain-Teed made and sold any asbestos-containing patching plasters.
71. Between 1951 and 1956 Certain-Teed made and sold asbestos-containing textures. Brand name was Certex. Same period Certain-Teed made and sold asbestos-containing acoustical plasters, brand name was Lite Acoustic. I am familiar with product called Kalite. Not sure without consulting formula if it is an asbestos-containing acoustical plaster.
72. For period of 1951 to 1956 Certain-Teed made and sold asbestos-containing bedding compounds. Cannot recall brand name or trade name other than the Bestwall name. For Period 1951 and 1956 did not make and sell any asbestos-containing topping compounds, unless it was the Bestwall name previously given. For period 1951 to 1956, gypsum line of products only, cannot recall any other types of asbestos-containing products made and sold by Certain-Teed. Switching to period of 1956 to 1965, Bestwall made and sold asbestos-containing joint compound - only brand name can think of is Bestwall
73. Bestwall made and sold asbestos-containing reinforcing joint finishers between 1956 and 1965 under the Bestwall name. Not sure if Bestwall made and sold asbestos-containing patching plasters between 1956 and 1965 - would have to consult the formulas. They made and sold asbestos-containing textures between 1956 and 1965. Other than just the Bestwall name
74. there was a Bestex name used. Between 1956 and 1965 Bestwall made and sold asbestos-containing acoustical plasters. Other than Bestwall name there was just the Lite Acoustic. Can't think of any other brand name or trade name associated with asbestos-containing bedding compound. Bestwall made during period 1956 to 1965 asbestos-containing topping compounds.
75. Other than Bestwall name can't recall any brand or trade name associated with asbestos-containing topping compounds between 1956 and 1965. Other than products for Bestwall just talked about for period 1956 to 1965 other types or brand names or trade names of asbestos-containing products made and sold by Bestwall were Triple Duty which was a dry product used for taping and finishing joints in drywall construction, used also for texturing; there was
76. One Day joint compound. Per previous testimony, deponent worked on the development of the Ready Mix joint compound indicating it was put on the market in about 1965. Believe we started limited marketing prior to 1965. Per previous testimony Ready Mix is different from other joint compounds because it comes with water already added and others come dry and have
77. to be mixed. From 1951 to 1956, Certain-Teed made and sold asbestos-containing joint compounds, Between 1951 and 1956. None were of a premixed type. Not all came in a bag from 1951 to 1956.

- 78 some came in a box. It was always a dry product during that time. Between 1956 and 1965 joint compounds made by Bestwall, other than Ready Mix
- 79 were dry products that came in bags or boxes.

End of questioning by Mr. Kohlburn. Recess taken 1:18 to 1:31. Beginning of Tape No.2

EXAMINATION BY TREVOR WILL

Referring to Exhibit B, right hand side is a column for comments.

- 80 Second page of Exh. B for Akron, NY and Chicago IL plants there is "Dow Resin" with an asterisk. Dow Resin was a formula marketed only briefly and failed, so only available for some number of months. Dow Resin was an ingredient in these products. Product failed in that it cracked after it dried and in some cases fell away from the corner beads. Back to first page of Exh. B. in "comment column is written "Memphis only" because it was
- 81 manufactured for the Memphis market only. So UC SG-210 was included only in the All Purpose that was sold in the Memphis market during those time periods. Other All Purpose product made at the Acme plant that did not contain UC S-210 asbestos. Triple Duty under Acme, TX, comment is "Denver only - Gardineer" which means product was manufactured and shipped strictly to Denver for Gardineer Drywall - a large drywall company. That means there was other Triple Duty made at the Acme, TX plant during October 5 1974 to April 22, 1976 period that did not
- 82 have UC SG-210 in it. I hope I didn't say in earlier testimony that "all of the Triple Duty made at the

OBJECTION BY BONO

Acme, TX plant between October of '74 and April of '76 would have had UC asbestos in it.." because that would have been a mistake. Clarification statement by Mr. Will: The only Triple Duty out of the Acme, TX plant that had UC SG-210 was the Triple Duty sent to the Gardineer contractor in the Denver area. Next item: Speed Set

- 83 Originally called "One Day" may have been made before 6/29/1971, name later changed to Speed Set. Don't know why name changed. One Day and Speed Set are the same product. Before June 19, 1971, I'm not sure Speed Set even contained asbestos, would have to consult formulas. Hereinafter when refer to Speed Set includes One Day as well. Speed Set was made at plants other than Acme, TX. Speed Set not
- 84 listed under any of the other plants, which indicates no formulas found that called for UC SG-210 in that product at those other plants. To know years Speed Set or One Day was made, would look at GP Formulas, which I haven't memorized. Ready Mix line of products was made starting in 1965 or maybe a little earlier, and it had asbestos in it up until May of '77. Prior to using UC SG-210 asbestos Phillip Carey 7RF-9 was primary asbestos used.
- 85 SG-210 was introduced into the Ready Mix on different dates for different plants; e.g. Chicago began using SG-210 in October of 1970, and Acme, TX didn't begin using it in Ready Mix until September of '71. So in Acme, TX until September of '71 Acme would have been using the Philip Carey of the

Johns Manville or some combination. By Mr. Will: Mr. Bono in his questioning pretty much went through your exhibit plant by plant asking about the products and dates. Sometimes he made it a point of saying this product was made at this particular plant for these particular dates with Union

86 Carbide and sometimes he would just say this product for these dates.

OBJECTION BY BONO

I don't remember that. Looking at Exhibit B, outside the limits of these were the limits we gave for the use of the SG-210, and we gave exceptions to that.

87 "So we said all formulas contained SG-210 except..." If they were making Ready Mix in Acme, TX in June of 1970, it was without UC SG-210; if making Speed Set or One Day in Akron, NY, it was without UC asbestos, but Speed set WAS NOT manufactured in Akron or in Chicago

88 It was manufactured in plants other than Acme but Acme only place UC SG-210 was used. Triple Duty was manufactured at places other than Acme - would have to go back through the formulas to be sure, but certain it was made at other plants. Triple Duty not listed as containing SG-210 at any plant other than Acme. If made at other plants it was made without SG-210

89 If product was made at different plant without SG-210 it is not listed on Exhibit B. Percentages of SG-210 is by weight

90 Some products had more than one type asbestos in them. Exh. B does not list other types, but it does list the percentages. Referring to randomly selected page A-119 of Exh. A regarding Speed Set having SGP

91 0018388 for identification, hand numbered Exhibit A-119. That is a formula for Speed Set joint compound from the Acme, TX plant dated June 29 of 1971, showing SG-210 was in the product formula at .5% of weight. Also Shows the Phillip Carey 7RF09 was in the formula

BONO OBJECTION

at 2.25%. When put together Exh. B, did not list percentages of other companies'

92 asbestos

BONO OBJECTION

In putting together Exh. B looked at hundreds of pages of formula. Have copy of all of the formulas for GP joint compound products, somewhere near 300 or more. In two boxes about 2' x 3'. Don't know the exact dimensions of box.

93 Exhibit A contains 123 pages of formulas. When formula changed slightly, revision was issued. So in Exh. A there are formulas in effect for a very short period of time, then replaced by another one. Exh. B summarized time period covered in total by all of those formulas.

94 In putting together Exhibit B I worked from large volume of formulas I have at home, not from Exhibit

A. Mentioned lab document with respect to the Marietta, GA plant, not in Exhibit A, they are something different. In Exh. A, some documents have handwriting on them, don't know whose. First page, A-1 has a number on it, S.P. 0017274, do not know significance of it.

- 95 I looked at these, was not sure what the author had in mind. Insofar as the asbestos amounts, I relied on the printed or typed material, not handwritten material. Looking at Exh. B again, Akron New York Plant, reference Ready Mix (2nd page) note says in December 29, 1969 first formula was changed to include some SG-210, but up until September 7, 1970 most Ready Mix products from Akron, NY used exclusively Phillip Carey 7RF09. Starting in September, 1970 all available formulas except for asbestos-free used UC SG-210. Most Ready Mix products made prior to
- 96 September, '70 would not have contained SG-210. First products that contained it were manufactured on December 29, 1969. For the next 9 months, up until September of 1970 most, or "virtually all" did not have the SG-210. There was an overlapping. I don't know exactly how many different Ready Mix products were there, or formulas were there, but there were some number of different Ready Mix formulas.
- 97 I did testify under Akron, NY, some formulas got SG-210 starting December 29, 1969, but most of them did not contain SG-210 until September of 1970. To know which formulas had SG-210 as of Dec. 29, 1969, I would look at formulas themselves.
- 98 I said sometimes a product was shipped from a plant in one area to a region typically served out of another plant. It depended on the product. I don't know of any hard and fast geographic lines where one plant served and didn't go outside its area. The circumstances under which product from one plant might be sent halfway across the country, for example: Acme only plant that made polystyrene textures and was the only plant that manufactured most of the textures, so they would ship to other plants so textures could be marketed along with the products they had. Don't know of any instance where Ready mix
- 99 would have been shipped to a different region. When one plant didn't manufacture the product, they would get it from a plant that did. I don't know boundary lines for service areas of any of the plants. In terms of volume of asbestos, I don't know biggest supplier of asbestos to GP for use in joint products

OBJECTION - BONO

- 100 I have no way of comparing how much UC asbestos was purchased versus how much Phillip Carey asbestos was purchased

OBJECTION - BONO

A product could not be made with a change from the approved formula under certain circumstance. I have no sense of what quantity of product was made for any formulas set out in Exhibit B.

END OF QUESTIONING BY MR. WILL

EXAMINATION BY MS. GEISE (FOR CERTAIN-TEED)

- 101 Deponent was hired by Certain-Teed in 1951 as a chemist, ~~was still~~ a chemist when Bestwall Gypsum was created, main responsibilities being formulating joint compounds acceptable in the market place. In about 1955 or
- 102 maybe 1954, was given responsibility for formulating joint compounds at request of Sales Department. Job didn't change between '56 and '60. I was never an officer of Certain-Teed. In 1960 they created a small Research Department, I was working group leader - was never an officer.
- 103 Was never an officer of Certain-Teed Bestwall Sales Corp. or of Bestwall Gypsum Corp, and never a director of any of those three corporations. Did not attend board meetings, was not familiar with minutes of board meetings of those corporations. I am not a lawyer. I am not familiar with the separation agreement in 1956 between Certain-Teed Products Corporation and Besgtwall Gypsum Corporation; was not involved in negotiating that agreement or in drafting it
- 104 or in carrying it out. Don't know financial arrangements between Certain-Teed Products Corporation, Certain-Teed Bestwall Sales Corporation and Bestwall Gypsum Corporation. First supervisor at Certain-Teed was Gilbert Hoggatt, then Mr. Shuttleworth. Mr. Shuttleworth was first supervisor when worked for Bestwall Gypsum Company
- 105 We both followed the business up to 1967. When worked for Certain-Teed - 1951 to '56, the fiber was all chrysotile or white fiber asbestos.
- 106 Referring to Mr. Kohlburn's questioning,
- 107 can't think of any other type product between 1951 and 1956 containing asbestos which Certain-Teed manufactured through its Gypsum Division.

END OF GIESE'S QUESTIONING

ADDITIONAL EXAMINATION BY MS. JAGGER

Acoustical plaster is not a product listed on Exhibit B. Can't be exactly sure of dates, but Certain-teed did manufacture acoustical plaster during my employment through the Certain-Teed Bestwall dates. GP never manufactured acoustical plaster.

ADDITIONAL EXAMINATION BY MR. BONO

- 108 Referring to 1951-'56 time frame - question rephrased several times.

OBJECTION - JAGGER - EXCHANGE BETWEEN ATTORNEYS JAGGER, PLOTNER, GEISE, AND BONO

- 109 Certain-Teed invented and patented a product called Firestop Wallboard. Original patent called for use of asbestos fibers.
- 110 Exchange between Jagger and Bono concerning agreement not to discuss Vermiculite

ADDITIONAL EXAMINATION BY MS. GEISE:

111 Certain-Teed did not market Firestop with asbestos fibers between 1951 and 1956. I know that because I was there and witnessed the events that occurred with the patents and the marketing of the Firestop products. The first patent was Mr. Croce's and it contained asbestos. Very soon after Mr. Shuttleworth and Mr. Croce jointly came up with use of fiberglass in lieu of asbestos to manufacture a type X or Firestop board, and it was that product that went through building codes and got acceptance and marketed. There were further patents that were prosecuted with the glass fiber in them and that was the board that was ultimately manufactured.

112 Firestop was not marketed between '51 and '56 with asbestos in it.

113 EXCHANGE BETWEEN JAGGER, BONO, AND WILL

ADDITIONAL EXAMINATION BY MR. BONO

114 Between 1951 and 1956 Firestop Wallboard was not manufactured and sold with asbestos fibers as a constituent or as an added ingredient in the Firestop Wallboard

END OF DEPOSITION