

FILE NAME: FISH

DATE: 2008 May 6

DOC#: FISH007

DOCUMENT DESCRIPTION: Legal-Deposition of Langston

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

AMANOLLAH SHAHABI and)
MAHIN SHAHABI,)
Plaintiffs,)
vs.) Case No. BC 379085
A.W. CHESTERTON COMPANY,)
et al.,)
Defendants.)

VIDEOTAPED DEPOSITION OF
PERSON MOST KNOWLEDGEABLE OF
FISHER CONTROLS INTERNATIONAL, LLC
MICHAEL LANGSTON
TUESDAY, MAY 6, 2008

Reported by: Gale M. Lucas, RMR, CRR, CLR
CSR No. 7899



1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3
4

5 AMANOLLAH SHAHABI and)
6 MAHIN SHAHABI,)

7 Plaintiffs,)

8 vs.) Case No. BC 379085
9 A.W. CHESTERTON COMPANY,)

10 et al.,)

11 Defendants.)
12 _____)
13
14
15

16 Deposition of PERSON MOST KNOWLEDGEABLE OF
17 FISHER CONTROLS INTERNATIONAL, LLC, MICHAEL
18 LANGSTON, taken on behalf of the Plaintiffs, at
19 222 North Sepulveda Boulevard, Suite 1900,
20 El Segundo, California, commencing from 10:09 a.m.
21 to 3:58 p.m., Tuesday, May 6, 2008, before Gale M.
22 Lucas, CSR No. 7899, RMR, CRR, CLR.
23
24
25
26

1 APPEARANCES:

2

3 FOR PLAINTIFFS:

4 WATERS & KRAUS, LLP

BY: MARC I. WILLOCK, ESQ.

5 222 North Sepulveda Boulevard
Suite 1900

6 El Segundo, California 90245
(310) 414-8146

7 mwillock@waterskraus.com

8

FOR DEFENDANT FOSTER WHEELER:

9

BRYDON, HUGO & PARKER

10 BY: ROLAND E. THE, ESQ.

135 Main Street

11 20th Floor

San Francisco, California 94105

12 (415) 808-0300

rthe@bhplaw.com

13 (Telephonic appearance)

14

FOR DEFENDANT FISHER CONTROLS INTERNATIONAL, LLC:

15

FOLEY & MANSFIELD, PLLP

16 BY: T. ERIC SUN, ESQ.

1111 Broadway

17 10th Floor

Oakland, California 94607

18 (510) 590-9500

esun@foleymansfield.com

19

20

21

22

23

24

25

26

1 APPEARANCES: (continued)

2

3 FOR DEFENDANTS FLUOR CORPORATION, FLUOR DANIEL
4 ENGINEERS & CONSTRUCTORS, LTD; FLUOR INTERNATIONAL,
5 INC.; FLUOR MIDEAST LIMITED; MIDDLE EAST FLUOR;
6 FLUOR CONSTRUCTORS INTERNATIONAL, INC.:

7

FOLEY & MANSFIELD, PLLP

8 BY: LISA ANNE COE, ESQ.

150 South Los Robles Avenue

9 Suite 400

Pasadena, California 91101

10 (626) 744-9359

lcoe@foleymansfield.com

11 (Telephonic appearance)

12

FOR DEFENDANT INGERSOLL-RAND COMPANY:

13

GORDON & REES, LLP

14 BY: BETHANY A. STAHLEY, ESQ.

Embarcadero Center West

15 275 Battery Street

20th Floor

16 San Francisco, California 94111

(415) 986-5900

17 bstahley@gordonrees.com

(Telephonic appearance)

18

19 FOR DEFENDANTS BECHTEL CONSTRUCTION COMPANY;
20 BECHTEL CORPORATION; JOHN CRANE, INC.; SEQUOIA
21 VENTURES, INC.:

22 HASSARD BONNINGTON LLP

23 BY: NICOLE T. ROBERTS, ESQ.

24 Two Embarcadero Center

Suite 1800

25 San Francisco, California 94111-3993

(415) 288-9800

26 ntroberts@hassard.com

(Telephonic appearance)

1 APPEARANCES: (continued)

2

3 FOR DEFENDANT CROWN, CORK & SEAL COMPANY, INC.

(sic to MUNDET CORK COMPANY):

4

MORRIS POLICH & PURDY, LLP

5 BY: JENNIFER Y. WILLIAMS, ESQ.

1055 West Seventh Street

6 Suite 2400

Los Angeles, California 90017

7 (213) 891-9100

jwilliams@mpplaw.com

8 (Telephonic appearance)

9

10 FOR DEFENDANTS FISHER CONTROLS INTERNATIONAL, LLC;

and EMERSON PROCESS MANAGEMENT POWER & WATER

SOLUTIONS, INC.:

11

VON BRIESEN & ROPER, S.C.

12 BY: CARMEN N. ANDERSON, ESQ.

411 East Wisconsin Avenue

13 Suite 700

Milwaukee, Wisconsin 53202

14 (414) 276-1122

canderson@vonbriesen.com

15

16 FOR DEFENDANT ELLIOTT COMPANY, aka ELLIOTT TURBO
MACHINERY:

17

WALSWORTH, FRANKLIN, BEVINS & MCCALL, LLP

18 BY: THOMAS G. SCULLY, ESQ.

One City Boulevard West

19 Fifth Floor

Orange, California 92868-3677

20 (714) 634-2522

tscully@wfbm.com

21 (Telephonic appearance)

22

Also present:

23

Sergio Esparza, Videographer

24

25

26

I N D E X

1			
2			
3	WITNESS		PAGE
4	MICHAEL LANGSTON		
5	BY MR. WILLYCK		11
6	(Afternoon proceedings)		147

7			
8			
9		PLAINTIFFS' EXHIBITS	
10	NUMBER	DESCRIPTION	PAGE
11	1	First Amended Notice of Taking Videotaped Deposition of Person Most Knowledgeable and Request for Production of Documents of Defendant Fisher Controls International, LLC, dated March 19, 2008 (19 pages)	17
12			
13			
14			
15	2	Notice of Ruling Re Plaintiffs Ex Parte Application to Compel the Deposition of Fisher Controls International, LLC's Person Most Knowledgeable, dated April 29, 2008 (5 pages)	17
16			
17			
18			
19	3	Defendant Fisher Controls International, L.L.C.'s Second Amended Responses to Plaintiffs' Interrogatories and Requests for Production of Documents, dated June 18, 2007 (26 pages)	150
20			
21			
22			
23			
24			
25			
26			

1 INDEX (continued)

2
3 PLAINTIFFS' EXHIBITS

4	NUMBER	DESCRIPTION	PAGE
5	4	July 9, 1980 letter to Mr. I.A. Schwabbauer, University Hygienic Laboratory, from Paul Adams, Fisher Controls Company, with related attachments (Bates-stamped calafish_10665 through calafish_10683) (19 pages)	58
6			
7			
8			
9	5	Document entitled "The Following Materials Have Been Approved: Johns-Manville Style No. 2014, Garlock, Inc. No. 5561" (Bates-stamped calafish_09927) (1 page)	215
10			
11			
12	6	May 5, 1994 Fisher Controls International document regarding Asbestos Control (Bates-stamped calafish_00319 through calafish_00330) (12 pages)	182
13			
14			
15	7	(Not marked)	
16	8	Document entitled "Valve Manufacturers Association of America Technical Seminar for New Packing & Gasket Materials, Thursday-August 1, 1985, Four Seasons Hotel-Philadelphia, PA" (Bates-stamped API 02780 through API 02783) (4 pages)	175
17			
18			
19			
20			
21	9	(Not marked)	
22			
23			
24			
25			
26			

1 INDEX (continued)

2

3 PLAINTIFFS' EXHIBITS

4 NUMBER DESCRIPTION PAGE

5 10 Document entitled "Valve 178

6 Manufacturers Association of
7 America Technical Seminar for
8 New Packing & Gasket Materials,
9 Thursday-August 1, 1985, Four
10 Seasons Hotel-Philadelphia, PA"11 (Bates-stamped API 02769 through
12 API 02770) (2 pages)

13

14 11 (Not marked)

15

16 12 Fisher Controls Instruction 218
17 Manual, 912 Series, Regulator
18 Series (4 pages)

19

20

21

22 INFORMATION REQUESTED:

23 (None)

24

25

26 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

(None)

27

28

29

30

31

32

1 A. No, I did not.

2 Q. Okay. And reading further in the same
3 paragraph on calafish_10670 in Exhibit 4:

4 "Both gasket types were being
5 handled when samples No. 1 and No. 2
6 were taken."

7 You agree that's what it says in this
8 document?

9 A. Yes, I do.

10 Q. Okay. And then the next sentence is where
11 Mr. Adams tells Dr. Schwabbauer what he believes
12 the gaskets were made out of. He says, "The
13 asbestos types used on these gaskets are probably
14 chrysotile and crocidolite."

15 Do you agree that's what he tells
16 Mr. Schwabbauer here?

17 A. Yes. Mr. Schwabbauer, yes.

18 Q. Okay. Schwabbauer, however you pronounce
19 it.

20 And do you have an understanding that
21 those are two types of asbestos that were used in
22 gaskets by Fisher Controls?

23 MS. ANDERSON: Objection; calls for
24 speculation, lacks foundation, assumes facts.

25 THE WITNESS: No, I don't.

26

1 MR. WILLICK: What was the question and
2 answer?

3 (The record was read as follows:

4 "Q. And do you have an
5 understanding that those are two
6 types of asbestos that were used
7 in gaskets by Fisher Controls?

8 "A. No, I don't.")

9 MR. WILLICK: Thank you.

10 BY MR. WILLICK:

11 Q. Do you dispute that Fisher Controls sold
12 these types of asbestos gaskets that were being
13 packaged here and that the samples were taken from?

14 MS. ANDERSON: Objection; argumentative.

15 THE WITNESS: No, I don't.

16 BY MR. WILLICK:

17 Q. Do you have any understanding as to fiber
18 type for asbestos if there's any significance to
19 one fiber being chrysotile and the other being
20 crocidolite?

21 A. No, I do not.

22 Q. In 1980, these documents -- we are now --
23 we are still on page 10670. In July 11 of 1980,
24 Fisher had not eliminated -- well, in July 11 of
25 1980, had Fisher eliminated asbestos from its

26

1 and safety at Fisher ago?

2 A. Yes.

3 Q. Okay. Who else do you know here?

4 A. The other name on there is John Henshaw.

5 Q. Okay. And who is John Henshaw?

6 A. He, I believe, at the time was in charge
7 of Monsanto, department ESH, or safety and health.
8 Specifically, I don't know.

9 Q. Okay. He went on to become head of OSHA;
10 right?

11 A. Yes, he did.

12 Q. Okay. And did you talk to John Henshaw
13 about -- have you ever talked to John Henshaw?

14 A. Yes, I have.

15 Q. Okay. Have you talked to him about
16 asbestos?

17 A. No, I have not.

18 Q. Okay. I take it you -- why did you -- now
19 I'm curious. Why did you talk to John Henshaw?

20 A. It was a -- he's now in the consulting
21 world, and he came and spoke at an event that I was
22 at, and I had the opportunity to meet him and talk
23 to him.

24 Q. Okay. He makes good speeches, huh?

25 A. Yes. I enjoyed it.

26

1 Q. Did that speech have anything to do with
2 asbestos litigation or asbestos?

3 A. No, it did not.

4 Q. Now, Monsanto's industrial hygienists in
5 this document are performing a dust test for
6 various things at Monsanto or -- I'm sorry -- at
7 Fisher in Sherman; true?

8 MS. ANDERSON: Objection; lacks
9 foundation, assumes facts, calls for speculation.

10 THE WITNESS: I can't tell you whether or
11 not the gentleman that did the sampling, which
12 appears to be a Tom Blank, if he was a Monsanto
13 employee or a Fisher employee.

14 BY MR. WILLICK:

15 Q. Okay. Do you know whether or not when
16 Fisher was a subsidiary of Monsanto, if they wrote
17 memos on Monsanto stationery?

18 MS. ANDERSON: Objection; calls for
19 speculation.

20 BY MR. WILLICK:

21 Q. Like this one?

22 MS. ANDERSON: Objection.

23 THE WITNESS: I don't know that.

24 BY MR. WILLICK:

25 Q. Did you look for or did you ask Monsanto
26

1 time, that needs to be added to the answer to
2 Interrogatory No. 4 on page 10 of Exhibit 3 to make
3 it more complete?

4 A. No.

5 Q. Can you go ahead and read the answer to
6 Interrogatory No. 4 into the record.

7 A. "Defendant incorporates the
8 preliminary statement and general
9 objections. Subject to and without
10 waiver of the foregoing, Fisher has
11 employed various industrial hygienists
12 and has employed medical personnel
13 over the years. The position of
14 director of environmental health and
15 safety was created in '83, with Ron
16 Allen as the Director. Mr. Allen
17 left his role in early 2003; his
18 interim replacement was Frank Canastar.
19 In October of 2004, Michael Langston
20 succeeded Mr. Canastar. Mr. Langston
21 is the current director of environmental
22 health and safety. The industrial
23 hygiene position was created in 1985,
24 Glenn Johnson being named as the first
25 IH. Mr. Johnson served in this
26

1 position until 1988. Colleen Allen
2 served in the position until 1991.
3 In 1991, Forrest Watts was named as
4 Fisher IH and is the current Manager
5 of Industrial Hygiene for Fisher. A
6 medical program is in place at two
7 North American plants, Marshalltown,
8 Iowa, and Sherman, Texas. The
9 Marshalltown medical program was in
10 place prior to 1965. The head nurse
11 was Wilma Wulke." I believe I
12 pronounced that right. "She was
13 succeeded first by Pat Jordan, and
14 then Rita Riskedahl (current). Dates
15 are not available for their employment
16 with Fisher. The Sherman medical
17 program has been in place since 1977
18 and has had one head nurse, Nancy
19 Boatman."

20 Q. Besides Mr. Watts, did you try to contact
21 any of the people listed here in the answer to
22 Interrogatory No. 4 to prepare for your deposition
23 today?

24 A. No, I did not.

25 Q. Do you know any of these people?

26

1 asbestos-containing material applies for "Fisher
2 valves older than 199-" -- I'm sorry -- "Fisher
3 valves older than 1987 without a documented history
4 of packing or gasket replacement during previous
5 repair operations."

6 Do you see where I'm reading from this
7 document?

8 A. Yes, I do.

9 Q. Okay. And this presumption is put in this
10 document because it was more likely than not that
11 in a valve older than 1987, there would have been
12 asbestos gaskets and packing, at least at the time
13 of manufacture by Fisher?

14 A. That is the presumption, yes.

15 Q. Now go up to 1.1 in Appendix I. It says:

16 "Fisher Controls International
17 has performed intensive monitoring of
18 fibers (asbestos and non-asbestos)
19 generated while performing removals
20 utilizing both the 'wet' and
21 conventional 'dry' removal methods."

22 Now, have you seen the results of these
23 tests?

24 A. No, I have not.

25 Q. Okay. Did you look for these tests?
26

1 Q. Okay. Another thing it applies to is
2 stuffing boxes for packing or stems where packing
3 might be?

4 A. Yes.

5 Q. And these are practices that Fisher knew
6 were being used at the time this was written in the
7 document: wire brush, grinding wheel, blasting, or
8 compressed air?

9 MS. ANDERSON: I will object as vague.

10 BY MR. WILLICK:

11 Q. By people cleaning off those surfaces.

12 MS. ANDERSON: Objection; vague, calls for
13 speculation.

14 Go ahead.

15 THE WITNESS: Whether we know it was used
16 or not, we knew it was what they preferred to do
17 because it would take less time. So by writing it
18 into a document such as this, it gives us the
19 ability to go out and say, "You cannot do that.
20 Here is where it says you can't do it. Here is why
21 you don't want to do it." So that's why it's in
22 the document.

23 BY MR. WILLICK:

24 Q. Okay. Now, is this something that was in
25 the document in Version B when you were called upon
26