

IN THE CIRCUIT COURT OF THE
THIRTEENTH
JUDICIAL CIRCUIT OF ALABAMA
MOBILE COUNTY

IN RE:

ALL ASBESTOS-RELATED AND
PERSONAL INJURY OR WRONGFUL
DEATH CASES FILED OR TO BE
FILED IN MOBILE COUNTY,
ALABAMA.

* * * * *

Deposition of WINDSOR JOHNSON, taken before
Elizabeth S. Girvan, Commissioner, in the law offices of
Gardner, Middlebrooks & Fleming, 64 North Royal Street,
Mobile, Alabama, on April 1, 1992, commencing at
approximately 10:00 a.m.

(O R I G I N A L)

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* * * * *

I N D E X

Witness

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S T I P U L A T I O N

It is stipulated by and between the parties hereto and their respective attorneys at law that the deposition on oral examination of the witness, MR. WINDSOR JOHNSON, may be taken before Elizabeth S. Girvan, Commissioner and Notary Public, State of Alabama at Large, and that the said deposition shall be taken in accordance with the provisions of the Alabama Rules of Civil Procedure.

* * * * *

1 MR. WINDSOR JOHNSON, having first duly sworn to speak
2 the truth, the whole truth, and nothing but the truth,
3 testified as follows:
4

5 MR. COBB:

6 Before we get started, I just want to note an
7 objection or two on the record. On behalf my client,
8 Garlock, we object to this deposition going forward
9 as it relates to the Stanford case based on the
10 judge's ruling in court yesterday, Judge Cunningham's
11 ruling that Dr. Rowell has been excluded as a witness
12 in the Stanford case. Therefore, any testimony from
13 this witness relating to chain of custody as it
14 relates to Stanford is irrelevant.

15 We also object to any attempt to use this
16 deposition at the Stanford trial or any subsequent
17 trial.

18 MS. SKELNIK:

19 It's my understanding this deposition is being
20 taken in re all asbestos cases pending in Mobile
21 County filed by Baron & Budd.

22 Okay. We'll begin.
23

EXAMINATION

BY MS. SKELNIK:

Q Sir, would you please state your full name for the record?

A Windsor Johnson.

Q Mr. Johnson, tell us please where you reside.

A Coden, Alabama.

Q How long have you lived in Coden, Alabama?

A All my life.

Q Would you please state your date of birth and tell us how old you are?

A August the 19th, 1932.

Q And that would make you how old, Mr. Johnson?

A Sixty.

Q Just briefly, could you give us an idea how far along you got in school?

A The ninth grade.

Q Are you married?

A Yes, sir.

Q What is your wife's name?

A Dorothy Johnson.

Q Do you and Dorothy have children?

A Have one son.

1 Q Mr. Johnson, are you currently employed?

2 A Yes, ma'am. I'm a shrimper. I'm a commercial
3 shrimper.

4 Q How long have you been a commercial shrimper?

5 A Since 1982.

6 Q Where do you do your shrimping?

7 A In Louisiana.

8 Q Have you always lived in the Alabama area?

9 A Yes, ma'am.

10 Q Before you took up the trade of shrimping, what
11 type work did you do?

12 A I was an asbestos worker out of Local 55.

13 Q Tell us what an asbestos worker is. What kind
14 of work did do you?

15 A You block all kinds of boilers, pipes, ducts,
16 just anything that's hot and cold.

17 Q And you were an insulator, did you say, for
18 twenty-seven years?

19 A Yes, ma'am.

20 Q You said you worked out of the local. What does
21 that mean?

22 A That's the local union out here on 908 Butler
23 Drive. It's Asbestos Workers' Local Number 55.

1 Q And when you worked out of the union, how did
2 you go about finding jobs?

3 A Through the business agent. I started serving
4 my apprenticeship in Ingalls Shipyard. I was voted in
5 September the 8th of '52. I served an apprenticeship of
6 four years at Ingalls Shipyard.

7 Q Would the union find jobs to send you out to?

8 MR. COBB:

9 Object to the form.

10 THE WITNESS:

11 Yes, ma'am.

12 BY MS. SKELNIK:

13 Q Could you tell us briefly some of the different
14 places you worked as an insulator over the course of your
15 twenty-seven years?

16 A Well, I worked in Avondale. I worked out of
17 Local 53 in New Orleans, out of Baton Rouge. Worked in
18 the Standard Refinery. I worked in all kind of office
19 buildings downtown. I mean, I can't give you all those
20 names. I know I worked in the Godchaux building one time.

21 Q Have you worked in shipyards?

22 A Yes, ma'am. I worked Avondale, quite a few
23 times in there. It would be like a couple of weeks or a

1 month at a time.

2 Q Have you worked in various paper mills?

3 MR. COBB:

4 Object to the form.

5 THE WITNESS:

6 Yes, ma'am. I worked in all kind of paper
7 mills. Worked out here for Scott Paper Company,
8 International Paper Company. Worked at Moss Point,
9 Mississippi. Standard Oil that used to be Chevron in
10 Pascagoula here.

11 BY MS. SKELNIK:

12 Q Now, when you had done this insulating work,
13 what type materials would you use to insulate with?

14 A I'd use One-Cote mud, 7M finishing mud.

15 Q I guess what I'm asking is, can you give us just
16 generally an idea of the types of products you would use?

17 A Block and pipe covering, whatever the job called
18 for. Some called for Mono-Block. That's a soft
19 fiberglass material. Some would call for blocking like
20 Kaylo, that nature. Whatever the specification called
21 for.

22 Q Are you familiar with the use of asbestos
23 products on job sites?

1 MR. COBB:

2 Objection.

3 THE WITNESS:

4 Yes, ma'am.

5 BY MS. SKELNIK:

6 Q I'd like to talk with you about some of the
7 products you used as an insulator. Can you please
8 describe for us what a gasket is?

9 MR. CORRIGAN:

10 Object to the form.

11 THE WITNESS:

12 A Garlock gasket, it would either come in sheets
13 or form-fit gasket, like flange-fit gaskets. It
14 would come in different thicknesses, like one eighth
15 thick or a quarter inch thick. It would either come
16 form fitted for the flange -- the size for a pipe
17 flange goes from three inch, four inch, five inch,
18 get on up to six inch. It comes either made in
19 flange form or it comes in a roll-out sheet.

20 BY MS. SKELNIK:

21 Q Now, you had mentioned a Garlock gasket. What
22 do you mean by a Garlock gasket?

23 A Well, it comes in steam, fitted into steam

1 lines. And boilermakers, they fit it into flanges, like
2 doors and fireboxes, around fireboxes.

3 Q All right. And when you say Garlock, is that
4 the manufacturer, or are you talking about a specific type
5 of gasket?

6 MR. COBB:

7 Object to the form.

8 THE WITNESS:

9 No. All I seen is the name Garlock stamped on
10 the gasket material. I don't know if that was a
11 manufacturer or not. It come with that name on it.

12 BY MS. SKELNIK:

13 Q Did you use the Garlock gaskets yourself?

14 MR. COBB:

15 Objection. I need to interrupt and get an
16 objection on the record. It's my understanding that
17 this witness has been identified as a
18 chain-of-custody witness. The testimony being
19 elicited has nothing to do with chain of custody, and
20 I object to any of it, any continuation, and I'd like
21 to have a running objection.

22 MS. SKELNIK:

23 That's fine. We're getting to --

1 THE WITNESS:

2 What was the question?

3 BY MS. SKELNIK:

4 Q Did you personally use the Garlock gaskets?

5 MR. COBB:

6 Objection.

7 THE WITNESS:

8 No, ma'am. That would be pipefitters and
9 boilermakers would be using that on the job.

10 BY MS. SKELNIK:

11 Q How close would you work to the pipefitters and
12 boilermakers when they were using the Garlock gaskets?

13 MR. COBB:

14 Objection.

15 THE WITNESS:

16 Right side by side, just right around them.
17 They all be fitting it, and we'd be blocking the
18 boilers.

19 BY MS. SKELNIK:

20 Q Do you remember how the Garlock gaskets came
21 packaged or how they arrived on the job sites?

22 MR. COBB:

23 Object to the form. Lack of foundation.

1 THE WITNESS:

2 They would either come in boxes or they
3 come in rolled sheets. Like, it would be either
4 thirty-six inches wide or forty-eight inches wide,
5 whichever -- I mean, I've seen it in all sizes,
6 twenty-four by twenty-four, or thirty-six by
7 thirty-six. It always come in rolls. It come in a
8 roll.

9 BY MS. SKELNIK:

10 Q And you had told us before a little bit about
11 how they were applied. Can you describe for us how the
12 pipefitters applied the gaskets?

13 MR. COBB:

14 Objection.

15 THE WITNESS:

16 If it was a form-fit gasket, it come already
17 made in a form, or they laid it down and made it.
18 They made the flange right on the job. They'd cut
19 it, or draw it out and cut it out.

20

21 BY MS. SKELNIK:

22 Q And what were the conditions like when the
23 gasket was cut? Do you recall?

1 MR. COBB:

2 Objection.

3 THE WITNESS:

4 Well, it would be dust from it. It be a residue
5 from it.

6 BY MS. SKELNIK:

7 Q Mr. Johnson, I'm going to show you some samples
8 of some products I have here in a plastic bag and ask if
9 you can identify it. The first sample I have here -- for
10 purposes of the record, I'll be handing you a piece of
11 material in the shape of an R, about seventeen inches long
12 and two and three eighths inches wide with one-inch
13 diameter holes punched out. I'm going to ask you to take
14 a look at it and tell me if you recognize it.

15 A Yes, ma'am. I gave that to Judy.

16 Q Okay.

17 MR. COBB:

18 Objection. Just for the record, there is a
19 yellow sticky tag inside the plastic bag with writing
20 on it which identifies it as Garlock.

21 MS. SKELNIK:

22 And for purposes of the record, there's a yellow
23 tag stuck to the gasket and it has the word "Garlock"

1 written on it.

2 MR. COBB:

3 Which is not part of the gasket.

4 THE WITNESS:

5 This is a form gasket right here. This can be
6 eight inch -- I can measure the circle. This is part
7 of a circle, if you look at it. It will make a
8 complete circle. That's a form flange gasket with
9 the holes already fitted in it. That would be a
10 gasket -- it would be ordered a form-fit gasket.

11 BY MS. SKELNIK:

12 Q I'm going to hand you what I have here in
13 another plastic bag, a piece of material measuring about
14 six inches by five inches by one sixteenth inch thick, and
15 I'm going to ask you if you can identify it for me.

16 MR. COBB:

17 Objection.

18 THE WITNESS:

19 Yes, ma'am. I also gave this to Judy. This is
20 a sheet packing. Now, this comes one eighth thick or
21 it could come three sixteenths thick, whatever the
22 pressure of the steam or the heat that they would be
23 applying it. In other words, if this was applied to

1 a furnace door where they was going to seal the
2 furnace door fireboxes, it would either be thicker
3 than what this is. And I gave this to Judy also.

4 MR. COBB:

5 For the record, that also has what are posted
6 notes with handwriting on them which identify the
7 product prior -- they were on there when the witness
8 identified them.

9 MS. SKELNIK:

10 And I will stipulate that there are two yellow
11 tags that say Garlock gasket material on each of the
12 products.

13 BY MS. SKELNIK:

14 Q Mr. Johnson, you said you gave them to Judy.

15 Judy who?

16 A Judy Bruton.

17 Q And who is Judy Bruton?

18 A She's a paralegal for Baron & Budd.

19 Q How did these two materials, these Garlock
20 samples, come into your possession?

21

22 MR. COBB:

23 Object to the form.

1 THE WITNESS:

2 I took them off of a job.

3 BY MS. SKELNIK:

4 Q What job did you take them off of?

5 A I'm pretty sure I got those off of Standard Oil
6 in Pascagoula.

7 Q Do you recall when you would have picked these
8 materials up at Standard Oil?

9 A Sometime in '63.

10 Q When did you give them to Judy Bruton?

11 A Just here recently, last summer sometime. I
12 don't know. I'd have to get down the dates.

13 Q To the best of your knowledge, you believe it
14 was last summer?

15 MR. CORRIGAN:

16 Objection.

17 THE WITNESS:

18 Last summer sometime.

19 BY MS. SKELNIK:

20 Q When you gave these materials to Judy, why did
21 you give them to her?

22 A If I can find any material that I worked with,
23 I'm going to let her check it out. I give it to her to

1 check it out, see if it was asbestos-related.

2 Q From the time that you picked these materials
3 up -- you said in the '60s?

4 A Yeah.

5 Q What were you doing with them from the 1960
6 period up until last summer when you gave them to Judy?
7 Where have you kept them?

8 A I kept them in a shed. I've got quite a bit of
9 this stuff in a shed. I used to buy some of the stuff
10 when the jobs was finished. I worked for a contractor.
11 When they're through with it, they just pile it out there
12 and you can buy whatever you want of it. Mainly why I
13 bought this stuff here, I have a boat and you have to use
14 this in the exhaust pipes. You can't use any kind of a
15 gasket. It's got to be a good hard asbestos gasket.

16 Q Can you tell us if these Garlock materials that
17 you've identified, to your knowledge do they appear any
18 different from those materials that you saw on the
19 different job sites during your career?

20 MR. COBB:

21 Objection.

22 THE WITNESS:

23 No, ma'am. They're the same thing.

1 BY MS. SKELNIK:

2 Q Mr. Johnson, the materials that you have given
3 to Judy Bruton, while they were in your possession did you
4 ever tamper with them, destroy them, alter them, or change
5 them in any way?

6 MR. COBB:

7 Objection.

8 THE WITNESS:

9 No, ma'am, other than just using them for
10 exhaust gaskets, you know, in boats. I give them to
11 people.

12 BY MS. SKELNIK:

13 Q Do these materials that I have here in front of
14 you, the two Garlock samples, do they look in appearance
15 to be the materials that you gave to Judy Bruton?

16 MR. COBB:

17 Objection as to form.

18 THE WITNESS:

19 Yes, ma'am.

20 BY MS. SKELNIK:

21 Q You had mentioned that on the Garlock gaskets
22 they had the name Garlock stamped on them. Would you take
23 a look at that gasket, and can you point that out if that

1 appears on this gasket?

2 A Yes, ma'am. Right here. Garlock gasket is
3 plainly wrote right on it.

4 Q And is that the type stamp you saw on the other
5 type gaskets you talked about?

6 A It would be printed on it, yes, ma'am.

7 Q Mr. Johnson, I'm going to show you the sheet
8 packing material that was in the other sample that we had
9 talked about. And again I'm going to ask you, is this the
10 type Garlock stamp that you routinely saw on the other
11 Garlock materials?

12 MR. COBB:

13 Objection.

14 THE WITNESS:

15 Yes, ma'am. It's plainly wrote on it. And to
16 make another note, this is pure asbestos, too.

17 MR. COBB:

18 Objection. Lack of foundation.

19

20 BY MS. SKELNIK:

21 Q Mr. Johnson, when you had used these or seen
22 these materials on the job sites, did you ever see any
23 warning on the materials?

1 MR. COBB:

2 Objection.

3 THE WITNESS:

4 No, ma'am.

5 BY MS. SKELNIK:

6 Q Was there any type of package insert telling you
7 about the dangers of asbestos?

8

9 MR. COBB:

10 Objection.

11 THE WITNESS:

12 No, ma'am.

13 MR. COBB:

14 I guess the record should indicate that counsel
15 for the plaintiff has unwrapped these gaskets and
16 passed them about the room and has handled them
17 herself.

18 THE WITNESS:

19 What he just stated there is the truth. To
20 handle that one time is as good as handling it all of
21 your life, to breathe that dust one time. I'm
22 talking about a doctor told me that I got an asbestos
23 case --

1 MR. CORRIGAN:

2 I'm going to object and move to strike as
3 unresponsive to any question that has been posed to
4 this witness.

5 BY MS. SKELNIK:

6 Q Mr. Johnson, we're going to continue now. Are
7 you familiar with or did you ever work with or around an
8 asbestos shingle?

9 A Yes, ma'am.

10 Q Can you describe for us what a shingle looks
11 like?

12 A Well, it comes in squares, eighteen inches or
13 twenty-four inches wide. It either comes one eighth
14 thick, three sixteenths thick or one quarter inch thick.
15 And mainly where they use these shingles is around where
16 something is extremely hot, like fireboxes, to insulate
17 it, to fireproof it.

18 Q Did you use the shingles, or did you just work
19 around other crafts using them?

20 A No, ma'am. Other people used them.

21 Q What crafts typically used the shingles?

22 A Carpenters.

23 Q Can you tell us briefly for what purpose they

1 were used?

2 MR. CORRIGAN:

3 Objection.

4 THE WITNESS:

5 Yes, ma'am. Fireproof extremely hot places
6 where they needed it fireproofed. And boilermakers
7 sometimes used these things because they had
8 something in their agreement, their union agreement,
9 if it was inside a box, the boilermakers used it.
10 The union required it.

11 MR. CORRIGAN:

12 Objection.

13 BY MS. SKELNIK:

14 Q Are you familiar with the maker or manufacturer
15 of any of the asbestos shingles you saw on job sites?

16 A Flintkote.

17 Q Mr. Johnson, I'd like you to describe for us a
18 Flintkote asbestos shingle, please.

19 A It would be a grayish color. It would be
20 off-white. It wouldn't be -- it would be a kind of a
21 whitish gray color. Some of it had ridges on it. Some of
22 it would be smooth, like this table here, like a sheet of
23 Sheet Rock. I've seen them in four-by-eight sheets and

1 I've seen it in twenty-four by twenty-four, forty-eight by
2 forty-eight, whatever the job required.

3 Q How did the Flintkote shingles come packaged?

4 A It didn't. It came just open. They'd haul it
5 in on a truck, flatbed truck.

6 Q And how did you recognize or why do you
7 associate the name Flintkote in connection with the
8 shingles?

9 A It was always printed on it. Some of it
10 wouldn't be printed, some of it would.

11 Q And when the shingles were applied, how did the
12 carpenters do that?

13 MR. CORRIGAN:

14 Objection.

15 THE WITNESS:

16 They had a machine that they cut that shingle
17 with, or either they sawed it with a skill saw. If
18 it was a four-by-eight sheet, they'd saw it with a
19 skill saw. If it was a shingle, like this laying
20 here on the table, they cut it with a machine.

21 BY MS. SKELNIK:

22 Q What were the conditions like when you cut or
23 sawed the shingle?

1 MR. CORRIGAN:

2 Objection.

3 MS. SKELNIK:

4 Or when the shingle was cut or sawed?

5 MR. CORRIGAN:

6 Objection. Lack of proper predicate.

7 THE WITNESS:

8 There just would be dust everywhere when they
9 sawed it with a skill saw.

10 BY MS. SKELNIK:

11 Q Mr. Johnson, I have here in front of us some
12 material which is grain color, sixteen inches by fifteen
13 inches and three sixteenth inches thick. I'm going to ask
14 you to take a look at it and identify it for the record.

15 A Yes, ma'am, I can identify that.

16 Q What is it?

17 A That's an asbestos sheet with Flintkote wrote on
18 the back side of it.

19 Q Have you ever seen these asbestos materials
20 before?

21 A Yeah. I gave them to Judy.

22 Q And can you explain to us how these materials
23 came into your possession?

1 A I bought them off a job. I bought them in one
2 of those junkyards when they were through with them.

3 Q Do you remember what job site you got the
4 Flintkote shingles from?

5 A I believe this is down at the -- the place is
6 out of business. That was menhaden plant here in
7 Pascagoula. Well, it was in Gautier over there.

8 Q Do you remember when you would have taken these
9 materials into your possession?

10 A Sometime in the '70s. I was working in there,
11 had a job, and then I bought some of this stuff in there.

12 Q And what did you do with some of these
13 materials?

14 A I put them against the diesel fuel tanks in
15 boats, the engine rooms way off, wherever it was required.

16 Q Did there come a time when you gave these
17 materials to Judy Bruton?

18 A Yes, ma'am, I gave them last summer to her.

19 Q From the time you collected them in the 1970s
20 until the time you gave them to Judy Bruton, where did you
21 have them stored?

22 A In a shed.

23 Q Do these materials look like the materials that

1 you had given to Judy last summer?

2 A Yes, ma'am.

3 Q Have you ever altered, tampered, destroyed or
4 changed these materials?

5 A No, ma'am.

6 Q And, Mr. Johnson, why is it you gave these
7 Flintkote materials to Judy Bruton?

8 A To see if they had asbestos in them. This was
9 used in Ingalls Shipyard on combination boats, passenger
10 boats, and the joiners used this. The carpenters didn't
11 use these things. They had twelve state rooms. The
12 COTTON MARINA was the one that I worked on. There was
13 four or five more. It was a series of C4s or C3s. The
14 passenger side was fitted with this, and then they'd glue
15 the Formica to that, to this here to fireproof it.

16 Q These materials that you had gathered in
17 Pascagoula --

18 A I've seen them used in Pascagoula on the
19 combination boats.

20 Q Did you ever see them used at any other job
21 sites throughout your career as an insulator?

22 A Yes, ma'am. I've seen them used on Standard
23 Oil, in the furnaces. Out here at the paper company,

1 their fireboxes. That's where the boilermakers used them,
2 in the fireboxes at International Paper.

3 Q Do these samples of the Flintkote shingles look
4 like the Flintkote shingles that you used throughout your
5 career?

6 A Yes, ma'am.

7 Q And as to the Flintkote shingles, did you ever
8 see a warning put on any of the shingles telling about the
9 dangers of asbestos?

10 A No, ma'am.

11 Q Was there ever any package insert describing
12 about the dangers of asbestos?

13 A No, ma'am.

14 MS. SKELNIK:

15 I think we're done. Let's just take a break for
16 one moment.

17

18 WHEREUPON, THERE WAS A BRIEF RECESS.

19

20 BY MS. SKELNIK:

21 Q Mr. Johnson, these two samples of the Garlock
22 materials and these two samples of the Flintkote shingles,
23 do these materials appear to be in the same condition as

1 when you got them on the job site as they are here today?

2 MR. COBB:

3 Objection.

4 THE WITNESS:

5 Yes, ma'am.

6 MS. SKELNIK:

7 Thank you. Pass the witness.

8

9

EXAMINATION

10 BY MR. COBB:

11 Q Mr. Johnson, my name is Raymond Cobb. I'd like
12 to give you a few ground rules for the deposition. If you
13 don't hear one of my questions, please ask me to repeat it
14 and I'll be glad to. If you don't understand one of my
15 questions, please let me know and I'll try to rephrase it.
16 I'm going to make an assumption that if I ask you a
17 question and you answer it, that you've heard the question
18 and you understood it. Is that a fair assumption?

19 A Uh-huh.

20 Q You have to give verbal answers so the court
21 reporter can take it down. You just said "uh-huh."
22 You're going to have to answer yes or no because she can't
23 interpret a nod of your head or shrugg of the shoulders or

1 huh-uh. Okay?

2 A All right.

3 Q Sir, what's your full address?

4 A Box 227, Coden, Alabama.

5 Q And how long have you lived at that address?

6 A Thirty-five years.

7 Q Currently, you are represented by Baron & Budd
8 in a personal injury case; is that right?

9 A Yes, sir.

10 Q Sir, when did you file a personal injury action?

11 A In '85, I believe. I mean, I don't know.

6 12 They'd have to tell you when I filed it. I talked to them
13 in '82. It went through a long process of being examined
14 and all that kind of stuff and went through doctors. I
15 don't know when they filed my suit. You'd have to get
16 that from them.

17 Q Sometime in the mid '80s?

18 A Mid '80s, yeah.

19 Q You said you first consulted with them in '82?

20 A In '82, yeah.

21 Q When was the first time you were told by a
22 doctor that you had an asbestos-related condition?

23 A Doctor from Miami. I'd have to go back to the

1 records again. I couldn't tell you that date. I don't
2 know.

3 Q Let me ask you this. Would it be before you met
4 with Baron & Budd or after?

5 A Oh, no, it was after I met with Baron & Budd.

6 Q Would it have been before you filed suit,
7 obviously?

8 A Yes, sir.

9 Q Sir, currently, are you self-employed?

10 A Yeah, be classified as self-employed.

11 Q You own the boat that you shrimp from?

12 A Yes, sir.

13 Q And you have employees or people who work for
14 you?

15 A I have one, yeah.

16 Q Sir, you mentioned a shed at your home and you
17 said you have materials there. Could you tell me the
18 types of materials you have from job sites there? Just
19 the types for right now.

20 A Just pipe, different things. This stuff here
21 that I bought when a job is finished. Stuff like
22 extension cords. And I got a welder, I got a burning rig.
23 Just that stuff. Whatever I needed, I'd go on the job

1 after that job was over and buy it.

2 Q Anything else other than --

3 A Insulation. I got some insulation in there.

4 Q When you say "insulation," what do you mean?

5 A Well, like pipe covering to cover exhausts with,
6 fiberglass cloth.

7 Q Okay. Anything else?

8 A Well, tools, just mainly my tools, whatever.
9 You want me to name them? I'll go ahead and name them.
10 Posthole diggers, rakes, shovels, and that kind of stuff,
11 wheelbarrows. Just a general -- just general rule of
12 stuff.

13 Q Okay. Anything else? Any other types of
14 insulation?

15 A Trowels.

16 Q Any other types of insulation materials? You
17 mentioned pipe covering.

18 A Nothing as I know, not as I know of. Offhand I
19 can't recollect any. Might have a few blocks in there,
20 some blocking. Sometimes I have to block a muffler.

21 Q Any cements?

22 A Yes, sir. I have some One-Cote mud.

23 Q Any other types of materials from the job sites?

1 A No, sir, none as I can think of right offhand
2 here.

3 Q In terms of the manufacturers of those products,
4 do you know the manufacturers of the products, the
5 One-Cote?

6 A Delta Maid I believe is on the bag. I bought it
7 right out here from Shook & Fletcher.

8 Q How about the block?

9 A Block, I bought it from Shook & Fletcher.

10 Q Do you know what type?

11 A Great Barrier. Great Barrier is the name of the
12 company I buy most of my stuff from. I used to buy from
13 Gulf Coast Supply here.

14 Q Do you know the manufacturer of the block?

15 A Not offhand. I ain't looked at the box. No,
16 I'd have to look on the box.

17 Q How about the pipe covering?

18 A I'd have to look on that, too, to see. I
19 believe it's Pabco.

20 Q Did you just have a box of it, or do you have
21 more than that?

22 A Some left in a box from whatever job I did,
23 whatever. My boy does most of it. I don't fool with it

1 no more. I don't touch it. I don't get around it.

2 Q Is your son an insulator also?

3 A Part time. He does that in a part-time job. He
4 worked out here at Huls in Theodore area.

5 Q How long has your son been an insulator?

6 A Well, he turned in an application at Local 55
7 and I made him withdraw it. When I found out what I had
8 in '82, they told me what I had, I made him go on in and
9 tear it up, cancel it out.

10 Q Was he working as an insulator before that?

11 A Yes, sir, sure was.

12 Q Through Local 55?

13 A He worked at Degussa in '75, I believe along in
14 there. And '76 he worked as an insulator helper. He
15 wasn't an insulator, he was --

16 Q Apprentice?

17 A Apprentice, yeah, improver.

18 Q Sir, in terms of giving these materials to Baron
19 & Budd, how was it that that came about?

20 A I just wanted to see if it had asbestos in it.
21 I had it laying around. I wanted to see. So she told me
22 she had a place to check it.

23 Q Let me stop you. When you say "she," who are

1 you speaking of?

2 A Judy Bruton.

3 Q When was the first time that you mentioned to
4 Judy Bruton or somebody at Baron & Budd that you had
5 materials in your shed?

6 A I never mentioned it to them. I just brought it
7 up here to them to see. She said she had a way of
8 checking it to see if it was asbestos materials. I just
9 brought it up here.

10 Q You say she told you. Did you bring it up and
11 then she said she had a way of testing, or did she say
12 that first and then you brought it up?

13 A No. I told her I had some material I'd like to
14 have checked that I worked with to see if it had asbestos
15 in it. She said, well, bring it up here and I'll check it
16 for you.

17 Q When was the first time you said that to her?
18 Do you recall what year?

19 A Sometime last summer, when I was coming here
20 talking to her.

21 Q Sometime in '91?

22 A '91, yeah. I've talked to her quite a few times
23 about other --

1 Q Is your case still pending right now?

2 A Yes, sir.

3 Q At any time when you first met with Baron & Budd
4 back in '82, up to that point did you ever mention to them
5 before '91 that you had any materials?

6 A No, sir.

7 Q Did you tell Judy Bruton when you met with her
8 about the materials, the types of materials you had?

9 A I just told her that I had some material that I
10 wanted her to check out. She told me she had a way of
11 checking whether it was asbestos-related or not. And I
12 just told her I'd bring some up here, some pieces and just
13 see.

14 Q Did you tell her the types, or did you just
15 bring it up? Did she have any idea what you were bringing
16 up?

17 A I told her I had some with Garlock gasket wrote
18 on it that I seen pipefitters and boilermakers that used
19 it all around me all my life when I was working on the
20 jobs, and I wanted to see if it was asbestos-related.

21 Q Tell me what you did to bring it up to her.

22 A I put it in those little sacks and brought it to
23 her.

1 Q That would be like zip-lock bags?

2 A Zip-lock bags, yeah. I figured they didn't want
3 to be exposed to it.

4 MR. COBB:

5 Move to strike as nonresponsive.

6 BY MR. COBB:

7 Q What I'm asking, sir, is, what did you do? You
8 just brought it to her? Tell me specifically what you
9 did.

10 A I just brought it to her, and the next thing she
11 told me, it was all asbestos-related.

12 Q Let me understand this. You just put it in the
13 zip-lock bag, you brought it to her, and you handed it to
14 her; is that right?

15 A Right.

16 Q And she took them and said, thank you? Is that
17 it?

18 A That's about it.

19 Q You said, "that's about it." Is there anything
20 else?

21 A I give it to her and she said she'd have it
22 tested.

23 Q So you just handed them to her, she took them

1 out of your hand, and she said I'll let you know later,
2 and you left the office?

3 A That's right.

4 Q Did you sign anything?

5 A No, I didn't sign nothing.

6 Q How long were you there that day? A couple of
7 minutes?

8 A Maybe ten minutes.

9 Q Did you actually give them to Judy, or did you
10 give them to somebody else?

11 A No, I give them to Judy.

12 Q You say you went there. Where did you go to
13 give them to Judy?

14 A Over here in this office, I believe.

15 Q You're pointing --

16 A That office right around here. She's got an
17 office there.

18 Q We're in Buster Middlebrooks' office right now.

19 A Yeah.

20 Q So you came to this firm here and went up to the
21 front desk and asked for Judy and they brought you back?

22 A I told the girl up front I had something for
23 Judy and I brought it back to her.

1 Q And she was sitting in her office, you walked
2 in, handed it to her and left?

3 A I brought her some shrimp, too, I think that
4 day. I had a reason to come see her.

5 Q Do you remember when you brought them to her?

6 A No, sir, not the date. I could check the record
7 or some way or another, if she makes a record of it. I
8 don't make a record of it.

9 Q I wasn't asking a date specifically, sir. Was
10 it in the summer of '91?

11 A Yeah, in the summer.

12 MR. CORRIGAN:

13 Excuse me, can we go off the record?
14

15 WHEREUPON, THERE WAS AN OFF-THE-RECORD DISCUSSION.
16

17 MR. COBB:

18 Would you read back the last question?
19

20 WHEREUPON, THE PREVIOUS QUESTION WAS READ BY THE REPORTER.
21

22 THE WITNESS:

23 It was in the middle of the summer.

1 BY MR. COBB:

2 Q '91?

3 A Yeah, '91.

4 Q When was it that you next had any contact with
5 Ms. Bruton concerning materials?

6 A I haven't until today, till this deposition
7 here. She wrote me a letter a day or so ago and told me
8 there was a deposition set up for May the 1st on that
9 material.

10 MS. SKELNIK:

11 April 1st.

12 MR. COBB:

13 April 1st.

14 THE WITNESS:

15 Right, April 1st. I don't know why I got May on
16 my mind.

17 BY MR. COBB:

18 Q So the first time you heard back from her was
19 when she sent you a letter about a week ago or so?

20 A Said she had a deposition set up here for these
21 materials that I gave her.

22 Q And other than that, she's never contacted you
23 about this at all?

1 A No, sir.

2 Q Sir, does your son work with you as a shrimper?

3 A He used to.

4 Q When you say "used to," what years did he work
5 with you?

6 A He almost had to work with me from '82 -- right
7 now, I've got to have two men on a boat with me now
8 because I'm short of breath.

9 Q Does he work with you now still?

10 A No, he's working out here at Huls. There's a
11 chemical plant out here in Theodore, and he's got a job
12 with them as an operator.

13 Q When did he start working there?

14 A Sometime this year. I believe it was -- let's
15 see. I'd say sometime in March he went out there, went
16 out there as an operator. Started in school in March.

17 Q Sir, I'd like to direct your attention to when
18 you said you bought the Garlock material. Who were you
19 employed by at that time?

20 A Shook & Fletcher.

21 Q And who did you buy the material from?

22 A Well, they just -- most of this, this Garlock
23 gaskets material here, was what was the finish of the job

8
1 there. And they had it on the lot out there. You could
2 buy it. They had it on pallets. It was a finish-up of
3 that job. It was Standard Oil, a unit that they built.

4 Q Who was it that was selling the material?

5 A A guy by the name of Mr. Williams. M. G.
6 Kellogg was the general contractor. I bought more stuff
7 from him, you know, like extension cords and stuff of that
8 nature.

9 Q Mr. Williams as employed by Kellogg then?

10 A He was the superintendent of the job.

11 Q Was he actually the person you bought it from?

12 A Yes, sir. He's the one I paid the money to,
13 give the check to.

14 Q Do you remember his full name?

15 A Gerald Williams, I believe was his name.

16 Q Do you know Mr. Williams personally?

17 A No, sir. He was just over that to sell the
18 residue of it, for what they owned and the finish of it.

19 Q Have you seen Mr. Williams since then?

20 A No, sir. I understand he's in Saudi Arabia,
21 somewhere over there. He's building some kind of a plant
22 there, is the last I heard of him.

23 Q How do you understand that? Who told you that?

1 A Just by guys in the local, talking to different
2 ones. We got a couple of guys that's been over there.
3 They said they worked for Williams over there.

4 Q This was just recently, you've been talking to
5 someone and they said that?

6 A It was back last year sometime when they went
7 over there.

8 Q Why is it that you bought Garlock material back
9 in the Standard Oil job?

10 A Well, you got to flange those mufflers and stuff
11 together, and that makes a real good gasket.

12 Q Were you shrimping back in '63?

13 A Well, I've had boats, yeah, all the time.

14 Q Commercial-type boats?

15 A Commerical type, but I always did the exhaust
16 pipes on other boats, see. I work on them as an
17 insulator. I'd insulate them and fit the exhaust pipes on
18 them and different things like that.

19 Q So you had a business on the side?

20 A Just a little business on the side.

21 Q What were you doing, repairs to boat engines?

22 A No. I just insulated exhaust when they done the
23 repairs to the engine. Had to tear it off and different

1 things. I was like a contractor, I reckon you call it. I
2 just take so much and do an exhaust on it.

3 Q Did you have an agreement with a place that
4 repaired boat motors or something like that and they
5 called you up when they needed that done?

6 A Yeah. They'd contact we and I'd just give them
7 a flat figure what I'd do it for.

8 Q When you say "they," who's they?

9 A The boat owner.

10 Q So individual boat owners?

11 A Yeah, individual boat owners.

12 Q Did you advertise, or how did they know your
13 name to contact you?

14 A When you in a circle, man, it's easy. If you do
15 a good job on an exhaust, it holds up, they'll call you
16 back. Just among the boat owners.

17 Q Were you doing this on commercial boats or
18 pleasure boats?

19 A I've done it on commercial boats, pleasure
20 boats. I've used some of this Flintlock stuff here on the
21 tanks, where it gets hot on the walls, where it burns the
22 walls of it.

23 Q When did you first start doing that kind of

1 work, insulating boat exhaust motors and stuff like that?

2 A Well, ever since I got in the local, in '52. If
3 it was something I could do on the side, I did it.

4 Q How much of the Garlock material did you buy
5 when you purchased it?

6 A Whatever them sheets, whatever they cut out. It
7 would be a piece two feet wide or eight inches wide, ten
8 inches wide, whatever I could buy, I'd buy it that way.

9 Q Would you buy it at every job then because you
10 were using it up?

11 A I'd buy it if I could get it, yes, sir.

12 Q When did you first start buying these materials
13 at job sites? In '52 or somewhere around there?

14 A Any job I got on, that's what I'd do. I'd like
15 to go out here to Huls. I'd like to see if I could buy
16 some of their residue.

17 Q Would I be correct then, you were doing this
18 insulation work on the side since you got in the local?

19 A Yes, sir.

20 Q Up until the time you retired?

21 A Up until the time I retired.

22 Q And now you do --

23 A I still do it. If it's a good job, I'll hire

1 people to do it.

2 Q So you're still doing it even today?

3 A Even today, if I can.

4 Q And obviously you do it on your own boat?

5 A I do it on my own.

6 Q When was it that you first bought your own boat,
7 commercial-type vessel?

8 A I bought the DOROTHY JOHNSON in '63.

9 Q So you've been commercial shrimping since '63?

10 A Well, before that, but I was working with
11 somebody else. I'd work on the boats if I was laid off of
12 the job. If there wasn't no work, I'd fill in and do
13 whatever I could do.

14 Q You owned your own boat, commerical boat, since
15 '63 and you were working that before also but with
16 somebody else. It wasn't your boat, right?

17 A Yes, sir.

18 Q And from '52 until today you've been doing this
19 insulation stuff on the side?

20 A On the side.

21 Q And when I say insulation stuff, that's working
22 on ships and doing your own personal insulation or
23 insulating for them.

1 A Yeah.

2 Q And throughout that time period you've been
3 buying materials and using them up and buying some more
4 materials whenever you could at a job site?

5 A Yes, sir.

6 Q You mentioned Standard Oil. How do you recall
7 buying Garlock material at Standard Oil?

8 A Well, in the finish -- they're the biggest users
9 of it. Man, they've got five hundred thousand valves in
10 that one plant.

11 Q You say "they." You're talking about Standard
12 Oil?

13 A Yes, sir. They bought this stuff by the truck
14 loads. They wouldn't buy just one little sheet. They'd
15 buy half a ton of it.

16 Q And how much did you buy when you were at
17 Standard Oil? Do you recall?

18 A Mainly all the pieces that was cut on or
19 anything, that's what they put out there and you could buy
20 it. Say a forty-eight inch square would just have one
21 cutout in it, you could buy that piece. But you couldn't
22 buy a whole piece. They wouldn't sell you whole pieces.

23 Q You read my mind. So in other words, this was

1 all like scrap material?

2 A Right.

3 Q Like when you described it would come in rolls,
4 it wasn't a roll. It would be a used roll or whatever was
5 left or something like that?

6 A Yeah.

7 Q Am I correct that Standard Oil wasn't selling
8 you things that they could be using later, they were
9 selling the scraps?

10 A The scraps.

11 Q When I say Standard Oil, Kellogg or whoever it
12 was at Standard Oil?

13 A Yes, sir.

14 Q Would that be true at all the job sites?

15 A Yes, sir. ADDSCO, I worked for ADDSCO. They'd
16 contract each unit out, and the contractor would bid on
17 those units. And whatever was left out of that unit would
18 be put out there, and you'd have an option to buy.

19 Q How many commercial vessels or pleasure boats
20 would you be working on in a year on the average?

21 A Maybe one or two. You don't have that many.
22 You might get one, maybe three a year.

23 Q And you work on your own boat every year?

1 A I work on my own, yeah.

2 Q At Standard Oil, how many pieces of Garlock
3 material did you buy? Do you recall?

4 A That's just residues off of what I bought right
5 there.

6 Q Did you buy Garlock material at any other job
7 site?

8 A Well, if it was for sale, yeah, I would buy it.
9 If it wasn't, you couldn't buy it. Most companies keep
10 what they --

11 Q I understand. So let me just get this straight.
12 If somebody was selling, you'd buy it. If they weren't
13 selling it --

14 A Most of these big jobs they'd keep it. They'd
15 keep it the last -- say, the last -- from the '70s on to
16 the '80s, they'd keep it, because stuff was getting so
17 high, you know. And they'd keep a lot of that stuff.
18 They wouldn't -- or the employees. I don't know what was
19 going on. It might have been the employees were selling
20 it or buying it, you know, and keeping it personally.

21 Q Did you buy Garlock material at more than one
22 job site?

23 A Yes, sir, I bought it on several jobs.

1 Q Is there any way to tell what you bought at a
2 particular job site from what you bought at a different
3 job site?

4 A It's all the same. It either comes in sheets or
5 form-fitted gaskets. I mean, I've never seen it -- I
6 mean, in sheets like this it would be thicker. They might
7 be smaller or they might be bigger.

8 Q Are you still using the Garlock material today
9 to do anything with?

10 A Most of it I've got in bags and sacks sealed up,
11 if there's anything in there.

12 Q So you don't think you've got any in your shed
13 right now?

14 A No, I don't believe I've got any more in there.
15 These were pieces I brought for her to check out. I've
16 seen that used on jobs for years.

17 Q These pieces, why did you still have those?

18 A They were just laying around in there, you know.

19 Q Had you used any Garlock material in '82 or '83?

20 A What was that again, now?

21 Q You said you were using some material on
22 mufflers.

23 A Well, they got a new type gasket now you can buy

1 that's --

2 Q Did you ever use this on mufflers in '82 or '83?

3 A Yeah. That's pieces left that I cut out for
4 mufflers.

5 Q Sir, is there any way you can tell if that
6 material is what you got from Standard Oil in '63 versus
7 what you could have gotten from some other job site?

8 A No, it's all the same. It's pretty well the
9 same. Now, they say it's asbestos free. I've seen boxes
10 out here at Great Barrier where it says this material is
11 asbestos-free.

12 MS. SKELNIK:

13 Mr. Johnson, listen to what he's asking you.

14 Okay?

15 THE WITNESS:

16 Okay.

17 BY MR. COBB:

18 Q Let me ask you that. Does that material that
19 you see at Great Barrier that says asbestos-free look any
20 different than that material?

21 A No. The color may vary in this stuff. This
22 gasket material may vary a little bit. But as far as
23 looking at it and telling whether it's asbestos-free, no,

1 you can't do that.

2 Q Sir, did your son ever purchase materials when
3 he was working as an insulator?

4 A Yeah, I bought materials.

5 Q No. Did your son ever buy any materials when he
6 was working as an apprentice or insulator?

7 A No, sir. No, I always handled all that.

8 Q Okay. Sir, how big is the shed that you have
9 that contained these materials?

10 A Sixteen by sixteen. It's a metal shed.

11 Q Did you use it for your shrimping business?

12 A Just to put things in it, tools. Store things
13 in it.

14 Q Can you describe the shed? Is it an open shed?
15 Is it closed?

16 A It's closed. It's a metal shed. I've got it
17 closed in with doors.

18 Q Is there a floor or a dirt floor?

19 A No, there's a floor in it.

20 Q Is it heated?

21 A Yes, sir.

22 Q How long have you had the shed?

23 A I think I built it in the '60s.

1 Q Can you be more specific?

2 A That's the year, I believe, in '60.

3 Q You said it's a metal shed. Corrugated metal?

4 A Corrugated.

5 Q Do you use it for anything other than storage?

6 A Yes, sir. My son uses it. He mounts deer heads
7 and mounts animals in it.

8 Q Sir, am I correct, you don't know how any of
9 this Garlock material was maintained prior to your
10 purchasing it?

11 A No, sir. I don't know anything how they ordered
12 it or how they got it or anything like that.

13 Q Do you recall how much it cost when you
14 purchased it?

15 A No, it's been so long. I just lumped it. You
16 know, they just lump a pallet. It would be on one of
17 those big pallets. I couldn't tell you.

18 Q Sir, do you know the style number of the
19 material you gave to Judy?

20 A No, sir, I wouldn't know. I've asked
21 boilermakers why they would be using this stuff here.
22 They say it's fireproof. It's asbestos. We're
23 fireproofing this area.

1 Q You're pointing to the Flintkote?

2 A Yeah.

3 Q My question is, the Garlock material, do you
4 know the style number of that material?

5 A No, sir.

6 Q Do you know if there is a style number?

7 A No, sir, I sure don't. Only thing I know is the
8 thickness of it.

9 Q And can you tell me the thickness?

10 A It come in one eighth or either three
11 sixteenths, or I've seen it a quarter inch thick.

12 Q Do you know the thickness of the material you
13 gave to Judy?

14 A I believe it's one eighth right here.

15 Q You're picking it up and looking at it. Do you
16 know without looking at it what the thickness of the
17 material you gave her was?

18 A No. I'd have to look at it to tell you.

19 Q Does anyone else besides you work on these
20 vessels to insulate them? You said sometimes you'll hire
21 a man to do it?

22 A If I needed one, I'd hire him. Just me and my
23 son mainly did it.

1 Q So it would be you and your son who would have
2 used any material in your shed? You and your son would
3 have been the ones handling it or using it?

4 A Yeah, we'd be the two that would be handling it.

5 MR. COBB:

6 I think that may be all I have. I'll let the
7 other attorney ask you some questions, and then I may
8 have a few more for you.

9

10 EXAMINATION

11 BY MR. CORRIGAN:

12 Q Mr. Johnson, what was the local called when you
13 first got into it?

14 A Asbestos Workers' Local Number 55.

15 Q It was called that back in '53?

16 A Uh-huh.

17 Q Was this originally one shingle that's been
18 produced here today?

19 A Yes, sir.

20 Q Do you know how it got broken?

21 A No, sir. Probably got broken in that shed,
22 setting something on it.

23 Q Do you have any more of these at your shed?

1 A No, sir.

2 Q You said your shed is metal. What kind of roof
3 does it have on it?

4 A It has a metal roof.

5 Q What kind of roof is on your house?

6 A A shingle roof.

7 Q What kind of shingle roof? Asphalt?

8 A Asphalt, yeah.

9 Q What kind of siding do you have on your house?

10 A 106 drop siding. You know, that's where they
11 cut out -- it's wood.

12 Q Wooden siding?

13 A Yeah.

14 Q Mr. Johnson, I believe you said you did not
15 personally use shingles in your job as an asbestos worker;
16 is that correct?

17 A Right.

18 Q But the boilermakers -- was that who you said
19 used them?

20 A Boilermakers would use it around fireboxes.

21 Q What about carpenters?

22 A Carpenters. Yes, sir, carpenters would use it.

23 Q Can you tell me where this shingle came from

1 that's here today?

2 A I'm pretty sure it came off of a Standard Oil
3 job down there -- I bought that on a pallet.

4 Q When you say you're pretty sure it came from
5 Standard Oil --

6 A Yes, sir.

7 Q -- and I believe you said that was back in the
8 '70s --

9 A Right.

10 Q -- how sure is pretty sure?

11 A Well, I mean, I just bought it in a pallet.
12 I've seen it before used in the shipyard, this grade of
13 material here, for fireproofing.

14 Q Can you tell me for a fact that you know that
15 you bought this from Standard Oil in the 1970s?

16 A Yes, sir. I bought it on a pallet. I bought it
17 in some more stuff, along with this gasket material here.

18 Q Just asking about the shingle here for the time
19 being, if you don't mind.

20 A Okay.

21 Q How many other shingles were there on the
22 pallet?

23 A Oh, there was quite a few.

1 Q How many did you buy?

2 A I bought three, I believe, at the time, or four.

3 Q Just three shingles?

4 A No, three pallets.

5 Q Three pallets. Do you know the name of the man
6 that you bought these pallets from?

7 A Mr.. Williams.

8 Q The same one that you bought the gasket from on
9 the Shook & Fletcher job?

10 A Yes, sir.

11 Q How did you pay Mr. Williams?

12 A In cash, or I give him a check, I think. I
13 don't know whether I paid him cash or a check. It was
14 piled out there and it was the finish of the job.

15 Q Have you had a checking account since 1970?

16 A Yes, I've had a checking account.

17 Q Have you had more than one?

18 A Yes, sir. I've had some with different banks.

19 Q Which banks do you use?

20 A I used First National first and then they went
21 out of business. It's AmSouth now. And then I used
22 Alabama, First Alabama. It was Farmer's and Marine --

23 Q In the 1970s which one were you using?

1 A I reckon the First Alabama.

2 Q First Alabama?

3 A Yeah. It was Farmers and Marine -- one of
4 those two. I don't know which one. I'd have to check my
5 records. I might have some records, a way of checking it
6 for you.

7 Q Do you keep your checks back from the '70s?

8 A Not that far back, no.

9 Q Did you ever have a checking account with
10 Merchant's National Bank?

11 A Yes, sir, I did have a checking account.

12 Q Was that back in the '70s?

13 A Yeah, '60s and '70s.

14 Q Do you recall how you made this check out, if it
15 was a check? Do you remember who you would have made the
16 check out to?

17 A I just made it out to Mr. Williams. It was the
18 superintendent of the job.

19 Q Did you get any kind of receipt for these
20 materials?

21 A No, sir.

22 Q Did you ask him for one?

23 A I didn't think to. I figured that check would

1 be as good a receipt as I needed, if I needed it.

2 Q Who was Mr. Williams working for?

3 A Kellogg. There was a general contractor on the
4 job.

5 Q Did you see any other Kellogg personnel around
6 when you bought these materials from Mr. Williams?

7 A I assume there was some there. The job was
8 finished. There weren't very many left.

9 Q Did you see any around when you purchased these
10 materials from Mr. Williams?

11 A No, not to tell you -- that I could tell you.
12 They were selling all the buildings and everything, you
13 know, the portable buildings. I couldn't tell you if
14 there was any employees around other than Mr. Williams. I
15 didn't know.

16 Q Did you transport these shingles from the job
17 site, which was Standard Oil in Pascagoula; is that right?

18 A Put them on a pickup truck and brought them to
19 the house.

20 Q Whose pickup truck?

21 A Mine.

22 Q Anybody else help you?

23 A Yeah, I had a brother, who's deceased. He

1 helped me.

2 Q How did you load them on the pickup truck?

3 A Picked them up and loaded them in the back.

4 Q On the pallet?

5 A No. We picked it off the pallet. They didn't
6 sell us the pallets.

7 Q Was there any kind of bands or boxes or any kind
8 of containers involved with these things?

9 A No, sir. They were open and throwed out there.

10 Q If there had been a box or any sort of banding,
11 it would have been removed and just placed on the pallet?

12 A Probably removed on the job and brought out
13 there. This was trash, I reckon you call it.

14 Q So you never saw any kind of containers?

15 A No, sir.

16 Q So you don't know whether there were warnings on
17 those containers or not, would you?

18 A No, I sure wouldn't.

19 Q Tell me again, where were these things used? In
20 fireboxes?

21 A In fireboxes, around doors. I've seen them
22 where they was fireproofing it.

23 Q On the boilers?

1 A No, not on the boilers. It would be in a
2 firebox. Do you know what I'm talking about? Inside the
3 box, that's where the rod that fired the boiler, it would
4 be around that little box. They got a little box around
5 that deal. It slides in.

6 Q How were they hanging these things?

7 A I don't know how they hung them. I've seen them
8 use them, cut them and use them.

9 Q Do you know what the holes are for on the
10 samples?

11 A Probably for screws or bolts.

12 Q Do you know that for certain?

13 A I don't know that.

14 Q If it's on a firebox or boiler, how are they
15 going to screw into the metal?

16 A You'd have to ask a boilermaker that.

17 Q So you really don't know how they were using
18 them?

19 A I don't know how they were attaching them to the
20 boiler.

21 Q So if you don't how they were using them --

22 MS. SKELNIK:

23 Wait a minute. Don't argue with the witness,

1 please. I mean, you can ask your question, but I
2 don't want you to argue with the witness.

3 BY MR. CORRIGAN:

4 Q Do you know how they were using them?

5 A All I know is, they were filling that box in for
6 the flange, it bolted on.

7 Q If you saw them using them, then tell me how
8 they were attaching them.

9 A I don't really know. I reckon they were just
10 bolting them in there. There's holes bored there for
11 bolts, look like bolts.

12 Q But you don't know how they were doing it?

13 A No, I don't know how they were attaching them to
14 that little box, inside that box. See, there was a flange
15 that went over that box, about that thick around that
16 firebox. So they cut these things out and fit them in
17 there. They bolt the flange over the outside of it and
18 the fire rod went through that box.

19 Q Mr. Johnson, do you know what these things are
20 really supposed to be used for?

21 A I've seen them on houses. I've seen them on
22 buildings, cut-down buildings. I've seen walls built out
23 of them on buildings.

1 Q Do you know how this sample, which is here in
2 front of us today, has the appearance that it has? And by
3 that I mean, it looks like it's kind of weathered. Do you
4 know anything about that?

5 MS. SKELNIK:

6 Object to the form of the question.

7 THE WITNESS:

8 No, sir.

9 BY MR. CORRIGAN:

10 Q It's just been sitting out in the storeroom?

11 A Laying out there.

12 Q You will agree with me, will you not, that part
13 of this material that's in front of us is a different
14 color than part of the other one, isn't it?

15 A Yes, sir.

16 Q One's a little bit darker? Appears to be some
17 dirt on the thing?

18 A Yes, sir.

19 Q Is there an outline of any kind of different
20 colors on there? Is it squares or circles?

21 A No. It's just squares like it was laid on
22 something, a piece of board or something.

23 Q Like something else was laid on top of it?

1 A Yes, sir.

2 Q And you will agree with me, will you not, that
3 the different colors are where three of the holes are,
4 won't you?

5 A Yes, sir.

6 Q Does it look to you like this thing has been
7 outside?

8 A Yes, sir, it has been outside.

9 Q Where has it been outside?

10 A See, the way my shed is built, I've got a
11 lean-to off to the side of it. This was out under that
12 shed, out under that lean-to.

13 Q So it wasn't in your shed, it was in your
14 lean-to?

15 A Yes, sir.

16 Q The lean-to, does it have sides on it?

17 A No, sir. It's open.

18 Q Has this material been sitting in this lean-to
19 since the 1970s?

20 A It's been in there quite a while.

21 Q Has it been used for anything?

22 A No, sir.

23 Q It's just been stored there?

1 A Stored there. Laying in there.

2 Q Has it been exposed to direct sunlight at any
3 time?

4 A It's been exposed to the weather, yes, sir.

5 Q Since I haven't seen the lean-to, I'm just
6 trying to get a picture of where it was sitting under the
7 lean-to.

8 A I just had it laying in underneath on the ground
9 there.

10 Q Is there any kind of vegetation or plants that
11 grow around the lean-to?

12 A Yeah, grass grows around it.

13 Q Any kind of vines or weeds or anything?

14 A No, sir. I keep it all trimmed. I believe this
15 is the part that was laying to the ground right here.

16 MS. SKELNIK:

17 Hold on. Wait for the question.

18 BY MR. CORRIGAN:

19 Q Let me ask you a question. You see in the
20 corner there's a spot that's chipped off and there's two
21 little round holes and there's a third round hole in that
22 corner? Do you see what I'm talking about?

23 A Uh-huh.

1 Q You see those markings up there, these little
2 spider-web looking things?

3 A Uh-huh.

4 Q What are those?

5 A I couldn't tell you. I don't know what that is.
6 Probably scratches where something was drug on it or moved
7 around on it.

8 Q Any vines growing on the side of your house,
9 Mr. Johnson?

10 A No, sir.

11 Q You said that earlier you brought the samples of
12 the gaskets to Ms. Judy Brewer.

13 MS. SKELNIK:

14 Bruton.

15 MR. CORRIGAN:

16 Bruton?

17 THE WITNESS:

18 Yes, sir.

19 BY MR. CORRIGAN:

20 Q You brought them in plastic bags because -- what
21 was your reason you said?

22 A I wanted to find out if it had asbestos in it.

23 Q No, sir. What's the reason you put it in

1 plastic bags?

2 A I didn't want to expose them to it.

3 Q This shingle in front of us isn't in a plastic
4 bag, is it?

5 A Yeah, I put that in a plastic bag.

6 Q But it's not in there now, is it?

7 A No, sir. If you want to know why I put it in --

8 MS. SKELNIK:

9 Just wait for the question.

10 BY MR. CORRIGAN:

11 Q Did you place any identifying marks or
12 characteristics on either of these two pieces of shingle
13 yourself?

14 A No, sir. I ain't put no marks nowhere on it.

15 Q How is it that you identified this as something
16 you have given to the paralegal from Baron & Budd?

17 A Well, I brought it to her.

18 Q No, sir. How is it that you identify these two
19 pieces of material as the pieces of material which you
20 gave to the lady from Baron & Budd?

21 A Well, it was this color and it's broke, the way
22 it's broke.

23 Q They were broken when you brought them to her?

1 A Yes, sir.

2 Q But other than that, you didn't place any
3 identifying characteristics on it?

4 A No, sir.

5 Q Have you in your lawsuit sued the Flintkote
6 Company?

7 A I don't know that. They'll have to tell you
8 that. I don't know. I settled part of it.

9 Q You're not personally aware?

10 A No, I'm not personally aware of what companies
11 that they --

12 Q Are there any more shingles at your house
13 similar to this shingle?

14 A No, sir, that's all.

15 Q That's the only one you have?

16 A That's the only one I had left. And I wanted to
17 know if it was because I worked around that all my life,
18 twenty-seven years, and I wanted to know if it had
19 asbestos in it.

20 Q You worked around that one shingle twenty-seven
21 years?

22 A No, no, sir, not that one. All around shingles
23 like that.

1 Q Where are the other shingles that you bought?

2 A I imagine throwed away.

3 Q You threw away, I think you said, two pallets --
4 you bought two pallets of shingles, right?

5 A I used that up, I mean, what I bought.

6 Q Where did you use it, please, sir?

7 A I used it on boats. No -- wasn't no two pallets
8 of these shingles, now. It was pipe on it and flanges.

9 Q All right. Let me go back and ask you --
10 because I asked you earlier how much you bought, and you
11 said you think you bought maybe two pallets. Is that
12 incorrect?

13 A That was everything in it. And these shingles
14 was on it. I don't know how many shingles was on it.

15 Q That's my question. How many shingles did you
16 buy? A dozen? A hundred?

17 A I imagine it was two or three dozen of these
18 shingles on it.

19 Q Where did you use those shingles?

20 A I used them in boats, different places like the
21 back of exhaust pipes, up the walls.

22 Q Tell me the name of a boat where you used one of
23 these shingles.

1 A On mine. I used them inside the tanks.

2 Q What's the name of your boat?

3 A DAYDREAM.

4 Q And where is it currently moored?

5 A Coden, Alabama.

6 Q Is there a facility there or is it at your dock?

7 A It's at my personal dock, yeah.

8 Q And where on the DAYDREAM did you use these?

9 A On the tanks, inside the tanks, fuel tanks, on
10 the engine. I always use these back of the exhaust on
11 wood. I always put this inside the tanks where the diesel
12 fuel was at in case of a fire.

13 Q You put them inside the tanks?

14 A No. Against the tanks, between the engine and
15 the tank.

16 Q I'm just trying to figure out where you used
17 these.

18 A If you want to ride down there, I'll take you
19 and give you a little show, if you want to see them.

20 Q No, sir. I'd just like you to tell me about
21 them.

22 A All right.

23 Q Are the tanks below deck or above deck?

1 A Below deck.

2 Q And what size tanks are they?

3 A They're three-hundred-gallon tanks.

4 Q What is it that this is separating, these
5 shingles? You said there's something between --

6 A Nothing but iron, the iron tank, and I just
7 wedge these things against it. Well, it's a bigger,
8 thicker sheet than that is.

9 Q It's a bigger sheet than this?

10 A Yes, and a thicker sheet.

11 Q So it's not the same thing that's --

12 A No, it's not the same as that sheet right there.

13 Q All right. Mr. Johnson, I just want to find
14 out, where have you used these kind of shingles before?

15 A That's the only places I've used them.

16 Q You just told me that it's a thicker sheet that
17 you used on your boat. So that's not the same thing
18 that's sitting in front of us, is it?

19 A No, it sure isn't.

20 Q Where have you used any of these shingles
21 before? The name of a boat if you used --

22 A The LADY JOYCE is one I used it on.

23 Q All right. Where did you use them on the LADY

1 JOYCE?

2 A In back of her exhaust. It went up inside the
3 pilot house, and it went for approximately eight feet.
4 And it was real close to the wood, so I just laid these
5 things in there and screwed them to the wall.

6 Q Who owns the LADY JOYCE?

7 A Well, my brother owned it at one time, but I
8 don't know -- he sold it to a Vietnamese.

9 Q Do you know where it's currently located?

10 A Somewhere in Louisiana. You can check that very
11 easily through the registration.

12 Q Is it still registered under the name of LADY
13 JOYCE?

14 A Yes, sir.

15 Q I think you said your brother owned it?

16 A My brother owned that boat, yeah.

17 Q What was his name?

18 A Marvin Johnson.

19 Q Did Marvin register that boat with the Coast
20 Guard?

21 A Yes, sir.

22 Q What size boat is it?

23 A She's sixty-five by eighteen.

1 Q Is it a shrimp boat?

2 A Yes, sir, double rigger.

3 Q Who built it?

4 A Zirlott Shipyard down here in Fowl River.

5 Q Is there any place other than the LADY JOYCE,
6 any other boat that's still in Coden, any other house
7 around Coden, that you may have used these types of
8 shingles off the pallets that you bought from Standard in
9 Mississippi?

10 A I know I've used them -- used them in back of
11 the exhaust pipe, but I couldn't tell you every boat.
12 It's been a long time.

13 Q I just want you to tell me one boat that's in
14 this location.

15 MS. SKELNIK:

16 If you know.

17 MR. CORRIGAN:

18 If you know. If you don't, you don't.

19 THE WITNESS:

20 I don't know if it's in this location or not.

21 BY MR. CORRIGAN:

22 Q Okay. Have you ever used them on anybody's
23 houses or any boilers in the vicinity?

1 A No, sir. There's quite a few houses down here
2 with them on it.

3 Q The same ones that you bought?

4 A No.

5 Q That's all I'm interested in.

6 A No. I didn't use those shingles on nothing else
7 other than behind exhaust pipes on boats. And I couldn't
8 tell you if there's one in Coden that's got those shingles
9 on it.

10 Q You were asked some questions a moment ago about
11 your conversation with Ms. Judy. And you said she told
12 you that she had a way of finding out whether this stuff
13 had asbestos in it, so you brought some up to her. How
14 did that conversation come up?

15 A I was asked about materials and I asked what
16 kind of a system did they have. And she said they had a
17 laboratory they send these things to or something, some
18 way of finding out it had asbestos in it.

19 Q What I want to find out is, how is it that
20 conversation got started? If it's during the course of
21 your lawsuit, being represented by Baron & Budd, you have
22 to talk to your lawyer about that. But what I want to
23 know is, what did she say to you where you said, oh, yeah,

1 I got some of this stuff back in my shed? How did that
2 come up?

3 A She didn't say that to me. I just told her I
4 had some materials that I would like to have checked out.

5 Q It was just a general conversation about
6 materials, and she said there was a way to test them?

7 A Yeah.

8 Q And you said --

9 A I said, I'd like to bring you some and see if
10 you can check them out for me.

11 Q Do you know anybody that has a lawsuit currently
12 pending in Mobile County, Alabama, asbestos-related
13 lawsuit, who is claiming exposure to these types of
14 shingles from Standard Oil in Mississippi?

15 A No, sir. I don't know -- I know a lot of
16 asbestos people that's got suits, but I don't know any
17 that's directly got it against Flintkote.

18 Q Other than your lawsuit, have you given a
19 deposition in any other lawsuit ever?

20 A Yes, sir, I've given depositions several times
21 for people.

22 Q Have you ever given any down here in Mobile?

23 A Yes, sir.

1 Q How many have you given down here?

2 A I don't know.

3 Q Is it more than five, less than five?

4 A Yeah, it's been more than five.

5 Q Can you give me your most recent deposition
6 date?

7 A April 1st right here.

8 Q No, sir, other than this one.

9 A No, I couldn't give you that. I have to go to
10 the records. I've got a record of it.

11 Q Has it been within the last year?

12 A Yeah.

13 Q What was the individual's name in the case you
14 were testifying?

15 A I'd still have to go to that record to tell you.

16 Q Did you know the guy?

17 A Yes, sir. I worked on the job with him.

18 Q Is it a Baron & Budd client?

19 A Yeah, Baron & Budd is handling it.

20 Q Have you received any compensation for coming
21 here today?

22 A All I receive is lost wages, that I lose a day,
23 and traveling time from Bayou La Batre up here.

1 Q How much is that?

2 A I don't know how they pay it. I don't know how
3 they figure it, traveling.

4 Q Have you previously been compensated by Baron &
5 Budd for a deposition?

6 A Yes, sir. If I lose a day's work, whatever I
7 lose, they compensate me for it.

8 Q Is it shrimping season right now?

9 A No, sir. Well, it's open but I'm not shrimping.

10 Q For a commercial shrimper like yourself?

11 A Yeah, I can shrimp.

12 Q Is there any other reason you're not out
13 shrimping now other than coming to this deposition?

14 A No, there's no reason I couldn't be out
15 shrimping.

16 MR. CORRIGAN:

17 That's all the questions I have.

18

19 WHEREUPON, THERE WAS AN OFF-THE-RECORD DISCUSSION

20

21 BY MR. COBB:

22 Q Sir, I have a couple of questions. The name
23 Garlock on this yellow sticky on Exhibit 1, this posted

1 note, you didn't write that, did you?

2 A No, sir.

3 Q There's a couple other posted notes on
4 Exhibit 2. You didn't write those?

5 A No, sir.

6 Q Do you have any idea where they came from?

7 A No, I don't know. I just brought the stuff in
8 in plastic bags. Wasn't no yellow tags on there.

9 Q The first time you saw those stickers on there
10 was today?

11 A Yeah.

12 Q Sir, am I correct -- and I think you answered
13 this, but I just want to be sure. You didn't put any
14 notation on the bag or on the gasket itself, did you, any
15 mark or anything else?

16 A No, sir.

17 Q Sir, you also mentioned, and I want to make sure
18 I'm clear, when you buy a pallet of material, it's a mixed
19 pallet. I mean, it could be --

20 A All kinds of stuff on it.

21 Q Okay. So when I asked you a question earlier,
22 you said you bought a pallet of Garlock material. That's
23 not correct. You bought a pallet and there was some

1 Garlock material in there?

2 A On that pallet, right.

3 Q Do you know how many pieces of Garlock material
4 you purchased back in '63 at Standard Oil?

5 A No, sir. Just be cut pieces, you know what I'm
6 talking about. It could be a dozen pieces or it could be
7 five pieces. Some of the pieces was as big as this
8 shingle, where they just cut it. There was a half a roll,
9 thirty-six wide, forty-eight.

10 Q Let me ask you this. You don't know how many
11 pieces of material you bought back in '63; is that
12 correct?

13 A That's right.

14 Q You bought Garlock material at other times you
15 said?

16 A Yes.

17 Q Am I correct that you can't identify this
18 material as the material you bought in '63 versus the
19 material you bought at some other time; is that right?

20 A This is residue from '63. Just scrap pieces
21 that was in that shed.

22 Q How do you know this is material from '63 versus
23 material from any other time you bought it?

1 A If I had to come and buy it here at Mobile, I
2 had to buy a whole sheet, a thirty-six by thirty-six sheet
3 of it. Where if it was them scraps, I bought it on them
4 pallets.

5 Q But you bought other pallets at other jobs?

6 A Yes, other jobs. Yeah, I bought other things.

7 Q What I am asking is, you can't identify this
8 material specifically as the material you bought at
9 Standard Oil versus the material you bought at some other
10 job site; is that right?

11 A It would be hard for me to say, yeah, that's
12 what I bought on that pallet. I'd be guessing at that if
13 I told you yes.

14 Q In terms of keeping it in your shed, was there a
15 specific place you kept this type of Garlock material in
16 your shed?

17 A I just throwed it in there, man. It would just
18 be throwed in there, just like that was stacked underneath
19 the lean-to out there.

20 Q You mentioned you would give or sell some of
21 your material to other people.

22 A If they needed it, I would give them a piece to
23 cut a gasket. I'd give them two or three of them shingles

1 to put up like that if it was a hot spot against the wood
2 where it would catch a fire.

3 Q Sir, in terms of the size of a muffler gasket,
4 how big is that?

5 A About four inches to six inches.

6 Q Exhibit 1, this broken piece, how big a gasket
7 would that be if it was a complete gasket?

8 A That would be an eight inch. Looks like maybe
9 an eight or ten. That come on a thirty-five twelve
10 Caterpillar. It would go on one of those double riggers,
11 big iron hulls that they build down there.

12 Q So it would be something you could use on a big
13 ship?

14 A Yeah. You could use that on a ship or you could
15 use that on an eight-inch pipe or ten-inch pipe.

16 Q It's a preformed gasket; is that right?

17 A That's a preformed gasket, right.

18 Q It's broken. How did it get broken? Do you
19 know?

20 A I don't have no idea. It's old.

21 Q You couldn't use a piece of broken gasket
22 material, could you?

23 A No, not like that. You'd have to fill it out

1 and make it uniform.

2 Q The piece of gasket that's been marked as
3 Exhibit A, what's the shape of that? Could you describe
4 it to me?

5 A Exhibit A? What are you talking about, which
6 piece?

7 Q The piece of sheet. Would you tell me what it
8 was?

9 A It would be thirty-six inches wide or thirty-six
10 inches square or whatever, whatever they needed for that
11 type of flange.

12 Q I understand. I'm talking about the piece that
13 you gave Judy. Was it a square, was it a circle, was it
14 eight-sided, was it four sided? That's what I'm asking.

15 A This is the piece that I gave Judy right here.

16 Q Without looking at it, can you tell me what the
17 shape of it is?

18 A Oh, I don't know. It's been cut into. I
19 couldn't tell you that without looking at it.

20 Q Okay. I'm a bit confused. Baron & Budd is
21 paying for you to be here today; is that right?

22 A They're giving me lost wages, yeah.

23 Q And every other time you've testified they've

1 paid you?

2 A For whatever I lost if I was working. I was
3 working at Zirlott on the last two I come in here, and
4 they paid me whatever that day was plus traveling time
5 from home to here and back.

6 MS. SKELNIK:

7 Traveling mileage.

8 THE WITNESS:

9 Mileage, yeah.

10 BY MR. COBB:

11 Q How much did they pay you last time? Do you
12 recall?

13 A I'd have to get the records to see. I generally
14 write down everything. I can tell you.

15 Q I'm not asking you specifically that it was
16 twelve dollars and thirteen cents. Was it fifty dollars,
17 a hundred dollars?

18 A I think it's a hundred and fifty dollars, what I
19 make a day, and whatever the traveling time is.

20 Q Whatever that would amount to?

21 A And they pay my parking down here. I parked for
22 three dollars.

23 Q About how many miles is it for you to get here?

1 A I believe it's eighty-five miles from here to
2 where I live. I mean, it's forty miles. It's eighty-five
3 miles both ways, round trip.

4 Q Sir, you mentioned you have other materials
5 there in your shed. Why is it that you didn't bring any
6 of those materials to Judy?

7 A Well, I bought it from Great Barrier and it says
8 asbestos free on it. I'll have to get the name of it. I
9 believe it's Pabco materials. I don't know for sure. I'd
10 be guessing if I told you that.

11 Q You mentioned Pabco. You also mentioned a
12 One-Cote cement?

13 A One-Cote cement.

14 Q Was that from a job site, or did you just
15 recently buy that?

16 A No. I buy that from Great Barrier out here.
17 Used to be Shook & Fletcher. It's Great Barrier now.

18 Q Are there any other materials, pipe covering or
19 anything from the '60s, that you bought that you still
20 have in your shed?

21 A I don't know. I'd have to look if it was. I
22 don't think so. I may have a block or two in there. I'd
23 have to go through it and look through it. I know I got

1 some big wrap that's fiberglass.

2 Q Anything else?

3 A I mean, I don't know. I'd have to go through
4 there and look at it. I'd be guessing if I told you I had
5 it.

6 Q How is it that you remembered that you had this
7 Garlock material in your shed?

8 A Just cleaning up and find it and I'd see it in
9 there and I wondered if that had asbestos in it.

10 Q So it was just happenstance that you --

11 A Coincidence that I found these things and these
12 shingles here. I said, you know, that could be asbestos.
13 If she's got a way of telling, I'll take it to them, if
14 they handle all kind of asbestos cases.

15 MR. COBB:

16 I think that's all I have, sir. Thank you.

17

18 EXAMINATION

19 BY MR. CORRIGAN:

20 Q Mr. Johnson, do you know where these shingles
21 that you bought at the plant in Mississippi in the '70s --
22 first of all, were they supposed to be used on a job for
23 some purpose? Do you know?

1 A I don't know where it was. It was all over the
2 job. The building, it burnt down, and it was on the
3 outside of it, and it was around the boiler, inside where
4 we insulated the boiler. We insulated the boiler where
5 they cooked the fish. All of this was inside. It was
6 thick, because there was two or three layers of these
7 things was in there.

8 Q It was a menhaden plant?

9 A Menhaden, that's where it was at in Pascagoula.
10 The plant burned down.

11 Q I'm sorry, I'm getting confused. Did you buy
12 these from the menhaden plant?

13 A Yeah, right.

14 Q Was that owned by Chevron?

15 A No. I say this was used in that menhaden plant,
16 all over it. No, I bought these from Chevron in
17 Pascagoula. You trying to confuse me now.

18 Q No, sir. I asked you when you bought these from
19 the Chevron plant in Mississippi, is how I prefaced my
20 question. When you bought these from that plant, do you
21 know where they were using these shingles in that plant?

22 A I told you in the fireboxes. They was cutting
23 them up, boilermakers were.

1 Q How many boilers do they have in that plant?

2 A They have a furnace. They don't have a boiler.

3 They had a furnace.

4 Q How many furnaces do they have in that plant?

5 A I don't know. I'd say twenty-five or thirty.

6 Q Did you see these shingles being used at those
7 furnaces?

8 A Yes, sir.

9 Q And you're certain that they were the same exact
10 type that you bought?

11 A Yes, sir. That's where I bought them on the
12 pallet. I'd say there were two or three dozen. I'm
13 guessing again. I'm guessing here. I'd say there were
14 two or three dozen of these shingles on there on that
15 pallet.

16 Q What I'm trying to get to is, when you bought
17 these pallets, they were outside the plant, weren't they,
18 in the yard somewhere?

19 A Yes, sir. They were out in the junkyard,
20 whatever they call that, where they have a designated
21 place they throw the trash.

22 Q Just out in the yard, right?

23 A Right.

1 Q Where in the plant did you see these being used?

2 A On those furnaces.

3 Q On all the furnaces there?

4 A Let me use your pencil a minute here.

5 Q On all the furnaces in there?

6 MS. SKELNIK:

7 Listen to his question.

8 MR. CORRIGAN:

9 Mr. Johnson, if you'd answer my questions, we'd
10 get out of here a little bit quicker.

11 THE WITNESS:

12 Okay.

13 BY MR. CORRIGAN:

14 Q Were they being used on all the furnaces?

15 A Yes, sir, around those square boxes where this
16 rod slid in that supplied the burner.

17 Q Yes, sir.

18 A They fill that little box with these things
19 right here. How they attached them, I don't know that.

20 Q On all of them?

21 A Yes, sir, on every one that I insulated.

22 Q That's all I'm asking. Do you know what Dutch
23 Lap means?

1 A No, sir.

2 Q Have you ever seen that anywhere before?

3 A No, sir. I've seen it on that shingle right
4 there.

5 Q Do you know how these shingles are hung as
6 siding or roofing on a house?

7 A I've never seen them on a roof, but I've seen
8 them on a side.

9 Q Just want to ask you one last question.

10 A All right.

11 Q If they're hung -- my yellow pad is another
12 shingle and this other thing is other shingle. If they're
13 hung like that on the outside of a building -- do you have
14 any disagreement with me that they may be hung like that?

15 A No, sir, I wouldn't have no disagreement with
16 you. I've seen them on buildings like that.

17 Q Let me ask you this question. If they're hung
18 just like that --

19 A Uh-huh.

20 Q -- would you think that the portion that's not
21 covered up by my legal pad and the other thing over here,
22 would you expect that to be more weathered than the rest
23 of the shingle?

1 MS. SKELNIK:

2 Objection. Speculation.

3 THE WITNESS:

4 I don't know. I don't know whether it would be
5 weatherbeaten.

6 BY MR. CORRIGAN:

7 Q But you would agree with me, would you not, that
8 that would be more exposed to the weather, wouldn't you?

9 MS. SKELNIK:

10 Objection. Speculation.

11 THE WITNESS:

12 It would be more exposed.

13 MR. CORRIGAN:

14 That's all the questions I have.

15

16 EXAMINATION

17 BY MR. COBB:

18 Q When you bought material at the job sites, it
19 wasn't packaged. You said they're scraps, so obviously
20 they're not in the packaging or anything at that point; is
21 that correct?

22 A Right.

23 Q You mentioned you bought materials at Chevron

1 and you mentioned you bought materials at Standard Oil
2 Refinery. Are there any other job sites you bought
3 materials from?

4 A Yeah. I bought some from different types of
5 jobs when they were through with them.

6 Q About how many? Can you just estimate?

7 A I'd say one or two, where I buy a pallet of it
8 or something like that.

9 Q You're talking four or five job sites over your
10 career you've purchased material?

11 A Yeah.

12 Q Any more than that?

13 A I think I bought some out here at the
14 International Paper and Crowley's down here. Crowley's,
15 there's another big place out there.

16 Q Would it be less than ten sites you bought
17 material?

18 A Yes, sir, I'd say it would.

19 Q And the materials you would buy, you don't know
20 how they were used or where they came from or anything
21 else relating to the jobs?

22 A I know how these were used.

23 Q No, I'm not saying that. Well, you're pointing

1 to the shingles. I'm not asking about that specifically.
2 What I'm asking is, materials you were purchasing, you
3 weren't actually using them or anything, you were just
4 buying them on a pallet?

5 A Yeah.

6 Q And it was something that you assume they came
7 from a job site, but it could have been something that was
8 in the warehouse or they could have been from anywhere.
9 You don't really know how the specific things that were on
10 those pallets you bought got there; is that right?

11 A Yeah, it was waste from the job. They take it
12 off of the job, as they used it, they'd cut it up, already
13 used. Boilermakers would, pipefitters would. Whatever
14 they were through with, they take it out here and set it
15 in this junkyard.

16 Q But you weren't personally taking the stuff out?

17 A No, sir.

18 Q You were doing your job. You weren't paying
19 attention to who was taking it out and where they would
20 have gotten it from or anything like that?

21 A Just like insulators, we had to box up
22 everything and took it out every night and clean the area
23 up.

1 Q So insulators, your materials, you knew how they
2 got there, but everybody else's material, you weren't
3 paying attention to how they were getting their stuff
4 there?

5 A No.

6 MR. COBB:

7 Off the record.

8
9 WHEREUPON, THERE WAS A BRIEF RECESS DURING WHICH THE THREE
10 SAMPLE MATERIALS WERE MARKED BY THE REPORTER AS
11 PLAINTIFF'S EXHIBITS 1, 2, 3A and 3B FOR IDENTIFICATION
12 AND PHOTOCOPIES WERE TAKEN THEREOF AND ARE ATTACHED TO THE
13 DEPOSITION.

14
15 BY MR. COBB:

16 Q Sir, on Exhibit 1, was the piece whole when you
17 gave it to Judy?

18 A No, sir, it was like that.

19 Q In other words, it wasn't a broken piece? It
20 was one piece?

21 A Yeah, it was at one time.

22 Q What I'm saying, the piece you gave her was one
23 piece?

1 A That piece, right there, yeah.

2 Q If there's another piece in there, if it's two
3 pieces, you didn't give her two pieces?

4 A I broke off that end, that little piece.

5 Q When?

6 A I don't know. Probably in the process of
7 handling it.

8 Q It wasn't this way when you gave it to her?

9 A That little piece fitted on that end and made
10 that point on out there. So I imagine it got broke
11 handling it around.

12 Q What I'm saying, you just gave her one piece?

13 A Yeah.

14 Q And it's two pieces now?

15 A Yeah.

16 Q And it wasn't that way when you gave it to her?

17 A No. It was together.

18 MR. COBB:

19 Thank you.

20

21 EXAMINATION

22 BY MR. CORRIGAN:

23 Q Mr. Johnson, for purposes of identification,

17
1 your lawyer says it's kind of difficult to get anything
2 Xeroxed from the flip side of this shingle. I borrowed a
3 ruler from the secretary of the offices of Gardner and
4 Middlebrooks. I'd like for you to take a look and agree
5 with me, if you would --

6 A No, sir, I'm not going to agree with you on that
7 lapping.

8 Q All right, sir. I'm not going to ask you to
9 agree with me on the lapping. I just want you to agree
10 with some measurements here. You don't have to agree or
11 disagree with what caused them. I just want you to tell
12 me if they're accurate.

13 A Okay.

14 Q Are you familiar with millimeters as opposed to
15 inches?

16 A Yeah.

17 Q Will you agree with me that the hole that I'm
18 looking for which is on Exhibit 3A, there's one corner,
19 the corner that's not broken, there's one single drill
20 hole. Will you agree with me there?

21 A Uh-huh.

22 Q All right, sir. Now, if I measure from the
23 corner to that hole, it's between four millimeters and

1 four and a half millimeters. Will you agree with me
2 there?

3 A Right. It would be an inch and three quarters
4 on the standard. I ain't familiar with --

5 Q I'm just asking you to look at the measurements
6 on the ruler. Will you agree with me there?

7 A Uh-huh.

8 Q And will you agree with me that there's a
9 difference in coloration on this piece of material?

10 A Uh-huh.

11 Q Is there a point on this piece of material that
12 there's a line where it looks like there's a difference in
13 the coloration?

14 A Yes, sir.

15 Q All right, sir. From that line to the second
16 hole, will you agree with me that it also is between four
17 and four and a half millimeters?

18 A Uh-huh.

19 Q Would you say yes, sir?

20 A Yes, sir.

21

22 MR. CORRIGAN:

23 That's all the questions I have.

1 MS. SKELNIK:

2 For purposes of the record, during one of the
3 breaks we have made copies of the materials that we
4 spoke about today, and for clarification's sake, I
5 will be keeping the materials with us in our
6 possession but will attach to the deposition a Xerox
7 photograph of each material.

8 Plaintiff's Exhibit Number 1 will be the Garlock
9 Arch Preformed Gasket that Mr. Johnson spoke about.
10 Plaintiff's Exhibit Number 2 will be the piece of
11 Garlock sheet packing. And Exhibits 3A and 3B
12 will be the two pieces of Flintkote Number 20 Dutch
13 Lap White marked N128 Asbestos Shingle that was used
14 in the deposition. And we'd like to have those
15 attached to the deposition, please.

16

17 EXAMINATION

18 BY MR. COBB:

19 Q Mr. Johnson, as I understand it, you keep a list
20 of the times you're disposed and you keep a record of that
21 you said? You keep a record of the times you go to
22 depositions?

23 A Yes, sir.

1 Q You have a list at home of the times you'd been
2 deposed or testified in court?

3 A Yes, sir.

4 Q What I ask you, sir, if you could, if you will
5 make a copy of that and make that available to your
6 attorney so she can provide it to us?

7 A Yes, sir.

8 Q That's just something you already have written
9 down. You're just going to add this one to it when you go
10 home today?

11 A I'm going to add this one to it, right.

12 Q Okay. If you would do that, I'd appreciate it.

13 A All right.

14 MR. COBB:

15 Mary, I assume you have transcripts of those?

16 MS. SKELNIK:

17 I'm sure we do.

18 MR. COBB:

19 We may have them or we may not. If we need you
20 to make them available, we'll get in touch with you.

21 MS. SKELNIK:

22 All right. That's all.

23 * * * * *

CERTIFICATE

STATE OF ALABAMA:

COUNTY OF MOBILE:

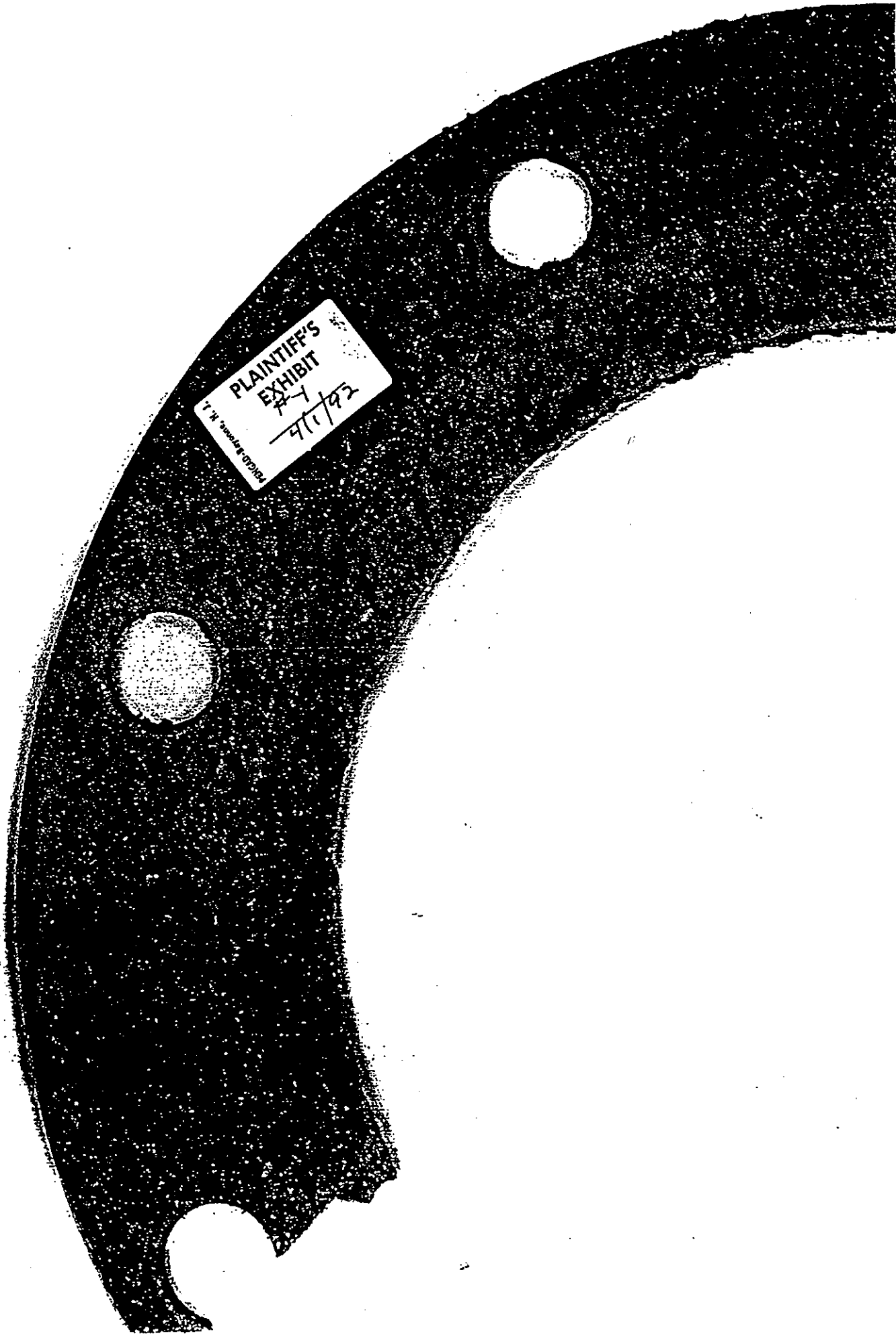
I, Elizabeth S. Girvan, a Notary Public in and for the State of Alabama at Large, duly commissioned and qualified, hereby certify that the within-named witness, MR. WINDSOR JOHNSON, who was made known to me, was by me first duly sworn to speak the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by said witness was, by me, reduced to shorthand in the presence of said witness, afterwards transcribed; and that the foregoing is a true and correct transcription of the testimony so given by the witness as aforesaid.

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

I further certify that I am not a relative, counsel or attorney for either party, or otherwise interested in the outcome of this action.

Elizabeth S. Girvan
ELIZABETH S. GIRVAN
Notary Public in and
for Alabama at Large

My Commission Expires January 15, 1995.



PLAINTIFF'S
EXHIBIT
#4
4/1/92

PERCLO-Bryant, M. J.
PLAINTIFF'S
EXHIBIT
#2
4/1/92

PLAINTIFF'S
EXHIBIT
#34
7/1/92
FOLIO-8-1992, N. L.

FLINTKNOB
NO. 20 DUTCH LAP

FLINT

NO. 20 DUTCHLAP
WHITE N128

PLAINTIFF'S
EXHIBIT
+ 3B
4/1/92