

FILE NAME: Owens-Corning (OC)

DATE: 1981

DOC#: OC058

DOCUMENT DESCRIPTION: Legal - Deposition of Ed Ames

1 Q. Yes, the last sentence of that second paragraph?

2 A. Implied as a threat.

3 Q. Yes.

4 A. Well, I'd say it is a very "iffy" statement. You notice
5 that each of these paragraphs begins with if, if, if, so
6 it is speculation that is involved.

7 Q. Do you recall what you were speculating on at the time
8 that you wrote that report?

9 MR. CALLAHAN: If you recall.

10 THE WITNESS: I can't recall. Do you want those
11 together?

12 MR. CARLSON: Yes, please.

13 Q. Do you recall whether you ever did distribute to any
14 members of the Asbestos Workers Union copies of any U. S.
15 Public Health bulletins on asbestos?

16 MR. BONDONNO: Asked and answered.

17 THE WITNESS: No, I did not.

18 MR. CARLSON: Next I am going to show Mr. Ames
19 what I will mark as Exhibit Eleven, and I will just
20 identify it for the record. It purports to be memo over
21 the name Edward C. Ames to C. E. Gregory, dated December
22 27, 1943, and I will ask you to review that.

23 A. It is G. E. Gregory, should__

24 Q. Pardon me?

25 A. It looks like a C, but it is a G. Gregory was--

26 (Thereupon, the aforementioned
27 document, being a memo dated
28 December 27, 1943, consisting
of one page, was marked
Deposition Exhibit Eleven.)

1 MR. BONDONNO: Objection, the document speaks
2 for itself. On page 10 of the document, are the
3 conclusions and the recommendations.

4 THE WITNESS: As you lawyers say, "res ipso
5 loquitur".

6 MR. NELSON: Excellent!

7 THE WITNESS: Did I answer your question?

8 MR. CALLAHAN: That's right. You did indeed, in
9 two languages!

10 MR. BONDONNO: In first rate Latin!

11 MR. CARLSON: Did you say in response to any
12 earlier question that you were familiar with this while
13 working at Owens Corning?

14 MR. BONDONNO: Objection to the term "familiar"
15 as vague and ambiguous.

16 THE WITNESS: I am sure I must have seen it.

17 MR. CARLSON: Now I am going to show you again
18 Plaintiff's Exhibit Four, which was the January 7, 1942
19 letter to E. J. Marshall and ask you to refer to the last
20 sentence in the second paragraph up from the bottom.

21 MR. JUBILIERER: What was that again?

22 MR. CARLSON: Last sentence, second from the
23 bottom, page 2. Have you reviewed that, Mr. Ames?

24 A. Yes, I wrote the memorandum.

25 Q. Okay. Were you referring to the same Public Health
26 Service report that we just marked as Plaintiff's Exhibit
27 10 in that sentence?

28 A. Now, this says Public Health Bulletin 1665--I don't know.

1 Let me see -- (Examining the document). The numbers don't
2 don't conform.

3 MR. CALLAHAN: That's good.

4 MR. CARLSON: As you can recall today, can you
5 remember whether there is any other U. S. Public Health
6 Service report on asbetsos that you might have been
7 referring to?

8 MR. BONDONNO: Objection for the sake of the
9 record. That is a misstatement of the record. I don't
10 believe there are any other public health bulletins on
11 asbestosis. Secondly, I object to the question as
12 argumentative as phrased, also ambiguous.

13 MR. CALLAHAN: State the question again.

14 MR. CARLSON: Let me take a look at that. Are
15 you--as you sit here today, Mr. Ames--can you remember any
16 other U. S. Public Health bulletins on asbestosis other
17 than the one we are looking at by Lanza?

18 MR. BONDONNO: Same objection.

19 THE WITNESS: I can't remember.

20 MR. CARLSON: You can't remember any other one?

21 A. Unless it is one of these, but there is no copy of some of
22 these around here.

23 Q. In the--

24 MR. RISTENBERG: Counsel, what is the reference?

25 MR. CARLSON: Exhibit Four. In that same
26 sentence I just referred to in Exhibit Four, could you
27 tell me what you meant by that?

28 A. The second paragraph?