

1 NO. 19785-BH02  
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3  
4 KELLY-MOORE PAINT COMPANY, INC., )  
 )  
5 Plaintiff, )  
 vs. ) IN THE DISTRICT OF  
6 )  
 DOW CHEMICAL COMPANY, et al., ) BRAZORIA COUNTY, TEXAS  
7 )  
 Defendants. ) 23RD JUDICIAL DISTRICT  
8 )  
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## DEPOSITION OF GEORGE NAVARRO

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The following deposition was given on the 9th  
day of December, 2003, commencing at the hour of 1:09 p.m.,  
before Jenna Osborn, a Certified Shorthand Reporter, License  
Number 8681.

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The witness personally appeared at Community  
Bank, 532 Broadway, King City, California.

WITNESS>

|        |                                                |     |                                                              |
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| 1      | INDEX                                          | 1   | APPEARANCES (CONTINUED)                                      |
| 2      | EXAMINATION BY:                                | 2   |                                                              |
| 3      | MR. DUBIN                                      | 3   | For the Deponents:                                           |
| 4      | MR. HAINES                                     | 4   | KAZAN, MCCLAIN, EDISON, ABRAMS, FERNANDEZ,                   |
| 5      |                                                | 5   | LYONS & FARRISE                                              |
| 6      |                                                | 6   | Attorneys At Law                                             |
| 7      |                                                | 7   | 171 12th Street, 3rd Floor                                   |
| 8      |                                                | 8   | Oakland, CA 94607                                            |
| 9      |                                                | 9   | (510) 465-7728                                               |
| 10     |                                                | 10  | BY: FRANK FERNANDEZ, ESQ.                                    |
| 11     |                                                | 11  |                                                              |
| 12     |                                                | 12  |                                                              |
| 13     | DEPOSITION EXHIBITS                            | 13  |                                                              |
| 14     | NAVARRO:                                       | 14  |                                                              |
| 15     | 1 September 5, 1976 letter to Messers Larrison | 15  |                                                              |
| 16     | and Piersall                                   | 16  |                                                              |
| 17     |                                                | 17  |                                                              |
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| 23     | Appearance Pages                               | 23  |                                                              |
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| 25     | Reporter's Certificate Page                    | 25  |                                                              |
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| 1      | APPEARANCES                                    | 1   | GEORGE NAVARRO,                                              |
| 2      |                                                | 2   | testified under penalty of perjury as follows:               |
| 3      | For the Plaintiff:                             | 3   | EXAMINATION BY MR. DUBIN                                     |
| 4      | LANIER LAW FIRM                                | 4   | MR. DUBIN: Q. Can you please state your name and             |
| 5      | Attorneys At Law                               | 5   | current address for the record.                              |
| 6      | 6810 FM 1960 West                              | 6   | A. Sure. George Raul Navarro. George --                      |
| 7      | Houston, TX 77069                              | 7   | Q. Right. What's your current address?                       |
| 8      | (713) 659-5200                                 | 8   | A. 629 Heritage Court.                                       |
| 9      | BY: PATRICK N. HAINES, ESQ.                    | 9   | Q. Is that in King City?                                     |
| 10     | AND                                            | 10  | A. King City.                                                |
| 11     | PHILLIP N. SANOV, ESQ.                         | 11  | Q. We're here today to take your deposition. I               |
| 12     |                                                | 12  | don't know -- I take it you have -- have you ever had your   |
| 13     |                                                | 13  | deposition taken before?                                     |
| 14     | For the Defendants:                            | 14  | A. No.                                                       |
| 15     | ORRICK, HERRINGTON, & SUTCLIFFE, LLP           | 15  | Q. Okay. I'm going to ask you a series of                    |
| 16     | Attorneys At Law                               | 16  | questions and the reporter here will take down your answers. |
| 17     | 666 Fifth Avenue                               | 17  | And because of that, because there's a written transcript at |
| 18     | New York, NY 10103-0001                        | 18  | the end of the day, you have to answer me verbally. Either   |
| 19     | (212) 506-3764                                 | 19  | by shaking your head yes or no won't work.                   |
| 20     | BY: MORTON D. DUBIN, ESQ.                      | 20  | A. Oh, okay.                                                 |
| 21     | AND                                            | 21  | Q. You have to speak your answers. And I'll try              |
| 22     | GLENN JONES, ESQ.                              | 22  | to make my questions clear. But if at anytime you don't      |
| 23     |                                                | 23  | understand me, let me know and I will try to make them       |
| 24     |                                                | 24  | clearer for you so that you can answer them to the best of   |
| 25     |                                                | 25  | your ability.                                                |

WITNESS>

| Page 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Pag                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p>1 Is that fair?</p> <p>2 A. Yeah. If I can answer, yes.</p> <p>3 Q. Okay. And you'll let me know if you don't</p> <p>4 understand any of my questions?</p> <p>5 A. Okay.</p> <p>6 Q. Mr. Navarro, you are represented by an</p> <p>7 attorney here today; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And who's that?</p> <p>10 A. Frank.</p> <p>11 Q. Mr. Fernandez?</p> <p>12 A. Yes.</p> <p>13 Q. Sitting next to you here today?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Is he your only attorney?</p> <p>16 A. Only.</p> <p>17 Q. Okay. You understand -- do you have an</p> <p>18 understanding that you have been listed as a witness in a</p> <p>19 case brought by Kelly-Moore Company against Union Carbide?</p> <p>20 A. How is that again?</p> <p>21 Q. You have been listed as a witness in a case</p> <p>22 called Kelly-Moore versus Union Carbide. Did you know that?</p> <p>23 A. Well they asked me to testify.</p> <p>24 Q. Okay. And who asked you to testify?</p> <p>25 A. I don't remember his name.</p>   | <p>1 Q. Where did you meet him?</p> <p>2 A. I met him at Art's house.</p> <p>3 Q. And that's Arthur Valdez?</p> <p>4 A. Yeah.</p> <p>5 Q. How did you end up coming to Mr. Valdez's house</p> <p>6 to meet Mr. Sanov? Did Mr. Valdez call you and invite you?</p> <p>7 A. Yes. I think it was -- what was it?</p> <p>8 MR. FERNANDEZ: The question is did you -- did Art</p> <p>9 invite you to his house to meet Mr. Sanov. That's a yes or</p> <p>10 a no or I don't remember.</p> <p>11 THE WITNESS: Yes.</p> <p>12 MR. DUBIN: Q. Did he explain why he was inviting</p> <p>13 you over?</p> <p>14 A. Well, I don't remember what he said. So I</p> <p>15 can't --</p> <p>16 Q. You don't remember at all what the purpose of</p> <p>17 the meeting was?</p> <p>18 A. Well more or less, you know. But not -- you</p> <p>19 know, just to ask questions, you know.</p> <p>20 Q. Tell me what you remember about the purpose of</p> <p>21 the meeting.</p> <p>22 A. Just asked me some questions about if I knew a</p> <p>23 person, you know -- what they call that? Those papers.</p> <p>24 Death certificates or something.</p> <p>25 Q. They invited you -- they asked you to come</p>                |
| Page 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Pag                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 Q. Is he sitting here today?</p> <p>2 A. Yeah.</p> <p>3 Q. Okay. Which gentleman is it?</p> <p>4 A. At the end.</p> <p>5 Q. Okay.</p> <p>6 A. Let me see, whose name -- well at the end.</p> <p>7 Q. Mr. Sanov.</p> <p>8 Have you spoken to any other attorneys from</p> <p>9 Kelly-Moore who represent Kelly-Moore?</p> <p>10 A. Yes.</p> <p>11 Q. Who else have you spoken to?</p> <p>12 A. This gentleman right here.</p> <p>13 Q. Okay. The other Kelly-Moore attorney who's</p> <p>14 with us today?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 A. But it was only 20 minutes.</p> <p>18 Q. When did you first meet Mr. Sanov? When did</p> <p>19 you first meet Mr. Sanov? The first attorney.</p> <p>20 A. Oh, okay. I would say -- I don't know the</p> <p>21 date but it was about maybe a month ago or something.</p> <p>22 Q. And how did you meet him?</p> <p>23 A. How did I meet him? I don't even remember. I</p> <p>24 think they were going to make a report or something. That's</p> <p>25 how I met him.</p> | <p>1 over to ask you about if you knew a person. Who was that</p> <p>2 person?</p> <p>3 A. Paul Whitlock, which he was a real good friend</p> <p>4 of mine.</p> <p>5 Q. And did they ask you -- did they tell you</p> <p>6 there was going to be anything else discussed at that</p> <p>7 meeting?</p> <p>8 A. No. Not really. You know, it was just...</p> <p>9 Q. Who was there when you went to Mr. Valdez's</p> <p>10 house?</p> <p>11 A. Just the gentlemen, my -- Frank and me and</p> <p>12 Art.</p> <p>13 Q. Any other former workers from Union Carbide?</p> <p>14 A. No.</p> <p>15 Q. And how long did you meet that day?</p> <p>16 A. Gee, less than an hour.</p> <p>17 Q. Do you recall what you discussed?</p> <p>18 A. Just asked me some questions, that's all.</p> <p>19 Q. What questions did they ask you?</p> <p>20 A. Just if I knew these -- this person, and I</p> <p>21 said yes. Then he asked me if I knew another person, I said</p> <p>22 yes. Then he just asked me some questions about, you know,</p> <p>23 how is work over there, that's it. Probably the same kind</p> <p>24 of questions you will ask me.</p> <p>25 Q. Who was the other person they asked you about?</p> |

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| <p style="text-align: right;">Page 10</p> <p>1 Who was the other person? So -- you said they asked you<br/>2 about one person and you said yes, and then another person.<br/>3 A. Oh.<br/>4 Q. Who was the other person?<br/>5 A. I am not sure if it was Fred Olivos or --<br/>6 because one time I had a talk with a reporter, you know, and<br/>7 maybe she is the one who was asking me all the questions. I<br/>8 don't remember, you know, which one was what.<br/>9 Q. What do you mean a reporter?<br/>10 A. That was before I had a talk with him.<br/>11 Q. Okay.<br/>12 A. You know. Something -- you know. She was<br/>13 going to make a report in KCAC, something like that.<br/>14 MR. FERNANDEZ: You need to try to focus on the<br/>15 question. And if you just don't remember, then you should<br/>16 just say that.<br/>17 THE WITNESS: Oh, okay.<br/>18 MR. DUBIN: Q. Other than that one meeting, have<br/>19 you ever met with any other attorneys for Kelly-Moore again?<br/>20 A. No. No, not any -- from the ones I told you,<br/>21 no.<br/>22 Q. Okay. You had the first meeting when<br/>23 Mr. Sanov was there. When was the next time you met with<br/>24 Mr. Sanov?<br/>25 A. I didn't. I haven't had a meeting until last</p> | <p style="text-align: right;">Page</p> <p>1 Q. Okay. So you have no knowledge about<br/>2 Kelly-Moore Company or Corporation?<br/>3 A. No, I don't.<br/>4 Q. And do you know anything about what<br/>5 Kelly-Moore knew about the health risks of asbestos, what<br/>6 Kelly-Moore Company knew?<br/>7 A. No, I don't know nothing about that.<br/>8 Q. When did you start working at Union Carbide?<br/>9 A. '74.<br/>10 Q. And how long did you work at Union Carbide?<br/>11 A. Carbide, until they closed. From '74 until<br/>12 they sold it.<br/>13 Q. In 1985?<br/>14 A. If that's the date they sold it, that's --<br/>15 then I worked at KCAC.<br/>16 Q. How long did you work at KCAC?<br/>17 A. Until they shut it down.<br/>18 Q. And can you tell me what jobs you had while<br/>19 you were working at the mill? Did you hold --<br/>20 A. Okay. I started out as a laborer for two<br/>21 weeks. Then I went into 244 bagging room. And then from<br/>22 right there I went to the big bagging room, the 038 bagging<br/>23 room -- do you want to know how many years?<br/>24 Q. Approximately.<br/>25 A. Okay. I worked about a year at the 244. And</p>                                                                                                                                                                                                                                                                                                                                                   |
| <p style="text-align: right;">Page 11</p> <p>1 night about 15 minutes, that was it.<br/>2 Q. And where did you meet?<br/>3 A. My house.<br/>4 Q. And who was there?<br/>5 A. Those three gentlemen.<br/>6 Q. Three lawyers?<br/>7 A. Well these three gentlemen here.<br/>8 Q. Right. And what did you discuss?<br/>9 A. You know, basically he didn't ask me very<br/>10 much. That's what surprised me. You know.<br/>11 Q. Okay.<br/>12 A. So really it was nothing.<br/>13 Q. You know you have been -- again, you<br/>14 understand that you have been identified as a potential<br/>15 witness in a case brought by Kelly-Moore company against<br/>16 Union Carbide?<br/>17 A. Right.<br/>18 Q. What do you know about Kelly-Moore?<br/>19 A. I don't know -- I don't even know who they<br/>20 are.<br/>21 Q. Okay. You don't know what kind of products<br/>22 that they sold?<br/>23 A. Well, I know what they are because I talked to<br/>24 the gentleman already once. So -- and he said it was paint<br/>25 place or something. I don't know.</p>                                                                                                                                                                                                | <p style="text-align: right;">Page</p> <p>1 I worked about four years in 038 bagging room. And then I<br/>2 went to the outside operator and that was about maybe a<br/>3 year. And then from there I went to 244 presses operator,<br/>4 and I worked there about maybe four years. And then from<br/>5 right there I went into maintenance. And when they had<br/>6 cutbacks, well, I was the last seniority in maintenance,<br/>7 they were bringing back the 244 operation. And then when<br/>8 they picked -- or somebody got quit or laid off, whatever, I<br/>9 went back in maintenance. And that's where I worked.<br/>10 Q. And when you were working in the bagging<br/>11 rooms, were you required to wear a respirator?<br/>12 A. Yes, I was, you know.<br/>13 Q. Did you understand that that was because the<br/>14 asbestos dust could be potentially harmful? Did you<br/>15 understand that?<br/>16 A. Well they probably said that but it wasn't<br/>17 that thing because when they were explaining everything they<br/>18 would explain it without the respirator. They would have it<br/>19 off. So it couldn't be that bad.<br/>20 Q. What were you told when you worked at Union<br/>21 Carbide about potential health hazards of asbestos?<br/>22 A. Asbestos. You know, when I started there I<br/>23 didn't even know what asbestos was. When I went in there,<br/>24 you know, us Mexicans, we thought it was a cement place.<br/>25 And that's the way I thought it was at first. You know.</p> |

| Page 14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p>1 Q. When you joined Union Carbide were you told it<br/>2 was an asbestos operation?<br/>3 A. They probably did but I'm not -- I don't<br/>4 remember what they said.<br/>5 Q. Okay. Were you told that because it was an<br/>6 asbestos operation you'd have to take certain safety<br/>7 precautions?<br/>8 A. The only --<br/>9 MR. FERNANDEZ: I am just going to object, it<br/>10 assumes facts not in evidence. Lacks foundation. He said<br/>11 he didn't recall what they said, if anything.<br/>12 MR. DUBIN: Q. Okay. You can answer. You can<br/>13 answer. You are allowed to answer. Unless your attorney<br/>14 instructs you not to answer you have to answer the<br/>15 questions.<br/>16 MR. FERNANDEZ: If you can. If you have<br/>17 information that is responsive to the question, answer.<br/>18 MR. DUBIN: Q. Yes. Do you recall --<br/>19 A. What's the question again?<br/>20 Q. Were you told that because there was asbestos<br/>21 in the mill, you would have to wear a respirator in certain<br/>22 areas?<br/>23 A. There was only two areas.<br/>24 Q. Okay.<br/>25 A. In the bagging room. And when you went in the</p>     | <p>1 awhile I think they had to put it. But at the beginning<br/>2 when I started there I don't think they had.<br/>3 Q. In 1974 --<br/>4 A. Yeah, I -- you know, see, like I don't<br/>5 remember. I don't think they had signs because at one time<br/>6 they told them they had to put it was hazardous.<br/>7 Q. So you don't remember seeing signs when you<br/>8 joined the company in 1974 about health risks --<br/>9 A. You said on the bags.<br/>10 Q. Okay. On the bags. Do you remember warnings<br/>11 on the bags --<br/>12 A. That's what I said.<br/>13 Q. You don't remember them?<br/>14 A. On the bags when I first started there I don't<br/>15 think they had a saying that asbestos was bad for you. They<br/>16 put those later on.<br/>17 Q. When?<br/>18 A. I can't -- I don't remember that.<br/>19 Q. Do you recall that as an employee of Union<br/>20 Carbide you had to undergo -- you had to go to a doctor?<br/>21 A. Yes.<br/>22 Q. When was the first time you went to a doctor<br/>23 because of Union Carbide when they asked you to go?<br/>24 A. They gave me a physical when I first started.<br/>25 Q. Did you understand that was because of health</p> |
| Page 15                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>1 live bottom bin, when you went in the two big bins, then --<br/>2 they were closed things, bins, they were long bins.<br/>3 Q. Do you recall ever having safety meetings<br/>4 where asbestos was discussed?<br/>5 A. You know, in our safety meetings we hardly<br/>6 ever --<br/>7 MR. FERNANDEZ: The question -- listen to the<br/>8 question. Do you have a memory of asbestos ever being<br/>9 discussed in a safety meeting. That's a yes or a no or I<br/>10 don't know.<br/>11 THE WITNESS: Oh, okay. No. No.<br/>12 MR. DUBIN: Q. You don't recall having any safety<br/>13 meetings for asbestos?<br/>14 A. For asbestos, no.<br/>15 Q. Do you recall ever receiving any written<br/>16 materials regarding asbestos health risks?<br/>17 A. If we had papers from the beginning, I don't<br/>18 remember what I -- what I had.<br/>19 Q. Okay. Do you recall seeing signs about<br/>20 asbestos health risks in the facility?<br/>21 A. I seen signs.<br/>22 Q. And were there warnings about asbestos on the<br/>23 bags?<br/>24 A. Let me put it this way. You know, at the<br/>25 beginning I don't remember they having signs but after</p> | <p>1 risks of -- potential health risks of asbestos?<br/>2 A. No. No.<br/>3 Q. Okay. Did you have chest x-rays taken?<br/>4 A. I had x-rays, yeah.<br/>5 Q. Okay.<br/>6 A. Yeah.<br/>7 Q. And did you have breathing tests taken where<br/>8 you would blow into a tube?<br/>9 MR. FERNANDEZ: This is the first exam you are<br/>10 still talking about?<br/>11 MR. DUBIN: Sure.<br/>12 THE WITNESS: Yeah, at the first exam, I don't<br/>13 think so. I think it came after.<br/>14 MR. DUBIN: Q. When?<br/>15 A. I don't remember the date.<br/>16 Q. And how often would you go back to the<br/>17 doctors?<br/>18 A. I think it was every two years at -- at that<br/>19 time.<br/>20 Q. Okay. And apart from the doctors you were<br/>21 seeing that Union Carbide sent you to, did you have any<br/>22 other doctors?<br/>23 A. No, because I wasn't sick.<br/>24 MR. FERNANDEZ: That's a yes or a no.<br/>25 THE WITNESS: No.</p>                                                                                                                                                                                                                                                         |

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| <p style="text-align: right;">Page 18</p> <p>1 MR. FERNANDEZ: Okay.</p> <p>2 MR. DUBIN: Okay. We are going a little far with</p> <p>3 the coaching during the conduct of the deposition. If you</p> <p>4 want to object, that's fine but the coaching is going far.</p> <p>5 MR. FERNANDEZ: That question called for a yes or</p> <p>6 no answer. That's what I instructed my client to do.</p> <p>7 MR. DUBIN: You can tell your client about how he</p> <p>8 should comport himself in a deposition. I am not going to</p> <p>9 have constant objections about --</p> <p>10 MR. FERNANDEZ: It wasn't an objection.</p> <p>11 MR. DUBIN: You're right. It wasn't an objection</p> <p>12 and it is getting a little far.</p> <p>13 MR. FERNANDEZ: And I did exactly as you suggested,</p> <p>14 I told my client he should answer with a yes or no.</p> <p>15 MR. DUBIN: I don't mean after every question. But</p> <p>16 let's just let it go.</p> <p>17 MR. FERNANDEZ: Right.</p> <p>18 MR. DUBIN: Q. So you didn't -- you haven't --</p> <p>19 have you ever -- over the last -- since you began working at</p> <p>20 Union Carbide have you seen any doctors that Union Carbide</p> <p>21 didn't send you to? Have you ever gone to a doctor for any</p> <p>22 other reason?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. When was the last time?</p> <p>25 A. But that was -- I don't remember. It's been</p> | <p style="text-align: right;">Page</p> <p>1 Q. Okay. And what did that doctor tell you?</p> <p>2 A. Then he took a physical -- I mean he took an</p> <p>3 x-ray and he said yeah, you got a spot there but he wasn't</p> <p>4 sure what it was. But he said it looks like calcium but he</p> <p>5 said I don't know. So then he sent me to have a -- what</p> <p>6 they call those?</p> <p>7 Q. A CT scan? A CAT scan?</p> <p>8 A. Okay. A scan. And that's where it said</p> <p>9 there, you know, I had -- I went in there for -- the doctor</p> <p>10 didn't tell me nothing at that time, what it was. He didn't</p> <p>11 tell me nothing about that scan. So then I went back and</p> <p>12 asked for the address of the report, you know, and the lady</p> <p>13 gave me the report and she said have you seen your doctor</p> <p>14 already. Oh, yeah, he already told me I didn't have nothing</p> <p>15 because -- about the report because it was already a couple</p> <p>16 of months later. And then I was reading it, and it said</p> <p>17 there I had -- I had scarring and something else, I don't</p> <p>18 know what, you know.</p> <p>19 Q. And who is your -- who's your doctor? Sorry,</p> <p>20 go ahead.</p> <p>21 A. So then my friend -- this is what ticks me</p> <p>22 off. My friend, he went to go see the doctor that I saw</p> <p>23 before and that doctor told him god, I got chewed out</p> <p>24 because I told George to go see his doctor, you know. And</p> <p>25 that -- that ticks me off.</p> |
| <p style="text-align: right;">Page 19</p> <p>1 awhile and it was for my -- for gas. And that was another</p> <p>2 doctor that I went to. That was it.</p> <p>3 Q. Okay. All right. Sitting here today, do you</p> <p>4 have any reason to believe that you have any lung condition</p> <p>5 as a result of exposure to asbestos?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. What reason do you have to believe</p> <p>8 that?</p> <p>9 A. On the last physical they gave me?</p> <p>10 Q. Uh-huh. What --</p> <p>11 A. What --</p> <p>12 Q. What happened in the last physical?</p> <p>13 A. Oh, in the last physical. Oh, okay. Well, I</p> <p>14 went in there and they took x-rays and he said I had a spot</p> <p>15 on my lung.</p> <p>16 Q. Okay.</p> <p>17 A. So, you know, I said huh. And he said -- he</p> <p>18 had -- since this is the last -- last physical they were</p> <p>19 going to give me, he said I should -- I should tell you.</p> <p>20 Q. Okay.</p> <p>21 A. So then he told me I have a spot and then he</p> <p>22 said, you know, I recommend that you see your doctor.</p> <p>23 Q. Okay. And have you gone to a doctor</p> <p>24 subsequently?</p> <p>25 A. So then I went to the other doctor.</p>                                                                                                                                                                                 | <p style="text-align: right;">Page</p> <p>1 Q. I don't understand. Who said that?</p> <p>2 A. The doctor that told me that I had a spot that</p> <p>3 I ought to go see my doctor.</p> <p>4 Q. Who was the first doctor?</p> <p>5 A. The first one was Tongsin.</p> <p>6 Q. Okay. And who did Dr. Tongsin send you to?</p> <p>7 What was his name or her name?</p> <p>8 A. Who was?</p> <p>9 Q. Who was the next doctor that you saw?</p> <p>10 A. Oh, I saw -- I saw Kumar.</p> <p>11 Q. And who was it who took the CT scan? Where</p> <p>12 did you go for that?</p> <p>13 A. I went some other place on Abbott Street.</p> <p>14 Q. Abbott Street.</p> <p>15 A. And I don't know the name. I don't remember</p> <p>16 on those things.</p> <p>17 Q. Is that in King City?</p> <p>18 A. No, Salinas.</p> <p>19 Q. Salinas, okay.</p> <p>20 You recall the names of any doctors that you saw in</p> <p>21 Salinas?</p> <p>22 A. Besides Kumar?</p> <p>23 Q. Okay. So it was Dr. Kumar you saw in Salinas?</p> <p>24 A. I saw Kumar and he sent me to this place in</p> <p>25 Salinas.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| <p style="text-align: right;">Page 22</p> <p>1 Q. That was just a testing facility?</p> <p>2 A. Right.</p> <p>3 Q. You didn't talk to any doctors there?</p> <p>4 A. No. They sent the report to my -- Dr. Kumar,</p> <p>5 whatever.</p> <p>6 Q. Okay.</p> <p>7 A. I guess it is -- I guess you say my doctor or</p> <p>8 whatever.</p> <p>9 Q. When you were working in the facility did</p> <p>10 they -- did you ever see anybody taking dust counts,</p> <p>11 measuring the amount of asbestos in the air?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. And how often was that done?</p> <p>14 A. I'm not sure because I can't tell you how</p> <p>15 often they went. I don't know if it was every three months,</p> <p>16 every six months or something like that. I can't remember.</p> <p>17 Q. Okay. Do you recall whether you ever wore any</p> <p>18 sort of personal monitoring device to determine how much</p> <p>19 asbestos you were exposed to?</p> <p>20 A. Well yes, sometimes they would do that.</p> <p>21 Q. Did you ever get any letters indicating that</p> <p>22 your asbestos exposures were above a certain level?</p> <p>23 A. Never got letters.</p> <p>24 Q. Okay. Do you ever recall any government</p> <p>25 inspectors coming on to the facility?</p>                                                                            | <p style="text-align: right;">Page</p> <p>1 you know. So -- so -- they didn't close it. Until they put</p> <p>2 the -- after awhile, long -- longer time they put these</p> <p>3 plastic rubber going down so you could see through for the</p> <p>4 forklift, so you could see the forklift coming in and out.</p> <p>5 Q. How about the main bagging room, was that --</p> <p>6 was that sealed off from the floor?</p> <p>7 A. It was -- like -- that's the one I'm talking</p> <p>8 about, where they put the skirt, those plastic skirts. But</p> <p>9 at first the door was plain open all the time. So you just</p> <p>10 walk in and walk out. But you know, that's it.</p> <p>11 Q. Now how many people would work in the bagging</p> <p>12 room?</p> <p>13 A. In the bagging -- which -- on the 244? One.</p> <p>14 Q. And how about the main bagging room?</p> <p>15 A. Main bagging room, two.</p> <p>16 Q. Do you ever recall any changes being made to</p> <p>17 the bagging rooms to try to reduce the amount of asbestos</p> <p>18 dust?</p> <p>19 A. Yes.</p> <p>20 Q. What sorts of changes were made?</p> <p>21 A. Well, like I told you before, it used to be</p> <p>22 open at the 244, and then they put a box. But that still</p> <p>23 didn't contain the dust. Because every time -- if a bag --</p> <p>24 if you weren't a good operator and you didn't regulate it</p> <p>25 right, you could blow the bag. And sometimes when you</p>                                       |
| <p style="text-align: right;">Page 23</p> <p>1 A. Yes. I thought that's what you were talking</p> <p>2 about.</p> <p>3 Q. Oh, okay.</p> <p>4 Did you ever talk to any of these -- those people?</p> <p>5 A. No. They just put that thing on and that's</p> <p>6 it.</p> <p>7 Q. Did any of the government regulators ever talk</p> <p>8 to the employees about asbestos?</p> <p>9 A. No.</p> <p>10 Q. When you worked in the bagging room was it</p> <p>11 separated off from the rest of the facility?</p> <p>12 A. Okay. Which bagging room?</p> <p>13 Q. Okay. Was there a difference, one was</p> <p>14 separated, one wasn't?</p> <p>15 A. When I first started in the 244 bagging room,</p> <p>16 there were just barely -- when I went in there on 244 there</p> <p>17 wasn't even a wall. On the side, you know. It was just a</p> <p>18 big cement and the bagger wasn't even covered. We just put</p> <p>19 the bag in there and whatever exploded exploded. If you</p> <p>20 didn't regulate it right, you know, the bags would explode.</p> <p>21 And it was open until they put -- put the walls, then they</p> <p>22 put the walls up.</p> <p>23 On the other 244 -- I mean the big bagging room,</p> <p>24 let me see. When I went in there the doors -- it was a big</p> <p>25 front door open. They didn't have -- it was always open,</p> | <p style="text-align: right;">Page</p> <p>1 opened that door and it would blow right in your face.</p> <p>2 So -- so they did put that box. But you know, still if you</p> <p>3 didn't regulate it right, it would blow in your face. And</p> <p>4 the other ones, on the big bagging room, they put a -- they</p> <p>5 covered it up, the baggers, two baggers, but it was the same</p> <p>6 thing. They had a -- you had two sliding doors, one on each</p> <p>7 side because there were two baggers, you sit right in the</p> <p>8 middle. And if it was powder and it blew -- I mean, just</p> <p>9 when you opened that door it would blow up, you know, and it</p> <p>10 would just come down and -- it was snow white.</p> <p>11 Q. Do you recall -- do you recall what the</p> <p>12 respirators looked like when you first started working in</p> <p>13 the bagging room?</p> <p>14 A. When I first went in there?</p> <p>15 Q. Yes.</p> <p>16 A. Yes, I recall.</p> <p>17 Q. What did they look like at that time?</p> <p>18 A. Okay. It was a plastic with -- with a</p> <p>19 cotton or -- I don't know what kind of filter. It was a</p> <p>20 cotton filter, it went around and then it had a piece of</p> <p>21 metal and then you pushed the piece of metal, seal, supposed</p> <p>22 to seal your nose but, you know, sometimes it didn't work</p> <p>23 too good.</p> <p>24 Q. And do you recall whether eventually the type</p> <p>25 of respirator that was being used changed?</p> |

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| <p style="text-align: right;">Page 26</p> <p>1 A. How --</p> <p>2 Q. Was there a change, did they change the type</p> <p>3 of respirator?</p> <p>4 A. Yes, they did.</p> <p>5 Q. Do you recall when that was?</p> <p>6 A. I don't recall the date but they changed it</p> <p>7 to -- because they wanted to save money. They bought one</p> <p>8 that was all plastic, and then you just lift up the clip and</p> <p>9 you put another little filter pad that was probably two by</p> <p>10 four or two by three, you just put the pad in. But those</p> <p>11 filters -- those respirators were lousy because, I mean, you</p> <p>12 couldn't tighten it up. It wouldn't seal.</p> <p>13 Q. Do you recall getting any training on the use</p> <p>14 of respirators at all?</p> <p>15 A. Yeah. Yes. We got training when we got --</p> <p>16 you know, every time they got a -- they changed the</p> <p>17 respirator, we -- they were explaining how to use it, you</p> <p>18 know. How to tighten it up and all that.</p> <p>19 Q. Do you recall them ever doing any tests to</p> <p>20 make sure it would fit appropriately -- well?</p> <p>21 A. Yes. But not at first. They did that -- gee,</p> <p>22 I don't -- in Union Carbide I don't think they did it. Just</p> <p>23 KCAC. Because they put a little smoke right here and see if</p> <p>24 you -- if you coughed, that means it was leaking. You know.</p> <p>25 And I remember I was coughing and they said you cannot work</p>                                                                     | <p style="text-align: right;">Page</p> <p>1 wind would take it or we wash down or something. You know.</p> <p>2 Q. Did you ever have meetings where they talked</p> <p>3 to you about keeping dust levels down or cleaning up dust in</p> <p>4 the facility?</p> <p>5 A. I imagine they had. I can't remember exactly</p> <p>6 when they had it.</p> <p>7 Q. You don't recall whether in the beginning when</p> <p>8 you started your employment they talked to you about keeping</p> <p>9 dust down or cleaning up dust?</p> <p>10 A. I don't recall.</p> <p>11 Q. Do you recall them telling you anything about</p> <p>12 the need to be careful around the dust, not to breathe too</p> <p>13 much of the dust?</p> <p>14 A. Well if they did they sure didn't -- they</p> <p>15 didn't push it because I could tell you, I would come out</p> <p>16 pretty white on my coveralls. So if they pushed it they --</p> <p>17 and we would walk in front of everybody, all the bosses and</p> <p>18 everything. So if they pushed it, I don't see where.</p> <p>19 Q. Coveralls, were those -- was that clothing</p> <p>20 supplied by the company?</p> <p>21 A. No. They were by Mission Linen I think. One</p> <p>22 of the linen places. First we had white ones. Then we had</p> <p>23 blue ones.</p> <p>24 Q. You were told to wear those at work; is that</p> <p>25 right?</p> |
| <p style="text-align: right;">Page 27</p> <p>1 here if you don't -- respirator we can't make it fit. So</p> <p>2 then what we did, you put a little bit of oil on the</p> <p>3 respirator and it will seal up. Or something. Little</p> <p>4 grease or something on the plastic. And that's how -- then</p> <p>5 you got tested again and passed.</p> <p>6 Q. Do you ever recall while you were at Union</p> <p>7 Carbide whether they ever showed any videos or anything like</p> <p>8 that about how to wear respirators?</p> <p>9 A. When I went in there? I don't remember. They</p> <p>10 just -- I know they showed slides but I can't remember what</p> <p>11 it was. You know, I know it was about the lock out</p> <p>12 procedures and all that.</p> <p>13 Q. Okay.</p> <p>14 A. Mostly it was safety on the lock outs, going</p> <p>15 in the tanks, how you are supposed to rope it off and all</p> <p>16 that. But asbestos -- if they said anything about asbestos,</p> <p>17 it was very little, you know.</p> <p>18 Q. Did they ever talk about housekeeping</p> <p>19 procedures or the need to keep asbestos level -- dust down?</p> <p>20 A. You know, you are asking a very question</p> <p>21 that -- I mean, when I first started there, man, it was snow</p> <p>22 white, even all the way to the parking lot, you know. To</p> <p>23 tell you the truth. You used to get in your car and you</p> <p>24 could see dust on top of the cars because the dust -- the</p> <p>25 dust collectors, the socks, they would leak. But you know,</p> | <p style="text-align: right;">Page</p> <p>1 A. The coveralls?</p> <p>2 Q. Yes, the coveralls.</p> <p>3 A. Yes, I went with white ones. They had white</p> <p>4 ones when I first started.</p> <p>5 Q. Were you supposed to change those when you</p> <p>6 left so you wouldn't wear the coveralls outside?</p> <p>7 A. We were supposed to change them. They gave</p> <p>8 us -- I know at the end they gave us 11. I'm not sure how</p> <p>9 many they gave us when I first started there. But I know</p> <p>10 the end they would give us 11.</p> <p>11 Q. In other words, were you supposed to wear</p> <p>12 those coveralls home?</p> <p>13 A. No. I didn't take the coveralls home.</p> <p>14 Q. Do you know the reason -- did they explain the</p> <p>15 reason for that?</p> <p>16 A. Well, I mean, let me see. I mean, you are not</p> <p>17 going to take the coveralls home. They probably did tell</p> <p>18 us, you know, you can't take your coveralls home.</p> <p>19 Q. Did you understand it was because they would</p> <p>20 have asbestos dust on them?</p> <p>21 A. Well could be that it had asbestos, that's why</p> <p>22 they don't let you take them home.</p> <p>23 Q. Do you recall at some point that smoking was</p> <p>24 banned at the facility? Smoking?</p> <p>25 A. When I first started there you could smoke</p>                                |

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| <p>1 inside, you know. As long as it wasn't in the bagging<br/> 2 room -- when I started there you could smoke anywhere in the<br/> 3 plant, except the two bagging rooms. And then after awhile,<br/> 4 I don't know how many years, they banned it from -- no,<br/> 5 first they tried to stop you from smoking, you know, they<br/> 6 would say don't smoke. But then, you know, you would have<br/> 7 to go outside the gate and smoke.<br/> 8 Q. Okay. Do you know why they were telling<br/> 9 people not to smoke? Did they explain why?<br/> 10 A. I guess you get lung cancer.<br/> 11 MR. FERNANDEZ: Don't guess. Did they say why. If<br/> 12 that's what they said you can answer his question but don't<br/> 13 guess.<br/> 14 THE WITNESS: Oh, okay.<br/> 15 MR. DUBIN: Q. Did they explain why, do you recall<br/> 16 them explaining why?<br/> 17 A. Go through that again.<br/> 18 Q. Do you recall them ever explaining that one --<br/> 19 the reason you shouldn't smoke if you worked in an asbestos<br/> 20 facility was because asbestos and smoking together could<br/> 21 increase your risk of lung cancer?<br/> 22 A. It could increase. But let me put it this<br/> 23 way, they said that our asbestos wasn't harmful. And<br/> 24 that -- that was told from the beginning.<br/> 25 Q. Who told you that?</p> | <p>1 Q. Did they explain why you should take<br/> 2 precautions if the asbestos was safe?<br/> 3 A. I thought I answered that question.<br/> 4 Q. Okay.<br/> 5 A. I said only --<br/> 6 MR. FERNANDEZ: Maybe -- could you repeat your<br/> 7 question.<br/> 8 MR. DUBIN: Sure.<br/> 9 Q. I am trying to say if they told you the<br/> 10 asbestos was safe, did they explain why you would have to<br/> 11 take precautions, like respirators?<br/> 12 A. Well, we had our respirators but if there was<br/> 13 precaution why did people -- when I went in the bagging room<br/> 14 they would explain everything with me, to me without the<br/> 15 respirator, you know. Inside the bagging room when I first<br/> 16 started there.<br/> 17 Q. I am just trying to understand, I am sorry if<br/> 18 I am not being clear, but if --<br/> 19 A. It is probably not you, it is probably me that<br/> 20 I don't understand.<br/> 21 Q. No.<br/> 22 MR. FERNANDEZ: Listen to him. You are doing fine.<br/> 23 MR. DUBIN: Q. Yeah, you are doing fine. I am<br/> 24 sorry if I am not being clear.<br/> 25 I am trying to understand if they told you the</p>                                                                                                                                                                          |
| Page 31                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Page                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>1 A. My main guy was Kronkhyte.<br/> 2 Q. Kronkhyte told you that?<br/> 3 A. Yeah, he is the one who hired me.<br/> 4 Q. When did he tell you that?<br/> 5 A. When I first started.<br/> 6 Q. When -- did he tell you that during training?<br/> 7 When did he tell you?<br/> 8 A. Well, I guess during training it must have<br/> 9 been because that's when I went in there to train for maybe<br/> 10 a day or four hours, and then they put me out in ship -- in<br/> 11 the shipping as a laborer.<br/> 12 Q. What exactly did he say to you?<br/> 13 A. I don't remember.<br/> 14 Q. Did he explain to you that certain types of<br/> 15 asbestos were harmful?<br/> 16 A. Yes.<br/> 17 Q. What type --<br/> 18 A. Long fibers. And our asbestos was something<br/> 19 that it was short and it was -- I don't know what -- what<br/> 20 name -- crystal something. I don't know what it was but<br/> 21 that's what they said, it wasn't bad.<br/> 22 Q. Did they tell you that you shouldn't take any<br/> 23 precautions around this asbestos?<br/> 24 A. Precaution? In the bagging rooms. Just<br/> 25 don't -- wear your respirators.</p>                                                                                                                                                                                    | <p>1 asbestos was safe, why did -- did they explain why they were<br/> 2 requiring you to wear a respirator?<br/> 3 A. Oh. Probably it was mandatory by the<br/> 4 government for -- I don't know. It had to be something like<br/> 5 that for the government. They would take samples and all<br/> 6 that.<br/> 7 Q. Did they explain to you why if their asbestos<br/> 8 was safe they were not allowing smoking?<br/> 9 A. Oh, they allowed smoking at the beginning.<br/> 10 Q. Okay. Did they explain to you why if their<br/> 11 asbestos was safe they decided to eventually ban smoking at<br/> 12 the facility?<br/> 13 A. That was years, way before. I mean, that was<br/> 14 years before they cut that off.<br/> 15 Q. Do you recall they banned smoking in 1977?<br/> 16 A. It was '77?<br/> 17 MR. FERNANDEZ: He is asking if you remember<br/> 18 whether it was '77.<br/> 19 THE WITNESS: No, I don't remember it was '77, no.<br/> 20 Because maybe it was banned in the bagging rooms or<br/> 21 something like that but not in the outside because they used<br/> 22 to smoke. And when they told you not to smoke anymore they<br/> 23 would go out there and try to see if they could catch you,<br/> 24 just -- if they didn't like you they tried to catch you. If<br/> 25 they liked you they didn't care.</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 MR. DUBIN: Q. Did you smoke?</p> <p>2 A. I didn't smoke.</p> <p>3 Q. When you were working at Union Carbide, did</p> <p>4 you ever see anything on the TV or in the media about</p> <p>5 asbestos?</p> <p>6 A. Well it was like I told you, when I first</p> <p>7 started there I didn't know what asbestos was. I wasn't a</p> <p>8 good student, I wasn't a very -- I was on Welfare and I --</p> <p>9 and I got that job, you know. And I took it.</p> <p>10 MR. FERNANDEZ: Listen to the question though.</p> <p>11 MR. DUBIN: That's fine.</p> <p>12 Q. I am just asking whether or not during the</p> <p>13 period of time when you were at Union Carbide did you ever</p> <p>14 see anything on the TV or in the newspaper about asbestos?</p> <p>15 MR. FERNANDEZ: That's up through '85?</p> <p>16 MR. DUBIN: Up through '85.</p> <p>17 THE WITNESS: Well up to '85? Well, I probably</p> <p>18 did, yes.</p> <p>19 MR. DUBIN: Q. Do you recall anything about that</p> <p>20 today?</p> <p>21 A. Well it's like I told you, at that time I</p> <p>22 didn't know what it was. I knew what asbestos was later on.</p> <p>23 Definitely I knew. I mean, I -- I mean, I can't -- I am</p> <p>24 dumb but not that dumb. But they still told me that it</p> <p>25 wasn't bad because it was short fiber. Our fiber don't hurt</p> | <p style="text-align: right;">Page</p> <p>1 A. Only if they went in the bagging room.</p> <p>2 Q. Okay.</p> <p>3 A. I mean, everybody had -- you know, only the</p> <p>4 bagging room you had to wear, you know. But like I told</p> <p>5 you, people would talk without their respirator. I seen</p> <p>6 shifters going in there with their handkerchiefs, going in</p> <p>7 there with their handkerchief, you know. I mean, it was</p> <p>8 something really.</p> <p>9 Q. How about John Myers, did John Myers --</p> <p>10 A. Oh, he never went anywhere.</p> <p>11 Q. Did he ever go into the mill?</p> <p>12 A. No. He never went in there.</p> <p>13 Q. Okay. What other supervisors do you remember</p> <p>14 during the time you worked there?</p> <p>15 A. From the beginning?</p> <p>16 Q. Yeah, during -- well when Union Carbide --</p> <p>17 let's just say '74 to '85.</p> <p>18 A. Yeah, I remember.</p> <p>19 Q. Who else do you remember?</p> <p>20 A. Larrison was the main guy. Kronkhyte was the</p> <p>21 second. The floor shifters were Andy, Bill Usery, Carol</p> <p>22 Groggen, and Ray Groggen. And shifting supervisor was</p> <p>23 Andy -- I mean Abby -- Abby -- gosh, can't remember his last</p> <p>24 name. Andre. Andre. And the mine supervisor I think it</p> <p>25 was Roger Hopper. I'm not sure. But I think it was. And</p> |
| <p style="text-align: right;">Page 35</p> <p>1 you. You can almost eat this stuff they said.</p> <p>2 Q. Who told you you could eat it? Did anyone</p> <p>3 ever say that to you?</p> <p>4 A. Kronkhyte said it in front of a lot of people.</p> <p>5 Q. Did you ever know John Myers? Did you ever</p> <p>6 know John Myers?</p> <p>7 A. Yes, I did.</p> <p>8 Q. What was your impression of him?</p> <p>9 A. Well, I thought he was -- he would let all the</p> <p>10 bosses do what they wanted. That's what I thought about</p> <p>11 him. That he was -- he would stick up for their bosses and</p> <p>12 not for any -- not for the employees.</p> <p>13 Q. You said there was dust in the facility.</p> <p>14 A. Right.</p> <p>15 Q. Asbestos dust.</p> <p>16 Now people like -- did the supervisors also work</p> <p>17 inside that facility, the supervisors work there?</p> <p>18 A. I mean the facility --</p> <p>19 Q. They were working in the same area that other</p> <p>20 people were, is that --</p> <p>21 A. No, not necessarily.</p> <p>22 Q. Okay.</p> <p>23 A. They would have their shift, their office, and</p> <p>24 they would walk around. But they wouldn't wear coveralls.</p> <p>25 Q. Were they wearing respirators?</p>                                                                                                                                | <p style="text-align: right;">Page</p> <p>1 maintenance was -- gosh, I can't remember his name. I know</p> <p>2 later on it was Fred Lawson. But I can't remember the first</p> <p>3 one. There was another one before him when I started.</p> <p>4 Q. Are there any of these supervisors that you</p> <p>5 felt you trusted or liked more than others?</p> <p>6 A. Well, the main guy that I used to like was</p> <p>7 Andy Anderson. He was a good old guy.</p> <p>8 Q. What was his position?</p> <p>9 A. He was a supervisor.</p> <p>10 Q. Do you know whether he lives here in King</p> <p>11 City?</p> <p>12 A. He died.</p> <p>13 Q. Do you know what he died from?</p> <p>14 A. No.</p> <p>15 Q. Did people consistently tell you that you had</p> <p>16 to wear a respirator in the bagging area?</p> <p>17 A. No. They told us but not consistent.</p> <p>18 Q. What do you mean by that?</p> <p>19 A. Well, what you said, if they consistent told</p> <p>20 you, and I said no. They didn't --</p> <p>21 Q. Okay. Did they ever -- do you know if any</p> <p>22 supervisor ever saw you not wearing your respirator in the</p> <p>23 bagging area without saying anything about it?</p> <p>24 A. I say yes.</p> <p>25 Q. Okay. Who?</p>                                                                                                                    |

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| <p style="text-align: right;">Page 38</p> <p>1 A. Probably -- I worked under every one of them I<br/>2 think. Let me see. I worked -- let me see, I did work<br/>3 under Bill, I worked under Ray, I worked under Andy, I<br/>4 worked under -- yeah, I would say I worked under every one<br/>5 of them.<br/>6 Q. Were there times when you wouldn't wear your<br/>7 respirator while you were in the bagging area?<br/>8 A. You know, I was one of the safety guys in<br/>9 there, you know. And even I would take it off and talk to<br/>10 the supervisors in the bagging room.<br/>11 Q. How often --<br/>12 A. And they would talk to me in the bagging room<br/>13 without -- all you had to do was just pull it down, you<br/>14 know, and you talk.<br/>15 Q. Is that something you would do frequently or<br/>16 how often would you do it?<br/>17 A. Well, you know, sometimes -- you know, you sit<br/>18 on the bagger, okay. There is two persons. If you are over<br/>19 here on this other side and something is breaking down or<br/>20 the bosses are trying to tell you something, you know, you<br/>21 can't talk very good with your respirator on. So we just<br/>22 pulled it down and we start talking about hey, what should<br/>23 we do here or, you know, things like that.<br/>24 Q. Okay.<br/>25 MR. DUBIN: We have been going an hour. Why don't</p> | <p style="text-align: right;">Page</p> <p>1 I'll ask you some questions about it.<br/>2 A. Okay. Okay.<br/>3 MR. FERNANDEZ: He wants you to read it first. He<br/>4 hasn't asked you anything yet. You saw your name mentioned<br/>5 here. Read the whole thing.<br/>6 THE WITNESS: Well, the thing is --<br/>7 MR. FERNANDEZ: George, he hasn't asked you whether<br/>8 it's correct or incorrect or whether you remember it or not.<br/>9 He just wants you to read it.<br/>10 MR. DUBIN: Q. I just want to give you a fair<br/>11 opportunity to read it. That's all. Let me know when you<br/>12 are done.<br/>13 A. You might be here for an hour.<br/>14 Q. That's fine.<br/>15 MR. FERNANDEZ: First you read it and make sure<br/>16 that you read everything.<br/>17 MR. DUBIN: Q. You can look -- I'm going to ask<br/>18 you -- if I ask you a question, it will be about that second<br/>19 page.<br/>20 A. Anyway, I am not going to finish this.<br/>21 MR. FERNANDEZ: Finish the paragraph. Go ahead.<br/>22 THE WITNESS: Oh, okay. Okay.<br/>23 MR. FERNANDEZ: Sit tight. He is going to ask you<br/>24 a question.<br/>25 MR. DUBIN: Q. That's fine.</p>                                                                                                                                             |
| <p style="text-align: right;">Page 39</p> <p>1 we take a five-minute break.<br/>2 (Recess held.)<br/>3 MR. DUBIN: Q. Okay. Do you ever recall being<br/>4 interviewed by individuals about -- during the period of<br/>5 time when you worked at Union Carbide -- scratch that.<br/>6 During the period of time when you worked at Union<br/>7 Carbide do you ever recall people coming to talk to you<br/>8 about -- to get your opinions about safety at the facility<br/>9 when they were reviewing the safety -- the safety measures<br/>10 that were being taken?<br/>11 A. Not to me, no.<br/>12 Q. Do you recall somebody named Mr. Dedrickson?<br/>13 A. I don't know him. I don't know him.<br/>14 Q. Mr. Piersall?<br/>15 A. Piersall. I probably -- like I told you, they<br/>16 probably wouldn't ask me because I wasn't the bright one so<br/>17 they probably -- I wouldn't know.<br/>18 MR. DUBIN: I am just going to mark this as Exhibit<br/>19 1 to your deposition. I will give you an opportunity to<br/>20 read this over. Let me know if -- if you want me to, I can<br/>21 take a look at it.<br/>22 (Whereupon, Deposition Exhibit 1, as<br/>23 described in the index, was marked for<br/>24 identification.)<br/>25 MR. DUBIN: Q. Take your time looking at that.</p>                                                                                    | <p style="text-align: right;">Page</p> <p>1 Do you recall anything about meeting with<br/>2 Mr. Dedrickson that's discussed in that document? Do you<br/>3 recall anything about that?<br/>4 A. I do not recall, you know. But --<br/>5 MR. FERNANDEZ: The answer is either yes, you<br/>6 recall or no, you don't recall.<br/>7 THE WITNESS: Okay. I don't recall.<br/>8 MR. DUBIN: Q. But I am not going to ask you a lot<br/>9 of specific questions about the document then.<br/>10 Do you recall ever making any complaint -- talking<br/>11 to anybody about any concerns you had about safety at Union<br/>12 Carbide when you worked there?<br/>13 A. No. It's just -- how can I explain this --<br/>14 MR. FERNANDEZ: He is not asking about this. He is<br/>15 just saying did you ever make a complaint about safety when<br/>16 the plant was still run by Union Carbide.<br/>17 THE WITNESS: If I ever made a complaint? No.<br/>18 MR. FERNANDEZ: About safety.<br/>19 THE WITNESS: No. I never made a complaint.<br/>20 MR. DUBIN: Q. Did you think that people were<br/>21 trying to take steps to reduce the level of dust and<br/>22 exposure at Union Carbide?<br/>23 A. I like to answer that one -- you want a yes or<br/>24 a no?<br/>25 MR. FERNANDEZ: Yeah, if you can answer yes or no,</p> |

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| <p style="text-align: right;">Page 42</p> <p>1 that's how you should answer.</p> <p>2 THE WITNESS: Okay. Yes and no.</p> <p>3 MR. DUBIN: Q. Okay. Can you explain.</p> <p>4 A. Yes, they would try but not the way the report</p> <p>5 says.</p> <p>6 Q. Okay.</p> <p>7 A. No. I mean, there was -- the time when they</p> <p>8 come and they inspect we would be out there washing down,</p> <p>9 cleaning up before they got there. You know. Not the way</p> <p>10 the report says oh, yeah, it looks good on paper but not --</p> <p>11 when they are not there all the time. They only come -- he</p> <p>12 probably came, if he did come, I don't even know if he</p> <p>13 talked to me because I can't remember -- they only clean up</p> <p>14 when they come, you know, and we knew they were coming, if</p> <p>15 you say I talked to him or that's what the paper said. But</p> <p>16 I don't remember me talking to him. But I mean, if -- if</p> <p>17 they came and they saw that the place was clean, that's</p> <p>18 because we cleaned it up for them.</p> <p>19 Q. Did you ever tell anybody that?</p> <p>20 A. No. I wasn't -- I was -- I was a good worker.</p> <p>21 I was -- as a matter of fact, I was a damn good worker and I</p> <p>22 didn't complain that much. The only time I complained was</p> <p>23 when I thought they were discriminating me. That's when I</p> <p>24 complained. And that's why they didn't like me that much</p> <p>25 because I complained to them that I was discriminated.</p> | <p style="text-align: right;">Page</p> <p>1 MR. DUBIN: Q. But you do recall that Union</p> <p>2 Carbide took steps over the time that you were there to</p> <p>3 reduce --</p> <p>4 MR. FERNANDEZ: George. I'm sorry.</p> <p>5 MR. DUBIN: That's fine.</p> <p>6 MR. FERNANDEZ: Listen to the question. Don't re</p> <p>7 it. If he wants you to read something he'll focus you on</p> <p>8 it. But --</p> <p>9 THE WITNESS: Like I said --</p> <p>10 MR. FERNANDEZ: Let him ask you a question.</p> <p>11 MR. DUBIN: Q. You recall that Union Carbide tool</p> <p>12 steps during the time you were there to improve the</p> <p>13 cleanliness of the facility?</p> <p>14 A. Yes. But it is probably because of the</p> <p>15 government --</p> <p>16 MR. FERNANDEZ: Just yes or no.</p> <p>17 THE WITNESS: Yes.</p> <p>18 MR. DUBIN: Q. And you don't personally know w</p> <p>19 they were doing it, whether it was to protect the people c</p> <p>20 whether it was the government; is that correct?</p> <p>21 A. Probably, yeah.</p> <p>22 Q. Did you discuss the issue of whether anyone</p> <p>23 ever told you that short fibers were safe with the attorne</p> <p>24 for Kelly-Moore prior to this deposition? Did you disc</p> <p>25 that with them?</p>                                                                                                                                               |
| <p style="text-align: right;">Page 43</p> <p>1 Q. When was that?</p> <p>2 A. I don't know. Long time ago. It's just that</p> <p>3 I had talked to -- I talked to John Myers one time about it,</p> <p>4 I talked to Ed Kleber one time. You know. They didn't do</p> <p>5 nothing. All they did was just -- you know, they were</p> <p>6 moving up their -- all the shifters were moving up their</p> <p>7 sons, you know.</p> <p>8 Q. Was that when Union Carbide ran the business</p> <p>9 or when KCAC ran the business?</p> <p>10 A. Even -- well it was their sons, bosses' sons,</p> <p>11 the shifters' sons. You know. And they used to leave me in</p> <p>12 the bagging room because I gave them production.</p> <p>13 Q. If --</p> <p>14 A. But you got here -- yeah, they -- yeah, they</p> <p>15 didn't close the caps on the caps. They weren't enclosed at</p> <p>16 first, you know, it was open. So that means, you know, like</p> <p>17 I said, yeah, they -- they tried to improve, definitely.</p> <p>18 But you know, I mean, they are still watering down -- oh,</p> <p>19 yeah, they were watered down only when they -- the wind</p> <p>20 would start blowing and it would blow a lot of dust, you</p> <p>21 know. They were throwing water down but they wouldn't water</p> <p>22 it consistent, you know, all the time. So -- it was bad.</p> <p>23 What else do you want to know?</p> <p>24 MR. FERNANDEZ: George, let him ask you a question.</p> <p>25 THE WITNESS: Okay.</p>                              | <p style="text-align: right;">Page</p> <p>1 A. Pass that again.</p> <p>2 Q. You were talking about how Bob Kronkhyte tol</p> <p>3 you that short fibers were safe. Did you discuss that wit</p> <p>4 the attorneys for Kelly-Moore prior to this deposition?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. What did they tell -- what did they</p> <p>7 tell you about that?</p> <p>8 A. Well they wanted just -- they asked me a</p> <p>9 question how the plant was and the dust, you know, or</p> <p>10 whatever. Something like that. I can't remember -- exac</p> <p>11 remember what word -- how they said it, you know. I ca</p> <p>12 tell you that. I can't even remember what I just told you</p> <p>13 five minutes ago probably.</p> <p>14 Q. Okay. Did they ask you a specific question</p> <p>15 did anyone ever tell you that a short fiber asbestos was</p> <p>16 dangerous? Did they ask you something like that?</p> <p>17 A. If they asked me?</p> <p>18 Q. Yeah, did they ask you something like that?</p> <p>19 A. They could have. I don't -- I know I told</p> <p>20 them that -- you know, that our fiber was short and it</p> <p>21 didn't hurt us. I know that. So I can't -- I can't tell</p> <p>22 you exactly what they asked me.</p> <p>23 MR. FERNANDEZ: You are doing fine.</p> <p>24 MR. DUBIN: Q. How many times did people tell yo</p> <p>25 that when you worked at Union Carbide?</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 A. To tell you the truth, just about everybody,<br/>2 the shifters.<br/>3 Q. Who else do you remember telling you that?<br/>4 A. Co-workers.<br/>5 Q. Do you remember any names or specific times<br/>6 when people told you that?<br/>7 A. Well, probably -- gee. That would be kind of<br/>8 hard because I used to -- can I explain the way I think?<br/>9 MR. FERNANDEZ: Ask the question.<br/>10 MR. DUBIN: Q. I am just asking you whether you<br/>11 remember anybody specifically telling you anything about,<br/>12 besides Bob Kronkhyte, like I mentioned before?<br/>13 MR. FERNANDEZ: He is asking if you remember<br/>14 anybody else that said that.<br/>15 THE WITNESS: Yes.<br/>16 MR. DUBIN: Q. Who and when?<br/>17 A. I don't know when but I know even -- they have<br/>18 told us. I told you right now, I told you everybody told us<br/>19 it didn't hurt, that asbestos. But even to the last day<br/>20 that I worked there Ray Groggen told us this asbestos don't<br/>21 hurt. And that was Ray Groggen. He had worked there since<br/>22 the plant had started. And he told us at the last one<br/>23 little meeting that we had. And I wasn't the only one<br/>24 there.<br/>25 Q. Who else was there?</p>                                          | <p style="text-align: right;">Page</p> <p>1 The -- you went to see the -- get the CAT scan,<br/>2 correct?<br/>3 A. Uh-huh.<br/>4 Q. Have you been to any other doctor after that?<br/>5 I can't recall.<br/>6 A. Yes.<br/>7 Q. Okay. Who have you seen after -- who did you<br/>8 see after that? Did you go back to Dr. Kumar?<br/>9 A. Dr. Kumar, yeah.<br/>10 Q. Okay. And anyone else after that at all?<br/>11 A. No. He sent me to other places to get exams.<br/>12 Like I had one for my like ulcer.<br/>13 Q. Right.<br/>14 A. And then he had another one for colon. Let me<br/>15 see. What was the first one? Well, I had a -- that's it.<br/>16 I can't remember. Okay.<br/>17 Q. Do you have a condition where acid comes up<br/>18 and you can swallow it sometimes? It's called<br/>19 gastro-esophageal reflux, have you ever heard of that?<br/>20 Taking medicine for your stomach?<br/>21 A. I take medication for my stomach.<br/>22 Q. Has anyone ever told you you have reflux,<br/>23 esophageal reflux? That doesn't sound familiar to you?<br/>24 A. No. I only take medicine. I don't know what<br/>25 you are trying to tell me.</p> |
| <p style="text-align: right;">Page 47</p> <p>1 A. Let me see. Who was there. It wasn't Ernie.<br/>2 It wasn't -- it was Roy Rodriguez, Juan, I don't know his<br/>3 last name because he only worked for a little while. I<br/>4 can't remember his last name. Jeff Harris, Ed Kleber, Ray,<br/>5 Daryl, Daryl Garcia. Let me see, who was the other worker?<br/>6 Oh, John Gordino. Did I say Art Valdez?<br/>7 MR. FERNANDEZ: No.<br/>8 THE WITNESS: Yeah, I think Art was there too. The<br/>9 other guys they were hurt so they didn't -- they were hurt<br/>10 so they weren't working.<br/>11 MR. DUBIN: Q. When -- the time that you said that<br/>12 Bob Kronkhyte first told you this, was there anybody else<br/>13 present that you recall? Anybody else?<br/>14 A. No, because he was -- he was the only guy<br/>15 because he was the safety engineer I think. He was some<br/>16 kind -- he was second in command and he was safety engineer<br/>17 at that time too. Then Daryl Garcia got it after a long<br/>18 time.<br/>19 Q. Okay. But was there anybody else present when<br/>20 he was talking about this?<br/>21 A. No. No.<br/>22 Q. Are you working now?<br/>23 A. No. Kicking back.<br/>24 Q. I'm going to ask you a little bit more about<br/>25 your health and the health of some other people.</p> | <p style="text-align: right;">Page</p> <p>1 Q. What medicine is it you take?<br/>2 A. For my gas?<br/>3 Q. Yeah, for the acid.<br/>4 A. I take this one. Let me see what it says.<br/>5 Protonix.<br/>6 MR. FERNANDEZ: Let me see. P-r-o-t-o-n-i-x.<br/>7 Protonix.<br/>8 MR. DUBIN: Q. Are you on any other medicines?<br/>9 A. One for high blood pressure.<br/>10 Q. That's okay.<br/>11 And when they originally saw a spot on your lung,<br/>12 did somebody explain they wanted to make sure that wasn't<br/>13 cancer, that spot? That's what you look for with a spot.<br/>14 Is that what they wanted to test you for, to make sure that<br/>15 it was not a problem?<br/>16 A. Oh, no. The company didn't tell me. They<br/>17 didn't want to check me over again. The doctor told me I<br/>18 had to go see my doctor.<br/>19 Q. Okay. This is Dr. Tongsin said you needed<br/>20 doctor --<br/>21 A. Right.<br/>22 Q. And Dr. Tongsin, was he the company doctor at<br/>23 that time?<br/>24 A. At that time. Well they had -- they had --<br/>25 the company doctor was doctor --</p>                                                                |

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| <p style="text-align: right;">Page 50</p> <p>1 Q. Harrison?</p> <p>2 A. No. Not Harrison. I can't remember his name.</p> <p>3 My wife just went to him the other day. Only because --</p> <p>4 it's not her doctor but just to get a prescription.</p> <p>5 MR. FERNANDEZ: If you don't remember, that's okay.</p> <p>6 MR. DUBIN: Q. If you don't remember, that's okay.</p> <p>7 A. That's the company doctor but the people</p> <p>8 didn't like him. The -- the employees.</p> <p>9 Q. Okay.</p> <p>10 A. Because for us he was -- he didn't give good</p> <p>11 physicals. We liked Tongsin.</p> <p>12 Q. Okay.</p> <p>13 A. So they would send us to Tongsin and get a</p> <p>14 physical.</p> <p>15 Q. Okay. And then -- Dr. Kumar is not -- was not</p> <p>16 working with KCAC at this point, right? Dr. Kumar?</p> <p>17 A. Not at this -- not at this point from this.</p> <p>18 But he used to be our doctor.</p> <p>19 Q. Right.</p> <p>20 A. Before Tongsin, Kumar used to work here. And</p> <p>21 he was a good doctor.</p> <p>22 Q. Now he is in Salinas?</p> <p>23 A. In Salinas.</p> <p>24 Q. Dr. Tongsin said you should go see Dr. Kumar?</p> <p>25 A. No. He said you should go see your doctor.</p> | <p style="text-align: right;">Page</p> <p>1 Q. Okay. Got you.</p> <p>2 A. And that was Daryl Garcia that told him, you</p> <p>3 know, scolded him.</p> <p>4 Q. Okay. Daryl Garcia spoke to Dr. Tongsin and</p> <p>5 told him he shouldn't have sent you to Dr. Kumar?</p> <p>6 A. Right. Well not to Kumar --</p> <p>7 Q. To your personal doctor.</p> <p>8 A. Right.</p> <p>9 Q. I think I understand.</p> <p>10 And who was the person who Dr. Tongsin told that</p> <p>11 to?</p> <p>12 A. That was Ernie.</p> <p>13 Q. Okay. You understand Daryl Garcia is an</p> <p>14 employee of KCAC; is that correct?</p> <p>15 A. Yeah. He was there from the beginning. He</p> <p>16 was -- him and Ray were the last ones that started with</p> <p>17 KCAC -- Union Carbide, all the way to the end.</p> <p>18 Q. At this point though, what you are talking</p> <p>19 about happened, that event, he was working for KCAC; is that</p> <p>20 correct?</p> <p>21 A. Right, because he was a safety engineer.</p> <p>22 Q. So you get the CAT scan, the results go back</p> <p>23 to Dr. Kumar.</p> <p>24 A. Uh-huh.</p> <p>25 Q. And I just want to be clear, he discussed</p>                                        |
| <p style="text-align: right;">Page 51</p> <p>1 He didn't know who my doctor was.</p> <p>2 Q. And your doctor is Dr. Tongsin? Sorry, your</p> <p>3 doctor is Dr. Kumar?</p> <p>4 A. Kumar.</p> <p>5 Q. My fault.</p> <p>6 A. I am getting you messed up.</p> <p>7 Q. Yeah.</p> <p>8 So have you seen Dr. Kumar as your personal doctor</p> <p>9 since he -- other than this, since he left working for KCAC?</p> <p>10 A. Yes, he is our doctor.</p> <p>11 Q. Okay.</p> <p>12 A. Since -- since he took me over at the plant,</p> <p>13 he moved to Salinas, I went with him, you know.</p> <p>14 Q. And you indicated somebody had told</p> <p>15 Dr. Tongsin he shouldn't have referred you to another</p> <p>16 doctor; is that right?</p> <p>17 A. Let me see.</p> <p>18 Q. I am trying to make sure I understand that.</p> <p>19 A. Yes. I went to Dr. Tongsin, he told me, you</p> <p>20 know, that I had a spot, that I had to go see my doctor.</p> <p>21 Q. Right.</p> <p>22 A. So I went and go see my doctor. Then somebody</p> <p>23 else went to go get a physical with Dr. Tongsin, and Tongsin</p> <p>24 told him that he got scolded because he told me that I had</p> <p>25 to go see my doctor.</p>       | <p style="text-align: right;">Page</p> <p>1 those results with you?</p> <p>2 A. Only what the spot said.</p> <p>3 Q. Okay. What did he say about the spot?</p> <p>4 A. Well, that he wasn't sure but he thought it</p> <p>5 was -- it is very tiny he said. It's very tiny he said, I</p> <p>6 don't know how many millimeters he told me it was. Is it</p> <p>7 millimeters or something like that? I don't know what they</p> <p>8 call it. Anyway, he said it could be calcium.</p> <p>9 Q. Right.</p> <p>10 A. But he didn't guarantee me it was calcium.</p> <p>11 Q. Did he say that you should see anybody else</p> <p>12 about that?</p> <p>13 A. No, he -- we talked about it and I said -- or</p> <p>14 he said we ought to go get a scan.</p> <p>15 Q. Okay. So he saw the spot on a chest x-ray?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And he said I am not sure what it is, it could</p> <p>18 be calcium but let's send you to get a CT scan --</p> <p>19 A. Yeah, because I worked on asbestos, he send me</p> <p>20 to get a scan.</p> <p>21 Q. Have you seen Dr. Kumar since you got the</p> <p>22 scan?</p> <p>23 A. Yes.</p> <p>24 Q. When he got the scan back what did he say</p> <p>25 then?</p> |

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| <p style="text-align: right;">Page 54</p> <p>1 A. He didn't tell me nothing about my scan. He<br/>2 just said I was all right. But that wasn't the spot. He<br/>3 never told me nothing about my scan.<br/>4 Q. And do you have any plans to go back to him<br/>5 again soon? Did he ask you back in for follow-up?<br/>6 A. Not for the scan, no. I am not going to ask<br/>7 him for the scan because I already got the report, you know,<br/>8 what the scan says. And that's why I can tell you for sure<br/>9 he never told me nothing about it.<br/>10 Q. And you don't have that with you today, I take<br/>11 it?<br/>12 A. No.<br/>13 Q. What do you recall the report saying, of the<br/>14 scan?<br/>15 A. Well, I had scarring, some scarring and<br/>16 some -- I can't tell you because I don't know the words.<br/>17 It's some buildup on one side because -- there is some<br/>18 words, I don't even know what they are so I can't tell you.<br/>19 Q. That's fine.<br/>20 All right. Let's talk -- you said originally when<br/>21 you went to meet with some of the lawyers you talked about<br/>22 Paul Whitlock. You remember that?<br/>23 A. Yes.<br/>24 Q. Paul Whitlock is somebody that used to work at<br/>25 KCAC?</p>                                       | <p style="text-align: right;">Page</p> <p>1 report?<br/>2 A. What did they tell me exactly? I can't<br/>3 remember exactly what they said but -- let me see. That<br/>4 he -- that he died probably of asbestos or something like<br/>5 that, but I told them, you know, it probably was the heart<br/>6 because that's what he went in for. I can't remember<br/>7 exactly the words.<br/>8 Q. He went in for a heart surgery and he died<br/>9 about a week and a half later?<br/>10 A. No. No. Oh, no, no. He had a heart attack<br/>11 and he didn't go to work for awhile, I don't know how long.<br/>12 Then he went back to work but his leg was always getting<br/>13 red. And they were swelled up. So then he stopped again<br/>14 and he just not work, you know, he would just stay around<br/>15 town. Then he -- they took him to Stanford. And when I<br/>16 went and visit him, you know, he was -- he was -- I mean, he<br/>17 was puff. You know. And I knew he wasn't too good, looking<br/>18 too good. But -- because I knew all along that -- when he<br/>19 died I was a pallbearer.<br/>20 MR. FERNANDEZ: Pallbearer.<br/>21 THE WITNESS: And when he died I was a pallbearer<br/>22 for him. And you know, I didn't know his mom that good but<br/>23 I talked to him a little bit. And the way I heard through<br/>24 the company is that they took an autopsy on him and they<br/>25 didn't have -- he didn't die of asbestosis, so that was -- I</p> |
| <p style="text-align: right;">Page 55</p> <p>1 A. KCAC. He was one at the beginning who started<br/>2 there.<br/>3 Q. A good guy?<br/>4 A. Well to us he was a good guy but there were<br/>5 some shifters they didn't like him.<br/>6 Q. And what did you discuss about Paul Whitlock?<br/>7 A. With the lawyer?<br/>8 Q. Yeah, with the lawyers from Kelly-Moore.<br/>9 A. Well, I can't say exactly the words I told<br/>10 them but I -- I think I told them he was a good friend of<br/>11 mine; that I saw him at Stanford when he passed away. And<br/>12 you know, what else. That I lived with him one month or<br/>13 three weeks; that he had a heart attack at the beginning so<br/>14 he had some bypasses. They took a vein from his leg -- I<br/>15 don't know if I told them that. They took a vein and his<br/>16 legs would get red. I don't think I told them that. I<br/>17 think at the end they took an autopsy on him I told them I<br/>18 think.<br/>19 Q. Did they tell you anything about his death?<br/>20 Did they try to give you any information about what they<br/>21 thought about his death?<br/>22 A. Yes.<br/>23 Q. Okay. What did they tell you?<br/>24 A. That they got a report on him.<br/>25 Q. Okay. And what did they tell you about that</p> | <p style="text-align: right;">Page</p> <p>1 think that's what I told them, you know.<br/>2 MR. DUBIN: Q. Did you ever hear that he had an<br/>3 autopsy over in Santa Clara County?<br/>4 A. I don't know where he had it. If he had one.<br/>5 All I know is, you know, the company told us that he died<br/>6 because they took an autopsy.<br/>7 Q. King City is not in Santa Clara County?<br/>8 A. No. Santa Clara is up on top of San Jose.<br/>9 Q. So you didn't know -- did you know that<br/>10 Mr. Whitlock had had heart surgery again very recently<br/>11 before he died? Did you know that? About a week and a half<br/>12 before he died.<br/>13 A. Before. Well they probably were trying to<br/>14 make him better. I know I went over there to Stanford to go<br/>15 see him. Because like I said, I lived with him for three<br/>16 weeks or a month.<br/>17 Q. Was John Myers also a pallbearer at his<br/>18 funeral, do you know? Do you recall?<br/>19 A. Let me see. You know, I don't know if he was<br/>20 a pallbearer there. I don't know. I know he was there on<br/>21 other people that died that he was driving the -- the --<br/>22 MR. FERNANDEZ: Hearse?<br/>23 THE WITNESS: The hearse. I seen him driving the<br/>24 hearse.<br/>25 MR. DUBIN: Q. He worked at the local funeral</p>                                                                                                                                                       |

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| <p style="text-align: right;">Page 58</p> <p>1 home?</p> <p>2 A. Yeah -- well, I seen him working there, so...</p> <p>3 Q. Have you ever heard of a condition called</p> <p>4 mesothelioma, a type of cancer, mesothelioma? Have you ever</p> <p>5 heard of that?</p> <p>6 A. You are asking me right now, right?</p> <p>7 Q. Yeah. Have you ever heard of it.</p> <p>8 A. Okay. Just this -- what was it, three weeks</p> <p>9 ago or two weeks ago I saw the -- the news on -- they have a</p> <p>10 commercial right now. And I just saw it three weeks. You</p> <p>11 just asked me right now. And I just saw it. They say if</p> <p>12 you have this, contact because this might be caused by</p> <p>13 asbestos.</p> <p>14 Q. That was an attorney or a lawyer?</p> <p>15 A. Yes. Some -- let me tell you. I am a Mexican</p> <p>16 and it sounded like from Poland. A name from Poland. I</p> <p>17 don't know.</p> <p>18 Q. Nobody told you here today?</p> <p>19 A. No.</p> <p>20 Q. Have you ever heard of anybody having</p> <p>21 mesothelioma who worked at the King City mine? Has anyone</p> <p>22 ever told you that?</p> <p>23 A. No.</p> <p>24 Q. There was somebody else that you talked about,</p> <p>25 Fred Olivos.</p>                                                                                                                                                                             | <p style="text-align: right;">Page</p> <p>1 didn't tell us. But I can tell you there is some guys out</p> <p>2 there that I know personally that to me, this is just to me,</p> <p>3 I am no doctor but I can tell you they -- when they are</p> <p>4 breathing they don't sound too good to me, you know. And I</p> <p>5 can tell you, they worked up there with me and every time</p> <p>6 they climbed up those stairs, man, when we would be talking,</p> <p>7 they would be like that. So I will personally tell you that</p> <p>8 they don't feel good. But they were there even longer than</p> <p>9 I was.</p> <p>10 Q. Who are those people?</p> <p>11 A. Well I can tell you Danny Daniels.</p> <p>12 Q. Anybody else you remember?</p> <p>13 A. Pedro Baldino.</p> <p>14 Q. Anyone else?</p> <p>15 A. No. I mean, that --</p> <p>16 Q. Do you know whether either of those people</p> <p>17 smoked?</p> <p>18 A. I never saw Dan smoking.</p> <p>19 Q. How about Pedro?</p> <p>20 A. Pedro? He probably did but he stopped I</p> <p>21 think. I think that's -- he stopped smoking quite awhile.</p> <p>22 Q. Were either of them overweight, do you know?</p> <p>23 A. No. Not overweight because they always kept</p> <p>24 slim. I'm not slim but say like me, maybe a little belly or</p> <p>25 something.</p> |
| <p style="text-align: right;">Page 59</p> <p>1 A. Fred Olivos, yes.</p> <p>2 Q. And you discussed that gentleman with the</p> <p>3 attorneys from Kelly-Moore as well; is that correct?</p> <p>4 A. Yeah, but Fred Olivos is dead.</p> <p>5 Q. Did he die recently?</p> <p>6 A. I don't know when he died. I can't tell you</p> <p>7 exactly when he died because I was -- I mean, I was -- I was</p> <p>8 a co-worker with him but he was -- me and him just didn't</p> <p>9 see eye to eye. So I didn't talk to him that much.</p> <p>10 Q. But you discussed him with the attorneys for</p> <p>11 Kelly-Moore; is that correct?</p> <p>12 A. Yeah. Yeah.</p> <p>13 Q. What did they tell you about him?</p> <p>14 A. The only thing I can tell you is I told</p> <p>15 probably the same thing I told you, yeah, I knew him, you</p> <p>16 know. I don't know exactly what he died of, you know.</p> <p>17 Q. Okay.</p> <p>18 A. But you know, he went real fast, I know that.</p> <p>19 And we weren't on good terms. I think I told him that, you</p> <p>20 know. But if they had an autopsy on it, the plant didn't</p> <p>21 tell us nothing. So I imagine he didn't go with asbestosis.</p> <p>22 Q. Yeah. Have you ever heard of anybody who said</p> <p>23 they were sick from asbestos that used to work at the King</p> <p>24 City mine or mill?</p> <p>25 A. I can tell you this, they never -- no, they</p> | <p style="text-align: right;">Page</p> <p>1 Q. How about your own breathing, do you have any</p> <p>2 problems breathing?</p> <p>3 A. Well, you know, I thought I was in good shape</p> <p>4 but apparently I am not because after I -- I have that</p> <p>5 report, you know, you know, I would like to know, you know.</p> <p>6 But when my time comes, it will come.</p> <p>7 Q. Other than only in the presence of you and</p> <p>8 your lawyer, have you had any conversations with Arthur</p> <p>9 Vasquez recently about King City, about lawsuits or anything</p> <p>10 like that?</p> <p>11 A. Arthur Vasquez?</p> <p>12 MR. FERNANDEZ: Valdez.</p> <p>13 THE WITNESS: Oh, Valdez.</p> <p>14 MR. DUBIN: I'm sorry. Right.</p> <p>15 Q. Arthur Valdez.</p> <p>16 A. What was that question again?</p> <p>17 Q. Other than just in the presence of your</p> <p>18 lawyer, have you had any conversations with Mr. Valdez about</p> <p>19 lawsuits or Union Carbide or anything like that?</p> <p>20 A. No. We talk. We talk.</p> <p>21 Q. What did you talk about?</p> <p>22 A. I mean, we don't talk like everyday or</p> <p>23 something like that. Shoot, it's probably -- I haven't</p> <p>24 talked to him since I saw him at the chiropractor. So I</p> <p>25 haven't, you know.</p>                             |

| Page 62                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <p>1 Q. Do you recall discussing anything about Union<br/>2 Carbide with him recently?</p> <p>3 A. Well we had talked about it just, you know --<br/>4 the reason why because when I got that examination, man, he<br/>5 was hey, you got asbestosis. I said no, the doctor didn't<br/>6 tell me I had nothing. No, no, no, no, that's what this is,<br/>7 scarring. I said no, I'm okay. The doctor didn't tell me<br/>8 nothing. So then, you know, just for my protection, you<br/>9 know, I contacted him.</p> <p>10 Q. Did you receive Mr. Fernandez's name from<br/>11 Mr. Valdez, is that how you contacted Mr. Fernandez?</p> <p>12 A. No. No. I didn't get it from him. No.</p> <p>13 Q. Who did you get his name from?</p> <p>14 A. I can tell him that. We got it from -- see,<br/>15 this is the way we got it because see, this lawyer, you<br/>16 know, my son he is not a good -- I am not going to say he's<br/>17 a bad kid --</p> <p>18 MR. FERNANDEZ: He just wants to know how you got<br/>19 my name. Short and sweet.</p> <p>20 THE WITNESS: Well, I have to --</p> <p>21 MR. FERNANDEZ: You don't have to talk about your<br/>22 family.</p> <p>23 MR. DUBIN: Q. You don't have to talk about your<br/>24 family unless it's necessary to answer the question.</p> <p>25 A. Okay. Miguel Hernandez, because he was a</p> | <p>1 behaved towards its customers, whether it informed them of<br/>2 the health risks of asbestos or anything like that?</p> <p>3 A. I don't know anything about them. No.</p> <p>4 Q. Okay. So why are you willing to help them<br/>5 out?</p> <p>6 MR. HAINES: Object to the form of the question.</p> <p>7 MR. DUBIN: Q. You can answer.</p> <p>8 A. What's that?</p> <p>9 Q. Why would you be willing to help them out in a<br/>10 case when you don't know whether they had done bad things?</p> <p>11 MR. HAINES: Object to the form of the question.</p> <p>12 MR. FERNANDEZ: Do you know if you are going to be<br/>13 helping anybody if you testify?</p> <p>14 THE WITNESS: No. I am just telling the truth.</p> <p>15 They just asked me if I could testify.</p> <p>16 MR. DUBIN: Okay. I think that's it for right now.</p> <p>17 Thank you very much for your time.</p> <p>18 MR. HAINES: I'm going to ask you a few questions.</p> <p>19 I don't have a lot to ask you.</p> <p>20 MR. DUBIN: Do you want to take a short break or<br/>21 you want to go through?</p> <p>22 THE WITNESS: It don't matter to me.</p> <p>23 MR. DUBIN: Let's go ahead.</p> <p>24 ///</p> <p>25 ///</p>                                                                                                                                                                                                                                                    |
| Page 63                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>1 lawyer for my son. And he is -- he was a lawyer for Art's<br/>2 son too. So you see.</p> <p>3 Q. So Mr. Hernandez gave you Mr. Fernandez's<br/>4 name?</p> <p>5 A. Right.</p> <p>6 Q. And are you paying your lawyer, Mr. Fernandez,<br/>7 any money?</p> <p>8 A. I hope not. No. I mean, I haven't got<br/>9 charged anything yet.</p> <p>10 MR. FERNANDEZ: You haven't seen the latest bill.</p> <p>11 MR. DUBIN: Maybe I should get you out of here<br/>12 quickly.</p> <p>13 Q. Have the lawyers from Kelly-Moore talked to<br/>14 you specifically about actually coming down to Texas to<br/>15 testify in a trial? They asked you about that at all?</p> <p>16 A. Yes.</p> <p>17 Q. Have you told them whether you are willing to<br/>18 travel to Texas to testify?</p> <p>19 A. Yes.</p> <p>20 Q. And what did you tell them?</p> <p>21 A. Well, I said I -- I mean, I can go. I mean,<br/>22 if they -- I mean, this is just a -- I mean, tell the truth,<br/>23 you know, whatever -- I'm not out there -- I am not here to<br/>24 lie or nothing. I'm not telling you any lies.</p> <p>25 Q. Do you know anything about how Kelly-Moore</p>                                                                                                                                                                                    | <p>1 EXAMINATION BY MR. HAINES</p> <p>2 MR. HAINES: Q. Tell me, where did you grow up,<br/>3 sir?</p> <p>4 A. Yuma, Arizona. I was born in Mexico. I was<br/>5 adopted to my aunt and my uncle when I was seven. I moved<br/>6 to Yuma, Arizona with my aunt and my uncle that they adopted<br/>7 me. And then when -- when I got married in '71, I moved<br/>8 back to Mexico, and that was -- I lived there in Mexico for<br/>9 two -- almost two years. Then I lost my job over there.</p> <p>10 Then my wife's parents, they were working over here in the<br/>11 fields in Greenfield and were at some camp. So we came over<br/>12 here to visit, and then we decided to stay because my wife<br/>13 said I wasn't doing nothing over in Yuma so she said we<br/>14 might as well go over there to put you to work. So that's<br/>15 where I came.</p> <p>16 Q. So you have been here almost 30 years since<br/>17 then?</p> <p>18 A. Yes. I came over here. I was on Welfare and<br/>19 I was going to this school, learning mechanics, you know.</p> <p>20 So then I heard about the job, KCAC, and since I was living<br/>21 here in the King City Motel, I went over there. The bus<br/>22 driver that was taking me to Salinas, took me and he helped<br/>23 me put the application in Union Carbide. He helped me fill<br/>24 it out and that's -- that's how I been there.</p> <p>25 Q. And you've been married since what, 1971 you</p> |

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| <p style="text-align: right;">Page 66</p> <p>1 said?</p> <p>2 A. Yeah.</p> <p>3 Q. How many children do you have?</p> <p>4 A. Three. And one granddaughter.</p> <p>5 Q. Any great grandkids yet?</p> <p>6 A. No.</p> <p>7 Q. Now you worked at the Union Carbide plant from</p> <p>8 1974 to about 1985; is that right?</p> <p>9 A. Yeah.</p> <p>10 Q. And then it changed over to a different</p> <p>11 company that kept running it?</p> <p>12 A. Right.</p> <p>13 Q. I want to try to focus on those first 11 years</p> <p>14 when Union Carbide was running the plant. Okay?</p> <p>15 A. Uh-huh.</p> <p>16 Q. You talked a little bit earlier about the</p> <p>17 bagging area.</p> <p>18 A. Uh-huh.</p> <p>19 Q. Describe for me a little bit what a bagger</p> <p>20 would do. How did a bagger do his job?</p> <p>21 A. Okay. This is the person, not the bagger?</p> <p>22 Q. Yes, sir, the person.</p> <p>23 A. Okay. When I first started there?</p> <p>24 Q. Yes, sir.</p> <p>25 A. Okay. It was an open bagger. This is 244.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p style="text-align: right;">Page</p> <p>1 vacuum cleaner and it had socks inside, so every time you</p> <p>2 fill it up, you had to open the door and then reach in there</p> <p>3 and clean all the socks so it can drop all the material down</p> <p>4 to the bucket so it could suck with. Otherwise you</p> <p>5 wouldn't -- if it is not operating right it won't vacuum</p> <p>6 right. So you have to clean the socks. Because sometimes</p> <p>7 they were over filled, the hopper on the bottom.</p> <p>8 Q. Did you also have to sweep up, was this like a</p> <p>9 regular broom to clean up asbestos?</p> <p>10 A. Yes. And then after awhile they -- like I</p> <p>11 said, they improved. We put water hoses.</p> <p>12 Q. When you first started, did you just wear a</p> <p>13 mask that you would throw away or was it one you kept and</p> <p>14 used over and over again?</p> <p>15 A. Well, you would use it, the mask. The one we</p> <p>16 had in the beginning we put it on and we used it and threw</p> <p>17 it away. You know, but at first -- you know, they used to</p> <p>18 tell me, you know, the more it's plugged up the better it</p> <p>19 will filter. So you know. It would stop -- what he meant</p> <p>20 was it would stop the asbestos from going in. Because they</p> <p>21 would plug it up more if you use it for longer. Because --</p> <p>22 and it would save money also.</p> <p>23 Q. Did it make it hard to breathe when it was</p> <p>24 plugged up like that?</p> <p>25 A. Well, you know, to tell you the truth no,</p> |
| <p style="text-align: right;">Page 67</p> <p>1 Q. Yes, sir.</p> <p>2 A. Okay. I put the bag in, it would clamp -- the</p> <p>3 bags would clamp and start filling up. Okay. When it</p> <p>4 filled up to ten pounds -- it was ten something, and I took</p> <p>5 the bag out, I put in another thing and I push it -- I put</p> <p>6 it inside and push it and it would flatten it. Okay. Then</p> <p>7 I take the bag out, I turn it around, put it the other way</p> <p>8 and I push it again and it would flatten it out. So I had</p> <p>9 to flatten it out, you know, more or less so I could put it</p> <p>10 in a bag. Then you put it in a bag and then you seal it.</p> <p>11 And then you stack it.</p> <p>12 Q. Okay. And you -- that one person did all of</p> <p>13 that?</p> <p>14 A. Right. And then you have to -- when you stack</p> <p>15 it up on the pallet, then take it to the shipping department</p> <p>16 over there and you just put it right there and then you go</p> <p>17 back and do another pallet.</p> <p>18 Q. Did these bags that were filled with asbestos</p> <p>19 sometimes pop?</p> <p>20 A. Like I mentioned to him, if you weren't a good</p> <p>21 operator and you didn't regulate the air right or sometimes</p> <p>22 the bags weren't glued right, they would pop. Because if</p> <p>23 you put too much air pressure they would just blow it and...</p> <p>24 Q. What happens when they popped?</p> <p>25 A. You got dust all over. And then we had this</p> | <p style="text-align: right;">Page</p> <p>1 because I -- I mean, I was young at that time. I had a lot</p> <p>2 of power. So it -- I could breathe through it, you know,</p> <p>3 pretty good. So I would save it for a week, you know, then</p> <p>4 a week I would get another one. So what you do is just take</p> <p>5 it off, we had this little plastic bag, put it in the</p> <p>6 plastic bag and put it in your back pocket.</p> <p>7 Q. And you had overalls. Did they give you</p> <p>8 overalls when you first started to work?</p> <p>9 A. Yeah. We had white ones. When I first</p> <p>10 started maintenance had one color and the mill had white</p> <p>11 ones.</p> <p>12 Q. Did you wear the overalls over your regular</p> <p>13 street clothes?</p> <p>14 A. Over my regular street clothes.</p> <p>15 Q. And at the end of the day you would take the</p> <p>16 overalls off and leave them in a locker?</p> <p>17 A. Right.</p> <p>18 Q. And then go home in the clothes you came in?</p> <p>19 A. Right. Some people would take their shoes</p> <p>20 home but I always -- that I remember I used to -- maybe not</p> <p>21 in the beginning but most of the time I just left them</p> <p>22 there, changed shoes. That's -- most -- maybe 50 percent of</p> <p>23 the people would take their shoes home.</p> <p>24 Q. Okay. Did you ever have to go clean up any of</p> <p>25 the houses that had used asbestos in their attic for</p>                                                                                                               |

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| <p style="text-align: right;">Page 70</p> <p>1 insulation?</p> <p>2 A. I went to one.</p> <p>3 Q. Where was that house?</p> <p>4 A. On 2nd Street.</p> <p>5 Q. Here in King City?</p> <p>6 A. In King City.</p> <p>7 Q. Do you know whose house that was?</p> <p>8 A. I thought it was Crowe's. Crowe.</p> <p>9 Q. Is that --</p> <p>10 A. I didn't know him.</p> <p>11 Q. Okay.</p> <p>12 A. I didn't know him. But I think that's what</p> <p>13 they said, it was Crowe's house at one time.</p> <p>14 Q. Was this back when Union Carbide owned the</p> <p>15 plant?</p> <p>16 A. Yes, because Fred Lawson was my boss and he</p> <p>17 was -- he quit when Union Carbide -- when KCAC took over.</p> <p>18 So --</p> <p>19 Q. So what happened, they come up to you one day</p> <p>20 and say hey, you have to go clean this house?</p> <p>21 A. Yeah. I mean, they just said we are going to</p> <p>22 send you and you, go over there. But to me it was</p> <p>23 already -- the attic was already clean.</p> <p>24 Q. Okay.</p> <p>25 A. You know. They already vacuumed. They sent</p>                                                                                                                                                                                                                                               | <p style="text-align: right;">Page</p> <p>1 THE WITNESS: Definitely they told me it was un --</p> <p>2 you know, that asbestos was -- wasn't bad. That's</p> <p>3 definitely, they did tell me that. The other one, the one</p> <p>4 you said if they told me about asbestos, they probably did</p> <p>5 at the beginning, you know, when I first start but not --</p> <p>6 you know, I don't remember exactly what they said. But it</p> <p>7 wasn't too much, you know. There was too much then maybe I</p> <p>8 would have remembered. I don't remember a lot of things but</p> <p>9 I probably would have remembered that.</p> <p>10 MR. HAINES: Q. If they told you that asbestos was</p> <p>11 really bad, do you think you would have remembered that?</p> <p>12 MR. DUBIN: Objection, form.</p> <p>13 You can respond. It's a legal thing.</p> <p>14 THE WITNESS: I can answer that?</p> <p>15 MR. DUBIN: Yes. You can answer that.</p> <p>16 THE WITNESS: Repeat that.</p> <p>17 MR. HAINES: Q. If they told you when you first</p> <p>18 started that asbestos was this really really bad stuff and</p> <p>19 asbestos in that plant could kill you, would you have</p> <p>20 remembered that?</p> <p>21 MR. DUBIN: Objection, form.</p> <p>22 THE WITNESS: I probably would have, yes. Can I</p> <p>23 say something?</p> <p>24 MR. HAINES: Q. No. Let me ask the next question.</p> <p>25 MR. DUBIN: Well let the witness finish his answer.</p>                                                                                   |
| <p style="text-align: right;">Page 71</p> <p>1 me and the other guy to go check it, see if it was clean</p> <p>2 clean clean. But we only went -- I climb up the attic, we</p> <p>3 put a ladder, climb up and -- but I mean, we didn't walk all</p> <p>4 the way around. I just from the top, you know, looks clean.</p> <p>5 That's when I said to the guy, you know, doesn't this roof</p> <p>6 leak, because I didn't have a house, you know, here. I had</p> <p>7 one in Mexico but not here. And I said gosh, this roof</p> <p>8 don't leak? Because I used to see the -- the sun going</p> <p>9 through -- sunlight coming through. I said well, this roof,</p> <p>10 I wouldn't have a shake roof.</p> <p>11 Q. Did you also work on a house in Greenfield?</p> <p>12 A. No.</p> <p>13 Q. Just that one house?</p> <p>14 A. Just that one. But I knew there was one in</p> <p>15 Greenfield.</p> <p>16 Q. Okay. Just so I am clear and we all</p> <p>17 understand, did the management at Union Carbide ever tell</p> <p>18 you that the asbestos that you were breathing in that plant</p> <p>19 was dangerous or could cause cancer?</p> <p>20 A. Well --</p> <p>21 Q. Or did they tell you it was safer than other</p> <p>22 types of asbestos?</p> <p>23 A. Well --</p> <p>24 MR. DUBIN: Objection, form.</p> <p>25 Go ahead.</p> | <p style="text-align: right;">Page</p> <p>1 You can finish your answer.</p> <p>2 THE WITNESS: You know, like you got to figure if I</p> <p>3 see, you know -- this was after, you know, after, later on.</p> <p>4 Because like I told you -- I told him. I didn't know what</p> <p>5 asbestos was when I first started there. It took me awhile</p> <p>6 before I knew. But I found out what it was. But when I was</p> <p>7 working there, how come -- I mean, if it was bad, how come</p> <p>8 you got all these shifters and they had their family working</p> <p>9 there, their sons. You know. I mean, if I was a father and</p> <p>10 I knew asbestos was bad, would I have my son working there?</p> <p>11 No. I love my kids too much to tell them hey, go work</p> <p>12 there, you know, if asbestos was bad. But they had their</p> <p>13 sons working there so it couldn't have been that -- you</p> <p>14 know. I got to be telling you the truth when I told you</p> <p>15 that they told us asbestos small fiber wasn't bad, they</p> <p>16 wouldn't have their sons working there.</p> <p>17 MR. HAINES: Q. If they knew it was dangerous you</p> <p>18 are saying?</p> <p>19 A. Right.</p> <p>20 Q. But you don't know what people in New York</p> <p>21 that work for Union Carbide say about asbestos, do you?</p> <p>22 MR. DUBIN: Objection, form.</p> <p>23 THE WITNESS: I don't know.</p> <p>24 MR. HAINES: Q. People who didn't have their sons</p> <p>25 working in the plant, do you know what they knew if they</p> |

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| <p style="text-align: right;">Page 74</p> <p>1 were in New York or somewhere?</p> <p>2 A. Yeah. All I know is they might have had their</p> <p>3 kids there and not like I felt, I got discriminated some</p> <p>4 and -- and you know, I didn't like that.</p> <p>5 Q. Okay. Did they tell you that the asbestos you</p> <p>6 could see was just a nuisance dust, it was calcium?</p> <p>7 MR. DUBIN: Objection, form.</p> <p>8 THE WITNESS: Well, I tell you at the end when we</p> <p>9 were cleaning up, there was people working in tanks with --</p> <p>10 you know, grinders with brushes, you take the grinding off</p> <p>11 and push a brush on it and they would be brushing inside the</p> <p>12 tanks. And I see the bosses down there in the bottom. And</p> <p>13 that dust is just flying all over. And when he says it is</p> <p>14 only calcium, don't worry about it, that's -- you know.</p> <p>15 It's not asbestos. When they tell you oh, they looked</p> <p>16 through a microscope -- but this wasn't -- this was in KCAC.</p> <p>17 But it's the same boss from Union Carbide.</p> <p>18 MR. HAINES: Q. Were most of the bosses you had at</p> <p>19 the end with KCAC the same people that had been your bosses</p> <p>20 at Union Carbide?</p> <p>21 A. My boss when he got in maintenance, he was</p> <p>22 always from the beginning. Yeah.</p> <p>23 Q. Did it really change as far as when they went</p> <p>24 from Union Carbide to KCAC, did it change as far as how they</p> <p>25 had safety policies or how the plant ran?</p> | <p style="text-align: right;">Page</p> <p>1 mill?</p> <p>2 A. Okay. Kronkhyte, Ray Groggen, Bill Usery, let</p> <p>3 me see. Kronkhyte had two, one daughter and one son. Ray</p> <p>4 Groggen had one son. Abby Andre had one daughter and one --</p> <p>5 then his son-in-law. He moved up pretty fast. Let me see.</p> <p>6 Bill Usery had two, two sons. Now I don't remember if I got</p> <p>7 them all. Oh, and then office people, George Vessels had</p> <p>8 one son -- two sons working there. And then you got</p> <p>9 employees that had sons working there too. I don't know if</p> <p>10 you want to know that.</p> <p>11 Q. Was it your impression that somebody like Bob</p> <p>12 Kronkhyte believed what he said to you, that he felt that</p> <p>13 you could work around this stuff safely?</p> <p>14 A. Oh, yeah. I mean, he -- I mean, he -- he</p> <p>15 actually said to me one time that if you can't -- if you see</p> <p>16 the dust, it can't hurt you.</p> <p>17 Q. When you started at Union Carbide how good was</p> <p>18 your English? If you had to judge?</p> <p>19 A. Well, I went to school here.</p> <p>20 Q. Okay.</p> <p>21 A. I'm not saying -- because I was adopted.</p> <p>22 Q. Okay. You indicated you had some -- you</p> <p>23 needed help filling out the forms.</p> <p>24 A. Well, let me tell you.</p> <p>25 Q. Okay.</p> |
| <p style="text-align: right;">Page 75</p> <p>1 A. No. When Kronkhyte died the -- you know how</p> <p>2 they say the regime. You know how --</p> <p>3 MR. DUBIN: Yeah, that's good.</p> <p>4 MR. FERNANDEZ: Answer his question. You have to</p> <p>5 stay with his question. Repeat your question.</p> <p>6 MR. HAINES: I don't even remember anymore.</p> <p>7 MR. FERNANDEZ: Read the question back.</p> <p>8 (Last question read.)</p> <p>9 MR. HAINES: Q. Was it the same people?</p> <p>10 A. It was -- at the end, yes. It was Ray Groggen</p> <p>11 and Daryl Garcia. They were the only two left.</p> <p>12 Q. And had they changed about what they were</p> <p>13 telling you about asbestos from the beginning to the end or</p> <p>14 did they pretty much tell you the same thing the whole time?</p> <p>15 A. No, they told me the same. It's the same.</p> <p>16 Like I said, they all came --</p> <p>17 MR. FERNANDEZ: Just answer his question. Just</p> <p>18 answer his question.</p> <p>19 MR. HAINES: That's all I have for you, sir. Thank</p> <p>20 you for your time.</p> <p>21 MR. DUBIN: I have a very few small questions.</p> <p>22</p> <p>23 EXAMINATION BY MR. DUBIN</p> <p>24 MR. DUBIN: Q. Which of the supervisors or</p> <p>25 management people had kids that also worked in the -- in the</p>                                                                                                                                                                                                                                    | <p style="text-align: right;">Page</p> <p>1 A. I will let you decide. I was in sixth grade</p> <p>2 and they used to send me to first grade to know my ABC's.</p> <p>3 So that's how bad I was.</p> <p>4 Q. Did you have trouble -- do you have any --</p> <p>5 recall having any trouble understanding the sort of safety</p> <p>6 instructions that they gave you when you first joined Union</p> <p>7 Carbide?</p> <p>8 A. Well, like I told you, my reading wasn't good.</p> <p>9 You know. It still is not good. But you know. Hey, I -- I</p> <p>10 was on Welfare. I was --</p> <p>11 MR. FERNANDEZ: Just answer his questions. You</p> <p>12 have to stick with the questions.</p> <p>13 MR. DUBIN: I don't have any further questions.</p> <p>14 Thanks.</p> <p>15 MR. HAINES: We're all done.</p> <p>16 MR. DUBIN: Thank you for your time.</p> <p>17 (Whereupon, the deposition concluded at</p> <p>18 3:06 p.m.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                                                                                                                                                                                                                                        |

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| <div>Page 78</div> <div>1 Pursuant to Section 2025(q)(1) of the Code of<br/>2 Civil Procedure of the State of California, I hereby certify<br/>3 that I have read my deposition, made those changes and<br/>4 corrections I deem necessary, and approve the same as now<br/>5 written.<br/>6 Dated this _____ day of _____, 2003.<br/>7<br/>8<br/>9<br/>10<br/>11<br/>12 Under Penalty of Perjury<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| <div>Page 79</div> <div>1 STATE OF CALIFORNIA )<br/> ) ss.<br/>2 COUNTY OF MONTEREY )<br/>3<br/>4 The witness in the foregoing deposition appeared<br/>5 before me, JENNA OSBORN, Certified Shorthand Reporter No.<br/>6 8681 for the State of California.<br/>7 Said witness then and there at the time and place<br/>8 previously stated testified under penalty of perjury given<br/>9 on said day.<br/>10 The testimony of the witness and all the questions<br/>11 and remarks requested by counsel were taken by me in<br/>12 shorthand at the time and place therein named and<br/>13 thereafter, under my direction, transcribed into<br/>14 longhand.<br/>15 I further certify that I am not of counsel or<br/>16 attorney for either or any of the parties to said<br/>17 deposition, nor in any way interested in the outcome of the<br/>18 cause named in said caption and that I am not related to<br/>19 any party thereto.<br/>20 IN WITNESS WHEREOF, I have hereunto set my hand<br/>21 this _____ day of _____, 2003.<br/>22<br/>23<br/>24 CERTIFIED SHORTHAND REPORTER<br/>25 FOR THE STATE OF CALIFORNIA</div> |  |