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Case No. 98-2-24915-3 SEA

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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JOHN E. CRUM and MARILYN
J. CRUM, a married couple,
Plaintiffs,

-vs-

THE E.J. BARTELLS COMPANY,
OWENS-CORNING; RAPID-AMERICAN
CORPORATION; GAF CORPORATION,
individually and as successor to
THE RUBEROID COMPANY; ARMSTRONG
CORK COMPANY; KAISER GYPSUM COMPANY;
UNITES STATES GYPSUM COMPANY; THE
ASBESTOS CLAIMS MANAGEMENT
CORPORATION, fka NEW NATIONAL GYPSUM
COMPANY; CERTAINTED CORPORATION;
and W.R. GRACE & CO. - CONN,

Defendants.

DEPOSITION OF JOHN E. CRUM,

called for examination by counsel for Plaintiff pursuant to
Notice, at 1200 Chance Lane, Reno, Nevada, on Friday,
November 6, 1998, before Karen Yates, a Notary Public.

APPEARANCES: (See separate page)

REPORTED BY: KAREN YATES, RFR
Nevada CCR No. 195
VIDEOGRAPHER: BILL STEPHENS

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By Mr. Bergman

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**All original exhibits kept in possession of Mr. Bergman*

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1 RENO, NEVADA, FRIDAY, NOVEMBER 6, 1998, 10:05 A.M.

2 --000--

3 (Also present in the deposition room were Marilyn
4 Crum, John Dean Crum, and Brandon Crum.)5 MR. BERGMAN: We are on the record now. This is
6 Matthew Bergman appearing on behalf of plaintiffs, John and
7 Marlboro Crum. This will be the perpetuation deposition of
8 plaintiff, John Crum.9 Plaintiffs agree and stipulate that an objection
10 from one defendant during the course of the examination will
11 be deemed an objection for all defendants, whether or not
12 the objecting party is still in the case at the time of
13 trial.14 If any of the other counsel have statements they
15 would like to make on the record, this would be a good time
16 to do that. Okay. In that case, why don't we begin. Just
17 a moment.18 MR. STEPHENS: This deposition of John Crum is
19 being held on November 6, 1998 at 1200 Chance Lane, Reno,
20 Nevada. The caption of the case is John Crum and Marilyn
21 Crum versus the E.J. Bartells Company, et al. The
22 deposition is being taken on behalf of the plaintiffs.23 Time on record is 10:06 a.m. The videographer's
24 name is Bill Stephens of Bill Stephens Productions.
25 would all attorneys present please identify

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1 themselves and state the parties they represent?
 2 MR. BERGMAN: Matthew Bergman for the plaintiff.
 3 MR. PETTY: I am Ken Petty, representing Kaiser
 4 Gypsum Company.
 5 MS. ZAKRZEWSKI: Cheryl Zakrzewski. I represent
 6 E.J. Bartells.
 7 MR. FICHELSON: Bruce Fichelson representing
 8 Kaiser Gypsum, Inc.
 9 MR. CLARK: Paul Clark, W.R. Grace.
 10 MR. WEBB: Henry Webb, C.C.R.
 11 MR. FERNANDEZ: Anthony Fernandez for
 12 Rapid-American Corp.
 13 MS. WILLIAMS: Anne Williams, Owens-Corning.
 14 MR. STEPHENS: The reporter's name is Karen Yates
 15 from Sierra Nevada Reporters, who will now administer the
 16 oath to the plaintiff.
 17 JOHN E. CRUM,
 18 called as a witness by Plaintiffs,
 19 having been first duly sworn,
 20 was examined and testified as follows:

EXAMINATION

BY MR. BERGMAN:

23 Q Good morning.
 24 A Good morning.
 25

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1 Q And what does your eldest son do for a living,
 2 sir?
 3 A He works for, he works for -- I can't recall the
 4 name of the company.
 5 Q Okay. Is one of your sons a doctor, sir?
 6 A Yes, he is.
 7 Q And what son is that?
 8 A That's Donald Ray Crum.
 9 Q And what kind of medicine does Donald practice?
 10 A He's an emergency room physician.
 11 Q Do you have any grandchildren?
 12 A I have 11 grandchildren.
 13 Q Do you have a close relationship with your sons,
 14 sir?
 15 A Yes, I do.
 16 Q What are some of the things that you and your sons
 17 do together?
 18 A Well, we have a boat. We use that quite often.
 19 We go chukar hunting and fishing when we're not working.
 20 Q Do you work with your sons?
 21 A Yes, I do.
 22 Q How about relationship with your grandkids? Do
 23 you see a lot of them?
 24 A I see them a lot. Enjoy them very much. And they
 25 stay in this house with me quite a bit.

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1 Q Could you please tell the jury your full name,
 2 sir?
 3 A My name is John E. Crum, C-r-u-m.
 4 Q Mr. Crum, where do you live?
 5 A I live in this home right here.
 6 Q Where is that located, sir?
 7 A The location is 1200 Chance Lane, Reno, Nevada.
 8 Q And how long have you lived in this home here,
 9 sir?
 10 A I have lived here since 11/15 of '88.
 11 Q '98, sir, you think?
 12 A Of '88.
 13 Q Sir, are you married?
 14 A Yes, I am.
 15 Q And what is your wife's name?
 16 A Marilyn J. Crum.
 17 Q Is she here with us today?
 18 A She's here.
 19 Q How long have you and Marilyn been married?
 20 A We have been married for 53 years.
 21 Q Do you and Marilyn have any kids?
 22 A We do.
 23 Q What are their names and their ages?
 24 A They are John Dean Crum, age 38. And Robert Lee
 25 Crum, he's 43. And Donald Ray Crum is 42.

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1 Q Do you have a special room in this house that is
 2 used by your grandkids?
 3 A Yes, I have three -- I have two bedrooms that they
 4 occupy.
 5 Q Sir, you indicated a little earlier that you
 6 worked with your sons. Are you still working?
 7 A Yes, you bet.
 8 Q And what business are you in?
 9 A I'm in the building business, until I got this
 10 mesothelioma.
 11 Q Could you tell me a little bit about the building
 12 business that you used to be in before you got sick?
 13 A Well, we built houses like this one. This is the
 14 last house we finished.
 15 Q Now, when you say the building business, do you
 16 mean that you hire contractors to build homes for you?
 17 A No, we do all our own work, all our own work.
 18 Q By "we", who else works with you?
 19 A My sons, John Dean primarily. My oldest son has
 20 another job with another company.
 21 Q How many houses have you and John Dean built
 22 together?
 23 A Probably about 35 or 40.
 24 Q And do you sell the houses that you build?
 25 A No.

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1 Q Or do you rent them?

2 A Well, we keep the houses and rent them. We hold
3 on -- we build the house, we rent it.

4 Q You said that you built these houses yourself,
5 sir. What are the kinds of things that you and John Dean
6 did when you put these houses together?

7 A On this particular house here, we did everything
8 but the roofing, the drywall, and the carpeting.

9 Q You did the concrete work?

10 A We did the concrete work, we do the -- everything
11 in this house. Electrical, plumbing, the boiler work. We
12 do the entire job and we don't have any, we don't hire it
13 out. We don't let subcontracts.

14 Q Sir, I'm handing you what has been marked as
15 Exhibit Two. Can you tell me what that photograph shows?

16 A This is this house right here.

17 Q Is that the house that you built with John Dean?

18 A That's right, we did everything on this house but
19 the roofing. We do the stucco work. We do everything on
20 here but the roofing and the drywall.

21 Q Could you show Exhibit Two to the jury, please,
22 sir?

23 A (The witness complies.)

24 C Sir, is this home something that you are proud of?

25 A I'm very proud of this home.

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1 know, find a good spot where we can catch one.

2 Q Do you go with the grandchildren fishing?

3 A We all go.

4 Q Okay. Sir, I'm handing you Exhibit One. I ask
5 you if you can tell me what that is.

6 A Yeah, that's a family picture of -- that's the
7 grandkids, my daughter-in-law and my -- and my
8 daughter-in-law's parents are there. We are all a pretty
9 close group.

10 Q Sir, before you started having your current health
11 problems, how were you feeling?

12 A I was feeling great. I was feeling great up until
13 about the eighth month and I got this tightness feeling
14 across my chest and I went to the doctor. And my right lung
15 was full of this liquid. The lung was clear up at the top,
16 collapsed. The right lung was full of liquid. So, they
17 drew over two quarts of liquid off of it.

18 Q And before August of 1998, sir, had you ever had
19 any serious health problems?

20 A I was never sick. I had a hernia operation and
21 that's about it. That's the worst thing that I had ever
22 had. I had never been to the doctor.

23 Q Have you ever smoked cigarettes, sir?

24 A Never. Never smoked a cigarette in my life.

25 Q Sir, in August of 1998 when the doctor drained the

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1 Q Before you became ill, sir, did you and John Dean
2 have plans to build additional homes?

3 A Yes. We bought this piece of land right here and
4 there were five lots here and we have two houses built on
5 the property now. And our next step was to go right next
6 door and build another one just like this. We never build
7 two houses the same, but the same footage and all that.
8 Same quality that's in this house we were going to have next
9 door.

10 Q When you and John Dean are building houses
11 together, sir, how many hours a day would you work on
12 average?

13 A I would say we work about nine hours a day,
14 average. Some days we, if one of us are sick, why, we just
15 take off, you know. Take off a couple days, two or three
16 days if we want to. But usually it's the other way around.
17 We just keep going, you know. We work steady.

18 Q Sir, before your current problems, did you have
19 any plans to slow down?

20 A I never thought about slowing down.

21 Q What are some of the things that you and your
22 family do together when you are not building houses?

23 A Well, we go out in the boat. We have a Bayliner
24 boat. And we go up to -- we go chukar hunting up near
25 Winnemucca. We go fishing when we get a chance to. You

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1 fluid off of your lungs, what did he tell you was the
2 probable diagnosis?

3 A Well, I have an incurable lung cancer called
4 mesothelioma. It wasn't in the lung. It was in the lung
5 cavity, on the outside of the lung.

6 Q And who was with you, sir, when your doctor told
7 you about your diagnosis?

8 A My son was with me and my doctor son, Don, and
9 John Dean was with me.

10 Q Did you and your sons and your doctor discuss
11 treatment options?

12 A Yes.

13 Q And what kind of treatment is available for your
14 mesothelioma?

15 A There is no treatment. They did the biopsy thing
16 and that was pretty serious. Then they just buttoned me up.
17 They have no treatment for this.

18 Q What do you understand to be your prognosis?

19 A Well, I won't be here in a few months.

20 Q Sir, are you experiencing any physical pain as a
21 result of your mesothelioma?

22 A It hurts bad.

23 Q Can you tell us where you are hurting?

24 A Well, from half my body, the right half to the
25 back, to the spine, around to right down there. This right

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10

1 there.

2 Q Are you taking anything for your pain?

3 A Oh, yeah. They've got the pain under control. If
4 I didn't have these patches they put on me, they put these
5 patches on and it's an opium patch. It makes it so I can't
6 feel it, see. But I have side effects, see, from it.

7 Q Are you having any trouble breathing?

8 A I have a hard time breathing. I'm short of
9 breath. If I walk 25 feet, I'm breathless.

10 Q Sir, in the last two weeks would you say that your
11 condition has gotten better or gotten worse?

12 A I'm getting worse every day. Every day a little
13 bit worse.

14 Q Today is Friday, sir. On Monday are you going to
15 have any specialist come out and talk about your care needs?

16 A Yes, I'm going to have a group here in town that
17 tend to people like me.

18 Q Is that hospice?

19 A Yes.

20 Q Sir, what is your understanding as to what caused
21 your mesothelioma?

22 A They told me it's caused from asbestos only.

23 Q Have you been exposed to asbestos over your life,
24 sir?

25 A Yes, I have been.

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1 Q When was the first time you were exposed to
2 asbestos?

3 A In my opinion, the first time is when I went to
4 Alaska.

5 Q Before you went to Alaska, sir, did you ever work
6 in a shipyard?

7 A Yeah, I worked in Kaiser Number Two for a short
8 time, Kaiser Number Two.

9 Q Was that in Richmond, California?

10 A Yes, uh-huh.

11 Q And was that in 1942 that you worked there?

12 A Just before I went in the service.

13 Q And what kind of work was going on at Kaiser
14 Number Two in Richmond in 1942?

15 A They were building Liberty ships.

16 Q For those of us who didn't live through world war
17 II, can you tell us what Liberty ships were?

18 A They were a steam-powered small freighter designed
19 to carry war products to the British.

20 Q And were there a lot of Liberty ships that were
21 being built in those war years?

22 A Well, one out every other day, I think.

23 Q And what kind of work were you doing on those
24 Liberty ships?

25 A I was a joiner.

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1 Q Were you working --

2 A I was a carpenter, see. So, I became a joiner.
3 And a joiner puts in -- I worked up in the captain's
4 quarters installing furniture.

5 Q Were there any other trades working around you
6 when you were working inside the Liberty ships at Kaiser
7 shipyard in 1942?

8 A Welders, plumbers, pipefitters, asbestos workers.
9 There were pipes. If you've ever been in a ship, there's
10 thousands and thousands of feet of pipe.

11 Q What kind of work were the asbestos workers doing
12 aboard the Liberty ships at Kaiser Number Two in 1942?

13 A They were covering all these pipes. They covered
14 steam pipes.

15 Q Can you describe for us, sir, how the asbestos
16 workers went about covering steam pipes on board those
17 Liberty ships at Kaiser shipyard in 1942?

18 A Well, they open up the piece of pipe covering, put
19 it on the pipe, and they wrap it. Of course, they have to
20 make the joints where the pipe makes a bend. They have to
21 hand fit that, wrap it. Coat it, they coat it with a paste
22 and finish it off.

23 Q When the pipe coverers would miter the pipe to get
24 it around the bend, was it necessary to saw it. Saw the
25 material, the pipe covering?

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1 A To size it?

2 Q Saw it.

3 A I don't know what you mean.

4 Q When you were working around asbestos workers at
5 Kaiser shipyard in 1942, did the asbestos workers ever have
6 to saw the pipe covering?

7 A Oh, saw it! Yes, of course they did. There was
8 dust. Sure, they had to saw it to make the joints and so
9 on, and the bends that are required. These pipes take
10 different bends. They go up, run along a ways and make a
11 left turn, and so on.

12 Q What was the air like inside the Liberty ships at
13 the Kaiser shipyard in 1942?

14 A Now, I worked the night shift. They had lights
15 there, you know. And you could see the dust and the debris
16 in the air. Although they had blowers on the ship to get
17 all that out. At night you could really tell what was in
18 the air.

19 Q Sir, after serving at, working at Kaiser shipyard,
20 did you go into the service yourself?

21 A Yes, I did. I went in the Air Force.

22 Q And did you serve in the Air Force during world
23 war II?

24 A Yes, I did.

25 Q After world war II, did you get some

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1 post-secondary education?
 2 A I went to the University of California at Davis.
 3 Q And what did you pursue there? what course of
 4 study?
 5 A Oh, I was pursuing animal husbandry.
 6 Q Have you worked with animals since then, sir?
 7 A well, I came from Wyoming originally and I always
 8 dreamt of having a big sheep ranch. And it was a crazy
 9 idea, I know.
 10 Q Mr. Crum, I've seen your dog outside. It's about
 11 the size of a sheep, isn't it?
 12 A Yeah, he's about that big.
 13 Q Sir, you testified a little earlier that you
 14 worked up in Alaska. What company were you working for up
 15 there?
 16 A I worked for Fiberglass Engineering and Supply
 17 Company.
 18 Q When did you first go to work for Fiberglass
 19 Engineering and Supply company?
 20 A well, I first joined Owens-Corning at Santa Clara.
 21 And then --
 22 Q Was that in 1943? Excuse me, 1953, sir?
 23 A Yes.
 24 O Okay.
 25 A And then I moved north to Alaska.

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1 Q Okay. Is FENCO an abbreviation for Fiberglass
 2 Engineering and Supply?
 3 A Yes, it is.
 4 Q As you were moving north to Alaska when you were
 5 working for FENCO, sir, did you happen to stop in Seattle?
 6 A I did. I stopped in Seattle.
 7 Q Did you work for FENCO in Seattle before you went
 8 up to Alaska?
 9 A Yes, I did.
 10 Q What kind of work were you doing for FENCO in
 11 Seattle in 1953?
 12 A I did, I was kind of, kind of in training. I was
 13 doing inventory, learning their accounting procedures,
 14 payroll and all the company records that had to be kept, you
 15 know, in the process of operating the branch up there.
 16 Q What building were you working in when you were in
 17 FENCO's Seattle operation?
 18 A I was working in the warehouse and in the office.
 19 Q What was the warehouse like, sir?
 20 A Well, just like all warehouses. It was a dusty
 21 place, you know. I mean, all warehouses, you go in there
 22 and the dust is an inch thick. That's the way it was in
 23 Anchorage also.
 24 Q When did you get up to Anchorage, sir?
 25 A I got up there in winter of '53.

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1 Q What was your job up in Alaska.
 2 A My job was to keep the branch operating, do the
 3 payroll, all the -- keep track of the jobs, keep track of
 4 the inventory, the cash box.
 5 Q Were you the highest ranking person working for
 6 FENCO in Alaska?
 7 A well, the top man was a man named Wally Muncie and
 8 he was in Seattle. I got well acquainted with him on the
 9 way up there.
 10 Q But in Alaska, you were the number one guy?
 11 A Yeah, yes.
 12 Q Sir, can you describe a little bit more what this
 13 warehouse was like that you operated in --
 14 A It was a building about as big as this house. It
 15 had a small office on the front with -- had a desk in there
 16 and filing cabinets. We had a little adjoining room where
 17 there was a bathroom, and then another door that went out
 18 into the warehouse.
 19 Q Sir, I'm handing you what has been marked as
 20 Exhibit Three. Can you identify that photograph for us?
 21 A That's it. That's the warehouse.
 22 Q Is that what the warehouse looked like in 1953 to
 23 1956?
 24 A Yes.
 25 Q Did you take that photograph?

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1 A Yes, I did. It's a cold place.
 2 Q How many people were working for FENCO up in
 3 Alaska during the 1953 to 1956 period?
 4 A Well, we had, I had a warehouse man named John
 5 Colgan and myself. Then we had these crews, these asbestos
 6 workers who did the -- the contracts were figured in Seattle
 7 and then they were sent up there and we were in charge of
 8 the, doing the job.
 9 Q And approximately how many asbestos workers did
 10 FENCO employ in Alaska in the '53 to '56 period?
 11 A well, it varied, but about 30. We had about 30
 12 people.
 13 Q What were some of the major insulation contracts
 14 that FENCO had in Alaska during the period that you worked
 15 up there?
 16 A We had jobs all over Alaska. Some of them lasted
 17 quite awhile. Some were short lived, you know. It didn't
 18 take us long to finish them. They would be building new
 19 ones and sending them up to us, and so on, you see.
 20 Q What were some of the major jobs that you recall?
 21 A We had jobs in the Elmendorf.
 22 Q Elmendorf Air Force Base?
 23 A Fort Richardson. We had -- let's see. We had the
 24 DEW warning.
 25 Q What was the DEW warning system, sir?

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18
 1 A That was during the cold war when we were a little
 2 bit afraid of the russians. There was radar; it was a radar
 3 setup that they placed these domes across the Arctic Circle.
 4 Some jobs we had to fly the material out there to get it out
 5 there to the job site.
 6 Q Was it difficult to keep FENCO's crews supplied
 7 with insulation material?
 8 A Very, very difficult because it was particularly,
 9 we were busy then. Material was in short supply. There was
 10 lots of work and people were hard to hire then. They were
 11 scarce.
 12 Even though somebody didn't do their job, you
 13 didn't go out and fire them because you would have nobody
 14 then to do anything. You had to put up with their, the
 15 things that you didn't like about them.
 16 Q As a result of some of those problems, sir, did
 17 you have to conduct inspections and trouble shooting on some
 18 of these major jobs?
 19 A I went out to these different places and you do
 20 what you can, you know. You send six men out there to do a
 21 job and they won't do anything for a whole week. They'll be
 22 partying out there.
 23 Q Well, sir --
 24 A Instead of working on the job
 25 Q when you would --

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 1 it with material that looks like cheese cloth. Then they
 2 coat it and they have these stiff brush. They put the
 3 adhesive on there and so on. That's the way they covered
 4 the whole thing. when they get done, it looks all white.
 5 Q How would the insulators form the block insulation
 6 to size when they were putting it around a boiler?
 7 A To size? Oh, they cut it, they cut it with a saw
 8 in the field.
 9 Q What would happen when they would cut it with a
 10 saw?
 11 A They get dust, they get a lot of dust. They get
 12 dust when they mix the adhesive.
 13 Q Sir, you testified that FENCO would sometimes have
 14 to fly supplies in. Would FENCO also use a truck to supply
 15 its crews with product?
 16 A Yeah. Well, we had a lot of building insulation
 17 there that we sold to the local people. It was a pretty
 18 good market. We sold a lot of insulation that way. And we
 19 had, we have a delivery truck. That's it right there.
 20 Q I'm handing you Exhibit Four.
 21 A This is the delivery truck that our man Colgan
 22 delivered around town, you know. In Anchorage 43 years ago
 23 doesn't look like it looks today.
 24 Q Sir, in addition to doing trouble shooting on the
 25 job sites, would you do any fabrication of insulation

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 1 A Having a big party with these Eskimo women.
 2 Q Well, sir, when you would go up to the job sites
 3 and break up the party, would you try to get them back to
 4 work?
 5 A Oh, yes, sure, but you don't fire them because
 6 then you get absolutely nothing done.
 7 Q And can you describe for us, sir, once they get
 8 back to work, the kind of work that you would observe the
 9 insulation crews doing on these job sites?
 10 A Well, sometimes you would go out and everything
 11 would be going fine, you know.
 12 Q Can you describe for me the kind of work process
 13 they were going through?
 14 A Oh, yes. Well, you mean how they did the job?
 15 Q Yes, sir.
 16 A Okay. Well, they -- there was probably a pipe
 17 covering job and could be a boiler room.
 18 Q Let's take a boiler, sir. How would the
 19 insulators cover a boiler, typically?
 20 A Well, what they do is they cover the boiler with
 21 flat plate insulation. They would put, they mix this
 22 adhesive up in a five-gallon can, you know. They put the
 23 water in. They put in the powder to make the adhesive. And
 24 they stick the insulation on there.
 25 Then, of course, they have to, they usually wrap

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21
 1 components yourself?
 2 A When we had a special job, they occurred pretty
 3 often. Six-inch pipes or so. And they are these, these
 4 lines come down. They make bends. Why, I could -- I would
 5 make these segmented fittings in the warehouse, so the
 6 asbestos worker he just drops those in and then finishes
 7 right over it.
 8 Q Why would you --
 9 A Expediates the work for them.
 10 Q Can you describe for the jury, sir, how you would
 11 go about manufacturing these fittings?
 12 A Well, I saw those right in the warehouse.
 13 Q What kind of a saw would you use?
 14 A We had a big table saw there. So, I would segment
 15 them up with that. And it went along pretty good. The
 16 dust, the dust was every place, though. But there was dust
 17 out there anyway, you know. There was dust there when I got
 18 there.
 19 Q What would happen when you would hit the asbestos
 20 with the power saw, then?
 21 A The dust would fly.
 22 Q And would that dust be cleaned up or would it just
 23 add to the pile?
 24 A No, we just leave it there. Hey, I only had John
 25 Colgan and I. And he was out of commission most of the

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22

1 time.

2 Q Could you enlighten us what would cause Mr. Colgan
3 to be out of commission from time to time?4 A He had a tendency to drink a little bit and spend
5 too much at the Last Chance.

6 Q What was the Last Chance, sir?

7 A The Last Chance was, it was a -- it's a topless
8 club. All the girls came up from Seattle, you know. And
9 the boys would spend most of their time. And old John
10 would, he'd spend all of his time down there. And then when
11 he came back to the warehouse, his little room back there
12 where the bathroom was. And that's where he spent the day.13 And I'm filling his orders. Local delivery orders
14 and other things that needed to be done. So, I didn't have
15 much time to sweep the floor.

16 Q Sir --

17 A The dust just laid.

18 Q Sir, you talked about maintaining the inventory.
19 Can you describe for us the system that you used to maintain
20 the inventory at the FENCO warehouse in Anchorage between
21 '53 and '56?22 A Well, when I got up there I took an inventory. We
23 had a big cardex file. It was all checked out, you know. I
24 reported to Seattle what discrepancies there were. And we
25 started then. We started. Orders coming in, I posted to --

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1 and when I placed an order, I made a reference, so on. When
2 it came in, why, it often came in short.3 Q On these card files that you had, sir, or these
4 note cards, would you indicate the manufacturer of these
5 particular insulation products?

6 A I believe so. I believe I did, yeah.

7 Q Was the Seattle office always able to supply you
8 with the insulation products you needed to satisfy your
9 contracts?10 A No, they were short a lot of times. That's what
11 made big problems. We had to pick up the materials that we
12 couldn't get. Took about three weeks to get the product up
13 from Seattle.

14 Q Was it --

15 A Unless we flew it up. That was a big premium
16 thing.17 Q So, sir, were there times when you didn't have
18 three weeks to wait for the product and had to get it right
19 away?

20 A That's right, yes.

21 Q How would you get it?

22 A We would buy it from the local, our local
23 competitors.24 Q Who were some of your local competitors from whom
25 you would buy insulation products?

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1 A One of them was named Bartell and the other one
2 was Boron or something like that.

3 Q Was that Brower?

4 A Brower, of course.

5 Q Sir, would Bartells and Brower ever purchase
6 supplies from you?7 A Absolutely. That was the thing. When we were
8 out, when we were out of material, why, we could buy from
9 them. You know, it was a vice versa thing, you see.
10 Reciprocal agreement. We could buy from each other.11 Q Sir, did FENCO's Alaska warehouse have one
12 particular type of asbestos product or many different
13 manufacturers' products?14 A Oh, they had different products because when we
15 would buy from Bartells and the job was over, we had to
16 bring that back into our warehouse. We couldn't take it
17 back over there and give it to them. So, we kept it.18 Q And as the manager in FENCO, was it your
19 responsibility to maintain the inventory?20 A Yes. I was not supposed to let the inventory run
21 down to where we couldn't keep our jobs going.22 Q Was it your responsibility, sir, to know what
23 products were present in the warehouse?

24 A Yeah, I was supposed to know all that.

25 Q Sir, do you recall the manufacturers of the

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1 asbestos products that FENCO used between 1953 and 1956 in
2 Anchorage in Alaska?3 A They used Kaylo. They used Pabco, Carey, and
4 Armstrong. We had to keep those, we had to keep those
5 products. We couldn't take them back over.6 Q Let me ask you a few questions about these
7 products. Did you ever see any warnings on the boxes, well,
8 the boxes of Kaylo that breathing asbestos was dangerous?

9 A Never.

10 Q Did you ever see any warnings on the boxes of
11 Carey that breathing asbestos dust could cause mesothelioma?

12 A No, I never did.

13 Q Did you ever see any warnings on the boxes of
14 Pabco?

15 A No.

16 Q How about Armstrong, sir?

17 A No.

18 MR. WEBB: Object to form.

19 Q Did you ever see any warnings on the boxes of
20 Armstrong that breathing asbestos could cause a hazard to
21 human health?

22 MR. WEBB: Same objection.

23 A No.

24 THE REPORTER: I'm sorry I didn't see who made the
25 objection.

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1 BY MR. BERGMAN:

2 Q Sir, I'm handing you what has been marked as
Exhibit Five. Ask you if you can identify that for me,
please?

5 A Yeah.

6 Q What is that?

7 A That's a Carey box.

8 Q Does that look like the boxes of Carey that you
9 used in Alaska when you were working for FENCO?10 A That's right. They had that logo on the side.
11 Typical.

12 Q Could you show the jury Exhibit Five?

13 A Typical cardboard box. All the boxes looked the
14 same.

15 Q Could you identify Exhibit Six?

16 A That's a Kaylo. That's a Kaylo box.

17 Q Does Exhibit Six look like the Kaylo product that
18 you used?

19 A Yes, it did.

20 Q Sir, what caused you to leave FENCO, stop working
21 for them?22 A Well, my wife didn't like Alaska. She didn't like
23 50 below zero? Every time I went home at night, why, "Let's
24 go back; let's go back."

25 Q So, did you go back to sunny California in 1956?

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1 A They sold Pabco and U.S.G.

2 Q What is U.S.G.?

3 A That's United States Gypsum Company.

4 Q As a sales representative, sir, was it ever
5 necessary for you to conduct demonstrations on the
6 application of drywall?7 A Yes. I did that quite often. The dealer would
8 buy from us, of course, and then he would tell his
9 contractors, well, John Crum will be by next week and we're
10 going to tape this board. They would nail up some sheets of
11 wall board on the side of the building.12 Q Sir, a lot of us don't really know how to do
13 taping. Can you walk us through the product, through the
14 process of how you would go about doing one of these
15 demonstrations and what steps you would take?16 A Well, we -- first of all, you have to have the
17 board nailed up. And the dealer would do that. He would
18 have it all ready to go. We would take this five-gallon
19 bucket. Put the joint compound in there. We would put
20 water in it. Put the joint compound in. It's a powder.21 Then we would have a drill, electric drill. We
22 would mix it all up.23 Q What would happen when you mix the powder in the
24 water?

25 A Dust would come out of there. We never had any

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1 A Yes, I did.

2 Q Then what did you do when you went back to
3 California for a living?4 A I went to work for Fiberglass Engineering and
5 Supply in Sacramento as the office manager.6 Q Okay. How long did you continue as office
7 manager?8 A I worked there for about three months and then I
9 found a lot better job.

10 Q What job was that, sir?

11 A I went to work for Norco Distributing Company in
12 Sacramento.

13 Q What kind of -- go ahead.

14 A As the -- I was the sales representative for
15 northern California. And my territory was from -- well, it
16 was from Chico to Yreka, California.

17 Q What kind of a company was Norco?

18 A Norco was a great company. It was a full line
19 building material distributor. We had plywood, molding,
20 doors, full line of electrical and plumbing, paint. And we
21 had, the thing we had was the local, the delivery, delivery
22 of the product. We delivered every week to the dealer. We
23 sold only to dealers.24 Q Can you tell me whether or not Norco sold any
25 drywall products?

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1 respirators or anything like that.

2 Q Then what was -- after you had mixed up the U.S.G.
3 joint compound, what was the next step?

4 MR. WEBB: Object to form.

5 A We would tape the board.

6 Q Can you describe how you would go about taping the
7 board?8 A You get a taping knife. You fill in the joint, if
9 it's a horizontal joint or a vertical joint. Fill it with
10 mud and you press the tape into the joint. And then you
11 knife it down. That's the first course.

12 Q Okay. Then would you --

13 A Then, the next week.

14 Q What would you do the next week?

15 A The next week we put on the topping.

16 Q What is the topping coat?

17 A Well, it's mostly clay. And it's real smooth.

18 Then the next week we sanded it.

19 Q Can you describe how you would go about sanding
20 the material?21 A Used a sanding pole and work back and forth on it.
22 And then, of course, it sands down all the imperfections and
23 then you can start thinking about priming the, putting
24 primer and finishing the wall.

25 Q What happens when you sand dried --

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1 A Or you can texture it, you see. People who want
 2 texture, they have to have the spray texture shot on it.
 3 Q What happened when you sand drywall compound?
 4 A The dust comes off of it, naturally.
 5 Q Sir, in addition to your demonstrations of drywall
 6 application, did you ever have to conduct inspections or job
 7 visits while drywall work was going on?
 8 A Yeah.
 9 Q While you were with Norco?
 10 A When the dealer sells a consumer and he does the
 11 job wrong, he lets the job freeze or he finishes a house and
 12 doesn't keep heat in it and the house expands and cracks
 13 develop and the consumer wonders, well, what's wrong here?
 14 What's wrong? It's the mud. It's the way he did the job.
 15 Q What would you have to do?
 16 A In most cases --
 17 Q What would you --
 18 A Well, they want to be compensated for that, for
 19 that cracking and so on. I had a beautiful house up in
 20 Susanville. And this builder finished the house and he
 21 couldn't sell it. So, he let it sit there.
 22 And winter came along and the house, he would come
 23 in maybe on the weekends and turn on the heater. And the
 24 house would go like this, joints all opened up from
 25 expansion and contraction.

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1 Q Did you have any special clothes you would wear
 2 when you would do these demonstrations or work around --
 3 just a minute, just a minute.
 4 A Okay.
 5 Q When you would work around drywall contractors?
 6 A Yes, I had overalls in my car and would slip it
 7 over my suit. I could go on any job, you know, without
 8 getting all messed up, you see.
 9 Q What were the brands of joint compounds that Norco
 10 sold and that you used to conduct your demonstrations?
 11 A Well, Norco bought U.S.G. mostly and Pabco.
 12 Q How did the U.S.G. product come packaged?
 13 A It came in 25-pound bags.
 14 Q Did you ever see any warnings on the bags of U.S.
 15 Gypsum product that breathing the asbestos dust could be
 16 hazardous?
 17 A Never. I have never seen any bag, warning tabs
 18 like that or printing on the box or the bag, you know, that
 19 would say something like that.
 20 Q Mr. Crum, in 1964 did you go to work for Kaiser
 21 Gypsum company?
 22 A Yes, I did.
 23 Q How was it that you came to work for Kaiser Gypsum
 24 company?
 25 A Well, I was living in Chico. I had worked for

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1 Norco for about ten years and I decided I didn't like Chico
 2 anymore and I wanted to move to Nevada. And so, I moved to
 3 Nevada with Kaiser.
 4 Q How were you contacted by Kaiser about this job
 5 opportunity?
 6 A Well, the Kaiser regional sales manager approached
 7 me and asked me if I wanted to go to work for them.
 8 Q So, what were your duties when you were moved to
 9 Nevada and worked for Kaiser?
 10 A I had northern California and Nevada, excluding
 11 Las Vegas.
 12 Q What kind of products did Kaiser Gypsum sell?
 13 A They sold gypsum wall board, of course, all kinds,
 14 all types of gypsum wall board. They had a line of drywall
 15 accessories.
 16 Q What are accessories, sir?
 17 A Accessories are the items that finish the wall
 18 board.
 19 Q Could you tell us what some of them are?
 20 A Like joint cement and they had all kinds of
 21 textures. Textures for the wall, you know, and acoustic
 22 ceilings. They had tape to tape the joints. And they had
 23 adhesives for dual ply insulation. That was an accessory.
 24 Q Did you, in addition to selling Kaiser Gypsum
 25 products, sir, in your region, did you have any

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1 responsibilities for demonstrating the use of those
 2 products?
 3 A Yes, we had a school up in Seattle to teach the
 4 salesmen how to demonstrate these products, how to finish
 5 the wall board and so on. And I often did this out in the
 6 field. I had drywall contractors here in town have
 7 apprentices start, you know. And they want a little bit of
 8 help. So, we gave them what they wanted.
 9 Q And was the process that you would use to apply
 10 Kaiser Gypsum drywall compound similar to the process that
 11 you just described earlier with respect to United States
 12 Gypsum?
 13 A Yes, all drywall is finished the same.
 14 Q And did you have any responsibilities to inspect
 15 major jobs that, where you were supplying product?
 16 A Absolutely.
 17 Q Why was that?
 18 A Well, because sometimes the company puts out a
 19 wall board that -- they have cockles on the back and they
 20 would have, when the finishing was started, the blistering
 21 took place, over-calcined wall board. So, they want
 22 compensation when the wall board doesn't work perfect, the
 23 customer wants to be compensated for it.
 24 Q Beyond kind of trouble shooting, sir, did you have
 25 a more positive reason to go visit some of your job sites?

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- 1 A Yes. One of the main reasons was to keep on top
2 of the job and not let some competitor get in on and out
3 sell you. Get the next load, in other words.
4 Q When you were regional sales manager for Kaiser
5 Gypsum, sir, did you sell for home construction or
6 commercial construction or both?
7 A We sold both. I had tract jobs. I had the Circus
8 Circus Hotel down here.
9 Q I'll ask about specific job sites in a minute,
10 sir. But before I do that, what were some of your major
11 customers when you were sales manager for Kaiser Gypsum?
12 A Well, Solari was one of my main customers. Of
13 course, he's no longer around. I had Atlas Drywall. I had
14 numerous smaller drywall contractors. Solari was probably
15 the biggest drywall contractor that I sold.
16 Q Sir, are you familiar with a product called
17 K-Spray?
18 A Of course.
19 Q What is K-Spray, sir?
20 A It's an acoustic spray. It's fallen from --
21 people don't desire it anymore. They usually go for
22 finished like this, smooth wall.
23 Q Did you sell --
24 A Textured ceiling.
25 Q Did you sell K-Spray while you were sales manager

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- 1 for Kaiser Gypsum?
2 A Yes.
3 Q What kind of buildings would K-Spray typically be
4 used in?
5 A Oh, that's strictly for home construction, you
6 know. And the reason is that they can finish the job
7 cheaper. You know, they don't have to spend the time
8 sanding the ceiling to get it smooth. If you have a job
9 like this and you don't want to spend so much time on it,
10 just do a rough job, you can cover it up with K-Spray.
11 Q How does K-Spray come packaged, sir?
12 A It comes in a bag. It comes in, I believe it's a
13 50-pound bag. They put it in a hopper and mix it up. And
14 that's a dusty job, too.
15 Q Why is it dusty, sir?
16 A Well, because it's a powder. They put it in the
17 spray rig and mix it up. They mix it up and they shoot it
18 on the ceiling.
19 Q Sir, do you recall any of the job sites where you
20 supplied K-Spray while you were working for Kaiser Gypsum?
21 A Oh, yes. Lewis Homes out here, I had Lewis Homes
22 for years.
23 Q Any other entities besides Lewis Homes?
24 A Well, we had Barker. We had so many jobs.
25 Q I am going to ask you now some questions about

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- 1 some of the commercial sites you worked on. My first
2 question to you, sir, is, was there a lot of hotel
3 construction in Reno in the late '60s and early '70s?
4 A Not too much.
5 Q When did the --
6 A We had Harrah's and we had the Circus Circus. The
7 first Circus Circus. Had the Ponderosa on South Virginia,
8 Ponderosa Hotel.
9 But the hotel, the hotel construction has
10 blossomed since those days.
11 Q Okay. I want to try to first of all determine
12 some of your work on some of these construction sites. Was
13 there a reason for you to go on a construction site before
14 the drywall was put on?
15 A Yes.
16 Q Why was that, sir?
17 A To make sure that I got my wall board on there.
18 If you hang out in the house and don't get out on the job
19 sites to find out, well, what's the drywall contractor going
20 to do on this job? He might order a competitor's product.
21 Q Are you familiar with a process called
22 fireproofing?
23 A Oh, yes.
24 Q Can you describe for the jury what fireproofing
25 is?

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- 1 A Yeah, that's a material, probably the most --
2 probably the best known one is Zonelite. It has to be
3 sprayed on all these steel buildings before any covering
4 goes on the wall.
5 Q Why is that, sir?
6 A Well, because if a major fire starts in there, it
7 melts the steel and down comes the building.
8 Q And --
9 A So, they put it on there. They spray it on there
10 just like they do wall texture. They mix it up in a big vat
11 and they run the hose up in the building and they spray
12 every square inch of steel, steel frame that is.
13 Q Have you worked on buildings where Zonelite was
14 being sprayed?
15 A Yes, I have been on them. It's a messy, it's a
16 messy thing.
17 Q I want to now ask you some questions. After the
18 fireproofing goes on, what is the next step in terms of your
19 work as a sales representative for Kaiser Gypsum?
20 A Next step for me is, as soon as it's cleaned up,
21 then they are going to start stocking, they are going to
22 start putting the metal on and then the wall board is going
23 to go on there. You better be there and find out whose
24 material is going where.
25 Q I'm going to ask you now if you can recall the

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1 hotels in Reno and Carson City and Lake Tahoe where you sold
2 Kaiser Gypsum joint compound?

3 A Okay. On Harvey's Wagon Wheel, on Harvey's wagon
4 wheel. In Reno was Harrah's, Harrah's first phase. And
5 then Circus Circus first phase. And Ponderosa, that wasn't
6 too large a job. Small hotel.

7 That's about it.

8 Q Could you tell me whether or not you sold Kaiser
9 gypsum joint compound on the MGM Grand?

10 MR. PETTY: Object to form, leading.

11 A On the MGM Grand? I sold 50 percent of the wall
12 board and I can't recall how much drywall accessories we
13 sold there.

14 Q Are you familiar with a hotel in Carson City
15 called the Ormsby House?

16 MR. PETTY: Same objection.

17 A The Ormsby House? Yes. And Solari had that job.
18 Solari was buying from me.

19 Q Did Mr. Solari --

20 A He bought Kaiser.

21 Q Did Mr. -- do you know whether Mr. Solari
22 bought -- what products did Mr. Solari buy from you on the
23 Ormsby House project?

24 A He bought joint cement. Joint cement and spray
25 texture. And that's it, I think. Tape, tape, he bought

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1 tape.

2 Q Sir, from your testimony it sounds like you sold
3 an awful lot of Kaiser Gypsum products.

4 MR. PETTY: Object to the form of the question.
5 Leading.

6 A I did. I sold a lot of wall board and product.

7 Q Did you receive any recognition from your company
8 for your sales efforts?

9 A Yeah. Yes, I did.

10 Q Handing you what has been marked as Exhibit seven,
11 is this one of the --

12 A Yeah, that's one.

13 Q And in March 1965, did you receive another
14 commendation?

15 A Yes, that's another one.

16 Q Was 1972 a good year for you as a Kaiser Gypsum
17 sales representative?

18 A Very, pretty good year.

19 Q Handing you what has been marked as Exhibit Nine,
20 is that the commendation that you received?

21 A Yes, absolutely.

22 Q And Exhibit Ten, is that also a commendation you
23 received in 1972?

24 A You bet.

25 MR. PETTY: Counsel, is there any reason we

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1 haven't seen these before the deposition?

2 MR. BERGMAN: Just got them today, Counsel, or
3 yesterday.

4 MR. PETTY: Other than the fact I was here 45
5 minutes before the deposition.

6 BY MR. BERGMAN:

7 Q Mr. Crum, in 1972 on account of your efforts, did
8 you receive any awards?

9 A Yes, I did.

10 Q What award was that, sir?

11 A I was salesman of the year.

12 Q Was that a proud time for you, sir?

13 A Pretty, it was a pretty good time.

14 Q Could you hand me Exhibit 11?

15 A Yeah, that's it.

16 Q What is that, sir?

17 A That's the salesman of the year award.

18 Q When you received your salesman of the year award,
19 sir, was there a ceremony associated with that honor?

20 A Yeah, we had a big dinner in Oakland.

21 Q Who was present at that dinner, sir?

22 A The C.E.O. the company was there.

23 Q Who was the C.E.O.?

24 A The gentleman right here

25 MR. PETTY: What is this, Mr. Bergman?

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1 MR. BERGMAN: That is Exhibit 12.

2 Q Who is the individual in the blue suit standing
3 next to you, sir?

4 A That was Mr. Costa.

5 Q What was his role in Kaiser Gypsum?

6 A He was chief executive officer of Kaiser.

7 Q Mr. Crum, in 1972 did you sell a small amount or a
8 large amount of Kaiser Gypsum joint compound?

9 A I would say my volume was fairly large.

10 Q How many, can you give us some idea of how much
11 Kaiser Gypsum joint compound you sold in 1972?

12 A No, I couldn't guess even without -- it tells in
13 one of these letters, here.

14 Q Between 1972 and say 1975, sir, did you continue
15 to sell Kaiser Gypsum joint compound?

16 A Absolutely, as much as I could.

17 Q How many bags would you estimate you sold during
18 that time period?

19 A Oh, that's a difficult question. I would say
20 10,000 bags maybe.

21 Q Sir, I'm handing you what has been marked as
22 Exhibit 13 which are Kaiser Gypsum's Answers to
23 interrogatories in another case. I would ask you, sir, to
24 read the response to that interrogatory.

25 A All right. It says here, "Beginning in 1972

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 1 Kaiser Gypsum affixed caution labels to the packages and
 2 containers of its asbestos containing products. The warning
 3 label as prescribed by OSHA read: Caution, contains
 4 asbestos fibers. Avoid creating dust. Breathing asbestos
 5 dust may cause serious bodily injury."
 6 Q Sir, did you ever see a warning in 1972 on any bag
 7 of Kaiser Gypsum joint compound?
 8 A Never saw, I never saw a thing like that at all on
 9 any bag.
 10 Q How about in 1973, sir? Did you ever see any
 11 warnings on any Kaiser Gypsum bags --
 12 A No, I never have seen a warning like that.
 13 Q How about in 1974?
 14 A No, I never seen one.
 15 Q How about in 1975?
 16 A Never.
 17 Q Sir, I'm handing you Exhibit 14. Have you ever
 18 seen a warning such as that depicted in Exhibit 14 prior to
 19 today?
 20 A Never saw a thing like that before in my life.
 21 Q Sir, did you ever receive any oral notification
 22 from anybody at Kaiser Gypsum --
 23 A No.
 24 Q -- that asbestos containing joint compounds had
 25 asbestos in them?

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 1 A These are, these are my friends.
 2 Q Sir, who is does it make you feel today to know
 3 that Kaiser Gypsum joint compound had asbestos in it?
 4 A Well, it's bad. If it causes this, it's bad.
 5 Q I want to ask you a few more questions, sir, about
 6 your mesothelioma. Can you describe for us, I think you've
 7 described to us some of the physical symptoms you've
 8 experienced as a result of your illness. How about some of
 9 the emotion and spiritual symptoms that you have had?
 10 A They are deep. They are deep. I don't know what
 11 I can tell you, but this is going to kill me.
 12 MR. BERGMAN: That's all the questions I have.
 13 THE WITNESS: That's hard to take.
 14 MR. BERGMAN: That's all I have at the present
 15 time. Thank you.
 16 MR. PETTY: Let's go off the record.
 17 (There was a discussion off the record.)
 18 (The deposition concluded at 11:10 a.m.)
 19
 20
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 22
 23
 24
 25

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 1 A No, I never have.
 2 Q Did you ever receive any oral warnings or oral
 3 notification from anybody at Kaiser Gypsum that --
 4 A No.
 5 Q -- that breathing asbestos from the joint compound
 6 could be dangerous?
 7 A No, I never did. I never did see a label like
 8 that at all on any product.
 9 Q Sir, did you value your relationship with your
 10 customers?
 11 A Absolutely.
 12 Q Did you communicate product information to your
 13 customers?
 14 A Yes, I did, everything I could. Part of my job.
 15 Q Did you ever have an opportunity to tell your
 16 customers that the Kaiser Gypsum joint compound you were
 17 selling them was hazardous to their health?
 18 A Never. I never did that. I never knew anything
 19 about this. Never saw it.
 20 Q As a sales representative, would it have been your
 21 responsibility to --
 22 A I should have known that. If I saw it, I should
 23 have told my customer. And I wouldn't have sold him the
 24 product.
 25 Q How does --

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45
 I, JOHN E. CRUM, do hereby swear
 or affirm under penalty of perjury that the assertions
 and/or answers of this affidavit/deposition are true.

DATED at Reno, Nevada, this _____ day of
 _____, 1998.

 JOHN E. CRUM

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STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

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I, KAREN YATES, a Notary Public for the County of Douglas, State of Nevada, do hereby certify:

That on Friday, November 6, 1998, 10:05 a.m., at the home of John E. Crum, 1200 Chance Lane, Reno, Nevada, I was personally present and took verbatim stenotype notes of the deposition of JOHN E. CRUM, who personally appeared and was duly sworn by me and was deposed in the matter entitled herein; and thereafter transcribed the same into typewriting as herein appears;

That the foregoing transcript is a full, true and correct transcription of my stenotype notes of said deposition.

DATED at Reno, Nevada, this 12th day of November, 1998.

KAREN YATES, RPR
Nevada CCR No. 195

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