

NO. 83-46309

LEE EATON, ET UX : IN THE DISTRICT COURT OF
VS. : HARRIS COUNTY, T E X A S
CLEMTEX, INC., ET AL : 55TH JUDICIAL DISTRICT

DEPOSITION OF KENNETH SCHEEL

COPY

taken on the 21st day of March, 1985, beginning at
11:15 a.m., in the offices of Williams & Blizzard,
Lyric Centre Building, 440 Louisiana, Third Floor,
Houston, Texas, before Karen J. Ingram, a Certified
Shorthand Reporter and Notary Public in and for the
State of Texas, pursuant to Notice and the Texas Rules
of Civil Procedure.

IT WAS AGREED by and between counsel that the
original of the deposition of Kenneth Scheel shall be
sent to Mr. Edward Blizzard for the purpose of
obtaining the signature of the witness thereon before
any Notary Public.

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Houston, Texas 77002
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1 what did you make them for?

2 MR. STAHL: I'm going to object to
3 the form of the question because it has
4 Mr. Crow testifying as to the fine
5 distinction aspect; and in that aspect,
6 I'm going to object to the question.

7 Q (By Mr. Crow) Is he your lawyer? Have you ever
8 met him before?

9 MR. STAHL: I'm making objections
10 to the form of the question, Mr. Crow.

11 MR. CROW: And I can't stop you
12 from doing that. We're taking it by the
13 rules.

14 MR. STAHL: That's right, so you
15 may ask -- insofar as my client's
16 concerned, I object to the form of the
17 question as a fine distinction because
18 that is you testifying.

19 Q (By Mr. Crow) What did 3M intend these disposable
20 masks to do if not to provide either complete or
21 partial protection to the human lung?

22 A Which ones are you speaking of now?

23 Q The ones made before 1972.

24 A '72? They are designed strictly to offer relief
25 from an irritant value of nuisance dust. They

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1 have nothing to do with protecting the human lung.
2 That's all we do.

3 Q If they were not designed to protect the lung,
4 were they designed to protect the nose, the mucous
5 membrane, the esophagus? What do you mean when
6 you say they were designed to protect only against
7 did you use the word irritants?

8 A Yes.

9 MR. BLIZZARD: Wait, what's the
10 question?

11 Q (By Mr. Crow) What were they designed to do if
12 not to protect the lung? Can you elaborate on
13 that for me?

14 A It's designed to keep things that are called
15 nuisance dusts out of the upper airways, nose,
16 mouth that would cause people to be uncomfortable;
17 and as a result, they would offer relief from that
18 irritant. Irritant is maybe a bad word because it
19 can sometimes be construed as something harmful to
20 you. Not something harmful to you at all, just a
21 nuisance, simply a nuisance to have, and that 85
22 dust mask keeps that out of your nose and mouth.

23 Q Well, we have on the table for the record, because
24 the record sometimes is sightless, we have three
25 masks. One is the 8500 with the blue band, right?

1 THE STATE OF TEXAS :

2 COUNTY OF HARRIS :

3 I, Karen J. Ingram, a Certified Shorthand
4 Reporter and Notary Public in and for the State of
5 Texas, do hereby certify that the facts stated in the
6 caption to the foregoing deposition are true; that said
7 deposition was taken before me at said time and place,
8 pursuant to said notice and agreements, the said
9 witness, Kenneth Laurence Scheel, having been by me
10 first duly sworn on oath; I further certify that said
11 deposition was reported by me in shorthand, later
12 reduced to typewriting under my personal supervision,
13 and the above and foregoing 240 pages of typewriting
14 constitute a true and correct transcript thereof.

15 I further certify that the charge for the
16 preparation of the foregoing completed transcript is
17 \$_____ charged to _____.

18 Given under my official hand and seal of
19 office on this, the 14th day of May,
20 A.D., 1985.

21
22
23 Karen J. Ingram
24 Karen J. Ingram, C.S.R.
25 Certificate No. 1175
Expires 12/31/86

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