

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES
COURT OF UNLIMITED JURISDICTION

DONALD EUBANKS and DIANA EUBANKS,)
)
 Plaintiffs,)
)
 vs.) NO. BC365542
)
 A.W. CHESTERTON COMPANY, et al.,)
)
 Defendants.)
)

DEPOSITION OF CARLO FRANCIS MARTINO

Chicago, Illinois

Tuesday, July 11, 2007

REPORTED BY:

KAREN WRIGHT
CSR NO. 3936

JOB NO.
51597HAN

Page 2

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 IN AND FOR THE COUNTY OF LOS ANGELES
 3 COURT OF UNLIMITED JURISDICTION
 4
 5 DONALD EUBANKS and DIANA EUBANKS,)
 6)
 7 Plaintiffs,)
 8)
 9 vs.) NO. BC365542
 10)
 11 A.W. CHESTERTON COMPANY, et al.,)
 12)
 13 Defendants.)

14
 15 Deposition of CARLO FRANCIS
 16 MARTINO, taken on behalf of the
 17 Plaintiffs, at 71 South Wacker Drive
 18 Chicago, Illinois 60606, commencing
 19 at 9:19 a.m., on Tuesday, July 11,
 20 2007, before Karen Wright, CSR No.
 21 3936, a Certified Shorthand Reporter
 22 in and for the County of Riverside,
 23 State of California.
 24
 25

Page 4

1 APPEARANCES (CONTD):
 2
 3 FOR DEFENDANT GARLOCK SEALING TECHNOLOGIES:
 4
 5 LAW OFFICES OF GLASPY & GLASPY
 6 BY: BRIAN O'MALLEY, ATTORNEY AT LAW
 7 (Telephonic Appearance)
 8 One Walnut Creek Center
 9 100 Pringle Avenue, Suite 750
 10 Walnut Creek, California 94596
 11 925.947.1300
 12
 13 FOR DEFENDANT EATON ELECTRICAL, INC.:
 14 HOWARD ROME MARTIN & RIDLEY, LLP
 15 BY: PIA V. McDOUGALL, ATTORNEY AT LAW
 16 (Telephonic Appearance)
 17 1775 Woodside Road, Suite 200
 18 Redwood City, California 94061-3436
 19 650.365.7715
 20
 21 FOR DEFENDANT UNION CARBIDE CORPORATION:
 22 McKENNA, LONG & ALDRIDGE, LLP
 23 BY: FARAH S. NICOL, ATTORNEY AT LAW
 24 (Telephonic Appearance)
 25 444 South Flower Street, Suite 800
 Los Angeles, California 90071-2901
 213.688.1000
 26
 27 FOR DEFENDANTS FRASER'S BOILER SERVICE, INC., AND
 28 GENUINE PARTS COMPANY:
 29
 30 POND NORTH, LLP
 31 BY: TIMOTHY C. PIEPER, ATTORNEY AT LAW
 32 (Telephonic Appearance)
 33 505 Montgomery Street, 13th Floor
 34 San Francisco, California 94111-2585
 35 415.217.1240
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45

Page 3

1 APPEARANCES:
 2
 3 FOR THE PLAINTIFFS:
 4
 5 STANLEY, MANDEL & IOLA, LLP
 6 BY: WILLIAM A. GALERSTON, ATTORNEY AT LAW
 7 3100 Monticello Avenue, Suite 750
 8 Dallas, Texas 75205
 9 214.443.4300
 10
 11 FOR DEFENDANT SQUARE D COMPANY:
 12 KIRKPATRICK & LOCKHART PRESTON GATES ELLIS, LLP
 13 BY: JEFFREY N. KINSEY, ATTORNEY AT LAW
 14 Henry W. Oliver Building
 15 535 Smithfield Street
 16 Pittsburgh, Pennsylvania 15222-2312
 17 412.355.6500
 18
 19 FOR DEFENDANT UNION CARBIDE AND THE WITNESS:
 20 MAYER, BROWN, ROWE & MAW
 21 BY: KATHERINE M. CLARK, ATTORNEY AT LAW
 22 71 South Wacker Drive
 23 Chicago, Illinois 60606
 24 312.782.0600
 25
 26 FOR DEFENDANT WARREN PUMPS, INC.:
 27
 28 CARROLL, BURDICK & McDONOUGH, LLP
 29 BY: EDWARD R. ULLOA, ATTORNEY AT LAW
 30 (Telephonic Appearance)
 31 633 West Fifth Street, 51st Floor
 32 Los Angeles, California 90071-2048
 33 213.833.4500
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45

Page 5

1 APPEARANCES (CONTD):
 2
 3 FOR DEFENDANT SYD CARPENTER MARINE CONTRACTOR, INC.:
 4
 5 LAW OFFICES OF PRINDLE, DECKER & AMARO, LLP
 6 BY: TODD A. FUSON, ATTORNEY AT LAW
 7 (Telephonic Appearance)
 8 310 Golden Shore, Fourth Floor
 9 Long Beach, California 90802
 10 562.436.3946
 11
 12 FOR DEFENDANT GENERAL SIGNAL CORPORATION:
 13
 14 SELMAN BREITMAN, LLP
 15 BY: CRAIG R. MAKI, ATTORNEY AT LAW
 16 (Telephonic Appearance)
 17 11766 Wilshire Boulevard, Sixth Floor
 18 Los Angeles, California 90025-6538
 19 310.445.0800
 20
 21 FOR DEFENDANT ROCKWELL AUTOMATION, INC.:
 22
 23 THOMAS WHITELAW & TYLER, LLP
 24 BY: JEAN C. MICHEL, ATTORNEY AT LAW
 25 (Telephonic Appearance until 10:26 a.m.)
 26 CHRISTOPHER A. KEELE, ATTORNEY AT LAW
 27 (Telephonic Appearance, 10:43 to 2:16)
 28 ELIZA M. RODRIGUES, ATTORNEY AT LAW
 29 (Telephonic Appearance, 2:16 p.m. to end)
 30 18101 Von Karman Avenue, Suite 230
 31 Irvine, California 92612
 32 949.679.6400
 33
 34 FOR DEFENDANTS PARKER BOILER MANUFACTURING CO.:
 35
 36 WALSWORTH, FRANKLIN, BEVINS & McCALL, LLP
 37 BY: ANNA T. VALIENTE, ATTORNEY AT LAW
 38 (Telephonic Appearance)
 39 One City Boulevard West, Fifth Floor
 40 Orange, California 92868-3677
 41 714.634.2522
 42 Also Present:
 43 PAT D'ANDREA, Videographer
 44
 45

2 (Pages 2 to 5)

LUDWIG KLEIN REPORTERS & VIDEO, INC. 800.540.0681

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2	EXAMINATION BY	PAGE
3	MR. GALERSTON	10, 246
4	MS. CLARK	243
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7		
8	E X H I B I T S (BOUND UNDER SEPARATE COVER)	
9	PLAINTIFFS'	PAGE
10	1 Notice of Taking of Deposition	8
11	of Defendant Union Carbide	
12	Corporation's Person(s) Most	
13	Knowledgeable, dated 6/5/07	
14	(5 pages)	
15	2 Notice of Taking of Deposition	8
16	of Defendant Union Carbide	
17	Corporation's Custodian(s) of	
18	Records and Request for	
19	Production of Documents, dated	
20	6/5/07 (5 pages)	
21	3 Letter from Paul, Hanley &	8
22	Harley to All Defense Counsel,	
23	dated 6/27/07, with attached fax	
24	confirmation sheets (5 pages)	
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	Aldridge, dated 6/30/07 (1 page)	
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	Deposition of Union Carbide	
	Corporation's Person Most	
	Knowledgeable, dated 7/6/07	
	(15 pages)	

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1 CHICAGO, ILLINOIS; WEDNESDAY, JULY 11, 2007

2 9:19 A.M.

3

4 (Plaintiffs' Exhibits 1 through 11 were

5 marked for identification by the Certified Shorthand

6 Reporter.)

7 THE VIDEOGRAPHER: I'm Pat D'Andrea, your

8 videographer, and I represent M&M Reporting,

9 Incorporated, Legal Services of Itasca, Illinois, in

10 affiliation with Professional Reporters.

11 The date is 7/11/2007. The time is

12 9:19:17. The location is 71 South Wacker Drive,

13 Chicago, Illinois 60606. The case caption is Donald

14 Eubanks versus A.W. Chesterton Company, Case No.

15 BC365542. The deponent is Carlo Martino.

16 Would counsel please identify yourselves

17 and state whom you represent.

18 MR. GALERSTON: Yes. This is William A.

19 Galerston of Stanley, Mandel & Iola. I'm here on

20 behalf of the Plaintiffs, Diane and Donald Eubanks.

21 MR. KINSEY: This is Jeff Kinsey. I'm here

22 for K&L Gates and representing Square D Company.

23 MS. CLARK: Katherine Clark, from Mayer,

24 Brown, Rowe & Maw, on behalf of Union Carbide and

25 the witness.

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1	E X H I B I T S	
2	(Cont'd)	
3	PLAINTIFFS'	PAGE
4	6 Document headed "Tentative	8
5	Product Formulation and Request	
6	for Cost Estimate," dated 3/23/62	
7	(1 page)	
8	7 Document headed "Product	8
9	Formulation and Cost," dated	
10	11/8/71 (1 page)	
11	8 Document on Union Carbide	8
12	letterhead, Re: Special	
13	Requirements, Phenolic Molding	
14	Materials Handbook, dated	
15	12/15/72 (1 page)	
16	9 Letter from Anderson Kill &	8
17	Olick to Levy Phillips &	
18	Konigsberg, Re: Union Carbide's	
19	Response to Standard Liability	
20	Interrogatories, dated 5/12/03,	
21	with attached responses	
22	(97 pages)	
23	10 Document headed "Data Bulletin,	8
24	Arc Chute Filter Technology,"	
25	dated 01/2003 (2 pages)	
	11 Military Specification for	8
	Molding Plastics and Molded	
	Plastic Parts, Thermosetting,	
	MIL-M-14F (41 pages)	
	12 Document headed "Switchgear	137
	Insulation Materials" (1 page)	
	INFORMATION TO BE SUPPLIED	
	(None)	
	QUESTIONS MARKED	
	(None)	

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1 MR. GALERSTON: On the phone?

2 MS. NICOL: Farah Nicol, on behalf of Union

3 Carbide.

4 MR. FUSON: And this is Todd Fuson, on

5 behalf of Syd Carpenter Marine Contractor.

6 MS. VALIENTE: Anna Valiente, on behalf of

7 Parker Boiler Company.

8 MR. MICHEL: Jean Michel --

9 MR. ULLOA: Ed Ulloa, on behalf of Warren

10 Pumps, LLC.

11 MR. GALERSTON: Please repeat yourself.

12 MR. ULLOA: Ed Ulloa, U-I-I-o-a, on behalf

13 of Warren Pumps, LLC.

14 MR. O'MALLEY: Brian O'Malley, on behalf of

15 Garlock Sealing Technologies.

16 THE VIDEOGRAPHER: Court Reporter Karen

17 Wright will now swear in the witness.

18 MR. PIEPER: One more appearance. We have

19 more appearances.

20 MR. MICHEL: Jean Michel, for Rockwell

21 Automation, Inc.

22 MS. McDOUGALL: Pia McDougall --

23 MR. MAKI: This is Craig Maki --

24 MS. McDOUGALL: -- Eaton Electrical, Inc.

25 MR. GALERSTON: Please, again, Eaton. The

3 (Pages 6 to 9)

Page 10

1 attorney making the appearance --
 2 MR. PIEPER: This is Tim Pieper, on behalf
 3 of Defendants Genuine Parts Company and Fraser's
 4 Boiler Service, Inc.
 5 MR. GALERSTON: The attorney making an
 6 appearance for Eaton needs to state her appearance
 7 again, please.
 8 MS. McDUGALL: Pia McDougall, for Eaton
 9 Electrical, Inc.
 10 MR. GALERSTON: Anyone else?
 11 MR. MAKI: Yes. Craig Maki, on behalf of
 12 General Signal Corporation.
 13 MR. GALERSTON: Is that everyone on the
 14 phone?
 15 Thank you.
 16 THE VIDEOGRAPHER: The Court Reporter Karen
 17 Wright will now swear in the witness.
 18
 19 CARLO FRANCIS MARTINO,
 20 having declared under penalty of perjury to tell
 21 the truth, was examined and testified as follows:
 22
 23 EXAMINATION
 24 BY MR. GALERSTON:
 25 Q. Good morning, sir. Could you please state

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1 your full legal name for the record.
 2 A. Yes. Carlo Francis Martino.
 3 Q. Mr. Martino, my name is Billy Galerston.
 4 I represent the Plaintiffs in the lawsuit that has
 5 been brought against several companies, including
 6 Union Carbide.
 7 Do you understand that, sir?
 8 A. Yes.
 9 Q. And I understand that you're being
 10 presented today in two capacities, one as a
 11 custodian of records and one as a corporate
 12 representative with knowledge of certain areas
 13 relating to the Bakelite division of Union Carbide.
 14 Is that correct?
 15 A. As representative. I didn't know I was
 16 being represented -- or custodian of records.
 17 Q. Okay. Well, let me -- I'm going to hand
 18 you a couple of documents which are the Notices of
 19 Deposition, and when you see these, you'll notice
 20 that they're dated for June 21st and that, by
 21 agreement, the deposition did not go forward at that
 22 date, and we're now going forward.
 23 I'll hand you what's been marked as
 24 Exhibits 1 and 2 and ask if you've had an
 25 opportunity to review those exhibits prior to just

Page 12

1 now.
 2 A. Yes.
 3 Q. You have seen these?
 4 A. Yes.
 5 Q. Okay. Now, I'm going to hand you now
 6 what has been marked as Exhibit No. 3, which is a
 7 document which indicates that the deposition is to
 8 take place today at this location and that you,
 9 Carlo Martino, are being presented as a witness.
 10 Do you see that, sir?
 11 A. Yes.
 12 Q. Okay. Have you seen this document before?
 13 A. No.
 14 Q. Is that letter correct in that it is your
 15 understanding that you are being presented in the
 16 capacity as represented by Exhibit No. 3?
 17 MS. CLARK: I'm going to object; calls for
 18 a legal conclusion.
 19 THE WITNESS: I agree person most
 20 knowledgeable. Custodian of records, I don't have
 21 responsibility for that. I'm retired.
 22 BY MR. GALERSTON:
 23 Q. Okay. Fair enough.
 24 I'm going to hand you now what has been
 25 marked as Exhibit No. 4, which is a letter to Union

Page 13

1 Carbide's counsel in California, and ask if you have
 2 seen a copy of Exhibit No. 4, which requests formula
 3 sheets for specific Bakelite products manufactured
 4 by Union Carbide.
 5 A. I didn't see the letter, but I did see the
 6 list of products.
 7 Q. Okay. Do you know of any documents that
 8 are in existence in Union Carbide, that would be
 9 under the control of Union Carbide, that would be
 10 responsive to the request for documents related to
 11 those specific products listed in that letter in
 12 Exhibit 4?
 13 A. There would be formulation sheets in the
 14 files.
 15 Q. And have you brought with you formulation
 16 sheets to this --
 17 A. No, I don't have any.
 18 Q. Do you know of any efforts made by anyone
 19 on behalf of Union Carbide, either in-house or its
 20 outside counsel, that have been made to comply with
 21 the request that's in Exhibit 4?
 22 MS. CLARK: I would just like to put an
 23 objection on the record that this letter was not
 24 part of the proper Notice of Deposition, nor are the
 25 formula sheets that are listed in it necessarily

4 (Pages 10 to 13)

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1 responsive to any of the categories in the
2 deposition notice. And we did file our objections
3 to the notice and have not heard any response or any
4 meet-and-confer efforts from Plaintiffs' counsel.

5 You can go ahead and answer, sir.

6 BY MR. GALERSTON:

7 Q. You were saying what documents would be
8 responsive to this request.

9 A. The formulation sheets.

10 Q. Okay. Do you know if there would be
11 invoices, possibly, that were maintained by Union
12 Carbide that would show the sales of these
13 formulations to end users?

14 A. Only sales records.

15 Q. Do you know of any efforts that have been
16 made to determine whether or not Union Carbide
17 maintains and still controls records of sales of
18 its phenolic resin compounds to end users such as
19 Square D, Eaton Electric, or Allen-Bradley?

20 A. They have records. The span of years I
21 don't know exactly.

22 Q. Have you reviewed any of those sales
23 records from Union Carbide to Square D, Allen-
24 Bradley, or Eaton Electric?

25 A. I have not.

Page 15

1 Q. If I understand it correctly, it is your
2 understanding or opinion that there would be sales
3 records that should have been maintained, but you
4 have not reviewed them and do not know where they
5 would be. Is that fair to say?

6 A. Well, I know that they're in the repository
7 here, but I don't have access to them.

8 Q. And when you say that you know that they're
9 there, have you actually seen them there, or is it
10 just your belief that they should be there?

11 A. On other matters I've been sent portions
12 of them to review whether there were any molding
13 materials on the list; not for this case but other
14 cases.

15 Q. Have you been sent any documentation to
16 review in preparation for this deposition that
17 you're giving today?

18 A. No.

19 Q. Okay. I'm going to hand you now what has
20 been marked Exhibit 5. And I don't believe this is
21 a document that you probably have any knowledge of,
22 but just so you can identify it.

23 Exhibit 5 I'll represent to you is a copy
24 of a legal document prepared by Union Carbide's
25 attorneys and filed in this case objecting to

Page 16

1 certain requests for documents in connection with
2 your deposition.

3 Have you seen this, sir?

4 A. No, I have not.

5 MS. CLARK: Can we just -- I just want to
6 clarify. It may create more confusion down the
7 road. He has seen depositions in this case. I'm
8 not sure if he understood your question.

9 MR. GALERSTON: Fair enough.

10 THE WITNESS: I thought he was referring to
11 this document.

12 MS. CLARK: I understand. Right. But --

13 MR. GALERSTON: Okay. I appreciate that,
14 and I figured as much.

15 MS. CLARK: Okay.

16 BY MR. GALERSTON:

17 Q. Okay, sir. If you'd like, you can set
18 those aside. I don't know that we'll be needing
19 those again. That's kind of the housekeeping for
20 the deposition.

21 Okay, sir. As you understand, I represent
22 a gentleman by the name of Donald Eubanks. Do you
23 understand that?

24 A. Yes.

25 Q. Have you reviewed his deposition testimony?

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1 A. I've read three of his depositions.

2 Q. Okay. Three partial transcripts of his
3 deposition?

4 A. Yes.

5 Q. Do you recall which days you reviewed?

6 A. I think the dates were April.

7 Q. Okay.

8 A. One was April 1st or 2nd, and another one
9 was the 12th I think.

10 Q. Okay. In addition to the depositions that
11 you have reviewed, the partial transcripts of Donald
12 Eubanks, have you reviewed transcripts of any of the
13 other shipmates who have been deposed in the case?

14 A. Yes.

15 Q. Who have you reviewed?

16 A. Gibson, Crull, C-r-u-l-l, Duane Walker, and
17 Infante.

18 Q. Robert Infante?

19 A. Yes.

20 Q. Okay. Have you reviewed those in their
21 entirety?

22 A. Whatever -- it appeared to be the entire
23 document.

24 Q. To the best of your knowledge, you weren't
25 provided with just portions of the depositions by

5 (Pages 14 to 17)

Page 18

1 counsel?
 2 A. No. No.
 3 Q. Okay. And the portion -- and you reviewed
 4 the entirety of the material that was sent to you?
 5 A. Yes.
 6 Q. Did you make any notes or make any comments
 7 regarding the review?
 8 A. When I was going over the documents, I made
 9 some notes as I went along as to which one I was
 10 reviewing and references to our products that I
 11 might want to go back and see again.
 12 Q. Okay. Have you brought those depositions
 13 with you?
 14 A. Not the depositions. I left those on --
 15 they're on my computer.
 16 Q. Have you brought the notes that you made?
 17 A. No.
 18 Q. Do those notes still exist?
 19 A. I would have to check when I get back.
 20 They were scribbled on a piece of paper, and they
 21 might -- may still be on my desk.
 22 Q. Okay. So if I understand you correctly,
 23 you're prepared to testify in this case based upon
 24 your memory of your review of those documents or
 25 depositions, correct?

Page 19

1 A. Yes.
 2 Q. Not to be rude, sir, but let me ask you,
 3 how old are you?
 4 A. Eighty.
 5 Q. Okay. And are you taking any sort of
 6 medications?
 7 A. Only for cholesterol.
 8 Q. Therefore, I assume that there's no
 9 physical issue or a medical issue that you feel that
 10 would affect your ability to recall and testify
 11 accurately in your deposition.
 12 A. None that I'm aware of.
 13 Q. In the previous times that you've been
 14 deposed and testified at trial, have you -- do you
 15 generally do it by memory, or do you usually rely
 16 upon notes and information from your review?
 17 A. Always by memory.
 18 Q. Okay. Having taken the majority of those
 19 depositions that you reviewed, I would estimate that
 20 we're talking about testimony that runs well in
 21 excess of a thousand pages.
 22 Would you agree with that?
 23 A. It seemed like more than that.
 24 MS. CLARK: Object, form.
 25 BY MR. GALERSTON:

Page 20

1 Q. Okay. It seemed like more than that.
 2 And I don't know if you realize it, but since you
 3 only reviewed three days' worth of Mr. Eubanks'
 4 deposition, that there were actually 11 days that
 5 he gave testimony. So you only saw a portion of
 6 his deposition.
 7 A. Right.
 8 Q. Do you have an understanding of
 9 Mr. Eubanks' illness?
 10 A. I am aware of what mesothelioma is.
 11 Q. Okay. Do you understand that Mr. Eubanks
 12 is likely to die within the next few months from his
 13 disease?
 14 A. Yes. I'm sorry to hear that.
 15 Q. And do you have an understanding that
 16 that's caused by exposure to asbestos?
 17 MS. CLARK: Object to form.
 18 MS. NICOL: Lacks foundation, calls for
 19 speculation, beyond the scope.
 20 MR. GALERSTON: Please identify yourself.
 21 MS. NICOL: Farah Nicol.
 22 MR. GALERSTON: Ms. Nicol, do you represent
 23 Union Carbide?
 24 MS. NICOL: Yes, I do.
 25 MR. GALERSTON: Okay. Union Carbide has an

Page 21

1 attorney sitting here in the room. We are not going
 2 to have two Union Carbide attorneys objecting to the
 3 testimony. So I would ask that the two of you meet
 4 and confer and decide which one of you is going to
 5 represent this witness.
 6 MS. NICOL: I don't think there will be any
 7 disruption that goes on. I think we're entitled to
 8 make our objections and have you move on with the
 9 testimony.
 10 MR. GALERSTON: Counsel, Union Carbide has
 11 an attorney present. I am not going to be double-
 12 teamed by two lawyers. I will allow you to choose
 13 to be the one who represents this witness and
 14 counsel present can be quiet. I'm not going to
 15 have two lawyers for Union Carbide objecting to the
 16 testimony as we go forward.
 17 MS. NICOL: Well, so far you haven't, and
 18 you may not.
 19 MR. GALERSTON: I just did.
 20 MS. NICOL: But if the questions aren't
 21 objectionable, I don't think you'll have anything
 22 to worry about.
 23 MR. GALERSTON: Ma'am, I just did. You both
 24 objected just to that one question. If it happens
 25 again, we'll take it up then.

6 (Pages 18 to 21)

Page 22

1 Q. I'm sorry, Mr. Martino. We were
2 discussing --
3 Actually, I lost the question. Karen,
4 would you read back the last question, please.
5 (The record was read as follows:
6 "Question: And do you have an
7 understanding that that's caused by
8 exposure to asbestos?")
9 THE WITNESS: I can only answer that based
10 on what I've heard and in the news. And I'm not a
11 medical expert. Some cases have been linked to
12 asbestos. I don't know if all cases have been
13 linked to asbestos.
14 BY MR. GALERSTON:
15 Q. Fair enough. Let me ask you this. When
16 did you generally develop your knowledge of the
17 diseases that are caused by exposure to asbestos?
18 MS. CLARK: Objection; beyond the scope.
19 THE WITNESS: About the late '60s, sixty --
20 about '68, '69.
21 BY MR. GALERSTON:
22 Q. Okay. In what context was it that you
23 became aware of the health hazards associated with
24 asbestos?
25 MS. CLARK: Objection; beyond the scope.

Page 23

1 THE WITNESS: The publicity initially.
2 Johns-Manville was about five miles away from the
3 Carbide plant, and the -- what was happening there
4 was in all of the newspapers.
5 So any -- everybody in the area became
6 very much aware of what was happening. And, of
7 course, that also led to everybody looking at their
8 own operations to determine, you know, are we safe
9 enough.
10 BY MR. GALERSTON:
11 Q. When you say in the late '60s, are we
12 talking about approximately the 1968 time frame?
13 A. Yes.
14 Q. Okay. And when you say what was happening
15 with Johns-Manville, were you referring to the
16 Manville, New Jersey plant --
17 A. Yes.
18 Q. -- and the health crisis that was occurring
19 in Manville?
20 A. Yes.
21 Q. Okay. And your knowledge, if I understand
22 you correctly, came from the general media as
23 opposed to anything that you attribute to Union
24 Carbide.
25 A. Initially, yes. But later, we started

Page 24

1 getting more information.
2 Q. And my understanding is, is that in the
3 early 1970s, approximately 1972, 1973, Union Carbide
4 sent an industrial hygienist into your Research &
5 Development Department to do some testing of the
6 molding process to determine whether or not asbestos
7 was released in your lab.
8 MS. CLARK: Objection; foundation --
9 THE WITNESS: Oh, no. No. Way --
10 MS. CLARK: Wait. Wait. Let me finish.
11 THE WITNESS: I'm sorry.
12 MS. CLARK: Objection; foundation, form.
13 MR. GALERSTON: Okay.
14 THE WITNESS: The testing started in our
15 lab as soon as the OSHA test became available, and
16 that was 1970.
17 BY MR. GALERSTON:
18 Q. So if I understand correctly, in 1970 --
19 A. Yes.
20 Q. -- industrial hygienists were then testing
21 the processes that were taking place in your lab,
22 correct?
23 A. Yes.
24 Q. What is the earliest date that you recall
25 Union Carbide and its Safety Department or any other

Page 25

1 function within Union Carbide coming to you, as
2 the --
3 I believe it was the general manager of
4 Research & Development, the Bakelite division?
5 A. I was manager of the -- group manager of
6 the phenolic molding material and laminating resins
7 group.
8 Q. Okay. When did someone come to you, in
9 that position, from Union Carbide to advise you of
10 the risks of exposure to asbestos?
11 MS. CLARK: Objection; foundation.
12 THE WITNESS: There was a lot of verbal
13 communication at that time, and I would say as soon
14 as the OSHA test became available.
15 BY MR. GALERSTON:
16 Q. Okay. And just so I can clarify, when you
17 say "at that time," the verbal communications,
18 you're talking about the 1970 time frame?
19 A. Yes. Yeah, as soon as the test was out.
20 Q. So in the 1970s, give or take some time
21 period, I assume --
22 A. Yeah.
23 Q. -- Union Carbide was making you aware, as
24 the group manager --
25 Was it group manager for phenolic resins?

7 (Pages 22 to 25)

Page 26

1 A. Phenolic molding material and laminating
2 products.
3 Q. Thank you. Okay. Which that group
4 encompassed the manufacturing of what Union Carbide
5 sold as Bakelite, correct?
6 A. Not the manufacturing. I was in Research &
7 Development. It was the product development and the
8 technical service for those products.
9 Q. Fair enough.
10 A. The manufacturing was done at the same
11 site.
12 Q. But, again, my point -- I digress. It was
13 in 1970 --
14 A. Yes.
15 Q. -- that Union Carbide is coming to you,
16 in your position, and advising you of the health
17 hazards associated with asbestos, correct?
18 MS. CLARK: Objection; mischaracterizes his
19 testimony, beyond the scope.
20 BY MR. GALERSTON:
21 Q. Sir, counsel has objected to my answer --
22 my question, so I'm going to rephrase it.
23 Sir, when did Union Carbide come to you and
24 advise you, verbally or in writing, of the hazards
25 associated with asbestos?

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1 A. My recollection was 1970.
2 Q. Okay. Fair enough.
3 And if I understand it correctly based upon
4 your previous testimony, that in 1970, Union Carbide
5 had been in the business of manufacturing and
6 selling asbestos-containing phenolic moldings and
7 resins for at least 30 years, since about 1948, when
8 they merged with Bakelite Corporation, correct?
9 A. '70? That -- I think in 1907 is when
10 phenolics was first invented. So about 40 -- yes.
11 Yes. About 40, 50 years, yeah.
12 Q. Okay. And I know that you can't put a
13 percentage with any real certainty as to the
14 percentage of the phenolic moldings and resins that
15 were sold by Union Carbide during the, let's say,
16 the 1950s, '60s, and '70s that contained asbestos,
17 but I understand that at least approximately
18 somewhere between 10 and 25 percent of all of the
19 formulations called for use of asbestos. Correct?
20 MS. CLARK: Objection; foundation, form.
21 THE WITNESS: That varied over the years.
22 I can't give you a figure based on formulations,
23 only on volumes.
24 MR. GALERSTON: Okay.
25 THE WITNESS: Roughly, it went -- it ranged

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1 anywhere from a low of 10 to 15 percent to a high,
2 at one point, of 40 and then back down to zero.
3 BY MR. GALERSTON:
4 Q. You know what? And I apologize. I'm kind
5 of getting ahead of myself. Let's kind of step
6 back, and let me go back with a couple more general
7 questions.
8 Now, sir, you've given several depositions
9 over the years, correct?
10 A. Yes.
11 Q. If I understand it correctly, the first
12 time you were deposed in an asbestos matter where
13 you were testifying on behalf of Union Carbide would
14 have been in May of 2001. Is that correct?
15 A. It was in 2001, but I don't remember if it
16 was May or not.
17 Q. Okay. Do you recall giving testimony in
18 the Richard Yeager case out in California in a
19 San Francisco matter?
20 A. That was the first case, in San Francisco,
21 yes.
22 Q. And I'll represent to you, according to
23 the deposition transcript that I have, that that
24 was May 4th, 2001. Okay?
25 A. Okay.

Page 29

1 Q. I understand that that same week you gave a
2 second deposition. Is that correct? Like May 9th?
3 A. No. It was later than that.
4 Oh, a second deposition?
5 Q. Correct.
6 A. I'm sorry. I thought you meant another
7 trial.
8 Q. Okay. No. No. I understand, according
9 to what I have been able to find, I found a May 9th,
10 2001, deposition that you gave in an Indiana matter.
11 Is that correct?
12 A. I recall something like that, yes.
13 Q. And to the best of your knowledge, would
14 that have been the second time you gave a deposition
15 on behalf of Union Carbide?
16 A. Yes.
17 Q. Now, this was all approximately five years
18 after you retired from the company, correct?
19 A. I retired in '96, so it would be, yes, five
20 years.
21 Q. And while you were employed by Union
22 Carbide, you never gave a deposition in an asbestos-
23 related matter, right?
24 A. No.
25 Q. And you never gave a deposition in any sort

8 (Pages 26 to 29)

Page 30

1 of chemical exposure or personal injury matter while
2 working at Union Carbide, correct?

3 A. No.

4 Q. Now, the other thing I've been able to
5 identify is that in July of 2002 you gave a -- you
6 actually testified during a trial. Is that correct?

7 A. Yes.

8 Q. And that was a matter out in California,
9 correct?

10 A. Yes.

11 Q. Okay. And then the only other thing I've
12 been able to find is a more recent transcript of a
13 deposition that you gave in March of 2007 in the
14 "Branagan" matter.

15 Do you recall that?

16 A. Yes.

17 Q. Have you given other depositions or
18 testified at other trials than those that I've just
19 discussed?

20 A. Yes.

21 Q. Okay. How many transcripts or proceedings
22 am I missing?

23 A. I would estimate that I gave over a dozen
24 depositions over the last six years.

25 Q. And how about other trials?

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1 A. Two.

2 Q. Two other ones or two including the one
3 that we discussed in California?

4 A. There were just two, in California.

5 Q. Okay. Do you recall what the names of the
6 cases were that you testified in in trial?

7 A. The second one was the Trinchese case.

8 Q. Trinchese?

9 A. Yes.

10 Q. And what was the first one?

11 A. The first one, I don't remember the name of
12 the plaintiff.

13 Q. Actually, I don't recall picking out a
14 name. I have just a partial transcript and nothing
15 that indicated who the plaintiff was, in my review.

16 Okay. Do you know what the outcome of
17 either one of those trials were?

18 A. The first one was dismissed by the judge.

19 Q. Okay.

20 A. The second one I wasn't at when it was
21 over, but I read in the newspaper that we were found
22 five percent guilty, which was difficult for me to
23 understand, but --

24 Q. Now, when you say the first one was
25 dismissed, is that to say that Union Carbide -- the

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1 claims against Union Carbide were dismissed, or was
2 the entire case dismissed?

3 A. The entire case was dismissed.

4 Q. Was Union Carbide the only defendant in the
5 case at that time, to the best of your knowledge?

6 A. I don't know.

7 Q. Okay. And in the second case, where you
8 said there was a finding of liability of five
9 percent --

10 A. Yes.

11 Q. -- do you recall what the damages were
12 found in that case?

13 MS. CLARK: Objection; foundation, beyond
14 the scope.

15 THE WITNESS: I don't know.

16 BY MR. GALERSTON:

17 Q. Okay. And you said that was Trinchese,
18 correct?

19 A. Yes.

20 Q. Okay. Sir, I take it, based upon your
21 experience in depositions, you know how this works
22 and you understand the rules, and I don't need to
23 go through them with you.

24 A. Yes.

25 Q. You just let us know when you need a break

Page 33

1 or anything like that.

2 Now, according to my review of your
3 previous testimony, you went to work for Union
4 Carbide in 1948 as a trainee. Is that correct?

5 A. Yes.

6 Q. At that time, Union Carbide had already
7 merged with Bakelite Corporation, correct? Or
8 Bakeland Corporation?

9 A. Yes.

10 Q. Do you know what year Union Carbide had
11 merged with Bakeland?

12 A. No, I don't.

13 Q. Okay. I understand that in 1948, as a
14 trainee, you had some exposure to the Bakelite
15 division. Correct?

16 A. I was in the Bakelite division.

17 Q. And you were there for a short period of
18 time, and then you moved on to another area,
19 correct?

20 A. In the Bakelite division.

21 Q. Okay. The entire -- I may have
22 misunderstood, then. I was under the impression
23 that, as a trainee, you were in Bakelite, and then
24 you moved outside of Bakelite.

25 A. No. No.

9 (Pages 30 to 33)

Page 34

1 Q. So you always stayed in Bakelite?
 2 A. I was always there.
 3 Q. Okay. So from 1948 until your retirement,
 4 you were involved in Bakelite?
 5 A. I was involved in a variety of the plastics
 6 that were made by the Bakelite division.
 7 Q. Okay.
 8 A. They were all called Bakelite at one time.
 9 Q. Okay. You were assigned to Research &
 10 Development; is that correct?
 11 A. Yes.
 12 Q. And was it in 1960 that you became manager
 13 of the lab?
 14 A. Yes. Manager of the phenolic molding and
 15 laminating resins group. There were many labs.
 16 Q. But would that have been considered the
 17 Bakelite lab?
 18 A. Oh, yes.
 19 Q. Okay. I'm going to try to break this down
 20 into maybe some smaller bits. We talked a little
 21 bit about percentages and stuff like that, and I
 22 mentioned that I had kind of gotten ahead of myself.
 23 In Research & Development for Bakelite,
 24 your group was responsible for refining formulations
 25 for phenolic molding products and resins for

Page 35

1 customers to use, correct?
 2 A. Yes.
 3 Q. Were you also involved in new research into
 4 new products, or was it primarily refinement of
 5 existing formulations?
 6 A. We had a resin group that tried to
 7 develop new phenolic resins, and we did evaluate
 8 those resins in molding materials and laminating
 9 resins if we thought they had potential.
 10 We also would manipulate the existing
 11 formulations depending on changing requirements in
 12 the marketplace.
 13 Q. Okay. Now, I want to go ahead and kind of
 14 start our questioning in that 1960 time period, when
 15 you became the group manager.
 16 At that time, when you became the group
 17 manager, Union Carbide's Bakelite division was using
 18 asbestos in a percentage of its compounds, correct?
 19 A. Yes.
 20 Q. I understand that those compounds were
 21 referred to by formulations that would begin with
 22 letter designations like BM or BR. Is that correct?
 23 MS. CLARK: Objection; assumes facts.
 24 THE WITNESS: The first letter would be B.
 25 That represents phenolic molding material.

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1 MR. GALERSTON: Okay.
 2 THE WITNESS: Or phenolic. The second
 3 letter is for molding, would be M.
 4 MR. GALERSTON: All right.
 5 THE WITNESS: R would be resin.
 6 BY MR. GALERSTON:
 7 Q. And G would be granular?
 8 A. It could be ground, yeah, ground resin.
 9 Q. Okay. Now, my understanding is that the
 10 materials that were being sold by Union Carbide
 11 were not final products. Correct?
 12 A. By "final products," you mean the molded
 13 part?
 14 Q. Correct.
 15 A. Yeah. No, they were not.
 16 Q. This was a refined compound that was being
 17 provided to other manufacturers for them to
 18 manipulate and put into final form for use in their
 19 equipment, correct?
 20 A. Yes.
 21 Q. My understanding of phenolic moldings and
 22 resins is that these were nonconductive materials
 23 that could be used in electrical componentry.
 24 MS. CLARK: Object to form.
 25 THE WITNESS: It was one of the

Page 37

1 applications. There were many.
 2 BY MR. GALERSTON:
 3 Q. Okay. What are some of the other
 4 applications for phenolic resins and moldings?
 5 A. Well, let's take molding first.
 6 Q. Okay.
 7 A. In the early '60s, washing machine
 8 agitators, iron handles, toaster panels, TV
 9 cabinets, radio cabinets, pot handles, automotive
 10 parts, a multitude of electrical parts for
 11 automotives, transportation, power. Those are the
 12 ones I -- you know, the big ones.
 13 Q. Okay. Before we go to resins, let me ask
 14 you a couple of questions about that.
 15 So my understanding is that the phenolic
 16 molding products that Union Carbide's Bakelite
 17 division was selling, they would send either bags,
 18 barrels, or even larger containers of a refined
 19 material that would then be used by the manufacturer
 20 to heat and mold into the form of these various
 21 things that you just described, such as pot handles,
 22 toaster handles, or TV sets. Correct?
 23 A. Yes. Now, let me take "refine," make sure
 24 that, you know, you understand what -- yeah. I
 25 never referred to it as refined.

10 (Pages 34 to 37)

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1 The molding material is resin plus
2 reinforcement. Phenolic resin is very brittle
3 material. So the product the customer got was the
4 reinforced plastic ground up into fine particles in
5 a bag or a box or whatever. You know, resin had no
6 filler.

7 Q. Okay.

8 A. That was also sold.

9 Q. Okay. Fair enough. So the phenolic resin
10 would have been in a liquid or a syrupy context,
11 right?

12 A. And also granular --

13 Q. Okay.

14 A. -- like sand.

15 Q. So this refined resin that was in -- had
16 this bond, the strengthening agents of a filler --

17 A. Right.

18 Q. -- such as I think I've seen you said
19 there's woodflour, you could use coal, or you could
20 use asbestos or mica or something else, correct?

21 A. Yeah, or glass. You know, it -- there's a
22 variety of fillers. Nylon.

23 Q. Okay. So you took the plastic resin, added
24 the filler, dried it out, ground it up, sent it to
25 the end user, who would then use it in their

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1 manufacturing process, and they would heat it in
2 some form or fashion, either a microwave type of
3 agitation or simply heating it up, and then molding
4 it, correct?

5 A. Yes.

6 Now, you made a comment there that -- well,
7 okay. I missed it. It may come back to me.

8 Q. Okay. If it does, just let me know and
9 say, "Let me expand upon my previous answer."

10 A. Okay.

11 Q. Now, if I understand it correctly, Union
12 Carbide also made phenolic resin, which is -- it's a
13 plastic, correct?

14 A. Yes.

15 Q. And that means that it's derived from oil,
16 correct?

17 A. Well, it eventually goes back to oil, yes,
18 and that's one of the sources. Primarily the
19 phenol, yes.

20 Q. Right. You take crude oil, you break it
21 down; then you take off certain components. Some of
22 it goes out in the gasoline.

23 A. Yeah.

24 Q. But it's a complex molecule that can be
25 manipulated in a multitude of different things,

Page 40

1 correct?

2 A. Yes. Yes.

3 Q. And eventually what Union Carbide did is
4 they were able to take a portion of that crude oil
5 and turn it into plastics, which they could then
6 manipulate and sell in a bunch of different
7 components, correct?

8 A. Yes. It's -- what we derived was the
9 phenol, so there's obviously, you know, the whole
10 string of refinements and chemical reactions which
11 are done. We had our own phenol plant.

12 Q. Okay.

13 A. And then the phenol is reacted with
14 formaldehyde to make the phenol -- phenolic resin,
15 and then you had variations of phenol.

16 Q. Now, the resins could be sold either in
17 a dry form, a granular form, or in a liquid form,
18 correct?

19 A. Right.

20 That was the point I wanted to make. I
21 think you implied the molding material was dried.
22 It was not dried. It was a hot process.

23 Q. Okay.

24 A. It was melted. We used a granular phenolic
25 resin and then added the fillers, and then it went

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1 on hot rolls.

2 Q. Okay.

3 A. Yeah. No liquid.

4 Q. So after you would fill in -- after you
5 mixed the filler into the resin, was it then
6 dried -- or allowed to cool, I should say, not
7 dried, cooled --

8 A. Cooled.

9 Q. -- and then ground?

10 A. Yes.

11 Q. Okay. The resins -- we talked a little
12 bit about some of the uses of the phenolic molding
13 compounds. What about the resins; what were they
14 used for?

15 A. I think of phenolic resin as a good glue,
16 and it was used in varnishes, it was used to
17 impregnate Kraft paper and make laminates.

18 You would run Kraft paper through liquid
19 resin and then take these dried sheets and stack
20 them together and make, like, formica. The backing
21 is all phenolic, just the top is melamine.

22 And you could use glass -- you know --
23 whatever mat, canvas. Plywood is glued to keep the
24 layers together. Oh, I could go on and on. It's a,
25 you know --

11 (Pages 38 to 41)

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1 Q. Well, let's talk about windings. Were
2 motor windings covered with phenolic resin?
3 A. I think in some cases where varnish was
4 required, yes.
5 Q. One of the things about phenolic resin is
6 that it's not conductive, correct?
7 A. That's right.
8 Q. And so a lot of usage was where, in
9 electronic components, where you wanted no
10 conductivity, correct?
11 A. Yes. Now, there were other resins for
12 special uses, so it wasn't just phenolics. There
13 were times where even phenolics wasn't good enough,
14 and there were epoxys and melamines and polyester.
15 So initially, you know, phenolic was the
16 material of choice, but what evolved after that,
17 that was part of the business I was not involved in.
18 Q. Okay. So as is always the case, it seems,
19 is that once they find something, they find
20 something better.
21 A. Well, that's right.
22 Q. Or different.
23 A. That's right.
24 Q. And so there was competition, and there
25 were some applications that the phenolic resins did

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1 not match up well.
2 A. It was fierce competition, not only from
3 other manufacturers of phenolic resins, but also the
4 thermal plastics that were being developed that had
5 high melting points, and they started taking
6 business away from the phenolics.
7 Q. With regards to the phenolic resins, we --
8 I don't know if it was clear before. We talked
9 about the phenolic moldings, and we talked about
10 some asbestos fillers.
11 A. Yeah.
12 Q. In the resins, would there ever be any
13 filler used in those, or were they all asbestos-
14 free?
15 A. Always -- always filler-free, asbestos-
16 free. We just sold the pure resin, and the
17 customers then did with it what they needed to do
18 to make their products.
19 MR. GALERSTON: Very good. Thank you.
20 On the phone, there's somebody that we
21 can hear breathing very heavily into their phone.
22 Please put your phones on mute. Thank you.
23 Q. In 1960, thereabouts, when you became group
24 manager, do you know what your annual sales were of
25 phenolic resins and moldings?

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1 MS. CLARK: Object to form.
2 THE WITNESS: No.
3 BY MR. GALERSTON:
4 Q. Do you have --
5 A. I don't remember. I knew then, but I don't
6 know now.
7 Q. Do you have any recollection as to any time
8 frame what a good year would have been for the sales
9 of phenolic resins and moldings while you were group
10 manager?
11 MS. CLARK: Object to form.
12 MS. NICOL: I'm sorry. Can I have that
13 question read back, please?
14 (The record was read as follows:
15 "Question: Do you have any
16 recollection as to any time frame what a
17 good year would have been for the sales
18 of phenolic resins and moldings while you
19 were group manager?")
20 THE WITNESS: For molding materials, our
21 plant capacity was roughly 50 million pounds.
22 BY MR. GALERSTON:
23 Q. And what year was that?
24 A. That was -- that was probably around 1960.
25 Q. Okay.

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1 A. And it might have been a little bit more
2 than that, but that's a rough figure.
3 Q. Sure.
4 And do you know what the sales price was,
5 approximately, for a pound of phenolic resin
6 material in that time period?
7 MS. CLARK: Object to form.
8 THE WITNESS: It was cheap.
9 MS. NICOL: I'm just going to ask that we
10 specify the objections to form.
11 THE WITNESS: Sorry, Kate.
12 MR. GALERSTON: This is becoming --
13 THE WITNESS: And I'm --
14 MR. GALERSTON: Just one second.
15 MS. CLARK: Wait for a --
16 MR. GALERSTON: This is becoming very
17 disruptive with two Union Carbide counsel addressing
18 the court reporter, objecting to the deposition.
19 This is not acceptable, and it will not be
20 tolerated.
21 We have counsel here, and I will ask that
22 counsel on the phone for Union Carbide cease and
23 desist from interrupting the deposition.
24 Q. Sir?
25 A. I don't remember the price, but it was low

12 (Pages 42 to 45)

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1 relative to what it is now.
 2 Q. Okay. And when you say 50 million pounds
 3 per year, that's for both resins and moldings?
 4 A. Oh, no. No. That's molding material.
 5 Q. That's molding. There's --
 6 A. Now, a resin figure I can't give you. I
 7 don't know.
 8 Q. Okay. In 1960, when you became group
 9 manager, were you generally familiar with the
 10 customer list that Union Carbide was selling its
 11 phenolic moldings to?
 12 A. I became familiar.
 13 Q. And in 1960, do you have a recollection
 14 whether or not Square D was a customer of Union
 15 Carbide?
 16 MS. CLARK: Objection; beyond the scope.
 17 THE WITNESS: I don't know about 1960. The
 18 time frame for Square D I don't remember, but I --
 19 they did become a customer.
 20 BY MR. GALERSTON:
 21 Q. Okay. You're aware that Square D was a
 22 customer. You're just not certain as to when and
 23 where?
 24 A. Well, I don't know if they were a customer
 25 at that time. They may have been. But I recall a

Page 47

1 later time when they became a customer. They could
 2 have bought it, but I don't remember.
 3 Q. Sure. Fair enough. And let me ask you
 4 this. When do you recall that Square D was a
 5 customer?
 6 A. Probably the mid-'60s.
 7 Q. Okay. And did they remain a customer until
 8 Union Carbide got out of the Bakelite business?
 9 A. Well, I left in '73. They were still a
 10 customer then.
 11 Q. Okay. Let me check something.
 12 A. Let me qualify that. That was Square D
 13 in Lexington that I'm familiar with. There were
 14 probably other Square D locations, and I don't know
 15 if they bought from us and what they bought from us.
 16 Q. Okay. Square D in Lexington.
 17 Well, let me ask you this. What about
 18 Cutler-Hammer? Do you recall whether Cutler-Hammer
 19 was a customer of Union Carbide?
 20 A. Off and on.
 21 Q. When you say "off and on," what is the time
 22 frame that you recall that they were off and on?
 23 A. Well, we were constantly trying to get
 24 their business and then have it for a while, and
 25 then we would lose it to a competition, and then --

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1 so it was back and forth.
 2 Q. Okay. Would that have been the entire time
 3 from 1960 to 1973?
 4 A. As I recall, yes.
 5 Q. What about Allen-Bradley?
 6 A. The same.
 7 Q. The same time frame, too?
 8 A. Yes.
 9 And when I say "off," they may have bought
 10 some small quantities, you know, in the off period
 11 that they couldn't get from somebody else. But it
 12 was a matter of price.
 13 Q. Okay. Now, when you say that -- let's go
 14 back to Square D. Let's talk about when you say
 15 Square D was a customer, what products were they
 16 buying from you?
 17 And when I say "you," I mean Union Carbide,
 18 of course.
 19 A. Yeah.
 20 MS. CLARK: Objection; foundation, vague.
 21 THE WITNESS: I can't remember all of the
 22 numbers, but the ones I do remember are 5303 and
 23 5314.
 24 BY MR. GALERSTON:
 25 Q. Okay. And -- all right. Those are

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1 moldings, I assume.
 2 A. Yes. They would be BMG or BMR.
 3 Q. Okay. And what are those, those two
 4 formulations --
 5 Those are formulations you gave me,
 6 correct?
 7 A. Yes.
 8 Q. And these are formulations that I assume
 9 either you or your predecessor in Research &
 10 Development had to review and approve the
 11 manufacture, correct?
 12 A. We would -- well, if we developed the
 13 product, we would approve it for manufacturing use.
 14 If it was in existence, we had nothing to do with
 15 it.
 16 Q. Well, but at one point in time, the
 17 formulation had to be come up with, right?
 18 A. Yes. Right.
 19 Q. And if I understand it correctly, that
 20 sometimes you would have formulations that would
 21 be customized for the customer --
 22 A. Yes.
 23 Q. -- at their request, correct?
 24 A. Yes.
 25 Q. Regardless of where the original

13 (Pages 46 to 49)

Page 50

1 formulation came from, they had to go through your
2 department?

3 A. Yes.

4 Q. When you say 5303 and 5314 as being
5 formulations that you recall Union Carbide selling
6 to Square D, what were those for? What is that?
7 Is that a -- that's an asbestos-containing phenolic
8 resin or molding compound used for what?

9 MS. CLARK: Objection; foundation,
10 ambiguous.

11 THE WITNESS: All of the uses I am not
12 familiar with because they bought the resin and, you
13 know, they made a variety -- a wide variety of parts
14 for industrial uses. But it would -- you know, some
15 of their products would be made out of that.

16 BY MR. GALERSTON:

17 Q. Okay. Square D. What is your
18 understanding of what Square D did? What did they
19 manufacture and sell?

20 A. Primarily -- well, my association was
21 switchgear, but I'm sure there was a lot more than
22 that.

23 Q. You understood that Square D was an
24 electronics parts manufacturer?

25 A. I was never involved with electronics

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1 parts, so I don't know.

2 Q. The switchgear that you referred to, was
3 that electronic switchgear for power generation?

4 A. The part -- the few -- the one time I saw
5 our material being molded, it was a huge part for --
6 it looked like a power -- for electrical power.

7 Where the components went and how they were
8 assembled and the final assembly we didn't see.

9 Q. Sure. I appreciate that.

10 Now -- okay. So let's go back to 5303.
11 All right? That is a Union Carbide Bakelite product
12 that was a phenolic molding, correct?

13 A. Yes.

14 Q. Okay. 5303, would that have been asbestos-
15 containing?

16 A. It had some.

17 MS. CLARK: Objection; vague, ambiguous.

18 THE WITNESS: It had some.

19 BY MR. GALERSTON:

20 Q. Do you recall what percentage of that would
21 have been asbestos-containing?

22 A. Roughly 30 percent.

23 Q. So if I understand it correctly, the
24 process that we're talking about for manufacturing
25 of 5303 would have been to take the phenol from the

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1 phenol plant, mix it with asbestos and some other
2 filler materials, which would -- which was a hot
3 process, which would then be extruded, cooled, be
4 ground into a granular form that was then bagged and
5 sold to the end user, Square D in this case.

6 Correct?

7 A. Yes.

8 Q. And Square D would then take that ground
9 product, which is --

10 What's the consistency of that material?

11 A. Oh, a coarse sand.

12 Q. Okay. It would then take that, and they
13 would use it in their own manufacturing process,
14 which I would assume would involve bringing it into
15 a hopper and then injecting it into a mold, heating
16 it up, making it hot to where it would melt and fuse
17 into a unified body, and then the part would then be
18 cooled and used. Is that your understanding?

19 A. Right.

20 MR. KINSEY: Objection; lacks foundation,
21 calls for speculation.

22 THE WITNESS: Yes. But let me qualify
23 that phenolic molding material was only one of the
24 products that they bought. They bought asbestos-
25 free products, and they also bought -- you know,

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1 there was a variety of molding products for
2 electrical switchgear, some of which we made and
3 some made by others.

4 So we're just talking about the phenolic,
5 but there are many products that go into the
6 switchgear.

7 BY MR. GALERSTON:

8 Q. Well, I appreciate that, and I -- if I
9 understand you, you said two different things that
10 were important there. One is that the two products
11 that you were able to recall by formulation --

12 A. Right.

13 Q. -- 5303 and 5314, are only two of many
14 different products that Union Carbide sold to
15 Square D over that time period. Correct?

16 A. Well, we sold them those particular
17 products, and those are the ones I remember. There
18 are probably some others that I don't remember.

19 Q. Right.

20 A. But the point I'm trying to make is they
21 didn't just buy phenolic, and they didn't just buy
22 it from us. You know, we were not the major
23 supplier in the industry. We were -- we used to be
24 years ago, until we had an explosion. But we went
25 from number one to number two to number three and

14 (Pages 50 to 53)

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1 ended up down about number four. Our market share
2 was -- went from 33 percent down to less than 15
3 percent.

4 So the point I'm trying to make is that
5 there were many -- they had many sources of
6 material.

7 MR. GALERSTON: And I object to the
8 nonresponsive nature of the answer.

9 Q. I appreciate that, sir. There may have
10 been other products Union Carbide sold to Square D,
11 and Square D would have had other suppliers is what
12 you're saying. Correct?

13 A. Yes, exactly. And sorry.

14 Q. You're not familiar --

15 A. Sorry I didn't summarize that.

16 Q. You're not in a position to testify as to
17 when, where, and how Square D purchased its phenolic
18 materials, correct?

19 A. Could you repeat that again for me, please?

20 Q. Sure. It was probably a pretty poor
21 question.

22 You're not in a position to testify based
23 upon your personal knowledge from whom Square D
24 purchased its phenolic resin materials at any given
25 time, correct?

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1 A. That's correct.

2 Q. You can testify of your personal knowledge
3 of the sales that Union Carbide made to Square D,
4 correct?

5 A. That's right.

6 Q. You are aware that there were other
7 manufacturers in the market who were marketing to
8 Square D in competition with Union Carbide while you
9 were selling to them, correct?

10 A. Yes.

11 MR. KINSEY: Objection; calls for
12 speculation.

13 BY MR. GALERSTON:

14 Q. Okay. When was it that you visited a
15 Square D manufacturing facility and saw the UC,
16 Union Carbide, material being used?

17 A. The exact date I don't recall, but it would
18 be probably in the '60s.

19 Q. Okay. And I will venture a guess that this
20 would have been at the Lexington facility.

21 A. Yes.

22 Q. Do you know where Square D had all of its
23 manufacturing facilities in the United States in the
24 1960s?

25 A. Not all of them, no.

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1 Q. Other than the Lexington facility, what
2 other facilities are you familiar with?

3 A. I had heard of one in California --

4 Q. Okay.

5 A. -- but didn't know about it.

6 Q. Now, in the 1960s, you were working the
7 Bound Brook facility of Union Carbide, correct?

8 A. Yes.

9 Q. That is both a research facility and a
10 production facility, correct?

11 A. I worked in the R&D. I was -- there was --
12 we worked with Manufacturing. That was a different
13 department.

14 Q. Right. But I'm just -- my point I'm trying
15 to make is that there was -- in Bound Brook -- there
16 was the Research Department, where you were assigned,
17 correct?

18 A. Yes.

19 Q. Also, Union Carbide had its manufacturing
20 for the phenolic materials in Bound Brook, as well.

21 A. Yes.

22 Q. During the 1960s, I understand that Union
23 Carbide had a phenolic manufacturing facility on the
24 West Coast. Correct?

25 A. Resin --

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1 MS. CLARK: Objection; assumes facts.

2 THE WITNESS: Resin only.

3 BY MR. GALERSTON:

4 Q. Okay. So all of the molding materials that
5 Union Carbide was selling in the United States in
6 the 1960s were manufactured in Bound Brook?

7 A. Yes.

8 Q. Okay. Was there ever a manufacturing
9 facility for phenolic molding materials in Canada?

10 A. Yes.

11 Q. When did it exist?

12 A. Well, it existed during the time I was in
13 the business. When it was started, I don't
14 remember.

15 Q. Okay. So by 1960, was it in operation?

16 A. Yes.

17 Q. Did it remain in operation through the
18 '60s?

19 A. Yes.

20 Q. Was there a Mexico manufacturing facility?

21 A. Yes.

22 Q. When did it -- was it in existence when you
23 joined in 1960?

24 A. Yes.

25 Q. And I should clarify, when you became group

15 (Pages 54 to 57)

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1 manager in 1960.
 2 Was there regions that each one of these
 3 manufacturing facilities was responsible for
 4 providing material for?
 5 A. They sold within their own country.
 6 Q. Okay.
 7 A. At that time, the tariffs were pretty high.
 8 Q. Okay. So if I understand it correctly, the
 9 Canadian facility would have sold to Canadians, the
 10 Mexican facility would have sold to Mexico, and the
 11 United States facility would have sold in the United
 12 States.
 13 A. Yes.
 14 Q. We talked about the formulation 5303, which
 15 I think you indicated was a 30-percent asbestos-
 16 containing phenolic molding material that Union
 17 Carbide sold to Square D during the 1960s and
 18 through 1973, correct?
 19 A. Yes.
 20 MS. CLARK: Object --
 21 THE WITNESS: Well --
 22 MS. CLARK: Wait. Object to form, assumes
 23 facts.
 24 MR. KINSEY: Join.
 25 THE WITNESS: During the early '70s, we

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1 were removing asbestos from the products, and the
 2 amount of -- I vaguely recall that we were reducing
 3 the amount of asbestos in 5303.
 4 So at some point in the '70s, the
 5 formulation changed to a lower asbestos level and,
 6 finally, no asbestos.
 7 BY MR. GALERSTON:
 8 Q. Okay. Fair enough. But as you sit here
 9 now, you can't tell me when that step-down took
 10 place?
 11 A. It was in the -- probably around '73.
 12 Q. Okay.
 13 A. We were working on it when I left.
 14 Q. And do you recall what that step-down was?
 15 Was it that it went from 30 percent down to 20
 16 percent?
 17 A. I recall going down to 15 percent, but the
 18 next step was zero.
 19 Q. Okay. Let's talk about 5314. That was the
 20 other formulation you recall selling to Square D,
 21 correct?
 22 A. Yes. Yes.
 23 Q. That was sold also in that time frame 1960
 24 to 1973?
 25 MS. CLARK: Objection; assumes facts.

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1 THE WITNESS: It was sold in that time
 2 frame, but that had a limited life.
 3 BY MR. GALERSTON:
 4 Q. Okay. What do you mean by "limited life"
 5 for 5314?
 6 A. It was developed for -- it was a sisal-
 7 reinforced product.
 8 Q. Sisal, could you spell that for me?
 9 A. S-i-s-a-l.
 10 Q. Okay. What is a sisal?
 11 A. It's like a rope. You know, ropes are made
 12 out of it.
 13 Q. Okay.
 14 A. Yeah. When you get a package, you know,
 15 and you get this brown twine, you know, it's
 16 probably sisal.
 17 Q. Okay. So 5314 was in something that Union
 18 Carbide was putting resin on, or was this a resin
 19 that -- a molding compound that was used for
 20 applying to ropes?
 21 A. No, no. We used the ground -- the chopped-
 22 up sisal as the reinforcement for the phenolic
 23 resin.
 24 Q. Was there any other fillers that you
 25 recall, such as asbestos, wood, or coal?

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1 A. I would have to look at the formulation to
 2 determine what else we had in there. It was
 3 primarily sisal, and, you know, if there was coal or
 4 anything else, that would show up there.
 5 Q. Okay. So since I'm concerned about
 6 asbestos, it would -- it's possible that asbestos
 7 was used along with the sisal, it's possible that it
 8 wasn't. Is that fair to say?
 9 A. If it was used, it would have been a very
 10 small quantity.
 11 Q. And when we talk about a very small
 12 quantity, are we talking about one to two percent,
 13 or are we talking five to ten percent?
 14 A. Five or less.
 15 Q. Okay.
 16 A. Now, I'm guessing there. You would have --
 17 I would have to refer to the formulation.
 18 Q. Now, during the time frame 1960 to 1973, do
 19 you recall what the amount of sales was in terms of
 20 pounds or number of units sold by Union Carbide to
 21 Square D of either 5303 or 5314?
 22 A. No.
 23 Q. Do you know of your own personal knowledge
 24 what a minimum sale would have been of either one of
 25 these formulations?

16 (Pages 58 to 61)

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1 MS. CLARK: Objection; vague, ambiguous.
 2 THE WITNESS: There wasn't such -- there
 3 wasn't a minimum sale. That was sold in truckload
 4 quantities. You know, they could buy any quantity
 5 they wanted.
 6 BY MR. GALERSTON:
 7 Q. Well, I assume that they wouldn't call up
 8 and order and say, "Send me a pound of 5314."
 9 A. No, nobody did that.
 10 Q. Right. Right. So we're talking -- I mean,
 11 we're talking probably more than just a 25-pound
 12 bag.
 13 A. Well, sample quantities of a new material,
 14 generally, they would ask for at least a 50-pound
 15 bag, maybe 200 pounds.
 16 Q. Right.
 17 A. And even a thousand pounds.
 18 Q. Right. And that's for them to test out the
 19 new product, correct?
 20 A. Yes. Yeah.
 21 Q. And I assume that's probably something that
 22 Union Carbide probably, if they were interested in
 23 it, they probably provided free of charge.
 24 A. That's right.
 25 Q. But once there's an agreement between Union

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1 Carbide and the customer, such as Square D, as to a
 2 formulation, then they gear up the entire plant to
 3 make a batch run, correct?
 4 A. Yes.
 5 Q. Do you know how large a batch is for the
 6 Bound Brook facility for 5303?
 7 MS. CLARK: Objection; vague, ambiguous.
 8 THE WITNESS: I don't remember the minimum
 9 size runs that the plant would require. And often,
 10 for efficiency, we would have material in stock so
 11 that, you know, you could send the order out of
 12 stock.
 13 BY MR. GALERSTON:
 14 Q. Okay. Do you recall whether or not
 15 formulations 5303 or 5314 were formulations that
 16 were specific to Square D, or were these all
 17 formulations that were sold to other consumers, as
 18 well?
 19 A. The 5303 was sold to many customers, not
 20 just Square D.
 21 5314 was primarily Square D. It was for
 22 outlet boxes that would go in the wall. And that
 23 had limited life because somebody else took the
 24 business away from us.
 25 Q. Okay.

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1 A. Whether we sold that to anybody else or
 2 not, I don't remember.
 3 Q. 5303 was used for switchgear, I believe you
 4 said. Correct?
 5 A. Well, that was one of the uses. It was
 6 used by other customers for other applications.
 7 Q. What other types of applications were you
 8 familiar with for 5303?
 9 A. It could be used for pot handles, knife
 10 handles --
 11 Q. Let me make it a little bit easier.
 12 A. Okay.
 13 Q. I'm interested primarily now in electrical
 14 componentry.
 15 A. Yeah.
 16 Q. What other electrical componentry are you
 17 familiar with, if any, that formulation 5303 might
 18 have been used for?
 19 MS. CLARK: Objection; beyond the scope.
 20 THE WITNESS: Right now, other than
 21 electrical parts, which includes housings and, you
 22 know, automotive parts, transmission parts -- that
 23 type of product was used for transmission parts in
 24 automobiles --
 25 MR. GALERSTON: Okay.

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1 THE WITNESS: -- you know, a lot of
 2 automotive parts.
 3 BY MR. GALERSTON:
 4 Q. 5303, would you say it was heat resistant?
 5 A. Yes.
 6 Q. Okay.
 7 A. Well, it's relative to others, you know,
 8 but it was -- in the phenolic category, it was heat
 9 resistant.
 10 Q. And would it be something that could be
 11 used in higher voltage applications?
 12 A. Yes.
 13 MS. CLARK: Objection; vague, ambiguous.
 14 BY MR. GALERSTON:
 15 Q. When I say "high voltage," you agreed that
 16 this 5303 would be a product that could be used in a
 17 high voltage application. What does that mean to
 18 you?
 19 A. That it could be used for electrical parts
 20 where those voltages -- you had to have insulation
 21 protection from that kind of voltage and also be
 22 able to withstand the long-term effect, you know,
 23 the environment that part was in, the life it
 24 would -- the durability of the product.
 25 Q. Okay. And so this was obviously something

17 (Pages 62 to 65)

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1 that was more robust than some of your other
2 formulations.
3 A. Yes. Yes.
4 Q. What would have been a less robust
5 formulation, if you can recall?
6 MS. CLARK: Objection; vague, ambiguous.
7 THE WITNESS: For heat resistant
8 applications --
9 THE REPORTER: I'm sorry. "For heat
10 resistant applications" --
11 THE WITNESS: No. For -- would you repeat
12 that again, please?
13 THE REPORTER: The questions was, "What
14 would have been a less robust formulation, if you
15 can recall?" And I thought your answer started,
16 "For heat resistant applications," and you
17 continued, but I didn't catch what you said.
18 THE WITNESS: No. For a less robust
19 product would be a woodflour-filled phenolic
20 compound.
21 BY MR. GALERSTON:
22 Q. Do you recall a formulation number for that
23 wood fill?
24 A. BMG-5000 was one of our most popular.
25 Q. Okay. Would you agree with me that you

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1 were not responsible for the sales of phenolic resin
2 and molding materials by Union Carbide to Square D?
3 A. Not responsible?
4 Q. Correct.
5 A. No.
6 Q. Would you agree with me that at the time,
7 in the 1960s and 1970s when you were the group
8 manager, there would have been others who would have
9 been responsible for managing the sales of Union
10 Carbide's Bakelite phenolic resin and molding
11 materials to Square D?
12 A. Yeah. Our primary contact with the
13 customers is the Sales Department.
14 Q. Okay. Do you recall who would have been
15 the sales manager or somebody who would have been
16 a sales -- who would have been responsible for
17 overseeing the Sales Department's contact with
18 Square D during the 1960s and early '70s, while you
19 were group manager?
20 A. The salesman's name was Alex Martella.
21 Q. Martella, M-a-r-t-e-l-l-a.
22 A. M-a-r-t-e-l-l-a.
23 Q. Okay. And do you recall his
24 responsibilities? Was he a sales manager for all,
25 or was he assigned to Square D?

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1 A. He was assigned to the Square D Lexington
2 location.
3 Q. Do you know Mr. Martella's whereabouts?
4 A. No.
5 Q. When is the last time you spoke with
6 Mr. Martella or had any contact? When is the last
7 time you spoke with Mr. Martella or had contact with
8 him?
9 A. Well, he left the company. Sometime during
10 the period of time I was there, he left. Probably
11 in the '70s.
12 MR. GALERSTON: Okay. We've been going for
13 about an hour. Are you good for a break?
14 THE WITNESS: I could use one.
15 MR. GALERSTON: Okay. Let's take a break,
16 and I'm going to switch gears, and we'll go to
17 another company.
18 We're off the record.
19 THE VIDEOGRAPHER: This is the end of Tape
20 Number One in the deposition of Carlo Martino. The
21 time is 10:26:15. We are off the record.
22 (Recess taken: 10:26 a.m. to 10:43 a.m.)
23 THE VIDEOGRAPHER: We are back on the
24 record. This is the beginning of Tape Number Two.
25 The time is "10:48:26."

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10:43:34 1 Counsel, you may proceed.
10:43:35 2 MR. GALERSTON: Okay. Ms. Clark, you
10:43:37 3 wanted to make a clarification on the record?
10:43:39 4 MS. CLARK: Yes. I just wanted to clarify
10:43:42 5 that Mr. Martino is being presented by Union Carbide
10:43:45 6 as the custodian of records. I think he was
10:43:49 7 confused earlier when asked the question. He
10:43:51 8 thought the question was did he have possession of
10:43:51 9 all of the records.
10:43:54 10 The records are maintained by the lawyers,
10:43:57 11 as the molding compound business has been out of
10:44:00 12 business for over 30 years. It's a lawyer-
10:44:03 13 maintained repository here at Mayer Brown.
10:44:06 14 And a search of the repository was
10:44:10 15 conducted in advance of the deposition, and
10:44:13 16 Mr. Martino is familiar generally with the type of
10:44:16 17 documents that are maintained in that repository.
10:44:18 18 And I would also note that Plaintiff's
10:44:21 19 counsel in this case has visited the repository
10:44:24 20 previously and copied numerous documents from the
10:44:30 21 repository.
10:44:31 22 MR. GALERSTON: Are you done, ma'am?
10:44:32 23 MS. CLARK: Yes.
10:44:33 24 MR. GALERSTON: Thank you.
25 Q. Mr. Martino, are you prepared to continue?

18 (Pages 66 to 69)

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10:44:35 1 A. Yes. 10:44:42 2 Q. Okay. We were talking about the business 10:44:46 3 relationship between Union Carbide and Square D, and 10:44:48 4 we were talking about two of the formulations that 10:44:51 5 you recall specifically Union Carbide sold to 10:44:55 6 Square D, which were 5303 and 5314. Correct? 10:44:56 7 A. Yes. 10:44:58 8 Q. I now want to hand you what I have 10:45:03 9 previously marked as Exhibit No. 6 to your 10:45:07 10 deposition. Okay? I would ask you to review that, 10:45:23 11 and then we'll ask you a few questions about that. 10:45:28 12 Please let me know when you've finished your review, 10:45:32 13 and I'll proceed at that time. 10:45:33 14 A. Yes. 10:45:35 15 Q. Okay, sir. First off, I've handed you a 10:45:38 16 document here that's been marked as Exhibit "C" that 10:45:40 17 contains some lettering at the bottom right. Do you 10:45:45 18 see that? It says UCASB01875903. 10:45:46 19 A. Yes. 10:45:49 20 Q. Do you know what that designation means, if 10:45:51 21 anything? 10:45:51 22 A. I don't know. 10:45:55 23 Q. Okay. Second question: Have you ever seen 10:45:57 24 this document before? 25 A. I -- if I had, I don't recall it.	10:47:06 1 A. Yes. 10:47:09 2 Q. Would this be a Bakelite material? 10:47:09 3 A. Yes. 10:47:14 4 Q. Okay. BMG tells us that this is a granular 10:47:15 5 material, correct? 10:47:15 6 A. Yes. 10:47:18 7 Q. 5105, what does that, if anything, mean to 10:47:26 8 you? 10:47:29 9 A. The 5 does have some significance with 10:47:33 10 regard to the resin that's used. I think that 10:47:36 11 stands for a two-step, but I'm guessing here. 10:47:37 12 Q. Okay. 10:47:42 13 A. The rest, the 105, is just, you know, 10:47:45 14 sequence in the nomenclature system. 10:47:48 15 Q. Okay. And you know what? I made a mistake 10:47:51 16 and forgot to ask you, the fact that the last 10:47:54 17 letter, BMGB, B, that indicates to us that this is a 10:47:56 18 second generation of this formulation, correct? 10:47:57 19 A. Yes. 10:48:09 20 Q. And that's kind of hinted at by the fact 10:48:09 21 that this formulation supersedes one dated 9/14/61, 10:48:09 22 correct? 10:48:09 23 A. That's correct. 10:48:13 24 Q. Okay. Now, the fact that there was a 9 -- 25 oh, strike that. I'm getting ahead of myself.
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10:46:05 1 Q. Okay. Now, if I understand it correctly, 10:46:08 2 the top of this document says "Tentative Product 10:46:12 3 Formulation and Request for Cost Estimate." Is that 10:46:12 4 correct? 10:46:12 5 A. Yes. 10:46:18 6 Q. It is Issue No. 2, dated 3/23/62, and 10:46:22 7 supersedes something dated 9/14/61. Correct? 10:46:23 8 A. Yes. 10:46:28 9 Q. Okay. This is for a product BMGB-5105 10:46:30 10 Black 25, correct? 10:46:30 11 A. Yes. 10:46:34 12 Q. What does that mean, if anything, to you? 10:46:36 13 MS. CLARK: I'm going to object. On its 10:46:38 14 face, the document is beyond the scope of the 10:46:43 15 deposition. The date of it is 1962, and the notice 10:46:47 16 is from '67 onward, and it predates any alleged 10:46:51 17 exposure of the Plaintiff. 10:46:52 18 BY MR. GALERSTON: 10:46:53 19 Q. Sir, you can answer. 10:46:56 20 A. Okay. What does that designation mean to 10:46:56 21 me? 10:46:58 22 Q. Yes, if anything. 10:47:00 23 A. It's a molding material. 10:47:05 24 Q. Okay. And is that a -- does this appear to 25 be a Union Carbide molding material?	10:48:17 1 Okay. We look here, and there's a notebook 10:48:19 2 page and dates, some additional information. I 10:48:22 3 assume that this is information that it would be 10:48:26 4 stored in the Research Department. 10:48:32 5 A. It would be -- a copy would be kept. This 10:48:41 6 is a request for cost estimate. That would go to 10:48:41 7 Manufacturing. 10:48:44 8 Q. Okay. Now, where would -- and when we 10:48:48 9 say -- and I'm trying to figure out. Notebook 6273, 10:48:51 10 where would that have been located in 1961? 10:48:52 11 MS. CLARK: I'm just going to object to the 10:48:55 12 whole line of questioning to the extent it's outside 10:49:00 13 the scope of the time frame in the notice. 10:49:02 14 THE WITNESS: That would be Fred Ducca's 10:49:05 15 notebook, and it would be in his possession until he 10:49:06 16 filled it. 10:49:07 17 BY MR. GALERSTON: 10:49:09 18 Q. All right. Looking on, we see "Product 10:49:15 19 Type Code: 424." Do you know what that means? 10:49:17 20 A. I don't recall, no. 10:49:19 21 Q. Okay. The next line says, "Basic Material: 10:49:19 22 Phenolic." 10:49:20 23 A. Right. 10:49:21 24 Q. "Grade: Two Step." 25 A. Right.

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10:49:23 1 Q. Okay. Phenolic, we understand that to be
 10:49:24 2 the resin --
 10:49:24 3 A. Yes.
 10:49:27 4 Q. -- that's derived from the oil.
 10:49:28 5 A. Correct.
 10:49:31 6 Q. What does the "Two Step" refer to?
 10:49:36 7 A. There are two types of phenolic resin. The
 10:49:40 8 two-step resin, you have to add the crosslinking
 10:49:45 9 agent to it, and the crosslinking agent is hexa.
 10:49:46 10 It's on the list there.
 10:49:48 11 Q. I see that. Okay.
 10:49:51 12 A. If it's a one-step resin, the crosslinking
 10:49:59 13 agent is reacted onto the phenol molecule, and you
 10:50:01 14 don't have to add any hexa.
 10:50:04 15 Q. Okay. So if I understand it correctly,
 10:50:07 16 when we talk about the grade and whether or not it's
 10:50:10 17 a single step or a two-step, we're talking about the
 10:50:12 18 process of the preparation of the phenol resin,
 10:50:15 19 correct?
 10:50:16 20 A. Yes.
 10:50:22 21 Q. Okay. "Processing," it says, "Mold-Rigid;
 10:50:23 22 Form: Granular."
 10:50:26 23 I assume this is referring that the
 10:50:31 24 material that is BMGB-5105 is going to be in a
 25 granular form, and it's going to be used for molding

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10:50:37 1 a rigid component. Correct?
 10:50:39 2 A. Yes.
 10:50:42 3 Q. Okay. "Differs from Issue 1, has C-22
 10:50:49 4 resin for faster cure." What does that mean?
 10:50:56 5 A. It looks as if the C-22 resin is a resin
 10:51:03 6 that cured faster in the mold and gave faster
 10:51:03 7 cycles.
 10:51:06 8 Q. And I assume when we talk about cures
 10:51:08 9 faster in the mold, we're talking about in the end
 10:51:09 10 user's mold, correct?
 10:51:10 11 A. Yes.
 10:51:15 12 Q. So C-22 is a specific class of phenol resin
 10:51:17 13 that Union Carbide can manufacture.
 10:51:18 14 A. Yes.
 10:51:21 15 Q. How many classes of resin were there?
 10:51:26 16 Numerous?
 10:51:26 17 A. I can't even guess.
 10:51:29 18 Q. Okay.
 10:51:31 19 A. There were many, many, many.
 10:51:32 20 Q. Fair enough. Okay.
 10:51:37 21 And then, so Issue 1 indicates that this is
 10:51:39 22 a second iteration of a formulation, correct?
 10:51:39 23 A. Yes.
 10:51:43 24 Q. And then it says the customer here is
 25 Square D, Cedar Rapids, Iowa, correct?

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10:51:47 1 A. Yes.
 10:51:51 2 Q. Okay. So is it safe to assume from this
 10:51:54 3 document that Square D was a customer of Union
 10:51:56 4 Carbide's Bakelite division in 1961?
 10:52:01 5 A. No. This is sample 2. Now, what this
 10:52:08 6 says, this is experimental, and it implies that if
 10:52:13 7 the cost estimate came out right, that location
 10:52:18 8 would be sent a sample for evaluation. Whether that
 10:52:22 9 resulted in sales or not depended on the outcome of
 10:52:23 10 that evaluation.
 10:52:25 11 Q. Okay. Well, I guess my thought is, is
 10:52:27 12 that the fact that this is a second iteration of
 10:52:31 13 this formulation, does it appear that the first
 10:52:34 14 formulation had been put into use and had been sold?
 10:52:37 15 MS. CLARK: Objection; foundation, vague.
 10:52:41 16 THE WITNESS: It had been sold, but whether
 10:52:44 17 it was sold to Square D or not, I don't know.
 10:52:45 18 BY MR. GALERSTON:
 10:52:50 19 Q. Okay. We see here that the application for
 10:52:53 20 this is for electrical switchgear, correct?
 10:52:53 21 A. Yes.
 10:52:56 22 Q. Then, if we look further down, it says --
 10:52:59 23 we see a listing of material codes, material
 10:53:04 24 descriptions, and percentages for the BMGB-5105,
 25 correct?

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10:53:05 1 A. Yes.
 10:53:07 2 Q. We see what you indicated was a two-step
 10:53:11 3 resin, which is 27.5 percent of the product,
 10:53:12 4 correct?
 10:53:14 5 A. Yes.
 10:53:16 6 Q. There's a separate type of -- another
 10:53:19 7 iteration of the two-step resin, which is another
 10:53:20 8 5.5 percent, correct?
 10:53:20 9 A. Yes.
 10:53:24 10 Q. Then you have the --
 10:53:25 11 A. Hexa.
 10:53:30 12 Q. -- the crosslinking agent, the hexa, which
 10:53:30 13 is another 5.5 percent.
 10:53:33 14 It has lime in it, correct?
 10:53:33 15 A. Yes.
 10:53:33 16 Q. Nigrosine?
 10:53:35 17 A. Right. That's a tolerant.
 10:53:37 18 Q. Asbestos?
 10:53:38 19 A. Yes.
 10:53:39 20 Q. Cotton flock?
 10:53:39 21 A. Yes.
 10:53:43 22 Q. Woodflour and stearic acid, correct?
 10:53:43 23 A. Yes.
 10:53:45 24 Q. Okay. The largest component of this
 25 product is asbestos, correct?

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10:53:48 1 A. Yes. 10:53:50 2 Q. At 40 percent. 10:53:50 3 A. Yes. 10:53:59 4 Q. Okay. Looking at this document by itself, 10:54:01 5 we cannot determine whether or not this product was 10:54:05 6 ever sold or used by Square D. Is that fair to say? 10:54:07 7 A. That's correct. 10:54:11 8 Q. Based upon your recollection of the 10:54:15 9 materials that Union Carbide sold to Square D, do 10:54:19 10 you have reason to believe that BMGB-5105 was a 10:54:21 11 formulation that was sold to Square D? 10:54:24 12 MS. CLARK: Objection; foundation, vague. 10:54:29 13 THE WITNESS: I don't recall the product, 10:54:29 14 so I don't know. 10:54:30 15 BY MR. GALERSTON: 10:54:32 16 Q. Okay. So the fact that you don't recall 10:54:35 17 doesn't indicate whether or not one way or the 10:54:36 18 other -- 10:54:36 19 A. That's right. 10:54:38 20 Q. -- it was sold. Okay. 10:54:42 21 The formulation here for this electrical 10:54:45 22 switchgear -- strike that. 10:54:48 23 This formulation for this phenolic molding 10:54:52 24 compound that would be used to create electrical 25 switchgear, is this kind of a common formulation, or	10:56:20 1 started, but they did have a mining asbestos 10:56:21 2 business for a while. 10:56:22 3 BY MR. GALERSTON: 10:56:23 4 Q. Okay. You're familiar with Calidria 10:56:24 5 asbestos? 10:56:25 6 A. Yes. 10:56:26 7 Q. Do you know whether or not this would have 10:56:27 8 been Calidria asbestos? 10:56:29 9 A. This would not have been. 10:56:31 10 Q. These are shorts, right? 10:56:31 11 A. Yes. 10:56:32 12 Q. Calidria doesn't come in shorts. 10:56:33 13 A. Oh, yes. 10:56:35 14 Q. Okay. Why -- 10:56:35 15 A. Yes, they did. 10:56:37 16 Q. It did come in shorts. But you weren't 10:56:39 17 using Calidria shorts? 10:56:39 18 A. No. No. 10:56:41 19 Q. Okay. So this was asbestos that you were 10:56:43 20 purchasing -- Union Carbide was purchasing from 10:56:44 21 other suppliers. 10:56:45 22 A. Yes. 10:56:50 23 Q. The asbestos that Union Carbide used in its 10:56:56 24 Bakelite products, was it always asbestos purchased 25 from other vendors, or was it sometimes Calidria and
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10:54:59 1 is this an unusual formulation? 10:55:02 2 MS. CLARK: Objection; vague. 10:55:08 3 THE WITNESS: It's not unusual, no. It's 10:55:15 4 typical of the way we wrote formulations, and the 10:55:18 5 variations would be in the various components: 10:55:22 6 different fillers. If it was a two-step, you would 10:55:23 7 always have hexa. 10:55:24 8 BY MR. GALERSTON: 10:55:26 9 Q. Okay. Now, let's talk about the asbestos 10:55:31 10 that is used here. We see that it is material code 10:55:33 11 RM-18B. 10:55:34 12 Do you see that? 10:55:34 13 A. Yes. 10:55:39 14 Q. Are you familiar with who provided that 10:55:41 15 asbestos that Union Carbide used in this 10:55:43 16 formulation? 10:55:50 17 A. There's a raw material handbook that the 10:55:55 18 plant had -- I think we had a copy, also -- that 10:55:59 19 would reference who supplied it. 10:56:05 20 Q. Okay. Do you know -- certainly in 1961, 10:56:07 21 you're aware that Union Carbide was mining its own 10:56:09 22 asbestos out in California, correct? 10:56:11 23 MS. CLARK: Objection; assumes facts, 10:56:12 24 foundation. 25 THE WITNESS: I don't recall when that	10:57:01 1 sometimes other vendors'? 10:57:01 2 A. It was -- 10:57:03 3 MS. CLARK: Objection; overbroad. 10:57:09 4 THE WITNESS: It was always other vendors'. 10:57:12 5 We were approached by Calidria and we tested it, but 10:57:14 6 it changed the product too much, and we didn't use 10:57:14 7 it. 10:57:15 8 BY MR. GALERSTON: 10:57:20 9 Q. Okay. I understand based upon previous 10:57:23 10 answers to interrogatories that Union Carbide has 10:57:30 11 filed that various manufacturers -- I should say 10:57:33 12 miners -- provided the asbestos, including 10:57:36 13 Johns-Manville and Carey Canadian. 10:57:37 14 A. Yes. Yes. 10:57:39 15 Q. Do you know of any others? 10:57:43 16 A. Not Johns-Manville. Well, maybe they did 10:57:44 17 provide some. 10:57:45 18 Q. Okay. 10:57:49 19 A. I recall Carey Mines as being our supplier, 10:57:52 20 and then there was a Vermont company, also, that 10:57:57 21 supplied. There may be others, but those are the 10:57:58 22 main ones. 10:58:02 23 Q. Okay. And if anybody wants to look along 10:58:04 24 with me, I'm looking at answer to interrogatory 25 number 21 in the New York City asbestos litigation,

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10:58:16 1 and the indication here is that short fiber Canadian 10:58:18 2 chrysotile asbestos was purchased from Carey 10:58:22 3 Canadian Mines, Rubberoid Company, Johns-Manville 10:58:25 4 Company, and Asbestos Corporation Limited. 10:58:25 5 A. Yeah. 10:58:27 6 Q. Is that familiar -- is that consistent with 10:58:28 7 your recollection? 10:58:30 8 MS. CLARK: Object, foundation, way beyond 10:58:33 9 the scope of the notice, and I don't have that 10:58:35 10 document in front of me to see what you're 10:58:36 11 referencing, either. 10:58:44 12 THE WITNESS: The main ones that I always 10:58:46 13 worked with -- that's probably -- that's correct, 10:58:52 14 but the main ones that I'm familiar with are the 10:58:54 15 Carey Mines and the Vermont. Whether the others 10:58:59 16 were purchased for some other reason, for certain 10:59:02 17 formulations or not, I don't recall. 10:59:03 18 BY MR. GALERSTON: 10:59:14 19 Q. Okay. Looking back at Exhibit 6, there is 10:59:21 20 a reference to Department 014-4, Unit BA. 10:59:22 21 Do you see that, sir? 10:59:22 22 A. Yes. 10:59:26 23 Q. What does that mean, if anything, to you? 10:59:28 24 A. The department is the Molding Material 25 Department.	11:00:49 1 Please do us the courtesy of putting your phone on 11:00:53 2 mute and keeping it on mute. 11:00:57 3 Q. Does this project number mean anything to 11:01:00 4 you in particular with regards to Square D? 11:01:01 5 A. No. 11:01:02 6 Q. Okay. 11:01:05 7 A. No. It would be for any project. You 11:01:09 8 know, that lasted about two years. 11:01:11 9 Q. Okay. Below that, we see that this is 11:01:14 10 requested -- I assume that this pricing issue is 11:01:17 11 requested -- by the Sales Department. Correct? 11:01:23 12 A. Well, it's requested by Fred Ducca. The 11:01:26 13 Sales Department doesn't get involved until a 11:01:29 14 decision is made that we're going to sample it. 11:01:32 15 Q. I see where it says F.W. Ducca, and then I 11:01:34 16 assume that's his signature below that, and I see 11:01:38 17 that it was approved by V.W. Schroeder. 11:01:38 18 A. Yes. 11:01:42 19 Q. But at the far left, you see it says what 11:01:45 20 appears to be "Storage, Shipment & Retest Code," 11:01:47 21 and then it says something that looks like to me 11:01:51 22 "Requested By," and then it says "Sales." 11:01:52 23 Do you see that? 11:01:57 24 A. Oh. Sales requested that the -- that this 25 product be made for Square D.
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10:59:31 1 Q. Okay. 10:59:41 2 A. And the unit is one of the manufacturing 10:59:44 3 lines. 10:59:52 4 Q. Okay. And we look below that and we see, 10:59:54 5 under the section that says "General Remarks," it 10:59:57 6 says "W Product" and there's an "X" indicating that 10:59:59 7 that product has been selected. It appears that 11:00:01 8 part of that has been cut off. 11:00:02 9 Do you know what that says? 11:00:03 10 A. What's that? "W Product"? 11:00:05 11 Q. Yeah. It's this line right here -- 11:00:07 12 A. Oh, that's probably -- 11:00:09 13 Q. -- right under "General Remarks." 11:00:10 14 A. That's probably new product. 11:00:12 15 Q. New product. Okay. 11:00:15 16 Then it goes on and says, "Project No. 11:00:20 17 817-97-4-7401." What does that refer to, if you 11:00:21 18 know? 11:00:23 19 A. Oh, for a period of time, we had a system 11:00:30 20 where every project that we worked on had to have a 11:00:38 21 designation and a budget, and that's what it's 11:00:39 22 referring to. 11:00:41 23 MR. GALERSTON: Those on the phone, we have 11:00:44 24 somebody who has not muted their phone, and we can 25 hear you speaking to others and shuffling papers.	11:02:04 1 Q. Okay. So if I understand it correctly, 11:02:07 2 sales was requesting the new formulation. 11:02:07 3 A. Yes. 11:02:10 4 Q. And that now the formulation has been 11:02:12 5 derived, and now it's going to be sent out for 11:02:13 6 pricing. 11:02:13 7 A. Yes. 11:02:16 8 Q. Okay. And so the next step would be that 11:02:19 9 somebody in Manufacturing is going to price it; is 11:02:19 10 that correct? 11:02:19 11 A. Yes. 11:02:22 12 Q. So they'll price it, and then it will go 11:02:25 13 back to Sales, and Sales will pitch it to Square D? 11:02:28 14 A. Probably the way the system worked, usually 11:02:30 15 worked, they have to go back to the Marketing 11:02:34 16 manager, and the Marketing manager would make the 11:02:37 17 decision as to whether he wanted to proceed with it. 11:02:38 18 Q. Okay. 11:02:40 19 A. There probably would be discussions with 11:02:47 20 the Sales manager if there was a disagreement. 11:02:52 21 Q. Now, this is from March of '62, which would 11:02:54 22 have been the time that you were the group manager, 11:02:55 23 correct? 11:02:55 24 A. Yes. 25 Q. And looking at this document, does this

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11:03:02 1 appear to be a document that would have been created 11:03:06 2 by Union Carbide employees around 1962? 11:03:06 3 A. Yes. 11:03:07 4 Q. Do you have any reason to believe that 11:03:09 5 there's anything that would not have been recorded 11:03:12 6 here that would have been information that was being 11:03:14 7 recorded from the time that this document was 11:03:15 8 created? 11:03:15 9 MS. CLARK: Objection. 11:03:17 10 Can I get that back, please? 11:03:20 11 MR. GALERSTON: I tell you what. Let me 11:03:20 12 strike that. 11:03:21 13 Q. Let me ask you this. Sir, do you have any 11:03:23 14 reason to believe that this is not an authentic 11:03:24 15 Union Carbide document? 11:03:26 16 A. No. No. That looks authentic. 11:03:28 17 Q. Okay. Does this appear to be the type 11:03:32 18 of documents that are maintained in the Union 11:03:34 19 Carbide/Mayer Brown repository here in this 11:03:36 20 building? 11:03:43 21 A. It could be. I -- you know, you would have 11:03:44 22 to check the repository to be sure. 11:03:46 23 Q. But is this the type of material -- 11:03:46 24 A. Yes. 11:03:47 25 Q. -- just in general?	11:04:58 1 designation, correct? 11:04:59 2 A. No. 11:05:02 3 Q. Okay. You've had an opportunity to review 11:05:06 4 this document in its entirety, have you? 11:05:06 5 A. Now? 11:05:10 6 Q. Yes. 11:05:10 7 A. Yes. 11:05:10 8 Q. Now. 11:05:10 9 And before we get into it, let me ask you 11:05:11 10 this. Is there any -- does this document appear to 11:05:15 11 be an authentic Union Carbide document? 11:05:15 12 A. Yes. 11:05:17 13 Q. Do you have any reason to believe that any 11:05:18 14 of the information contained in this document would 11:05:21 15 not be accurate based upon the information that the 11:05:25 16 people had at the time that they made the document? 11:05:26 17 UNIDENTIFIED SPEAKER: Hello? 11:05:31 18 MR. GALERSTON: Hello? You're interrupting 11:05:37 19 a deposition. Do you have a question for us? 11:05:37 20 BY MR. GALERSTON: 11:05:38 21 Q. I'm sorry, sir. 11:05:39 22 A. That's okay. 11:05:40 23 Q. Do you have any reason to believe that this 11:05:43 24 document has any inaccuracies or any information in 11:05:47 25 it that's not correct?
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11:03:49 1 A. Yes. Yes. 11:03:51 2 Q. All right. I'm going to hand you now what 11:03:53 3 I've marked as Exhibit No. 7 to your deposition and 11:03:55 4 ask you to review that, and I'll ask you a few 11:04:21 5 questions about that. 11:04:22 6 A. Yes. 11:04:27 7 Q. Sir, prior to me just handing Exhibit No. 7 11:04:28 8 to you, do you recall having reviewed this document 11:04:30 9 previously? 11:04:30 10 A. Recently? 11:04:32 11 Q. Yes. 11:04:32 12 A. No. 11:04:35 13 Q. Okay. And I appreciate that, and the jury 11:04:37 14 hasn't had an opportunity to see the document yet, 11:04:39 15 but you say that because we see that this is a 11:04:41 16 document that you reviewed and approved previously, 11:04:42 17 correct? 11:04:42 18 A. Yes. 11:04:44 19 Q. Okay. Before we get to that, let me just 11:04:46 20 make sure that we have this properly identified on 11:04:47 21 the record. 11:04:50 22 In the lower right corner, it says 11:04:54 23 UCASB01876275, correct? 11:04:55 24 A. Yes. 11:04:57 25 Q. And, again, you're not familiar with that	11:05:46 1 A. I don't see any. 11:05:49 2 Q. Okay. The document that we're looking at 11:05:52 3 is a Product Formulation and Cost form, correct? 11:05:52 4 A. Yes. 11:05:59 5 Q. I guess it's a form number BA 386-18A. Is 11:06:00 6 that correct? 11:06:00 7 A. Yes. 11:06:01 8 Q. And this is for a product number 11:06:07 9 BMRS-6935 BK 25 DC, correct? 11:06:07 10 A. Right. 11:06:11 11 Q. Okay. This is for a resin; is that 11:06:12 12 correct? 11:06:14 13 A. Molding material. 11:06:16 14 Q. Because it's -- okay. Explain to me. I 11:06:18 15 get confused. That's right, the second letter is 11:06:20 16 the one that says whether or not it's molding or 11:06:22 17 resins. 11:06:22 18 A. Right. 11:06:24 19 Q. So this is B for Bakelite, M for molding. 11:06:26 20 R for what? 11:06:31 21 A. This is for injection molding process -- 11:06:31 22 Q. Okay. 11:06:34 23 A. -- which was a new process for making -- 11:06:35 24 for molding. 11:06:37 25 Q. Okay.

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11:06:40 1 A. It's more efficient. And the -- as I 11:06:48 2 recall, we used the R in the third place to 11:06:53 3 designate products that we were making for injection 11:06:53 4 molding. 11:06:54 5 Q. Okay. 11:06:58 6 A. It usually meant coarser granulation. 11:06:59 7 Q. All right. S, that tells us that this is 11:07:05 8 the -- there has been several iterations of this 11:07:07 9 formulation, correct? 11:07:10 10 A. Usually, that's what it means. This 11:07:14 11 appears to be an exception, because S means we did a 11:07:22 12 lot of -- a lot of changes. Again, it's vague. But 11:07:27 13 it could be a way of designating the injection 11:07:30 14 molding grade, which was new at the time. 11:07:32 15 Q. Okay. So the S may or may not relate to -- 11:07:33 16 A. Yes. 11:07:35 17 Q. -- what we've traditionally thought that 11:07:36 18 fourth letter meant. 11:07:36 19 A. Right. 11:07:39 20 Q. Okay. BK 25 is the color, correct? 11:07:39 21 A. Yes. 11:07:41 22 Q. What does the DC stand for? 11:07:43 23 A. Dust control. 11:07:46 24 Q. Okay. What does that mean to you? 11:07:46 25 A. Eliminating as many of the very fine	11:08:55 1 MR. GALERSTON: Okay. 11:08:56 2 THE WITNESS: And, therefore, you know, 11:09:01 3 along those lines, I think we probably made that 11:09:02 4 decision. 11:09:03 5 MR. GALERSTON: Okay. I'll object to the 11:09:07 6 nonresponsive nature of the answer. 11:09:10 7 Q. The date of this is November 8th, 1971, 11:09:10 8 correct? 11:09:12 9 A. Yes. 11:09:16 10 Q. This is Issue No. 1, and it doesn't 11:09:17 11 supercede anything, and I believe that's why you 11:09:20 12 believe that the S may not apply to previous 11:09:21 13 versions. 11:09:21 14 A. Yes. 11:09:28 15 Q. Product type 363-T25-P2967, what does that 11:09:30 16 mean, if anything? 11:09:31 17 A. I don't remember. 11:09:37 18 Q. Okay. Here, the grade is a two-step, but 11:09:43 19 it's a Low 2-2. What does that refer to? 11:09:50 20 A. It is not as fast curing as the 2-2 prime 11:09:50 21 resin. 11:09:56 22 The 2-2 designates -- the phenol group is 11:10:01 23 like a -- it's a hexagon. If you connect the 11:10:04 24 hexa -- the methyl group comes from the hexa -- at 11:10:04 25 the top part of the hexagon with the top part of the
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11:07:54 1 particles in the product that usually create dust. 11:07:57 2 Q. So in 1971, either Union Carbide or, here, 11:07:59 3 the customer Square D was concerned about the dust 11:08:00 4 that was created by this product? 11:08:01 5 MS. CLARK: Objection. 11:08:01 6 MR. KINSEY: Objection. 11:08:04 7 MS. CLARK: Foundation, beyond the scope. 11:08:06 8 MR. KINSEY: Calls for speculation. 11:08:14 9 THE WITNESS: I don't know who made the 11:08:17 10 decision to make it dust control, whether that was 11:08:19 11 ours or not. I think it was. 11:08:19 12 BY MR. GALERSTON: 11:08:21 13 Q. Okay. Somebody was concerned about the 11:08:23 14 dust in the handling of this product, correct? 11:08:23 15 A. Yes. 11:08:24 16 MS. CLARK: Same objections. 11:08:31 17 THE WITNESS: The dust particles are 11:08:33 18 important when you want to press the granulars 11:08:37 19 together and have them stick. So we would like to 11:08:41 20 eliminate all of the dust particles in that, but we 11:08:42 21 couldn't do it. 11:08:45 22 In the injection molding process you could 11:08:50 23 because you didn't press any -- make any preforms, 11:08:53 24 and you therefore could come up with cleaner 11:08:53 25 product.	11:10:13 1 other hexagon, you get a very fast resin. If you 11:10:15 2 connect it from that point to the bottom of the 11:10:18 3 hexagon, you get a slow-curing resin. 11:10:24 4 So that's the way of designating the two 11:10:25 5 different positions. 11:10:27 6 Q. Okay. Thank you, sir. 11:10:30 7 We see that the customer or manufacturing 11:10:37 8 processing method is for Square D, correct? 11:10:37 9 A. Yes. 11:10:37 10 Q. And then the form, this is a granular form, 11:10:39 11 which I think you were indicating for the injection 11:10:42 12 mold, you use a coarser sand; is that correct? 11:10:43 13 A. Yes. 11:10:45 14 Q. Okay. And then it says it differs from a 11:10:51 15 previous formulation which is BMMA6935 BK. It 11:10:53 16 states that this is different in that it is an 11:10:56 17 injection molding grade. Correct? 11:10:57 18 A. Correct. 11:11:04 19 Q. So BMMA-6935 is another Union Carbide 11:11:07 20 phenol molding compound that was sold for a very 11:11:13 21 similar use but was not of the same coarseness as 11:11:15 22 this one, correct? 11:11:18 23 A. Whether it was a similar use, I don't know. 11:11:24 24 It was not as coarse and was sold for a different 11:11:24 25 process, method of molding, and it probably went to

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11:11:34 1 other customers, as well. 11:11:40 2 Q. Okay. But I believe this is true. 11:11:45 3 BMMA-6935 BK 25 would have been the product that 11:11:48 4 Union Carbide was selling to Square D prior to the 11:11:50 5 development of this new form, correct? 11:11:50 6 MR. KINSEY: Calls for speculation. 11:11:53 7 MS. CLARK: Objection; assumes facts, 11:11:54 8 foundation. 11:11:56 9 THE WITNESS: That, I don't know, whether 11:12:00 10 they were the customer for the original product or 11:12:05 11 whether we decided that the modification was the 11:12:08 12 best fit for what they wanted to do. 11:12:12 13 BY MR. GALERSTON: 11:12:17 14 Q. Can you tell whether or not this was a 11:12:20 15 change in the product that was requested by 11:12:21 16 Square D? 11:12:28 17 MS. CLARK: Same objections. 11:12:29 18 THE WITNESS: From this, I can't tell. 11:12:30 19 BY MR. GALERSTON: 11:12:35 20 Q. Okay. If we look below, it says, "Two Step 11:12:37 21 Heat Resistant Material (Utility)," correct? 11:12:38 22 A. Yes. 11:12:41 23 Q. Is that your understanding, is that this 11:12:43 24 material would be something that could be used by 11:12:47 25 companies such as Square D in manufacturing	11:14:02 1 A. For the initial run, yes. 11:14:03 2 Q. Okay. 11:14:05 3 A. That's small for what the Manufacturing 11:14:08 4 Department wants, though. 11:14:09 5 Q. So this would be a test batch? 11:14:09 6 A. Yes. 11:14:15 7 Q. Okay. We then see, similar to Exhibit 11:14:17 8 No. 6, the material numeric codes and description 11:14:19 9 and the quantities, correct? 11:14:19 10 A. Yes. 11:14:27 11 Q. The first one is CAP. I take it this is a 11:14:29 12 form of the resin. Is that correct? 11:14:29 13 A. Yes. 11:14:33 14 Q. Okay. And then it's reacted with hexa? 11:14:33 15 A. Yes. 11:14:36 16 Q. And then the fillers are lime, nigrosine, 11:14:36 17 and -- 11:14:40 18 A. Lime is an accelerator. 11:14:42 19 Q. Oh, it's an accelerator. Thank you. 11:14:43 20 What about the nigrosine; is that an 11:14:45 21 accelerator or -- 11:14:47 22 A. No. Nigrosine is a tolerant. 11:14:50 23 Q. Okay. Then you have your fillers: asbestos 11:14:53 24 floats, coal, and pulp flock. 11:14:57 25 A. Right.
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11:12:49 1 component parts that would have some heat resistance 11:12:53 2 in its use in the utilities industry? 11:12:55 3 MS. CLARK: Objection; overly broad, 11:12:57 4 ambiguous. 11:13:00 5 THE WITNESS: Utility I think meant 11:13:01 6 multipurpose -- 11:13:02 7 MR. GALERSTON: Okay. 11:13:04 8 THE WITNESS: -- not specific to any 11:13:06 9 particular application. 11:13:06 10 MR. GALERSTON: All right. 11:13:08 11 THE VIDEOGRAPHER: Sir, can you just raise 11:13:11 12 your microphone up to this, right up in here? 11:13:13 13 THE WITNESS: Move it up? 11:13:24 14 (Discussion off the record.) 11:13:25 15 BY MR. GALERSTON: 11:13:30 16 Q. Okay, sir. Now that we've got -- 11:13:33 17 Mr. D'Andrea has interjected his coordination here, 11:13:38 18 the "Equipment Prescribed: UNITC," what does that 11:13:41 19 mean? 11:13:43 20 A. I don't remember. 11:13:47 21 Q. Okay. "Batch Size: 4,000 pounds," that 11:13:51 22 means when you make this -- take this formulation 11:13:53 23 and you're going to make a batch of it at Union 11:13:56 24 Carbide, it's going to weigh 4,000 pounds when 11:13:58 25 you're done, right?	11:14:55 1 Q. What is pulp flock? 11:15:03 2 A. It's a fibrous cellulosic material that 11:15:05 3 imparted some impact strength. 11:15:08 4 Q. Okay. What does it come from? 11:15:12 5 A. It -- I think paper, along the fiber -- a 11:15:17 6 wood pulp, because we also had cotton flock. So 11:15:18 7 pulp implies paper. 11:15:21 8 Q. The asbestos floats, the product code is 11:15:26 9 RM-18Q, similar to what we saw in Exhibit 6, 11:15:26 10 correct? 11:15:28 11 A. Would you repeat that again? 11:15:31 12 Q. The asbestos floats are product code 11:15:33 13 RM-18Q, which is the same as we saw in Exhibit 6, 11:15:34 14 correct? 11:15:37 15 A. Yes. Yes. Well, this is 18Q. The other 11:15:38 16 one is 18B. 11:15:41 17 Q. I stand corrected. Okay. What's the 11:15:43 18 difference; do you know? 11:15:47 19 A. Either -- well, this is floats. That was 11:15:47 20 probably a little more fibers. These are shorter. 11:15:52 21 Q. Okay. 11:15:58 22 A. And the 18Q would designate that and who 11:16:01 23 supplied that floats -- those floats. 11:16:03 24 Q. And looking at this, you can't determine 11:16:08 25 whether or not it was Carey Canadian or some other

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11:16:07 1 supplier? 11:16:07 2 A. No. 11:16:14 3 Q. Okay. And for this product, BMRS-6935, it 11:16:17 4 was 26.6 percent asbestos, correct? 11:16:17 5 A. Yes. 11:16:22 6 Q. And that's in comparison to BMGB-5105, 11:16:24 7 which was 40 percent asbestos. 11:16:25 8 A. Right. 11:16:30 9 Q. Okay. Then it says externally, you have 11:16:34 10 carnauba wax and dibutyl -- 11:16:35 11 A. Phthalate. 11:16:41 12 Q. -- phthalate. What does that mean? What 11:16:44 13 is being supplied externally to these granules? 11:16:46 14 A. The first one is a wax, and that's to help 11:16:51 15 the granules slide over each other easier. 11:16:53 16 In an injection machine, you feed from a 11:16:57 17 hopper down to a narrow opening over a screw, so 11:17:00 18 you have to have those -- the granules flow 11:17:03 19 continuously. Otherwise, you don't get material 11:17:06 20 fed through the mold. 11:17:12 21 The dibutyl phthalate is an anastatic 11:17:13 22 agent. 11:17:16 23 Q. Okay. So this is -- you would run your -- 11:17:18 24 you would run your batch based upon the first 11:17:25 25 portion, and then, after you had it, you would then	11:18:17 1 A. Well, at that time, that was the number 11:18:21 2 given to our Development Department. 11:18:24 3 Q. Okay. Then we look over and we see that 11:18:29 4 this was -- the originator of this formulation -- 11:18:35 5 Is this a request, or is this a run sheet? 11:18:35 6 A. The person? 11:18:38 7 Q. No. This is a -- you know, the previous 11:18:41 8 one we looked at, there was a pricing guide, 11:18:42 9 correct? 11:18:42 10 A. Yes. 11:18:42 11 Q. Exhibit 6. 11:18:43 12 A. Yes. 11:18:45 13 Q. That was a request for pricing on that. 11:18:46 14 Now, this appears to be something 11:18:52 15 different. Mr. Olivo is the originator, correct? 11:18:52 16 A. Yes. 11:18:55 17 Q. And Mr. Olivo, what department was he in? 11:18:56 18 A. He was -- he worked for me. 11:19:01 19 Q. Okay. So why is Mr. Olivo taking this step 11:19:02 20 at this point in time? 11:19:05 21 MS. CLARK: Objection; foundation. 11:19:08 22 THE WITNESS: He was assigned the job of 11:19:11 23 coming up with a product that was suitable. 11:19:11 24 BY MR. GALERSTON: 11:19:25 25 Q. And who is he communicating to with this?
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11:17:23 1 treat it with this to prevent it from creating 11:17:25 2 static and to allow it to flow smoothly through the 11:17:26 3 injection machine. 11:17:29 4 A. Yes. It would be -- it would be 11:17:33 5 granulated, and then these additives would be put 11:17:34 6 in. 11:17:36 7 Q. Okay. Then we look below, and we see a 11:17:38 8 product description with something regarding its 11:17:41 9 specific gravity, and this says there's no gaseous 11:17:44 10 or liquid components. This is a hundred percent 11:17:47 11 solid. Correct? 11:17:49 12 A. I'm sorry. I missed that. 11:17:50 13 Q. Well, we're looking under the "Product 11:17:52 14 Description," and we see it says, "Solids: 100%." 11:17:53 15 A. Yes. 11:17:55 16 Q. That implies that there's no liquids or no 11:18:00 17 gaseous components to this product, correct? 11:18:03 18 A. I don't get the liquid part. Where do 11:18:03 19 you -- 11:18:05 20 Q. There are no liquids, correct? 11:18:06 21 A. No. No. 11:18:09 22 Q. Right. That's it. There wasn't any trick 11:18:09 23 there. 11:18:12 24 "Responsible Department: 819" for 11:18:25 25 development, what does that mean?	11:19:16 1 Is this to Manufacturing for them to go ahead and 11:19:17 2 run this? 11:19:20 3 A. This is sent to Manufacturing, and they 11:19:25 4 have to agree to do it. You know, they'll look this 11:19:27 5 over and determine whether it's going to create any 11:19:31 6 problems in doing -- in running this product. 11:19:34 7 Q. Okay. Do you have a recollection whether 11:19:42 8 or not BMRS-6935 was actually put into production? 11:19:45 9 A. I would have to check the records. 11:19:48 10 Q. Do you recall Union Carbide creating and 11:19:52 11 marketing an injectable granular form? 11:19:54 12 A. Yes. That was one of our goals. 11:19:58 13 Q. Okay. So whether or not this specific 11:20:00 14 product went into production, you did create a 11:20:01 15 product -- 11:20:01 16 A. Yes. 11:20:02 17 Q. -- to go into production? 11:20:03 18 A. Yes. 11:20:05 19 Q. And we see that this is approved by you, 11:20:05 20 correct? 11:20:06 21 A. Yes. 11:20:09 22 Q. So Mr. Olivo prepared this, you approved 11:20:11 23 it, and it was sent to Manufacturing, correct? 11:20:12 24 A. Yes. 11:20:25 25 Q. And we see that the distribution list

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11:20:17 1 included you and Mr. Olivo, as well as Baker and
 11:20:20 2 Thomas in R&D, correct?
 11:20:21 3 A. Yes.
 11:20:23 4 Q. Would they have been in a position to kill
 11:20:25 5 this project at this point in time, Mr. Thomas or
 11:20:29 6 Mr. Baker?
 11:20:35 7 A. Baker was high up in the R&D organization.
 11:20:39 8 I don't recall whether he was the director at that
 11:20:47 9 time or not. Phil Thomas was an associate director.
 11:20:49 10 Q. Okay. Could they have killed this project
 11:20:52 11 based upon their review of this if they wanted to?
 11:20:52 12 A. They could, yes.
 11:20:54 13 Q. Do you have any reason to believe that they
 11:20:54 14 did?
 11:20:55 15 A. No, they didn't.
 11:20:58 16 Q. Okay. Looking over in the Manufacturing
 11:21:01 17 distribution list, we see Barbieri, Churchill,
 11:21:04 18 Grover, LePage, Matthews, Mazzucchelli, Stringer,
 11:21:07 19 and Thomas -- Thompson, correct?
 11:21:11 20 A. Yes.
 11:21:14 21 Q. Would it be necessary to get agreement and
 11:21:16 22 approval of all of these people in order to run this
 11:21:17 23 batch?
 11:21:23 24 A. No. The people who would be most involved
 11:21:25 25 would be Thompson, who was the department head. He

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11:21:29 1 could raise objections.
 11:21:34 2 Q. Okay.
 11:21:40 3 A. I don't recall -- Mazzucchelli was on the
 11:21:47 4 operations team. He could raise objections.
 11:21:53 5 And George Stringer was head of the QC lab,
 11:21:57 6 and he could raise some objections from any problems
 11:21:59 7 it would create for him.
 11:22:06 8 Q. Okay. Do you know if any attempt has been
 11:22:09 9 made by Union Carbide or its counsel to find
 11:22:14 10 documents relating to these materials that are
 11:22:17 11 discussed here in Exhibit 7 that were sold or
 11:22:19 12 possibly sold to Square D?
 11:22:20 13 A. Documents with regard to this?
 11:22:22 14 Q. Correct.
 11:22:27 15 A. I'm not aware of anything that's been done.
 11:22:29 16 Q. Okay. To the best --
 11:22:31 17 MS. CLARK: I would just like to state we
 11:22:33 18 made a search of the repository in accordance with
 11:22:35 19 the objections and the products that are at issue in
 11:22:38 20 this case, which are arc chutes and arc shields,
 11:22:44 21 which these documents don't reference.
 11:22:45 22 BY MR. GALERSTON:
 11:22:48 23 Q. Sir, do you know whether or not product
 11:22:52 24 BMRS-6935 could have been used by Square D to make
 11:22:55 25 arc chutes or arc shields?

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11:22:58 1 MR. KINSEY: Calls for speculation.
 11:22:59 2 THE WITNESS: I would not recommend this
 11:23:03 3 for arc chutes or arc shields. It doesn't have good
 11:23:04 4 enough arc resistance.
 11:23:05 5 BY MR. GALERSTON:
 11:23:09 6 Q. Did anybody ask you whether or not
 11:23:13 7 BMRS-6935 could be used by Square D to manufacture
 11:23:16 8 arc chutes or arc shields?
 11:23:20 9 A. No.
 11:23:24 10 Q. Let me ask you this. What about BMGB-5105;
 11:23:28 11 could that have been used to create arc chutes or
 11:23:29 12 arc shields?
 11:23:32 13 A. Again, I would not recommend it at all.
 11:23:38 14 It's -- it wouldn't have good arc resistance, or
 11:23:43 15 good enough arc resistance.
 11:23:45 16 Q. I'm now going to hand you what I've marked
 11:23:47 17 as Exhibit No. 8 to your deposition and ask you to
 11:23:49 18 review that, and let me know when you're completed,
 11:24:17 19 and I'll ask you some questions.
 11:24:20 20 A. Okay.
 11:24:26 21 Q. Again, does this appear to be a document --
 11:24:29 22 a Union Carbide document?
 11:24:30 23 A. Yes.
 11:24:32 24 Q. And in looking at it, does it appear to be
 11:24:35 25 the type of document that would have been created

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11:24:37 1 during the time that you were the group manager for
 11:24:42 2 the phenolic resins and moldings division?
 11:24:44 3 A. Yes.
 11:24:49 4 Q. This document has a designation of
 11:24:52 5 UCASB00924626. Do you see that, sir?
 11:24:52 6 A. Yes.
 11:24:54 7 Q. And, again, you're not familiar with that
 11:24:55 8 designation, correct?
 11:24:56 9 A. No.
 11:24:58 10 Q. This document appears to be on a form of
 11:25:04 11 letterhead, does it not?
 11:25:07 12 A. Yes. But it really isn't a letter.
 11:25:14 13 Q. No.
 11:25:17 14 A. There appears to be some special
 11:25:22 15 requirements associated with these products,
 11:25:26 16 probably with regard to testing or, you know,
 11:25:31 17 something in -- that's not the routine.
 11:25:31 18 Q. Okay.
 11:25:35 19 A. I can't tell what that is. But this is a
 11:25:42 20 recording that there are some revisions, special
 11:25:43 21 requirements for these products.
 11:25:45 22 Q. All right. Very good. Well, let's break
 11:25:47 23 this down a little bit piece by piece.
 11:25:50 24 The top of the document is where we see
 11:25:55 25 "Union Carbide Corporation, Chemicals and Plastics,

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11:25:55 1 Bound Brook, New Jersey," correct?
 11:25:55 2 A. Yes.
 11:25:57 3 Q. And that would have been, if I -- when I
 11:25:59 4 say it's a letterhead, this appears that it's
 11:26:01 5 probably preprinted on the page before it was typed
 11:26:03 6 up, correct?
 11:26:04 7 A. Would you repeat that, please?
 11:26:07 8 Q. When I say that this appears to be a
 11:26:09 9 letterhead, this information would have been
 11:26:12 10 probably on the piece of paper and printed before
 11:26:14 11 somebody then typed the remainder of the information
 11:26:15 12 on this page, correct?
 11:26:15 13 A. Yes. Yes.
 11:26:17 14 Q. Okay. We see that this document is dated
 11:26:19 15 December 15th, 1972, correct?
 11:26:19 16 A. Yes.
 11:26:22 17 Q. All right. The re line --
 11:26:24 18 This is not addressed to anybody, so we
 11:26:26 19 don't think it's a letter, right?
 11:26:26 20 A. Yes.
 11:26:28 21 Q. This is something that somebody is typing
 11:26:30 22 up and going to keep with some other material, and
 11:26:32 23 this is for some form of explanation of what they're
 11:26:35 24 doing, I assume. Right?
 11:26:35 25 A. Yes. This is Gunst. I think he was

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11:26:41 1 associated with Manufacturing. So it looks to me
 11:26:43 2 like a Manufacturing document.
 11:26:46 3 Q. All right. Well, the re line says,
 11:26:48 4 "Special Requirements, Phenolic Molding Materials
 11:26:49 5 Handbook," correct?
 11:26:50 6 A. Yes.
 11:26:52 7 Q. Are you familiar with a Phenolics Molding
 11:26:55 8 Materials Handbook?
 11:27:00 9 A. I was at the time. I don't recall, you
 11:27:02 10 know, anything about it now.
 11:27:06 11 Q. Okay. Was this a handbook that Union
 11:27:09 12 Carbide prepared and distributed to its customers?
 11:27:09 13 A. No.
 11:27:11 14 Q. What was this handbook?
 11:27:15 15 A. As I recall, it was an internal -- it's for
 11:27:23 16 internal use, recording, you know, so if there were
 11:27:27 17 any special requirements in testing or in handling
 11:27:29 18 this product, that the people who made the product
 11:27:34 19 would be aware of, and it would give more detail as
 11:27:36 20 to what they had to do about it --
 11:27:36 21 Q. Okay.
 11:27:38 22 A. -- special testing and so forth.
 11:27:40 23 Q. Was this a handbook that would have been
 11:27:47 24 broken down by customers or by products, or how?
 11:27:47 25 A. Probably products.

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11:27:51 1 Q. Okay. Well, this one --
 11:27:52 2 A. Well, that's the way it is here, products
 11:27:54 3 and then customer.
 11:27:57 4 Q. So we see it says "Revision and Additions,"
 11:28:02 5 and then it has a section for adding and a section
 11:28:02 6 for removing, correct?
 11:28:02 7 A. Yes.
 11:28:05 8 Q. Under the adding, we see that there's a
 11:28:11 9 product BMMA-6935 BK25 GR12, correct?
 11:28:12 10 A. Yes.
 11:28:14 11 Q. Okay. First off, is that a product that
 11:28:21 12 you are familiar with off the top of your head?
 11:28:23 13 A. Well, it's -- I'm familiar with it from
 11:28:28 14 what I see on this sheet, yes.
 11:28:31 15 What I'm trying to determine here is does
 11:28:35 16 this removal mean removal of -- that the products
 11:28:39 17 were obsoleted.
 11:28:41 18 Q. Okay.
 11:28:44 19 A. It appears, you know, remove --
 11:28:47 20 Q. Well, it's under the section for adding, is
 11:28:52 21 it not?
 11:28:56 22 A. Well, there's also something under
 11:28:56 23 "Remove."
 11:28:59 24 Q. Right. There's a section for removal, as
 11:28:59 25 well.

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11:29:00 1 A. Yes.
 11:29:01 2 Q. Okay. And so we see there we have this
 11:29:05 3 one product, and I believe you said you have some
 11:29:07 4 information with regard to it because it's
 11:29:09 5 referenced on Exhibit 7, correct?
 11:29:09 6 A. Yes.
 11:29:16 7 Q. So we know that this was -- that BMRS-6935
 11:29:27 8 is a revision to BMMA-6935, correct?
 11:29:29 9 A. They're both the same number.
 11:29:39 10 Oh, wait a minute. There's a Black 2 and a
 11:29:43 11 Black 25. That implies that they're two different
 11:29:44 12 tolerances. Otherwise, those two products are
 11:29:46 13 exactly the same.
 11:29:49 14 Q. Okay. Well, let me just break it down line
 11:29:52 15 by line. Let's kind of go down. But for now, I'm
 11:29:54 16 going to separate the "Add" column from the "Remove"
 11:29:55 17 column. Okay?
 11:29:55 18 A. Okay.
 11:29:57 19 Q. So just looking at that first product under
 11:30:03 20 the "Add" column, BMMA-6935, BK25 GR12 --
 11:30:03 21 A. Right.
 11:30:03 22 Q. -- Serial No. W266-72, Customer Square D
 11:30:08 23 Company --
 11:30:09 24 Correct?
 11:30:09 25 A. Right.

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11:30:16 1 Q. -- in looking at this, can you tell whether 11:30:22 2 or not Union Carbide sold BMMA-6935 BK25 GR12 to 11:30:25 3 Square D Company? 11:30:27 4 A. This document alone would not tell me that. 11:30:29 5 Q. Okay. The fact that it has a serial number 11:30:35 6 W266-72, does that indicate this was a product that 11:30:40 7 was actually manufactured by Union Carbide? 11:30:43 8 A. The serial number doesn't, to me, doesn't 11:30:44 9 indicate that. 11:30:45 10 Q. Okay. 11:30:48 11 A. It -- 11:30:51 12 Q. In looking at Exhibits 6 and 7, we didn't 11:30:54 13 see any references to serial numbers, did we? 11:30:55 14 A. No. 11:30:57 15 Q. Okay. When did a product receive a serial 11:30:58 16 number? 11:31:04 17 A. I don't know. 11:31:06 18 Q. Do products that aren't manufactured and 11:31:09 19 sold by Union Carbide frequently receive serial 11:31:10 20 numbers? 11:31:14 21 A. I don't know. 11:31:16 22 Q. What department was responsible for 11:31:24 23 assigning serial numbers? 11:31:29 24 A. Gunst was not part of Research & 11:31:30 25 Development. The location is a Research &	11:32:46 1 product since it has a different serial number? 11:32:49 2 A. My experience has been that the composition 11:32:56 3 is defined by the designation of the product itself. 11:33:00 4 The serial number would not imply -- I've never seen 11:33:04 5 a serial number used to differentiate between one 11:33:06 6 product and another. 11:33:09 7 Q. Is it possible that the serial number 11:33:11 8 describes batch runs? 11:33:17 9 A. No. No. That -- the batch -- we had 11:33:21 10 numbers for batch runs, and that -- those are not 11:33:21 11 batch numbers. 11:33:25 12 Q. Okay. Now, for this one, if we look across 11:33:26 13 under the "Remove" column -- 11:33:28 14 The first one, there was no information 11:33:30 15 under the "Remove," correct? 11:33:30 16 A. Yes. 11:33:36 17 Q. Under this one, BMMA-6935 BK25 GR12, 11:33:44 18 Serial No. W267-72, we see removal of W220-72 dated 11:33:47 19 9/15/72, correct? 11:33:47 20 A. That's right. 11:33:53 21 Q. Okay. So we see removal of a serial number 11:33:55 22 that is different from the four serial numbers that 11:34:01 23 we see under the addition lines, correct? 11:34:01 24 A. That's right. 11:34:01 25 Q. Looking at that information with regards to
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11:31:37 1 Development building, though. So I'm not certain 11:31:41 2 from this document who he was reporting to. 11:31:43 3 Q. Okay. Let me ask you this. On December 11:31:46 4 15th, 1972, you were still group manager of phenolic 11:31:47 5 resins and materials, correct? 11:31:48 6 A. Yes. Yes. 11:31:51 7 Q. Or moldings. Excuse me. 11:31:54 8 H.C. Gunst, if I understand it, did not 11:31:56 9 report to you because he wasn't in R&D. 11:31:57 10 A. That's right. 11:31:59 11 Q. He was in Manufacturing. 11:32:00 12 A. I'm assuming that's where he was because he 11:32:00 13 wasn't in R&D. 11:32:01 14 Q. Okay. 11:32:04 15 A. Why he was located in the R&D building, I 11:32:06 16 don't understand. 11:32:11 17 Q. Okay. Let's go to the next product, 11:32:19 18 BMMA-6935 BK25 GR12, Serial No. W267-72, Customer 11:32:20 19 Square D Company. 11:32:25 20 Did I read that correctly? 11:32:25 21 A. What was that comment? 11:32:27 22 Q. Did I read that correctly? 11:32:28 23 A. Yes. 11:32:32 24 Q. Okay. This product -- is it fair to say 11:32:33 25 that this second product is different from the first	11:34:07 1 that serial number, does that provide you with any 11:34:09 2 idea what the serial number refers to? 11:34:12 3 MS. CLARK: Objection; asked and answered. 11:34:14 4 THE WITNESS: Well, I'm completely 11:34:18 5 unfamiliar with what the serial numbers are used 11:34:19 6 for. 11:34:20 7 BY MR. GALERSTON: 11:34:23 8 Q. Okay. Now, the first two products that we 11:34:26 9 saw under the "Add" section had the exact same 11:34:32 10 product designations with a differentiation of the 11:34:34 11 serial number by one, correct? 11:34:34 12 A. Yes. 11:34:40 13 Q. The third product is BMRS-6935 BK25 GR18, 11:34:45 14 serial code W268-72, for Square D Company, correct? 11:34:46 15 A. Yes. 11:34:55 16 Q. Okay. This appears to be a molding 11:34:56 17 compound again, correct? 11:34:56 18 A. Yes. 11:35:09 19 Q. And the designation of the R here indicates 11:35:10 20 what? 11:35:11 21 A. Injection molding. 11:35:18 22 Q. Okay. I don't know if I asked you what the 11:35:22 23 GR stands for. Each one of these four products have 11:35:24 24 a GR designation at the end. What does that stand 11:35:24 25 for?

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11:35:29 1 A. That's a measure of the fluidity of the 11:35:29 2 product. 11:35:30 3 Q. Okay. 11:35:36 4 A. The higher the number, the easier the 11:35:37 5 material will flow. 11:35:39 6 Q. Well, these are all granular, correct? 11:35:39 7 A. Yes. 11:35:41 8 Q. So this is talking about, again, for the 11:35:44 9 injection molding process, you need it to be more 11:35:45 10 fluid than you would otherwise? 11:35:46 11 A. Yes. 11:35:46 12 Q. Okay. 11:35:50 13 A. And it depends on the part, too. If it's a 11:35:54 14 thin part, you need more fluidity than a thick part. 11:35:57 15 Q. The fact that these are all products 6935, 11:36:00 16 does that tend to indicate that they are of the same 11:36:03 17 composition? 11:36:13 18 A. They're in the same classification. If 11:36:16 19 the -- it doesn't mean that the resin content is the 11:36:16 20 same. 11:36:18 21 Q. Okay. 11:36:20 22 A. In order to get the more fluidity, you have 11:36:21 23 to put in more resin. 11:36:23 24 Q. Well, I was going to ask you about that. 11:36:25 25 What about the external treatment? Would that	11:37:41 1 the rest of the handbook? 11:37:43 2 MS. CLARK: Objection; foundation, calls for 11:37:43 3 speculation. 11:37:45 4 THE WITNESS: I don't know. You know, this 11:37:48 5 is all new to me. I've never seen this document 11:37:48 6 before. 11:37:49 7 BY MR. GALERSTON: 11:37:51 8 Q. Okay. And based upon what you're saying, I 11:37:53 9 assume that you have not seen similar documents. 11:37:55 10 A. Yes. 11:37:56 11 Q. You are familiar with molding material 11:38:02 12 handbooks in general, correct? 11:38:06 13 A. Again, this particular one I don't recall 11:38:12 14 seeing. I mean, I -- I'm completely confused about 11:38:16 15 this. You would have to search the files to see if 11:38:21 16 there's even a copy that's available. 11:38:24 17 Q. If those documents were in existence, would 11:38:25 18 they be in the repository? 11:38:29 19 A. Yes. 11:38:32 20 MS. CLARK: I'm sorry. Can I get that last 11:38:41 21 question and answer back. 11:38:41 22 (The record was read as follows: 11:38:41 23 "Question: If those documents were 11:38:41 24 in existence, would they be in the 11:38:41 25 repository?
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11:36:28 1 also be part of the reason why you have a GR18 11:36:31 2 designation for a product, and then you may have 11:36:38 3 the same product without the external treatment? 11:36:40 4 A. And that would be with regard to what? 11:36:40 5 To -- 11:36:46 6 Q. GR18, the two GR18s versus the two GR12s. 11:36:48 7 A. No. No. The external addition has nothing 11:36:53 8 to do with that grade number. It was -- that was 11:36:56 9 measured on the product, and there was a technique 11:37:01 10 that would measure how far or how easily the 11:37:06 11 material would flow. It could affect the number, 11:37:09 12 but you would compensate so it would be within the 11:37:12 13 right range. 11:37:17 14 Q. Okay. H.C. Gunst was the author of this 11:37:19 15 document, so it appears. Correct? 11:37:19 16 A. Yes. 11:37:22 17 Q. And we see his initials over here under the 11:37:25 18 typing, and then I assume that a secretarial person, 11:37:29 19 NMP, was responsible for the typing. Is that what 11:37:29 20 that means? 11:37:31 21 A. Yes. 11:37:32 22 Q. Okay. And then it says there was an 11:37:33 23 attachment, correct? 11:37:35 24 A. Yes. 11:37:35 25 Q. Do you think the attachment would have been	11:38:52 1 "Answer: Yes.") 11:38:52 2 BY MR. GALERSTON: 11:38:55 3 Q. Sir, I'm going to hand you -- I'm 11:38:55 4 intentionally skipping Exhibit No. 9 now. 11:38:57 5 A. Okay. 11:38:59 6 Q. I'm going to go ahead and hand you what has 11:39:02 7 been previously marked as Exhibit No. 10 and ask you 11:39:04 8 if you're familiar with Exhibit 10. 11:39:05 9 A. Yes. 11:39:07 10 Q. Okay. How is it that you're familiar with 11:39:13 11 Exhibit No. 10? 11:39:17 12 A. It's the result of my Internet search 11:39:23 13 trying to understand better what an arc chute was. 11:39:27 14 Q. Exhibit 10 is a Data Bulletin for Arc Chute 11:39:29 15 Filter Technology, correct? 11:39:29 16 A. Yes. 11:39:32 17 Q. This is information that you obtained on 11:39:34 18 your own; is that correct? 11:39:35 19 A. Yes. 11:39:36 20 Q. Is it information that you reviewed and 11:39:42 21 relied upon in giving your testimony today? 11:39:46 22 A. It helped me understand what I was dealing 11:39:48 23 with, yes. 11:39:51 24 Q. Had you reviewed any Arc Chute Filter 11:39:51 25 Technology bulletins prior to reviewing this one?

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11:39:53 1 A. No. 11:40:03 2 Q. I'm going to hand you what has been marked 11:40:11 3 as Exhibit 11 to your deposition, and are you 11:40:13 4 familiar with Exhibit 11? 11:40:16 5 A. Yes. 11:40:16 6 Q. Okay. How is it that you're familiar with 11:40:19 7 Exhibit 11? 11:40:22 8 A. It's a military specification for molding 11:40:23 9 material. 11:40:25 10 Q. When did you become familiar with Exhibit 11:40:28 11 No. 11? 11:40:32 12 A. This particular one -- I mean, I'm familiar 11:40:36 13 with the military M-14 specification. This 11:40:39 14 particular exhibit, I saw it yesterday. 11:40:41 15 Q. Okay. Prior to yesterday, when is the last 11:40:43 16 time you looked at a military specification for 11:40:57 17 molding plastics and plastic parts? 11:41:02 18 A. Oh, it was during -- prior to one of my 11:41:05 19 previous depositions, but I don't recall which one. 11:41:07 20 It was probably several years. 11:41:07 21 Q. All right. Fair enough. 11:41:10 22 When did you first become familiar with the 11:41:12 23 military specification for molding plastics and 11:41:16 24 molded plastic parts? 11:41:25 25 A. For phenolic compounds, when I -- we had	11:43:13 1 categories and submit evidence, you know, testing, 11:43:15 2 to show that -- provide the test data that shows 11:43:22 3 that you do, to the government. And this -- these 11:43:28 4 are all of the type of products that the military 11:43:35 5 specifies that can be used for their military 11:43:36 6 specifications. 11:43:38 7 Now, there also would be a military 11:43:43 8 specification for the finished part which would 11:43:48 9 state what type of product should be used in that 11:43:57 10 part. For example, they say they used type CFI-10, 11:44:02 11 and then only that type of material could be used. 11:44:08 12 Q. Okay. In 1960, did Union Carbide 11:44:15 13 manufacture, sell, and distribute phenolic 11:44:18 14 materials, resin and molding, that would meet the 11:44:21 15 requirements under phenolic resins of Exhibit 11? 11:44:24 16 MS. CLARK: Objection; foundation, overly 11:44:27 17 broad, so outside the scope of the notice and 11:44:31 18 overbroad as to time frame. 11:44:33 19 THE WITNESS: We met -- we made a number 11:44:43 20 of these different phenolic compounds that would 11:44:48 21 probably meet some of these classifications. We did 11:44:51 22 not make any of the melamine compounds. We did not 11:44:52 23 make melamine. 11:44:52 24 BY MR. GALERSTON: 11:44:52 25 Q. Okay. Well, since I'm interested in
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11:41:29 1 responsibility for the molding material group. 11:41:32 2 Q. Prior to 1960, did you have any familiarity 11:41:38 3 with Exhibit 11 or its predecessor? 11:41:41 4 A. Prior to 1960, there was no need for me to 11:41:47 5 have. It existed, but I had no reason to refer to 11:41:48 6 it. 11:41:50 7 Q. Okay. So prior to 1960, you had no reason; 11:41:52 8 therefore, you didn't have familiarity with it. 11:41:53 9 Correct? 11:41:57 10 A. Well, 1960? That's when I started in the 11:42:00 11 area, so sometime after that, I would have gotten 11:42:09 12 involved in it. 11:42:11 13 Q. What is the significance, if any, of 11:42:14 14 Exhibit 11 and the testimony that you're giving with 11:42:18 15 regards to Donny Eubanks? 11:42:25 16 A. This -- in order for a product to be used 11:42:34 17 for a military application, it has to meet the 11:42:38 18 specifications of one of these categories, and for 11:42:42 19 Square D to use it for the military application, 11:42:50 20 that specific product has to be on the Qualified 11:42:50 21 Product List. 11:42:52 22 Q. Okay. 11:42:55 23 A. This -- and if you want to be on the 11:42:57 24 product qualified list, you have to take your 11:42:57 25 product and determine if it fits one of these	11:44:57 1 asbestos-containing products particularly -- 11:44:57 2 A. Yes. 11:45:00 3 Q. -- let's look at type MFG. 11:45:05 4 Did Union Carbide in the Bakelite division 11:45:09 5 manufacture, sell, and distribute a phenolic resin 11:45:12 6 material that had an asbestos filler for general 11:45:14 7 purpose and was heat resistant? 11:45:18 8 MS. CLARK: Objection; overly broad, vague. 11:45:22 9 THE WITNESS: They did sell asbestos 11:45:28 10 materials. Whether they would have been qualified 11:45:37 11 under this MFG or MFH or MFI-10 category, I would 11:45:45 12 have to determine whether we actually measured the 11:45:49 13 properties and -- versus what's required. 11:45:57 14 BY MR. GALERSTON: 11:45:58 15 Q. Did you -- 11:45:59 16 A. Just because they have asbestos filler 11:46:01 17 doesn't mean they meet the requirement. You have to 11:46:05 18 run the test to determine that. 11:46:07 19 Q. Do you know of your own personal knowledge 11:46:14 20 whether or not Union Carbide sold an asbestos- 11:46:20 21 containing phenolic molding product that would have 11:46:22 22 met the requirements of type MFG under MIL-M-14F? 11:46:30 23 MS. CLARK: Objection; overly broad, vague, 11:46:32 24 asked and answered. 11:46:32 25 THE WITNESS: Without referring to the

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11:46:34 1 records, I can't answer that. 11:46:35 2 BY MR. GALERSTON: 11:46:39 3 Q. Okay. Likewise, type MFH; do you know 11:46:42 4 whether or not Union Carbide's Bakelite division 11:46:47 5 sold and distributed a product that would have been 11:46:53 6 used by companies such as Square D, Cutler-Hammer, 11:46:56 7 and Allen-Bradley that would have met the 11:46:58 8 requirements of MFH? 11:47:00 9 MR. KINSEY: Objection; assumes facts not in 11:47:00 10 evidence. 11:47:03 11 MS. CLARK: Objection; overly broad, vague. 11:47:04 12 THE WITNESS: Again, I would have to refer 11:47:05 13 to the records. 11:47:05 14 BY MR. GALERSTON: 11:47:08 15 Q. Okay. When you say you would have to refer 11:47:10 16 to the records, what records would you refer to? 11:47:14 17 A. Well, as to whether or not we ever 11:47:22 18 qualified a product under the MFG or the MFH or the 11:47:26 19 MFI designation. 11:47:27 20 Q. Okay. 11:47:32 21 A. And if we did get on the Qualified Product 11:47:34 22 List, whether or not that product was sold to 11:47:41 23 Square D, and I would need the sales records for 11:47:44 24 that. 25 Q. With regards to MFI-10 and 20, you have no	11:49:38 1 be to test the product and submit all of the data to 11:49:43 2 the proper agency. 11:49:45 3 And my experience is that it -- you know, 11:49:49 4 the end user would request -- you know, they would 11:49:56 5 deal only with regard to their part and the military 11:49:59 6 specifications that applied to their finished part. 11:50:00 7 MR. GALERSTON: I'll object to the 11:50:02 8 nonresponsive nature of the answer. 11:50:07 9 Q. Do you -- is it fair to say that you cannot 11:50:12 10 testify of your own personal knowledge that Union 11:50:16 11 Carbide never attempted to have its phenolic molding 11:50:19 12 compounds approved by the United States Government 11:50:23 13 for placement on the Qualified Products List under 11:50:27 14 the MFG, MFH, or the MFI designations? 11:50:31 15 MS. CLARK: Objection; vague, confusing. 11:50:33 16 THE WITNESS: All I'm saying is that I 11:50:41 17 cannot tell from my recollection whether we did or 11:50:45 18 not, but we may have, and the only way to determine 11:50:49 19 that is to go to the records. I don't remember. 11:50:50 20 That's 40 years. 11:50:50 21 BY MR. GALERSTON: 11:50:52 22 Q. Oh, sure. Sure. Well, and you didn't 11:50:56 23 remember what the contents of Exhibit No. 11, which 11:50:59 24 is military spec M-14F, was before you were handed 25 it by counsel, correct?
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11:47:51 1 information one way or the other that indicates to 11:47:53 2 you whether Union Carbide's Bakelite division ever 11:47:56 3 manufactured, sold, or distributed a product that 11:47:59 4 met the requirements for the MFI-10 or 20 11:48:01 5 classification? 11:48:08 6 A. That's a very high impact strength, which 11:48:14 7 implies that it -- I'm not sure whether we had 11:48:26 8 anything in our product -- in our products that was 11:48:30 9 that strong. That could be a Fiberite material. 11:48:33 10 Q. Okay. And is it fair to say that you don't 11:48:36 11 have information that would indicate to you whether 11:48:39 12 or not Square D, Cutler-Hammer, or Allen-Bradley 11:48:42 13 ever submitted any product that they manufactured 11:48:45 14 using materials purchased from Union Carbide for 11:48:52 15 approval under MFG, MFH, MFI-10, or MFI-20? 11:48:57 16 A. In my experience, the end user did not 11:49:03 17 request the product approval from the government. 11:49:06 18 That was up to us to do. 11:49:07 19 The procedure would be that if they wanted 11:49:12 20 to use our product and it was not on the Qualified 11:49:16 21 Products List, they would ask through our Sales 11:49:20 22 Department that we get it qualified, and if the 11:49:25 23 Marketing manager approved it, then either we or 11:49:30 24 the Quality Control Department would go through the 25 procedure of getting that qualification, which would	11:51:05 1 A. Oh, no. That's -- I did. I knew that such 11:51:08 2 a document existed, and I used it when I was in the 11:51:09 3 business. 11:51:09 4 Q. Right. 11:51:13 5 A. I mean, I had no need to refer to it after 11:51:18 6 I retired except when it came up once before. 11:51:20 7 Q. Well, sure. And when counsel gave this to 11:51:23 8 you, did you ask counsel for the Qualified Products 11:51:24 9 List that goes with it? 11:51:29 10 A. I asked about it and what, you know, what 11:51:32 11 products -- whether we had any information what 11:51:33 12 products were on the Qualified Products List. 11:51:36 13 And that's very important, because if it 11:51:39 14 wasn't on the Qualified Products List, Square D 11:51:43 15 could not take 5303 and mold it into an electrical 11:51:46 16 part for the government, for a military application. 11:51:52 17 And the information may be available, but I haven't 11:51:52 18 seen it. 11:51:54 19 Q. And has counsel told you why counsel did 11:51:57 20 not give you the Qualified Products List that 11:52:00 21 coordinates with mil spec M-14F? 11:52:02 22 MS. CLARK: Objection; argumentative. Don't 11:52:02 23 answer that question. 11:52:05 24 He asked to see that document in relation 25 to arc-resistance properties which pertained to the

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11:52:11 1 arc chutes and arc shields in this case. I'll
 11:52:16 2 object to the improper implication there.
 11:52:19 3 MR. GALERSTON: I'll object to the side-bar.
 11:52:22 4 Q. Sir, did counsel tell you -- when you asked
 11:52:24 5 them for the Qualified Products List, did they tell
 11:52:25 6 you why they didn't give it to you?
 11:52:26 7 MS. CLARK: Objection; misstates his
 11:52:29 8 testimony. He didn't say he asked for the Qualified
 11:52:32 9 Products List.
 11:52:33 10 MS. NICOL: Also, privilege objection.
 11:52:35 11 THE WITNESS: Am I allowed to answer that
 11:52:36 12 or not?
 11:52:37 13 MR. GALERSTON: Counsel, what is the basis
 11:52:39 14 of your privilege objection? And what are you doing
 11:52:41 15 interrupting this deposition again?
 11:52:45 16 MS. NICOL: I don't consider lodging a legal
 11:52:48 17 objection an interruption. You can move on with
 11:52:49 18 your deposition.
 11:52:50 19 MR. GALERSTON: No. What's the basis of
 11:52:54 20 your qualification of this witness for privilege?
 11:52:56 21 MS. NICOL: You're asking about
 11:53:00 22 communications with counsel representing him.
 11:53:01 23 MR. GALERSTON: This witness is not an
 11:53:04 24 employee of yours. This is a consultant who has
 25 retired from your corporation. You have no basis

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11:53:08 1 for an attorney-client privilege with this witness.
 11:53:10 2 MS. NICOL: You're mischaracterizing it.
 11:53:10 3 BY MR. GALERSTON:
 11:53:11 4 Q. Sir --
 11:53:12 5 MS. NICOL: The legal objection has been
 11:53:13 6 made.
 11:53:13 7 BY MR. GALERSTON:
 11:53:14 8 Q. Sir --
 11:53:16 9 What's your name, again?
 11:53:19 10 MS. NICOL: I made my appearance for the
 11:53:21 11 record. It's Farah Nicol.
 11:53:22 12 MR. GALERSTON: Pardon me?
 11:53:23 13 MS. NICOL: Farah Nicol.
 11:53:24 14 MR. GALERSTON: Farah Nicol.
 11:53:27 15 Q. Sir, when did you meet Ms. Farah Nicol?
 11:53:29 16 A. I didn't meet with Farah Nicol.
 11:53:31 17 Q. Okay. Did you ever ask Farah Nicol to
 11:53:34 18 represent you in this deposition?
 11:53:40 19 A. I had my -- I had no direct communication
 11:53:40 20 with Farah Nicol.
 11:53:44 21 Q. Do you know why Farah Nicol is claiming to
 11:53:44 22 have an attorney-client privilege with you?
 11:53:46 23 MS. CLARK: For the record, Ms. Nicol is
 11:53:50 24 co-counsel and, in fact, was involved in some
 25 discussions with Mr. Martino, and he may not

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11:53:54 1 remember her name.
 11:53:55 2 MR. GALERSTON: Counsel, if you want to
 11:53:57 3 coach your witness, take him outside and don't do it
 11:53:58 4 on the record. Okay? You know, this is ridiculous.
 11:54:01 5 I'm trying to ask this witness -- I'm now having you
 11:54:02 6 coaching him on the record; I've got Nicol, Nicola
 11:54:04 7 Nafar, whatever her name is, in California lodging
 11:54:06 8 objections. This is completely inappropriate.
 11:54:08 9 MS. CLARK: Well, wait. I have to respond
 11:54:10 10 to that. I'm not coaching the witness. I was
 11:54:13 11 correcting an inaccuracy. The gentleman may not
 11:54:15 12 remember her specific name. He said he didn't have
 11:54:17 13 a direct communication with her.
 11:54:18 14 MR. GALERSTON: Counsel, I'm not asking --
 11:54:20 15 you're not under oath, and I'm not asking you
 11:54:20 16 questions.
 11:54:22 17 If you want to take him on cross-
 11:54:23 18 examination or direct examination, whatever you want
 11:54:25 19 to call it when you have an opportunity, you can
 11:54:28 20 clarify any misstatements he makes at that point in
 11:54:29 21 time. It is not for you to get on the record and
 11:54:32 22 clarify his testimony. That is for you to do by
 11:54:36 23 direct examination, not by speechifying.
 11:54:37 24 MS. NICOL: Counsel, I'm going to suggest
 25 you change your tone.

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11:54:41 1 MR. GALERSTON: Thank you so very much for
 11:54:45 2 your recommendation. I probably would have a much
 11:54:46 3 better tone if you would stop interrupting my
 11:54:51 4 deposition and lodging spurious objections.
 11:54:54 5 Q. Sir, does "Ms. Far" represent you?
 11:54:58 6 MS. CLARK: Objection; calls for a legal
 11:54:58 7 conclusion.
 11:55:01 8 THE WITNESS: You know, I'm -- I'm new to
 11:55:05 9 this. I don't know who represents me. I assume
 11:55:14 10 that it's my local counsel here -- I mean
 11:55:19 11 Ms. Clark -- but what the relationship is between
 11:55:21 12 other attorneys, I mean, I'm not a legal expert.
 11:55:21 13 MR. GALERSTON: I understand that, sir.
 11:55:21 14 THE WITNESS: I mean, I'm --
 11:55:23 15 BY MR. GALERSTON:
 11:55:24 16 Q. Have you hired any --
 11:55:26 17 A. And I'm quite surprised. Every time, I
 11:55:29 18 learn something new.
 11:55:30 19 Q. Sir, have you hired an attorney to
 11:55:32 20 represent you in your deposition today?
 11:55:33 21 A. No, I have not.
 11:55:35 22 MS. CLARK: Objection; calls for a legal
 11:55:35 23 conclusion.
 11:55:36 24 BY MR. GALERSTON:
 25 Q. Sir, do you feel -- are you paying for

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11:55:39 1 anybody's legal services as you're here today? 11:55:40 2 A. No. 11:55:42 3 Q. Are you here to testify as to factual 11:55:44 4 matters that you're aware of based upon your work at 11:55:46 5 Union Carbide in the Bakelite division? 11:55:46 6 A. Yes. 11:55:48 7 Q. Okay. And you are being compensated for 11:55:50 8 your time here, are you not? 11:55:52 9 A. Yes. 11:55:55 10 Q. Are you able to take any legal actions on 11:55:57 11 behalf of Union Carbide based upon information 11:56:01 12 provided you by Ms. Far or Ms. Clark? 11:56:02 13 MS. CLARK: Objection; calls for a legal 11:56:03 14 conclusion. 11:56:04 15 THE WITNESS: What do you mean "legal 11:56:07 16 action"? 11:56:07 17 BY MR. GALERSTON: 11:56:09 18 Q. Can you act on behalf of Union Carbide in 11:56:10 19 any capacity? 11:56:12 20 A. In a what capacity? 11:56:13 21 Q. In any capacity. 11:56:17 22 MS. CLARK: Objection; vague, calls for a 11:56:17 23 legal conclusion. 11:56:21 24 THE WITNESS: I'm retired. I can act only 11:56:25 25 as, you know, I'm requested to act and as a -- and	11:57:52 1 Q. Sir, I apologize for the distractions and 11:57:55 2 the disruptions. Let's see if we can get back to 11:57:56 3 the question at hand. 11:58:00 4 The question is, is would the Qualified 11:58:01 5 Products List have been information that you would 11:58:04 6 have liked to have had to review prior to giving 11:58:04 7 your testimony today? 11:58:08 8 MS. CLARK: Objection; vague, ambiguous. 11:58:12 9 THE WITNESS: I didn't know if I would need 11:58:17 10 it, and I probably won't know until after we 11:58:18 11 complete the deposition. 11:58:18 12 BY MR. GALERSTON: 11:58:20 13 Q. Well, I'm asking you now, sir. Would it 11:58:21 14 have been information that you would have liked 11:58:24 15 to have known, whether or not Union Carbide ever 11:58:26 16 submitted information to the United States 11:58:28 17 Government to get any of its products qualified 11:58:31 18 under MIL-M-14F? 11:58:35 19 MS. CLARK: Same objections. 11:58:39 20 THE WITNESS: It would have helped, yes. 11:58:42 21 BY MR. GALERSTON: 11:58:45 22 Q. Do you know whether or not the Qualified 11:58:48 23 Products List that would have been in effect or, I 11:58:53 24 should say, would coordinate with MIL-M-14F would be 11:58:55 25 located in the repository maintained here in the law
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11:56:31 1 testify with regard to what I remember about the 11:56:38 2 business and how the products were used. 11:56:39 3 MS. NICOL: Counsel, this is Farah Nicol. 11:56:42 4 Let's make no bones about it. He's not being 11:56:45 5 produced here and was not subpoenaed as a fact 11:56:48 6 witness. He's being produced as the person most 11:56:50 7 knowledgeable on behalf of Union Carbide 11:56:51 8 Corporation, and that's pursuant to the deposition 11:56:53 9 notice Plaintiffs served in this case. 11:56:56 10 You have yet to cover the subject matter, 11:56:58 11 the very narrow subject matter, called for in the 11:57:00 12 deposition notice, and a lot of leeway has been 11:57:02 13 given. So if there's any interruption of the 11:57:04 14 deposition process, I believe it's you going well 11:57:07 15 outside the scope of the deposition. 11:57:09 16 So be clear. He is not a fact witness. 11:57:12 17 You did not subpoena him by name in any way, shape, 11:57:14 18 or form. He is being produced pursuant to your 11:57:22 19 deposition notice to Union Carbide Corporation. 11:57:28 20 MR. GALERSTON: Are you quite done? 11:57:32 21 Ms. Far? Ms. Far, are you finished? 11:57:34 22 MS. NICOL: I've made my objection for the 11:57:37 23 record. If I have something more to say, you can be 11:57:47 24 sure I will. 11:57:48 25 BY MR. GALERSTON:	11:59:06 1 firm of Union Carbide's? 11:59:06 2 MS. CLARK: Objection; foundation. 11:59:06 3 THE WITNESS: That would be the first place 11:59:06 4 I would look. 11:59:06 5 BY MR. GALERSTON: 11:59:07 6 Q. Are you aware of any efforts that were made 11:59:09 7 to determine whether or not that type of information 11:59:11 8 was in the repository? 11:59:13 9 MS. CLARK: Objection; vague, ambiguous. 11:59:18 10 THE WITNESS: I don't know if there were. 11:59:18 11 BY MR. GALERSTON: 11:59:21 12 Q. Have you looked at Exhibit No. 11 11:59:26 13 sufficiently to know whether or not, in general, 11:59:29 14 the products that Union Carbide manufactured in the 11:59:34 15 1960s and 1970s would have met the requirements for 11:59:39 16 type MFG, MFH, MFI-10 and 20? 11:59:40 17 MS. CLARK: Objection; beyond the scope of 11:59:44 18 the notice and beyond the scope of what was agreed 11:59:47 19 upon, which is the applications at issue in this 11:59:51 20 case, arc chutes and arc shields. 11:59:52 21 THE WITNESS: I looked to refresh my 12:00:05 22 memory as to what these categories were. I did not 12:00:09 23 determine whether we did have any products that 12:00:18 24 would meet the various categories and don't have the 12:00:19 25 information available to me right now to be able to

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12:00:22 1 do it.
 12:00:30 2 MR. GALERSTON: It's 12:00 o'clock. The
 12:00:32 3 tape is running. Why don't we go ahead and take an
 12:00:33 4 hour for lunch.
 12:00:35 5 THE WITNESS: Good.
 12:00:38 6 THE VIDEOGRAPHER: This is the end of Tape
 12:00:41 7 Number Two in the deposition of Carlo Martino. The
 12:00:48 8 time is 12:00:41. We're off the record.
 12:59:08 9 (Lunch recess taken at 12:00 p.m.)
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12:59:16 1 CHICAGO, ILLINOIS; WEDNESDAY, JULY 11, 2007
 13:02:29 2 1:02 P.M.
 13:02:29 3
 13:02:49 4 THE VIDEOGRAPHER: We're back on the record.
 13:02:50 5 This is the beginning of Tape Number Three in the
 13:02:57 6 deposition of Carlo Martino. The time is 13:02:53.
 13:02:58 7 Counsel, you may proceed.
 13:02:58 8 MR. GALERSTON: Thank you.
 13:02:58 9
 13:02:58 10 EXAMINATION (RESUMED)
 13:02:59 11 BY MR. GALERSTON:
 13:03:01 12 Q. Mr. Martino, are you prepared to go
 13:03:02 13 forward?
 13:03:02 14 A. Yes.
 13:03:02 15 Q. Very good.
 13:03:04 16 Sir, I want to go back over the documents
 13:03:06 17 that you reviewed in preparation for your deposition
 13:03:07 18 today.
 13:03:10 19 My understanding is that you reviewed three
 13:03:13 20 portions of the Donny Eubanks deposition. Correct?
 13:03:13 21 A. Yes.
 13:03:16 22 Q. You reviewed -- do you know if you reviewed
 13:03:19 23 the entirety of the Robert Infante deposition?
 13:03:21 24 There's three parts. Or do you believe you reviewed
 25 one part?

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13:03:23 1 A. Infante, one part.
 13:03:26 2 Q. Okay. You reviewed Infante in part.
 13:03:29 3 Walker and Gibson in whole?
 13:03:32 4 A. Well, there was only one sent to me.
 13:03:34 5 Q. That's correct. Those were not -- there
 13:03:40 6 were not multiple parts to Walker, to Gibson, or to
 13:03:41 7 Crull.
 13:03:41 8 A. Okay.
 13:03:43 9 Q. So you reviewed those in their entirety?
 13:03:43 10 A. Yes.
 13:03:45 11 Q. In addition to that, you did some research
 13:03:48 12 on your own, and you came up with what has been
 13:03:51 13 marked as Exhibit "D," which is the Data Bulletin
 13:03:52 14 regarding Arc Chute Filter Technology published by
 13:03:54 15 Square D, correct?
 13:03:55 16 A. That's the top document, but there's
 13:03:58 17 something -- the attachment is Gund Company, also.
 13:04:01 18 Q. Okay. Why don't you get Exhibit 10 out.
 13:04:03 19 Right there, it's next to you.
 13:04:06 20 So you're telling me that Exhibit 10 is
 13:04:09 21 actually two documents --
 13:04:09 22 A. Yes.
 13:04:11 23 Q. -- the first being a two-page publication
 13:04:11 24 from Square D/Schneider Electric, correct?
 25 A. (Nonaudible response.)

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13:04:19 1 Q. And then the third page, which appears to
 13:04:23 2 be a printout of a website; is that correct?
 13:04:28 3 A. Yes, for the Gund Company, G-u-n-d.
 13:04:33 4 Q. Okay. What is the significance of this
 13:04:37 5 third page?
 13:04:38 6 A. That's where I started.
 13:04:40 7 Q. Okay. I'm going to suggest, would you do
 13:04:43 8 me a favor? Will you gently remove that from this
 13:04:45 9 document since it's a separate document?
 13:04:45 10 A. Sure.
 13:04:49 11 Q. So let's remove it from Exhibit 10.
 13:04:52 12 Karen, if you would be so kind to provide
 13:05:08 13 us with another number, please.
 13:05:09 14 (Plaintiffs' Exhibit 12 was marked for
 13:05:09 15 identification by the Certified Shorthand Reporter.)
 13:05:09 16 BY MR. GALERSTON:
 13:05:11 17 Q. Okay, sir. Now that we've got the exhibits
 13:05:13 18 clarified, Exhibit 10 is a two-page document,
 13:05:14 19 correct?
 13:05:15 20 A. Right.
 13:05:18 21 Q. And you agree that it does not -- Exhibit
 13:05:20 22 12, which was attached to 10, does not go with 10,
 13:05:21 23 correct?
 13:05:22 24 A. That's right.
 25 Q. All right. Exhibit 12 you say was where

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13:05:27 1 you started; is that correct? 13:05:30 2 A. That was the first information that 13:05:34 3 appeared to be relevant on the Internet, and it 13:05:41 4 listed the type of products that are used for arc 13:05:45 5 chutes, which in this particular case are melamine 13:05:53 6 laminates and glass, glass-reinforced. 13:05:55 7 Q. Okay. So the page that we're looking at 13:06:00 8 in Exhibit 12, which is dated July 10th, 2007, says 13:06:03 9 "Switchgear" at the top, and then it has "insulation 13:06:06 10 materials range from glass polyester phase barriers 13:06:11 11 to flame retardant polypropylene," correct? 13:06:12 12 A. Would you repeat that, please? 13:06:15 13 Q. Exhibit 12 is dated July 10th, 2007, 13:06:15 14 correct? 13:06:16 15 A. Yes. 13:06:18 16 Q. Okay. And at the top, it says 13:06:20 17 "Switchgear," and then says, "insulation materials 13:06:24 18 range from glass polyester phase barriers to flame 13:06:30 19 retardant polypropylene," correct? 13:06:30 20 A. Yes. 13:06:33 21 Q. And then you're saying that under 13:06:37 22 "Switchgear Insulation Materials," you can find some 13:06:39 23 descriptions of arc chutes -- 13:06:39 24 A. Yes. 25 Q. -- and materials that are used for arc	13:07:33 1 A. Yes. 13:07:34 2 Q. -- it came up with a list of a number of 13:07:37 3 hits, and you said there were numerous ones, 13:07:37 4 correct? 13:07:37 5 A. Yes. 13:07:40 6 Q. That's the list I mean. Did you keep that? 13:07:40 7 A. No. 13:07:43 8 Q. Okay. So this is the first document you 13:07:46 9 looked at, the switchgear document, Exhibit 12? 13:07:47 10 A. Yes. Yes. 13:07:47 11 Q. Okay. 13:07:50 12 A. And it said here, "To order" -- "It 13:07:53 13 contains application information, material options, 13:07:56 14 and technical data sheets on each material. To 13:07:58 15 order," you have to -- to get "Switchgear Insulation 13:08:01 16 Products Handbook, click here," which I was going to 13:08:04 17 do, but I wouldn't have gotten it back in time. And 13:08:07 18 I may still do it for my own information. 13:08:08 19 Q. Okay. 13:08:10 20 A. But after I saw that, I started looking at 13:08:13 21 other sites to see -- what I was looking for is a 13:08:17 22 picture so I could visualize what the arc chute 13:08:18 23 looked like. 13:08:18 24 Q. Okay. 25 A. Which then I found on the Square D
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13:06:42 1 chutes, correct? 13:06:42 2 A. Yes. 13:06:46 3 Q. And I believe you're indicating that you're 13:06:50 4 down towards the bottom where it says "Vulcanized 13:06:50 5 Fibre"; is that correct? 13:06:51 6 A. Yes. 13:06:53 7 Q. And then you saw the "Silicone Bonded Mica 13:06:54 8 Laminate"? 13:06:54 9 A. Right. 13:06:56 10 Q. And then you saw the "Melamine," correct? 13:06:58 11 A. Right. 13:07:00 12 Q. Okay. What was the search that you ran 13:07:06 13 that resulted in finding this document? 13:07:10 14 A. I just put in "arc chutes" into the search 13:07:10 15 box. 13:07:11 16 Q. Okay. 13:07:14 17 A. And I got many, many references. 13:07:18 18 Q. What search engine did you use? 13:07:21 19 A. I think it's Yahoo. 13:07:24 20 Q. And did you maintain or keep the list that 13:07:27 21 you found? 13:07:29 22 A. I have copies of both documents at home, 13:07:29 23 yes. 13:07:32 24 Q. No. I mean when you ran the search for arc 25 chutes --	13:08:20 1 document. 13:08:24 2 Q. Okay. And the Square D document is Exhibit 13:08:24 3 10, correct? 13:08:24 4 A. Yes. 13:08:33 5 Q. And Exhibit 10 depicts a 2003 rendition of 13:08:34 6 an arc chute, correct? 13:08:35 7 A. Yes. 13:08:39 8 Q. Okay. Do you know whether or not an arc 13:08:44 9 chute in 1990 -- in 1970 would have looked similar 13:08:47 10 to the arc chute depicted in this? 13:08:49 11 A. That, I don't know. 13:08:54 12 Q. Have you done -- 13:09:00 13 A. The -- what -- the depositions I read, to 13:09:03 14 me, what they described were what I understood were 13:09:07 15 arc barriers or arc shields, and I was familiar with 13:09:10 16 those. I was not familiar with arc chutes, and 13:09:13 17 that's why I did this. 13:09:16 18 This particular arc chute is different than 13:09:19 19 the description that was given in the deposition. 13:09:22 20 Q. Okay. Did you do any research with regards 13:09:27 21 to arc shields or arc barriers? 13:09:30 22 A. No. 13:09:33 23 Q. You felt sufficiently familiar with the 13:09:36 24 terminology and knew what an arc barrier and arc 25 shield was like?

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13:09:37 1 A. Yes. 13:09:38 2 Q. Okay. 13:09:43 3 A. Yeah. And there was a description in the 13:09:47 4 deposition which, you know, I -- when they described 13:09:50 5 it, it is an arc barrier. Why are they calling it a 13:09:55 6 chute? And that's what -- why I went further, to 13:09:58 7 try to understand is there a difference between a 13:10:00 8 chute and a barrier. To me, it's -- you know, what 13:10:02 9 they described were barriers. 13:10:05 10 Q. Okay. Fair enough. 13:10:07 11 Do you have any pictures of arc shields or 13:10:09 12 arc barriers? 13:10:10 13 A. No. 13:10:24 14 Q. Okay. So you reviewed, based upon your own 13:10:26 15 research, Exhibits 10 and 12, correct? 13:10:26 16 A. Yes. 13:10:30 17 Q. Exhibit 11, which is the mil spec for 13:10:32 18 Molding Plastics and Molded Plastic Parts, 13:10:34 19 Thermosetting, was provided to you by counsel, 13:10:35 20 correct? 13:10:35 21 A. Yes. 13:10:38 22 Q. What else, if anything, did you review in 13:10:41 23 preparation for your deposition today? 13:10:43 24 A. That was it. 25 Q. Did you review the testimony of the	13:12:03 1 MR. GALERSTON: Okay. Objection to the 13:12:07 2 nonresponsive nature of the answer. 13:12:08 3 Q. How many pages of the deposition did you 13:12:10 4 review? 13:12:14 5 A. All of it. Oh, of the -- 13:12:15 6 Q. Barbaglia. 13:12:16 7 A. -- Square D? 13:12:17 8 Q. Correct. 13:12:18 9 A. It was just a portion of one page. I 13:12:21 10 didn't see the rest. 13:12:23 11 Q. Do you remember what page number it was 13:12:24 12 that you reviewed? 13:12:25 13 A. No. 13:12:28 14 Q. I assume, based upon your testimony, it 13:12:30 15 wasn't testimony that you chose to review; this is 13:12:32 16 only the testimony that counsel chose to present to 13:12:33 17 you. Correct? 13:12:35 18 A. Well, what she felt was relevant. 13:12:36 19 Q. Right. 13:12:38 20 A. I don't know what was in the rest of it. 13:12:41 21 Q. You have no idea what was omitted? 13:12:42 22 A. Right. 13:12:48 23 Q. Did you see the portion of the testimony 13:12:51 24 where Mr. Barbaglia testified that he believed that 25 the arc shields that they provided did contain
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13:10:48 1 Square D corporate representative who was deposed, 13:10:50 2 Robert Barbaglia? 13:11:00 3 A. I saw that, a portion of that, yesterday. 13:11:01 4 Q. Okay. Do you have that with you today? 13:11:02 5 A. No. 13:11:03 6 Q. Did you keep it? 13:11:04 7 A. No. 13:11:06 8 Q. Counsel has it? 13:11:07 9 A. Yes. 13:11:10 10 Q. Did you ask counsel to hold it for you? 13:11:12 11 A. Well, it wasn't mine to begin with. 13:11:14 12 Q. Do you consider the depositions they sent 13:11:17 13 you electronically and that are stored on your 13:11:19 14 commuter to be yours or counsel's? 13:11:20 15 A. No. There was a copy. 13:11:22 16 Q. Okay. What portion of the Barbaglia 13:11:24 17 deposition did you review? 13:11:27 18 A. Just the part with regard to the arc shield 13:11:31 19 and arc chute, that he did not think the Bakelite 13:11:40 20 product was used in making those pieces, which is 13:11:42 21 the same conclusion I have come to. I would not use 13:11:47 22 a phenolic for that purpose, either. It has very 13:11:52 23 poor arc resistance. And, in fact, none of the 13:12:00 24 MIL-14 products have an arc-resistant test in them, 25 including phenolic asbestos compounds.	13:12:56 1 asbestos? 13:12:59 2 MR. KINSEY: Objection; mischaracterizes 13:13:00 3 previous testimony. 13:13:03 4 THE WITNESS: I didn't see anything with 13:13:07 5 regard to his believing that there was asbestos in 13:13:09 6 the product that was used. 13:13:09 7 BY MR. GALERSTON: 13:13:11 8 Q. Did you see the testimony where he 13:13:13 9 indicated that he had no personal knowledge of 13:13:17 10 the manufacture, sale, or distribution of the arc 13:13:19 11 shields that might have been sold to the United 13:13:21 12 States Navy in the 1970s? 13:13:21 13 A. No. 13:13:23 14 MR. KINSEY: Objection. 13:13:24 15 MS. CLARK: Objection; mischaracterizes the 13:13:25 16 testimony. 13:13:28 17 THE WITNESS: I only saw that one portion 13:13:30 18 that I felt was maybe a paragraph. 13:13:30 19 BY MR. GALERSTON: 13:13:39 20 Q. Okay. Would it be fair to say that you do 13:13:43 21 not know one way or the other as to the accuracy of 13:13:45 22 the testimony Mr. Barbaglia gave? 13:13:49 23 MS. CLARK: Objection; ambiguous. 13:13:50 24 THE WITNESS: Well, I liked that he agreed 25 with me.

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13:13:51 1 BY MR. GALERSTON:
 13:13:55 2 Q. Okay. You don't have any basis to know
 13:13:58 3 whether or not Mr. Barbaglia's testimony is
 13:14:00 4 accurate. Is that fair to say?
 13:14:01 5 A. No basis for what?
 13:14:03 6 Q. To know whether or not his testimony is
 13:14:04 7 accurate.
 13:14:07 8 MS. CLARK: Objection; vague, ambiguous.
 13:14:09 9 THE WITNESS: Well, it's a matter of
 13:14:12 10 judgment, you know. I didn't read anything that
 13:14:14 11 made me feel that he didn't know what he was talking
 13:14:14 12 about.
 13:14:14 13 BY MR. GALERSTON:
 13:14:16 14 Q. Do you believe you read enough to get an
 13:14:19 15 idea whether or not Mr. Barbaglia was competent to
 13:14:22 16 testify? You read a paragraph of his testimony.
 13:14:24 17 A. Only that part, yeah. I don't know the
 13:14:31 18 man, and I don't know his background.
 13:14:34 19 Q. If I understand it correctly, you believe
 13:14:38 20 that his testimony with regards to the use of
 13:14:44 21 Bakelite materials for arc chutes would not have
 13:14:47 22 been likely, based upon your own experience with
 13:14:49 23 that material. Is that fair to say?
 13:14:51 24 A. No. I'm saying that we both agreed that
 25 a phenolic compound would not have been used for

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13:15:02 1 arc -- for arc barriers or arc chutes, and it would
 13:15:05 2 have -- in my particular case, I believe it was a
 13:15:09 3 melamine, just like Gund Company states, and I think
 13:15:14 4 it's backed up by the mil specs where the only
 13:15:19 5 categories that show arc-resistant testing, test
 13:15:22 6 required, are melamine and polyesters. There are
 13:15:26 7 no phenolic compounds that require an arc-resistant
 13:15:27 8 test.
 13:15:27 9 MR. GALERSTON: I object to the
 13:15:29 10 nonresponsive nature of the answer.
 13:15:33 11 Q. Sir, did you undertake any investigation or
 13:15:36 12 research to determine whether or not phenolic resins
 13:15:39 13 were ever used for the manufacture of arc chutes --
 13:15:42 14 excuse me -- arc shields?
 13:15:44 15 MS. CLARK: Objection; asked and answered.
 13:15:47 16 THE WITNESS: Well, as far as I've gone of
 13:15:50 17 what I've told you I've done and the mil specs. As
 13:15:53 18 far as I'm concerned, that's good enough. If it
 13:15:57 19 isn't there, if you don't have a phenolic compound
 13:16:00 20 that the government will qualify for arc-resistant
 13:16:05 21 application, you can't use it, and, you know, I
 13:16:07 22 don't see where any further research would be
 13:16:08 23 necessary.
 13:16:10 24 BY MR. GALERSTON:
 25 Q. Did Union Carbide sell melamine products?

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13:16:18 1 A. No, at least not during the period of time
 13:16:36 2 I was there, which was since 1948.
 13:16:40 3 Q. With regards to the research that you've
 13:16:44 4 done, do you believe that you have made an
 13:16:47 5 exhaustive research to determine whether or not
 13:16:50 6 phenolic resins have ever been used to make arc
 13:16:50 7 shields?
 13:16:52 8 MS. CLARK: Objection; asked and answered,
 13:16:53 9 argumentative.
 13:16:56 10 THE WITNESS: I've done enough to prove to
 13:16:58 11 myself that that's the conclusion I would come to,
 13:17:02 12 and then add to it my experience that phenolic
 13:17:09 13 resins carbonize in the presence of an arc, and the
 13:17:15 14 carbon -- the carbon formation would continue and go
 13:17:18 15 right through, and especially on a thin barrier --
 13:17:22 16 it would no longer be an arc barrier -- and that my
 13:17:25 17 experience in the past was that we would not use a
 13:17:29 18 phenolic where an excellent arc resistance was
 13:17:29 19 required.
 13:17:31 20 BY MR. GALERSTON:
 13:17:34 21 Q. You would agree with me that Union Carbide
 13:17:36 22 and its Bakelite division were not in the business
 13:17:39 23 of manufacturing and selling arc chutes and shields,
 13:17:40 24 correct?
 25 A. That's right.

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13:17:43 1 Q. Would you agree with me that Union Carbide
 13:17:46 2 Research & Development group for the Bakelite
 13:17:52 3 division never engaged in product evaluation of the
 13:17:55 4 use of Bakelite for arc shields?
 13:17:55 5 A. That's right.
 13:18:04 6 Q. Would you agree, in 1960, that you were not
 13:18:08 7 aware whether or not the phenolic resins and molding
 13:18:14 8 compounds that UC was selling might have been used
 13:18:20 9 by companies such as Square D, Allen-Bradley, Nelson
 13:18:25 10 Marine, or Cutler-Hammer to be used for arc shields?
 13:18:30 11 MR. KINSEY: Objection; assumes -- or asks
 13:18:30 12 for speculation.
 13:18:32 13 MS. CLARK: Yeah. Objection; beyond the
 13:18:37 14 scope of the notice, compound, calls for
 13:18:37 15 speculation.
 13:18:40 16 THE WITNESS: These MIL-14 specs I think
 13:18:48 17 were dated 1960, so my conclusion would be that if
 13:18:53 18 no phenolic containing asbestos was listed for arc
 13:18:57 19 resistance under the mil spec, then, therefore, even
 13:19:01 20 in 1960, it would not have been used to make a
 13:19:05 21 product like an arc chute for military application.
 13:19:06 22 MR. GALERSTON: Objection to the
 13:19:07 23 nonresponsive nature of the answer.
 13:19:09 24 Q. The question, sir, is whether or not you're
 25 aware of third parties such as Square D, Cutler-

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13:19:18 1 Hammer, Nelson Marine, Allen-Bradley, using phenolic 13:19:20 2 resins for arc shields. 13:19:21 3 A. I am not aware of that. 13:19:22 4 MS. CLARK: Objection; asked and answered, 13:19:23 5 calls for speculation. 13:19:25 6 MR. MAKI: Objection; assumes facts not in 13:19:28 7 evidence, lacks foundation, calls for speculation. 13:19:34 8 MR. KINSEY: Join. 13:19:34 9 BY MR. GALERSTON: 13:19:36 10 Q. Would you agree with me, in 1970, that you 13:19:39 11 were not familiar with all of the uses of phenolic 13:19:42 12 resins and molding compounds that were being sold by 13:19:43 13 Union Carbide? 13:19:44 14 A. Yes. 13:19:47 15 Q. Would you agree that you are not familiar 13:19:51 16 with the uses of the Union Carbide Bakelite 13:19:55 17 compounds that were sold to Square D and what 13:19:58 18 applications they were using it for? 13:19:59 19 MR. KINSEY: Objection; assumes facts not in 13:20:02 20 evidence, calls for speculation. 13:20:05 21 THE WITNESS: The specific parts, yes. 13:20:05 22 BY MR. GALERSTON: 13:20:07 23 Q. That would be true for Cutler-Hammer, as 13:20:08 24 well, correct? 25 A. Yes.	13:21:25 1 MR. KINSEY: Same objections. 13:21:27 2 MR. MAKI: Objection; lacks foundation, 13:21:29 3 calls for speculation, assumes facts not in 13:21:30 4 evidence. 13:21:31 5 MR. KINSEY: Join. 13:21:33 6 MS. McDOUGALL: Counsel, did you mean 13:21:36 7 electrical and not electronic? Otherwise, I'll 13:21:36 8 state my objection. 13:21:38 9 MR. GALERSTON: Electrical, that is correct. 13:21:42 10 MS. McDOUGALL: Thank you. 13:21:44 11 THE WITNESS: I never heard of a company 13:21:50 12 trying to do that. I mean, they -- if the part is 13:21:56 13 not on the Qualified -- if the specified category 13:22:06 14 is not used in that part, they're not meeting the 13:22:09 15 military requirement, and I don't know what the 13:22:13 16 penalties are for that in case the government finds 13:22:15 17 out. I'm sure there would be failures, to begin 13:22:17 18 with, and an investigation of the failures. 13:22:18 19 BY MR. GALERSTON: 13:22:21 20 Q. My question is, is it your opinion, and I 13:22:23 21 recognize that this may not be your area of 13:22:26 22 expertise, but is it your opinion that it could not 13:22:27 23 be done? 13:22:31 24 A. Submit a switchgear -- or a part that has 25 an arc shield or arc chute molded out of phenolic
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13:20:10 1 Q. That would be true for Allen-Bradley, 13:20:11 2 correct? 13:20:12 3 A. Yes. 13:20:16 4 Q. You're not aware of any testing that would 13:20:18 5 have been done by companies such as Square D, 13:20:22 6 Allen-Bradley, Nelson Marine, or Cutler-Hammer to 13:20:27 7 determine the arc resistance of any of the phenolic 13:20:30 8 resins and molding compounds sold by Union Carbide? 13:20:32 9 A. That's right. 13:20:35 10 MR. MAKI: Assumes facts, lacks foundation, 13:20:36 11 calls for speculation. 13:20:44 12 MR. KINSEY: Join. 13:20:44 13 BY MR. GALERSTON: 13:20:50 14 Q. Is it your opinion that electronic 13:20:52 15 equipment manufacturers such as Square D, Allen- 13:20:56 16 Bradley, Cutler-Hammer, and Nelson Marine were 13:21:03 17 prevented from submitting their products to the 13:21:06 18 United States Government for inclusion on the 13:21:13 19 Qualified Products List without Union Carbide's 13:21:18 20 knowledge that they were including some of their 13:21:19 21 component materials? 13:21:19 22 MS. CLARK: Objection. 13:21:21 23 MR. KINSEY: Objection. 13:21:23 24 MS. CLARK: Objection; foundation, overly 25 broad, compound.	13:22:40 1 molding compound -- or made out of a phenolic 13:22:45 2 molding compound or laminate that did not have -- 13:22:48 3 that was not on the -- that the military spec would 13:22:49 4 not provide? 13:22:51 5 Q. No, that's not the question. The question 13:22:56 6 is, is do you believe it is possible for a company 13:23:05 7 to submit a product for inclusion on the Qualified 13:23:09 8 Products List without Union Carbide's knowledge that 13:23:09 9 they were submitting it -- 13:23:10 10 A. All right. 13:23:13 11 Q. -- while it contained a Union Carbide 13:23:13 12 Bakelite product? 13:23:14 13 A. Okay. 13:23:16 14 MS. CLARK: Objection; calls for 13:23:18 15 speculation, foundation. 13:23:19 16 THE WITNESS: I thought when you said 13:23:23 17 product, you were talking about their product. 13:23:25 18 Now, if you're talking about our product, 13:23:29 19 the molding compound, that, they would not do. They 13:23:34 20 would have to go through us in order to get that 13:23:37 21 product qualified or use somebody else's material 13:23:40 22 that was qualified. 13:23:42 23 BY MR. GALERSTON: 13:23:52 24 Q. Other than the one page of the Barbaglia 25 deposition and the fact witnesses, was there

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13:24:01 1 anything else you reviewed in preparation for
 13:24:02 2 today's deposition?
 13:24:02 3 A. No.
 13:24:04 4 Q. Have you reviewed any of your prior
 13:24:05 5 depositions?
 13:24:06 6 A. No.
 13:24:07 7 Q. Have you ever gone back and reviewed any of
 13:24:10 8 your prior testimony?
 13:24:13 9 A. Oh, a few years -- I don't have them all,
 13:24:20 10 to begin with. I think I only have four. And in
 13:24:24 11 the last three, four years, no.
 13:24:26 12 Q. Have you ever reviewed your previous
 13:24:33 13 testimony with counsel to discuss your answers?
 13:24:34 14 A. Previous testimony with counsel?
 13:24:37 15 Q. Correct.
 13:24:38 16 A. Testimony in a deposition?
 13:24:45 17 Q. A deposition or at trial.
 13:24:49 18 A. No.
 13:24:54 19 Q. Okay. Have you ever been mock deposed by
 13:24:55 20 counsel?
 13:24:57 21 MS. CLARK: I'm just going to object to the
 13:25:01 22 extent you're wading into attorney-client privilege,
 13:25:02 23 but --
 13:25:04 24 THE WITNESS: Would you repeat that,
 25 please?

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13:25:05 1 BY MR. GALERSTON:
 13:25:07 2 Q. Have you ever given a mock deposition with
 13:25:09 3 counsel for Union Carbide?
 13:25:09 4 A. What is a mock deposition?
 13:25:12 5 Q. Pretend, where you are practicing giving a
 13:25:13 6 deposition.
 13:25:18 7 A. Oh, no. No.
 13:25:20 8 Q. You're being compensated to be here today,
 13:25:20 9 correct?
 13:25:21 10 A. Yes.
 13:25:24 11 Q. If I understand it correctly, your previous
 13:25:27 12 testimony is you charge \$150 an hour for review of
 13:25:27 13 materials.
 13:25:27 14 A. Yes.
 13:25:29 15 Q. Is that still correct?
 13:25:30 16 A. Yes.
 13:25:30 17 Q. How many hours have you used -- strike
 13:25:34 18 that.
 13:25:35 19 How many hours have you spent reviewing
 13:25:41 20 materials in preparation for today's deposition?
 13:25:43 21 A. I haven't added them up, but I would
 13:25:48 22 estimate probably just going through all of those
 13:25:54 23 depositions took me about five or six hours.
 13:25:54 24 Q. Okay.
 25 A. Now, I didn't do them all at the same time.

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13:25:57 1 I spread it out.
 13:25:58 2 Q. Certainly.
 13:26:01 3 And I understand you charge \$75 travel
 13:26:01 4 time.
 13:26:01 5 A. Yes.
 13:26:03 6 Q. And I understand that you live in
 13:26:04 7 New Jersey. Correct?
 13:26:05 8 A. Yes.
 13:26:06 9 Q. And how much time did it take you to travel
 13:26:09 10 here to Chicago for the deposition today?
 13:26:11 11 A. Including, you know, from when I leave home
 13:26:14 12 to when I get here, it takes about 10 hours.
 13:26:17 13 Q. Okay. And then you spent part of the day
 13:26:19 14 yesterday preparing for your deposition with
 13:26:20 15 counsel, correct?
 13:26:20 16 A. Yes. Yes.
 13:26:27 17 Q. How long was that?
 13:26:31 18 A. Probably six, seven hours.
 13:26:36 19 Q. Okay. Did you discuss the depositions and
 13:26:38 20 the information contained in the depositions?
 13:26:39 21 A. Yes.
 13:26:40 22 Q. Is that when you went through the mil spec
 13:26:41 23 again?
 13:26:43 24 A. Yes.
 25 Q. Was that when you asked to see the mil

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13:26:50 1 spec, or did they have the mil spec for you?
 13:26:54 2 A. We talked about the mil spec, and a copy
 13:26:57 3 was available, so --
 13:26:58 4 MS. CLARK: I just want to caution you not
 13:27:04 5 to reveal anything that reveals attorney-client
 13:27:06 6 privilege or our discussions. You can tell him what
 13:27:08 7 you looked at; that's fine.
 13:27:09 8 THE WITNESS: Yeah.
 13:27:11 9 MR. GALERSTON: And for what it's worth, I
 13:27:12 10 don't believe that attorney-client privilege
 13:27:14 11 pertains here, but that's neither here nor there at
 13:27:15 12 the moment.
 13:27:19 13 THE WITNESS: Yeah. It's a document that
 13:27:22 14 we were able to get, you know, because we got into
 13:27:23 15 the military specification.
 13:27:24 16 BY MR. GALERSTON:
 13:27:26 17 Q. Did you ask at that time to see any of your
 13:27:27 18 previous depositions?
 13:27:30 19 A. No.
 13:27:33 20 Q. Okay. You charge \$200 for deposition time.
 13:27:36 21 What about the deposition prep time with them? Was
 13:27:38 22 that at 200 or \$150?
 13:27:39 23 A. 150.
 13:27:41 24 Q. And is it going to take you about 10 hours
 25 to get home?

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13:27:45 1 A. Yes. 13:27:47 2 Q. Okay. Did you visit the document 13:27:48 3 repository? 13:28:06 4 A. No. 13:28:09 5 Q. Have you ever reviewed Union Carbide's 13:28:12 6 master set of interrogatory answers in either 13:28:15 7 California, in Texas, New York, anywhere where they 13:28:16 8 have master discovery responses? 13:28:18 9 MS. CLARK: I would like to object as beyond 13:28:21 10 the scope of the notice and the issues in this case. 13:28:26 11 There's nothing at all in the notice about the 13:28:27 12 interrogatory answers. 13:28:27 13 But go ahead. 13:28:35 14 THE WITNESS: I don't recall seeing any 13:28:35 15 interrogatories. 13:28:36 16 BY MR. GALERSTON: 13:28:39 17 Q. And in general, in the six years that 13:28:40 18 you've been -- 13:28:41 19 A. Yes. 13:28:42 20 Q. -- providing litigation support to Union 13:28:45 21 Carbide, have you ever reviewed their sworn answers 13:28:46 22 to interrogatories? 13:28:56 23 A. I don't recall of any. 13:28:59 24 Q. Do you know John MacDonald, Assistant 25 Corporate Secretary for Union Carbide?	13:30:37 1 extent that what you read indicated to you that the 13:30:39 2 references were to arc shields and not to arc 13:30:40 3 chutes. 13:30:40 4 A. Yes. 13:30:41 5 Q. Okay. 13:30:43 6 A. And I wanted to understand if there was a 13:30:44 7 difference. 13:30:46 8 Q. And your understanding is that there is a 13:30:47 9 difference, is there not? 13:30:49 10 A. Well, I'm still not sure. 13:30:49 11 Q. Okay. 13:30:56 12 A. To me, what was described is what I think 13:31:00 13 is an arc barrier, and I think one of the -- your 13:31:03 14 witnesses that you deposed said the same thing -- I 13:31:06 15 think it was Crull -- that he also thought of them 13:31:12 16 as arc barriers. Arc chutes, he said, "If you want 13:31:14 17 to call them arc chutes, okay." 13:31:14 18 Q. Okay. 13:31:16 19 A. That's my position, too. I -- and maybe 13:31:19 20 there's a subtle difference in the way they work. I 13:31:19 21 don't know. 13:31:21 22 Q. Well, that's my next question to you. What 13:31:23 23 is the difference between an arc shield and an arc 13:31:25 24 chute, in your mind? 25 A. Based on this, which is recent, the --
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13:29:04 1 A. No. For Carbide? 13:29:06 2 Q. For Union Carbide. 13:29:07 3 A. Yeah. No. 13:29:10 4 Q. Have you ever assisted counsel in preparing 13:29:12 5 answers to interrogatories with regards to your 13:29:14 6 knowledge as to the Bakelite division of Union 13:29:14 7 Carbide? 13:29:17 8 MS. CLARK: Objection; beyond the scope. 13:29:20 9 THE WITNESS: I get -- over the past six 13:29:25 10 years, I got many calls with regard to subjects 13:29:30 11 relating to the litigation. Where that information 13:29:53 12 went, I don't know. 13:29:55 13 BY MR. GALERSTON: 13:30:03 14 Q. You indicated that your review of the 13:30:06 15 deposition testimony was somewhat confusing to you 13:30:11 16 because of the intermittent or the exchangeable 13:30:13 17 use of the terms "arc shields" and "arc chutes," 13:30:14 18 correct? 13:30:16 19 MS. CLARK: Objection; mischaracterizes the 13:30:18 20 testimony. 13:30:27 21 THE WITNESS: Not confusing. It was 13:30:30 22 something I needed to clarify so I could understand 13:30:31 23 it. 13:30:31 24 BY MR. GALERSTON: 25 Q. Okay. I thought you said something to the	13:31:30 1 Q. Exhibit No. 10? 13:31:31 2 A. Yeah. 13:31:36 3 -- and my idea of what an arc barrier is, 13:31:41 4 an arc barrier is a barrier you put between one 13:31:44 5 terminal and another to prevent the arc from jumping 13:31:50 6 from one terminal to the other, and this flat piece 13:31:53 7 that you put there is the barrier. And that's 13:31:59 8 exactly what was described in the deposition. 13:32:01 9 This picture shows that the arc barrier -- 13:32:16 10 the arc chute is placed in front of a contact and 13:32:23 11 that the purpose is to vent the gas and the heat 13:32:26 12 away from the inside of the switch, which makes 13:32:29 13 sense it's called a chute, because you're -- 13:32:31 14 Now, that same thing can happen with a 13:32:34 15 barrier. If they're close enough together, if 13:32:36 16 there's an arc, it's going to -- the material is 13:32:38 17 going to vent between the plates, except that 13:32:41 18 this is one contact. What was described in the 13:32:45 19 deposition was I think three contacts and barriers 13:32:47 20 on -- in between. 13:32:56 21 So, you know, they both need good arc 13:32:59 22 resistance. So at that point, I didn't pursue it 13:33:00 23 any further. 13:33:03 24 Q. What is your electrical background and 25 training?

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13:33:06 1 A. I have -- I'm not an electric engineer.
 13:33:07 2 Q. Have you ever designed --
 13:33:10 3 You hold patents in design of phenolic --
 13:33:14 4 not phenolics -- in some of the other products that
 13:33:16 5 Union Carbide developed, correct?
 13:33:17 6 A. Yes. Yes.
 13:33:20 7 Q. None of the patents that you hold in your
 13:33:20 8 name, or held in your name --
 13:33:21 9 A. Yes.
 13:33:23 10 Q. -- were related to phenolic resins or
 13:33:24 11 moldings, correct?
 13:33:27 12 A. That's right.
 13:33:28 13 Q. You have no specialized training in
 13:33:32 14 electronics or the use of phenolic materials in
 13:33:34 15 electronics, correct?
 13:33:38 16 MS. CLARK: Objection; asked and answered.
 13:33:39 17 THE WITNESS: My experience has been
 13:33:49 18 primarily to recommend a plastic to a customer, if
 13:33:53 19 they tell me what they're looking for, based on the
 13:33:58 20 properties of that plastic. I don't have to be an
 13:34:03 21 electrical engineer to do that.
 13:34:05 22 Most of the time, the choice is made by the
 13:34:09 23 engineer who is designing the switch, not by the
 13:34:12 24 supplier, and they just pick something from our data
 13:34:12 25 sheet.

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13:34:12 1 BY MR. GALERSTON:
 13:34:15 2 Q. Have you ever been involved in evaluating
 13:34:19 3 the use of a phenolic molded material in an
 13:34:21 4 electrical application?
 13:34:23 5 MS. CLARK: Objection; overly broad, outside
 13:34:26 6 the scope of the notice.
 13:34:30 7 THE WITNESS: I've never been present for
 13:34:30 8 that, no.
 13:34:32 9 BY MR. GALERSTON:
 13:34:38 10 Q. Have you ever evaluated or issued a report
 13:34:40 11 determining whether or not a Union Carbide Bakelite
 13:34:46 12 phenolic molded material would be adequate to use as
 13:34:49 13 an arc shield in electric applications?
 13:34:52 14 MS. CLARK: Objection; overly broad,
 13:34:53 15 ambiguous.
 13:34:55 16 THE WITNESS: My conclusion is based on the
 13:34:58 17 mil specs. That's all. I have not done the
 13:34:58 18 testing.
 13:34:59 19 BY MR. GALERSTON:
 13:35:01 20 Q. Have you ever consulted with customers such
 13:35:06 21 as Square D, Cutler-Hammer, Eaton Electric, Nelson
 13:35:08 22 Marine, Allen-Bradley, as to whether or not it
 13:35:13 23 would be advisable to use a Union Carbide Bakelite
 13:35:16 24 phenolic molded compound as an arc shield in any
 13:35:16 25 electric applications?

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13:35:18 1 A. No.
 13:35:20 2 MR. MAKI: Assumes facts, lacks foundation,
 13:35:21 3 calls for speculation.
 13:35:21 4 BY MR. GALERSTON:
 13:35:27 5 Q. Have you ever purchased and evaluated an
 13:35:32 6 electronic component manufactured by Square D,
 13:35:35 7 Nelson Marine, Eaton Electric, Allen-Bradley,
 13:35:38 8 Cutler-Hammer, to determine whether or not they were
 13:35:42 9 using any Union Carbide Bakelite phenolic molded
 13:35:46 10 compounds in the manufacture of their products?
 13:35:48 11 MR. MAKI: Assumes facts, lacks foundation,
 13:35:49 12 calls for speculation.
 13:35:51 13 MS. CLARK: Objection; overly broad,
 13:35:53 14 ambiguous, beyond the scope of the notice.
 13:35:54 15 THE WITNESS: No.
 13:35:59 16 BY MR. GALERSTON:
 13:36:01 17 Q. Have you ever undertaken an investigation
 13:36:04 18 to determine whether or not Square D, Nelson Marine,
 13:36:08 19 Allen-Bradley, Cutler-Hammer, or Eaton Electric has
 13:36:13 20 ever used any Union Carbide Bakelite phenolic molded
 13:36:20 21 compounds in equipment that they sold to the United
 13:36:21 22 States Navy?
 13:36:22 23 MS. CLARK: Objection; overly broad, beyond
 13:36:22 24 the scope of the notice --
 13:36:22 25 THE WITNESS: No.

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13:36:25 1 MS. CLARK: -- and the facts in this case.
 13:36:27 2 THE WITNESS: I'm sorry.
 13:36:28 3 MR. MAKI: Assumes facts, lacks foundation,
 13:36:29 4 calls for speculation.
 13:36:30 5 MR. KINSEY: Join.
 13:36:32 6 BY MR. GALERSTON:
 13:36:33 7 Q. Your answer, sir?
 13:36:53 8 A. No.
 13:36:58 9 Q. With regards to the insulation that was
 13:37:06 10 applied to the control boxes on the ship, that was
 13:37:07 11 described as Bakelite.
 13:37:10 12 Do you recall that testimony, sir?
 13:37:13 13 MS. CLARK: Objection; misstates facts.
 13:37:18 14 THE WITNESS: In one of the depositions I
 13:37:25 15 recall that the witness said they put a board in the
 13:37:31 16 back of the metal box and then sound insulation on
 13:37:33 17 the sides.
 13:37:36 18 In my experience, what's typically used
 13:37:41 19 for that electrical insulation is a Kraft paper-
 13:37:45 20 impregnated phenolic laminate. That's very popular,
 13:37:50 21 you know, very extensively used in that area.
 13:37:53 22 For the sound insulation, it didn't look as
 13:37:57 23 if it had anything to do with any of our products.
 13:37:59 24 I don't know what they would have used in there.
 13:37:59 25 BY MR. GALERSTON:

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13:38:03 1 Q. Is it fair to say that you don't know who
 13:38:07 2 manufactured any of the material that was used on
 13:38:13 3 the USS LANG while Donny Eubanks served on it?
 13:38:15 4 A. No, I wouldn't know who manufactured it.
 13:38:20 5 Q. Is it fair to say that you can't testify
 13:38:22 6 one way or the other whether or not it was Union
 13:38:25 7 Carbide Bakelite materials that were used on the
 13:38:27 8 USS LANG?
 13:38:27 9 A. That's correct.
 13:38:29 10 MS. CLARK: Objection; misstates his
 13:38:30 11 testimony.
 13:38:31 12 THE WITNESS: That's correct.
 13:38:39 13 BY MR. GALERSTON:
 13:38:42 14 Q. What of the testimony of --
 13:38:44 15 Was it Mr. Walker that you recall testified
 13:38:46 16 to the use of the board in the back of the box?
 13:38:55 17 A. I don't remember which one that said that.
 13:38:57 18 I would have to look at the deposition again to
 13:38:58 19 determine that.
 13:38:59 20 Q. Well, would that have been something that
 13:39:01 21 you noted when you were going through the
 13:39:02 22 deposition?
 13:39:04 23 A. Yeah, I think so.
 13:39:06 24 Q. Okay. So it might be in your notes, as
 13:39:07 25 well?

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13:39:08 1 A. It might be on my note, yeah. But I could
 13:39:10 2 always go back and look it up again.
 13:39:12 3 Q. As you sit here, you're not sure who it
 13:39:14 4 was, but it was a shipmate, correct?
 13:39:16 5 A. It was one of those depositions.
 13:39:18 6 Q. Okay. Well, you realize Mr. Gibson didn't
 13:39:19 7 serve on the ship.
 13:39:22 8 A. Not -- no. Gibson wasn't -- definitely not
 13:39:22 9 Gibson.
 13:39:25 10 Q. Okay. That's what I'm trying to get to.
 13:39:28 11 We're talking about on the USS LANG, correct?
 13:39:28 12 A. That's correct.
 13:39:33 13 Q. With regards to the testimony with regards
 13:39:36 14 to the board in the box, would you agree with me
 13:39:41 15 that you are using some of your experience and
 13:39:47 16 knowledge regarding the electrical applications of
 13:39:49 17 phenolic resins to come to the conclusion that it
 13:39:53 18 would be the Kraft type paper that was used in it as
 13:39:55 19 opposed to something else, because the description
 13:39:57 20 was inadequate to come to that conclusion?
 13:40:01 21 A. Well, there are also military
 13:40:07 22 specifications for laminates, and in 1965, there
 13:40:15 23 were over 30 different categories, and in each
 13:40:19 24 category, there's a short description of what the
 13:40:20 25 composition is and intended use, and paper laminates

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13:40:30 1 are specified as, you know, electrical insulation
 13:40:36 2 for control boxes with -- you know, any metal box.
 13:40:39 3 It's typically used for that.
 13:40:43 4 Q. And those laminates, Union Carbide sold
 13:40:45 5 those type of phenolic laminates, correct?
 13:40:46 6 MS. CLARK: Objection; misstates his
 13:40:46 7 testimony --
 13:40:47 8 THE WITNESS: No.
 13:40:49 9 MS. CLARK: -- assumes facts.
 13:40:54 10 THE WITNESS: Sorry.
 13:40:55 11 Union Carbide did not make and sell
 13:40:59 12 laminates. They only sold the resin to the
 13:41:01 13 manufacturers of laminates, and the resin did not
 13:41:03 14 contain any asbestos.
 13:41:04 15 BY MR. GALERSTON:
 13:41:08 16 Q. Is it fair to say that the sale of the raw
 13:41:12 17 resin was not the end of the product --
 13:41:12 18 A. That's right.
 13:41:15 19 Q. -- that it had to be -- additional
 13:41:17 20 materials would have to be added to it, correct?
 13:41:17 21 A. Yes.
 13:41:19 22 Q. And is it fair to say that Union Carbide
 13:41:22 23 would not know one way or the other whether or not
 13:41:26 24 the end user was adding asbestos as other fillers
 13:41:27 25 to that laminate when they are creating their

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13:41:32 1 laminates?
 13:41:36 2 A. Well, here again, it's -- they are not --
 13:41:39 3 if they represent that as a paper-based laminate,
 13:41:41 4 they can't add asbestos to it. They're
 13:41:44 5 misrepresenting what the product is. And that can
 13:41:47 6 be determined.
 13:41:48 7 Q. Is it your opinion that a paper-based
 13:41:52 8 laminate cannot contain asbestos?
 13:41:55 9 A. I've never seen it being done. I never saw
 13:41:55 10 it done.
 13:41:58 11 Q. Have you ever seen an asbestos-containing
 13:41:59 12 paper?
 13:42:05 13 A. There is a -- in '65, there was a laminate
 13:42:10 14 based on asbestos paper, and there was one based on
 13:42:12 15 asbestos mat.
 13:42:14 16 Q. And would it be fair to say that you don't
 13:42:18 17 know what the ultimate manufacturer of the laminate
 13:42:20 18 did with the resin?
 13:42:25 19 A. I can only go by what the intended use was
 13:42:28 20 on the -- in the military specification for that
 13:42:34 21 laminate, and electrical insulation wasn't listed.
 13:42:35 22 It was heat insulation.
 13:42:38 23 Q. Okay. Well, sir, are you holding out to
 13:42:41 24 have specialized knowledge with regards to the
 13:42:42 25 United States Navy's use of laminates and resins and

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13:42:48 1 phenolic moldings? 13:42:50 2 MS. CLARK: Objection; overly broad, vague, 13:42:52 3 ambiguous. 13:42:53 4 THE WITNESS: Would you repeat that, 13:42:53 5 please? 13:42:54 6 BY MR. GALERSTON: 13:42:55 7 Q. Are you claiming to have specialized 13:42:58 8 knowledge and expertise in knowing what the United 13:43:04 9 States Navy allowed for use of phenolic moldings and 13:43:05 10 resins? 13:43:06 11 MS. CLARK: Same objections. 13:43:11 12 THE WITNESS: Not specialized. I am going 13:43:15 13 by what -- their documents as to what they say they 13:43:19 14 want and need and my interpretation of that in terms 13:43:22 15 of the products we made. 13:43:22 16 BY MR. GALERSTON: 13:43:23 17 Q. My question, sir, is not as to the products 13:43:25 18 that Union Carbide made. 13:43:25 19 A. Yeah. 13:43:27 20 Q. I'm talking about the United States Navy 13:43:31 21 and what it allowed to be used, that you claim to 13:43:33 22 have specialized knowledge as to what the United 13:43:36 23 States Navy would allow to be -- what uses it would 13:43:38 24 allow for phenolic moldings and resins. 25 MS. CLARK: Objection; asked and answered.	13:44:40 1 military specifications that I saw in 1965, I didn't 13:44:41 2 see one. 13:44:42 3 BY MR. GALERSTON: 13:44:43 4 Q. And my question to you, sir, is: Did you 13:44:47 5 look at one military specification, such as M-14F? 13:44:50 6 A. Well, it has a different number -- 13:44:50 7 Q. Okay. 13:44:52 8 A. -- and I don't recall what that number is, 13:44:56 9 but it is along similar lines. 13:45:00 10 And also, the National -- NEMA, the 13:45:03 11 National Electrical Manufacturers Association, also 13:45:08 12 has a similar listing that is exactly the same as 13:45:10 13 the military spec, and they cross-reference each 13:45:11 14 other. 13:45:12 15 So there are two different sources you can 13:45:14 16 look at. 13:45:16 17 Q. And my question is: is do you feel that you 13:45:20 18 have reviewed it sufficiently to claim specialized 13:45:22 19 expertise and knowledge with regards to the 13:45:24 20 laminates and their use in the United States Navy? 13:45:27 21 MS. CLARK: Objection; overly broad, asked 13:45:28 22 and answered. 13:45:30 23 THE WITNESS: I still have a problem with 13:45:32 24 this word "specialized." It isn't specialized 25 knowledge. Somebody else with my background could
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13:43:41 1 THE WITNESS: What do you mean by 13:43:42 2 "specialized"? 13:43:43 3 BY MR. GALERSTON: 13:43:46 4 Q. You're indicating to me that the United 13:43:48 5 States Navy would not allow the use of certain 13:43:55 6 things, such as asbestos paper laminates, based upon 13:43:57 7 your review of a mil spec, correct? 13:43:59 8 MS. CLARK: Objection; misstates his 13:44:00 9 testimony. 13:44:04 10 THE WITNESS: If there was such a product, 13:44:07 11 there would have to be a mil spec on it, and I 13:44:07 12 didn't see it. 13:44:08 13 BY MR. GALERSTON: 13:44:10 14 Q. Do you claim to have exhaustive -- 13:44:12 15 A. That's not specialized, you know. That's 13:44:13 16 just looking at documents. 13:44:15 17 Q. Do you claim to have read all of the 13:44:17 18 military specifications with regards to all 13:44:20 19 applications so you can testify to the jury in this 13:44:23 20 case that there were no military specifications 13:44:27 21 that would allow or call for the use of asbestos- 13:44:28 22 containing paper laminates? 13:44:30 23 MS. CLARK: Objection; overly broad, beyond 13:44:31 24 the scope of the notice. 25 THE WITNESS: All I can testify is that the	13:45:35 1 do the same thing -- 13:45:37 2 MR. GALERSTON: Okay. 13:45:37 3 THE WITNESS: -- and just look at that. 13:45:40 4 Now, if you're saying somebody is going to 13:45:42 5 cheat and put asbestos in when they're not supposed 13:45:44 6 to, I have no way of knowing that. 13:45:45 7 BY MR. GALERSTON: 13:45:47 8 Q. No, sir, nobody is suggesting that anybody 13:45:49 9 has cheated or done something inappropriate. 13:45:50 10 The question is, is do you feel that you 13:45:53 11 have made a study of the subject matter sufficiently 13:45:56 12 to claim expertise, or have you just read one 13:45:58 13 document related to the specifications as to 13:45:58 14 laminates? 13:46:00 15 MS. CLARK: Counsel, argumentative, asked 13:46:03 16 and answered. He's explained the best he can his 13:46:05 17 knowledge on this subject. I think we should move 13:46:09 18 on. And it's way beyond the scope of the notice, in 13:46:09 19 any event. 13:46:13 20 THE WITNESS: All I can tell you is my 13 13:46:17 21 years' experience in that area, plus sources of 13:46:20 22 information I used, and that's it, and, you know, if 13:46:22 23 you need more than that, then you'll have to find 13:46:26 24 somebody else. 25 BY MR. GALERSTON:

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13:46:30 1 Q. What are the different uses of phenolic 13:46:32 2 molded components that you're aware of that were 13:46:36 3 approved by the United States Navy -- 13:46:36 4 MS. CLARK: Objection; over -- 13:46:38 5 BY MR. GALERSTON: 13:46:38 6 Q. -- in 1970? 13:46:40 7 MS. CLARK: Objection; overbroad and beyond 13:46:42 8 the scope of the notice. 13:46:44 9 THE WITNESS: The uses that they describe 13:46:46 10 in their military specifications. 13:46:46 11 BY MR. GALERSTON: 13:46:50 12 Q. Which are? 13:47:00 13 A. Well, let me see. 13:47:03 14 Q. And, sir, I'm not talking about the actual 13:47:05 15 compounds which are listed on the first page. I'm 13:47:07 16 talking about the actual usage. 13:47:08 17 A. The actual part? 13:47:09 18 Q. Right. 13:47:09 19 A. No. 13:47:10 20 Q. That you're aware of. 13:47:12 21 A. No, I don't. 13:47:14 22 Q. Okay. So as you sit here now, you're not 13:47:17 23 aware of any phenolic resins or phenolic moldings 13:47:20 24 that would be used on United States Navy vessels, 13:47:25 25 correct?	13:48:54 1 I don't know. 13:48:56 2 I couldn't -- by looking at the part, I 13:48:58 3 would not be able to tell whether it contained 13:49:01 4 asbestos and who made it, if that's what you're 13:49:09 5 after, or say this is a phenolic or this is a -- or 13:49:18 6 this is a polyester or this is a glass filled or, 13:49:21 7 you know. It would have to be tested. 13:49:22 8 BY MR. GALERSTON: 13:49:24 9 Q. The testimony that was given in this case 13:49:28 10 with regards to the cleaning of arc shields -- 13:49:30 11 And let's go ahead and use the term "arc 13:49:32 12 shields" to mean the barriers between the two 13:49:35 13 contacts to prevent the electricity traveling from 13:49:38 14 one contact to an adjacent contact. Okay? 13:49:38 15 A. Yes. 13:49:42 16 Q. The testimony was that those would build up 13:49:46 17 carbon deposits on them, was it not? 13:49:52 18 A. The one testimony, yes. I think Eubanks' 13:49:55 19 testimony was there was a buildup, yes. And I think 13:50:00 20 another one, that there was some sanding required, 13:50:02 21 yes. 13:50:04 22 Q. Is it your recollection that only one 13:50:07 23 shipmate recalled that there was some sanding 13:50:11 24 required on the shields? 13:50:12 25 A. That, I'm not sure. I think Crull said he
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13:47:25 1 A. I would not be able to identify that this 13:47:29 2 part was made from such and such a product, if 13:47:32 3 that's what you're looking for, in the case of 13:47:33 4 molding material. 13:47:33 5 Q. Right. 13:47:38 6 A. I can say that it was common -- a Kraft 13:47:43 7 paper laminate was commonly used in electrical 13:47:49 8 insulation because I've seen it come up before, and 13:47:54 9 that's consistent with the descriptions. But unless 13:48:00 10 I saw the part, I would say, yeah, that's it. 13:48:03 11 Q. So based upon your experience, knowledge, 13:48:05 12 and study of the military specifications, as you sit 13:48:08 13 here now, you can't say whether or not -- whether a 13:48:14 14 product of a phenolic molding nature was approved 13:48:17 15 for use in the United States Navy, correct? 13:48:19 16 A. That's right. 13:48:21 17 Q. You have no specialized knowledge or 13:48:31 18 expertise as to the use of phenolic molded compounds 13:48:31 19 in electrical systems in the United States Navy, 13:48:31 20 correct? 13:48:33 21 MS. CLARK: Objection; overly broad, asked 13:48:33 22 and answered. 13:48:42 23 THE WITNESS: Again, yeah, "specialized 13:48:47 24 expertise." I have the expertise that you're aware 13:48:50 25 of. Whether you consider that specialized or not,	13:50:16 1 wiped them. I don't recall him saying that he 13:50:18 2 sanded them. 13:50:19 3 Q. Do you remember Walker saying that he had 13:50:22 4 to scrape them? 13:50:25 5 A. That I don't recall was Walker. Somebody 13:50:28 6 said that they had to -- that they saw Eubanks 13:50:31 7 sanding the surface. 13:50:34 8 Q. And you don't recall Infante saying that 13:50:39 9 they had to be cleaned and scraped? 13:50:41 10 A. I'm not sure about that one, no. 13:50:44 11 Q. Okay. Well, assume for me that the 13:50:46 12 evidence and testimony in the case will be that 13:50:50 13 the arc shields had to be cleaned, which involved 13:50:54 14 scraping and sanding and things like that. Okay? 13:50:56 15 Do you have an understanding that that 13:50:59 16 would have been a carbon buildup from the arc? 13:51:02 17 MS. CLARK: Objection; vague, ambiguous. 13:51:06 18 THE WITNESS: In the case of a melamine, I 13:51:09 19 would expect that that would be the source. In the 13:51:14 20 case of a phenolic, it would -- in fact, it could 13:51:17 21 be part of it, but also, it would be the phenolic 13:51:22 22 itself and any cellulosic material that might be in 13:51:23 23 that phenolic -- 13:51:24 24 MR. GALERSTON: Okay. 13:51:25 25 THE WITNESS: -- so that you -- they are

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13:51:30 1 both going to gradually carbonize and burn through.
 13:51:30 2 And it's a similar --
 13:51:30 3 BY MR. GALERSTON:
 13:51:31 4 Q. So the testimony --
 13:51:33 5 A. -- similar to what you see if you get a
 13:51:37 6 short in your wall receptacle, you know.
 13:51:37 7 BY MR. GALERSTON:
 13:51:42 8 Q. So the testimony that you reviewed which
 13:51:45 9 indicates that the arc shields --
 13:51:45 10 A. Yes.
 13:51:46 11 Q. -- were required to be cleaned would be
 13:51:50 12 consistent with your expectation of use of either a
 13:51:54 13 melamine-based product or a phenolic product in a
 13:51:55 14 control box, correct?
 13:51:56 15 MS. CLARK: Objection; overly broad,
 13:51:58 16 misstates testimony.
 13:52:05 17 THE WITNESS: I -- since I didn't see
 13:52:08 18 phenolic approved for arc-resistant use, I would not
 13:52:13 19 expect it to be a phenolic. Now, if it was used for
 13:52:16 20 a nonmilitary application and somebody said, "Well,
 13:52:23 21 it's good enough," then, you know, I -- that's
 13:52:27 22 something I don't know. But for military use, that
 13:52:28 23 would have to be a melamine.
 13:52:29 24 BY MR. GALERSTON:
 13:52:29 25 Q. How much resistance is necessary for an arc

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13:52:32 1 shield?
 13:52:34 2 MS. CLARK: Objection; vague, ambiguous.
 13:52:35 3 THE WITNESS: I don't know. The government
 13:52:40 4 decided that by specifying which products they
 13:52:43 5 felt were adequate in setting an arc-resistant
 13:52:44 6 specification on each category.
 13:52:44 7 BY MR. GALERSTON:
 13:52:46 8 Q. Where does it say that an arc shield must
 13:52:50 9 be a melamine product?
 13:52:54 10 A. The MIL-14 spec, if you look at arc
 13:52:57 11 resistance, you'll see an arc-resistant
 13:53:02 12 specification. If you look at the phenolic
 13:53:05 13 categories, you see no arc-resistant specification.
 13:53:09 14 And if you look at the descriptions, you don't see
 13:53:14 15 any of the categories for arc resistance, where arc
 13:53:19 16 resistance is listed, except for the melamines.
 13:53:21 17 Q. Where does it say that an arc shield has to
 13:53:28 18 have a minimum arc resistance?
 13:53:32 19 A. If there's no arc-resistant requirement on
 13:53:37 20 it, then the government is not going to use it in an
 13:53:40 21 arc-resistant application. You know, what tests do
 13:53:44 22 they have that it is arc resistant? If the arc-
 13:53:48 23 resistance value is there, that is the minimum that
 13:53:52 24 you have to meet in order to meet the qualification.
 13:53:52 25 Now, to take it one step further, the

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13:54:02 1 military specification for the product that contains
 13:54:09 2 an arc shield in it will have in it what category of
 13:54:14 3 material is permissible that has to be used for that
 13:54:23 4 arc shield, and that's what the end user has. So
 13:54:26 5 that would specify exactly what they had to use.
 13:54:28 6 Q. Have you reviewed --
 13:54:28 7 A. And that would reference back to this list.
 13:54:30 8 Q. Have you reviewed that specification, that
 13:54:31 9 mil spec?
 13:54:34 10 A. I -- to get a mil spec for the end product,
 13:54:34 11 you have to know the --
 13:54:35 12 Q. For the arc shield?
 13:54:36 13 A. Yeah.
 13:54:38 14 -- you would need to know what that piece
 13:54:41 15 is, and I wouldn't have access to it. That would be
 13:54:44 16 the manufacturer of the product.
 13:54:46 17 Q. You have not reviewed the specifications
 13:54:52 18 for arc shields in any application, correct?
 13:54:54 19 A. From the end user's point of view, no.
 13:54:57 20 Q. You haven't reviewed those specifications,
 13:54:59 21 so you don't know what materials were approved for
 13:55:00 22 use for arc shields, correct?
 13:55:01 23 MS. CLARK: Objection; asked and answered,
 13:55:04 24 misstates his testimony.
 13:55:04 25 THE WITNESS: Maybe I'm not explaining

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13:55:09 1 myself correctly here --
 13:55:09 2 BY MR. GALERSTON:
 13:55:10 3 Q. Sir --
 13:55:14 4 A. -- or clearly. From a product point of
 13:55:22 5 view, if you don't fit these categories, you don't
 13:55:25 6 get on the qualified list for that particular
 13:55:29 7 application. So that's the first step.
 13:55:34 8 And you have to -- if you -- if arc
 13:55:37 9 resistance is required, which we all agree is
 13:55:40 10 required in an arc shield and arc chute --
 13:55:43 11 Q. Is that agreed? I haven't agreed to that.
 13:55:45 12 You haven't shown me the specification that says
 13:55:47 13 what the arc resistance is, and that's my question
 13:55:47 14 to you.
 13:55:48 15 MS. CLARK: Counsel, argumentative. He
 13:55:51 16 hasn't finished his answer. Please let him finish.
 13:55:54 17 THE WITNESS: Take a look at the MIL-14
 13:55:58 18 spec and look at arc resistance at the top of the
 13:56:01 19 property list. That is what the specification calls
 13:56:04 20 for in the product that you are going to submit if
 13:56:09 21 you want it on the Qualified Product List for that,
 13:56:12 22 for any application that requires arc resistance.
 13:56:12 23 BY MR. GALERSTON:
 13:56:14 24 Q. Where does it say that an arc chute has to
 13:56:14 25 have a minimum arc resistance?

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13:56:17 1 MS. CLARK: Objection; asked and answered. 13:56:17 2 THE WITNESS: Yes. 13:56:17 3 BY MR. GALERSTON: 13:56:20 4 Q. Where? What mil spec says the minimum arc 13:56:23 5 resistance has to be what? Where does it say that? 13:56:23 6 A. In -- 13:56:25 7 MS. CLARK: Objection; asked and answered. 13:56:29 8 THE WITNESS: In MIL-14, you have a minimum 13:56:34 9 are resistance. Now, you're saying, "Show me a 13:56:37 10 specification that this arc shield has to have this 13:56:40 11 are resistance." I don't think there is one. There 13:56:43 12 will be a specification saying: For this arc shield, 13:56:49 13 you have to use type such and such and from this 13:56:52 14 supplier who is on the approved product list. 13:56:52 15 BY MR. GALERSTON: 13:56:53 16 Q. Where is that? 13:56:56 17 A. That is with the end user. 13:56:58 18 Q. So, sir, as I understand it, as you sit 13:57:01 19 here today, you cannot point me to a mil spec that 13:57:03 20 says that arc chutes had to be made of a specific 13:57:04 21 type of material. Correct? 13:57:07 22 MS. CLARK: Objection; asked and answered. 13:57:10 23 THE WITNESS: Not from the end user's point 13:57:10 24 of view, that's right. 13:57:10 25 BY MR. GALERSTON:	13:59:09 1 Control Department to do it, and then the necessary 13:59:13 2 data would be collected and sent on, sent to the 13:59:16 3 proper agency. 13:59:17 4 Q. Now, sir, if I understand you correctly, 13:59:19 5 based upon your previous testimony and the documents 13:59:23 6 reviewed, you don't dispute whether -- that Union 13:59:26 7 Carbide sold Bakelite materials to Square D. Is 13:59:26 8 that correct? 13:59:27 9 A. That's right. 13:59:30 10 Q. And you don't dispute that Union Carbide 13:59:32 11 through its Bakelite division sold Bakelite products 13:59:34 12 to Allen-Bradley, correct? 13:59:34 13 A. That's right. 13:59:37 14 Q. Likewise, you don't dispute that Union 13:59:40 15 Carbide sold Bakelite products to Cutler-Hammer, 13:59:41 16 correct? 13:59:42 17 A. That's right. 13:59:46 18 Q. You don't dispute that those products -- 13:59:48 19 that some of those products would have been 13:59:49 20 asbestos-containing products, correct? 13:59:52 21 A. That's correct. 13:59:54 22 Q. Now, my understanding is, is that there was 14:00:02 23 testing done in the Union Carbide Bakelite division 14:00:03 24 Research & Development laboratories in the '70s to 14:00:03 25 determine whether or not asbestos was released when
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13:57:14 1 Q. And the mil specs that you showed me where 13:57:16 2 it talks about resistance does not specifically 13:57:19 3 refer to arc chutes, does it? 13:57:23 4 A. It -- in the molding section, no. In the 13:57:29 5 laminate section, I would have to check this, but I 13:57:36 6 think arc barriers are mentioned, not arc chutes. 13:57:53 7 And that's for melamine resins, not phenolic resin. 13:57:56 8 Q. Okay. In the 1960s to the '73 time period, 13:58:00 9 when you were the group manager for Research & 13:58:06 10 Development for the phenolic resins and moldings, 13:58:12 11 did you have someone dedicated to applying to the 13:58:16 12 United States Navy for -- I should say the United 13:58:19 13 States Government -- for inclusion of Union Carbide 13:58:24 14 Bakelite materials on the Qualified Products List? 13:58:27 15 A. Not that one -- not one person. We didn't 13:58:33 16 have that much going on. It was as requested by 13:58:35 17 Marketing. 13:58:36 18 Q. Did Marketing have somebody who was 13:58:39 19 responsible for that? 13:58:43 20 A. Responsible for making the request, yes. 13:58:45 21 Q. Who was responsible for shepherding a 13:58:49 22 product through the Qualified Products List process? 13:58:53 23 A. Once the Marketing manager would request 13:58:58 24 it, he could either ask the R&D lab to submit -- to 13:58:58 25 do the testing and submit the results or the Quality	14:00:14 1 the moldings were made. Correct? 14:00:14 2 MS. CLARK: Objection; beyond the scope. 14:00:17 3 What does that have to do with this notice, Counsel? 14:00:21 4 THE WITNESS: I remember having the tests 14:00:24 5 run, yes. I have not been able to find the results 14:00:25 6 in the documents. 14:00:25 7 BY MR. GALERSTON: 14:00:31 8 Q. Okay. And did Union Carbide ever conduct 14:00:35 9 any testing to determine whether or not there was 14:00:39 10 asbestos released when those molded products were 14:00:41 11 drilled, cut, or abraded? 14:00:45 12 MS. CLARK: Counsel, this is way beyond the 14:00:45 13 scope of the notice. 14:00:46 14 MR. GALERSTON: Counsel, it is not. Look at 14:00:50 15 "Exhibit No." 5. Okay? I'm really tired of this. 14:00:52 16 Any and all information that you have that may be 14:00:54 17 regarding discoverable matters for the above- 14:00:55 18 referenced case. 14:00:57 19 In this case, Union Carbide's knowledge as 14:01:00 20 to the extent of the asbestos released from its 14:01:02 21 products is highly relevant. Okay? 14:01:02 22 MS. CLARK: Counsel -- 14:01:02 23 MR. GALERSTON: So if you don't believe 14:01:06 24 that it falls within No. 5, which is a catchall of 14:01:06 25 great magnitude, I'll have to disagree with you,

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14:01:10 1 and I'm going to go forward with questioning the
 14:01:10 2 witness.
 14:01:12 3 MS. CLARK: Right, it's a catchall that says
 14:01:14 4 nothing about asbestos released from the products.
 14:01:15 5 MR. GALERSTON: Counsel, do you understand
 14:01:18 6 why Union Carbide has been sued in this case?
 14:01:20 7 Mr. Eubanks is dying from mesothelioma because he
 14:01:23 8 has inhaled asbestos, asbestos that we claim came
 14:01:25 9 from your client's products, Union Carbide's
 14:01:28 10 Bakelite that was supplied to Square D, Allen-
 14:01:31 11 Bradley, Cutler-Hammer, and others, so the asbestos
 14:01:34 12 that we believe, in part, was supplied by your
 14:01:35 13 client.
 14:01:37 14 So whether or not Union Carbide knew about
 14:01:40 15 the asbestos in its products is highly relevant.
 14:01:43 16 MS. CLARK: Counsel, I disagree as to when
 14:01:46 17 it's a person-most-knowledgeable deposition and he's
 14:01:49 18 been asked to testify on certain topics specified
 14:01:53 19 in your notice, and details about tests at their
 14:01:56 20 facility, none of that is specified in your notice.
 14:01:59 21 I'll let it go on for a while, but can we
 14:02:00 22 please stick to the topics in the notice?
 14:02:03 23 MR. GALERSTON: Well, we'll disagree as to
 14:02:05 24 whether or not I'm on the subject. I believe that
 14:02:05 25 I'm well within my topics.

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14:02:09 1 Q. Sir, the question to you was whether or
 14:02:12 2 not Union Carbide ever did any testing to determine
 14:02:16 3 whether or not asbestos was released from its
 14:02:21 4 Bakelite products when it was cut, abraded, or
 14:02:22 5 drilled.
 14:02:25 6 MS. CLARK: Same objections.
 14:02:26 7 THE WITNESS: Do I answer that?
 14:02:27 8 MS. CLARK: You can answer.
 14:02:28 9 THE WITNESS: Yes.
 14:02:29 10 BY MR. GALERSTON:
 14:02:32 11 Q. What tests were done, and when were those
 14:02:32 12 done?
 14:02:33 13 MS. CLARK: Same objections: beyond the
 14:02:34 14 scope.
 14:02:37 15 THE WITNESS: It would be in the early
 14:02:42 16 '70s, and I recall that we had it done in the
 14:02:48 17 laboratory and that we were well within the OSHA
 14:02:49 18 limits.
 14:02:49 19 BY MR. GALERSTON:
 14:02:52 20 Q. Okay. Now, and just so I'm clear, I've
 14:02:55 21 read your previous testimony on several occasions
 14:02:58 22 where you testified that the molding process was
 14:03:00 23 tested. Now, if I understand you correctly, you're
 14:03:03 24 saying that actually cutting, abrading, and grinding
 14:03:03 25 of the completed product was tested, as well.

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14:03:07 1 A. Yes.
 14:03:08 2 Q. Okay.
 14:03:13 3 A. Both at one time. And as I recall, we
 14:03:14 4 passed.
 14:03:17 5 Q. Okay. And so do you recall which product
 14:03:18 6 was tested?
 14:03:23 7 A. We took one that had a high asbestos level,
 14:03:27 8 like 5303, but I don't recall whether that was the
 14:03:30 9 actual product we used. But it was a high asbestos
 14:03:31 10 filling.
 14:03:33 11 Q. So you're talking about a product that had
 14:03:35 12 40 to 50 percent?
 14:03:37 13 A. Probably more like 30, 35.
 14:03:43 14 Q. Okay. And when you say that the test level
 14:03:46 15 was -- you passed, does that indicate that asbestos
 14:03:52 16 was released, but it was below the then TLV, or
 14:03:53 17 threshold limit value?
 14:03:55 18 MS. CLARK: Objection; foundation, not
 14:03:58 19 called for or specified in the notice as to
 14:04:00 20 presenting a person knowledgeable on the details
 14:04:03 21 of those tests.
 14:04:03 22 You can answer.
 14:04:05 23 THE WITNESS: Again, I have to go by
 14:04:08 24 recollection because I haven't found it, the
 14:04:08 25 records, but as I recall, it was very low, where

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14:04:16 1 they were even not sure whether they had found some
 14:04:17 2 fibers or not.
 14:04:17 3 BY MR. GALERSTON:
 14:04:19 4 Q. Would there be somebody else at Union
 14:04:21 5 Carbide that would be more knowledgeable about the
 14:04:24 6 test results from these asbestos-containing products
 14:04:28 7 that Union Carbide was selling other than yourself?
 14:04:29 8 A. Not that I'm aware of.
 14:04:37 9 Q. Okay. The tests, were these tests done
 14:04:41 10 after the 1970 mold tests, or would they have been
 14:04:42 11 done before that?
 14:04:43 12 A. Which mold tests?
 14:04:44 13 MS. CLARK: Objection; vague, ambiguous.
 14:04:45 14 BY MR. GALERSTON:
 14:04:48 15 Q. Your previous testimony indicated in the
 14:04:52 16 1970 time frame you did the testing to determine
 14:04:54 17 whether or not your operator was exposed to asbestos
 14:04:55 18 when he would do the molding, correct?
 14:04:56 19 A. Yes.
 14:04:57 20 MS. CLARK: Objection; mischaracterizes
 14:05:00 21 testimony.
 14:05:03 22 THE WITNESS: I think the test with the
 14:05:10 23 operator was done first, probably in the early '70s.
 14:05:16 24 This came next because it, you know, raised the
 14:05:16 25 question, "Okay. What happens if you do that?"

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14:05:25 1 The -- now, I want to make the point that
 14:05:30 2 a molded part is -- you make a molded part so you
 14:05:36 3 don't have to machine and drill and so forth, and
 14:05:40 4 most molded parts that I'm familiar with don't
 14:05:40 5 require that. That's why you do it that way, to
 14:05:47 6 save the money. So that's the reason the chances
 14:05:52 7 of somebody doing that I think are very low.
 14:05:54 8 But we still did it to -- because we did
 14:05:57 9 some of our -- some drilling and machining of
 14:06:00 10 plaques to make specimens, and we wanted to be sure
 14:06:03 11 our people were safe.
 14:06:07 12 But customers, people who buy the product,
 14:06:13 13 the molded part, I'm not aware of anybody who cuts
 14:06:15 14 the molded piece, and they shouldn't, because they
 14:06:18 15 change the nature of what -- the design of the part,
 14:06:20 16 and it's not going to function the way it was
 14:06:20 17 supposed to.
 14:06:21 18 MR. GALERSTON: Object to the nonresponsive
 14:06:25 19 nature of the answer.
 14:06:26 20 Q. If others have testified that they would
 14:06:31 21 have to cut, drill, or abrade Union Carbide Bakelite
 14:06:34 22 materials, you would not disagree with that
 14:06:35 23 testimony, would you?
 14:06:36 24 A. What's that?
 25 MS. CLARK: Objection.

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14:06:39 1 THE WITNESS: I'm sorry.
 14:06:41 2 MS. CLARK: I don't think he heard you. Do
 14:06:42 3 you want to state it --
 14:06:43 4 THE WITNESS: Would you repeat that again
 14:06:44 5 for me?
 14:06:44 6 BY MR. GALERSTON:
 14:06:46 7 Q. Sure. If others have testified that they
 14:06:52 8 would have to cut, abrade, or otherwise modify Union
 14:06:54 9 Carbide Bakelite materials, you don't have a dispute
 14:06:55 10 with that testimony, do you?
 14:06:58 11 MS. CLARK: Objection; vague, ambiguous,
 14:07:00 12 calls for speculation.
 14:07:04 13 MR. MAKI: Assumes facts, lacks foundation.
 14:07:05 14 THE WITNESS: I would question why they
 14:07:09 15 would do it. And in the deposition of one of your
 14:07:13 16 witnesses, and I'm not sure whether it was Infante
 14:07:18 17 or not -- he said that they could not do that, that
 14:07:22 18 they would have to get approval and have to go up
 14:07:26 19 through the chain of command to change anything.
 14:07:28 20 Now, laminates are cut and drilled and so
 14:07:32 21 forth, but molding materials, it's rare, in my
 14:07:32 22 experience.
 14:07:33 23 BY MR. GALERSTON:
 14:07:37 24 Q. The arc shields that were described would
 25 be molded, correct?

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14:07:40 1 MS. CLARK: Objection; assumes facts,
 14:07:41 2 misstates his testimony.
 14:07:44 3 THE WITNESS: From what I saw there, I
 14:07:46 4 don't think it would be molded. They're flat
 14:07:48 5 pieces, and I would think they would come from
 14:07:49 6 laminates.
 14:07:54 7 Plus, you would need, in a 16th-inch piece
 14:07:57 8 like that, the highest rigidity and the highest
 14:08:01 9 impact strength. That part made from any of our
 14:08:04 10 phenolic compounds, if it was injection molded, I
 14:08:07 11 don't think would have sufficient strength for the
 14:08:14 12 application. I think those are made from laminates,
 14:08:16 13 cut from laminates.
 14:08:17 14 MR. GALERSTON: I object to the
 14:08:21 15 nonresponsive nature of the answer.
 14:08:23 16 Q. Did you see the testimony that there were
 14:08:25 17 some that described it as being a flat piece that
 14:08:30 18 was a barrier and then some that were like a dome
 14:08:32 19 that were bolted on?
 14:08:35 20 A. I didn't see the dome part. Is that in the
 14:08:36 21 documents that I --
 14:08:41 22 Q. Have you ever seen anybody describe an arc
 14:08:43 23 shield such as the type that would be attached by
 14:08:46 24 two screws that would be on wings that would then be
 25 a dome over a contact?

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14:08:51 1 MS. CLARK: Objection; overbroad, vague.
 14:08:54 2 THE WITNESS: Now, are you talking about a
 14:08:56 3 dome or just taking a flat piece and bending it
 14:08:57 4 over?
 14:08:57 5 BY MR. GALERSTON:
 14:08:59 6 Q. I'm speaking of a dome.
 14:09:02 7 A. A dome, actually rounded.
 14:09:04 8 The dome, I didn't see that in the
 14:09:08 9 testimony that I read, and I've never heard of a
 14:09:12 10 dome arc shield, but there could be one. I mean,
 14:09:16 11 I haven't seen all of the problems they have with
 14:09:17 12 arcing.
 14:09:19 13 Q. You don't claim to have specialized
 14:09:22 14 knowledge with regards to the design of arc shields,
 14:09:25 15 correct?
 14:09:26 16 MS. CLARK: Objection; vague, ambiguous.
 14:09:28 17 THE WITNESS: Special knowledge on my part?
 14:09:28 18 BY MR. GALERSTON:
 14:09:31 19 Q. Correct, with regards to the design of arc
 14:09:34 20 shields.
 14:09:34 21 A. The dome part? I just --
 14:09:37 22 Q. In general, arc shields in general.
 14:09:43 23 A. All I can testify is that the flat pieces
 14:09:47 24 that were described in the documents that I read I
 25 think were made from laminates, and the Gund

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14:09:55 1 description also refers to laminates. That's this
 14:09:56 2 one.
 14:10:01 3 And from my experience, a thin piece like
 14:10:06 4 the chutes -- or the barriers that were described
 14:10:11 5 in there would be made from a laminate, and you
 14:10:15 6 would want a reinforcement in there to get the most
 14:10:21 7 rigid, strongest piece, especially in a 16th-inch
 14:10:28 8 thickness. If made by a molding material and
 14:10:30 9 molded, you would not have sufficient strength. It
 14:10:36 10 would be very brittle.
 14:10:38 11 Now, domes, I don't know anything about
 14:10:42 12 domes, and that was not described in any of the
 14:10:43 13 documents I looked at.
 14:10:46 14 MR. GALERSTON: Object to the nonresponsive
 14:10:47 15 nature of the answer.
 14:10:48 16 Q. Sir, what experience do you have in
 14:10:49 17 designing arc shields?
 14:10:51 18 A. None.
 14:10:54 19 Q. Prior to preparing for this deposition,
 14:10:57 20 what have you done to investigate the design of arc
 14:10:59 21 shields?
 14:11:01 22 A. Nothing more than I've already told you.
 14:11:03 23 Q. Have you ever consulted with Square D,
 14:11:05 24 Cutler-Hammer, Allen-Bradley, or any other
 14:11:25 25 electronic -- electric equipment manufacturer as to

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14:11:13 1 the design and manufacture of arc shields?
 14:11:33 2 A. No.
 14:11:36 3 Q. There is a description of the debris that
 14:11:40 4 is created from the breakdown of the arc shield.
 14:11:41 5 Are you familiar with that?
 14:11:42 6 A. Yes.
 14:11:54 7 Q. Do you believe that it is possible for the
 14:11:54 8 arc shields and other components in the interior of
 14:11:54 9 a control box to break down?
 14:11:54 10 MS. CLARK: Objection; vague, ambiguous.
 14:11:57 11 THE WITNESS: From the testimony, they
 14:12:01 12 said that periodically they had to replace the arc
 14:12:05 13 shield, so that indicates to me that there was
 14:12:10 14 eventually a failure of some sort. Whether it was
 14:12:13 15 mechanical or whether it was a result of the arc, I
 14:12:14 16 don't know.
 14:12:14 17 BY MR. GALERSTON:
 14:12:17 18 Q. Did you understand that, in part, the
 14:12:20 19 debris that was being removed from the control boxes
 14:12:24 20 periodically would have been the debris from the arc
 14:12:24 21 shield?
 14:12:24 22 A. Yes.
 14:12:26 23 Q. Did you also understand that the arc shield
 14:12:29 24 would be weakened by the cleaning and the scraping?
 14:12:29 25 A. Yes.

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14:12:35 1 Q. Do you have reason to doubt that Donny
 14:12:37 2 Eubanks would have been exposed to the dust from the
 14:12:40 3 debris of the arc shields when he cleaned it out?
 14:12:42 4 MS. CLARK: Objection; calls for
 14:12:43 5 speculation, ambiguous.
 14:12:47 6 THE WITNESS: No, I have no doubt he would
 14:12:47 7 be.
 14:12:47 8 BY MR. GALERSTON:
 14:12:49 9 Q. Do you know of any studies that were ever
 14:12:51 10 made to determine whether or not asbestos was
 14:12:56 11 released from the arc shields?
 14:12:58 12 MS. CLARK: Objection; assumes facts not in
 14:13:00 13 evidence, beyond the scope of the notice.
 14:13:04 14 THE WITNESS: Since we didn't, I don't
 14:13:08 15 think, provide materials for arc shields and do any
 14:13:12 16 testing on them, I mean, I -- we would not have done
 14:13:15 17 any testing, no.
 14:13:17 18 MR. GALERSTON: Okay. I object to the
 14:13:19 19 nonresponsive nature of the answer.
 14:13:21 20 Q. If I understand it correctly, Union Carbide
 14:13:31 21 did not do any testing of its phenolic molded
 14:13:32 22 compounds to determine whether or not they released
 14:13:37 23 asbestos fibers as they were put in use. Is that
 14:13:37 24 right?
 14:13:37 25 MS. CLARK: Objection; misstates his

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14:13:40 1 testimony.
 14:13:46 2 THE WITNESS: You mean the taking of tests
 14:13:48 3 on the granular material?
 14:13:48 4 BY MR. GALERSTON:
 14:13:50 5 Q. No. The finished product.
 14:13:51 6 A. On the finished product?
 14:13:51 7 Q. Correct.
 14:13:53 8 MS. CLARK: Same objection.
 14:13:54 9 THE WITNESS: And what kind of tests?
 14:13:54 10 BY MR. GALERSTON:
 14:13:56 11 Q. To determine whether or not they would
 14:13:59 12 release asbestos fibers over time after they had
 14:14:00 13 been put into use.
 14:14:02 14 MS. CLARK: Same objection, asked and
 14:14:03 15 answered.
 14:14:09 16 THE WITNESS: Why would they release
 14:14:13 17 asbestos fiber after time in use? They don't
 14:14:20 18 degrade unless they're -- I can't think of any
 14:14:21 19 example where that would be necessary.
 14:14:22 20 BY MR. GALERSTON:
 14:14:24 21 Q. Okay. So I take it from your answer that
 14:14:28 22 Union Carbide did not engage in a study to determine
 14:14:30 23 whether or not its phenolic molded compounds that
 14:14:33 24 contained asbestos would release asbestos fiber over
 14:14:33 25 time as an end product. Correct?

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14:14:37 1 MS. CLARK: Objection; vague, ambiguous, 14:14:40 2 beyond the scope. 14:14:45 3 THE WITNESS: If it was not abraded in use 14:14:48 4 by some mechanism, no. 14:14:50 5 BY MR. GALERSTON: 14:14:52 6 Q. Regardless of how it would have happened, 14:14:55 7 Union Carbide did not undertake to determine and 14:14:57 8 study whether or not asbestos would be released over 14:14:58 9 time from that product, right? 14:15:00 10 MS. CLARK: Same objections. 14:15:03 11 THE WITNESS: I'm unaware of any such 14:15:04 12 testing or the need for it. 14:15:05 13 BY MR. GALERSTON: 14:15:12 14 Q. Okay. With regards to the Bakelite 14:15:17 15 products that Union Carbide sold to its customers 14:15:19 16 such as Square D, Allen-Bradley, Cutler-Hammer, 14:15:27 17 Nelson Marine, and others, when did the Bakelite 14:15:30 18 division start to warn of the hazards of asbestos 14:15:33 19 related to its asbestos-containing Bakelite? 14:15:35 20 MR. MAKI: Objection; lacks foundation, 14:15:39 21 calls for speculation, assumes facts. 14:15:39 22 MR. KINSEY: Join. 14:15:41 23 MS. CLARK: Join. 14:15:45 24 THE WITNESS: I can't give you the exact 25 date, but it would be in '72 or '73, I believe,	14:16:57 1 came in, the raw asbestos bags -- 14:16:57 2 A. Yes. 14:16:59 3 Q. -- or however they came, do you know when 14:17:02 4 Union Carbide's Bakelite division first received 14:17:06 5 warnings from the supplier as to the hazards related 14:17:06 6 to asbestos? 14:17:07 7 A. Oh, no. 14:17:08 8 MR. GALERSTON: Okay. I think we need to 14:17:12 9 change the tape, so why don't we take five. 14:17:14 10 THE VIDEOGRAPHER: This is the end of Tape 14:17:15 11 Number Three in the deposition of Carlo Martino. 14:17:24 12 The time is 14:17:16. We are off the record. 14:31:05 13 (Recess taken: 2:17 p.m. to 2:31 p.m.) 14:31:29 14 THE VIDEOGRAPHER: We are back on the 14:31:31 15 record. This is the beginning of Tape Number Four 14:31:36 16 in the deposition of Carlo Martino. The time is 14:31:38 17 14:31:35. 14:31:41 18 Counsel, you may proceed. 14:31:44 19 MR. GALERSTON: Thank you. 14:31:44 20 Q. Mr. Martino, are you ready to continue? 14:31:44 21 A. Yes. 14:31:46 22 Q. Very good. 14:31:49 23 Sir, earlier, you were explaining Union 14:31:52 24 Carbide's Bakelite market position, and I believe 25 you said early on, Union Carbide was number one in
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14:15:57 1 where we started putting labels on the bags. But 14:16:00 2 there were discussions with customers through the 14:16:06 3 Sales Department after the OSHA test came out, and 14:16:09 4 quite a bit of discussion between the customer and 14:16:12 5 us about what the OSHA test meant and how to run it 14:16:16 6 and so forth. But the labeling of bags didn't come 14:16:19 7 until, you know, '72, '73. 14:16:20 8 BY MR. GALERSTON: 14:16:24 9 Q. Okay. And do you recall when the first -- 14:16:27 10 the asbestos that Union Carbide was buying to put in 14:16:30 11 the Bakelite materials that it was selling, do you 14:16:32 12 remember when those asbestos bags were first labeled 14:16:35 13 with warnings with regards to the hazards of 14:16:35 14 asbestos? 14:16:38 15 MS. CLARK: Objection; foundation. 14:16:41 16 THE WITNESS: The asbestos we were selling? 14:16:43 17 I had nothing to do with that product. 14:16:44 18 BY MR. GALERSTON: 14:16:45 19 Q. Not the asbestos you were selling. The 14:16:49 20 asbestos you were purchasing, the RM-18. 14:16:51 21 A. Well, the warning would come from the 14:16:53 22 asbestos company. 14:16:53 23 Q. Right. 14:16:53 24 A. Yeah. 25 Q. And I'm asking about the bags that they	14:31:57 1 the market. 14:32:00 2 And when I say Bakelite, I mean phenolic 14:32:02 3 resins and moldings, right? 14:32:02 4 A. Yes. 14:32:04 5 Q. And then you said there was an explosion, 14:32:07 6 and I would assume that to be a reference to the 14:32:09 7 Bhopal explosion. 14:32:09 8 A. Oh, no. 14:32:10 9 Q. No? 14:32:12 10 A. No. This was an explosion of our -- in our 14:32:14 11 phenolic molding material plant. 14:32:16 12 Q. Okay. When did that occur? 14:32:19 13 A. I believe it was 1952. 14:32:21 14 Q. As a result of that, you lost market share 14:32:22 15 because your production was down? 14:32:27 16 A. Yes. And we also had to give -- because at 14:32:30 17 that time we had customers who bought all of their 14:32:34 18 material from us, they suddenly had to be supplied 14:32:41 19 by somebody else, and our competitors didn't have 14:32:43 20 the same formulations. So what we had to do was 14:32:46 21 give our formulations to our competitors and have 14:32:53 22 them make the product for our customers. And, of 14:32:58 23 course, we had to give away a lot of our knowledge 14:33:00 24 to them. 25 Q. Okay.

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14:33:07 1 A. And after that, customers would not give a
 14:33:14 2 hundred percent of their products to one supplier,
 14:33:18 3 which is -- and that's true now in many cases. You
 14:33:20 4 can't rely on just one.
 14:33:22 5 Q. Once burned, twice shy?
 14:33:23 6 A. Yes.
 14:33:26 7 Q. So was that in the Bound Brook facility?
 14:33:26 8 A. Yes.
 14:33:28 9 Q. Okay. In 1952, you were not the group
 14:33:29 10 manager, correct?
 14:33:30 11 A. No.
 14:33:35 12 Q. When you became group manager in 1960,
 14:33:39 13 would you agree that Union Carbide was the number
 14:33:42 14 two supplier of phenolic resins and moldings?
 14:33:44 15 MS. CLARK: Objection; beyond the scope,
 14:33:46 16 assumes facts not in evidence.
 14:33:49 17 THE WITNESS: We thought we were.
 14:33:50 18 BY MR. GALERSTON:
 14:33:55 19 Q. Okay. My understanding is that Union
 14:33:57 20 Carbide stayed in the phenolic resins business until
 14:33:59 21 1974, 1975. Correct?
 14:34:00 22 A. Yes.
 14:34:02 23 Q. And at that time --
 14:34:04 24 A. Well, we went out of the business the end
 14:34:06 25 of '74.

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14:34:08 1 Q. The end of 1974. And did you sell off the
 14:34:14 2 unit, or did you just close it down?
 14:34:18 3 A. The equipment was removed. Whether it was
 14:34:21 4 sold to anybody or not, I don't know.
 14:34:23 5 Q. At that point in time, you were no longer
 14:34:24 6 involved with Bakelite, correct?
 14:34:24 7 A. That's right.
 14:34:36 8 Q. I want to clarify something from your
 14:34:39 9 deposition that you gave in the Barragan case. I
 14:34:42 10 think I called it Branagan before. It's Barragan,
 14:34:45 11 B-a-r-r-a-g-a-n. This is the testimony that you
 14:34:47 12 gave in March of this year.
 14:34:51 13 There you testified as to, I guess,
 14:34:55 14 different types of Bakelite: high temperature
 14:34:59 15 versus regular temperature, general purpose versus
 14:35:00 16 specialized.
 14:35:00 17 A. Yes.
 14:35:01 18 Q. Do you recall that testimony?
 14:35:02 19 A. Yes.
 14:35:04 20 Q. What is your -- what is the definition of a
 14:35:09 21 high-temperature application for Bakelite?
 14:35:15 22 MS. CLARK: Objection; overbroad, vague.
 14:35:18 23 THE WITNESS: Well, an application where
 14:35:24 24 the likely exposure is going to be 350, 400 degrees
 14:35:26 25 Fahrenheit, like ovens. It doesn't have to be

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14:35:33 1 continuous, but intermittent. That's probably the
 14:35:37 2 most severe.
 14:35:42 3 And it's not a question of just a short
 14:35:46 4 period of time. It's over a period of time at those
 14:35:51 5 conditions that any phenolic compound, whether it
 14:35:55 6 has asbestos in it or not, will lose its properties.
 14:35:58 7 But with a mineral filler, and particularly with
 14:36:01 8 asbestos, the properties retain for a longer period
 14:36:01 9 of time.
 14:36:02 10 BY MR. GALERSTON:
 14:36:05 11 Q. Okay. So my understanding is that Union
 14:36:07 12 Carbide is more likely to include asbestos in its
 14:36:09 13 high-temperature Bakelite applications.
 14:36:10 14 A. Yes. Yes.
 14:36:13 15 Q. I also understand that the general purpose
 14:36:17 16 Bakelite also contained asbestos at some point in
 14:36:17 17 time. Correct?
 14:36:20 18 MS. CLARK: Objection; misstates facts and
 14:36:23 19 mischaracterizes the testimony.
 14:36:25 20 THE WITNESS: There was -- there were some
 14:36:32 21 at very low levels -- I think it was nine percent --
 14:36:40 22 that we developed and we called general purpose,
 14:36:47 23 but those were primarily woodflour fill and just a
 14:36:51 24 small amount of asbestos, which helped us improve
 14:36:53 25 the long-term aging of the product but at lower

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14:36:56 1 temperatures.
 14:36:57 2 BY MR. GALERSTON:
 14:36:59 3 Q. Okay. And you indicated in your previous
 14:37:01 4 testimony that it was a short period of time that
 14:37:04 5 that asbestos was included in that product, correct?
 14:37:05 6 A. Yes, because --
 14:37:06 7 MS. CLARK: Objection; overbroad, vague.
 14:37:10 8 THE WITNESS: Yes, because then we decided,
 14:37:14 9 in 1970, after the OSHA test came out, that we
 14:37:18 10 wanted to remove as much asbestos as we could from
 14:37:22 11 our products, and we started with the low levels and
 14:37:29 12 worked our way up. And the low levels was in '70,
 14:37:32 13 '71, and then --
 14:37:32 14 BY MR. GALERSTON:
 14:37:36 15 Q. What year did Union Carbide start using
 14:37:38 16 asbestos in its general purpose Bakelite?
 14:37:42 17 MS. CLARK: Objection; overbroad, vague.
 14:37:51 18 THE WITNESS: I vaguely remember some small
 14:37:56 19 amounts of asbestos in some products in the early
 14:38:03 20 '60s, but they were specialty applications. But it
 14:38:09 21 wasn't until in the later '70s that we came up with
 14:38:13 22 this one product that had nine percent that gave us
 14:38:14 23 longer life.
 14:38:15 24 BY MR. GALERSTON:
 14:38:17 25 Q. Okay. And I believe you said in the later

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14:38:20 1 '70s. I believe you meant the later '60s. 14:38:24 2 A. No. It was -- let's see. It would be 14:38:30 3 5440. I think 5440 was developed in the late '60s. 14:38:30 4 Q. Okay. 14:38:32 5 A. It was in the '70s that we started taking 14:38:35 6 the asbestos out, but the product was introduced 14:38:37 7 before the '70s. 14:38:38 8 Q. Okay. And I believe you indicated that was 14:38:40 9 5440 you were referring to. 14:38:41 10 A. I think so. 14:38:44 11 Q. And that was a general purpose Bakelite? 14:38:45 12 A. That was a general purpose with a little 14:38:46 13 bit of asbestos in it. 14:38:50 14 Q. Okay. In that same deposition, you were 14:38:53 15 talking about your high-temperature Bakelite and 14:38:54 16 your market for that. 14:38:55 17 Do you recall testifying with regards to 14:38:56 18 that? 14:39:02 19 A. I don't recall it in those terms. 14:39:05 20 Q. Okay. And let me just ask you this. Do 14:39:07 21 you recall stating that Square D, Cutler-Hammer, and 14:39:09 22 Allen-Bradley would have been your customers for 14:39:15 23 your high-temperature Bakelite from 1969 to 1974? 14:39:16 24 A. Yes. Yes. 14:39:16 25 Q. That sounds right to you?	14:40:59 1 had any of its Bakelite materials on the Qualified 14:41:03 2 Products List in response to mil spec M-14F? 14:41:09 3 A. I suspect we had some. I'm pretty sure we 14:41:14 4 had BMG-0750, which was our MicroFil material, 14:41:18 5 qualified under the MFE specification, because 14:41:22 6 mica -- of the mineral fillers, mica is the best for 14:41:24 7 electrical properties. 14:41:29 8 Unfortunately, you know, in an application, 14:41:33 9 electrical properties are only one consideration, 14:41:36 10 and you have to -- you know, cost and other 14:41:39 11 properties are important, too. So that's why the 14:41:55 12 others exist. 14:41:57 13 Q. Sir, I'm going to hand you what I've marked 14:41:59 14 as Exhibit No. 9 to your deposition, and I will 14:42:03 15 represent to you these are sworn interrogatory 14:42:09 16 answers filed by Union Carbide in May 2003 in 14:42:14 17 New York City asbestos litigation. I referred to 14:42:15 18 these earlier. 14:42:18 19 I believe you indicated that you have not 14:42:19 20 previously had an opportunity to review 14:42:21 21 interrogatory answers. Correct? 14:42:22 22 A. Yes. 14:42:23 23 Q. Therefore, I assume that these are not 14:43:11 24 familiar to you. Correct? 14:43:11 25 A. I don't see anything familiar.
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14:39:23 1 A. Yeah. Yes. And that was -- I was 14:39:41 2 referring to the 5303. 14:39:45 3 Q. Okay. Now, we talked about the Qualified 14:39:50 4 Products List, and particularly the M-14F list, 14:39:53 5 correct? Do you remember talking about that? 14:39:54 6 A. Yes. Yes. 14:39:55 7 Q. That mil spec. And you indicated that you 14:39:58 8 did not know whether or not Union Carbide ever had 14:40:03 9 any Bakelite or other products that were on the QPL 14:40:08 10 for that mil spec, correct? 14:40:10 11 A. I said I didn't know what we had on those 14:40:13 12 products, not that they -- yeah, I didn't know what 14:40:18 13 we had at various periods of time. But I also had 14:40:23 14 in mind at that time the qualified products, not 14:40:27 15 only ours but of our competitors, and other types of 14:40:29 16 resin. 14:40:33 17 It would have been helpful to know if 14:40:35 18 there -- what products that they had on the 14:40:39 19 Qualified Products List for the products they have 14:40:43 20 there with arc-resistant specifications, whether 14:40:46 21 they were ours or somebody else's, which would give 14:40:49 22 me another lead as to what was being used for the 14:40:51 23 arc shield. 14:40:53 24 Q. Is it your testimony that you don't know 14:40:53 25 one way or the other whether or not Union Carbide	14:43:16 1 Q. Okay. Well, for what it's worth -- 14:43:18 2 A. Is it all the same? I mean, this -- it's 14:43:19 3 all one interrogatory? 14:43:22 4 Q. No, no. There is a large number. There's 14:43:31 5 objections, there's responses. It goes to No. 89. 14:43:34 6 No. I take that back. Yeah, 89. 14:43:36 7 I have some specific questions that are in 14:43:39 8 here relating to Bakelite. You, of course, sir, 14:43:41 9 are entitled to look at this document as fully and 14:43:47 10 completely as you wish, but it's my -- my last 14:43:49 11 question to you was, as I understand it, this has 14:43:51 12 never been provided to you before. Correct? 14:43:51 13 A. No. 14:43:53 14 Q. And nothing like this has been provided to 14:43:55 15 you before by Union Carbide's counsel, correct? 14:43:55 16 A. No. 14:43:59 17 Q. Okay. Like I said, you're welcome to spend 14:44:01 18 as much time with this document as you like. I'm 14:44:03 19 not going to rush you through it. I have some 14:44:05 20 specific questions that are in here related to 14:44:08 21 Bakelite and whether or not you agree, disagree, or 14:44:09 22 if you can amplify. 14:44:10 23 A. All right. 14:44:12 24 Q. Okay? My first question does not have 14:44:12 25 to -- it's on page 25.

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14:44:25 1 MR. MAKI: Counsel, I apologize. This is 14:44:28 2 Craig Maki. Did you mark that on the record? 14:44:28 3 MR. GALERSTON: Yes, Exhibit No. 9. 14:44:30 4 MR. MAKI: Okay. Thank you. 14:44:34 5 BY MR. GALERSTON: 14:44:37 6 Q. Well, sir, I tell you what. If you would 14:44:39 7 look at page 22, that's where the question is, if 14:44:43 8 you look at that before we start reading the answer. 14:44:49 9 Question No. 21 on page 22, the 14:44:51 10 interrogatory question to Union Carbide was: 14:44:53 11 "For the period 1928 to the present, 14:44:55 12 state the address of each miner, 14:44:57 13 manufacturer or processor of asbestos or 14:44:59 14 asbestos fibers used in your products 14:45:01 15 and for each such miner, manufacturer or 14:45:03 16 processor state: 14:45:05 17 "a. The date, amounts and delivery 14:45:07 18 point for each shipment of asbestos you 14:45:07 19 received. 14:45:08 20 "b. The products in which the 14:45:11 21 asbestos was used." 14:45:14 22 There is a discussion there with regards to 14:45:17 23 the Calidria, and you're welcome to read through it, 14:45:22 24 and what I want to ask you about is on page 25, when 14:45:25 25 we finally get to an answer that relates to	14:46:31 1 Corporation. There was a merger with a company here 14:46:39 2 in Chicago, Redmanol I think, and I don't recall 14:46:43 3 the -- it may be the Bakeland Corporation that was 14:46:45 4 in Perth Amboy. I would have to go back through the 14:46:47 5 history and refresh my memory. But there was a 14:46:48 6 merger. 14:46:53 7 Q. Okay. And there was -- Bakelite was 14:46:55 8 manufactured by another company prior to it being 14:46:57 9 manufactured by Union Carbide, correct? 14:46:58 10 A. Yes. 14:47:02 11 Q. Whoever that is, be it Bakeland, be it -- 14:47:05 12 A. Yeah. I think it was Redmanol. 14:47:08 13 Q. Okay. That merger took place in what year? 14:47:10 14 Was that 1907 that you were saying earlier? 14:47:11 15 MS. CLARK: Objection; asked and answered -- 14:47:11 16 THE WITNESS: No. 14:47:14 17 MS. CLARK: -- misstates the testimony. 14:47:22 18 THE WITNESS: 1907 is when Bakeland first 14:47:25 19 discovered phenolic resins. And the reason that 14:47:30 20 comes to mind is we just celebrated its hundredth- 14:47:33 21 year anniversary at the plant. At the facility, no 14:47:35 22 longer a plant. 14:47:38 23 The molding material came after that, you 14:47:41 24 know. The resin came first. And exactly when that 14:47:42 25 started, I don't know.
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14:45:30 1 Bakelite. 14:45:31 2 A. Okay. 14:45:32 3 Q. Okay? You see the second-to-the-last 14:45:35 4 paragraph of the answer to interrogatory 21 states: 14:45:37 5 "Union Carbide manufactured 14:45:39 6 phenolic molding compounds under the 14:45:41 7 trade name Bakelite. Some of Union 14:45:42 8 Carbide's phenolic molding compounds 14:45:44 9 were manufactured with asbestos. 14:45:46 10 Union Carbide bought primarily short 14:45:48 11 fiber Canadian chrysotile asbestos 14:45:50 12 from several suppliers over the years, 14:45:53 13 including but not limited to, Carey 14:45:55 14 Canadian Mines, Rubberoid Company, 14:45:56 15 Johns-Manville Company, Limited, and 14:45:58 16 Asbestos Corporation Limited," period. 14:46:00 17 Did I read that correctly? 14:46:00 18 A. Yes. 14:46:04 19 Q. Okay. What I want to confirm is that 14:46:08 20 Bakelite was a trade name for Union Carbide, 14:46:08 21 correct? 14:46:09 22 A. Yes. 14:46:11 23 Q. It was a name that they acquired when they 14:46:20 24 merged with the Bakeland Corporation, correct? 14:46:25 25 A. I'm not sure there was a Bakeland	14:47:44 1 BY MR. GALERSTON: 14:47:47 2 Q. Okay. And I'm looking for the date for the 14:47:48 3 merger with Union Carbide. 14:47:54 4 A. The merger, again, I would have to go back 14:47:57 5 into the history to get you the exact date. It 14:47:58 6 exists someplace. 14:48:09 7 Q. Okay. When Union Carbide first started 14:48:16 8 marketing Bakelite, that was for both a molded and a 14:48:17 9 resin product, correct? 14:48:23 10 A. They started with resin first, and that was 14:48:31 11 made into beads and, you know, jewelry, fancy cases, 14:48:37 12 handles. Then they came -- we began to realize 14:48:39 13 that if it was going to go anywhere, they had to 14:48:42 14 reinforce it, because it didn't have enough strength 14:48:47 15 by itself. When that occurred, I don't know, but 14:48:52 16 sometime in the '20s, I would believe, or late 14:49:02 17 1900 -- or 1915, you know, in that area. And that 14:49:05 18 business has gradually evolved, as well as others, 14:49:09 19 you know: resin applications, laminates, that sort 14:49:12 20 of thing. 14:49:15 21 Q. By the time that you became involved in the 14:49:18 22 Bakelite division of Union Carbide in 1948, they 14:49:24 23 were already offering the molding compositions, 14:49:24 24 correct? 14:49:25 25 A. Oh, yes. Yes.

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14:49:36 1 Q. And Union Carbide continued to market 14:49:42 2 resins and molded constituents under the Bakelite 14:49:43 3 name, correct? 14:49:44 4 A. Yes. 14:49:47 5 Q. All of the products that we have discussed 14:49:49 6 today, specifically with Square D, but also those 14:49:52 7 that were sold to Allen-Bradley, Cutler-Hammer, 14:49:55 8 those would have all been under the Bakelite 14:49:57 9 nomenclature, correct? 14:49:58 10 A. What they bought from us? 14:49:59 11 Q. Correct. 14:50:12 12 A. Yes. 14:50:16 13 Q. I'm going to ask you a question with 14:50:27 14 regards to the next interrogatory, which is No. 22, 14:50:27 15 which begins right below what we just read. The 14:50:27 16 interrogatory asks: 14:50:27 17 "With respect to each asbestos 14:50:27 18 product" -- 14:50:27 19 MS. CLARK: Wait just a minute. I don't 14:50:29 20 think we're there. 14:50:30 21 THE WITNESS: 22? 14:50:32 22 MS. CLARK: It's No. 22, right? 14:50:38 23 MR. GALERSTON: Right, on page 25. 14:50:38 24 THE WITNESS: Okay. 25 BY MR. GALERSTON:	14:51:29 1 Q. -- and then it goes on through subpart i. 14:51:30 2 A. Uh-huh. 14:51:31 3 Q. Okay. You see that? 14:51:32 4 A. Yes. 14:51:34 5 Q. Okay. And then we see that there's the 14:51:37 6 general objections made by Union Carbide, and I want 14:51:40 7 to ask you specifically with regards to information 14:51:45 8 on phenolic moldings on page 28. 14:51:47 9 Do you see it there on page 28, the last 14:51:47 10 full paragraph that's shown there -- 14:51:48 11 A. Yes. 14:51:50 12 Q. -- starting "In 1973"? 14:51:50 13 A. Yes. 14:51:51 14 Q. It states there: 14:51:52 15 "In 1973, Union Carbide printed 14:51:54 16 the following cautions on the packages 14:51:56 17 of asbestos-containing phenolic molding 14:52:01 18 compounds: Quote, Caution! Contains 14:52:06 19 asbestos fibers; Avoid creating dust; 14:52:08 20 Breathing dust" -- excuse me -- 14:52:09 21 "Breathing Asbestos Dust May Cause 14:52:11 22 Serious Bodily Harm, period, close 14:52:13 23 quote. Union Carbide ceased 14:52:14 24 manufacturing and selling asbestos 25 containing phenolic molding compounds
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14:50:40 1 Q. "With respect to each asbestos 14:50:41 2 product (including loose asbestos 14:50:44 3 fiber) you manufactured, refined, 14:50:46 4 processed, sold or delivered, state 14:50:47 5 whether you claim any caution warning, 14:50:51 6 caveat or other statement about health 14:50:53 7 involved in using the product and/or 14:50:55 8 dust generated by the product was ever 14:50:57 9 given to purchasers of the product or 14:50:59 10 directed to the users of the product. 14:51:01 11 If so, state separately for each 14:51:01 12 product: 14:51:03 13 "a. The precise wording of each 14:51:05 14 caution or set of instructions." 14:51:07 15 And it goes through i, through those 14:51:10 16 subparts. Do you see that, sir? 14:51:11 17 A. What was the question? 14:51:13 18 Q. Do you see that, sir? Do you see that it 14:51:19 19 goes through subpart i? 14:51:20 20 A. See "set of instructions"; is that what 14:51:21 21 you're referring to? 14:51:24 22 Q. No. Interrogatory 22 -- 14:51:25 23 A. Oh, yes. I -- 14:51:27 24 Q. -- that statement that I read -- 25 A. Yes.	14:52:17 1 by 1975." 14:52:19 2 Do you see that, sir? 14:52:19 3 A. Yes. 14:52:21 4 Q. Did I read it correctly? 14:52:22 5 A. And what? 14:52:24 6 Q. Did I read it correctly? 14:52:25 7 A. Yes, you did. 14:52:26 8 Q. Okay. Is that consistent with your 14:52:28 9 recollection, that it wasn't until 1973 that any 14:52:31 10 caution labels were placed on phenolic molding 14:52:33 11 compounds? 14:52:34 12 A. Yes. 14:52:40 13 Q. Okay. Were you involved in the creation 14:52:43 14 of this warning? 14:52:47 15 A. No. 14:52:52 16 Q. Do you understand what this warning means, 14:52:53 17 what it's saying to you? 14:52:56 18 MS. CLARK: Objection; vague, ambiguous. 14:52:59 19 THE WITNESS: It is telling our customers 14:53:02 20 which of the products they bought from us contain 14:53:05 21 asbestos and which did not, and that if they 14:53:11 22 contained asbestos, they should do some testing to 14:53:15 23 determine whether they are operating within the OSHA 14:53:15 24 limits. 25 BY MR. GALERSTON:

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14:53:19 1 Q. Okay. Do you know how you could use, say,
 14:53:29 2 5404 and avoid breathing dust while using it?
 14:53:33 3 A. Dust -- well, of course, ventilation, and
 14:53:37 4 we had a dust -- you know, we were dealing with dust
 14:53:40 5 well before asbestos became an issue. Dust is what
 14:53:42 6 caused the explosion in our plant.
 14:53:47 7 So there are -- our customers also, you
 14:53:50 8 know, used ventilation to keep the dust down. We
 14:53:54 9 put as little fines in as possible in the product
 14:53:57 10 and still meet their requirements. So dust was
 14:54:04 11 always a -- in fact, I think we had a dust warning
 14:54:10 12 label on our bags.
 14:54:14 13 What this means is it's more than dust that
 14:54:17 14 you have to look out for. And most of our customers
 14:54:21 15 already were aware of the OSHA test, but they didn't
 14:54:23 16 know which products contained asbestos and which
 14:54:28 17 didn't unless they asked us. This resolved that
 14:54:29 18 issue.
 14:54:35 19 Q. Okay. So if I understand correctly, you
 14:54:38 20 wouldn't avoid creating dust so much as you would
 14:54:40 21 suppress the dust by ventilation -- is that what
 14:54:42 22 you're saying? -- in your own facilities.
 14:54:44 23 A. In our own facility, ventilation -- you
 14:54:52 24 know, once you did all you could to contain the area
 25 that you're working in, then the only solution is

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14:55:01 1 dust, you know, ventilation and also protection of
 14:55:04 2 the employees themselves.
 14:55:07 3 In '73, '74, the operators were wearing
 14:55:14 4 masks, you know, and clothing which they had to
 14:55:19 5 leave at work. So all sorts of precautions were
 14:55:23 6 taken. Whatever technology was available was
 14:55:23 7 implemented.
 14:55:27 8 Q. You stated that your customers of your
 14:55:29 9 phenolic molding compounds were aware of the hazards
 14:55:32 10 related to dust. How do you know that your
 14:55:35 11 customers such as Square D, Allen-Bradley, or
 14:55:37 12 Cutler-Hammer were familiar with the hazards of
 14:55:38 13 asbestos dust?
 14:55:40 14 MR. KINSEY: Objection; assumes facts.
 14:55:42 15 MS. RODRIGUES: Objection; lacks
 14:55:43 16 foundation.
 14:55:44 17 THE WITNESS: I said they were aware of
 14:55:47 18 dust, not asbestos dust.
 14:55:47 19 BY MR. GALERSTON:
 14:55:49 20 Q. Okay. How were you -- how do you know that
 14:55:52 21 your customers such as Square D, Cutler-Hammer, and
 14:55:55 22 Allen-Bradley were aware of the hazards associated
 14:55:58 23 with dust?
 14:55:58 24 A. We had a warning --
 25 MS. RODRIGUES: Same objection.

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14:56:03 1 THE WITNESS: We had a warning label about
 14:56:06 2 dust, as I recall. Now, that should be checked from
 14:56:09 3 the records, but as I recall, we had something on
 14:56:11 4 the bags about dust.
 14:56:12 5 BY MR. GALERSTON:
 14:56:13 6 Q. And to the best of your recollection, what
 14:56:16 7 did that dust warning state?
 14:56:18 8 A. I would have to look at the file because I
 14:56:21 9 don't remember the exact wording. It would be
 14:56:22 10 similar to this.
 14:56:24 11 Q. What information do you have that your
 14:56:27 12 customers actually received that warning and
 14:56:28 13 understood that warning?
 14:56:30 14 MS. CLARK: Objection; foundation, beyond
 14:56:31 15 the scope.
 14:56:32 16 THE WITNESS: Well, if it --
 14:56:33 17 MS. RODRIGUES: Join.
 14:56:36 18 THE WITNESS: If it was on the bag, they
 14:56:41 19 would have received it if they used the material.
 14:56:45 20 If they had any concerns about what to do about it,
 14:56:50 21 you know, they could always call us. And some, you
 14:56:52 22 know, with regard to asbestos, we did get calls.
 14:56:56 23 With regard to dust, I don't remember anybody
 14:56:58 24 calling.
 25 BY MR. GALERSTON:

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14:57:01 1 Q. When did Union Carbide's Bakelite division
 14:57:06 2 first send out an MSDS relating to its asbestos-
 14:57:08 3 containing phenolic molding compounds?
 14:57:11 4 A. MSDS sheets?
 14:57:19 5 MS. CLARK: Objection; beyond the scope.
 14:57:20 6 THE WITNESS: I would have to check the
 14:57:22 7 records. My guess is in the '70s.
 14:57:24 8 BY MR. GALERSTON:
 14:57:26 9 Q. Would you agree with me that this warning
 14:57:29 10 label that was put on in 1973 was Union Carbide's
 14:57:34 11 first attempt to communicate to its phenolic molding
 14:57:37 12 compound customers regarding the hazards directly
 14:57:38 13 associated with asbestos?
 14:57:41 14 MS. CLARK: Objection; misstates testimony.
 14:57:43 15 THE WITNESS: No. I think I previously
 14:57:47 16 testified that there were verbal communications
 14:57:50 17 between the Sales Department and us after the OSHA
 14:57:56 18 test came out and what it meant, and some even
 14:57:59 19 wanted us to do -- run the test in their facilities.
 14:57:59 20 BY MR. GALERSTON:
 14:58:03 21 Q. Are you aware of any direct communication
 14:58:06 22 between the Union Carbide Bakelite division and
 14:58:11 23 Square D communicating the risks associated to
 14:58:14 24 asbestos from exposure -- excuse me -- from working
 25 with the Bakelite phenolic molding compounds?

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14:58:19 1 MR. KINSEY: Objection as to the use of the 14:58:20 2 phrase "working with." 14:58:23 3 MS. CLARK: And objection; beyond the scope. 14:58:25 4 This is not within any of the categories in the 14:58:25 5 notice. 14:58:27 6 THE WITNESS: They were one of the first 14:58:30 7 who wanted an asbestos-free product. 14:58:30 8 BY MR. GALERSTON: 14:58:32 9 Q. When did they want that? 14:58:33 10 A. What's that? 14:58:35 11 Q. When did they ask for that? 14:58:41 12 A. Around 1973, when this label came out. 14:58:47 13 Q. Do you know when Cutler-Hammer first was 14:58:51 14 told that there was a hazard of asbestos from the 14:58:54 15 Union Carbide Bakelite phenolic molding compounds? 14:58:56 16 MS. CLARK: I'll continue to object to this 14:58:58 17 whole line of questioning on hazards of asbestos, 14:59:02 18 none of which is specified in the notice. 14:59:03 19 UNIDENTIFIED SPEAKER: Calls for speculation 14:59:06 20 and assumes facts and lacks foundation. 14:59:09 21 THE WITNESS: They would have known when 14:59:14 22 they got bags from us. I don't know what our 14:59:18 23 customer relations with them were in the early '70s. 14:59:25 24 If they were not buying anything from us, I don't 14:59:25 25 know if there would be communications on the OSHA	15:00:57 1 products, did you attempt to determine 15:00:59 2 whether the product complied with any 15:01:02 3 allegedly applicable safety standards, 15:01:04 4 orders or rules, regulations or design 15:01:06 5 requirements promulgated by any 15:01:09 6 professional society, association, or 15:01:10 7 government body? 15:01:11 8 "a. If you did not, please state 15:01:13 9 the reasons for not conducting such an 15:01:15 10 analysis and identify the name of the 15:01:17 11 person deciding not to conduct the 15:01:18 12 analysis; 15:01:19 13 "b. If you did, identify the 15:01:22 14 safety standards, safety orders, rules, 15:01:23 15 regulations, which you claim you 15:01:25 16 considered by naming the title, number, 15:01:26 17 page and date of the regulation, and 15:01:30 18 identifying the place where a copy of 15:01:31 19 said regulation can be obtained." 15:01:32 20 There's a response which includes the 15:01:39 21 objections that we've seen in the previous ones, and 15:01:42 22 then there's a discussion related to Calidria. 15:01:43 23 Do you see that, sir? 15:01:43 24 A. Yes. 15:01:43 25 Q. The answer says:
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14:59:29 1 test. 14:59:29 2 BY MR. GALERSTON: 14:59:31 3 Q. What about Allen-Bradley? Do you recall 14:59:34 4 anyone from Allen-Bradley being told verbally of the 14:59:37 5 hazards relating to potential asbestos exposures 14:59:40 6 through the Bakelite phenolic molding compounds? 14:59:42 7 MS. CLARK: Objection; assumes facts, beyond 14:59:44 8 the notice. 14:59:44 9 THE WITNESS: Normally, I-- 14:59:48 10 MS. RODRIGUES: Objection; lacks 14:59:49 11 foundation, misstates testimony. 14:59:51 12 THE WITNESS: Verbal communication, I don't 14:59:54 13 know if that occurred. And if they didn't buy 14:59:56 14 anything from us, they wouldn't have got that 14:59:57 15 asbestos label, either. 15:00:25 16 BY MR. GALERSTON: 15:00:27 17 Q. Sir, if you'd turn to page 34, I want to 15:00:36 18 ask you about interrogatory and response No. 30. 15:00:48 19 MS. CLARK: On page 34 and No. 30. 15:00:49 20 BY MR. GALERSTON: 15:00:50 21 Q. Are you there, sir? 15:00:50 22 A. Yes. 15:00:52 23 Q. Okay. Question No. 30 asks: 15:00:52 24 "At the time of the development 15:00:52 25 of, and sale of each of your asbestos	15:01:47 1 "During the time that Union 15:01:48 2 Carbide owned and operated its 15:01:51 3 Calidria business, Union Carbide was 15:01:52 4 aware of and recognized the early 15:01:55 5 (pre 1972 OSHA Standard) Threshold 15:01:57 6 Limit Value set forth by the American 15:01:59 7 Conference of Government Industrial 15:02:04 8 Hygienists (ACGIH) and the later 15:02:04 9 Threshold Limit Value established by 15:02:08 10 OSHA in 1972. In 1964, Union Carbide 15:02:09 11 prepared an Asbestos Toxicology 15:02:11 12 Report, which was given to many of 15:02:13 13 Union Carbide's asbestos customers, 15:02:15 14 many of whom were sophisticated 15:02:17 15 companies familiar with the use and 15:02:19 16 handling of asbestos. Union Carbide 15:02:22 17 included the early ACGIH Threshold 15:02:24 18 Limit Value in the Report. This 15:02:25 19 Asbestos Toxicology Report was 15:02:28 20 updated from time to time to keep 15:02:28 21 Calidria customers current with 15:02:31 22 evolving medical knowledge about 15:02:33 23 health and safety issues relating 15:02:34 24 to asbestos. Union Carbide also 15:02:34 25 disseminated the OSHA standard to

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15:02:38 1 Calidria customers in material
 15:02:40 2 safety data sheets, and AIA and
 15:02:43 3 other safety" -- excuse me -- "other
 15:02:44 4 health and safety literature made
 15:02:45 5 available or sent to Calidria
 15:02:47 6 customers," period.
 15:02:49 7 Did I read that correctly, sir?
 15:02:49 8 A. Yes. Yes.
 15:02:53 9 Q. Have you ever seen the 1964 Union Carbide
 15:02:55 10 Asbestos Toxicology Report?
 15:02:55 11 A. No.
 15:02:57 12 MS. CLARK: Objection; beyond the scope.
 15:02:58 13 BY MR. GALERSTON:
 15:03:00 14 Q. You were an employee of Union Carbide in
 15:03:01 15 1964, were you not?
 15:03:01 16 A. Yes.
 15:03:04 17 Q. You were operating the Bakelite division
 15:03:07 18 that used asbestos in the manufacturing of your
 15:03:08 19 products, did you not?
 15:03:09 20 A. Yes.
 15:03:12 21 Q. The asbestos that you were using in the
 15:03:16 22 Bakelite division, was it substantially different
 15:03:20 23 from the Calidria that was reported in the Asbestos
 15:03:20 24 Toxicology Report?
 25 MS. CLARK: Objection --

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15:03:21 1 BY MR. GALERSTON:
 15:03:22 2 Q. To the best of your knowledge.
 15:03:25 3 MS. CLARK: Objection; foundation.
 15:03:31 4 THE WITNESS: They were both chrysotile
 15:03:37 5 asbestos, but we were not using Calidria asbestos.
 15:03:37 6 BY MR. GALERSTON:
 15:03:39 7 Q. Okay. Since you were not using Calidria
 15:03:42 8 asbestos, I guess you were not considered a customer
 15:03:44 9 of Union Carbide and, therefore, you weren't
 15:03:46 10 provided with this report. Fair to say?
 15:03:49 11 A. Well, I can say I wasn't provided with this
 15:03:54 12 report. Whether our Safety Department or Safety
 15:03:58 13 manager in our main office was given the report or
 15:04:03 14 not, I don't know.
 15:04:05 15 Q. Do you know of any efforts that were made
 15:04:11 16 to disseminate the Union Carbide Asbestos Toxicology
 15:04:13 17 Report to the Bakelite customers?
 15:04:15 18 MS. CLARK: Counsel, I'm going to ask that
 15:04:18 19 we move on so we can try to get this completed
 15:04:20 20 today. I've given you a lot of leeway. There's not
 15:04:27 21 one mention of hazards of asbestos in the notice.
 15:04:30 22 Really, unless you can tell me why this is relevant
 15:04:32 23 under your notice --
 15:04:32 24 BY MR. GALERSTON:
 25 Q. Can you answer your question, sir?

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15:04:35 1 MS. CLARK: I'm going to be instructing him
 15:04:38 2 not to answer unless you don't hurry and get off of
 15:04:40 3 this topic. I've given you lots of leeway. It's
 15:04:42 4 not in his notice.
 15:04:43 5 BY MR. GALERSTON:
 15:04:44 6 Q. Can you answer? Do you need the court
 15:04:50 7 reporter to read back the question?
 15:04:51 8 THE WITNESS: Am I allowed to answer that?
 15:04:53 9 MS. CLARK: Can you read back the last
 15:04:56 10 question, Madam Court Reporter, please. Thank you.
 15:04:56 11 (The record was read as follows:
 15:04:56 12 "Question: Do you know of any
 15:04:56 13 efforts that were made to disseminate
 15:05:10 14 the Union Carbide Asbestos Toxicology
 15:05:10 15 Report to the Bakelite customers?")
 15:05:49 16 THE WITNESS: No. On the --
 15:05:50 17 MS. CLARK: There's no question, Carlo, I
 15:05:52 18 mean, unless you feel you need to clarify something.
 15:05:54 19 THE WITNESS: I just wanted to make sure
 15:05:55 20 that that was understood.
 15:05:57 21 I assume you meant Bakelite customers,
 15:05:59 22 Bakelite molding material customers.
 15:06:00 23 MR. GALERSTON: Correct.
 15:06:02 24 THE WITNESS: Okay. Well, then the answer
 25 is still the same.

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15:06:05 1 BY MR. GALERSTON:
 15:06:06 2 Q. The answer is that you're not aware of
 15:06:10 3 any efforts made by Union Carbide to disclose its
 15:06:12 4 Asbestos Toxicology Report to the Bakelite
 15:06:12 5 customers?
 15:06:15 6 A. Referring to the --
 15:06:16 7 MS. CLARK: Objection; asked and answered,
 8 beyond the scope.
 9 THE REPORTER: I'm sorry. I didn't get
 10 your answer, sir. Do you need me to read back the
 11 question?
 12 THE WITNESS: Yes.
 13 (The record was read as follows:
 14 "Question: The answer is that
 15 you're not aware of any efforts made
 16 by Union Carbide to disclose its
 15:06:21 17 Asbestos Toxicology Report to the
 15:06:21 18 Bakelite customers?")
 15:06:33 19 THE WITNESS: That's correct, yeah.
 15:06:34 20 MS. CLARK: Objection; beyond the scope.
 15:06:35 21 THE WITNESS: Okay. I didn't remember --
 15:06:38 22 I didn't catch the Bakelite part. Yes, that's
 15:06:40 23 correct.
 15:06:42 24 BY MR. GALERSTON:
 25 Q. Sir, we went through the documents that we

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15:06:49 1 were able to discover on our own, which indicate 15:06:54 2 that Square D was -- well, strike that. 15:06:58 3 We went through the Exhibits 6, 7, and 8, 15:07:02 4 which were Union Carbide documents related to 15:07:07 5 formulations of its Bakelite products for Square D. 15:07:08 6 Correct? 15:07:10 7 MR. KINSEY: Objection; misstates testimony, 15:07:10 8 assumes facts. 15:07:11 9 MS. CLARK: Join. 15:07:12 10 THE WITNESS: Yes. 15:07:12 11 BY MR. GALERSTON: 15:07:16 12 Q. Okay. As indicated previously, you 15:07:22 13 testified that Allen-Bradley had been a customer of 15:07:25 14 Union Carbide's Bakelite division, correct? 15:07:26 15 A. On and off, yes. 15:07:29 16 Q. Okay. And as you sit here today, you 15:07:34 17 can't state which compounds or which products 15:07:38 18 Union Carbide's Bakelite division was selling to 15:07:40 19 Allen-Bradley; is that fair to say? 15:07:42 20 A. No, I can't. No. 15:07:43 21 Q. You were able to come up with a couple of 15:07:46 22 formulations for Square D. Can you do the same for 15:07:49 23 Allen-Bradley? 15:07:50 24 MS. RODRIGUES: Objection; asked and 15:07:50 25 answered.	15:09:13 1 containing phenolic molding compounds to Cutler- 15:09:13 2 Hammer? 15:09:16 3 MS. CLARK: Same objection: overly broad, 15:09:18 4 vague and ambiguous. 15:09:21 5 MS. McDOUGALL: Join. 15:09:26 6 THE WITNESS: Let me go back to that. I 15:09:28 7 was too quick on it. 15:09:34 8 Since I don't remember what the products 15:09:36 9 were that we did sell to them, I can't be sure that 15:09:39 10 we did. I would have to go to the records and get 15:09:44 11 the product numbers for both of them and then 15:09:46 12 determine whether those products had asbestos in 15:09:46 13 them. 15:09:49 14 BY MR. GALERSTON: 15:09:51 15 Q. I understand that you can't be certain. 15:09:51 16 A. Yeah. 15:09:55 17 Q. And the question is: Based upon your 15:09:58 18 recollection, is it more likely than not that Union 15:10:00 19 Carbide's Bakelite division sold asbestos-containing 15:10:04 20 phenolic molding compounds to Cutler-Hammer? 15:10:07 21 MS. CLARK: Objection; overbroad, vague. 15:10:09 22 MS. McDOUGALL: Speculation, foundation. 15:10:15 23 THE WITNESS: I can't answer that. 15:10:15 24 BY MR. GALERSTON: 15:10:15 25 Q. Okay. And my understanding is that you
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15:07:52 1 MS. CLARK: Joined. 15:07:55 2 THE WITNESS: Not without going to the 15:07:55 3 records. 15:08:01 4 BY MR. GALERSTON: 15:08:03 5 Q. We discussed Cutler-Hammer and that 15:08:08 6 Cutler-Hammer had been a customer of Union Carbide's 15:08:13 7 Bakelite division off and on from 1960 until 1974, 15:08:14 8 correct? 15:08:16 9 A. Yes. Yes. 15:08:19 10 Q. As with Cutler-Hammer -- excuse me. 15:08:21 11 As with Square D, you were able to come up 15:08:23 12 with a couple of formulations that you specifically 15:08:27 13 recall were sold to Square D. Can you do the same 15:08:28 14 for Cutler-Hammer? 15:08:36 15 A. No. 15:08:47 16 Q. Is there any doubt in your mind that Union 15:08:50 17 Carbide's Bakelite division sold asbestos-containing 15:08:54 18 Bakelite compounds to Allen-Bradley? 15:08:56 19 MS. CLARK: Objection; overly broad, vague, 15:08:58 20 ambiguous as to time. 15:08:59 21 THE WITNESS: I think we did. 15:09:03 22 MS. RODRIGUES: It lacks foundation. 15:09:05 23 BY MR. GALERSTON: 15:09:06 24 Q. Do you have any reason to believe that 15:09:06 25 Union Carbide's Bakelite division sold asbestos-	15:10:21 1 have not made any effort or attempt to investigate 15:10:25 2 or research in the repository and determine whether 15:10:26 3 or not that answer is there. Correct? 15:10:27 4 A. That's right. 15:10:29 5 Q. The same for Allen-Bradley, correct? 15:10:30 6 A. Yes. 15:10:32 7 Q. Same for Square D, for that matter. 15:10:33 8 Correct? 15:10:38 9 A. Well, Square D, you know, we had a very 15:10:43 10 good relationship, so my memory is better with them, 15:10:47 11 and what we -- they were a customer, a steady 15:10:51 12 customer, over a longer period of time. So my 15:10:54 13 memory is clearer there. That was not the case with 15:10:55 14 these other two. 15:10:57 15 Q. Okay. And your recollection with regards 15:11:01 16 to Square D was that Union Carbide's Bakelite 15:11:03 17 division did sell asbestos-containing phenolic 15:11:04 18 molding compounds -- 15:11:05 19 A. Yes. 15:11:07 20 Q. -- to Square D. 15:11:10 21 A. Yes. 15:11:13 22 Q. Do you have any other opinions with regards 15:11:17 23 to the accuracy of the testimony given by any of the 15:11:19 24 witnesses in this case that you have not given so 15:11:19 25 far?

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15:11:24 1 MS. CLARK: Objection; ambiguous.
 15:11:24 2 THE WITNESS: There were --
 15:11:26 3 MS. RODRIGUES: Join.
 15:11:31 4 THE WITNESS: There were inconsistencies
 15:11:37 5 that -- between testimonies.
 15:11:40 6 Mr. Eubanks testified that he saw
 15:11:46 7 "Bakelite" stamped on the arc shields, and none of
 15:11:52 8 the other witnesses said that. They said there was
 15:11:57 9 no "Bakelite" stamped on those parts. So that's an
 15:12:01 10 inconsistency that, if it's important, needs to be
 15:12:12 11 resolved. That was the most glaring.
 15:12:25 12 The other testimony, Mr. Infante referred
 15:12:32 13 to phenolic on motor windings, I believe, or on
 15:12:35 14 wires and that it would flake off, and he sort of
 15:12:42 15 implied that was Bakelite. That wasn't an
 15:12:48 16 inconsistency, but it was not an asbestos-containing
 15:12:52 17 material and sounded to me like a varnish. And
 15:12:55 18 whether it was a phenolic varnish or not, you know,
 15:12:59 19 I couldn't tell.
 15:13:02 20 The only other problem I had we already
 15:13:08 21 discussed, was what they described I thought were
 15:13:12 22 arc shields and their reference to arc chutes was
 15:13:16 23 something I wasn't familiar with. And, you know, I
 15:13:21 24 resolved it by getting more information. It wasn't
 15:13:25 25 inaccurate; it just was interpretation.

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15:13:24 1 BY MR. GALERSTON:
 15:13:31 2 Q. Okay. Have you -- you've given the opinion
 15:13:34 3 that you do not believe that it would have been a
 15:13:37 4 Union Carbide Bakelite product used for the arc
 15:13:39 5 shields, correct?
 15:13:40 6 A. Yes.
 15:13:43 7 Q. Do you have any other opinions with regards
 15:13:51 8 to Mr. Eubanks' potential exposure to asbestos
 15:13:55 9 from -- to Union Carbide's asbestos-containing
 15:13:55 10 Bakelite products?
 15:13:59 11 A. Based --
 15:14:00 12 MS. CLARK: Objection; vague.
 15:14:03 13 THE WITNESS: Based on the testimony that
 15:14:08 14 he gave and the others gave, you know, I saw
 15:14:12 15 descriptions only of arc shields and reference to
 15:14:18 16 this insulation board in one of the panels. There
 15:14:27 17 was no reference to molded parts at all.
 15:14:31 18 So based on that testimony, I don't see
 15:14:34 19 where he would have been exposed to asbestos in the
 15:14:34 20 first place, whether it was our product or not.
 15:14:46 21 BY MR. GALERSTON:
 15:14:47 22 Q. And when you say "our product," you mean
 15:14:49 23 Union Carbide's Bakelite product?
 15:14:51 24 A. Right.
 15:14:51 25 Q. And so is it your opinion that Donny

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15:14:56 1 Eubanks was not exposed to asbestos while working
 15:14:58 2 as an electrician on the USS LANG?
 15:15:01 3 MS. CLARK: Objection; overbroad, vague.
 15:15:05 4 THE WITNESS: If he was, he didn't define
 15:15:08 5 it in his testimony.
 15:15:08 6 BY MR. GALERSTON:
 15:15:10 7 Q. At least not to your satisfaction.
 15:15:18 8 A. Right.
 15:15:19 9 Q. All of the --
 15:15:21 10 A. Well, now wait. There's a lot of other
 15:15:24 11 testimony of other places in the ship that he
 15:15:27 12 worked, so I can't say he wasn't exposed to asbestos
 15:15:31 13 there. All I can say is the testimony as it applied
 15:15:37 14 to our products, I didn't see where we created --
 15:15:41 15 that we caused his asbestos problem.
 15:15:43 16 Q. If I understand it correctly, you're saying
 15:15:50 17 that, in your opinion, the products that were in the
 15:15:52 18 control boxes and the motor controllers and other
 15:15:57 19 electrical places would not have contained asbestos
 15:15:59 20 that he would have been exposed to?
 15:16:02 21 A. I can't say --
 15:16:02 22 MS. CLARK: Objection; mischaracterizes his
 15:16:02 23 testimony.
 15:16:04 24 THE WITNESS: I can't say that because I
 15:16:04 25 don't -- they didn't tell me what was in those

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15:16:10 1 boxes. So I don't know whether there were molded
 15:16:14 2 parts, and if there were, whether they would likely
 15:16:15 3 be ones that contained asbestos.
 15:16:18 4 BY MR. GALERSTON:
 15:16:21 5 Q. And you're not testifying with regards to
 15:16:24 6 asbestos content of packing in the packing glands
 15:16:26 7 that were on the boxes or anything like that,
 15:16:26 8 correct?
 15:16:32 9 A. No.
 15:16:38 10 Q. I believe Donny Eubanks, Denton Crull,
 15:16:42 11 Duane Walker, and Robert Infante all testified to
 15:16:47 12 working with and around Bakelite. Correct?
 15:16:47 13 A. Yes.
 15:16:51 14 Q. And they all claimed to be exposed to
 15:16:55 15 dust from Bakelite, correct?
 15:16:59 16 A. They were exposed to dust from the arc
 15:17:00 17 shields.
 15:17:03 18 Q. What they testify as to being Bakelite,
 15:17:03 19 correct?
 15:17:06 20 A. They called it Bakelite, which I disagree
 15:17:08 21 with, that it couldn't have been, because I think
 15:17:12 22 it was a melamine, and we didn't make melamine.
 15:17:12 23 Q. Okay.
 15:17:17 24 A. So they were exposed to that dust.
 15:17:17 25 MR. GALERSTON: I object to the

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15:17:19 1 nonresponsive nature of the answer.
 15:17:21 2 Q. Sir, I'm not asking about the accuracy of
 15:17:23 3 the testimony. I just want to confirm with you that
 15:17:30 4 you agree that Donny Eubanks, Denton Crull, Duane
 15:17:34 5 Walker, and Robert Infante all described and
 15:17:37 6 testified that they and Donny Eubanks were exposed
 15:17:39 7 to dust from Bakelite. Correct?
 15:17:42 8 MS. CLARK: Objection; asked and answered.
 15:17:44 9 The testimony speaks for itself.
 15:17:46 10 THE WITNESS: Yes. They also said they
 15:17:49 11 didn't know whether it contained asbestos.
 15:17:53 12 MR. GALERSTON: Fair enough.
 15:17:54 13 THE WITNESS: And they also said that it
 15:18:00 14 was a generic name; they thought it was.
 15:18:01 15 BY MR. GALERSTON:
 15:18:02 16 Q. They all testified that they had been told
 15:18:05 17 that it was Bakelite, correct?
 15:18:08 18 MS. CLARK: Objection; misstates testimony.
 15:18:11 19 MS. RODRIGUES: Join the objection to this
 15:18:12 20 line of questioning.
 15:18:14 21 THE WITNESS: I think in one case they said
 15:18:18 22 it was referred to as Bakelite on the -- on the card
 15:18:28 23 in parentheses, which, you know, they're also
 15:18:32 24 calling what I think is a paper-based laminate
 25 Bakelite, which didn't contain asbestos.

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15:18:36 1 BY MR. GALERSTON:
 15:18:38 2 Q. You don't have personal knowledge based
 15:18:43 3 upon studies of the arc chutes or the laminate to
 15:18:46 4 determine whether or not those were asbestos
 15:18:48 5 containing on the USS LANG, correct?
 15:18:50 6 A. No.
 15:18:55 7 Q. Your opinion that the arc chutes and the
 15:18:58 8 insulating laminate that has been described do not
 15:19:02 9 contain asbestos are based upon the mil specs and
 15:19:05 10 your understanding of the application of those
 15:19:08 11 products in electrical equipment, correct?
 15:19:11 12 A. That's correct.
 15:19:15 13 Q. You have not undertaken a study with
 15:19:17 14 regards to the designs and specifications for the
 15:19:19 15 USS LANG, correct?
 15:19:19 16 A. That's correct.
 15:19:23 17 Q. You have not interviewed or conducted
 15:19:26 18 investigations as to other shipmates that were on
 15:19:28 19 the USS LANG to determine what they knew about the
 15:19:31 20 asbestos contents of those products, correct?
 15:19:32 21 A. That's correct.
 15:19:36 22 Q. You have not reviewed any specific
 15:19:39 23 documents relating to the USS LANG, correct?
 15:19:40 24 A. That's correct.
 25 Q. You have not been provided with information

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15:19:47 1 from Square D that indicates whether or not they
 15:19:53 2 used asbestos-containing phenolic resins or moldings
 15:19:56 3 in their control boxes and motor controllers that
 15:19:57 4 were on the USS LANG, correct?
 15:19:59 5 MR. KINSEY: Objection; assumes facts not in
 15:20:01 6 evidence.
 15:20:05 7 THE WITNESS: The only thing I saw was that
 15:20:09 8 Square D testimony, that part where he said he did
 15:20:12 9 not think the arc shield contained Bakelite product.
 15:20:14 10 BY MR. GALERSTON:
 15:20:17 11 Q. Which implies that Square D has not
 15:20:18 12 produced any documents that you have been provided
 15:20:22 13 that indicate that nothing that they sold the United
 15:20:25 14 States Navy -- strike that.
 15:20:27 15 A. I'm glad, because I was going to ask you to
 15:20:29 16 repeat it.
 15:20:35 17 Q. I got myself confused, too.
 15:20:37 18 Square D has not produced any documents
 15:20:41 19 that you're aware of that indicate that the motor
 15:20:44 20 controllers and control boxes and other electrical
 15:20:47 21 equipment they provided to the United States Navy
 15:20:50 22 and installed on the USS LANG did not contain
 15:20:50 23 asbestos, correct?
 15:20:52 24 MR. KINSEY: Objection; mischaracterizes
 25 evidence on the record.

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15:20:55 1 THE WITNESS: I haven't seen anything from
 15:20:56 2 Square D.
 15:20:56 3 BY MR. GALERSTON:
 15:20:59 4 Q. You have not seen any testimony, documents,
 15:21:03 5 or other information that indicates that the Cutler-
 15:21:06 6 Hammer motor controllers and control boxes that were
 15:21:10 7 on the USS LANG did not contain asbestos, correct?
 15:21:11 8 A. That's correct.
 15:21:13 9 MS. McDougall: Assumes facts.
 15:21:13 10 BY MR. GALERSTON:
 15:21:16 11 Q. You have not seen any documentation,
 15:21:18 12 testimony, or information that indicates that the
 15:21:22 13 Allen-Bradley motor controllers, control boxes,
 15:21:26 14 and/or other electrical equipment that were on the
 15:21:28 15 USS LANG did not contain asbestos, correct?
 15:21:34 16 A. That's correct.
 15:21:39 17 Q. You have not met with or discussed with
 15:21:42 18 corporate representatives for Square D, Cutler-
 15:21:45 19 Hammer, or Allen-Bradley to determine whether or not
 15:21:48 20 they sold any component parts that contained
 15:21:52 21 asbestos to the United States Navy for the USS LANG?
 15:21:55 22 A. No.
 15:21:58 23 Q. You have not seen any deposition testimony
 15:22:03 24 from other cases or in other matters from Allen-
 25 Bradley or Cutler-Hammer related to the asbestos

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15:22:11 1 content of their equipment; is that correct? 15:22:13 2 A. I don't recall seeing them at all, no. 15:22:15 3 Q. And we'll go ahead and limit it to 15:22:17 4 specifically with regards to the equipment that they 15:22:20 5 sold to the United States Navy for the USS LANG. 15:22:34 6 A. That's correct. 15:22:36 7 MR. GALERSTON: Sir, I believe I'm at the 15:22:39 8 end of my questions. I am going to review my notes 15:22:43 9 to determine if I have any additional questions. I 15:22:46 10 am going to reserve my right to ask questions, 15:22:48 11 additional questions, even if others don't have 15:22:50 12 questions so we can go ahead and move this along. 15:22:52 13 Is that agreeable? 15:22:53 14 THE WITNESS: Oh, okay. Good. I might 15:22:54 15 even make my plane. 15:22:56 16 MR. GALERSTON: I'll go ahead and pass the 15:22:57 17 witness at this point. 15:23:01 18 MS. CLARK: Can we take -- we've been going 15:23:02 19 over an hour again. Can we take a five-minute 15:23:02 20 break? 15:23:05 21 THE WITNESS: Oh, okay. Well, then -- 15:23:06 22 THE VIDEOGRAPHER: Go off the record? 15:23:07 23 MR. GALERSTON: Yes. 15:23:11 24 THE VIDEOGRAPHER: The time is 15:23:06. We 25 are off the record.	15:33:18 1 you said in response to a question, that UCC was, 15:33:21 2 you thought, maybe number two in the market in 1960. 15:33:22 3 Do you recall that? 15:33:23 4 A. Yes. 15:33:27 5 Q. How about in 1967; what percentage of the 15:33:30 6 market did Union Carbide have at that time? 15:33:30 7 A. Less than -- 15:33:32 8 MR. GALERSTON: Objection; form, calls 15:33:34 9 for speculation, and it calls for expert testimony 15:33:35 10 beyond this witness's capacity. 15:33:38 11 THE WITNESS: Less than 20 percent. 15:33:41 12 BY MS. CLARK: 15:33:43 13 Q. Okay. Counsel also asked you some 15:33:46 14 questions about the Bakelite trademark and what 15:33:49 15 products Union Carbide sold under the Bakelite name. 15:33:50 16 Do you recall that? 15:33:51 17 A. Yes. 15:33:54 18 Q. Were there products other than phenolic 15:33:57 19 resins or phenolic molding compounds that were sold 15:34:00 20 under the name Bakelite by Union Carbide? 15:34:00 21 A. Yes. 15:34:02 22 Q. And could you name for me some of those 15:34:05 23 products, please? 15:34:19 24 A. Polyethylene, polystyrene, vinyls, 25 polysulfone, and Phenoxine.
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15:31:53 1 (Recess taken: 3:23 p.m. to 3:32 p.m.) 15:32:23 2 THE VIDEOGRAPHER: We're back on the record. 15:32:26 3 This is the beginning of Tape Number Five in the 15:32:31 4 deposition of Carlo Martino. The time is 15:32:27. 15:32:31 5 Counsel, you may proceed. 15:32:33 6 15:32:33 7 EXAMINATION 15:32:33 8 BY MS. CLARK: 15:32:35 9 Q. Mr. Martino, I just have a few follow-up 15:32:37 10 questions for you. 15:32:39 11 Counsel asked you a few questions about 15:32:42 12 general purpose Bakelite. Do you recall that? 15:32:43 13 A. Yes. 15:32:45 14 Q. The general purpose Bakelite, is that a 15:32:50 15 category that encompasses more than one formula? 15:32:51 16 A. Yes. 15:32:53 17 Q. Did all of the formulas that you would 15:32:57 18 consider to fall within general purpose Bakelite 15:32:58 19 contain asbestos? 15:32:59 20 A. No. 15:33:02 21 Q. So there were some formulas that were 15:33:04 22 general purpose Bakelite that never contained 15:33:06 23 asbestos at any time; is that right? 15:33:09 24 A. Yes. 25 Q. Counsel also asked you, in 1960, or maybe	15:34:24 1 Q. Okay. Did any of those products ever 15:34:26 2 contain asbestos? 15:34:28 3 A. No. 15:34:29 4 MS. CLARK: That's all of the questions I 15:34:34 5 have. Thank you. 15:34:35 6 MR. GALERSTON: Next? 15:34:36 7 No one here. On the telephone, anybody 15:34:37 8 with any questions? 15:34:39 9 MR. MAKI: Yes. This is Craig Maki, with 15:34:39 10 Selman Breitman. I have two questions, hopefully. 15:34:39 11 15:34:39 12 EXAMINATION 15:34:42 13 BY MR. MAKI: 15:34:47 14 Q. First, sir, are you aware of any sales of 15:34:51 15 Bakelite product to Nelson Marine Products? 15:34:53 16 A. No, I'm not. 15:34:55 17 Q. Are you aware of any sales records 15:34:59 18 pertaining to Nelson Marine Products? 15:35:01 19 A. Would you repeat that again, please? 15:35:04 20 Q. Are you aware of the existence of any sales 15:35:11 21 records referencing Nelson Marine Products? 15:35:15 22 A. I'm not aware of -- we have sales records, 15:35:20 23 but I don't -- I'm not aware of whether you -- 15:35:23 24 Nelson Marine Products is even on the list. 25 Q. Okay.

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15:35:26 1 A. I don't recall Nelson.
 15:35:26 2 MR. MAKI: I have nothing further.
 15:35:29 3 MS. CLARK: Just answer the best you can.
 15:35:30 4 THE WITNESS: No.
 15:35:34 5 MR. GALERSTON: Next? Anyone else on the
 15:35:34 6 phone with questions for this witness?
 15:35:34 7
 15:35:34 8 FURTHER EXAMINATION
 15:35:38 9 BY MR. GALERSTON:
 15:35:42 10 Q. Hearing none, sir, I had a couple
 15:35:46 11 follow-up. Mr. Maki took half of my questions for
 15:35:46 12 me.
 15:35:49 13 The other one, I wanted to ask you about a
 15:35:50 14 company Eaton Electric. Are you familiar with a
 15:35:54 15 company by the name of Eaton Electric?
 15:35:56 16 A. The name sounds familiar, but that's all.
 15:35:59 17 Q. You don't know one way or the other whether
 15:36:03 18 or not Eaton Electric was a customer of Union
 15:36:04 19 Carbide's Bakelite division?
 15:36:05 20 A. I don't know.
 15:36:16 21 MR. GALERSTON: Okay. I believe those are
 15:36:18 22 all of the questions I have for you, sir.
 15:36:19 23 THE WITNESS: Oh, good.
 15:36:23 24 MR. GALERSTON: Anyone else? Okay.
 15:36:24 25 THE VIDEOGRAPHER: This is the end of Tape

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1
 2 WITNESS'S CERTIFICATE
 3
 4
 5
 6 I am the witness in the foregoing
 7 deposition. I have read the foregoing deposition,
 8 and having made such changes and corrections as I
 9 desire, I certify that the same is true of my own
 10 knowledge, except as to those matters which are
 11 therein stated upon my information or belief, and
 12 as to those matters, I believe it to be true.
 13 I declare under penalty of perjury under
 14 the laws of the State of California that the
 15 foregoing is true and correct.
 16 Executed on _____,
 17 at _____.
 18
 19
 20
 21
 22 CARLO FRANCIS MARTINO
 23
 24
 25

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15:36:26 1 Number Five, which concludes the deposition of Carlo
 15:36:31 2 Martino. The time is 15:36:27. We are off the
 15:36:35 3 record.
 4 (Ending time: 3:36 p.m.)
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1 REPORTER'S CERTIFICATE
 2
 3
 4 I, Karen Wright, CSR No. 3936, a Certified
 5 Shorthand Reporter in and for the State of
 6 California, do hereby certify:
 7 That prior to being examined, the witness
 8 named in the foregoing proceedings was by me duly
 9 sworn to testify to the truth, the whole truth, and
 10 nothing but the truth;
 11 That said proceedings were taken by me in
 12 shorthand at the time and place herein named and was
 13 thereafter transcribed into typewriting under my
 14 direction, said transcript being a true and correct
 15 transcription of my shorthand notes.
 16 I further certify that I have no interest
 17 in the outcome of this action.
 18
 19
 20
 21
 22
 23 KAREN WRIGHT
 24 CSR NO. 3936
 25

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