STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF McLEAN

LOWELL GWIN, Special Administrator of the Estates of Donald Gwin and Dorothy Gwin, deceased and JUDY GRAMMER,

Plaintiffs,

vs.) No. 03 L 207

PNEUMO ABEX CORPORATION, et al.,

Defendants.

The 30(B)(6) deposition of CARLO F. MARTINO, taken in the above-entitled case, before Mary M. Lewis, CSR, RPR, in and for the County of Cook and State of Illinois, on the 25th day of May, 2005, at 9:30 a.m., at 190 South LaSalle Street, Chicago, Illinois, pursuant to notice.

PRESENT:

WALKER & WYLDER, LTD.
By MR. ANDREW J. KELLY
207 West Jefferson
Bloomington, Illinois 61701
(309)828-5044
appeared on behalf of the plaintiffs;

MAYER, BROWN, ROWE & MAW
By MS. KATHERINE CLARK
190 South LaSalle Street
Chicago, Illinois 60603
(312)782-0600
appeared on behalf of the witness and Union Carbide;

O'CONNELL & ASSOCIATES, P.C.
By MR. MARK I. TIVIN
645 Tollgate Road, Suite 220
Elgin, Illinois 60123
(847)741-4603
appeared on behalf of John Crane;

SEGAL McCAMBRIDGE SINGER & MAHONEY
By MR. JOHN J. KOHNKE
One IBM Plaza, 330 North Wabash Avenue, Suite 200
Chicago, Illinois 60611
(312)645-7800
appeared on behalf of Garlock Sealing.

I N D E X

(UCC Deposition Exhibit No. 1 was marked for identification.)

CARLO F. MARTINO,

being first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. KELLY:

Q Can you please state your full name.

A Carlo, C-a-r-l-o, F., Martino, M-a-r-t-i-n-o.

MR. KELLY: And for the record, I'll state this is the discovery deposition of Union Carbide Corporation taken pursuant to notice and all applicable statutes and court rules for the State of Illinois. There's no stipulations.

I'll ask counsel for Union Carbide, I know I did receive a letter yesterday from Tobin Taylor, but my understanding is that Mr. Martino is being tendered with respect to less than all of the matters on the Rule 206 notice; is that correct?

MS. CLARK: That is correct.

MR. KELLY: And which paragraphs is he

going to be testifying to today?

MS. CLARK: Mr. Martino is going to testify about Category 10, 18, 19, 20, 22, 23 and 27. There's a limitation with respect to all of those categories in that he's only going to be testifying about the phenolic resin business.

As you know, Union Carbide is a large corporation with many other products and some of the requests could be read much more broadly than just the phenolic resin business. He's only here to talk about that aspect of the business and also the requests, for example, 19, 20, 22, 23, 27, which say to GE and/or specifically the GE plant in Bloomington, Illinois, he's going to be addressing those with respect to the GE plant in Bloomington, not GE as a whole.

MR. KELLY: Is there any other individual that will be testifying today in response to the other categories in the notice?

MS. CLARK: Not today, no.

MR. KELLY: And when will GE produce further individuals to testify as to those

remaining matters?

MS. CLARK: When will Union Carbide produce?

MR. KELLY: Yes.

MS. CLARK: That's something that we will have to discuss with you, Counsel.

MR. KELLY: Okay.

Q Mr. Martino, where do you live?

A Branchburg, New Jersey.

Q And did you just come in for this deposition today?

A Yes -- well, I didn't come in today but I came in for this deposition.

Q Have you given depositions before on behalf of Union Carbide in asbestos litigation?

A Yes.

Q On how many occasions have you done that?

A Oh, about seven or eight.

Q When was the most recent time that you did so?

A Last December.

Q Do you remember where that was?

A Here.

Q When was the first time that you testified

for Union Carbide in an asbestos litigation case?

A I think it was probably 2001.

Q Are you currently employed by Union Carbide?

A No, I am not.

Q Are you retired?

A Yes.

Q How long have you been retired?

A Nine years.

Q So that would be 1996?

A 1996, yes.

Q And how were you first contacted in order to give the deposition testimony that you gave for Union Carbide back in 2001?

A I was contacted by Jonathan Glasser who worked for another law firm, Kelley Drye I think it was.

Q And since that time you've testified on I think you said on seven to eight different occasions?

A Yes.

Q Have any of those particular times that you've given testimony, have they ever been at trial or they've just been depositions like today?

A There have been trials, yes.

Q How many trials have you testified in?

A Two.

Q And is that two times that you've testified in addition to the seven and eight depositions?

A Yes.

Q So about a total of ten times roughly is the times that you've actually testified in asbestos litigation whether deposition or trial?

A Yes.

Q And on each of those ten occasions you were tendered as a witness by Union Carbide?

MS. CLARK: Objection, calls for a legal conclusion.

A Well, by attorneys representing Union Carbide.

BY MR. KELLY:

Q And in each of those occasions was your testimony related to the topic of phenolic resin products?

A No, phenolic molding material products. Let me clarify that, phenolic resins did come into the discussions once we got started so I don't know

how you want to interpret that.
Q Are you aware that in addition to, and we'll just call them phenolic molding materials at this point, are you familiar with the fact that Union Carbide also mined a type of asbestos in addition to marketing and manufacturing the molding materials?
A Yes.
Q Has your testimony ever involved any discussions with respect to the asbestos mining business of Union Carbide?
A Only insofar as whether we used some of that asbestos in the molding materials.
Q Through your career at Union Carbide did you ever have an opportunity to go to the location or locations where Union Carbide mined its asbestos?
A No.
Q Do you even know where that occurred?
A Only the general location, out west.
Q And do you know that as King City, California?
A I didn't know the specific place.
Q And did you ever have any day-to-day contact when you were an employee of Union Carbide

with people that worked out in the California west coast asbestos mining operation?
A No.
Q When did you first start working for Union Carbide?
A 1948.
Q And in what capacity, what was your job title at that time?
A Trainee.
Q And where were you based?
A Bound Brook, New Jersey.
Q And was the entity that you worked for in Bound Brook was that Union Carbide Chemicals and Plastics Corporation?
A At that time it was known as the Bakelite Division of Union Carbide.
Q And what were you a trainee in when you first started in 1948?
A I started in the production department.
Q And if you could explain to me, Bound Brook was the manufacturing processing location where molding materials were made; is that correct?
A That's the location. More than just

molding materials were made there, there were other thermoplastics as well.
Q And were there other locations in North America where molding materials were being made other than Bound Brook when you first started?
A In the U.S.?
Q In North America.
A In North America, yes, Canada.
Q Is that in Belleville?
A Yes, and also there was a plant in Mexico.
Q Was there a plant in Monterey or Mexico City then?
A Monterey.
Q And as a trainee, were you involved in the thermoplastics part of the business or in the molding materials?
A At that time it was all operations in the Bound Brook side, at the Bound Brook side.
Q What's your educational background?
A I have a BS in Chemical Engineering.
Q And did part of your duties as a trainee involve applying what you learned from a chemical engineering background?
A Yes.

Q Now, you said that you were working in production, can you explain exactly what it was that you were doing in production in '48?
A There was a program to train new employees to eventually be supervisors in the production department and it entailed going to each department for a period of a number of weeks and learning actually hands-on training in that area as to what was being done.
Q This gave you an overview of basically everything that was being done throughout the entire facility?
A Yes.
Q When you completed your trainee work, what position did you take?
A I was transferred to the research and development department, it was also located there.
Q What year was that?
A 1949.
Q And how long did you remain in research and development?
A Ever since, until 1996.
Q What were the various positions that you held in research and development over the years?

A I started as an engineer, chemical engineer in polystyrene, then I was moved oh, about nine years later to the polyethylene business, same capacity, then I became a group supervisor for the technical service activities for all the plastics that we sold out of -- that we sold and had testing, support of testing facilities at that site.

In 1960 I believe I was transferred to group manager of the phenolic molding material and laminating resins group and I stayed there until 1974, then I was transferred again to polyethylene molding as a group manager and the rest were various assignments in many different activities in that area, licensing, blow molding and became associate director in the 90's for all the molding, polyethylene molding activities and pipe.

Q Was that the last position you held before your retirement?

A Yes.

Q What were the different types of materials that were being made at Bound Brook over your career other than just the molding compounds at this point, the phenolic molding compounds?

A There was a vinyl sheeting manufacturing

business, there was phenolic resin manufacturing, we made our own formaldehyde and hexa there, phenoxy resins, which are the specialty thermoplastics --

Q What was that again?

A P-h-e-n-o-x-y.

-- polystyrene, there was a phenol plant there and all our research and development activities primarily for catalysts and development of polyethylene products for polyethylene. The manufacturing was done elsewhere.

Q You said something about formaldehyde and then I think you used the word hexa; is that right?

A Yes. Hexa is made from formaldehyde and used as a cross-linking agent for one type of phenolic resin.

Q And is that spelled h-e-x-a?

A Yes, the full -- that's a short name for hexamethylene tetramine.

Q I like hexa better. What exactly is polyethylene just in laymen's terms?

A It's a polymer made from ethylene gas and it's a very commonly used product, milk bottles, dish pans, plastic pipe, Glad Wrap, wire and cable jacketing.

Q Is there any asbestos used in the manufacturing process of polyethylene?

A No.

Q The vinyl sheeting business, what was the vinyl sheeting being used for, what kind of applications?

A When it was very popular, it was a leather replacement used in automobiles, upholstery.

Q Is there any asbestos used in that production?

A No.

Q The other one you said was a phenol plant?

A Yes.

Q What exactly is that in laymen's terms?

A What's that?

Q In laymen's terms, what's a phenol plant?

A That's one of the chemicals that's used to make the phenolformaldehyde resins, it's one of the building blocks.

Q Is there any asbestos used in the actual phenol plant?

A No.

Q And then the hexaformaldehyde, what exactly is that used for?

A Well, the formaldehyde was used to make the phenolformaldehyde resins.

Q So basically you combine the materials that you get from the phenol plant and the hexaformaldehyde in order to create your phenolic molding materials?

A Well, no, hexa and formaldehyde are two different products so we combine the phenol and the formaldehyde to make the phenolformaldehyde resins.

Q And the polystyrene, is that just basically plastic?

A Yes, it melts.

Q And is there any asbestos used in the manufacturing of the polystyrene?

A No.

Q Now, you said before that in your mind there's a difference between a phenolic resin and what we commonly call a molding material, can you explain that to me?

A The molding material is the phenolic resin to which we have added fillers and colorants and lubricants so the phenolic resin is actually the glue that holds them all together.

Q And of the various fillers or binders that

you use to add to the phenolic resin, did that include asbestos?

A Some products did, yes.

Q Was asbestos being used as a filler in the molding materials that Union Carbide was manufacturing when you started in '48?

A Yes.

Q And when was the last date that you're aware of that Union Carbide utilized asbestos as a filler component of the molding materials?

MS. CLARK: Objection, ambiguous.

BY MR. KELLY:

Q You can still answer.

A 1974, '75.

Q I want to talk just about the fillers for a second here. What was the purpose of using the filler in addition to the resin in order to create a molding material?

A The resin is like glass, it's brittle. The filler is primarily to give it some reinforcement so it doesn't break.

Q And in addition to asbestos, were there other types of fillers that were used?

A Oh, yes.

Q And what were some of those?

A Wood flour, coal, talc, cotton flock, mica. Those are the ones that come to mind, there may be others.

Q Why would you choose to use one filler over the other?

A It would depend on the properties that the customer wanted. Wood flour was the work horse that gave you the strength, it was adequate for most applications. If you wanted better water resistance, then you would go to a mineral filler. If you wanted more impact strength, you would go to a cotton fiber. So it was getting a balance of properties that fit an application.

Q And the use of the asbestos, what was the quality of the asbestos that made it a good filler for certain applications?

A Heat resistance primarily.

Q When you first started in '48, can you give me a percentage of the number of different grades of molding materials which contained asbestos?

MS. CLARK: Objection, foundation, vague.

BY MR. KELLY:

Q You can still answer.

MS. CLARK: Go ahead.

A In '48?

BY MR. KELLY:

Q Yes.

A I don't have figures of '48, I wasn't that involved in the business.

Q What's the first year that you think you would have enough knowledge based on your working at the Bound Brook plant to be able to define a percentage of which number of the molding materials contained asbestos as a filler as opposed to some other type of filler?

MS. CLARK: Objection, foundation, vague.

Go ahead.

A Late 50's and I can give it to you only as percentage of pounds I've been told and it's a rough estimate. As best as I can tell from the records that I've seen, about 20 percent or less in the late 50's.

BY MR. KELLY:

Q And in the late 50's what was the source of the asbestos that was being used as a filler in

the Union Carbide molding materials?

A Oh, we had various sources, Vermont, I don't remember the full name, Carey Mines. There may have been others but I don't remember them.

Q The two largest that you remember were Carey and Vermont?

A Yes.

Q And was the -- first of all, are you familiar with different fiber types of asbestos?

A Yes.

Q And what was the fiber type of asbestos that you were buying from Vermont?

A From Vermont we got some of the longer fiber asbestos which was small volume, I think we may have gotten some of the short fiber from them as well.

Q Are you familiar with the terms amosite and chrysotile and crocidolite?

A Yes, it was chrysotile. I usually pronounce it chrysotile but I don't know if that's correct or not.

Q I don't know if I'm right either so between the two of us I think we know we're talking about the same thing.

A As long as we can communicate.
Q And from Carey what kind of fiber type were you buying from them?
A Short fiber chrysotile.
Q Is the Carey material sometimes called Carey floats, have you seen that used?
A Yes, yes.
Q And is that a term used to describe the short fibers?
A I don't remember the distinction between the floats and the short fibers, whether there was one or not.
Q Over the years that you worked at Union Carbide, did Union Carbide start to use different suppliers of asbestos within its molding materials?
A Yes, I think we bought from Johns Manville for a while also.
Q What years do you recall Johns Manville being a supplier?
A It would be in the early 60's probably.
Q And was this again the chrysotile material?
A Sure, yes.

Q Any other suppliers?
A There may be but I don't remember them.
Q Was there a time frame when Union Carbide started to utilize its own asbestos, the Calidria asbestos as a component of the molding materials?
A I was involved in having it tested and I didn't approve it as a source.
Q When did the testing of the Calidria occur?
A I believe it was in the mid 60's.
Q And you said you were involved in the testing but you never approved it?
A Yes. It required change in the formulation, too much of a change in the formulation and it meant changes that a customer might see in his own operation.
Q Did Union Carbide ever sell molding materials to its customers that contained Calidria asbestos?
A If some was made during that testing period, we might have, but other than that, no.
Q Did Union Carbide ever sell to its customers molding materials that contained amosite asbestos?

A Not that I can recall.
Q Did Union Carbide ever sell to its customers molding materials that contained crocidolite asbestos?
A I looked at the records to see if I could find any evidence of that and have not been able to find any so my answer would have to be no based on what I have seen.
Q When you first took on the responsibility of testifying at Union Carbide's request in asbestos litigation, did you review any documents in order to be able to do so?
A There weren't any when I started except what I had myself, which was a phenolic molding material manual.
Q And let me just start really basic then, the first time you testified back in I think you said 2001, had you reviewed any documents at that time other than that manual that you yourself possessed?
A No.
Q And basically you were just going on your own personal observations and what you learned over your career, correct?

A That's right.
Q Did you talk to any individuals specifically for the purpose of being able to testify about their recollections of the molding materials business at Union Carbide?
MS. CLARK: Can I get that back.
(The question was read.)
MS. CLARK: I'm just going to object as vague and ambiguous. You can answer.
A I have -- I did, whether it was just before that one or not, I don't recall.
BY MR. KELLY:
Q At some point or another you did have some discussions with some people?
A Yes.
Q And that was mainly just to sort of give yourself the most information you possibly could, correct?
A Yes.
Q Who were the individuals that you spoke to about the molding business?
A People who had worked for me, Tony O'Livo, Lou Fishburg, George Ealer, Burt Krevsky, K-r-e-v-s-k-y, Doug Neal, Don Gould. This is over a

period of time.
Q Sure. The individuals you named you spoke with either just before the time you testified in 2001 or since then, correct?
A Yes.
Q And what kind of position did Tony O'Livo hold?
A He was a product engineer in my group when I had the phenolic molding material responsibility.
Q He's someone that had worked at Bound Brook?
A Yes.
Q And what kind of information did he provide you that you rely on for your testimony?
MS. CLARK: Object to form.
A Refreshing my memory on product numbers.
BY MR. KELLY:
Q What about Lou Fishburg, what was his position?
A He was a product engineer also.
Q And what information did he provide to you?
A Same, trying to identify which products we had put asbestos in and which we did not.

Q What about George Ealer?
A Same.
Q And Burt Krevsky?
A He was no longer with the company but he happened to have some old plastic encyclopedias which were helpful in refreshing my memory of what happened in the 60's.
Q When he was with the company, what position did he hold?
A He had worked in the phenolic molding material business in R&D in the 50's.
Q What about Doug Neal?
A He did a lot of the testing, lab testing for asbestos in the air.
Q What was his position at Union Carbide?
A I don't recall his exact title but he was associated with the safety organization, safety health and environmental protection.
Q And the testing that he did for asbestos in the air, was that in the actual air that was contained within the buildings that made up the Bound Brook facility?
A Yes.
Q What about Don Gould?

A He was in the packaging area.
Q And what information did he provide to you?
A I was interested in finding out when we started labeling bags and what we put on them, warning labels.
Q And what information did you learn about warning labels from Don?
A Approximate dates.
Q And what are those?
A Well, I've since looked into the records and gotten exact dates.
Q Well, let's talk about the documents you looked at, first of all. Sometime after 2001 you've reviewed some corporate documents at Union Carbide, correct?
A I gradually became aware -- well, some were found, in fact, quite a few were found later that year, I didn't have direct access to them.
Q And at some point were you given access to those documents?
A To some, yes.
Q And first of all, do you know where those particular documents were found?

A Where they were found, no, I wasn't involved in that.
Q Do you know if they were found at Bound Brook or at some other location?
A I think some were found at Bound Brook.
Q Do you know any other locations where those or at least some of those documents were found?
A We had a facility in Vermont where a lot of old documents were stored, how many came from there I don't know.
Q And since that initial time that you reviewed some documents, have you seen additional documents from the company with respect to the molding operation?
A Yes.
Q And if you could quantify, how many documents or boxes of documents do you think you've reviewed over the years with respect to Union Carbide's molding business?
A I've seen most of them at depositions. I would guess -- you know, people have come in with boxes full of them, a half a dozen boxes probably. I didn't review them in detail but that's how many

they were going through.
Q Did you review any documents in preparation for your deposition today?
A Did they?
Q Did you review any documents in preparation for your deposition today?
A Some to refresh my memory, yes.
Q And were some of those corporate type documents with respect to the molding operation?
A Yes.
Q Did you also review any sales records?
A Yes.
Q Any other types of documents that you saw?
A Just some general correspondence.
Q Were all of the documents that you had reviewed, and setting aside at this point the sales records, were they documents you had seen before in the past?
A Many were, yes.
Q The asbestos that was used in the molding compounds as a filler, was that a free-fiber asbestos as opposed to the palletized form like some of the Calidria?
A Yes, it was free fiber.

Q And how was it that the asbestos arrived at the Bound Brook facility, did it come by rail or by truck, how did it get there?
A I don't know whether it was by rail or truck, how it was delivered, it was not in bulk.
Q Was there a particular part of the Bound Brook facility where items such as asbestos were received into the facility?
A Yes.
Q And once the asbestos was taken into the facility, was there a particular part of the plant where the asbestos was used in the phenolic molding material operations?
A Yes.
Q And were there different buildings that made up Bound Brook or how exactly did you identify where it was that the asbestos was going to be used?
A There were different buildings that were identified to manufacture particular products. We had a phenolic molding material department that was set up to handle fillers.
Q So the asbestos went to the phenolic molding department?
A Yes.

Q Now, we already talked about how the phenol and the formaldehyde were combined together after being produced in their own separate locations, correct?
A Yes.
Q And then the end product of that is what's called phenolformaldehyde?
A Yes, phenolformaldehyde resin.
Q I'm sorry. The phenolformaldehyde resin and then the filler, whether it be asbestos or some other material, found its way to the phenolic molding department, correct?
A Yes.
Q How was it that you were able to introduce the two materials together, can you explain to me the manufacturing process of combining those two materials to create a final molding compound?
A Well, the process was spread out over a three-story building. The top floor is where the pulverized phenolic resin was introduced and also the fillers and lubricants and colorants and cross-linking agents, these are all powders, into a ribbon blender and then it was fed by gravity to hot rolls where the blended mixture would be -- well,

the resin would melt and would coat everything. There was mixing action in the rolls.
It would then be taken off as a sheet, go up into another set of rolls where the same thing would happen again, then it would come off in a sheet and then go up into a rough grinder and then to a fine grinder and then a set of screens and a black or brown, dark brown sand-like product would end up being -- that had been screened to fines and coarse would end up going into bags, drums or gaylords.
Q So you started with a resin and then the fiber, whether it be asbestos or cotton or whatever it is, you would combine them together to make a sheet, a single piece and then you would actually grind that down to make the sand?
A Yes.
Q And what was the amount of material that was contained in the bags of Union Carbide molding materials?
A Fifty pounds.
Q What about the drums?
A I think those were 200-pound drums but I'm not certain of that, could be 250.

Q It's certainly more than what was in the bags?
A Oh, certainly.
Q And the gaylords?
A That was a thousand pounds.
Q When was the first time that Union Carbide placed any kind of warning on the bags or drums or gaylords with respect to asbestos being a component of the molding materials that did contain asbestos?
A In 1973.
Q Do you know what month in '73 that occurred?
A Not certain. They were using a stamp for a while until they got the printed labels so I couldn't give you the exact month. Even when I looked at the records I couldn't determine exact month when it started, it might be there but I didn't see it.
Q Do you know if it was in early '73 or mid or late?
A I would guess it was probably towards the latter part of the first half.
Q So like May or June approximately, somewhere in there?

A Probably, yes.
Q And what did the initial warning say that was placed on the particular bags or drums or gaylords?
A I don't remember the exact warning, it's in the files, but it's something like product contains asbestos and then went on, it could be detrimental to your health, but the exact words I don't recall.
Q Did it say anything about avoid breathing dust?
A It had something about dust -- well, we had dust labels on prior to that on all our products, even in the 60's. There's something in the files on it, if you want the exact wording of it, I don't remember that fine a detail.
Q Was there anything on the 1973 label that mentioned the word cancer?
A I don't recall seeing that.
Q Now, you said there were dust labels prior to '73, what did those labels inform people that read that particular label?
A Again, I don't remember the exact wording but you can get it in the file.

Q Was there anything in the dust label that talked about asbestos?
A No.
Q Was the label that was placed on the materials prior to '73 just simply informing the reader of the label that the material within the bag or drum or gaylord was a dusty material?
MS. CLARK: Objection, foundation, go ahead.
A I think the wording said it could create dust.
BY MR. KELLY:
Q Now, Doug Neal you said had done some testing for asbestos in the air at Union Carbide?
A Yes.
Q And was he doing this testing in the molding material department?
A He did some but I don't know if he did it all.
Q As far as you're aware, was he testing the air for asbestos in all of the various building at Bound Brook?
A He would do it on request, yes.
Q And what would cause him to receive a

request to test the air for asbestos?
A Well, in R&D it would be the request of the manager in the area.
Q When was the first time Union Carbide did any testing of the air at Bound Brook for the presence of asbestos?
MS. CLARK: Objection, foundation.
A After the --
MS. CLARK: You can go ahead.
A It was after the OSHA test was published -- I believe that was the end of '70 or beginning of '71 -- testing began to determine whether we were in compliance both in R&D and it began also in our manufacturing facilities.
BY MR. KELLY:
Q And was there a department or a certain group of people that were responsible for doing the tests of the air?
A Well, the person I was most familiar with that did the testing was Doug, whether there were others involved in other parts of the plant I don't know.
Q Now, we talked before about how the other manufacturing processes that were going on at

Bound Brook didn't utilize asbestos as a raw material; is that right?

A Yes.

Q Where was the asbestos that was being looked for in the air in the other buildings coming from if it wasn't coming from the manufacturing process?

MS. CLARK: Objection, foundation, go ahead.

A The testing would be done where the asbestos were being used.

BY MR. KELLY:

Q And the only places that you're aware of where the testing occurred would have been in research and development and in the manufacturing building, the phenolic molding department?

A That's correct.

Q Are you aware of asbestos being present on the pipes, boilers, things of that nature that were used in the manufacturing process but not actually raw materials?

MS. CLARK: Objection, foundation.

A No.

BY MR. KELLY:

Q Did you ever receive any information from Union Carbide that asbestos was present in any of the buildings that were being used in the manufacturing of any product at Bound Brook?

A Well, as we said before, the asbestos was only being used in the phenolic area and I was always aware of it so why would there be a notification? I mean, I wouldn't have got a notification, I knew it was there.

Q I think you've answered my question, but I mean, I just want to be clear, the only asbestos that you ever received any information about existing in any of the buildings, whether for manufacturing or use as a material in the actual products themselves, was the asbestos used as a filler in the phenolic molding business?

A That's right.

Q Did Union Carbide make asbestos-containing molding material at any of the other facilities that we talked about, whether Belleville, Ontario or down in Mexico?

A They did in Belleville, I don't know about Mexico.

Q Did you ever have an opportunity to visit the Belleville plant?

A Yes.

Q On how many occasions did you go there?

A How many what?

Q How many occasions did you go there?

A Probably about two.

Q And was the operation in Belleville similar to the operation that was at Bound Brook with respect to these phenolic molding materials?

A Yes, but smaller.

Q And were the materials being made in Belleville the same types of materials, they were just being made for Canada?

A Some were. Their market was smaller.

Q Were there any materials that were made in Belleville that weren't made at Bound Brook?

A None that I'm aware of.

Q So, for example, if a customer wanted a particular type of molding material, there weren't molding materials that they could only get from Belleville, they would be able to get those from Bound Brook if they wanted to?

A That's right.

Q Are you familiar with a Union Carbide facility in Ottawa, Illinois?

A What kind of facility?

Q A manufacturing facility?

A There was a polyethylene facility there for a while.

Q Do you know if there was ever any molding material manufacturing done in Ottawa?

A Phenolic molding material?

Q Yes.

A No.

Q Do you know if asbestos was ever used in any of the manufacturing processes in Ottawa?

MS. CLARK: Objection, foundation, also beyond the scope of this deposition.

BY MR. KELLY:

Q You can still answer.

A I'm not aware of any.

Q Back at Bound Brook, the phenolic molding department, were there any kinds of measures which Union Carbide had instituted in that building in order to try to reduce the amount of dust in the air?

A In the manufacturing?

Q Yes.
A Oh, yes.
Q And what were some of those?
A Improving ventilation, implementing procedures as to how to handle the asbestos most safely, the last few years people wore special clothing, protective clothing, they always wore masks, consolidating asbestos all into one line, all the products.
Q The entirety of the time that you were at Bound Brook the individuals that were working with the asbestos materials wore masks?
A Yes.
Q And did the mask change over time that the people wore?
A I don't recall that we changed masks, I can't be sure.
Q What did the masks look like that the individuals wore in there?
A They were paper masks that fit over the nostrils that screened out dust and fibers.
Q Sort of the kind of mask that you would expect a painter to wear or something like that?
A Yes. The inference went primarily into

ventilation, improving ventilation.
Q And did some of the ventilation measures include dust hoods, things that would try to vacuum or suck up some of the dust from the air?
A Yes.
Q And those particular hoods, where were they located with respect to the various processes that were being done in that building?
A Usually right over the rolls, over the mixers, wherever there was a possibility that dust would be generated.
Q And when the various hoods sucked up the asbestos or whatever else was in the air, where did the dust go?
A It was -- went into collectors, dust collectors.
Q And was the dust bagged and disposed of after that?
A I don't know what the procedure was.
Q Were there any kind of fans or any other kinds of implements that attempted to move the air?
A The fans would probably be in the ventilation system somewhere.
Q You said there were also some procedures

on safe handling that were implemented?
A Making sure that the bags were opened in a way that would create the least dust, that they were dumped in a way that would create the least dust and under hoods, that sort of thing.
Q Union Carbide knew that the material within the bags of asbestos was hazardous, correct?
MS. CLARK: Objection, foundation, calls for expert opinion, go ahead.
A Well, when the OSHA regulations were published, they certainly were, they had to comply to that.
BY MR. KELLY:
Q And one of the ways in which Union Carbide tried to at least reduce the hazard to the worker in the phenolic molding department was to try to reduce the amount of dust that was actually in the air, correct?
A Yes.
Q And one of the means of doing so was to try to reduce the amount of dust from simply opening or pouring out the asbestos to be used in manufacturing?
A Yes.

Q And then also you said places like the rollers or the mixers where dust would typically be generated they imposed ventilation and collection measures to try to reduce the dust as well?
A Yes.
Q You said also Union Carbide at some point implemented special clothing for the workers?
A Yes.
Q When did that occur?
A That I don't know, I wasn't in that department.
Q What was the time frame that you weren't in that department that that would have occurred?
A Well, this was in manufacturing so I was never in manufacturing.
Q So at least in research and development they never wore special clothing?
A That's right.
Q At some point in manufacturing, you're not sure of the date, Union Carbide imposed special clothing to be used by the workers?
A Right.
Q You said also that manufacturing that involved use of asbestos was limited to a single

manufacturing line?
A That was the plan. That was begun in 1970 and we started removing asbestos from products, especially low concentration, so that we could put all our asbestos products on one line. Whether they got to that point where they were doing it, I don't know.
Q With respect to the sampling that Mr. Neal and maybe others were doing of the air in the manufacturing part, do you know if any of those samples ever exceeded the OSHA thresholds?
MS. CLARK: Objection, foundation.
A Not that I'm aware of.
BY MR. KELLY:
Q Was Union Carbide ever cited by OSHA or any other entity, for example, the New Jersey Board of Health or whatever it may be called for exceeding a threshhold imposed for asbestos?
MS. CLARK: Objection, foundation.
A From what I could see from the records, they were not.
BY MR. KELLY:
Q Did you ever observe Mr. Neal or others sampling the air for the presence of asbestos?

A Yes.
Q And was that in the R&D building?
A Yes.
Q When was the first time you recall actually observing that?
A The first documented time was in early '73 but I think I had asked them to do some testing prior to that time.
Q You personally had asked to have some testing done?
A Yes.
Q When was it that you personally requested some testing of the air?
A I think it was in '72 but I haven't found records of what the results were.
Q What caused you to request sampling of the air in '72?
A I wanted to be sure that we had a safe environment when we were handling the products.
Q The research and development people, did they perform their work for all of the various types of processes that were being done at Bound Brook? Let me ask it a different way, that was confusing. Some of the stuff that you did your research and

development work for at Bound Brook included the phenolic resin and phenolic molding compounds, correct?
A Right.
Q Did the R&D team, did they also do research and development work for the other types of materials, polystyrenes and things like that?
A Yes, yes.
Q Was the research and development area sectioned off in any way such that there were certain people in certain areas of that building that worked on just polystyrene and people that just worked on the asbestos-containing molding materials?
A The thermoplastic operations were a separate part of the building than the thermosetting operations primarily to avoid contamination and they were different also.
Q You said before that at one point Union Carbide at least researched the possibility of using Calidria as one of the components of its molding materials. Were there any other types of asbestos suppliers or fiber types that Union Carbide attempted to research the possibility of using in its molding materials?

A When Calidria came up with pelleted asbestos, that was evaluated in the manufacturing department.
Q And Calidria was sold in a resin grade form; is that correct?
MS. CLARK: Objection, foundation.
A It was sold in a pellet -- well, was offered in a pellet, I don't know how much they sold that way but it was offered in a pellet.
BY MR. KELLY:
Q And was there ever a form of Calidria that you know of that was sold simply for purposes of being used in resins?
MS. CLARK: Objection, foundation.
A No special grade for a -- if there was, I was not aware of it.
BY MR. KELLY:
Q Have you ever seen any reference to like Calidria RG-200?
A Yes.
Q And do you know if that was a resin grade form?
A It was suitable for resin, whether that was its only use I don't know.

Q Do you know if the RG-200 came in pelletizeed form or any other type of form?
A As I recall, it was a pelleted form.
Q Did you ever see or test or otherwise have any interaction with any form of Calidria that was not in the pelletizeed form?
A During my earlier tests in the mid 60's, that was not pellet.
Q Do you know if there was a time when all of the Calidria was pelletizeed?
A I don't know.
Q In addition to attempting to improve the ventilation from the asbestos being used in the operations at Bound Brook, did Union Carbide do any medical monitoring of the employees that were working with the asbestos?
MS. CLARK: Objection, foundation.
A I don't know what was done in that area.
BY MR. KELLY:
Q Did you yourself ever have the company take chest X-rays of you or otherwise monitor any of your breathing function?
A That was part of our annual physical.
Q And were the annual physicals, were they

part of your employment when you first started in '48 or did it start sometime after that?
A As I recall, we were entitled to an annual physical all those years.
Q And you used the word entitled, does that mean that if you didn't want to have an annual physical you could opt out from that?
A I believe so.
Q Union Carbide paid for the physical if you chose to have one?
A Yes.
Q And what did the physical include, did it include a chest X-ray?
A Yes.
Q Did it include a pulmonary function test?
MS. CLARK: Objection, vague.
A In the later years it did, I don't remember how far back it went.
BY MR. KELLY:
Q What else did the physical entail?
A A typical physical, took a couple hours, blood tests, hearing, eye test, very thorough.
Q After the physical was performed, was the Union Carbide employee entitled to learn the results

of the examination?
A Yes.
Q And was there a place where the files that were kept pertaining to these examinations were kept?
A Yes.
Q Was that at Bound Brook?
A Yes.
Q What was the building or the name of the location where the medical materials were kept?
A I don't remember the number of the buildings.
Q Was there a -- how did you refer to the building where it was kept?
A Well, the medical department. They were located in the plant initially and then they were moved to another location that was more modern.
Q Were the doctor -- let me ask, was it doctors or nurses that performed the physicals?
A Doctor.
Q And was the doctor somebody that was on the payroll of Union Carbide or was it a private outside doctor that had been hired for that particular function?

A They had both.
Q Do you remember the names of any of the doctors that performed the examinations?
A Dr. McKinley, Dr. Flores --
Q F-l-o-r-e-s?
A F-l-o-r-e-s.
-- and then I don't remember who the recent one was.
Q Were any of Dr. McKinley or Dr. Flores employees of Union Carbide?
A They were, yes.
Q Has Union Carbide ever been named in a worker's compensation or occupational disease act claimed by a former employee of the Bound Brook plant with respect to asbestos exposure?
MS. CLARK: Objection, foundation.
A I don't know of any.
BY MR. KELLY:
Q Have you ever learned just from talking to other retirees or other former employees that you used to work with at the plant as to whether anyone has ever filed such a claim against Union Carbide for asbestos exposure at Bound Brook?
A No.

Q When you were at Bound Brook, did Union Carbide ever provide any training to the employees with respect to the hazards of asbestos?
A They were informed when the OSHA tests became available, they were informed as to why we were doing it and what the limits were.
Q Did Union Carbide inform the workers at these particular meetings as to what the potential hazards were from inhaling and breathing asbestos?
A Yes.
Q And did that include cancer?
A Yes.
Q Asbestosis?
A Yes.
Q Was it the safety department or some other people that performed the task of informing the workers of the testing and the various hazards associated with asbestos?
A We could ask them to come in or any specialist to come in that we wanted if we felt we needed that and any employee was free to go to anyone in the organization and inquire and get information as to whether a product is hazardous or not without fear of being disciplined for doing it

and they had access to all the material safety data sheets we had on all our products, all our chemicals.
Q Was it the safety department that informed the workers of the various hazards at these meetings?
A That is where much of the information originated, they didn't necessarily have to be the ones who presented it.
Q But once the safety department disemanated that particular information, you're comfortable with at some point or another the workers were informed of what the safety department had passed out through its written materials?
A Yes. We had divisional safety meetings every month.
MR. KELLY: Let's take a five-minute break.
(A recease was taken.)
MR. KELLY: Can you mark that for me.
(UCC Deposition Exhibit No. 2 was marked for identification.)
BY MR. KELLY:
Q I'm going to show you what's been marked

as UCC Exhibit No. 2, take a chance to look at that and let me know when you're done.
MS. CLARK: Do you have any extra copies?
MR. KELLY: I don't.
Q Have you seen that document before?
MS. CLARK: Can you hang on, I would like to see it.
BY MR. KELLY:
Q Have you seen that document before?
A No.
Q The document itself is entitled Tentative Product Formulation, do you see that in the top left corner?
A Yes.
Q Did you see forms like this at all, not this particular one but this general form used at all in the research and development?
A Yes.
Q And what was this particular form used for?
A It was a way of communicating what the formula was that we intended to make in the manufacturing department.
Q And typically when you would put a form

like this together you would have a certain customer that was asking you to create a certain type of a molding material that had certain qualities?
A That could be one reason, there could also be others. We may have initiated the product ourselves.
Q And at least based on this particular sheet here where it says customer or manufacturing process method, it says Plastics Engineering Company, do you see that?
A Yes.
Q Do you know what Plastics Engineering Company is?
A That's a manufacturer of molding materials.
Q Do you know if Union Carbide ever manufactured molding materials for Plastics Engineering Company?
A Molding materials, I don't know, I don't know.
Q What about resins, this particular one says it's a solid one-step resin?
A Yes. I wasn't aware of this, but reading what I see here, it's a lump resin, no fillers.

Q At least based on what you see in this particular document, does it appear to you that Union Carbide was at least formulating a one-step resin for Plastics Engineering Company?
A Yes, that's how I would interpret that.
Q And other than what you see on this particular document, do you know if Union Carbide ever made resins or molding compounds or any other type of material for Plastics Engineering Company?
MS. CLARK: Objection, vague, compound.
A No, I don't know.
MR. KELLY: Can you mark that as three and four.
(UCC Deposition Exhibit Nos. 3 and 4 were marked for identification.)
BY MR. KELLY:
Q I'm going to show you what's been marked as Exhibits 3 and 4. Take a look at both of those and let me know when you're done.
A Okay.
MS. CLARK: I think I'm okay, we'll see.
THE WITNESS: I don't think I need to read the whole thing unless I get stuck.

BY MR. KELLY:
Q I'm probably not going to ask you about the whole thing anyway. Exhibit 3, that's the May 18, 1973 letter that you received?
A Yes.
Q And the G.E. Ealer, is that the Mr. Ealer you spoke about before?
A Yes.
Q And first of all, what is this particular correspondence in relation to?
A We were trying to -- well, we had a program to come up with asbestos-free molding materials wherever possible and this was one of the grades that contained about I believe 30 percent asbestos. We had not up to this point found a good replacement for asbestos. The best we could do was reduce the amount without affecting the properties and George had come up with a 50/50 blend. He was also using the pelleted Calidria asbestos because we had hopes of being able to go into bulk handling of asbestos and keeping it in a completely enclosed system.
Q The first thing you said was that you had some sort of directive to make the molding compounds

asbestos free?
A Yes.
Q When did Union Carbide first attempt to make its compounds asbestos free?
A We started in the late 70's to remove asbestos and with the products that contained 5 percent we were able to do that fairly easy, then we moved up to higher percentages. The higher we went, the more difficult the job was. So between late '70 and '73 we had been systematically eliminating asbestos from the lower levels and gradually working our way up and this was -- we had succeeded in doing it up to about oh, I think 10, 15 percent level. This one we weren't able to remove the asbestos without affecting the properties.
Q You said a couple times there late 70's, I think you meant late 60's up until 1973 was the time period that you were trying to take out the asbestos?
A We started in 1970 to remove the asbestos in products that contained only 5 percent and we were working our way from late -- did I say -- from the latter part of 1970, I should have said latter

part of 1970, to this point and we had succeeded in all -- with all the lower levels but not at the 30 percent level.
Q Now, you said before that 20 percent of the molding materials in general actually contained asbestos?
A That was at the end of the 50's.
Q By 1970 when the program was instituted to take asbestos out of the products, what percentage of the materials contained asbestos at that point?
MS. CLARK: Objection, foundation, vague, ambiguous.
A We had reached a peak of roughly 40 percent of the total pounds contained asbestos and then succeeded in bringing it -- that was in '69 -- and then we succeeded in bringing it down oh, I would estimate that in '74 we were probably down to about 20 percent again.
BY MR. KELLY:
Q So some of the materials you were able to simply just take the asbestos out and replace it with another filler?
A Yes.
Q Some of the materials like the one

referenced on the May 18, 1973 letter you weren't able to substitute something else so you looked for other options to reduce the amount of asbestos?

A Yes. It was -- the only option we had at that time was to reduce it as much as possible to reduce the risk of exposure. The less asbestos, the less risk it will be of asbestos in the air.

Q And the purpose of reducing the amount of asbestos was to try to make a safer product even though you couldn't entirely remove the hazardous asbestos?

A That's correct.

Q Exhibit 4 I think it is, the August 22, 1973 report?

A Right.

Q That's also a document that you received?

A Yes.

Q And is that a report outlining further results with respect to this material referenced in Exhibit 3 or is that something different?

A They are in reference to the same product, 6935 and 5303, I think both contained about the same amount of asbestos in them. And he talks about, you know, in the fourth paragraph here all the above

information is essential in determining the right formula for our 5303 compounds which are top grade asbestos filled molding materials we sell so here he just talks about 5303.

Q And the end result of the report in the August 22, 1973 report is that a 70/30 blend of both the Calidria and the Carey floats can be utilized in substituting the prior amount of just Carey asbestos; is that right?

A As I recall, we ended up focussing on the 50/50 mixture, 50 percent asbestos, 50 percent blend of calcium carbonate, at least that was our goal.

Q Did he --

A Oh, he says indicate a 70/30 blend, I'm sorry. It looks as if 70/30 was what he ended up with at this time. Our goal was 50/50.

Q Did the new formula that Mr. Ealer came up with that's enumerated in the August 22, 1973 report, did that ever become material that was actually manufactured by Union Carbide?

A We ran into a problem with the dispersion of the pelleted Calidria asbestos.

Q And what was that?

A We couldn't break up the pellets back to

the original fibers sufficiently, you get clumps of undispersed asbestos in the product so that delayed the introduction of this particular product. Whether -- I don't know without going to the records whether we went back to the regular asbestos and introduced this formula made with it in '74 or not, I would have to go back to the records to check that.

Q At least during this time frame that material continued to be made with asbestos?

A Yes.

Q It just wasn't made with the calcium carbonate and Calidria mix?

A That's right.

MR. KELLY: Can you mark that for me.

(UCC Deposition Exhibit No. 5 was marked for identification.)

BY MR. KELLY:

Q Exhibit 5, take a look at that and let me know when you're done.

A Okay.

Q Who is R.E. Graebert?

A He was the health and safety manager for the division, for the phenolic division.

Q Is Mr. Graebert still living, do you know?

A No, he's dead.

Q What about Mr. Nicolson, the name at the top of the page?

A What about him?

Q Who is that?

A He was the business manager for the phenolic business.

Q And if you look about midway through that first paragraph, it says, We urge that a technical effort by R&D be initiated towards minimizing the use of asbestos, do you see that?

A Yes.

Q And then in the next sentence it says, Ideally, of course, a nonhazardous substitute for asbestos would be the most desirable solution?

A Yes.

Q And that's part of what you were trying to do in R&D was to eliminate the hazardous asbestos that was already contained in those materials?

A Yes.

Q Union Carbide knew that the asbestos was hazardous and was trying to eliminate that hazard to both its employees and to its customers?

MS. CLARK: Objection, foundation, calls for an expert opinion, go ahead.

A Yes, we were trying to reduce and possibly eliminate the hazard.

BY MR. KELLY:

Q And in fact, Mr. Graebert goes on in the second paragraph that part of the means by which to protect workers and customers is to reduce the amount of airborne asbestos in the plant in order to keep levels below the OSHA levels, correct?

A That's correct.

Q Did you yourself ever do any testing of the products that Union Carbide was making for molding -- strike that. Let me ask it a different way. Did Union Carbide ever test its molding materials to determine whether or not free asbestos was released into the air when it was being used by its customers?

A Yes.

MS. CLARK: Objection, vague.

BY MR. KELLY:

Q And when did it -- when did Union Carbide first do that type of testing?

MS. CLARK: Go ahead.

A In 1973 we took -- we decided because there was so many different ways customers were using asbestos molding materials perhaps the best way to determine whether there was a hazard or not was to take one of our highest containing asbestos material, 5303, and dump it from one drum to another under the worst possible conditions and have Doug Neal sample the air around it and around the area while we were doing it.

This was a nonventilated area, we were using a fiber drum, the highest, 30 percent asbestos and we found that the number of fibers for 30 percent asbestos containing material exceeded the OSHA limits under those conditions. Now, there was no further work done to the OSHA tests -- in order to reach a final figure, you should run tests to differentiate between cellulosic fibers and asbestos fibers, that was not done. There was no time weighted average done. So it was -- everything was biassed to make it the worst possible conditions.

We found that at the 15 percent level we did meet OSHA requirements under the worst possible conditions and that's when, you know, within a few weeks after that the decision was made

to label all our bags with -- that it contained asbestos, including those that were under 15 percent, anything containing asbestos and to accelerate the program that we were working on to remove asbestos.

Q The test that you performed with respect to the dumping of the 5303 product, how many bags of asbestos were used?

MS. CLARK: Objection, vague, foundation.

A I don't remember, I'd have to go back to the files for that.

BY MR. KELLY:

Q Is the process of dumping the bag sometimes called charging, have you ever heard that term used?

A No.

Q Did the test of the 5303 product by Mr. Neal did that include any OSHA representatives being present?

A No.

Q That was just something Union Carbide did on its own?

A That's right.

Q Did Union Carbide ever do any testing of

the finished product, for example, a product after it had been molded to determine whether or not there was any health hazard to people that were handling that product or simply sanding off the flashing or things of that nature?

A My recollection was that we did do some drilling and some abrasion tests and had air samples taken when we were doing that. I haven't been able to find any written records as to what the results were.

Q Do you have any recollection as you sit here today as to what the results were even though you've never seen a document?

A What I recall was that we were well below the limits of the OSHA -- the OSHA limits.

Q Who were the individuals -- well, let me ask you this, first of all, were the people that performed the testing on the finished product people in R&D over at Bound Brook?

A That was my recollection.

Q And do you know who the individuals were that were involved in that?

A No. I've been trying to determine it. Tony O'Livo recalls the same thing I do, that we ran

the tests and we came up with positive results. He also cannot remember where the -- why we can't find a record of it.

Q Do you know who Carl Dernhehl is?

A Who?

Q Carl Dernhehl, D-e-r-n-h-e-h-l, have you ever heard that name?

MS. CLARK: Maybe Dernhehl?

A Dernhehl, yes. He's in -- I think he's in our corporate safety organization, either medical or --

BY MR. KELLY:

Q Did you ever speak with him at any time about asbestos issues?

A No.

Q You said before that the last time that you're aware of Union Carbide using asbestos in its molding compounds was in either '74 or '75?

A We went out of the business in '75.

(UCC Deposition Exhibit No. 6 was marked for identification.)

BY MR. KELLY:

Q I'm going to show you Exhibit 6.

A My --

MS. CLARK: Wait.

BY MR. KELLY:

Q Have you seen that exhibit before?

A No, pretty surprising.

Q Do you know any of the individuals that are named as people that received that particular letter?

A Roger Hampson I know.

Q And what was Roger Hampson, what was his position?

A He was a sites manager while I was there.

Q What does the sites manager do?

A He's sort of like the landlord, you know, make sure the building is maintained, heating, air conditioning, the works.

Q In charge of all the pipes in the buildings and the facilities themselves?

A Yes.

Q Anybody else in that memo that you know?

A Smith Eberhardt, he was in charge of safety.

Q You see in the first sentence there where it talks about asbestos purchases?

A Yes.

Q And effective, what's the date there?

A That's 1989.

Q January 1 of 1989?

A The date I gave you was for phenolic molding materials.

Q Right, I understand that. Let me ask a question here.

MS. CLARK: Just wait until he asks you a question.

THE WITNESS: Okay. Well, I just wanted to clarify to make sure that my answer before was not misinterpreted. Go ahead.

BY MR. KELLY:

Q Your information and your testimony is that in either '74 or '75 asbestos discontinued use as a filler in the molding compounds, correct?

A Right.

Q That particular memo there discusses how Union Carbide effective January 1 of 1989 is going to cease purchase of asbestos, is that correct, yes?

A Yes.

Q Do you know what purchases of asbestos Union Carbide continued to make after 1974 or 1975?

MS. CLARK: I'm just going to object to

the mischaracterization of the document as to purchasing asbestos.

A This is the solvents and coatings material division and I don't know what they were doing with asbestos.

BY MR. KELLY:

Q The solvents and coatings division, did they have buildings at Bound Brook?

A Yes, well, they had people at Bound Brook.

Q What kind of work were the people that were at Bound Brook doing?

A The coatings --

MS. CLARK: Can you read that back.

(The question was read.)

MS. CLARK: In the solvents -- I just didn't understand your question.

MR. KELLY: I'll ask again so we're clear.

Q The people that were in the solvents and coatings division that were working out of Bound Brook, what kind of work were those individuals doing there?

A The people I knew in the coatings division developed coatings resins and I never was aware that they were using any asbestos at all.

Q At least based on that memo that's been marked as Exhibit 6, it appears that they were using asbestos though, correct?

MS. CLARK: Objection, foundation, mischaracterizes the document.

A That's the way I read it.

BY MR. KELLY:

Q You're aware, sir, that even long after 1974 and '75 Union Carbide continued to market and sell its own chrysotile asbestos, the Calidria?

MS. CLARK: Objection, foundation.

A I don't know what was going on in the Calidria division at that time.

(UCC Deposition Exhibit No. 7 was marked for identification.)

BY MR. KELLY:

Q Exhibit -- is it 7?

A Yes.

Q Exhibit 7 is a document from the Union Carbide Law Department in Danbury, Connecticut, to the EPA Asbestos Information Act Clearing House dated October 4, 1989, correct?

A Right.

Q Have you seen this document before?

A I didn't see it in its entirety but I did see portions of it.

Q And did you see portions of it at a deposition like you talked about before?

A Yes.

Q And you see on page 2, paragraph 2 where it says, Calidria asbestos was mined and sold by Union Carbide or its subsidiary from 1963 to June 30, 1985?

MS. CLARK: I think we're on the wrong page, did you say page 2?

MR. KELLY: Two.

THE WITNESS: Did you say three?

MS. CLARK: Page 2.

MR. KELLY: Page 2, paragraph 2.

A Okay.

Q And do you see the paragraph says that Calidria was sold by Union Carbide up to June 30th, 1985?

A Right.

Q And was there any testing done that you're aware of at the R&D department with respect to Calidria asbestos at any time after 1973 when Mr. Ealer was doing his testing?

A On Calidria asbestos where?

Q Yes.

A We went out of the business in 1975 so we were not making any more molding material.

Q Did the R&D department do any testing of any manner on Calidria after 1975?

MS. CLARK: Objection, vague.

A For molding materials?

BY MR. KELLY:

Q For anything.

A I can only speak for molding materials. For molding materials there was no product made anymore so there was no reason for us to do any testing. What occurred here in the coatings and materials department I don't know.

Q You don't know if coatings and materials was using Calidria or some other form of asbestos after that time?

A No, no. I -- this is new information to me.

Q Can you turn to page 3, paragraph 2, it says Union Carbide manufactured and sold Bakelite which contained asbestos from approximately 1939 until mid 1974. First of all, the trade name of the

molding compounds is called Bakelite; is that right?

A Initially Bakelite referred to phenolformaldehyde resins, then it gradually expanded to cover anything that was made from phenolformaldehyde resins including some of our customers' products like laminates. Then we began using Bakelite as a brand name for all our thermoplastics as well so that you would get polystyrene, Bakelite brand polystyrene and then it became a generic term in the industry primarily to refer to phenolic compounds and even laminates.

Q And it says here that Union Carbide is telling the EPA in this particular letter that mid 1974 was the last time that it manufactured and sold the Bakelite phenolformaldehyde material that contained asbestos, do you agree with me there?

A What paragraph is that?

Q Paragraph 2.

A Paragraph 2?

Q Yes.

MS. CLARK: I'm going to object, the document speaks for itself.

A I can't -- I left the business in early 1974 so I don't know the exact date when they shut

down the plant. So if they said mid '74 I'd have to accept that.
BY MR. KELLY:
Q Well, you said before it was either '74 or '75. Have you seen documents that show the sale or manufacture of the asbestos-containing phenolformaldehyde molding compounds into 1975?
A I did see some sales records for '75.
MR. KELLY: Mark that please.
(UCC Deposition Exhibit No. 8 was marked for identification.)
BY MR. KELLY:
Q I show you Exhibit 8.
A Okay.
Q Are there types of phenolics that Union Carbide made other than for the purpose of compression plunger and injection molding?
A Phenolic compounds you're talking about?
Q Right.
A If there were any exceptions, I can't recall them now.
Q Okay. On the second page there's a number of different types of materials and then information about each one. My first question for you, what's

the difference between a one-step and a two-step material?
A A one-step product has a phenolformaldehyde resin that has the cross-linking agent built right on the molecule and a cross-linking agent is what makes the material a thermoset. It doesn't melt after it's cured, you get a three-dimensional, multidimensional network, like a chain fence linked together and it doesn't melt.
In the case of a two-step resin, you have to add the cross-linking agent to it and that's where the hexa is used as the cross-linking agent and that is done in the molding material manufacturing operation.
Q That's something that Union Carbide would do as opposed to a place like GE in Bloomington where they're actually molding the product?
A That's right, they would have to request what they want.
Q The second I guess line underneath each of the various types of materials indicates the type of filler and some of them say wood flour, some of them say mineral, some of them say mica, some of them say

flock. Are any of the materials on this sheet the kind that contained asbestos?
A In the top -- on the top here or all of them?
Q On the following two pages, the last two pages, page 2 and 3?
MS. CLARK: Take your time and review it.
A 5333 did, 2035 did, 5138 did, 5303 did. I'd have to look at the formula sheets to determine whether any of the others were asbestos or not.
BY MR. KELLY:
Q The number designation for each of the materials, it will say something like BMG or BMC, what do the letters indicate?
A B is Bakelite, M is molding, G is granular. Generally five is two step, two is one step, that's the first digit, but there are always exceptions to the rules but that is generally true.
Q And the last three numbers, are they generally just like a style or a grade?
A Yes, just what the sequence was.
Q And then the reference to virtually all of the materials on this particular document refer to Black 25, there's some others but most of them are

Black 25, what does Black 25 mean?
A That means that the colorant was nigrosine, which is an oil soluble dye.
Q So, for example, if there's a reference to Brown 15 or a Black 35, that's just a different coloring agent?
A Yes.
Q Did Union Carbide make phenolic molding compounds in colors other than black and brown?
A Up until the late 60's they did have some colors, yes.
Q And what were the other colors that you're aware of?
A Maroon, green, we had red and I believe we had a gray, dark gray. There may be others but those are all I recall now.
Q When you take, for example, a red molding material and you perform the molding on it, does it come out as a red finished product?
A Yes.
Q And is that the purpose of adding the color?
A Yes.
Q Does the color of the material have any

other significance for purposes of molding?
A No. It's what the customer wanted for his particular application.
Q Did the type of asbestos have any effect on the color of the material?
A No.
Q I'm going to show you Exhibit 7 again, and if you turn to the very last page, page 5, Union Carbide goes through on page 4 and 5 the three general types of asbestos containing Bakelite that it made and the third group it calls high impact heat resistant and that particular material Union Carbide indicates contained long fiber African Blue asbestos?
A Yes.
Q Do you know if that long fiber African Blue asbestos is crocidolite?
MS. CLARK: Objection, foundation.
A I looked at the records because I was concerned about this, you know, whether we actually used it or not, I haven't found -- in the 5250, BMZ 5250 records that they have here, it was Vermont long fiber asbestos which was chrysotile. I haven't found any formulation that shows the long fiber

African Blue asbestos.
BY MR. KELLY:
Q Would you agree with me though that African Blue asbestos is typically crocidolite?
MS. CLARK: Objection, foundation.
A Yes.
BY MR. KELLY:
Q And do you see --
A If it is African Blue, then it is crocidolite, yes.
Q And you see in paragraph 4, I guess it would be the third sentence where it begins, Some of the long fiber asbestos had a green hue to it. Any idea as to why the asbestos would have a green hue to it if it was a chrysotile as opposed to a crocidolite?
MS. CLARK: Objection, foundation.
A This particular product did not have a colorant added to it. What you got was the result of blending the asbestos, which usually had a light gray shade, with a pulverized resin, which is usually a yellowish brown shade, and when you put those two together, you get whatever color comes out. He describes it as a green hue. I would say

it was probably a light, you know, very light green hue. It would certainly not be like this carpet.
MR. KELLY: Mark that please.
(UCC Deposition Exhibit No. 9 was marked for identification.)
BY MR. KELLY:
Q You understand that the allegations in this particular case relate to a plant in Bloomington, Illinois, of General Electric Corporation?
A Yes.
Q And have you ever been to the GE plant in Bloomington?
A No.
Q During the time that you worked for Union Carbide, did you know GE to be a customer of Union Carbide?
A I knew that on occasion we sold to GE plants, I didn't know the details as to what we sold and where.
Q Let me show you Exhibit 9 which was provided to me by counsel this morning. Have you seen that document before or that group of documents?

A I think I need more coffee.
Yes, I saw it.
Q Do you want to take a break, we can take a break?
A No, that's all right.
Q What's your understanding of what those particular documents are?
A These are sales scrolls.
Q And does Union Carbide maintain its sales scrolls with respect to all of its sales of molding compounds?
A They did, yes.
Q And do you know if they have the entirety of those particular sales scrolls going back to the beginning of time?
MS. CLARK: Objection, foundation.
A It's my understanding that what is available only goes back to 1964.
BY MR. KELLY:
Q At least with respect to the documents retained back to 1964, is it your understanding those documents are complete in the sense that they're not missing some?
MS. CLARK: Objection, foundation.

A That I don't know.
BY MR. KELLY:
Q Did you review this document previously?
A Yes.
Q And what did you find with respect to when Union Carbide was selling materials to the GE plant in Bloomington?
A I think the document started in 1968. I can't see what's on this one. This must be 1967 so it must be 1967.
Q When was the last date that you found sales to Bloomington?
MS. CLARK: Objection, vague.
A 1974 -- wait, take that back, a product is shown but no pounds, the same is true of '73, products are shown but no pounds. The last date the pounds were shown is 1972.
BY MR. KELLY:
Q And what does it mean to you when you see those '73 and '74 entries that show products and no poundage?
A That Bloomington didn't order any material.
Q And what was the grade of material that

was being shipped to Bloomington over these years?
A Well, in '72 they had 2051 which was a medium-impact compound, 2798 which was a two -- I'm sorry, a one-step general purpose product and 8052 maroon, one of our colored products.
Q Did any of those three contain asbestos?
A No.
Q What about 1971?
A 0750 was sold to Bloomington I believe -- no, it's listed but no sales, 2051 again, this looks like 2788 but I think it must be 2798 and 8052 maroon again.
Q Did any of those materials contain asbestos?
A No.
Q What about 1970?
A Here they go to -- they show the product numbers but don't show the -- and then below they show the pounds as molding material regular, molding material medium impact. The only thing I can do is interpret this to say that the molding material medium impact must be the 2051 that they list here that shows pounds and the molding material regular it must be the BMG 2798 they list and neither of

those contained asbestos.
Q What about 1969?
A Again, they show molding material regular, molding material medium impact and I have to make the assumption that it must be the same products that they bought in the later years.
Q There's just no indication for '70 or '69 as to the exact grade, just the description, correct?
A Just description.
Q What about '68?
A They show special color a small quantity, it looks like a hundred pounds, no indication as to what color that was, and molding material medium impact, I have to assume it's the same one that we saw before, it shows some pounds.
Q What about 1967?
A Molding material regular, which we have to make the assumption it was a 2798.
Q Were there other grades of material, molding material that Union Carbide manufactured that could be considered regular other than the 21 -- or 2798?
A I would consider BMT 5000, which is our

general purpose wood flour two step -- a resin that's a regular.
Q Were there any asbestos-containing materials that would fall in the category of regular?
A I wouldn't consider any of those regular.
Q What about with respect to the medium impact material, were there any asbestos-containing materials that were interchangeable with the 2051?
A No.
Q I'm going to show you Exhibit No. 1 again and I've turned it to the page that's entitled List of Matters Upon Which UCC is To Be Deposed, and when we started off this deposition, I understood you to be someone that would be testifying as to paragraph 10, what defendant knew about investigations defendant performed regarding the safety of its products or the safety of its product practices and procedures as related to asbestos. What knowledge do you have with respect to paragraph 10 other than what we've already spoken about today?
MS. CLARK: I'm just going to again state for the record that this is subject to the

limitations previously stated about the extent of his knowledge. Go ahead.

A I covered all that I was aware of. I can't say that there weren't others done by other parts of the company.

BY MR. KELLY:

Q And then the investigations that you're aware of would be the investigations of the finished product and the tests that Mr. Neal did on the bagging of the asbestos and unbagging the asbestos materials?

A Right. I would not be familiar with what the solvents and coatings division did with regard to their asbestos products.

Q Do you know the names of any of the people that worked in research and development or in the safety department with respect to the coatings division?

A Coatings division?

Q Yes.

A It would be the same people that interacted with us.

Q The next page, paragraph 18, the reasons surrounding Union Carbide's decision to remove

asbestos and/or phenolformaldehyde from any of its products. I understand you're not going to be talking about the phenolformaldehyde aspect of that, but is there anything about Union Carbide's decision to remove asbestos from the product molding materials other than what we've discussed today?

A I think we covered them all.

Q Union Carbide knew that the asbestos in its molding materials was hazardous and posed a potential health risk, correct?

MS. CLARK: Objection, foundation, calls for an expert opinion.

A Until we ran that test under the worst possible conditions, we did not think it was hazardous. We considered it bound -- that the asbestos was bound into product and that did not pose a health hazard.

BY MR. KELLY:

Q Let's just talk about the free asbestos though. When Union Carbide received the bags of raw asbestos from Carey or from Vermont, Union Carbide knew that that chrysotile asbestos was potentially hazardous, correct?

MS. CLARK: Same objections.

A Beginning with the introduction of the OSHA test, it was well-known that it was hazardous.

BY MR. KELLY:

Q Do you know when it was that Union Carbide -- strike that. When did Union Carbide first learn that asbestos was hazardous to human health?

MS. CLARK: Objection, foundation, beyond the scope of what he's being tendered for and also calls for -- well, that's it.

A I don't know.

BY MR. KELLY:

Q During any of the testing that you performed on either asbestos or finished products with respect to your research, did you ever determine whether or not there is a time period by which a fiber of asbestos can remain airborne?

MS. CLARK: Objection, foundation, calls for an expert opinion.

A I don't know.

BY MR. KELLY:

Q Do you know if asbestos fibers once in the air can travel long distances?

A I don't know.

MS. CLARK: Same objection. You have to wait and give me time to object, Carlo.

THE WITNESS: Sorry.

BY MR. KELLY:

Q Paragraphs 19 and 20 I'm going to take up together. We've already gone through the sales scrolls. Are there any documents which Union Carbide maintains with respect to its sales or attempts to make sales at the Bloomington GE facility other than those sales scrolls?

MS. CLARK: I'm just going to object to foundation and also state that the entire repository was made available, that this witness is not able to know or memorize everything that's in that repository.

A If there are, I don't know where they are.

BY MR. KELLY:

Q Do you know where the sales scrolls were kept?

MS. CLARK: Objection, vague.

A Are you saying originally where they were kept?

BY MR. KELLY:

Q Well, let's start, first of all, with the

ones that are in front of you as Exhibit 9, do you know where those copies came from?

A These came from here.

Q Do you know if Mayer Brown possesses copies of all of the sales scrolls of Union Carbide's sales of molding materials?

A It's my understanding they did a complete search and got everything they could that was available.

Q Where were the records that were searched by Mayer Brown that resulted in the pages of sales scrolls that are marked as Exhibit 9?

MS. CLARK: I'm just going to object, foundation.

A Could you repeat that again.

BY MR. KELLY:

Q I simply want to know where are the original sales scrolls that we have copies of, where do they currently exist?

MS. CLARK: Objection, foundation.

A I don't know whether Mayer Brown has the originals or not.

BY MR. KELLY:

Q Have you ever been to the Union Carbide

document repository in New York City?

A No.

Q Did you know there was one?

A No.

Q Do you know if there's anything that you've ever heard referred to as a document repository as Ms. Clark just mentioned with respect to molding materials?

MS. CLARK: Can I get that back. Hang on, Carlo.

(The question was read.)

MS. CLARK: I'm just going to object to foundation and ambiguous.

A Other than the ones we talked about, we talked about Vermont and we talked about Bound Brook, other than those two I don't know of any others.

BY MR. KELLY:

Q The only two places, the only two locations that you're aware of where Union Carbide maintains documents with respect to its molding operations is that place in Vermont and Bound Brook?

MS. CLARK: Objection, mischaracterizes the testimony, foundation.

A If there are others, I don't know where they are.

BY MR. KELLY:

Q Do you know if either Vermont or Bound Brook is a location where sales records are kept?

MS. CLARK: Objection, foundation.

A I don't know.

BY MR. KELLY:

Q In the other cases which you've testified in in asbestos litigation, have you seen sales scrolls similar to the ones marked as Exhibit 9?

A Yes.

Q Have you ever seen any other sales documents, whether it be a purchase order or correspondence, relating to a sale with respect to any of the customers that were involved in those other cases?

MS. CLARK: Objection, vague, compound.

A I think I saw one purchase order.

BY MR. KELLY:

Q Do you know where the purchase order was found?

MS. CLARK: Objection, foundation.

A In the customer's files.

BY MR. KELLY:

Q It wasn't something that Union Carbide had maintained?

A That's right.

Q At least with respect to documents that Union Carbide has maintained, would it be safe to say that the only documents you've seen that have been retained are the sales scrolls like Exhibit 9?

A Yes.

Q Paragraphs 22 and 23, we went through the names of a number of the individuals that you spoke to with respect to your testimony in the Union Carbide molding compound cases. Are there any other individuals that you're aware of that would have knowledge with respect to the sale, supply or delivery of Union Carbide molding materials to GE in Bloomington?

A The most knowledgeable person would be the sales rep who calls on Bloomington.

Q And do you know who that individual was?

A That changed periodically, I don't know who it would be.

Q Is there any kind of database or any other

means by which Union Carbide can search to find the name of the sales representative that called on Bloomington back in the 50's, 60's and 70's?

MS. CLARK: Objection, foundation.

A None that I'm aware of.

BY MR. KELLY:

Q Paragraph 27, which is the last page, at least the last page of the numbered list, have you seen MSD sheets for any of the materials that were shipped to Bloomington?

A Only one.

Q And which one was that?

A The mica filled 0750.

Q And you said before that MSD sheets for all of the chemicals used at Bound Brook were maintained and made available to the employees that worked there, correct?

A Yes.

Q Were there MSD sheets that were retained for the asbestos materials that were received and used in the manufacturing process?

MS. CLARK: Objection, foundation.

A At this point I can't say whether there were or not, I don't remember.

BY MR. KELLY:

Q You've never seen one in your review of documents?

MS. CLARK: Objection, vague.

A Well, the documents would not show me whether what was in these binders full of MSD sheets had one on asbestos. That goes back 40 years so I don't know. I never -- I don't recall an instance where I went there and looked for one myself.

BY MR. KELLY:

Q Let me ask you this then, when the bags of raw fiber were received from Carey or Vermont, did any of those bags of asbestos have any warning labels on them?

A I don't know.

Q Have you ever seen any documents that discussed whether or not warning labels were contained on the bags of the raw fiber?

A No.

Q When did Union Carbide start including MSD sheets with its shipments of molding compound materials?

MS. CLARK: Objection, foundation.

A I don't know.

BY MR. KELLY:

Q When was the first time you ever saw an MSD sheet with respect to one of the asbestos-containing molding compounds?

MS. CLARK: Same objection -- sorry, go ahead.

A Yesterday.

BY MR. KELLY:

Q And was that the Bloomington MSD sheet?

A The one for the 0750.

Q Do you know if Union Carbide had an MSD sheet that corresponded with each and every material compound that it made?

A I saw a list of MSD sheets for various products and in that they showed all the products we were making in the mid 70's as having MSD sheets. We weren't able to locate them but they claim that they were available.

Q What information if any did Union Carbide pass on to its customers like GE in Bloomington with respect to the hazards of asbestos?

MS. CLARK: Objection, foundation.

A There would be the warning label of course and I don't know what sales were told to communicate

to our customers when the OSHA test was introduced and when we started changing, removing asbestos from our products.

MR. KELLY: That's all the questions I think I have for you, Mr. Martino, other than obviously allowing counsel to ask any questions they may have. I'll just reserve the remaining paragraphs of the notice to be taken up whenever further witnesses are produced based on agreement of the parties.

MS. CLARK: Can we take five minutes? I just need a five-minute break, I may have just a couple follow-up questions.

MR. TIVIN: Just so you know, I don't have any questions.

(A recess was taken.)

EXAMINATION

BY MS. CLARK:

Q Mr. Martino, I want to place before you UCC Exhibit No. 9, the sales scrolls that were referred to earlier, do you see that?

A Yes.

Q And I just want to clarify, the first two pages of this document, I'll direct your attention

to the top right-hand corner?
A Yes.
Q If you could take a close look and tell us, what is the date on these first two pages?
A On the second page it looks like 1968 and the second page looks like 1968 also. I said it was '67.
MR. TIVIN: Did you mean the first page?
THE WITNESS: The first page, yes.
MS. CLARK: And I'll just stipulate, Counsel, that's my understanding too, that this is 1968 and he had said earlier 1967 so I just wanted to clarify that. You're welcome to look at it, if you like.
Q Mr. Martino, I just want to clear up a few things. The manufacturer of asbestos-containing phenolic molding compounds ceased in what year?
A 1974, the end.
Q And you referred earlier to a test that was run by Doug Neal on the 5303 product, do you recall that?
A Yes.
Q And I believe you stated that there were some results as to the number of fibers that were

found as a result of that test?
A Yes.
Q Was there any effort made to determine what types of fibers were collected?
A No.
Q Are there any -- at that time, at the time the test was run, were there other cellulosic fibers in the 5303 products other than asbestos?
A Yes.
Q And what were they?
A Cotton flock.
MS. CLARK: That's all I have.
MR. TIVIN: I still don't have anything.

FURTHER EXAMINATION

BY MR. KELLY:
Q Are you familiar with any of the collection methods for airborne asbestos fibers that either OSHA or NIOSH or any other government agency promulgates?
A No.
Q Do you know if there's reason to distinguish between fiber types when you take an air sample?
A Yes, there are.

Q And do you know if that's required under each and every one of the various standards for collection of fibers?
A I don't know whether it's required or not, I've seen it as part of the procedure.
Q Do you know what NIOSH 7400 is?
A No.
Q What about NIOSH 7402?
A No.
MR. KELLY: That's all the questions I have.
THE WITNESS: Okay.
MR. KELLY: Signature?
MS. CLARK: We'll reserve.
(THE WITNESS WAS EXCUSED.)

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)
GWIN V. PNEUMO ABEX CORPORATION
03 L 207
I hereby certify that I have read the foregoing transcript of my 30(B)(6) deposition given on Wednesday, May 25, 2005, consisting of pages 1 through 103 inclusive, and I do again subscribe and make oath that the same is a true, correct, and complete transcript of my 30(B)(6) deposition so given as aforesaid, as it now appears.
Please check one:
_____ I have no corrections
_____ Number of errata sheets enclosed.

_____
CARLO F. MARTINO
Subscribed and sworn to
before me this _____ day of
_____, 20__

_____
Notary Public

CASE NAME: GWIN V. PNEUMO ABEX CORPORATION
DEPOSITION OF: CARLO F. MARTINO
DATE TAKEN: May 25, 2005

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DATE: _____

SIGNATURE: _____

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, MARY M. LEWIS, CSR, RPR, in and for the County of Cook, State of Illinois, do hereby certify that on the 25th day of May, 2005, the 30(B)(6) deposition of the witness, CARLO F. MARTINO, was taken before me, reported stenographically and was thereafter reduced to typewriting under my direction.

The said deposition was taken at 190 South LaSalle Street, Chicago, Illinois, and there were present Counsel as previously set forth.

The said witness, CARLO F. MARTINO, was first duly sworn to tell the truth, the whole truth, and nothing but the truth, and was then examined upon oral interrogatories.

I further certify that the foregoing is a true, accurate, and complete record of the questions asked of and answers made by the said witness, CARLO F. MARTINO, at the time and place hereinabove referred to.

The undersigned is not interested in the within case, nor of kin or counsel to any of the parties.

In witness whereof, I have hereunto set my hand and seal of office this 22nd day of June, 2005.

_____
Notary Public

My commission expires May 1, 2006
CSR. NO. 084-004128

EASTWOOD-STEIN DEPOSITION SERVICES
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June 22, 2005
Mayer, Brown, Rowe & Maw
190 South LaSalle Street
Chicago, Illinois 60603
Attn: Ms. Katherine Clark

CASE NAME: GWIN V. PNEUMO ABEX CORPORATION
CASE NO.: 03 L 207
WITNESS: CARLO F. MARTINO
DATE TAKEN: May 25, 2005

Dear Ms. Clark:

Enclosed is the deposition transcript for the aforementioned deponent in the above-entitled cause. Also included are additional signature pages, if applicable, and errata sheets.

Per our agreement to secure signature, please submit the transcript to the deponent for review and signature. All changes or corrections must be made on the errata shets, not on the transcript itself. All errata sheets should be signed and all signature pages need to be signed and notarized. After the deponent has completed the above, please return all signature pages and errata sheets to me at the above address, and I will handle distribution to the respective parties.

If you have any questions, please call me at the phone number above.

Sincerely,

Steve Artstein

cc: Mr. Andrew J. Kelly
Mr. Mark I. Tivin
Mr. John J. Kohnke