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V-117

STATE OF NEW YORK
SUPREME COURT

ST. LAWRENCE COUNTY

CHARLES P. MINCKLER and
REGINA A. MINCKLER,

Plaintiffs,

VS

R. T. VANDERBILT COMPANY, INC., ET AL,

Defendants.

Deposition of CHARLES P. MINCKLER taken on
October 24, 1991 at the Law Offices of Setright,
Ciabotti and Longstreet, 313 Montgomery Street,
Syracuse, New York 13202.

A P P E A R A N C E S:

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BY: MICHAEL LONGSTREET, ESQ.

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Gouverneur Talc) 499 S. Warren Street
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BY: SAMUEL VULCANO, ESQ.
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JOHN KELSE, ESQ.

For the Defendants: MACKENZIE, SMITH, LEWIS, MICHELL
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I N D E X

WITNESS:

CHARLES P. MINCKLER	PAGE
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E X H I B I T S

EXHIBITS	MARKED	IDENTIFIED
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(It was stipulated by and between counsel for the respective parties that this Examination Before Trial be held pursuant to the provisions of the Civil Practice Law and Rules, that the signing and filing of the minutes are waived, that the witness may be sworn by Christine M. Tamilia, Notary Public, and that all objections, except those as to form, are reserved until the time of trial.)

CHARLES P. MINCKLER, called as a witness, having been duly sworn, testifies as follows:

EXAMINATION BY

MR. LONGSTREET:

MR. VULCANO: We probably ought to say the stipulations will be the same as the deposition of Mr. William M. Fuller that was just completed.

MR. LONGSTREET: You should know, Sam, before we get started, Larry brought x-rays here this morning that he got from the company, x-ray reports. I don't know if you have them.

MR. VULCANO: I don't have them with me.

MR. LONGSTREET: I think we have the physical reports here, too, that Charlie got for himself so --

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MR. KELSE: You picked them up from Bonnie?

WITNESS: I got them from Doug, well, Doug
and Bonnie both.

MR. VULCANO: Is that the stuff?

MR. LONGSTREET: I think it's stuff you asked
for previously but we just got it this morning.

MR. VULCANO: Is this an extra copy?

MR. LONGSTREET: No, you have it.

MR. VULCANO: I don't know whether I have it
with me.

(An off the record discussion was held.)

MR. LONGSTREET: Here's some more stuff, too.
I don't know what it is, it has something to do --

MR. VULCANO: This is stuff Mr. Minckler
brought with him today?

MR. LONGSTREET: Right, but we can get going
while the copies are being made.

MR. VULCANO: She can do these, too.

MR. LONGSTREET: The other thing you should
know, Charlie is hard of hearing.

MR. VULCANO: Okay.

MR. LONGSTREET: So, you have to speak up, he
has to be looking at you sometimes when you talk.

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EXAMINATION BY

MR. LONGSTREET:

Q Would you state your name and address for the record?

A Charles Peter Minckler, Box 86, Edwards, New York 13635.

Q Where were you born?

A Lyon Mountain.

Q Where is that in relation to the Edwards, Gouverneur area?

A Oh, 60 miles east or 75 miles east.

Q How many brothers and sisters do you have?

A I have seven brothers and three sisters.

Q Are your parents still alive?

A No.

Q Your brothers and sisters still alive?

A Yes.

Q Are they all healthy?

A Uh-huh.

Q Are any of them -- Strike that.

Have any of them been miners?

A All but one of the boys.

Q Where did your brothers work?

A Republic Steel, Lyon Mountain, Limeville. I got

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one that worked at Gouverneur Talc.

Q What is his name?

A Warren.

Q Does he have any lung problems?

A Yes.

Q When did he stop working there?

A When did I?

Q No, Warren, when did he stop?

A I think it was June of this year he retired.

Q How old is he?

A Sixty-six.

MR. VULCANO: Age sixty-six?

WITNESS: Right.

Q What is your wife's name?

A Jane.

Q How long have you been married to Jane?

A Thirty-eight years.

Q How old were you when you got married?

A Eighteen.

Q Never been divorced?

A No.

Q Do you have any kids?

A Yes, four. Two boys, two girls.

Q Are they healthy?

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A Yes.

Q Where do they live?

A One lives in Harrisville, one in Pitcairn, one lives in Richville and one lives in Herman.

Q How far did you go in school?

A Eighth grade, no, tenth grade.

Q Where was that?

A Lyon Mountain.

Q Do you know what year you left school?

A '51.

Q Could you tell us briefly your work history prior to your employment with the Gouverneur Talc Company?

A Well, I worked at Norstar Service Station, gas station, then I went to Public Steel, I worked for Pre-Stress Steel, Crucible Steel, I worked down there, worked at Clinton County Highway Department, I worked for the Town of Ellenburg Highway Department. I worked for Al Cola, I think that's about it.

Q How old were you when you started working at Gouverneur Talc Company?

A Twenty-six.

Q And the jobs you had before you started working there, were you in any dusty environments?

A Not really, working on the roads and stuff down

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there. I worked at Pre-Stress Steel as a laborer.

Q There was some dust?

A There was some but nothing, you know, you had respirators.

Q Do you smoke?

A No.

Q Have you ever smoked?

A No.

Q Have you ever tried smoking?

A Probably showing off a couple times.

Q When you were a kid?

A Yes.

Q How did you come to get a job at the

~~Gouverneur Talc Company?~~

A Well, my brother worked there, he told me to go down there because they were hiring and I went down.

Q Did they give you a physical when you started working there?

A Yes.

Q Do you know what the results of that physical were?

A Must of been okay, I went to work.

MR. VULCANO: Object to that as being non-responsive.

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Q Did anybody tell you what the results of the physical were when you first started working?

A No.

Q Did they give you a chest x-ray when you first started working there?

A Yes.

Q Did they tell you what the results of that were, the first chest x-ray?

A No.

Q What job did you have at Gouverneur Talc?

A Laborer and trammer.

Q Could you tell us briefly what you did as a laborer and how long you had that job?

~~A I worked in the yard up on top, moved steel~~
around, cleaned up the yard, I held that job for two, three years. Then I went tramming, trammed around the stopes and stuff.

Q In your job as a laborer, was it dusty?

A No.

Q You said you had a job as a trammer. Tell us briefly --

A Scraping ore in the yards and stuff, then sometimes I took it -- sometimes I used the Emco car.

Q What is an Emco?

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A Emco is when a shovel runs underground on the track.

Q How long did you have your job as a trammer?

A Twenty-six years, around, you know.

Q Did you work at any particular mine?

A Worked in Number 1 most of the time.

Q When you say Number 1, where is that?

A Belmont.

Q That's the one right across from the main office?

A Right. Sometimes I worked at Talcville when they were short handed, vacations I worked up there.

Q The Talcville Mine, did that have a number on it?

A I think it was Number 3, I am not sure.

Q What did you do when you worked at Talcville or Number 3 Mine?

A Trammer, door -- scrape door.

Q Down in the mine?

A Uh-huh.

Q Was it dusty down in that Talcville Mine?

A It was dusty in all the mines.

MR. VULCANO: Objection, non-responsive.

Q Was the dust different -- Strike that.

Was the amount of dust different down in that Talcville Mine than it was in the Number 1 Mine?

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A I wouldn't say so.

Q When did you work in that Talcville Mine?

A I think it was around '74, '75, in there.

Q Can you tell us about how long you worked in that mine, weeks?

A Probably a week, this time a couple weeks, probably work a week or couple days. I don't think I ever worked over two weeks at a time over there.

Q Do you have an idea as to if you added up all those weeks you worked there, how much time you worked in the Talcville Mine?

A I wouldn't say it was six weeks, if I worked there that long.

Q Did you wear a respirator when you were working down in the mines?

A I wore a respirator since 1974 all the time.

MR. VULCANO: All the time?

WITNESS: All the time.

Q When you say all the time --

A Except for lunch, you know, or if I was in the dining room.

Q What was your normal day or normal custom in practice, when would you put the respirator on?

A When I went underground.

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Q You'd keep the respirator on for how long?

A Until just about when I come off.

Q Would you have to change your respirator from time to time?

A Sometimes.

Q How often would you have to do that?

A Probably two, three times a day I'd change it.

Q Can you tell us what kind of respirator you wore?

A I wore this one for one or that one over there, that goes in this box.

Q You're referring to a box that says it's been marked as Exhibit 2, Moldex 2200?

A I wore those, I wore those over there, too.

MR. VULCANO: Just for the record, Mike, that

is Exhibit 2 from William Fuller's deposition.

MR. LONGSTREET: Marked 10/24/91.

Q You're saying that this Moldex 2200 is the type you wore primarily or most of the time?

A Most of the time.

Q Did you have a preference for this type?

A Yes, they were better than that other.

Q The other one is what?

A That one right there.

Q This is Exhibit 1 dated today's date, 3M dust and

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mist respirator. You're saying that the Moldex is a lot better than 3M?

A Uh-huh.

Q How many of these would you go through in a day, these respirators?

A Those things, sometimes you could use them two days, all depends on where you were.

MR. VULCANO: Just for the record, I want to make sure I know what he is talking about. The disposable respirator?

WITNESS: This one right here.

MR. LONGSTREET: The Moldex 2200, right?

THE WITNESS: Yes.

Q Are you saying that the more dusty it was, the more frequently you had to change your respirator?

A Oh, yeah.

Q Would you wear any other protective equipment when you were down in the mines?

A Ear plugs.

Q What else?

A Hard hat, boots, safety belt.

Q Would you wear glasses?

A Yes, I had to wear glasses.

Q Did you have any problem wearing glasses and a

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mask at the same time?

A Uh-huh.

Q Could you tell us about that problem?

A They never told me I had to wear a respirator, but I had to wear my glasses all the time. Some places you couldn't see from here to that wall, but you didn't need a respirator but you needed your glasses on.

Q Well, as far as the problem of wearing both the glasses and the mask at the same time, are you talking about the glasses?

A They fogged up on you, you couldn't see nothing.

Q Was that something that happened very frequently, did it happen all the time or not very often?

A Just when you wore them.

Q Every time you wore them they were foggy?

A Just about every time, you looked down and then up you had to --

Q Could you do your job with your glasses fogged up?

A You had to.

Q Wearing fogged up glasses?

A You had to keep them clean but you had to do it but I always wore the respirator.

MR. VULCANO: I am sorry you said you always
did?

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THE WITNESS: Right.

Q You're saying when you had to choose between wearing a respirator and the glasses --

A I chose the respirator.

Q Now, could you describe for us the amount of dust that you would encounter on a typical day down in Mine Number 1?

A Well, some days I'd be scraping and this one stope, the ore would fall down the track, you couldn't see from here to that wall for about 3, 400 feet.

Q Ten, 12 feet from that wall?

A You couldn't see.

MR. VULCANO: I object, you asked typical day and he said --

WITNESS: That is not a typical day. Typical day you could see dust there all the time.

Q Some days it's more dustier than others?

A Right.

Q Were there ever days that there was never dust at all?

A Not really, not where I was. I was by the crusher or on the 900 level, the other path goes right by there, you opened up your dinner pal and you had the dust right there.

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Q We will get into what happened in your lunch hour but as far as your normal working days, as far as the areas you had to work, you're saying that was always dusty but the dust levels vary?

MR. VULCANO: Objection.

A Oh, yeah.

Q Could you tell us how effective the respirators were in keeping the dust out of your nose and mouth?

A Well, I don't know how effective it was, but it was a lot better than not wearing them. I can't tell how good they were.

Q Did they keep all the dust out of your nose and mouth?

A Not all of it, but they kept a lot of it out.

Q As far as the company's position with regards to wearing respirators, are you aware of whether the company had a position at any time?

A What is that again?

Q What did the company do -- Strike that.

What did the company tell you about respirators?

MR. VULCANO: Objection. Which company,

Mike, Gouverneur Talc --

MR. LONGSTREET: Yes, your employer.

A They never told me nothing until later years, like

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'74. They never said you had to wear a respirator. As it got later in years, you had to wear them, but when I first got there, I don't know if they had them but since '74, I know they had them because I wore them all the time.

Q Why did you wear them in '74?

A I worked with a couple of guys that weren't in too good of shape, sick, most of them dead now.

Q Were you sick in 1974?

A No.

Q Did there come a time when your employer insisted that you wear a respirator, you and the other employees?

A Oh, yeah.

Q When was that?

A I don't know when it was, but it was in the 80's sometime, you had to wear them in certain places and others you didn't have to. You didn't have to wear them all the time.

Q What places would you have to wear them and what places not?

MR. VULCANO: This is in the 1980's?

THE WITNESS: Yes.

A When you were using the Emco or scraping, you were running around a crusher, you had to wear them, that's about it.

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2 Q Would you have to wear a respirator in the lunch
3 room or would the company tell you to do that?

4 A No, you didn't have to wear them in the lunch
5 room.

6 Q How about when you were going down the elevator?

7 A You didn't have to wear them then either but I did
8 a lot of the times, most of the times.

9 Q Was it possible for you to wear your respirator
10 and eat your lunch at the same time?

11 A No.

12 Q Was there dust in the lunch room?

13 A A lot of the times there was, yeah.

14 Q Could you describe for us what the dust was like
15 in the lunch room?

16 MR. VULCANO: Objection.

17 Q Just tell us what you remember seeing in the lunch
18 room as far as the dust.

19 A You had a lunch table a little bigger than that
20 one there, there was dust, you had to dust the table off.

21 Q Was there dust in the air?

22 A Well, there was sometime or another in order to
23 get on them tables.

24 Q As far as once you got out of the mine, on a
25 typical day, was it dusty in the area where you got out of

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the mine?

A Yes, my car was dusty all the time inside, even with the windows up it didn't matter.

Q Where would you park your cars?

A Right across from the corner house where the ore goes from the mine to the mill, right across the driveway from that in the parking lot.

Q So, you're only a few hundred feet from the front door to the office of the Gouverneur Talc Company, that's where you parked?

A Yes, right across the road.

Q And every day your car would be dusty on the outside?

A No, not every day.

Q How often would it be dusty?

A Two, three times a week or sometimes every day during the week when the wind was blowing right. Then, there were times they wet the ore down more, it wasn't dusty.

Q Did anyone at the Gouverneur Talc Company ever tell you that the talc was harmful?

A No.

Q Did anyone at the R.T. Vanderbilt Company ever tell you that the talc was harmful?

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A No.

Q Do you recall having some sort of device on your person which tested the air around you?

A Oh, yeah.

Q How often was that done?

A I think they come around quarterly.

Q Do you know when they started doing that?

A Not really, no.

Q Could you describe for us the device that was used?

A Well, they'd have a pump on your belt, you had a thing here sucking dust in there to see -- they had filters in there, little filters, some two hour, some one, some eight-hour filters. They'd have a thing on your back for noise level, a thing on your collar, that is all I ever wore down there.

Q Now, when you were wearing those devices, I don't know what you want to call it, were you assigned to different areas of the mine?

A Oh, yeah. They'd send you different places.

Q Could you tell us what places they would send you when you were wearing the dust collectors?

MR. VULCANO: Is this on some particular occasion or in general?

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MR. LONGSTREET: In general.

MR. VULCANO: I object on foundation.

A They send you to the cleanest places, they don't send you where it's loaded up with dust but they put it on when you worked the crusher and that crusher was dusty.

Q Do you have a recollection, as you sit here today, of the times when you were wearing the dust collector? Any specific times?

A No.

Q Who were some of the other fellows you worked with over the years at Gouverneur?

A Carl Matthews, Harold Aye, John Conklin, Bill Fuller, Ed Tario, Ed Flemmings, Ely Shippy, I can keep going on, there is a lot of them I worked with, a lot of guys.

Q Okay. Were you aware whether any of those fellows have pulmonary problems as a result of the dust?

MR. VULCANO: Objection.

A Yes, pretty near all of them.

Q Did the Gouverneur Talc Company conduct physicals on a regular basis?

A We either had the physicals every year or the x-rays every two years or the x-rays every year and the physical every two years or whatever, in the later years.

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Q Who were the doctors that did the physicals?

A I think Dr. Dodd did most of them, Dr. Wright, there was a Dr. Fung who did one on me, Dr. Vanslig did the first one, there might have been more in between there, I don't know.

Q Were those doctors your personal physicians or were they employed or engaged by someone else?

A No, they come from Gouverneur Talc, Vanderbilt or whoever hired them. Dr. Dodd is my family physician.

Q But when he did the physicals, was it something you asked him to do?

A No, he did it for the company.

Q Did any of those doctors tell you of problems that you were having with your lungs or your pulmonary system?

A No.

MR. VULCANO: Objection.

Q Any time prior to August of 1989?

MR. VULCANO: Objection.

A No.

Q Did any of those doctors tell you, prior to August of 1989, that you didn't have a problem with your lungs or pulmonary system?

MR. VULCANO: Objection.

A No.

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Q Did any of those doctors reveal the results of the physical or the x-rays taken on behalf of the Gouverneur Talc Company?

A No.

Q Have you ever been hurt -- Strike that.
Before August of 1989, had you ever been hurt?

A Yeah, I hurt my back or shoulder blade or back, broke a couple of fingers, other than that, there hasn't been nothing too serious, never missed any time.

Q When you say you hadn't missed any time, could you be more specific about that?

A Well, I hadn't lost a days work in 23, 24 years, something like that. I hadn't missed a day of work.

Q Prior to August of '89?

A Right.

(An off the record discussion was held.)

Q Have you ever met a fellow by the name of Hugh Vanderbilt?

A I never met him personally, but I saw him.

Q When did you first see Mr. Vanderbilt?

A Well, he walked through the mine a few times and I saw him in the carpenter shop.

Q Could you describe for us the circumstances surrounding the time you saw him in the carpenter shop?

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A Well, that is when he was having a lot of trouble about the fibers or asbestos or something. He came up and talked to us, there was pieces in the paper where it didn't look too good for Vanderbilt and all this stuff or Gouverneur Talc. He told us not to worry about it because everything was under control.

Q Can you tell us specifically what you remember him saying to you?

A Well, he said he was gonna work -- he spent a lot of money trying to get this fiber, asbestos or whatever he was calling this, taken care of, spent fifteen, twenty million dollars on it, I guess he said if that didn't work, he knew somebody that could help him out pretty good.

Q Who was that?

A Some senator, he said -- I am not mentioning no names, he said he had him right here.

Q When you say had him right here, you're pointing to your back pocket?

A That's right.

Q How many people witnessed that speech that Mr. Vanderbilt gave?

A Well, all the miners were there, the day shift, all the millers were there, the day shift, I think all the

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2 pit was there, but I am not sure, it was an open pit.

3 Q Were you ever told by anyone at the company
4 whether the product was asbestos or not?

5 A Nobody ever told me nothing about it.

6 Q Did there come a time in early 1989 when you made
7 an inquiry of somebody at the company concerning your
8 lungs?

9 A Yeah.

10 Q How did that come about?

11 A Well, I -- they sent one guy to Ogdensburg to some
12 specialist for his lungs. I couldn't breath so I asked
13 them if I could go. So, he said he didn't know if I could
14 go or not but he'd write to somebody that could let him
15 know. He wrote to Connecticut -- somebody, they reviewed
16 my file, he said I couldn't go, there was nothing wrong
17 with me.

18 Q Who were you dealing with when you made that
19 request?

20 A Doug Beshardt (ph).

21 Q Who is he?

22 A Personnel Manager.

23 (An off the record discussion was held.)

24 (WHEREUPON EXHIBIT 5 WAS MARKED FOR IDENTIFICATION.)

25 Q Charlie, I am showing you Exhibit 5 for

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identification. What is that set of documents?

A This is what Doug sent down to see if I could go
get the physical, this is what I got back.

Q Did you read this over back in 1989?

A Yeah.

Q Now, there is a reference in the first page here --

MR. VULCANO: Just before you start to read
or refer to them, so I don't put a standing
objection to any reading from or reference to
those documents, they're not in evidence.
Obviously there is nobody here to accept them into
evidence. There is no foundation to make those
that anyways.

MR. LONGSTREET: I will just ask him a few

questions about the documents.

Q There is a reference in here to a Dr. Bolecky. Do
you know who that doctor is?

A I never saw him.

Q Did that doctor ever contact you?

A No.

Q Who told you that you wouldn't need further
medical attention?

A Well, Doug sent all that stuff back over from the
mill to me.

MINCKLER - LONGSTREET

MR. VULCANO: Object to the last question.

Q Did you have a conversation with Mr. Beshardt about the condition of your lungs or the need for future medical attention?

A Yeah.

Q What did he tell you?

A He said he had contacted this guy to see if I needed it and if I needed it, he'd recommend it.

Q After that conversation, did he tell you whether you needed further medical attention or not?

MR. VULCANO: Objection.

A He said I didn't need it.

Q Prior to August of 1990, did you ever seek medical attention from your own personal physician for --

A No.

Q -- heart or lung problems?

A No.

Q When was the last time, prior to August of 1989, that you had seen a physician for any medical problem, other than the company's doctors?

A I don't know when it was, probably when I broke my fingers. I never been to the doctors, probably the last physical I had, that was the last time I seen a doctor.

Q Did there come a time in August of 1989 when you

MINCKLER - LONGSTREET

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went to see a physician?

A Yeah, I went to see Dr. Lax.

Q That's Dr. Michael Lax here in Syracuse?

A Right.

Q When did you see Dr. Lax?

A I think it was August 10th of '89.

Q What did Dr. Lax do for you?

A Well, he said I had a heart attack for one thing, he sent me to Dr. Ashruf, he did a physical on me, sent me back here to St. Joe's Hospital for catheterization.

Q Who performed the catheterization?

A Dr. Mark Reger.

Q Did there come a time that you found out the results of the catheterization?

A Yeah, that same day, I had to -- then they made an appointment for surgery.

Q Who did the surgery?

A Dr. Isaac Levy.

Q When was the surgery done?

A September 28, 1989.

Q Did there come a time after the surgery that you sought medical attention for your lungs?

A I still go to Dr. Ashruf every month or two months.

MINCKLER - LONGSTREET

MR. VULCANO: Just object for non-responsive,
you asked him about lungs.

Q Does he treat you for your lungs?

A Both, I think.

Q Both your heart and lungs?

A I think so.

MR. VULCANO: That's Dr. Ashruf?

MR. LONGSTREET: Yes.

Q What has Dr. Ashruf told you about your lungs?

A I had talcosis.

Q When did Dr. Ashruf first tell you that?

A I don't know, when I go up there I try to do the
treadmill machine, I couldn't do that. He took me right
off, he wouldn't let me do it at all.

Q This was after your heart surgery?

A No, before. They wouldn't let me do that up
there, I had to come back down here to try it, Dr. Sipple.

Q Dr. Sipple is not your doctor, is he?

A No.

Q Who is he the doctor for?

A Insurance carrier, I think, I don't know who is.

Q When did you go see Dr. Sipple?

A I don't know if it was in June of '90, probably.

Q Other than Dr. Ashruf, have you seen any other

MINCKLER - LONGSTREET

doctors for your lungs, Dr. Ashruf and Dr. Lax?

MR. VULCANO: Object to the form.

A No -- Dr. Reger, I seen him.

Q Can you tell us what sorts of things you can't do now, that you could do before August of 1989?

A A lot of things I can't do, I can't lift nothing, can't pull or push. I can walk.

Q Can you work?

A No.

Q Has a doctor --

A I will get up in the morning, get breakfast and have to take a nap.

Q Has a doctor told you you can't work?

A Yeah.

Q Who is that?

A Dr. Ashruf.

Q How has your lung condition effected the way you live?

MR. VULCANO: Objection.

A Well, I can't hardly do anything, like I go try to mow my lawn, that's probably a quarter as big as that parking lot, it takes me two hours to mow it.

Q How big is it, an acre or two?

A My lot is 112 by 104.

MINCKLER - LONGSTREET

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2 Q Could you describe for us the condition of your
3 lungs as you sit here today?

4 MR. VULCANO: Objection.

5 A Some days my lungs are good, some days I can't
6 breath at all.

7 Q When you say your lungs are good, what do you mean
8 by that?

9 A Well, if it's cool weather and the humidity isn't
10 high, you can breath half way decent, but this summer when
11 it was hot and muggy, you had to go inside where there was
12 air conditioning or a fan or something.

13 Q As far as your ability to be engaged in physical
14 activity, how have your lungs been affected to that?

15 MR. VULCANO: Objection.

16 A What was that?

17 Q As far as your ability to be engaged in physical
18 activity, how have your lungs been affected to that?

19 MR. VULCANO: Objection.

20 A I just can't do it.

21 Q Can you give us an example of what you can't do?

22 A Before, a cable would break and I couldn't do it,
23 you'd have to break it with a sledge hammer, you couldn't
24 pound it. A lot of times, I'd take a sling and pull it
25 down the drift, they didn't like that too good, I just

MINCKLER - LONGSTREET

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2 can't do it like I used to do.

3 Q Has your doctor told you whether you should be
4 exposed to dust anymore?

5 MR. VULCANO: Objection.

6 A He never told me.

7 Q Your current doctor?

8 MR. VULCANO: Objection.

9 A He didn't want me around dust at all.

10 Q Could you tell us what a normal day is like for
11 yourself?

12 A Yeah, I get up about 6:30, eat breakfast, take a
13 nap, go get the mail, come back probably take a nap, in
14 the afternoon I go for a walk, take a nap, you know, you
15 just can't do it. I walked 767 miles last year.

16 Q Have you had any problems with your heart since
17 the surgery?

18 A No.

19 Q Are you taking any medication?

20 A Yes.

21 Q What are you taking?

22 A Cardizem, Ecotrin.

23 Q What do those drugs do for you?

24 A Well, one of them Ecotrin, I think is an aspirin,
25 and the Cardizem thins your blood, I think.

MINCKLER - LONGSTREET

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2 Q Has the talc affected your body in any other way,
3 other than your lungs?

4 MR. VULCANO: Objection.

5 A Not that I know of -- yeah, my fingernails all
6 clubbed up.

7 Q When you say your fingernails clubbed up, what do
8 you mean by that?

9 A Look at them, that is the first thing they look
10 at.

11 Q How long have your fingernails been like that?

12 A Twenty-six years.

13 Q Did any of the doctors tell you that you had
14 clubbing of your fingernails?

15 A ~~Yeah, I don't know if it was Dr. Dodd or Dr. Rode,~~
16 somebody did, but he never told me but he'd look at them,
17 you know, a couple of them said there was nothing wrong
18 with them.

19 Q You're saying the company doctors looked at your
20 fingernails and saw what you're showing us today and said
21 there wasn't anything wrong with them?

22 MR. VULCANO: Objection.

23 A Yeah.

24 Q What were you making when you were working at
25 Gouverneur Talc?

MINCKLER - VULCANO

A I think it was \$591 a week.

Q Where did you get that number from?

A From my compensation cases.

Q Do you know how much you were making a year at Gouverneur Talc, the year before you stopped working there?

A Probably 32, \$33,000, something like that.

Q And Mr. Minckler, can you tell us why you're not working at Gouverneur Talc anymore?

MR. VULCANO: Objection.

A Yeah, the doctor says I can't work anymore.

Q If the doctor said you could work, would you be working?

MR. VULCANO: Objection.

A I don't think I'd be working there.

Q Why is that?

MR. VULCANO: Objection.

A Because of the dust.

MR. LONGSTREET: I don't have anything further, Sam.

EXAMINATION BY

MR. VULCANO:

Q Let me ask you a few questions. I think you said both of your parents have died; is that true?

MINCKLER - VULCANO

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A Right.

Q What did your mother die of?

A They said she had lung cancer, I think she threw up and couldn't get it out of her lungs.

Q How about your father?

A He was 78 and I think he died of old age.

Q Any other heart disease?

A Yup, since I had mine, my brother Howard, he's 72 years old, I have a brother Ross that had a bypass.

Q What was your brother's name again?

A Ross.

Q Ross?

A Right.

Q Now, how old is Ross, about?

A Well, 53 probably. He's retired from the service so --

Q Where did he work before he got sick?

A He'd been in the service all the time.

Q Which branch?

A Army.

Q Did he ever work at Gouverneur Talc?

A No.

Q Ever work at St. Joe's?

A No.

MINCKLER - VULCANO

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2 Q Ever work in a mine?

3 A No, he is the one that didn't.

4 Q He had the same thing done?

5 MR. LONGSTREET: Objection.

6 Q What did you have, quadruple bypass?

7 A Yes.

8 Q Your brother Ross who never worked in the mines
9 had a triple bypass?

10 A Right.

11 Q Where did Howard work?

12 A Lyon Mountain.

13 Q In a mine?

14 A Right.

15 Q What type of mine was that?

16 A Iron, ore.

17 Q They don't mine talc at Lyon Mountain, do they?

18 A No.

19 Q He had a heart attack as well?

20 A Yes, he says he did.

21 Q Any other heart disease that you're aware of in
22 your family?

23 A No.

24 Q Sir, when did you start working for
25 Gouverneur Talc?

MINCKLER - VULCANO

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A 1960.

Q And who was your family physician back in 1960, do you remember?

A Well, we moved from Ellenburg, it must have been Dr. -- well, 1960, it was Dr. Dodd down there, but up there --

Q You can't remember?

A No.

Q Well, let's try it this way. Why don't you tell me the names of the family doctors you can remember having between 1960 and 1989.

A Dr. Dodds.

Q Now, if I understand your testimony correctly, you saw Dr. Dodds on more than one occasion in relation to being an employee of Gouverneur Talc; is that true?

A No, I see Dr. Dodd every day. I went there just a little while ago but he got me out of there.

Q In other words, you would go to Dr. Dodds on your own?

A If I had a cold or flu shot or something.

Q When did you start seeing him as a family doctor?

A 1960.

Q Did you continue to see him as a family doctor whenever necessary up until 1989?

MINCKLER - VULCANO

water down the road every day, lot of days they don't, lot of days they do.

EXAMINATION BY

MR. VULCANO:

Q Mr. Minckler, the questions about wind blown talc, whenever you might have experienced that, would that have been on your way in or out of work?

A One of those times, I was in the hole eight hours a day.

MR. VULCANO: No further questions. Thank you.

(Proceedings were concluded)

C E R T I F I C A T I O N

I, Christine M. Tamlia, Court Reporter, do hereby
certify that I attended the foregoing proceedings,
and took stenographic notes of the same, and that
the foregoing typewritten matter is a true and
accurate transcript of the same, and of the whole
thereof, to the best of my knowledge and ability.

Christine M. Tamlia

Christine M. Tamlia

DATED: October 30, 1951

MINCKLER - VULCANO

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2 A Oh, yeah, the kids still go there and everything.

3 Q During the years that you saw Dr. Dodds, between
4 1960 and '89, did he ever say anything to you about losing
5 weight?

6 A Well, they probably all did some time or another.

7 Q Did Dr. Dodds ever say that to you?

8 A I don't think so.

9 Q Anything about your diet?

10 A No.

11 Q Anything about more exercise, cutting down on the
12 amount of fat you ate or red meat, anything along those
13 lines?

14 A No, Dr. Dodds never did.

15 Q Who did?

16 A They told me, Dr. Levy or Reger, one of them.

17 Q That was in 1989?

18 A Right.

19 Q That was because of your heart?

20 A Yes.

21 Q Sir, you mentioned that at some point in time in
22 the last several years, Mr. Hugh Vanderbilt came to the
23 mine?

24 A Right.

25 Q And I think there was a meeting in the carpentry

shop?

A Right.

Q You were at that meeting?

A Yes.

Q Mr. Vanderbilt spoke?

A Right.

Q And did he speak about -- Strike that.

Did he say at that meeting that, if you recall, that he did not believe there was asbestos in the mineral mines at Gouverneur Talc?

A Yes, he did.

Q Did he say that more than once?

A I don't remember how many times he said it.

~~Q You mentioned that he indicated that he spent, I~~
think you said fifteen million dollars or something along that line. Did he indicate that the money he spent, he was spending to try to prove his belief that there was no asbestos in the minerals?

A That's the way we took it, I guess.

Q You were there and you heard him speak, you observed him, did he appear sincere in that belief?

A Yes, he did.

Q You left that meeting believing there was no asbestos in that talc?

MINCKLER - VULCANO

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A Right.

Q That he spent a lot of money to prove it?

A Yes.

Q Did you understand that to reassure
Gouverneur Talc that Mr. Vanderbilt was doing what he
could to preserve the business at Gouverneur Talc?

A Right.

Q People were worried about losing their jobs?

A Right.

Q Were you worried about losing your job?

A Yes.

Q And Mr. Vanderbilt came up to reassure people that
he was doing what he could to preserve the jobs?

A Right.

Q Now, sir, you started working at Gouverneur Talc
in 1960?

A Yes.

Q And I think you said you were a laborer for a
certain period of time?

A Yeah, two, three years.

Q That is above ground?

A Above and below, both, where ever you're needed,
you go.

Q Was that mostly above ground?

MINCKLER - VULCANO

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A Mostly.

Q Then you became a trammer?

A Right.

Q And a trammer is below ground?

A Right.

Q Now, Mr. Fuller was here today.

A Right.

Q You saw him?

A Right.

Q He answered questions before you did.

A Yes.

Q And you worked with Mr. Fuller from time to time?

A Yes.

Q He was a trammer also?

A Yes.

Q Now, sir, if I understand your testimony correctly, in 1974 respirators were made available for your use by Gouverneur Talc; is that true?

A Everyone didn't have to use them, they had them if you wanted them. I wanted one.

Q Let me ask you again. Is it true that in 1974 Gouverneur Talc made respirators available?

A Yes.

Q If you wanted to use one, you could?

MINCKLER - VULCANO

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2 A Right.

3 Q You decided to use one?

4 A Right.

5 Q In 1974, respirators were made available, similiar
6 to the respirators that were marked as Exhibit 4 during
7 Mr. Fuller's deposition?

8 A No, I used the other one over there.

9 Q So, would that be the one that is in the bag that
10 is marked as Exhibit 3?

11 A Yes. It'd be this one right here. I don't know
12 what exhibit that is, that is a different respirator than
13 those here.

14 Q Let me ask you a question, sir. Beginning in
15 ~~1974, a respirator similar to the one that you took out of~~
16 the plastic bag marked Exhibit 3 was available to use if
17 you wanted it?

18 A Yes.

19 Q And the respirator you pulled out from that had a
20 warning and other labels on the front of it?

21 A Right.

22 Q The other one in there, so we can figure it out
23 later, didn't have a warning on the front of it; right?

24 A Right.

25 Q Now, in 1974 when the respirator in the bag marked

MINCKLER - VULCANO

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2 as Exhibit 3 was made available to you, did anyone tell
3 you to use it?

4 A No.

5 Q Tell you you had to use it?

6 A No.

7 Q Nobody forced you?

8 A Right.

9 Q You decided to use it on your own?

10 A Right.

11 Q Why did you decide to use a respirator at that
12 time?

13 A Because, oh, six or seven guys couldn't breath,
14 they were just about dead, you watched their chest and I
15 ~~didn't feel that I was gonna go through that.~~

16 Q They would wheeze?

17 A I guess they would.

18 MR. LONGSTREET: That's not all, you went
19 through a type of breathing.

20 MR. VULCANO: I am describing the fact that
21 Mr. Minckler wheezed, I am not limiting that, that
22 is the only thing he said.

23 MR. LONGSTREET: I didn't think it was
24 wheezing, I thought it was heavy breathing.

25 Q You tell me. How would you describe it?

MINCKLER - VULCANO

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2 A Heavy breathing.

3 Q Now, you would have seen these other gentlemen
4 that you mentioned, who had heavy breathing and you
5 decided that you were going to wear a respirator such as
6 the one in the bag marked Exhibit 3, because you didn't
7 want to have that condition?

8 A That's right.

9 Q So, did you decide to use the respirator to limit
10 the amount of dust that you would breath?

11 A Yes.

12 Q And if I understand your testimony correctly, you
13 didn't miss a day of work in 22 or 23 years?

14 A I probably did lose time when I went to my
15 father's funeral, but that's all.

16 Q And during that period of over 20 years that you
17 didn't miss a day's work, you wore a respirator everyday?

18 A Since '74.

19 Q Since 1974 until 1989, you wore a respirator
20 everyday; right?

21 A Right.

22 Q And you were working as a trammer?

23 A Right.

24 Q Throughout that period of time?

25 A Right.

MINCKLER - VULCANO

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2 Q Now, as a trammer, you would -- would you have to
3 mine, take broken ore and feed it through the stope, if I
4 am saying that correctly?

5 A Yes.

6 Q Sometimes would a cable break when you did the
7 tramming work?

8 A Yes.

9 Q Would you have to repair that?

10 A Yes.

11 Q That is hard work?

12 A Yes.

13 Q You'd wear your respirator?

14 A Yes.

15 ~~Q You were able to do that work with the respirator~~
16 ~~on?~~

17 A Yes.

18 Q Now, sir, you worked with Bill Fuller from time to
19 time?

20 A Yes.

21 Q And he was a trammer?

22 A Right.

23 Q Mr. Fuller wear a respirator?

24 A Not all the time.

25 Q He'd take it off from time to time?

MINCKLER - VULCANO

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2 A Yes.

3 Q Was there any particular time that he would take
4 it off or not take it off or don't you know that?

5 A He'd take it off to smoke, if he had a cigarette,
6 sometimes he didn't smoke. He'd take it off, we'd talk
7 for a few minutes, sometimes we talked with it on.

8 Q You can't smoke a cigarette with a respirator on?

9 A He didn't smoke hardly at all.

10 Q Okay. Did you ever see Mr. Fuller -- Strike that.
11 You didn't smoke though did you?

12 A Never really have smoked, right, right, showing
13 off I have had a couple bottles of beer in my life but
14 that's it.

15 ~~Q Mr. Minckler, did you need anybody to tell you to~~
16 ~~wear a respirator back in 1974?~~

17 MR. LONGSTREET: I will object to that.

18 A No, I just wore it.

19 Q It was obvious that you ought to wear it?

20 MR. VULCANO: I object.

21 A Right.

22 Q Now, in your days as a trammer, sir, since 1974 --
23 Strike that.

24 In your days as a trammer from 1974 on, would you
25 say you worked as hard as any other trammer?

MINCKLER - VULCANO

A Probably worked harder than a lot of them.

Q You were a hard working employee?

A Right.

Q Most of the other trammers wear respirators?

MR. VULCANO: I object.

A A few of them did.

Q Well, did more people wear them or more people not
or aren't you able to tell me that?

MR. LONGSTREET: I object to that.

A More towards the end, towards the later years.

Q Let me rephrase the question.

MR. LONGSTREET: My objection is about time
frame because we're talking about 25, 30 years,
~~something like that.~~

Q Beginning in 1974, did more trammers wear
respirators than not?

A 1974, I'd say I was about the only one that wore
it, then later years the other ones started to wear them.

Q I think you testified that at some point in time
there was some signs that said you had to wear
respirators?

MR. LONGSTREET: I will object.

A I didn't see no sign, but they posted them on the
bulletin board like around the crusher area, you had to

MINCKLER - VULCANO

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2 wear a respirator, if you were scraping, you had to wear a
3 respirator.

4 Q Let me rephrase that.

5 A I don't know about the mill.

6 Q I got confused and I am asking you about the
7 mines. In any event, at some point in time, was there
8 material posted on a bulletin board about wearing
9 respirators?

10 A Just in those areas like 3.

11 Q Crusher?

12 A Crusher.

13 Q Emco?

14 A Emco.

15 Q And scraping?

16 A And scraping.

17 Q Where was this information posted?

18 A On a bulletin board.

19 Q Where was the bulletin board?

20 A Right by the time clock.

21 Q Above or below ground?

22 A Above ground.

23 Q When that material was posted, did you see it?

24 A Yes.

25 Q Did you read it?

MINCKLER - VULCANO

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A Yes.

Q Now, the crusher area, the operating an Emco or scraping, are these some of the dustier operations in the mine?

A Most of the time.

Q Now, if someone didn't wear a respirator in the crusher area, while operating an Emco or while scraping, was there some procedure that would be followed if they were observed not wearing a respirator?

MR. LONGSTREET: I will object.

A Not really.

Q Did you ever see anyone get a warning slip?

A Nope.

~~Q Did you know what a warning slip is?~~

A Yes.

Q Were there warning slips?

A I don't think anybody got one.

Q Did you see one?

A I never got any.

Q Did you know if they ever existed?

A They said they would give them but I didn't see any.

Q Mr. Minckler, at some point in time, did you begin to experience shortness of breath?

MINCKLER - VULCANO

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2 A Yes.

3 Q When was that?

4 A Oh, probably, five, six years before that.

5 Q Five, six before 1989?

6 A Right.

7 Q Now, in 1989 you had a heart attack?

8 A They said I did, I don't know.

9 Q You have been told by your doctors in 1989 you had
10 a heart attack?

11 A Right.

12 Q About five, six years before that you experienced
13 shortness of breath?

14 A Yes.

15 Q ~~Have any of your doctors told you that your~~
16 shortness of breath is related to your heart problem?

17 A Yes.

18 Q Which doctors told you that?

19 A Dr. Reger --

20 MR. LONGSTREET: Object to the previous
21 question.22 A Dr. Ashruf and Dr. Sipple has it on the report
23 there.24 Q Dr. Sipple I think you said you were sent by the
25 compensation carrier?

MINCKLER - VULCANO

A Yes. Whoever, the State insurance carrier or whatever, nobody I ever saw before.

Q Did you ever talk to Dr. Ashruf about whether your heart problem was in any way related to your exposure to dust?

A Just that he told me it was.

Q He told you what?

A He said it was.

Q It was related to your exposure to dust?

A Right.

Q When did he tell you that?

A One of my visits.

MR. VULCANO: We served Interrogatories and in answering, specifically, in answering the Interrogatories that deal with medical injuries being claimed by the Plaintiff, being Mr. Minckler, you have responded by attaching medical records. You produced one additional medical record that I didn't have, dated November 27, 1990 from Dr. Ashruf. Do you have any other records from Dr. Ashruf that I don't have?

MR. LONGSTREET: No, you have what I have. I don't believe we have Dr. Ashruf's office notes, I think we may have written for them but we didn't

MINCKLER - VULCANO

receive them yet.

WITNESS: Doug Beshard should have that.

Q Sir, when did you have your bypass?

A September 28th.

Q 1989?

A Yes.

Q Was it before that that Dr. Ashruf told you that your heart condition was related to your exposure to dust?

A I didn't see him until after that when he sent me to St. Joe's for the catheterization.

Q That was before your operation?

A Right. I saw him that time, then not until after the operation.

Q Did you see him shortly after the operation?

A I still see him, I see him steady.

Q The first time you saw him after the operation, was that within a few weeks of the operation?

A No, because I couldn't go anywhere for fourteen days, I don't know when it was. It was within a month or so I saw him.

Q Let me ask you this: A month or so, approximately, after your operation, your bypass, when you saw Dr. Ashruf, is that when he told you that your heart problem was related to your exposure to Gouverneur Talc --

MINCKLER - VULCANO

MR. LONGSTREET: I will object.

A I think so.

MR. LONGSTREET: I will object because Sam's talking about your heart problem, I am not sure if we're talking about before, after or if the heart problem has different aspects to it.

MR. VULCANO: Could you please mark this?

(WHEREUPON EXHIBITS 6-7 WERE MARKED FOR IDENTIFICATION.)

Q Mr. Minckler, I am going to hand you what has been marked for identification as Exhibit 7. That's several pages that is labeled Interrogatories; is that true?

A I don't know what you're talking about.

Q Is this document labeled Interrogatories?

A Right.

Q It's got the sticker that says Exhibit 7 on it?

A Right.

Q The last page of that document marked Exhibit 7 for identification contains a copy of your signature?

A Right.

Q And just above your signature it reads Charles Minckler has read the foregoing first set of Interrogatories and knows the context thereof, that the same is true to his own knowledge except to the matters therein stated and believes to be true. Is that what it

MINCKLER - VULCANO

basically says?

A Right.

Q Did your attorneys ask you to sign this document at some point in time?

A I don't think so.

Q You don't recall ever signing this document?

A I signed it in front of the notary public, didn't I?

Q That is what I am asking.

A Yes.

Q Have you seen this document labeled Exhibit 7?

A I think so.

Q Then you signed back here where I just read that says that you believe what is in this document to be true?

A Right.

Q Now, sir, do you know somebody -- are you familiar with some attorneys, Oot and Associates?

A Yes.

Q Tell me how you're familiar with Oot and Associates.

A They handled my compensation case.

Q And how were you first referred to Dr. Ashruf? Who gave you that name?

A Dr. Michael Lax.

MINCKLER - VULCANO

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2 Q How were you first referred to Dr. Lax?

3 A A lot of guys were going there because they
4 couldn't breath. I think he's a State Medical Examiner, I
5 am not sure.

6 Q Did someone from Oot and Associates suggest to you
7 to go see Dr. Lax?

8 A No, co-workers.

9 Q Let me show you what has been marked as Exhibit 6.
10 I think your attorney showed you a copy. First of all, is
11 that a letter from Dr. Ashruf?

12 A I think so, yeah.

13 Q Does it appear to be addressed to Oot and
14 Associates?

15 A Right.

16 Q It says it's regarding you?

17 A Right.

18 Q Now, sir, let me read something to you, the first
19 paragraph reads, this is to your attorney, Dear
20 Attorney Oot, Mr. Minckler has coronary heart disease, I
21 do not see any relation between this and his occupational
22 exposure at Gouverneur Talc.

23 A That's what it says there.

24 Q Did Dr. Ashruf ever tell you he didn't see any
25 relation to your coronary heart disease and exposure at

MINCKLER - VULCANO

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2 Gouverneur Talc?

3 A Never told me that.

4 Q He told you just the opposite; is that your
5 testimony?

6 A Right.

7 Q Sir, did you know when you signed Exhibit Number 7
8 that one of the documents that was attached to it and
9 supplied in support of your case was what I now marked as
10 Exhibit 6?

11 A Uh-huh.

12 Q You knew the letter dated November 27, 1990 --

13 A Right.

14 MR. LONGSTREET: Wait a minute, Sam, you're
15 trying to impeach him from a copy. If you want to
16 use the original --

17 MR. VULCANO: You can give him the original
18 unless, Mr. Longstrret, is there some inaccuracy
19 in my Interrogatories that you found?

20 MR. LONGSTREET: There are a couple things
21 there, the first page, there is nothing attached
22 to the actual document, medical-wise.

23 MR. VULCANO: I have been supplied what has
24 been represented to me and Judge Dement (ph) to be
25 Answers to Interrogatories and I am berated about

MINCKLER - VULCANO

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2 the fact that I have had them and shouldn't
3 complain about their accuracy. Now, I think
4 you're telling me what I have is not accurate.

5 MR. LONGSTREET: I don't know. I see that
6 yours has a different front page than this, I
7 don't know what happened there. I am just
8 pointing that out because I happened to look over
9 at yours and I also noted on the originals there
10 are no medical records attached to it. I am not
11 sure if the medical records went to you after this
12 was executed because we may not have gotten the
13 medical records until after I signed them, and I
14 don't know whether it was attached to what went to
15 ~~you or if it was separated when it went over to~~
16 you.

17 MR. VULCANO: I don't really know that
18 sitting here so I will leave it at that. I guess
19 I would just ask on the record if any of the other
20 Answers to Interrogatories that I have been
21 provided have been ammended or diverse, however,
22 so we are certainly entitled to know which ones
23 are the answers.

24 MR. LONGSTREET: This looks like a clerical
25 difference. The caption on yours has a four on it

MINCKLER - VULCANO

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2 but I think the more significant point that you're
3 making is whether the medical records were
4 attached when he signed. I don't know, I don't
5 think we will ever know and unless you look at the
6 originals and this original does not have medical
7 records attached to it. So, that suggests to me
8 that you might have gotten the medical records in
9 the last shipment.

10 MR. VULCANO: I think these were supplied to
11 me on behalf of Mr. Minckler in support of your
12 client.

13 MR. LONGSTREET: We have given you everything
14 by way of medical records, which I don't think you
15 can say.

16 MR. VULCANO: And which I haven't said.

17 Q Mr. Minckler, you were no longer working at
18 Gouverneur during 1990, is that true?

19 A No.

20 Q Did you participate in any Gouverneur Talc
21 physicals in 1990?

22 A No.

23 Q I think you testified that from time to time you
24 would see a doctor at Gouverneur Talc, at the request of
25 Gouverneur Talc, is that true?

MINCKLER - VULCANO

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2 A When they had the physicals, yeah.

3 Q Did any doctors suggest that you follow with your
4 family physician regarding heart problems or your heart
5 condition?

6 A No.

7 Q At some point in time, I think you said that you
8 asked Mr. Beshardt if you could go see a particular doctor
9 because you were having shortness of breath?

10 A Right.

11 Q When was that about, roughly?

12 A I don't know, it was in April or May, sometime in
13 there.

14 Q Of 1989?

15 A Right.

16 Q And what did you say to Mr. Beshardt?

17 A He sent one guy down to get a physical.

18 Q Who was that, do you remember?

19 A Kenny Simmons, I wanted to know why we couldn't
20 get one, we should be able to get one, too.

21 Q Do you know who the lung specialist was that
22 Mr. Simmons was sent to?

23 A I am not sure, I think it was somebody in
24 Ogdensburg.

25 Q You basically wanted to know if you could have

MINCKLER - VULCANO

your lungs looked at or examined by a lung specialist?

A Right.

Q Mr. Beshardt sent paperwork somewhere; is that true?

A Right.

Q He got back to you and said your request was turned down?

A Right.

MR. LONGSTREET: Object to the form.

Q What did Mr. Beshardt tell you?

A He sent them papers back.

Q That is part of what has been marked as Exhibit Number 5?

A Yup.

Q Now, when you talked to Mr. Beshardt about having your consent to go see a lung specialist, did you ever talk to him about any heart problem?

A No.

Q Did you ever ask for a review of your heart?

A No.

Q Your lungs?

A Right.

Q He told you that you were not going to be sent to a lung specialist. Did he tell you that you didn't need

MINCKLER - VULCANO

any medical attention whatsoever?

A He didn't say.

Q He was talking about your lungs?

A I don't know what he was talking about, he said I was okay.

Q Wasn't the subject that you raised with Mr. Beshard your lungs?

A Right.

Q You didn't tell him about your heart?

A Right.

Q When Mr. Beshardt got back to you about your request to see a lung specialist, you didn't think he was getting back to you about your heart, right?

A No.

Q The whole subject was your lungs?

A Right.

Q Mr. Minckler, when you had company physicals from time to time, what did you understand the purpose of those physicals to be?

A To see what kind of shape you were in.

Q In what regard, overall?

A Right.

Q Did you understand that those physicals were to take the place of a visit to a family doctor?

MINCKLER - VULCANO

MR. LONGSTREET: I object.

A I went to a family doctor but he never did a breathing test or hearing test.

Q You had a breathing test and ear test?

A Right.

Q Did you understand that that was to determine whether or not you were having any hearing loss related to your work?

A That's what it should have been for.

Q Lung problems related to your work?

A That's what it should have been for.

Q Is that what you understood?

A Right.

~~Q What else was tested at those company physicals?~~

A They checked your heart, listened to your heart, checked your back, looked at my fingernails.

Q Mr. Minckler, where do you live now?

A Edwards.

Q How far is your home from the Gouverneur Talc Mine that you worked at?

A Nine miles.

Q How long have you lived in the house you live in now?

A Since 1960.

MINCKLER - VULCANO

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Q Which is when you started working at
Gouverneur Talc?

3

4

5

A Right, right about that. I lived in an apartment
for a month or two.

6

7

8

9

Q Sir, are you claiming in this lawsuit that you
have ever been exposed to any dust from Gouverneur Talc
which migrated from the Gouverneur Talc Mines to your home
in Edwards?

10

11

12

A If it did, it come on my clothes.

Q Other than on your clothes?

A No.

13

14

Q In other words, you're not claiming it came in the
air from Gouverneur Talc to Edwards?

15

A Right, no.

16

17

18

19

Q Sir, you're married, is that right?

A Yes.

Q Who lives at home with you now, any children?

A Just my wife.

20

21

Q Does your wife smoke?

A Yes.

22

23

Q What does she smoke? By that I mean, I assume she
smokes cigarettes.

24

A Winston I think.

25

Q Filtered cigarettes?

MINCKLER - RAPHAEL

A Right.

Q How long has she smoked?

A Twenty years, probably.

Q And how much does she smoke?

A Probably half pack a day or something like that.

Q Anybody else who has lived with you and your wife
over the years smoke?

A No.

Q Your kids didn't smoke?

A No.

(A short recess was taken.)

MR. VULCANO: I have one other question or
maybe two.

Q ~~Mr. Minckler, do you know whether in the course of~~
your medical treatment there has been any lung tissue
taken, a lung biopsy taken?

A I am not sure.

Q But as far as you remember, you don't remember?

A No.

MR. VULCANO: No further questions.

MS. RAPHAEL: Just one.

EXAMINATION BY

MS. RAPHAEL:

Q You have never worked for St. Joe's, have you?

MINCKLER - LONGSTREET

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2 A No.

3 MR. LONGSTREET: I just have a few, they're
4 follow-ups to what Sam asked.

5 EXAMINATION BY

6 MR. LONGSTREET:

7 Q When Mr. Vanderbilt gave his speech, do you
8 remember when you were asked about that?

9 A Yes.

10 Q Did he ever tell you about a Federal Government
11 Study on the issue of whether the product was asbestos or
12 wasn't asbestos?

13 A Never told me.

14 Q Did he tell the workers that the Federal
15 ~~Government made findings of whether or not the product was~~
16 asbestos or not?

17 A Never told me, never told us that I know of.

18 Q Now, there were questions about where signs were
19 posted, about where to wear a respirator and where not to
20 wear one. Do you know when the signs went up?

21 A '74, '75, '76, one of those years, it was never
22 mandatory to wear them for a long time.

23 Q There were also some questions about exposure to
24 talc outside of the work place. Have you ever been
25 exposed to Gouverneur Talc outside of where you work?

MINCKLER - LONGSTREET

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A What do you mean, wind blown talc?

Q Yes.

A I have driven through wind blown talc before.

Q Where?

A Just going to work or coming back, whether it's dumping the waste or talc down at the meadow.

Q When you had to go and come from work, how would you get there?

A Well, I'd have to drive right by the property for a mile and a half, two miles down the road.

Q What's the name of the road?

A 812 and the other road is 58 down and 58 up and 812.

~~Q 812 is the road that goes by Arnold Pit?~~

A That's 58, 812 goes by where it caved in.

Q It's your testimony that you have driven through wind blown talc when you go up and down that road?

MR. VULCANO: Objection.

A Yes.

Q How often would you be exposed to wind blown talc going up and down that road?

A It's hard to say, sometimes you don't drive through it, sometimes a week at a time, sometimes two, three days it would be wind blown. They were supposed to