

SUMMARY DEPOSITION TESTIMONY
 DAVID A. THURLEY
 DAVID THURLEY V. ASBESTOS CORPORATION, LTD., et al
 State of New York Supreme Court
 Videotape Deposition
 September 17, 1997

Page	Q/A	Summary
5	Q	...could you please state your full name?
	A	David A. Thurley.
	Q	And how old are you?
	A	59.
	Q	Is your home located in Clifton Springs, New York?
	A	Yes.
6	Q	What is your wife's name?
	A	Beverly.
	Q	How long have you and Mrs. Thurley been married?
	A	32 years.
	Q	Before February 1997, were you employed?
6-7	A	Yes...Garlock's...Palmyra, New York...Yard maintenance.
7	Q	Before February 1997, could you please describe your general physical condition?
	A	Good.
	Q	...what change did you notice?
	A	Shortness of breath.
8	Q	Did you tell anyone about this shortness of breath when you first noticed it?
	A	Yes...My family doctor...Mark Ryan.
	Q	What type of test did he order?
	A	Chest x-ray and...
	Q	...a CT scan...?
	A	Yes.
9	Q	Did Dr. Ryan refer you to any other doctors? ...where does Dr. Tyner practice... Clifton Springs?
	A	Yes.
	Q	What kind of physician is Dr. Tyner?
	A	Lungs. Lungs.
	Q	...Dr. Tyner...what doctor did he refer you to...What kind of physician is Dr. Johnstone?
	A	He's also a lung specialist.
10	Q	Did Dr. Johnstone perform any tests on you?
	A	Lung biopsy...
	Q	Did there come a time you were informed of the results of this biopsy taken at Strong Memorial?
	A	Yes...Nothing they could do about it.
11	Q	Did they inform you what caused this problem?

	A	They said it was asbestos-related.
	Q	...where was this biopsy taken from?
	A	My lung area.
	Q	...any fluid drained from your lung...what was the color...?
	A	Off-yellow.
	Q	...how much fluid was drained...?
	A	Three liters.
12	Q	...did you have discussions with your doctors about further surgery?
	A	Yes...Nothing they could do.
13	Q	...who have you seen since the biopsy...?
	A	Tyner...Once a week.
	Q	So does Dr. Tyner make house calls...?
	A	Yes.
	Q	Who else do you see, Mr. Thurley?
	A	Heath care aides...Once a week.
14	Q	During most of the day...do you spend time on this bed?
	A	Most of the day.
	Q	...why are you taking this oxygen?
	A	Help me breathe better.
14-15	Q	Before February 1997...how much did you weigh?
15	A	290.
	Q	...how much do you weigh now...?
	A	About 240...
16	Q	...how do your feet feel if you walked 60 feet?
	A	Stuffed up a little bit.
	Q	...are you able to walk by yourself from this bed, we'll say, 50 feet...?
	A	I can do it by myself, but...I can't get that far.
17	Q	...have you needed any assistance being moved around in your own house?
	A	Yes...couple guys from fire department helped me up off the bathroom floor... About two weeks ago, three weeks...Fell down in there.
	Q	Who called the emergency squad for you...?
	A	My wife did.
18	Q	...employed at Garlock...How much were you earning per hour at this job...?
	A	\$10 an hour.
	Q	And how long had you planned on working for them Mr. Thurley? To what age?
	A	62.
	Q	Does your wife work...currently drive...?
	A	No.
	Q	...what high school you attended?
	A	Geneva High School...12 th grade.
	Q	What year did you begin working at Garlock's plant...?
	A	1968.
19	Q	...show a document...marked Defendant 2...tell me what this document is...?
	A	It's a map of the Garlock factory...in Palmyra.
	Q	...are they the buildings that were in operation back in 1968?

	A	Yes.
19-20	Q	Would you please tell me what's been marked Defendant's 3...?
20	A	That's a...my jobs...At Garlock's...Dates I started on different jobs.
21	Q	What was your first job at Garlock's in 1968?
21-22	A	Fibre prep machine operator...Took hundred pounds bags of asbestos off a skid, turn around, put them in a dumpster, open them up, dump the bags out.
22	Q	What was the color of the asbestos that was in this hundred pound bags, back in 1968?
	A	Off-white.
22-23	Q	...the bags themselves have any particular markings on them in 1968?
23	A	Lake Asbestos, Johns-Manville. Couple more, I can't remember...I cut the bags open...so they could go through the machine.
	Q	What did you cut the bag with?
	A	A knife.
	Q	...average day...how many of these hundred pound bags would you...have to dump...?
	A	About a hundred.
	Q	What was the air like when you were dumping these bags...?
	A	Like snowflakes, snowfall.
	Q	Did you breathe in this dust?
24	A	Yes.
	Q	...did you ever wear a mask?
	A	Yes...once a week or more. Once a day.
	Q	...did your employer Garlock ever advise you to wear a mask?
	A	No.
	Q	...what kind of mask...?
	A	Paper one.
	Q	...ever see any warnings about asbestos on the bags...?
	A	No.
25	Q	...when you worked as a fibre machine operator...what building you worked in in 1968?
	A	Building 7.
	Q	What was the atmosphere like...?
	A	Dusty.
26	Q	...did Building Number 7 have any pipes?
	A	Yes...Steam, water, oil.
	Q	What were they connected to?
	A	Machines.
	Q	Were these pipes...covered with anything?
26-27	A	Pipe gasket...half round things, fit on around pipes.
27	Q	How long was this material?
	A	About three feet.
	Q	...how much of the steam lines did it cover?
	A	Hundred percent.
28	Q	Did you see anyone cover the pipes...?

	A	Outside contractors...we were 15 feet.
29	Q	...what was your next job?
	A	Sander-washer operator...Building 12.
	Q	How long did you work as a sander-washer operator?
	A	To '72...Put metal parts in a washer and wash them, run them through, clean them up.
30	Q	Do you know what buildings...that these materials...were made?
	A	Building 11.
31	Q	...how close is Building Number 12 and Building Number 7...?
	A	Less than a hundred...feet.
	Q	...how often would you walk into Building Number 7 as a sander-washer operator?
	A	Once.
	Q	...did you ever have to sweep Building Number 12?
	A	Yes...Dusty, I know that.
	Q	Did you breathe in that dust?
	A	Yes.
32	Q	...what your next job was?
	A	Metal parts finisher.
	Q	...same Building Number 12...how many years did you work as a metal parts finisher?
	A	For three years...Put metal parts in a machine that...tumbles the scars off of them.
34	Q	...did you ever see any bags containing asbestos in Building Number 12...?
	A	Yes...They were being transferred from 26 to 7.
	Q	Was Building Number 26...known as anything?
	A	Warehouse.
	Q	...for what?
	A	Asbestos
35	Q	How often would these bags of asbestos have to be carried from Building Number 26 to Building Number 7...?
	A	At least once a day.
	Q	...how many bags would...be carried...?
	A	Maybe 150 a day.
36	Q	...do you remember if the asbestos that were in these bags would stay intact as they were being carried...?
	A	Some of them had leaks in them and some didn't.
37	Q	And what coworkers would you see in Building Number 12 in 1974?
37-38	A	Sam West...he had some job, but I can't remember...
38	Q	...how often do you remember seeing Mr. West...?
	A	At least once a day.
	Q	Does Garlock have a cafeteria?
	A	Yes...Building Number 8.
40	Q	How often would you see Mr. West in Building Number 7...?
	A	Once a day, I guess.

	Q	...what was taking place in Building Number 7?
	A	Just making asbestos seals.
	Q	What was the atmosphere like in Building Number 7...?
	A	Dusty, dirty.
	Q	...did you breathe in that dust?
	A	Yes.
41	Q	After metal parts finisher...what was that job?
	A	Stock clerk...About a year.
42	Q	...while you worked as a stock clerk in Building Number 16...did you walk through any buildings?
	A	Went through 12, 7, 3, 8.
43	Q	...what was taking place in Building Number 7?
	A	They was using raw asbestos...Make products that they sold.
44	Q	...did you ever work as a tubing machine operator?
	A	Yes.
	Q	...what building you worked in as a tubing machine operator?
45	A	Building 25.
	Q	...what Building 15 was utilized for?
	A	They manufactured...asbestos fibers for the factory for the departments.
46	Q	What materials did you see in Building Number 15...?
	A	Asbestos. Some kind of clay. Oil...Dusty.
47	Q	...after you were a tubing machine operator...tell me what your next job was...?
	A	Went back to janitor...Building 24.
49	Q	...another job after you worked as a janitor?
	A	That was maintenance.
	Q	...what year did you begin working in yard maintenance...?
49-50	A	'76...to...'96.
50	Q	...yard maintenance, were you stationed in any particular building...?
	A	No.
51	Q	...1975-1980...What buildings, if any, at Garlock did you work in during that time period?
51-52	A	15 around...most of the buildings around that place. In and out.
52	Q	...did your job require you to do as yard maintenance in Building Number 15 from 1975 to 1980?
	A	Take out the wash, trash bags...Take out the garbage.
	Q	...do you know if Garlock had any boilers at the plant?
	A	Yes.
53	Q	...Building Number 1...How many boilers were located in the boiler house?
	A	Three.
	Q	...ever work in the boiler house?
	A	Yes.
	Q	...could you tell us what you did in the boiler house that's located in Building Number 1?
54	A	...took the ashes out from the silo...dump them on the road. Dump them on the dump truck...Once a day.

	Q	Did you see any warning labels on any of the asbestos bags...?
	A	No.
	Q	...ever see any warnings on bags of asbestos at Garlock...?
55	A	Yes...Late '80s.
	Q	...in the late '80s, did you change your work behavior in any way?
	A	Probably, yes...Tried to avoid that area.
	Q	...when did you first learn that asbestos may be harmful to your health?
	A	Late '80s...Word of mouth.
55-56	Q	...if you knew that asbestos was dangerous to your health back in the 1960's... would you have worked with this material?
56	A	No.
	Q	What does DT stand for?
	A	David Thurley.
56-57	Q	...why did you put your initials in various buildings...?
57	A	Because it's the buildings I've been in.
	Q	...has your physical and mental condition affected you at all mentally?
57-58	A	Yes....Don't feel good.
58	Q	...tell us...how it feels to be confined to this room?
	A	Don't feel good.
	Q	Before February 1997, how was your marriage?
	A	Good.
	Q	...does anyone else take care of you?
58-59	A	Yes...My wife...Supports me and helps me get ready...does all the cooking, cleaning.
60	Q	...is that the area where the incision for the biopsy was made?
	A	Yes.
EXAMINATION BY MR. LECLAIR		
63	Q	...you began working in the yard maintenance department in March of 1976; is that correct?
	A	Yes.
	Q	...you did not work on a daily basis removing ash from Building 1...?
	A	Yes.
EXAMINATION BY MR. LAKRITZ		
64	Q	...you handled bags of raw asbestos supplied by a variety of companies... working as a fibre preparation machine operator?
	A	Yes.
	Q	...decision to use a particular company's raw asbestos was dictated by some type of formula or instructions provided by Garlock?
	A	Yes.
66	Q	Isn't it also true that you dumped bags of blue raw asbestos into hoppers...?
	A	Yes.
66-67	Q	Isn't it true that a ventilation or a dust collection system was in place...in Building Number 7?
67	A	Yes.
	Q	...ventilation or dust collection system was operational at all times in Building

		Number 3...?
	A	Yes.
	Q	...breathing masks were made available...at Garlock?
	A	Yes.
	Q	If there was a health problem...did you assume or believe that Garlock would have told you about it?
	A	Yes.
67-68	Q	Did you believe that Garlock was providing you with a safe place to work while you were an employee?
68	A	Yes.
EXAMINATION BY MS. O'CONNOR		
	Q	...you recalled only seeing bags of Johns-Manville and Lake Asbestos asbestos, while you were working as a fibre preparation machine operator.
69	A	Yes.
	Q	...any specific recollection of seeing bags that had the word National Gypsum on them...?
	A	I can't remember seeing that special name...
	Q	...specific recollection...of seeing the name National Mines on any bags...?
	A	No.
RE-EXAMINATION BY MR. COMERFORD		
71	Q	...percentage of the blue fiber that you remember seeing and using at Garlock. Do you remember what that percentage was?
	A	Five percent.