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PORZIO BROMBERG
& NEWMAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRED DOUGLAS and MARGARET DOUGLAS,
Plaintiffs,
- against -

ARMSTRONG WORLD INDUSTRIES, INC., formerly
ARMSTRONG CORK CO., A.P. GREEN REFRACTORIES
COMPANY, AC&S, INC. (ARMSTRONG CONTRACTING &
SUPPLY), ANCHOR PACKING COMPANY, THE BABCOCK &
WILCOX COMPANY, CELOTEX CORPORATION, The Successor
in Interest to Phillip Carey Manufacturing
Company, Phillip Carey Corporation, Briggs
Manufacturing Company and Panacon Corporation,
COMBUSTION ENGINEERING, INC., EAGLE-PICHER
INDUSTRIES, INC., FIBRE-BOARD CORPORATION (PABCO),
THE FLINTKOTE CORPORATION, GAF CORPORATION,
H.K. PORTER COMPANY, INC., the successor in
interest to Southern Textile Corporation, formerly
Southern Asbestos Company JOHN CRANE-HOUDAILLE,
INC., NICOLET, INC. Individually and as Successor
to Keasby & Mattison Corporation, OWENS-CORNING
FIBER-GLASS CORPORATION, OWENS-ILLINOIS INC.,
PITTSBURGH-CORNING CORPORATION, RAYMARK
INDUSTRIES, INC., Successor in interest to
Raybestos Manhattan Inc., ROCK WOOL MANUFACTURING
CO., INC., SOUTHERN TEXTILE CORPORATION, TURNER &
NEWALL, PLC Individually and as Successor to
Keasby & Mattison Corporation, ATLAS TURNER, INC.,
FOSTER WHEELER ENERGY CORPORATION, BASIC, INC.,
UNITED STATES MINERAL PRODUCTS COMPANY, UNITED
STATES GYPSUM COMPANY, SPRAYON INSULATION &
ACOUSTICS, INC., ASBESTOS CORPORATION LTD.,
BELL ASBESTOS MINES LTD., CASSIAR MINING
CORPORATION, a division of Cassiar Mining Ltd.,
formerly Cassiar Asbestos Corp., Ltd., CHARTER
CONSOLIDATED INVESTMENTS LTD., LAC d'AMIANTE DU
QUEBEC LTEE, subsidiary of ASARCO formerly Lake
Asbestos of Quebec Ltd., and CAREY-CANADA CORP.,
Defendants.

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February 29, 1988
11:00 A.M.

EXAMINATION BEFORE TRIAL of ROY WHITTAKER,
taken by the respective parties,, held at the
offices of Morris J. Eisen, 233 Broadway, New
York, New York, on February 29, 1988, at 11:00
A.M., before MARIA RAGUSA, a Notary Public for and
within the State of New York.

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S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED

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by and between the attorneys for the

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respective parties herein, that filing,

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sealing and certification be and the same

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are hereby waived.

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IT IS FURTHER STIPULATED AND AGREED

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that all objections, except as to the form

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of the question, shall be reserved to the

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time of the trial.

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IT IS FURTHER STIPULATED AND AGREED

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that the within deposition may be signed

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and sworn to before any officer authorized

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to administer an oath, with the same force

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and effect as if signed and sworn to before

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the Court.

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3 R O Y W H I T T A K E R, having first been
4 duly sworn by a Notary Public for and within the
5 State of New York, upon being examined, testified
6 as follows:

7 EXAMINATION BY

8 MR. KELLEY:

9 MR. KELLEY: This deposition is being
10 taken in accordance with notice of deposition
11 filed in the case of Fred Douglas and Margaret
12 Douglas, plaintiffs, versus Armstrong World
13 Industries, Inc., et. al. United States District
14 Court, Southern District of New York.

15 I have a waiver of defective notice.
16 Anybody object to that?

17 (No response)

18 MR. KELLEY: Can you enter into
19 stipulation that an objection by one defendant is
20 objection for all?

21 (All attorneys agree)

22 Q. Sir, would you --

23 MR. MANEWITZ: Before you start, I want
24 on the record, that Garlock, Inc. is here Pursuant
25 to a 30B6 notice, and is producing Mr. Whittaker

1 WHITTAKER

2 for purposes of identifying purchases which were
3 made by Garlock during the period 1960 through
4 1970, as identified in your notice, and he's
5 produced for that purpose.

6 MR. KELLEY: Okay.

7 Q. Sir, you want to state your name for the
8 record?

9 A. Roy Whittaker.

10 Q. Where do you currently reside?

11 A. 790 W. Lake Road, Canandaigua, New York
12 14424.

13 Q. Are you currently employed?

14 A. Yes.

15 Q. Who are you employed with?

16 A. Garlock, Inc.

17 Q. Where is that location of your employer?

18 A. 1666 Division Street, Palmyra, New York.

19 Q. How long have you been so employed?

20 A. 34 years.

21 Q. Starting when, 19--

22 A. '53.

23 Q. '53.

24 Q. What is your current position?

25 A. Director of engineering for industrial

1 WHITTAKER

2 gaskets.

3 Q. How long have you served in that
4 position?

5 A. Approximately a year and a half.

6 Q. And prior to that what was your position
7 with Garlock, Inc.

8 A. Director of engineering for industrial
9 packing.

10 Q. How long did you serve in that position?

11 A. Approximately two years.

12 Q. And prior to that what was your position
13 with Garlock, Inc.?

14 A. Director of engineering. It was also
15 industrial packing, at that time, but it was -- it
16 was -- includes quality control.

17 Q. How long did you serve in that position?

18 A. I don't remember the years.

19 Q. Approximately?

20 A. About three years.

21 Q. And prior to that time what was your
22 position with Garlock, Inc.

23 A. Director of engineer -- manager of
24 engineering for compression packings.

25 Q. How long did you serve --

1 WHITTAKER

2 A. Two years.

3 Q. Prior to that what was your position
4 with Garlock, Inc.

5 A. Manager of engineering services.

6 Q. And how long did you serve in that
7 position?

8 A. About three years.

9 Q. Prior to that what was your position
10 with Garlock, Inc.

11 A. Manager of quality control.

12 Q. And how long did you serve in that
13 position?

14 A. About three years.

15 Q. And what was your position just prior to
16 that with Garlock, Inc.?

17 A. Quality control engineer.

18 Q. And how long did you serve in that
19 position?

20 A. I don't remember how long.

21 Approximately two years, I guess.

22 Q. Prior to that what was your position
23 with Garlock, Inc.

24 A. Foreman of quality control.

25 Q. How long did you serve in that position?

1 WHITTAKER

2 A. About five years.

3 Q. Prior to that did you have a position
4 with Garlock, Inc.

5 A. Prior to that I was -- Prior to that I
6 was an hourly paid employee.

7 Q. And how long did you serve as an hourly
8 paid employee?

9 A. About ten years.

10 Q. And what types of jobs did you do as
11 hourly paid employee?

12 A. I was -- worked in the cut-gasket,
13 department building, would pack dyes, as a mobile
14 operator, which I learned all the jobs for cutting
15 gaskets. And following that I worked in the
16 warehouse; following that I was -- worked as a
17 quality control inspector.

18 Q. Just so the record is clear, we now
19 covered all your employment history with Garlock,
20 Inc.?

21 A. Yes.

22 Q. Dating back to approximately '53?

23 A. Yes.

24 Q. I am handing you what has been marked,
25 for purposes of identification, as Plaintiff's

1 WHITTAKER

2 Number 1.

3 Can you identify that for us, if you
4 would, please.

5 (A DOCUMENT WAS RECEIVED AND MARKED
6 PLAINTIFF'S EXHIBIT 1, FOR
7 IDENTIFICATION, AS OF THIS DATE.)

8 A. Yes. It is a subpoena to Garlock, Inc.

9 Q. Are you here today in response to that
10 subpoena?

11 A. Yes.

12 Q. And in response of that subpoena would
13 you notice, take a look at Appendix A, that is
14 attached to the subpoena, please?

15 A. Yes.

16 Q. And have you, in response to the
17 attached Appendix A, which is a request for
18 documents, have you brought documents with you
19 today?

20 A. I brought examples of documents.

21 Q. And why is it you brought examples of
22 documents today?

23 A. Because the number of documents would
24 probably be included, required.

25 Q. And where are those documents located?

1 WHITTAKER

2 A. If they are available they are in
3 Palmyra, New York.

4 Q. Are they kept by a record custodian in
5 Palmyra, New York?

6 A. Yes.

7 Q. What is the procedure that Garlock, Inc.
8 currently has for the maintenance of their
9 business records if you know?

10 A. We have a record retention; normally
11 lasts five years, seven years, in some cases, like
12 if they are government documents.

13 Q. Who is the individual who is in charge
14 of the records for Garlock, Inc. in Palmyra, New
15 York?

16 A. Mr. Schaffer.

17 Q. And did you consult with Mr. Schaffer in
18 response to Plaintiff's Exhibit Number 1, the
19 subpoena, in finding these records?

20 A. No, I didn't.

21 Q. Did you consult with anyone?

22 A. Yes, Dick Watson.

23 Q. Who is he?

24 A. He's our legal representative of Garlock
25 in Palmyra.

1 WHITTAKER

2 MR. MANEWITZ: If I may make
3 clarification.

4 Mr. Watson is not an attorney, but he's
5 employed in the legal department.

6 Q. Did he assist you in gathering those
7 documents that you have brought with you here
8 today?

9 A. Yes.

10 Q. And what manner did he assist you?

11 A. Mr. Watson collected most of the
12 documents.

13 Q. And did he collect most of those
14 documents at your direction?

15 A. No.

16 Q. At whose direction did he collect those?

17 A. I believe Mr. Manewitz.

18 Q. Who is Mr. Manewitz, just so the record
19 is clear?

20 A. Colt, legal.

21 Q. He is your legal counsel?

22 A. Yes.

23 Q. And for purposes of identification, I'm
24 going to show you what has been marked as
25 Plaintiff's Exhibit 2. Would you please identify

1 WHITTAKER

2 that document for us

3 (A DOCUMENT WAS RECEIVED AND MARKED
4 PLAINTIFF'S EXHIBIT 2, FOR
5 IDENTIFICATION, AS OF THIS DATE.)

6 A. It is Garlock Purchases of Asbestos
7 Fibre, 1965 through 1979.

8 Q. And you have that in front of you?

9 A. Yes.

10 Q. Please, refer to that as we go through
11 that.

12 Do you know how this document was
13 formulated or kept?

14 A. By our purchasing department.

15 Q. And could you please, starting with the
16 first entry, which I believe is AA and says,
17 Asbestos fibre BL-TR, can you tell us what that
18 means, what that entry means, the first entry?

19 A. As Asbestos fibre and gives class
20 designation.

21 Q. And what is that, class designation,
22 mean? If you know.

23 A. I don't know on that one.

24 Q. What about the next one, AB, which is
25 Blue Fibre?

1 WHITTAKER

2 A. It is -- all I know is just Blue
3 Asbestos Fibre.

4 Q. That's a type of fibre?

5 A. Type of fiber.

6 Q. Purchased by Garlock?

7 A. Yes.

8 Q. And under the heading, 1965, there are
9 various notations on the first page of Plaintiff's
10 Exhibit Number 2. What do those numbers reflect
11 under 1965?

12 A. Dollars purchased.

13 Q. Are there any records, to your
14 knowledge, that would demonstrate the tonage of
15 Asbestos purchased as opposed to dollars you've
16 provided here?

17 A. No, I'm not aware of the tonage.

18 Q. Are there any records that Garlock, Inc.
19 still maintains that would show the tonage?

20 A. I'm not aware of them.

21 Q. To the best of your recollection the
22 records that are maintained are records as to
23 dollar purchases as opposed to tonage purchased;
24 is that correct?

25 A. Yes.

1 WHITTAKER

2 Q. And to the best of your recollection and
3 knowledge, as a long time employee of Garlock, are
4 these records kept in the ordinary and usual
5 course of business by Garlock, Inc.?

6 A. Yes.

7 Q. This record here, Plaintiff's Exhibit
8 1--

9 Plaintiff's 2, how many sheets of paper
10 is Plaintiff's 2?

11 A. Two sheets.

12 Q. And would you, sir, indicate to us the
13 names of the Asbestos miners, I believe, and
14 producers, that are listed on Plaintiff's Exhibit
15 2 for us? Would you go right down the list of
16 that first column?

17 A. H.K. Porter, North American Asbestos
18 Corporation, Lake Asbestos of Quebec, Bell
19 Asbestos Mines Limited, Lake Asbestos of Quebec,
20 Bell Asbestos Mines Limited, Asbestos Corporation
21 Limited, Lake Asbestos of Quebec, National Gypsum
22 Company, Bell Asbestos Mines Limited, Asbestos
23 Corporation Limited, Lake Asbestos of Quebec,
24 National Gypsum Company; I believe it is Jaquay
25 Mining Corporation, Bell Asbestos Mines Limited,

WHITTAKER

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2 Ruberoid Company, Lake Asbestos of Quebec,
3 Johns-Manville Sales Corporation, Westwood
4 Chemical Company, Incorporated, National Gypsum
5 Company, Jaquay Mining Corporation, Asbestos
6 Corporation Limited, Lake Asbestos of Quebec,
7 Westwood Chemical Company incorporated, Carey
8 Canadian Mines Limited, Lake Asbestos of Quebec,
9 Bell Asbestos Mines Limited, Lake Asbestos of
10 Quebec, Carney Canadian, Bell Asbestos Mines
11 Limited, Lake Asbestos of Quebec, Bell Asbestos
12 Mines Limited, the Ruberoid Company, National
13 Gypsum Company, Johns-Manville Sales Corporation,
14 Lake Asbestos of Quebec, Lake Asbestos of Quebec,
15 Canadian Johns-Manville, Johns-Manville Sales
16 Corporation, Lake Asbestos of Quebec, Lake
17 Asbestos of Quebec, Westwood Chemical Company
18 Incorporated, Bell Asbestos Mines Limited, Lake
19 Asbestos of Quebec, Bell Asbestos Mines Limited,
20 Lake Asbestos of Quebec, Canadian Johns-Manville,
21 Johns-Manville Sales Corporation, and Ruberoid
22 Company.

23 Q. Mr. Whittaker, just so we are clear on
24 this document, Plaintiff's number 2, it lists, as
25 you have now indicated for the record, the names

1 WHITTAKER

2 of various suppliers of Asbestos to Garlock; is
3 that correct?

4 A. That's correct.

5 Q. And I note that in each one of these
6 there is a different grade or fibre type; is that
7 correct?

8 A. That's correct.

9 Q. And as to that grade or fibre type
10 purchased from a company, that company is then
11 listed under that grade or fibre type; is that
12 correct?

13 A. That's correct.

14 Q. And then to the right of the fibre type
15 and listing of the company are the years 1965
16 through 1979; is that correct?

17 A. That's correct.

18 Q. And you have listed under each of those
19 years of the various sales of Asbestos fibres and
20 dollars; is that correct?

21 A. Purchase of dollars.

22 Q. To the best of your knowledge, having
23 reviewed the records of Garlock, and your own
24 personal knowledge as a long time employee of
25 Garlock, working your way up from an hourly

1 WHITTAKER

2 employee to a management employee, does this
3 document reflect all of the purchases of Asbestos
4 fibre for Garlock between the years 1965 and 1979?

5 A. I can't answer that. I'm not aware of
6 any additional.

7 Q. Best of your recollection, this does
8 reflect all the purchases?

9 A. To the best of my knowledge, yes.

10 Q. Marked as Plaintiff's Number 3 for
11 identification, would you take a look at that
12 document and firstly tell us how many pages
13 Plaintiff's 3 encompasses?

14 A. Eight.

15 Q. What is that document?

16 A. It is a Material Purchase Specification
17 for fibre.

18 Q. So that we can refer together to this,
19 you look off of that.

20 A. Okay.

21 Q. You've indicated that the title of this
22 document is a Material Purchase Specification.
23 Can you describe for us what that all really
24 means?

25 A. For each item that Garlock purchases we

1 WHITTAKER

2 have a specification that tells the supplier what
3 the material is supposed to be, as far as material
4 makeup, and gives a composition of the material
5 and also gives the qualified vendors.

6 Q. And where did you find this document?

7 A. Garlock record retention.

8 Q. And did you bring this document in
9 response to the subpoena that appeared here today?

10 A. Yes.

11 Q. And is this document kept in the
12 ordinary usual course of business by Garlock
13 Incorporated?

14 A. Yes.

15 Q. And are there other such similar
16 documents, as this Material Purchase
17 Specification, in the records retention department
18 in Palmyra, New York, of Garlock, Inc.?

19 A. Yes.

20 Q. What would you estimate the number of
21 those documents to be?

22 A. I do not know.

23 Q. Would they fill up a room?

24 A. No.

25 Q. Would they fill up a file cabinet?

1 WHITTAKER

2 A. You are talking about purchase
3 specifications; yes.

4 Q. And how far back are you aware that
5 Garlock has maintained these Material Purchase
6 Specification records?

7 A. I don't know how far back they go.

8 Q. I know this one is dated 10/1/68, so
9 this document goes back to '68; is that correct?

10 A. That's correct.

11 Q. Up at the top corner there?

12 A. Yes.

13 Q. And again, there are available for
14 inspection, same and similar Garlock Material
15 Purchase Specifications as exhibited here, by
16 Plaintiff's Exhibit Number 3; is that correct?

17 A. Yes.

18 (A DOCUMENT WAS RECEIVED AND MARKED

19 Plaintiff's EXHIBIT 3, FOR

20 IDENTIFICATION, AS OF THIS DATE.)

21 A. Yes.

22 Q. Now, again, calling your attention to
23 what has been marked for identification as
24 Plaintiff's Exhibit Number 1, and Appendix A, can
25 you state for us, going through each one of those

1 WHITTAKER

2 documents listed on Appendix A, documents that
3 would be available for inspection to your
4 knowledge at Palmyra, New York, if you would start
5 with the first entry?

6 A. Purchase orders.

7 Q. Now, is that what we have here as --
8 marked as Plaintiff's Exhibit Number 3?

9 A. No.

10 Q. No.

11 Are there in existence, purchase orders,
12 in addition to these Purchase Specifications that
13 you brought with you today?

14 A. I don't know if they are available.

15 Q. And did you search the records of
16 Garlock, Inc. for those?

17 MR. MANEWITZ: Off the record.

18 (A DISCUSSION WAS HELD OFF THE RECORD.)

19 MR. MANEWITZ: Just to be clear, at my
20 direction, Mr. Watson looked for such documents
21 and informed me on the telephone that he couldn't
22 find any purchase orders for the period between
23 1960 and 1970 since they had been destroyed under
24 the record retention policy. He thought -- it was
25 his thought that they had been destroyed.

1 WHITTAKER

2 We will continue to look, and if we find
3 some we will produce them.

4 Q. Mr. Whittaker, the second entry on there
5 that requested you to bring with you contracts
6 regarding purchase, delivery, supply, sale, and
7 distribution concerning raw material suppliers of
8 Asbestos during the period 1960 to 1970, did you
9 make a search for any of those records?

10 A. I did not, personally.

11 Q. At your direction did someone make a
12 search for those records?

13 A. I believe Mr. Watson did.

14 Q. And are any of those records available
15 for inspection at Palmyra, New York, to your
16 knowledge?

17 A. To my knowledge, I don't know whether
18 they're available or not.

19 Q. Had they been readily available you
20 would have brought them here today; is that
21 correct?

22 A. That's correct.

23 Q. The next entry, letters of agreement and
24 credit regarding Asbestos and Asbestos containing
25 products concerning raw material suppliers during

1 WHITTAKER

2 the period 1960 through 1970, did you bring any
3 of those records with you here today?

4 A. I believe the same thing applies, that
5 if they were available, I would have brought an
6 example.

7 Q. Next, product numbers, unit numbers, log
8 numbers and batch numbers of Asbestos purchased
9 from raw material suppliers during the period of
10 1960 through 1970; did you search the records for
11 any of those type of documents?

12 A. I do not believe they are available.

13 Q. And would the closest thing to that,
14 being available, be what you have produced today,
15 what has been marked as Plaintiff's Number 2 for
16 identification?

17 A. Yes.

18 Q. And, again, the next entry, jobbers
19 regarding sales and purchases of raw Asbestos for
20 the period 1960 through 1970, and in response to
21 that, can we again assume, is that Plaintiff's
22 Exhibit Number 2, is responsive to that request?

23 A. Yes.

24 Q. And next is, specifications that buyer
25 supplied to seller regarding raw Asbestos during

1 WHITTAKER

2 the period 1960 through 1970. Did you search the
3 records for those?

4 A. Our Material Purchase Specification
5 would satisfy that.

6 Q. What you have brought here today, and is
7 marked as Plaintiff's Exhibit Number 3, complies
8 with that request?

9 A. Yes.

10 Q. And again, you've stated to us that
11 there are records available for inspection at
12 Palmyra, New York, that deal with Material
13 Purchase Specifications?

14 A. Yes, if they are available.

15 Q. And what you brought us today is a
16 sample of what those records are; is that correct?

17 A. Yes.

18 Q. And this record was dated, again, 1968,
19 so that we know at least there are some records
20 dating back to 1968?

21 A. Correct.

22 Q. Next entry is, application notices
23 regarding formulations, handling, usage, health
24 instructions and precautions to take regarding raw
25 Asbestos and Asbestos products during the period

1 WHITTAKER

2 1960 through 1970. Did you search the records in
3 response to that request?

4 A. I believe Mr. Watson did a search for
5 those requests.

6 Q. Did he find anything?

7 A. Not to my knowledge.

8 Q. Just a few more questions, sir.

9 Mr. Whittaker, these questions are based
10 not on the records you brought here today but your
11 personal experience with Garlock, Inc. These
12 purchases of raw Asbestos fibres from the
13 companies named on Plaintiff's Exhibit Number 2,
14 do you know from your own recollection whether or
15 not the raw Asbestos was, in fact, received at
16 Palmyra, New York?

17 A. Yes.

18 Q. And is that the central point of
19 Garlock, Inc. for the receipt of Asbestos fibres?

20 A. Yes.

21 Q. And are all the Asbestos fibres that are
22 purchased, as reflected by Plaintiff's Exhibit
23 Number 2, are they all used at Palmyra, New York?

24 A. Yes.

25 Q. They are not shipped out to any other

1 WHITTAKER

2 facility?

3 A. No.

4 Q. Is Palmyra, New York, the main facility
5 for Garlock, Inc. in terms of the manufacture of
6 Asbestos containing products?

7 A. Yes.

8 Q. Are there any other facilities where
9 Garlock Incorporated manufactures Asbestos
10 contained products in the United States?

11 A. Not within the United States.

12 MR. KELLEY: Okay. I have nothing
13 further.

14 EXAMINATION BY

15 MR. COOPER:

16 Q. Mr. Whittaker, referring to Plaintiff's
17 Exhibit 2, did you prepare this document?

18 A. No, I did not.

19 Q. Do you know who prepared it?

20 A. Our purchasing department.

21 Q. Do you know specifically who in the
22 purchasing department?

23 A. Mr. Ray Davis.

24 Q. And what is Ray Davis' position at
25 Garlock?

1 WHITTAKER

2 A. Director of purchasing.

3 Q. How long has he been director of
4 purchasing?

5 A. He has been with Garlock approximately
6 four years.

7 Q. In that position?

8 A. Yes.

9 Q. Do you know if anyone assisted Davis in
10 preparing this document?

11 A. No, I do not know.

12 Q. Do you know when this document was
13 prepared?

14 A. Within the last two weeks.

15 MR. CAMPBELL: Within the last two weeks.

16 THE WITNESS: Two weeks.

17 Q. Were you present at all while Mr. Davis
18 prepared this document?

19 A. No.

20 Q. Did you assist him any way in preparing
21 this document?

22 A. No.

23 Q. Do you know how Mr. Davis prepared this
24 document?

25 A. From what files he has available.

1 WHITTAKER

2 Q. Which files would those be?

3 A. The purchasing, purchased goods.

4 MR. MANEWITZ: Off the record.

5 (A DISCUSSION WAS HELD OFF THE RECORD.)

6 Q. Did the information that appears on
7 Plaintiff's 2 come from computer tapes that are
8 available at Garlock?

9 A. I'm not sure -- all I would say, files,
10 whether computer tapes or cardex type file --

11 Q. Are these cardex type files in Palmyra
12 New York?

13 A. Yes.

14 Q. Do you know if Mr. Davis looked
15 elsewhere outside of Palmyra, New York, in
16 preparing this document?

17 A. I do not know.

18 Q. Do you know if Mr. Davis looked anywhere
19 besides the cardex or computer printout in
20 preparing this document?

21 A. No.

22 Q. You don't know?

23 A. I don't know.

24 Q. Mr. Whittaker, in all the various jobs
25 that you had at Garlock, were you ever in a

1 WHITTAKER

2 position to know what raw fibres were being
3 purchased at Garlock, at any time?

4 A. Yes.

5 Q. Which jobs were you working in when you
6 were privy to that information?

7 A. Quality control engineering.

8 Q. Director of engineering for industrial
9 packing and quality control?

10 A. Packing, quality control and gasket.

11 Q. Would those be the last three jobs you
12 maintained at Garlock?

13 A. That would be prior to that.

14 Q. Presently you are director of
15 engineering for gaskets?

16 A. Correct.

17 Q. Your position in that job is to know
18 what raw Asbestos fibres are purchased by Garlock?

19 A. Yes.

20 Q. Are you in a position to know that
21 information as when you were director of
22 engineering for industrial packing?

23 A. Yes.

24 Q. When you were director of engineering
25 for industrial packing and quality control?

1 WHITTAKER

2 A. Yes.

3 Q. When you were, I believe, manager of
4 engineering for compression packings?

5 A. Yes.

6 Q. When you were manager of engineering
7 services?

8 A. No.

9 Q. When you were manager of quality
10 control?

11 A. Yes.

12 Q. When you were quality control engineer?

13 A. No.

14 Q. When you were foreman for quality
15 control?

16 A. No.

17 Q. And when you were an hourly paid
18 employee were you privy to that information?

19 A. No.

20 Q. While you were manager for quality
21 control what were your job responsibilities in
22 relation to the fibre, raw fibre, that was
23 purchased by Garlock?

24 A. Receiving, inspection.

25 Q. Could you elaborate on that?

1 WHITTAKER

2 A. Checking the fibre to purchase
3 specification, Material Purchase Specification,
4 which is Exhibit 3.

5 Q. Is it true you would see the fibre as
6 soon as it arrived at the Garlock plant; is that
7 correct?

8 A. I would or my people would, the people
9 that reported to me.

10 Q. While you were manager of quality
11 control did you generally inspect the fibre
12 yourself?

13 A. No.

14 Q. That was generally done with the people
15 who worked for --

16 A. Yes.

17 Q. Did you ever check the fibre yourself?

18 A. No.

19 Q. Did you ever check the fibre that
20 arrived at Garlock during any of the job positions
21 that you held?

22 A. Myself, no.

23 Q. Besides checking the fibre for
24 specifications did you ever have any other job
25 responsibilities related to the purchase of raw

WHITTAKER

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fibre?

A. My responsibility as director of engineering for industrial gasket.

Q. And what type responsibilities did you have in relation to the purchase of raw fibre?

A. Restate that.

Q. You stated, during the time you were director of engineering for industrial gaskets, you had some responsibilities related to the purchase of raw fibres; is that correct?

A. For the engineering uses of raw fibres.

Q. What were those job responsibilities?

A. For formulating products.

Q. Could you elaborate a little on that for me?

A. The compressed gasketing consists of fibres, fillers and several other ingredients in taking the Asbestos fibre -- whatever fibre is retired, and formulating it to get the right consistency, right dough, to make a right compressed gasket material.

Q. You over saw that process?

A. Yes.

Q. Did you ever see the packaging that any

1 WHITTAKER

2 of the raw fibre arrived in when doing that?

3 A. Yes.

4 Q. Do you recall names of the suppliers of
5 that raw fibre?

6 A. Yes.

7 Q. What were those names?

8 A. I read some of them to you.

9 Q. Which ones, specifically, do you recall
10 independently seeing?

11 A. Lake Asbestos of Quebec, Lake Asbestos
12 of Quebec is the name that I even--

13 MR. CAMPBELL: The only one or main one?

14 THE WITNESS: Main one.

15 Q. Looking at Plaintiff's 2, now, do you
16 recall seeing any other manufacturers names when
17 you oversaw the process of formulating the
18 products?

19 A. North American Asbestos Corporation.
20 Those are two.

21 Q. Sir, did you ever actually purchase or
22 request the purchase of any specific raw Asbestos
23 fibres during any of your years at Garlock?

24 A. No.

25 Q. Was this list, Plaintiff's 2, prepared

1 WHITTAKER

2 specifically for purposes of this deposition here
3 today in response to the subpoena?

4 A. I'm not sure whether it was specific for
5 this deposition or not.

6 Q. Referring to what is marked as
7 Plaintiff's 3, specifically the approved vendor
8 list portion, could you describe for me what an
9 "approved vendor list" is at Garlock?

10 A. Yes. It is where purchased ingredients
11 or supplies are tried in a product.

12 Q. What?

13 A. Tried in a product, formulation, and if
14 they process well and they give the finished
15 product that Garlock wants, by then they can be
16 put on the approved vendors' list.

17 Q. And when a manufacturers' product
18 appears on the approved vendors' list what does
19 that mean in the future?

20 A. That gives the purchasing department the
21 right to purchase from whatever vendor they wish.

22 Q. Does the appearance of a company's name
23 on the approved vendor list necessarily mean that
24 products were purchased from that particular
25 supplier?

1 WHITTAKER

2 A. In most cases they are purchased from
3 that list.

4 Q. But the appearance of the name on the
5 approved vendor list does not necessarily-- the
6 products were purchased -- doesn't designate that
7 specific products were purchased from a particular
8 supplier; is that correct?

9 A. Correct.

10 Q. Am I correct, the only approved vendor
11 list, in Plaintiff's 3, is what appears on page 4;
12 is that the only one?

13 A. That's correct, yes.

14 Q. This is just an example of an approved
15 vendors' list; is that correct?

16 A. Yes.

17 Q. There are others?

18 A. There are others. There are others.

19 Q. And to the extent there are others
20 available, those would be maintained at Palmyra,
21 New York?

22 A. Yes.

23 Q. Sir, do you know whether or not Garlock
24 maintains records that would indicate at what
25 price particular raw Asbestos fibre products were

1 WHITTAKER

2 purchased at a given time?

3 A. I'm not aware. I'm not familiar with
4 that.

5 Q. During your years at Garlock, did your
6 job responsibilities ever include the maintenance
7 of Garlock records?

8 A. No.

9 Q. One last thing, referring to the last
10 entry on Plaintiff's Exhibit 2, what is the
11 heading "miscellaneous and experimental" refer to,
12 if you know?

13 A. They might have been special grades of
14 fibre that are used for engineering purposes.

15 Q. What do you mean engineering purposes?

16 A. To develop our product.

17 Q. Product that wasn't presently being
18 manufactured?

19 A. Develop or revise.

20 MR. COOPER: That's all I have at the
21 present time.

22 MR. BEERS: Mr. Manewitz, can I ask as
23 to the scope of this questioning; besides the
24 notice, I believe it said, simply, the subject
25 matter with respect to Mr. Douglas' exposure to

1 WHITTAKER

2 Asbestos, I'm assuming-- could you give me some
3 guidance as to your understanding of the scope of
4 the deposition? For example, plan layout would be
5 relevant, dust control would be relevant. I don't
6 care when we get the information whether or not
7 today. I didn't want to trespass under your
8 understanding that you've made.

9 MR. MANEWITZ: Well, as I understood it,
10 the first need for deposition on this was the
11 products, the identification of the suppliers; and
12 Mr. Whittaker was supplied for that purpose.
13 Beyond that I have no agreement with Mr. Kelly or
14 anyone in this office about taking depositions to
15 further discovery if necessary.

16 MR. KELLEY: That's correct.

17 MR. BEERS: Well, unless you take the
18 position that I will be going beyond the scope of
19 the notice, I will continue to ask him on these
20 areas. As I said I don't care doing it some other
21 time or with the right witness. I'm not trying to
22 take advantage of him being here if you brought
23 him here for other purposes.

24 MR. MANEWITZ: He is here for another
25 purpose. If you wish to go into those areas I

1 WHITTAKER

2 might ask for a recess to consider whether or not
3 this is the right witness for that purpose. He is
4 brought here basically to identify product
5 purchases.

6 MR. BEERS: Shall I make an offer.

7 MR. MANEWITZ: Before we do that, I
8 would ask if anybody has any other questions
9 before we do that.

10 MR. BEERS: And I have a few no matter
11 what the scope is.

12 MR. CAMPBELL: I've got a few supply
13 questions also, but I would like to reiterate what
14 Mr. Beers said.

15 I have some extensive questioning
16 relating to Mr. Douglas' exposure in the plant
17 that might or might not be within the knowledge of
18 this witness, and I would happy to go forward
19 today and ask those questions, but I reserve my
20 right to ask those questions in the near future if
21 Mr. Whittaker is not the proper witness. I
22 understood this was a broad deposition on supply
23 and dust conditions in the Palmyra plant.

24 MR. MANEWITZ: Well, that's not the
25 purpose for which the witness is --

1 WHITTAKER

2 MR. CAMPBELL: Fine. I am saying, if
3 not today --

4 MR. KELLEY: Off the record.

5 (DISCUSSION WAS HELD OFF THE RECORD.)

6 EXAMINATION BY

7 MR. BEERS:

8 Q. Mr. Whittaker, tell me again, because --
9 what you were doing in about 1965?

10 A. 1965 I was quality control.

11 Q. Did that include Asbestos contained
12 products?

13 A. No.

14 Q. What did it include?

15 A. Well, I have to correct that. Yes, it
16 did. It included the finished product.

17 Q. And just without going through a lot of
18 description, what are those finished products?

19 A. Compressed.

20 Q. You were responsible for?

21 A. Compressed gasketing, compressioned
22 sheet gasketing.

23 Q. Is that contained Asbestos--

24 A. Yes.

25 Q. Were there any other products that you

1 WHITTAKER

2 were responsible for?

3 A. No.

4 Q. So, now, you said you were in quality
5 control?

6 A. Yes.

7 Q. What was your position?

8 A. If my memory is correct, I believe, I
9 was the quality control foreman at that time.

10 Q. Now, you started in '53?

11 A. Yes.

12 Q. As an hourly employee?

13 A. Yes.

14 Q. And then in the course, for about ten
15 years?

16 A. Right.

17 Q. So you think by 1969 you would have gone
18 up to foreman?

19 A. Yes.

20 Q. 1965 you would have gone up to foreman?

21 A. 1965.

22 Q. And then between '65 and '70 would you
23 have become a quality control engineer?

24 A. No, I believe I was still foreman during
25 that period.

1 WHITTAKER

2 Q. All right, and where did you work as a
3 foreman?

4 A. Where in the plant?

5 Q. Yes?

6 A. I had most of the plant for inspection,
7 quality control inspection.

8 Q. You didn't work in an office?

9 A. No.

10 Q. Now, I didn't want to go into detail --
11 How many buildings are there where the
12 manufacturing is done?

13 A. Total Palmyra plant?

14 Q. Well, let's confine it to -- yes, total,
15 first.

16 A. About 25 buildings.

17 Q. And how many of those made Asbestos
18 containing products, in how many of those?

19 A. Where Asbestos containing products are
20 made? Two.

21 Q. What were they called?

22 A. Compressed sheet development and
23 cut-gasket.

24 Q. Would this be true from '65 to '70?

25 A. Yes.

1 WHITTAKER

2 Q. Now, in which of those buildings did you
3 work?

4 A. Both of them.

5 Q. You, responsible for both?

6 A. Yes.

7 Q. Did you have -- responsible for any of
8 the other 23 buildings?

9 A. Yes.

10 Q. As well as those two?

11 A. Yes.

12 Q. Did your responsible run plant wide?

13 A. Plant wide, for awhile.

14 Q. How much ground are we talking about for
15 these 25 buildings, roughly. Give me some idea of
16 -- scope here?

17 A. Ten acres.

18 Q. And how far away from each other were
19 the two buildings in which Asbestos products were
20 --

21 A. A few hundred feet.

22 Q. Now, this is a little abstract.

23 Were they close to some of the other
24 buildings in the facility as opposed to being off
25 in a corner by themselves?

1 WHITTAKER

2 A. Most buildings are adjoining one
3 another.

4 Q. Where these two adjoining one another?

5 A. No.

6 Q. Did they adjoin other buildings?

7 A. Yes.

8 Q. That's the detail we won't go into
9 today. Did you know Mr. Fred Douglas?

10 A. No.

11 Q. Do you have any idea where he worked?

12 A. No.

13 Q. I mean any idea at all?

14 A. No, I'm not sure where he worked.

15 Q. Do you know who was head of personnel at
16 the time between '65 and '70?

17 A. No. We've had a number of changes. I
18 don't remember.

19 MR. BEERS: Excuse me just a second.

20 (DISCUSSION WAS HELD OFF THE RECORD.)

21 Q. Let's go back to purchasing fiber, who
22 would have been involved in the decision to
23 purchase fibre between '65 and '70? Do you have
24 any recollection? First tell me by starting what
25 types of people -- rather than who had those jobs,

1 WHITTAKER

2 where was the decision made?

3 A. Engineering, product engineer.

4 Q. Product engineer. Is that a department?

5 A. Yes.

6 Q. Would that -- where would that be
7 located? Where was it located?

8 A. At the main plant, Palmyra.

9 Q. Which of those many buildings?

10 A. All I can say is, up front.

11 Q. Would the engineering department be in
12 the building -- the two buildings where Asbestos
13 --

14 A. No, no.

15 Q. There was some sort of main
16 administrating building?

17 A. Yes, but still connected.

18 Q. Do you remember who was in charge of
19 that department between '65 and '70?

20 A. No.

21 Q. How would I go about finding that out?

22 A. We can supply that to you.

23 Q. Okay.

24 Would there be a number of people in the
25 engineering department that made the decisions as

1 WHITTAKER

2 to what kind of fibre you bought?

3 A. Yes.

4 Q. Was there a separate purchasing
5 department?

6 A. Yes.

7 Q. And would they actually place the orders
8 for raw materials?

9 A. Yes.

10 Q. Do you remember who was in charge of
11 that department from '65 to '70?

12 A. Mr. Ed Hardy.

13 Q. Mr. Ed --

14 A. Hardy.

15 Q. H-A-R-D-Y?

16 A. Yes.

17 Q. Is Mr. Hardy still with the company?

18 A. No.

19 Q. Is he still living?

20 A. Yes.

21 Q. Where is he living?

22 A. In North Carolina.

23 Q. Retired?

24 A. Yes.

25 Q. Is there anyone else in the purchasing

1 WHITTAKER

2 department who would have been familiar with the
3 purchase of Asbestos fibre between '65 and '70,
4 other than Mr. Hardy, which you can now recollect?

5 A. Yes. Mr. Fred Black.

6 Q. Is Mr. Black still with Garlock?

7 A. No.

8 Q. Is he still living?

9 A. No.

10 Q. How long ago did he die?

11 A. I do not know.

12 Q. Did he have an assistant who would have
13 known something about purchasing of Asbestos
14 fibre?

15 A. I'm not aware.

16 Q. Now, can you think of anybody back in
17 the '60's who would know about prices per ton of
18 fibre purchased other than say Mr. Hardy?

19 A. I would say it would be the purchasing
20 department, Mr. Hardy's department.

21 Q. Would anybody in engineering know about
22 that?

23 A. It is not likely unless the -- revising
24 a product or developing a new product.

25 Q. And took the cost into account?

1 WHITTAKER

2 A. Right.

3 Q. So we would have to ask people in
4 engineering about that?

5 A. Yes.

6 Q. Now, is it your understanding that
7 accept for the computer tapes of dollar purchases,
8 that you think was used to make up the Exhibit 2,
9 the chart, that Garlock doesn't have any other
10 records on specific purchases of fibre?

11 A. This is the only one I'm aware of right
12 now.

13 MR. BEERS: And I didn't want -- is that
14 your understanding too?

15 MR. MANEWITZ: That's my understanding
16 that the search -- this is all that turned up.

17 If there is anything else we would have
18 brought it.

19 Q. In the two buildings where they did
20 manufacture Asbestos containing products are there
21 types of positions where men or women would know
22 what kind of fibre was being used?

23 A. Yes.

24 Q. What kind of positions would those be?

25 A. Supervisory position, like foreman or

1 WHITTAKER

2 supervisor.

3 Q. Would there be a production foreman that
4 would know -- can you narrow that anymore?

5 A. That was what I was referring to,
6 production foreman.

7 Q. Anybody else?

8 A. Production control clerks.

9 Q. Production control clerks?

10 A. Yes.

11 Q. Is that something like planning and
12 scheduling?

13 A. Yes.

14 Q. And they are salaried employees?

15 A. Yes.

16 Q. And who would I ask to find out who
17 filled those types of positions in the '65 to '70
18 groups?

19 A. That would be Mr. Watson or our
20 personnel department.

21 Q. I'm sorry?

22 A. Our personnel department.

23 Q. Mr. Watson?

24 A. He would work in our personnel
25 department to obtain --

1 WHITTAKER

2 Q. Mr. Watson is --

3 MR. MANEWITZ: Paralegal.

4 Q. Can you think of anybody, anybody here
5 today, as you sit here, who goes back that far in
6 either -- among the production foreman or
7 production clerks, whatever you call them?

8 A. No. The ones that I think up at the
9 time have retired and are deceased.

10 MR. BEERS: That's all I have, thank you

11 EXAMINATION BY

12 MR. CAMPBELL:

13 Q. Mr. Whittaker, referring to Exhibit P2,
14 do you know why it starts with the date 1965?

15 A. No, I do not.

16 Q. Could I see a copy of P1?

17 (HANDING)

18 MR. MANEWITZ: Off the record.

19 (A DISCUSSION WAS HELD OFF THE RECORD.)

20 Q. Mr. Whittaker, you testified a little
21 earlier that to your knowledge the Palmyra plant
22 was the only yarn plant in the United States which
23 used Asbestos fibre; is that correct?

24 A. Yes.

25 Q. How do you know that is true?

1 WHITTAKER

2 A. It is the only plant we have in the
3 United States that manufacture parts containing
4 Asbestos.

5 Q. Have you ever been to the other plants?

6 A. Yes.

7 Q. How many Garlock plants are there in the
8 United States?

9 A. Garlock as it is known now?

10 Q. Garlock -- well, Garlock as it was, as
11 it existed between the years 1965 and 1979?

12 A. Camden, New Jersey plant, and Gastoni,
13 North Carolina which that plant no longer belongs
14 to Garlock. It was sold. Those are the two.

15 Q. And it was part of your job
16 responsibilities to know what types of products
17 were made at each of the Garlock plants?

18 A. I was aware of it.

19 Q. Do you know how the raw Asbestos fibre
20 was delivered to the Palmyra plant?

21 A. Yes.

22 Q. How was that?

23 A. By bales, in trailer truck load --

24 Q. When you say, "bales," could you
25 describe that for us?

1 WHITTAKER

2 A. Bales, like bales of cotton. So much
3 for that.

4 Q. Did any ever come in bags?

5 A. Yes.

6 Q. I'm not personally familiar with what
7 bales of cotton look like. If you could describe
8 that for me a little bit more specifically?

9 A. It was like bulk fibre that would be
10 contained by some straps or some twine or
11 something like that. Most of it would be in,
12 probably, be in bag form.

13 Q. And it was all delivered in tractor
14 trailer trucks?

15 A. Yes.

16 Q. Was there any delivered in railroad
17 boxcars?

18 A. Not to my knowledge.

19 Q. Could you tell me, in the period of
20 years -- the first time through the last time that
21 you had experience in actually seeing the arrival
22 of the raw Asbestos fibre?

23 A. During this time period?

24 Q. During any -- 1953 to today?

25 A. The last time, about two weeks ago.

1 WHITTAKER

2 Q. How about the first time?

3 A. I don't remember the first time.

4 Q. Was there a period in your employment
5 that you worked on a day-to-day basis or a weekly
6 basis with the arrival of Asbestos fibre?

7 A. Not directly.

8 Q. Did you at any time in your employment
9 inspect the arriving shipments by, for instance,
10 counting bags, counting tonage, making sure it all
11 arrived properly; there weren't broken bags,
12 etcetera. Anything of that nature?

13 A. I did not directly, but some of the
14 people who worked for me.

15 Q. That would be a regular part of their
16 duty?

17 A. Yes.

18 Q. Did you ever supervise them on site as
19 they did that?

20 A. Yes.

21 Q. Do you remember when that was?

22 A. Back in the late '60's early '70's.

23 Q. At that time do you recall anything that
24 was written or printed on the bags of Asbestos
25 fibre?

1 WHITTAKER

2 A. The grade of fibre.

3 Q. Is there anything else?

4 A. Supplier.

5 Q. Other than the name of the supplier and
6 grades is there any other information that you
7 recall?

8 A. I don't recall there being any other.

9 Q. Referring to Exhibit P2, earlier in the
10 deposition you read all the suppliers contained in
11 the left-hand columns of the two pages. Looking
12 over that again now do you see Cassiar listed
13 anywhere there?

14 A. Yes.

15 Q. Where is that?

16 A. Sixth item down.

17 Q. Is that where it says, Cassiar AC-45?

18 A. Correct.

19 Q. Is that a grade of fiber, supplier?

20 A. It is a grade of fibre.

21 Q. And the supplier listed under that is
22 Bell Asbestos Mines?

23 A. Yes.

24 Q. Am I correct in understanding this
25 chart, that as being listed there, does not

1 WHITTAKER

2 indicate that Asbestos fibre was purchased?

3 A. That -- say that again.

4 Q. Well, it appears to me by looking at
5 this, if I understand the chart correctly, that is
6 a grade of fibre, but it does not indicate
7 directly that Asbestos fibre was purchased. Am I
8 correct or wrong in that interpretation?

9 A. I believe that that was -- is the grade
10 that was purchased.

11 Q. Was it purchased from Cassiar?

12 A. I can't say for sure. All I can say is
13 what I see listed in this form.

14 Q. I guess what I want to know is your
15 interpretation of the form. By looking at this
16 form would you understand that Asbestos fibre had
17 been purchased or not or can't you tell?

18 A. I would understand that it would have
19 been purchased by looking at this form.

20 MR. MANEWITZ: Off the record.

21 (A DISCUSSION WAS HELD OFF THE RECORD.)

22 Q. Again, looking at P2, Mr. Whittaker,
23 could you run down the names and see if Asbestos
24 Corporation of America is listed anywhere there?

25 A. Yes -- oh, excuse me. No.

1 WHITTAKER

2 Q. How about Vermont Mines?

3 A. No.

4 Q. How about Unarco Industries?

5 A. No.

6 Q. How about GAF Corporation?

7 A. No.

8 Q. Do you know of any company that is
9 listed in the left-hand margin that is a successor
10 or predecessor to GAF Corporation?

11 A. I'm not aware of that.

12 Q. How about Raybestos-Manhattan? Do you
13 see Raybestos-Manhattan anywhere in the lower left
14 margin?

15 A. No.

16 Q. How about Turner and Newall?

17 A. No.

18 Q. Mr. Whittaker, I will refer you to
19 interrogatories which were answered on behalf of
20 Garlock, Inc. in the case of Crosby, Sr.,
21 Plaintiff versus Combustion Engineering.

22 MR. MANEWITZ: Objection.

23 MR. CAMPBELL: Off the record.

24 MR. MANEWITZ: Objection.

25 MR. CAMPBELL: Back on the record.

1 WHITTAKER

2 Q. Mr. Whittaker, I show you
3 interrogatories which were propounded on Garlock
4 in the case of Crosby, Sr., versus Combustion
5 Engineering Inc., et. al., in the United States
6 District Court for the Southern District of
7 Georgia Savannah Division, caption. CV478-288.

8 I refer you to question number 36, which
9 asks, from what source or sources, if any, did
10 your company obtain mined Asbestos since 1950.

11 Is that what that says?

12 A. Yes.

13 Q. And then I refer you to the answer 36A,
14 and it says, Garlock obtained mined Asbestos from
15 the following companies: North American Corp.;
16 Asbestos Corporation of America, Inc.; Canadian
17 Johns-Manville?

18 A. Vermont mines. Johns-Manville Products
19 Corp.; Unarco Industries Inc.; GAF Corporation;
20 Raybestos-Manhattan Inc.; H.K. Porter; Turner and
21 Newell, Ltd.; Bell Asbestos Mines, Ltd.; Cassiar
22 Asbestos Corp. Ltd.

23 MR. MANEWITZ: What's the date of this?

24 MR. CAMPBELL: 1979.

25 Q. It is signed by Tommy T. Holland, who

1 WHITTAKER

2 appears to be an attorney for Garlock, appears to
3 be a member of a firm, not in-house. Do you have
4 any personal knowledge supplied by any of those
5 companies to the Palmyra plant?

6 A. No.

7 Q. Do you have reason to believe that this
8 answer is incorrect, the answer contained in 36A?

9 A. No, I can't answer that. I don't know.

10 Q. Do you have reason to believe it is
11 incorrect?

12 A. No.

13 Q. Mr. Whittaker, did the Palmyra plant use
14 any Asbestos contained products other than raw
15 Asbestos fibre?

16 A. Yes.

17 Q. Do you recall what those --

18 A. Restate that, please.

19 Q. Sure.

20 Did Garlock purchase, for use at the
21 Palmyra plant, Asbestos containing products other
22 than raw Asbestos fibre?

23 A. No.

24 Q. I refer you to question number 40 in the
25 interrogatories, in the Crosby, Sr. Versus

1 WHITTAKER

2 Combustion case -- actually, to start with
3 question number 39: Has the defendant imported
4 Asbestos or Asbestos materials since 1930?

5 And what is Garlock's answer?

6 A. "Yes." But that's referring to just
7 Asbestos period.

8 Q. Correct. Has the defendant imported
9 Asbestos or Asbestos material since 1930? And the
10 answer is, yes.

11 A. Which is Asbestos.

12 Q. Number 40: If the answer to the
13 preceding interrogatory is answered in the
14 affirmative, state- which it was- From where the
15 Asbestos or Asbestos materials was imported?

16 A. Yes.

17 Q. And several other questions.

18 Can you read for the record Garlock's
19 answer to that.

20 MR. MANEWITZ: I would like to object,
21 and since this is a xerox of an answer to
22 interrogatories -- I have no reason to disbelieve
23 you, that it is true, but since I haven't obtained
24 a copy from counsel in Georgia, I'm not sure if
25 that has been supplemented or answered in any

1 WHITTAKER

2 other way. All I see is the answer in 1979 which
3 I don't know whether or not has been -- whether
4 that case is still in existence and whether or not
5 the answers have been supplemented or changed by
6 Counsel in later years and I don't know the
7 derivation of the information which may or may not
8 be current. So I'm going to put that objection on
9 the record.

10 MS. GASIOR: I would like to state for
11 the record, if you are going to be referring to
12 pages of these interrogatories, you mark them for
13 identification and you have the witness refer to
14 the pages marked for identification.

15 MR. CAMPBELL: What I think we will do,
16 he is referring to specific answers, and we can
17 have the entire document marked when done
18 referring to it. But since we are referring to
19 specific questions and answers, I think it is
20 obvious which ones he is talking about.

21 Q. Can you read the answer to question 40
22 for the record, Mr. Whittaker?

23 A. Bell Asbestos Corporation; Asbestos
24 Corporation, Johnson Miles, all of Thedford Mines,
25 Quebec; Lake Asbestos Corporation of Black Lake,

1 WHITTAKER

2 Quebec; Johns-Manville Corporation of Asbestos
3 Quebec; Cassiar Asbestos has furnished fibre from
4 Yucon, Canada; Blue Asbestos Fibre has come from
5 North America Asbestos Corporation; Blue Yarn has
6 come from Germany, Turner-Newall Company, England
7 and Japan and Italy. The Blue Fibre has come
8 mainly from Rhodesia, South Africa.

9 Q. Do you know what the Blue Yarn, that's
10 referred to in that answer, is?

11 A. Yarn used for compression packing
12 products.

13 Q. And that's in Asbestos contained
14 products?

15 A. Yes.

16 Q. Do you know?

17 A. Yes.

18 Q. Do you know what for, the reason Blue
19 Yarn was used at the Palmyra plant?

20 A. No.

21 Q. Do you know if it is still used?

22 A. It is not.

23 Q. Was it being used when you arrived
24 there?

25 A. Yes.

1 WHITTAKER

2 Q. But you don't know when you ceased use?

3 A. We ceased using Blue Asbestos in the
4 early '80s.

5 Q. That included Blue Yarn?

6 A. Yes.

7 Q. So it was used during the 1960's?

8 A. Yes.

9 Q. Is --

10 MR. CAMPBELL: Off the record.

11 (A DISCUSSION WAS HELD OFF THE RECORD.)

12 MR. CAMPBELL: Back on the record.

13 We will mark for purposes of
14 identification Plaintiffs' interrogatories in
15 Crosby, Sr. Versus Combustion Engineering, Inc.,
16 which were identified in more detail previously,
17 as Exhibit L-1.

18 MR. MANEWITZ: Are you offering them as
19 your exhibit or are you -- the witness hasn't
20 identified them.

21 MR. CAMPBELL: For purposes of
22 identification -- they are not authenticated.
23 He's not authenticating them.

24 MR. MANEWITZ: All right.

25 (A DOCUMENT WAS RECEIVED AND MARKED

1 WHITTAKER
2 L-1 EXHIBIT, FOR
3 IDENTIFICATION, AS OF THIS DATE.)

4 MR. CAMPBELL: And for purposes of
5 identification, we are marking Garlock's answers
6 to the interrogatories, labled A1, as L-2.
7

8 (A DOCUMENT WAS RECEIVED AND MARKED
9 L-2 EXHIBIT, FOR
10 IDENTIFICATION, AS OF THIS DATE.)

11 Q. Mr. Whittaker, referring you to the last
12 page of what has been marked as P2 -- or, I'm
13 sorry, L-2 -- off the record.

14 (A DISCUSSION WAS HELD OFF THE RECORD.)

15 Q. Have you ever heard of Tommy T. Holland
16 before?

17 A. No, I have not.

18 Q. Have you ever heard of the lawsuit
19 entitled Crosby, Sr. Versus Combustion
20 Engineering, Inc.

21 A. No, I have not, sir.

22 Q. Have you ever seen these interrogatories
23 before I had shown them to you today?

24 A. No. No.

25 Q. Mr. Whittaker, referring you to what is

1 WHITTAKER

2 marked P3, for identification, on page 4. The
3 approved vendor list, it contains Bell Asbestos
4 Mines; Lake Asbestos of Quebec; and National
5 Gypsum; is that correct?

6 A. That's correct.

7 Q. Next to Lake Asbestos of Quebec and
8 National Gypsum there are asterisks, and
9 underneath that there is a note next to the
10 asterisk: Denotes change over prior issue.

11 What does that mean?

12 A. Chances are that it was -- those two
13 were added at a later date.

14 Q. Later than what?

15 A. Later than -- you will see at the top it
16 says, 10/1/68, supersedes 12/6/65.

17 Q. Does that indicate that there was a
18 Material Purchase Specification vendor list dated
19 12/6/65 and that Lake Asbestos of Quebec and
20 National Gypsum were not on that list?

21 A. That's possible.

22 Q. What are the other possibilities?

23 A. For the reason for the asterisk?

24 Q. Yes.

25 A. Just showing that they are approved.

1 WHITTAKER

2 They once became approved.

3 Q. But that they were approved since
4 12/6/65?

5 A. Yes.

6 Q. Do you recall differences in the -- you
7 mentioned the raw Asbestos fibre was delivered
8 either in bales or in bags.

9 Do you recall the types of bags that
10 were used to package the fine fibre?

11 A. Not back at that time, no.

12 Q. Between '65 and '70 --

13 A. Not specifically.

14 MR. CAMPBELL: With the understanding
15 that I'll have another opportunity to depose Mr.
16 Whittaker, or another representative of Garlock,
17 concerning issues such as plant layout, Asbestos
18 use in the plant, dust control systems, warnings
19 and orientations given to employees, specific job
20 positions of Mr. Douglas, I will, at this time,
21 cease questioning.

22 EXAMINATION BY

23 MR. COOPER:

24 Q. Mr. Whittaker, referring to the computer
25 printout you mentioned, do you know what

1 WHITTAKER

2 information is contained in that computer exactly?

3 A. No, I do not.

4 Q. Do you know whether or not the system
5 that contains this purchase information has a
6 name? In other words, does the software have a
7 name or anything like that?

8 A. No, I'm not sure what system this came
9 from.

10 Q. Are you familiar at all with the cardex
11 system that you mentioned to me before?

12 A. Yes.

13 Q. Do you know what information is
14 contained in that system?

15 A. No, I do not know.

16 Q. Do you know when the cardex system was
17 created?

18 A. No.

19 Q. Do you know when the computer printout
20 system was created?

21 A. No.

22 Q. Was the computer system in place for the
23 -- in place for the last ten years?

24 A. I don't know for sure.

25 Q. Was the cardex system in place for the

1 WHITTAKER

2 last ten years?

3 A. I don't know.

4 Q. Who at Garlock is responsible for
5 maintaining the computer system?

6 A. Mike Valbano.

7 Q. What's Mike's position?

8 A. Manager assistant.

9 Q. Excuse me?

10 A. Manager assistant.

11 Q. How long has he been manager assistant?

12 A. I don't know.

13 Q. Who would be in charge of maintaining
14 the cardex system?

15 A. This particular one would be in the
16 purchasing department.

17 Q. Who would be in charge of maintaining
18 that system?

19 A. Ray Davis.

20 Q. Now, is Mike Valbano responsible for
21 maintaining the computer system, dealing with
22 purchases?

23 A. No. I would say the responsibility lies
24 with Mr. Davis.

25 Q. For the computer system as well as the

1 WHITTAKER

2 cardex system?

3 A. Yes, for his portion of --

4 Q. Is it one central computer at Garlock?

5 A. Well, there is one central, but there
6 are several other computer systems also.

7 Q. Does the purchasing department have
8 their own separate computer?

9 A. Yes. Yes.

10 Q. Is that maintained in the purchase
11 department building?

12 A. Yes.

13 MR. COOPER: Nothing else.

14 EXAMINATION BY

15 MR. HAGGERTY:

16 Q. Mr. Whittaker, you stated that you
17 recall seeing certain products packaged during the
18 course of your employment; is that correct?

19 A. Yes.

20 Q. And among those products, you identified
21 Lake Asbestos of Quebec and North American
22 Asbestos Corporation?

23 A. Yes.

24 Q. Is it correct? That you were director
25 of engineering for industrial gasketing when you

1 WHITTAKER

2 had seen those products? I'm asking. I believe
3 that's what your testimony was?

4 MR. MANEWITZ: Well, the testimony is
5 what it is. Could you tell me when you saw those
6 records.

7 THE WITNESS: Lake Asbestos as early as
8 a few weeks ago. The other one I cannot remember
9 the date, at the time.

10 Q. Was it within the last few years?

11 A. I can't remember.

12 Q. In the 1980's?

13 A. I don't remember. I would say prior to
14 the '80s.

15 Q. Do you recall the packaging of the North
16 American Asbestos product?

17 A. No

18

19 (CONTINUED ON THE FOLLOWING PAGE)

20

21

22

23

24

25

1 WHITTAKER

2 MR. HAGGERTY: Thank you.

3

4

5 (TIME NOTED: 12:50 P.M.)

6

7

8

9

10 ROY WHITTAKER

11

12 Subscribed and sworn

13 to before me this

14 day of , 1988.

15

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20 NOTARY PUBLIC

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E X H I B I T S

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Plaintiff's
Exhibit Nos.

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Exhibit Nos.

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DescriptionPage No.

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L-1

Document

63

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L-2

Document

63

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3	<u>I N D E X</u>		
4		<u>PAGES</u>	
		<u>From</u>	<u>To</u>
5	Examination by Mr. Kelley	6	27
6	Examination by Mr. Cooper	27	37
7	Examination by Mr. Beers	40	50
8	Examination by Mr. Campbell	50	65
9	Examination by Mr. Cooper	65	68
10	Examination by Mr. Haggerty	68	69
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C E R T I F I C A T E

STATE OF NEW YORK

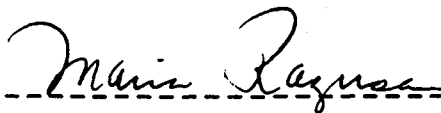
COUNTY OF QUEENS

I, Maria Ragusa, a Notary Public within and
for the State of New York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such an examination is a true record of the
testimony given by such a witness.

I further certify that I am not related to
any of these parties to this action by blood or
marriage, and that I am not in anyway interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 7th day of March, 1988.



MARIA RAGUSA

	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Asbestos Fibre 3A-7E															
N. E. Fortier	-	-	-	-	-	-	-	-	-	-	-	7,534	20,541	-	-
Blue Fibre															
No. American Asbestos Corp.	3,432	7,658	4,706	4,092	5,712	3,983	7,380	3,393	9,233	13,197	14,434	13,715	26,301	35,293	-
Lake Asbestos of Quebec	-	-	-	-	-	-	-	-	-	1,767	-	-	-	-	-
Grade 3K															
Bell Asbestos Mines Ltd.	464	-	-	981	15,030	52,214	28,025	43,031	47,274	19,991	12,471	-	-	-	9,658
Lake Asbestos of Quebec	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grade 3K															
Bell Asbestos Mines Ltd.	60,713	50,244	7,974	-	-	-	-	-	-	-	-	-	-	-	-
Asbestos Corp. Ltd.	-	450	-	-	-	-	-	-	-	-	-	-	-	-	-
Lake Asbestos of Quebec	-	34,431	49,031	24,402	113,393	76,160	95,269	78,471	100,011	104,930	79,751	-	-	-	-
National Oxychem Co.	-	-	-	676	7,518	-	-	-	-	-	-	-	-	-	-
Grade 3T															
Bell Asbestos Mines Ltd.	65,651	39,285	63,292	13,540	-	-	-	-	-	-	-	-	-	-	-
Asbestos Corp. Ltd.	-	414	-	-	-	-	-	-	-	-	-	-	-	-	-
Lake Asbestos of Quebec	-	11,291	22,532	43,635	31,058	3,399	44,711	70,835	45,614	80,605	78,778	-	-	5,891	-
National Oxychem Co.	-	-	-	86,256	60,689	65,182	46,228	-	41,349	-	-	-	-	-	-
Jaquay Mining Corp.	-	-	-	-	-	-	-	-	-	-	47,314	-	-	-	-
Grade 4A															
Bell Asbestos Mines Ltd.	139,417	113,342	67,455	58,489	107,183	32,130	-	-	-	-	80,694	-	-	-	-
Grade 4T															
The Ruberoid Co.	25,442	58,511	14,186	26,036	44,877	-	-	-	-	-	-	-	-	-	-
Lake Asbestos of Quebec	-	-	7,932	3,836	-	2,184	25,608	20,762	20,618	15,072	-	-	-	-	127,946
Johns-Manville Sales Corp.	-	-	-	238	4,961	2,116	-	462	1,159	-	-	-	-	-	-
Westwood Chemical Co. Inc.	-	-	-	-	23,670	45,010	30,058	50,505	54,996	43,420	65,501	3,086	-	-	-
National Oxychem Co.	-	-	-	-	163	3,761	-	-	-	-	31,460	750	-	-	-
Jaquay Mining Corp.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grade 4A until 1974-then 5K															
Asbestos Corp. Ltd.	3,901	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lake Asbestos of Quebec	91,134	125,269	112,417	146,316	178,356	133,012	197,245	155,860	176,276	156,915	205,316	581,190	623,048	509,824	581,977
Westwood Chemical Co. Inc.	-	-	-	-	-	-	-	-	-	-	47,103	-	-	-	-
Caray Canadian Mines Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	601
Grade 4D															
Lake Asbestos of Quebec	6,886	14,012	3,959	20,413	84,512	26,793	31,071	31,434	69,810	110,098	17,965	-	-	-	-
Bell Asbestos Mines Ltd.	-	-	422	-	-	-	-	-	-	-	-	-	-	-	-
Grade 4K															
Lake Asbestos of Quebec	160,813	153,347	132,903	122,222	105,327	36,647	5,195	-	-	-	-	-	-	-	-
Caray Canadian	-	98	-	-	-	-	-	-	-	-	-	-	-	-	-
Bell Asbestos Mines Ltd.	-	-	-	4,229	-	-	-	-	-	-	-	-	-	-	-
Grade 5D															
Lake Asbestos of Quebec	10,934	12,562	10,281	15,510	42,168	37,074	92,172	60,077	123,464	141,566	4,041	-	-	-	-
Bell Asbestos Mines Ltd.	-	-	1,090	-	-	-	-	-	-	-	-	-	-	-	-
The Ruberoid Co.	-	-	-	-	165	-	-	-	-	-	-	-	-	-	-
National Oxychem Co.	-	-	-	-	134	7,630	-	-	-	-	-	-	-	-	-
Johns-Manville Sales Corp.	-	-	-	-	-	-	-	-	-	159	-	-	-	-	-

P14#2
2-29-88
P112

Years 1965 - 1979 - Dollars

	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
AL-Grade 7D Lake Asbestos of Quebec	3,999	7,459	1,156	1,452	1,776	3,650	84,257	45,362	51,120	43,554	15,236	15,440	9,689	77,107	59,536
AM-Plastic 20 Lake Asbestos of Quebec	6,271	-	6,116	-	-	-	-	-	-	-	-	31,604	-	-	-
Canadian Johns-Manville	9,107	15,985	-	-	-	-	-	-	-	-	-	-	-	-	-
Johns-Manville Sales Corp.	-	-	12,398	11,345	19,642	15,685	8,931	18,141	9,240	11,118	101,681	89,091	78,014	39,847	-
AR-Plastic 20 Pressure Packed Lake Asbestos of Quebec	-	-	-	-	-	-	-	-	744	-	-	7,743	16,305	47,965	60,949
AO-Grade 7R Lake Asbestos of Quebec	-	-	-	58	66	71	149	226	79	1,112	99	-	-	-	-
Westwood Chemical Co. Inc.	-	-	-	-	-	-	-	-	-	5,541	231	-	-	-	-
AP-Casfax A Bell Asbestos Mines Ltd.	-	-	-	-	-	-	-	-	-	-	29,789	462	-	-	-
AR-Grade 7N Lake Asbestos of Quebec	-	-	-	-	-	-	-	-	1,318	660	-	-	25,054	72,354	26,279
Miscellaneous & Experimental Bell Asbestos Mines Ltd.	7,134	62	42	-	-	-	-	-	-	-	-	-	-	-	-
Lake Asbestos of Quebec	-	4,635	94	-	65	-	-	-	4,827	1,742	-	-	-	-	-
Canadian Johns-Manville	-	42	-	-	-	-	181	-	-	-	-	-	-	-	-
Johns-Manville Sales Corp.	-	-	-	-	-	-	-	-	127	-	-	-	-	-	-
The Ruberoid Co.	-	-	-	-	45	-	-	-	-	-	-	-	-	-	-