

1 VIRGINIA:

2 IN THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS

3 IN RE: ALL ASBESTOS CASES CL90-1000C-03

4 CL90-1000W-01

5

6 ALICE G. CHAPPELL, Executor and
7 Personal Representative of the
8 Estate of FRANK M. CHAPPELL, JR.,
deceased,

COPY

Plaintiffs Designation

8

Plaintiff,

At Law No.

9

v.

37089T-01

10

THE OKONITE COMPANY,

(formerly T-05)

11

Defendant.

12

13 AND ALL OTHER NOTICED CASES
14 LISTED IN EXHIBITS A, B, and C.

14

15

Arlington, Virginia

Tuesday, October 11, 2005

16

Deposition of:

17 BOBBY JOE PIGG, Custodian of Records, AIA/NA
18 a witness called in the above-entitled action,
19 before MARIJANE W. SIMON, RDR, CLR, a notary public
20 in and for the District of Columbia, taken at the
21 Crystal City Sheraton, 1800 Jefferson Davis Highway,
22 Arlington, Virginia, beginning at 10:03 a.m.

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1 I N D E X

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6	Mr. Jones	87
7	Ms. McGraw	105

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11 E X H I B I T S

12 (Retained by Mr. Hatten)

13 Exhibit No. Identified

14 A Amended Deposition Notice for De
15 Bene Esse Deposition, All Asbestos
16 Cases 19

17 B Amended Deposition Notice for De
18 Bene Esse Deposition, At Law No.
19 CL05-54 40

20 C Amended Deposition Notice for De
21 Bene Esse Deposition, At Law No.
22 CL04-24 41

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1 I N D E X

2 E X H I B I T S (Continued)

3 (Retained by Mr. Hatten)

4

5 Exhibit No. Identified

6 1 AIA/NA Formation, objectives, and

7 membership list, Undated 26

8 2 "Death of the Asbestos Industry,"

9 Matthew Swetonic 26

10 3 AIA/NA Brochure, "What You Should

11 Know About Asbestos and Health" 26

12 4 AIA/NA Brochure, "Recommended

13 Practices for Handling Asbestos

14 Fiber" 30

15 5 Letter, 2/28/72, Fay to Dept. of

16 Labor, request to testify 31

17 6 Memo, 6/12/72, Swetonic to AIA/NA

18 member companies re special meeting 32

19 7 Letter, 7/5/72, Swetonic to member

20 companies 34

21 8 Letter, 7/12/72, Swetonic to member

22 companies re labeling 35

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I N D E X

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(Retained by Mr. Hatten)

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Identified

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9 Letter, 6/11/73, Sumwalt to

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Swetonic

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10 Letter, 8/3/73, Marsh to Sneath

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10

11 Minutes, Exec. Committee, 7/29/75

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12 AIA Brochure, "RECOMMENDED WORK

12

PRACTICES - Use And Handling of

13

Asbestos Textile Products"

39, 41

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13 AIA Brochure, "Shop and Field

15

Fabrication of Asbestos Sheet

16

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14 AIA Brochure, "RECOMMENDED WORK

18

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19

of Asbestos Paper Products"

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20

15 AIA Brochure, "RECOMMENDED WORK

21

PRACTICES - Molding And Fabrication

22

of Asbestos-Containing Plastic . . . "

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1 I N D E X

2 E X H I B I T S (Continued)

3 (Retained by Mr. Hatten)

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7 16 Memo, 3/15/76, Mereness to Task

8 Force participants 47

9 17 Minutes, Exec. Committee, 5/25/76 47

10 17A Complete copy of Exhibit 17 50

11 18 Minutes, Directors' Meeting, 6/10/76 50

12 19 Memo, 10/5/76, Mereness to Exec.

13 Committee 53

14 20 Minutes, Exec. Committee, 12/8/76 53

15 21 Minutes, Directors' Meeting, 12/9/76 54

16 22 ACPPA Brochure, "Recommended Work

17 Practices for A/C Pipe" 56

18 23 Memo, 3/2/77, Alcorn to Gabrielson 56

19 24 Letter, 10/26/77, Weill to Alcorn 59

20 25 "ASBESTOS AND CANCER - The First

21 Thirty Years," Phillip E. Enterline 60

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1 I N D E X

2 E X H I B I T S (Continued)

3 (Retained by Mr. Hatten)

4

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7 26 Letter, 2/14/78, Mereness to

8 Dougherty 62

9 27 Memo, 2/17/78, Mereness to

10 Technical Committee 63

11 28 Minutes, Exec. Committee, 9/19/78 64

12 29 Memo, 11/8/78, Pigg to Exec. Comm. 64

13 30 Memo, 3/30/79, Gross to Legal

14 Research Comm. 65

15 31 Resilient Floor Covering Institute

16 Brochure, "Recommended Work

17 Procedures for Resilient Floor

18 Coverings," UCC 008153-170 67

19 32 AIA/NA Brochure, "Recommended Work

20 Practices for Field Fabrication of

21 Asbestos-Cement Sheet" 68

22 . . .

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1 I N D E X

2 E X H I B I T S (Continued)

3 (Retained by Mr. Hatten)

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7 33 AIA/NA Brochure, "Q & A Working With
8 Asbestos Cement" 69

9 34 Letter, 4/1/81, Dougherty to Auchter 70

10 35 Memo, 9/2/83, Pigg to members with
11 letter to Donovan and Auchter 71

12 36 Pigg Deposition Transcript, 3/23/82 81

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1 PROCEEDINGS

2

3 Whereupon,

4

BOBBY JOE PIGG

5 was called as a witness and, having first been duly
6 sworn, was examined and testified as follows:

7 MR. HATTEN: Good morning, Mr. Pigg. My
8 name is Robert R. Hatten, and I represent the
9 plaintiffs in a number of asbestos product liability
10 actions now pending in the Circuit Court for the
11 City of Newport News that are designated generally
12 as CL90-1000C-03 and CL90-1000W-01. And the cases
13 have been set for trial, all of which are listed on
14 a notice that we're going to mark as an exhibit in a
15 moment.

16 And for the other counsel who are present,
17 if you would identify yourselves, please.

18 MR. JONES: Glenn Jones for Union Carbide
19 Corporation.

20 MR. DAGLIO: Mike Daglio of McGuireWoods
21 for General Motors, Daimler-Chrysler, and Nissan,
22 North America.

1 MR. WAINGER: Shep Wainger from Kaufman &
2 Canoles for Parker-Hannifin and Pneumo Abex.

3 MR. MULLINS: Connell Mullins from Spotts
4 Fain for Ingersoll-Rand, Viacom, and Genuine Parts.

5 MR. GRAVATT: Justin Gravatt from Duane,
6 Hauck & Gnapp for Garlock.

7 MS. GOSWAMI: Anjuma Goswami from Jordan
8 Coyne & Savits for 3M.

9 MR. ARTABANE: Joseph Artabane, Artabane &
10 Belden. I represent the witness, Mr. Pigg.

11 MR. HATTEN: All right. Mr. Pigg, you've
12 been sworn.

13 EXAMINATION

14 BY MR. HATTEN:

15 Q. Would you please state your full name for
16 the record and your address.

17 A. Bobby J. Pigg, with the Asbestos
18 Information Association, North America, PMB114,
19 1235 Jefferson Davis Highway, Arlington, Virginia,
20 22202.

21 Q. Mr. Pigg, did you receive a copy of the
22 notice concerning this deposition and a subpoena for

1 your appearance today at this deposition?

2 A. Yes.

3 Q. Can you identify this document, please, as
4 the notice and subpoena that you received?

5 A. Yes.

6 MR. HATTEN: All right. Thank you.

7 Can we mark this as Exhibit A? I have all
8 the other documents marked from 1 in series. This
9 will be A.

10 (The reporter marked Exhibit A.)

11 MR. WALLACE: This is Arch Wallace. Can I
12 interrupt for a moment? I can hear you clearly. I
13 cannot hear Mr. Pigg.

14 MR. HATTEN: All right. We'll move the
15 speaker a little closer to him, and we'll do our
16 best to speak up.

17 MR. WALLACE: Thank you.

18 MR. HATTEN: So, Mr. Pigg, if you could
19 kindly try to direct your voice to the speaker
20 because, as you heard, there are a number of people
21 on the line.

22 . . .

1 BY MR. HATTEN:

2 Q. Mr. Pigg, you mentioned the Asbestos
3 Information Association. What is that organization?

4 A. It's an organization of producers and
5 manufacturers of asbestos-containing products which
6 was a nonprofit organization, primarily for
7 education and scientific purposes in distributing
8 information to its membership and to the public as
9 well.

10 (Mr. Sturm arrived.)

11 BY MR. HATTEN:

12 Q. When did your employment with that
13 organization commence?

14 A. July 1, 1974.

15 Q. And what were you hired to do at that
16 time?

17 A. I was hired as a number two -- with a
18 title of administrative assistant to primarily
19 handle the administrative work in the office.

20 Q. And who was your immediate boss?

21 A. Robert H. Mereness, M-e-r-e-n-e-s-s.

22 Q. And what was his position?

1 A. Executive director.

2 Q. How long had the organization been in
3 existence?

4 A. I believe it was incorporated in Delaware
5 in 1971, April '71. To the best of my knowledge.

6 Q. Was anyone the director of that
7 organization prior to Mr. Mereness?

8 A. Yes.

9 Q. Who was that?

10 A. The only one I'm aware of was Matthew
11 Swetonic.

12 Q. And for how long or during what
13 approximate period of time was he the director of
14 AIA?

15 A. I'm not exactly sure, but I would assume
16 it -- between -- sometime between '71, 1971, and
17 1973, because Mr. Mereness, I believe, became the
18 executive director in August of 1973.

19 Q. How long did you work for AIA?

20 A. Since 1974.

21 Q. And are you still employed by that
22 organization?

1 A. Yes.

2 Q. And what is your job title now?

3 A. President.

4 Q. And how long have you been president?

5 A. Since 1984.

6 Q. In the course of your work as an assistant
7 to the president and as president of AIA, have you
8 become familiar with the records, correspondence,
9 and documents maintained and received by the
10 organization?

11 A. Yes.

12 Q. Does the organization have a record
13 retention policy?

14 A. Yes.

15 Q. How long is that record retention policy?

16 A. Four years.

17 Q. So at the present time, do you have copies
18 of documents that are more than four years old?

19 A. We still maintain the minutes which we
20 consider permanent records which are maintained by
21 counsel.

22 Q. And describe for me what minutes you have

1 and what is the nature of those documents.

2 A. The minutes would be for the executive
3 committee, board of directors, and some for the
4 technical committee which was a committee of AIA/NA.
5 And they were maintained just as a normal course of
6 business for the meetings of the association.

7 Q. All right. Can you tell me generally what
8 the structure and responsibilities were of the board
9 and the different committees of the board?

10 A. Well, of course, the bylaws of the
11 association described -- And the association would
12 have a board of directors which each member company
13 would designate a representative who would be a
14 member of the board. And from among those directors
15 would be an executive committee which would have the
16 same power as the board of directors in order to
17 avoid, you know, the frequency of meetings for the
18 board.

19 Technical committee was primarily formed,
20 just as the name implies, to assist in developing
21 publications. And one of its first projects that I
22 recall when I -- after joining the association --

1 was developing recommended work practices based on
2 the OSHA standard at that time which would be
3 supplied to the member companies and all other
4 asbestos-using companies that desired to use those
5 as well as posters giving suggestions to -- you
6 know, if you work with asbestos, don't smoke.

7 That's just an example of things.

8 Q. Right.

9 What was the standards committee? Was
10 there a standards advisory committee as well?

11 A. Don't recall a standards advisory
12 committee.

13 Q. Do you recall a committee that had
14 responsibility for developing testimony for
15 Congress?

16 A. No, no.

17 Q. Okay.

18 A. No, because I don't recall ever testifying
19 at Congress from AIA/NA.

20 Q. We have supplied you with a number of
21 documents which were described on an index that was
22 attached to the subpoena duces tecum.

1 Do you have that index in front of you?

2 A. Yes.

3 Q. The first document that I have,
4 admittedly, is not a particularly good document in
5 terms of its quality of print, and it has at the
6 bottom UCC and then five zeros and the number 8, and
7 it continues in sequence to UCC 10.

8 Can you identify this document?

9 A. I can. It appears to be an authentic
10 document which was developed in the early seventies.

11 Q. All right. And is that a document that
12 would have been maintained as a business record of
13 AIA in the normal course of their business?

14 A. Yes.

15 Q. All right. The document at the end of the
16 document contains an AIA membership list. Can you
17 look at that for a minute.

18 To your recollection, were those companies
19 members of the Asbestos Information Association?

20 A. To the best of my recollection, yes.

21 Q. All right. Thank you.

22 And does this document generally identify

1 what the purpose of AIA is?

2 A. Yes.

3 Q. Now, that's been previously marked as
4 Exhibit No. 1.

5 Exhibit No. 2 -- Let me show you. This is
6 called "Death of the Asbestos Industry" by Matthew
7 M. Swetonic.

8 Do you see that?

9 A. Mm-hmm.

10 Q. Now, who was Matthew M. Swetonic?

11 A. The records of the association indicate he
12 was either the first or among the first executive
13 directors of the AIA/NA.

14 Q. Okay. This particular document is not a
15 document generated by AIA; is that correct?

16 A. Not to my knowledge, no. I've never seen
17 the document before.

18 Q. Do you know anything about this
19 publication?

20 A. Let me see again. No.

21 Q. Okay. Thank you.

22 All right. No. 3 is a document entitled

1 "What You Should Know About Asbestos and Health."

2 Do you recognize that document?

3 A. Yes.

4 Q. What is it?

5 A. It's a document that was developed by
6 AIA/NA -- I believe in the early, mid seventies --
7 and was widely distributed to the membership as well
8 as other companies and in response to requests for
9 information from the association, but the purpose of
10 it was to put into the hands of employees
11 suggestions as to what they should do in order to
12 protect their health.

13 Q. Now, you said AIA/NA. What does the "NA"
14 stand for?

15 A. North America.

16 Q. So is there another organization beyond
17 North America that has a similar purpose or
18 identification?

19 A. Well, the AIA -- The reason for the North
20 America -- because of the members in Canada. The
21 producers were members of the AIA/NA. That was the
22 basis for it.

1 Q. So Canadian mining companies, asbestos
2 mining companies, were members of AIA?

3 A. Yes.

4 Q. As well as manufacturers of
5 asbestos-containing products?

6 A. Yes, both in Canada and the U.S.

7 Q. Okay. Now, I believe, in previous -- You
8 testified once before in Virginia asbestos
9 litigation. I believe in 1982. Do you remember
10 that?

11 A. Yes.

12 Q. You remember I had red hair?

13 A. Yes. And I had brown hair.

14 Q. Things have changed.

15 In that deposition, you said that the
16 brochures like this would cost about 35 cents; is
17 that correct?

18 A. If I said that, that's what it -- what I
19 meant, yes.

20 Q. Okay. Well --

21 A. I don't remember the exact costs back
22 then.

1 Q. On page 110 of that deposition, you were
2 asked: Has this pamphlet cost 35 cents or less? It
3 now costs 35 cents.

4 And your answer was: It costs 35 cents
5 since February of 1982.

6 And the question was then: And previous
7 to that, it was less?

8 So these pamphlets were sold by AIA for 35
9 cents or less?

10 A. That's correct.

11 Q. Okay.

12 A. To the membership. They were provided --
13 I don't recall ever charging the public who asked
14 for copies, but for -- Since the membership bought
15 in quantity for their employees, they were charged,
16 yes.

17 Q. All right. What was the production cost?
18 Would the production cost of something like this
19 just be a matter of a few cents?

20 A. Yes.

21 Q. All right. And you recognize Exhibit

22 No. 3 --

1 A. Yes.

2 Q. -- as an official publication of AIA?

3 A. Yes.

4 Q. Exhibit No. 4 is entitled "Recommended
5 Practices for Handling Asbestos Fiber."

6 Do you recognize that document?

7 A. Yes.

8 Q. All right. Is that a document that was
9 published by your organization, AIA, North America?

10 A. Yes.

11 Q. And approximately when was this first
12 published?

13 A. I can't recall specifically. My best
14 recollection would probably be in the early 1980s.
15 I think it was after -- sometime after the
16 recommended work practices which were about 1976,
17 '77.

18 Q. All right. And was this available -- Did
19 you make this available to the public and to your
20 members?

21 A. Yes.

22 Q. And was this type of information

1 information that could have also been produced for a
2 few pennies each?

3 A. I don't remember the exact cost, but it
4 was probably less than a dollar, but I don't recall
5 the exact cost.

6 Q. Well, it would be less than 35 cents,
7 wouldn't it, if you were selling it for 35 cents?

8 A. Probably so, but I just don't remember.

9 Q. Okay. No. 5, Exhibit No. 5, is a letter
10 dated February 28th, 1972 on the Asbestos
11 Information Association, North America letterhead
12 signed by A.H. Fay, and it attaches a list of
13 members of the organization and some other documents
14 as well that are described in the letter.

15 Now, do you recognize that as being the
16 letterhead of the Asbestos Information Association?

17 MR. STURM: Object to form.

18 BY MR. HATTEN

19 Q. You do recognize it?

20 A. Yes.

21 Q. And do you recognize the signature on the
22 second page?

1 A. Yes.

2 Q. And do you have any reason to question the
3 authenticity of that document?

4 A. No.

5 Q. And is this the type of document that
6 would have been maintained in the business records
7 of the Asbestos Information Association in their
8 normal course of business?

9 A. Yes.

10 Q. And but for the document retention policy,
11 you would have been able to bring that day?

12 A. Yes.

13 MR. STURM: Object to form.

14 THE WITNESS: Yes. I --

15 MR. HATTEN: Thank you.

16 THE WITNESS: I mean, as I mentioned, the
17 date of it is prior to my joining the association.

18 BY MR. HATTEN:

19 Q. But you don't have any question in your
20 own mind as to the authenticity of this document?

21 A. No.

22 Q. No. 6 is entitled Asbestos Information

1 Association, North America dated June 12, 1972, and
2 this document also has -- This document is signed by
3 Mr. Swetonic with copies to various people and
4 attachments.

5 Do you recognize that as being a document
6 on the letterhead of the Asbestos Information
7 Association?

8 MR. STURM: Object to form.

9 THE WITNESS: Yes.

10 BY MR. HATTEN:

11 Q. All right. Do you recognize the signature
12 of Mr. Swetonic on the second -- on --

13 A. Yes.

14 Q. All right. Having reviewed that document,
15 do you have any question concerning its
16 authenticity?

17 A. No.

18 Q. Is that the type of document that would
19 have been maintained in the ordinary course of the
20 records of the AIA?

21 A. Yes.

22 Q. And in your opinion this was likely

1 maintained in the records of AIA?

2 MR. STURM: Object to form.

3 THE WITNESS: Yes.

4 BY MR. HATTEN:

5 Q. No. 7. Do you recognize this document

6 which has at the top Asbestos Information

7 Association, North America, dated July 5, 1972 that

8 is signed by Mr. Swetonic?

9 MR. STURM: Object to form.

10 THE WITNESS: Yes.

11 BY MR. HATTEN:

12 Q. All right. And does that appear to you to

13 be an authentic -- copy of an authentic document of

14 the Asbestos Information Association?

15 A. Yes.

16 Q. And do you recognize the signature of

17 Mr. Swetonic on that document?

18 A. Yes.

19 Q. Okay. Do you have any reason to question

20 that that document would have been maintained in the

21 records of the AIA at or about the time it was

22 written?

1 A. It would have been.

2 Q. Thank you.

3 No. 8. This document is entitled Asbestos
4 Information Association, North America dated
5 July 12, 1972. And it is also signed by
6 Mr. Swetonic.

7 Do you recognize that document --

8 MR. STURM: Object to form.

9 BY MR. HATTEN:

10 Q. -- as a copy of an authentic document of
11 the AIA?

12 A. Yes.

13 Q. And is that the type of document that
14 would have been maintained in the ordinary course of
15 business of AIA?

16 A. Yes.

17 Q. Do you recognize the signature of
18 Mr. Swetonic on that document?

19 A. Yes.

20 Q. Do you have any reason to question the
21 authenticity or the business-record status of this
22 document?

1 A. No.

2 Q. No. 9 is a letter that says Industrial
3 Safety Equipment Association dated June 11, 1973 by
4 Mr. Sumwalt.

5 Do you recognize this document?

6 A. No.

7 Q. Did you know Mr. Sumwalt?

8 A. No.

9 Q. At the time that this letter was written;
10 according to its face, June 11, 1973; was
11 Mr. Swetonic the executive secretary of the AIA at
12 that time?

13 MR. STURM: Object to the form.

14 THE WITNESS: I -- I can't verify that. I
15 don't know whether he was or not.

16 BY MR. HATTEN:

17 Q. Are you familiar with the Industrial
18 Safety Equipment Association?

19 A. No.

20 Q. No. 10. This document has -- on the
21 letterhead, says, Asbestos Information Association,
22 North America. It's dated August 3rd, 1973, signed

1 by John Marsh, President, with an attachment of a
2 number of pages.

3 Do you recognize that as being a copy of
4 an authentic document of the Asbestos Information
5 Association?

6 A. Yes.

7 Q. And do you recognize -- Is that the type
8 of document that would have been maintained in the
9 ordinary course of business of AIA?

10 A. Yes.

11 Q. Do you recognize the signature of
12 Mr. Marsh?

13 A. Yes.

14 Q. And who was Mr. Marsh?

15 A. He was the president of AIA/NA.

16 Q. And what company did he represent?

17 A. Raybestos, Manhattan.

18 Q. And what type of products did they make if
19 you know?

20 A. Friction materials.

21 Q. Would that be brake shoes and that type of
22 thing?

1 A. Yes.

2 Q. No. 11. I'm sorry. Let me read that into
3 the record. No. 11 has at the top the Asbestos
4 Information Association. It's an executive
5 committee meeting, July 29, 1975. And it's signed
6 by Mr. Mereness.

7 Do you recognize this document?

8 MR. STURM: Object to the form.

9 THE WITNESS: Yes.

10 BY MR. HATTEN:

11 Q. Does that appear to you to be a copy, an
12 authentic copy, of the minutes of the meetings of
13 the Asbestos Information Association that were
14 maintained in the ordinary course of business of
15 AIA?

16 A. Yes.

17 Q. Do you have any reason to doubt the
18 authenticity of this document?

19 A. No.

20 Q. Do you recognize the signature at the end
21 of the document --

22 A. Yes.

1 Q. -- of Mr. Mereness?

2 No. 12 is a brochure. The name is cut
3 off.

4 Let me take a short break here. I think I
5 have the original of this. I've got a better copy.

6 (Discussion off the record.)

7 MR. HATTEN: Are you suggesting there was
8 a typographical error on the notice in one of those
9 cases?

10 MR. STURM: No. I think it's a question
11 of who the defendants are and whom I'm representing
12 in those cases.

13 MR. HATTEN: Who do you represent in the
14 Richardson case?

15 MR. STURM: Okay --

16 MR. HATTEN: And who do you represent in
17 the Baldrige case?

18 MR. STURM: Here's the Richardson. I
19 mean, we can go through.

20 Okay. In the Richardson case, you have
21 John Fitzpatrick as counsel for Met Life. I'm
22 afraid that's a typographical error.

1 MR. HATTEN: That's agreed. That's a
2 typographical error. Dana, I would expect, is the
3 correct defendant.

4 MR. STURM: Okay.

5 MR. HATTEN: He's also listed for Dana.

6 MR. STURM: Correct. I'm appearing on
7 behalf of Dana.

8 MR. HATTEN: We did not intend to list
9 your firm for Met Life.

10 MR. STURM: Right. I'm just trying to get
11 it clarified. Let's mark that as --

12 THE REPORTER: B?

13 MR. STURM: Can we make that A-2?

14 MR. HATTEN: No. This is B because the
15 original notice was A.

16 MR. STURM: Okay.

17 MR. HATTEN: This'll be B and then --

18 (The reporter marked Exhibit B.)

19 MR. STURM: What do we have, one more?

20 MR. HATTEN: If you have Baldrige --

21 MR. STURM: Yes. We can make that C.

22 With respect to Exhibit C, the Baldrige matter, I'm

1 appearing on behalf of Dana.

2 MR. HATTEN: Thank you.

3 MR. STURM: Thank you.

4 (The reporter marked Exhibit C.)

5 BY MR. HATTEN:

6 Q. This appears not to be the best. I don't
7 have the original of this, but I will substitute a
8 better copy for this, but do you recognize No. 12?

9 A. Yes.

10 Q. All right. And is that a brochure or
11 pamphlet published by the AIA?

12 A. Yes.

13 Q. All right. And approximately when was
14 that published?

15 A. About 1976.

16 Q. All right. And to whom would that have
17 been distributed?

18 A. Again, to the membership who had interest
19 as well as to other nonmember companies who had
20 interest and to the public.

21 Q. And would that, again, be one of the
22 documents that you offered to your members at

1 approximately 35 cents each?

2 A. Yes.

3 Q. And what was the purpose of this brochure?

4 A. Again, to -- developed by the technical
5 committee based on the OSHA standard at that time
6 which I believe is a -- an attachment to the work
7 practices in order to provide employees with
8 guidance for the protection -- encourage the
9 protection of the employees in the manufacturing and
10 installation of textile products.

11 Q. All right. And do you recognize this as
12 being one of the documents that would have been
13 maintained in the ordinary course of business of AIA
14 as one of their business documents?

15 A. Yes.

16 Q. Now, the technical committee that put this
17 together -- I believe you testified previously --
18 was National Gypsum, Bendix, Congoleum, Certainteed,
19 and J-M?

20 A. Yes.

21 Q. Do you remember that?

22 A. That sounds correct.

1 Q. All right. The next document is No. 13.

2 Do you recognize this document?

3 A. Yes.

4 Q. Is that an authentic copy of a brochure
5 published by AIA concerning Recommended Work
6 Practices, "Shop and Field Fabrication of Asbestos
7 Sheet Products"?

8 A. Yes.

9 Q. And would this have also been put together
10 by the same technical committee?

11 A. Yes.

12 Q. And would this have also been published
13 around 1976?

14 A. Yes.

15 Q. And would this have been available by your
16 association to the public and to the members to
17 distribute to their customers?

18 A. Yes.

19 MR. STURM: Object to the form.

20 BY MR. HATTEN:

21 Q. And, again, this is a publication that
22 would have been available for approximately 35 cents

1 or less depending upon when it was sold?

2 A. I'm -- Again, I'm not exactly sure of what
3 the cost of the publication was to the membership,
4 but if that -- if that -- if I testified to that,
5 that's the correct answer, yes.

6 Q. Okay.

7 A. Yes.

8 Q. Did you want to see that?

9 A. No, I -- I --

10 Q. If you want to look at page 110, 111 -- to
11 satisfy yourself that you said that in 1982.

12 A. Looks accurate to me.

13 Q. Thank you.

14 No. 14. Do you recognize this document
15 entitled "RECOMMENDED WORK PRACTICES" for the
16 "Fabrication And Use of Asbestos Paper Products,"
17 apparently published by the Asbestos Information
18 Association?

19 A. Yes.

20 Q. Would that document have also been
21 prepared by the technical committee that you
22 previously identified of National Gypsum, Bendix,

1 Congoleum, Certainteed, and J-M?

2 A. Yes.

3 MR. STURM: Object to form.

4 BY MR. HATTEN

5 Q. Would this document have always been
6 available to your members at approximately 35 cents
7 apiece or less?

8 A. Yes.

9 Q. And was this published in approximately
10 1976?

11 A. Yes.

12 Q. No. 15 is a document entitled "RECOMMENDED
13 WORK PRACTICES - Molding And Fabrication of
14 Asbestos-Containing Plastic Products." Do you
15 recognize that?

16 A. Yes.

17 Q. Is that a publication of the AIA?

18 A. Yes.

19 Q. And this was published -- All these
20 recommended work practices were published while you
21 were with AIA --

22 A. Yes.

1 Q. -- is that correct?

2 And because it happened at a time when you
3 were employed there, that's why you knew who the
4 technical committee was?

5 A. Yes.

6 Q. And is this a document that would have
7 been prepared by the same technical committee of
8 National Gypsum, Bendix, Congoleum, Certainteed, and
9 J-M?

10 A. Yes.

11 Q. And is this another one of the pamphlets
12 that would have been available at 35 cents a or less
13 to the members?

14 A. Yes.

15 (Mr. Parrott arrived.)

16 BY MR. HATTEN:

17 Q. And do you recognize this as a business
18 record -- one of the records that would have been
19 maintained by AIA as part of its normal business
20 records?

21 A. Yes.

22 Q. And, again, is this published in 1976?

1 A. Yes.

2 Q. No. 16 is on a letterhead that says
3 "Asbestos Information Association." It's stamped
4 March 15th, 1976, signed by Mr. Mereness.

5 Do you recognize that document?

6 MR. STURM: Object to form.

7 THE WITNESS: I recognize the letterhead,
8 and I recognize the signature.

9 BY MR. HATTEN:

10 Q. And does that appear to you to be an
11 authentic copy of a business record of the Asbestos
12 Information Association made at or about the time
13 that's stated on the document?

14 A. Yes.

15 Q. Do you have any question whatsoever
16 concerning the authenticity of this document?

17 MR. STURM: Object to form.

18 THE WITNESS: No.

19 BY MR. HATTEN:

20 Q. No. 17 is Executive Committee minutes
21 dated May 25th, 1976 that has the AIA letterhead at
22 the top and is composed of five pages.

1 Do you recognize that document?

2 MR. STURM: Object to form.

3 THE WITNESS: The letterhead looks
4 authentic. I don't see a signature.

5 BY MR. HATTEN:

6 Q. Does that appear to be an authentic copy
7 of minutes of the meetings of the AIA?

8 A. It appears to be.

9 Q. Do you have any reason to doubt the
10 authenticity of this document?

11 MR. STURM: Object to form.

12 THE WITNESS: No.

13 BY MR. HATTEN:

14 Q. Would you look at the list of people
15 there. Were those members as shown on the first
16 page the members of AIA at the time?

17 A. Yes..

18 MR. HATTEN: Just a minute.

19 BY MR. HATTEN:

20 Q. Does this appear to be a copy of a
21 business record maintained in the ordinary course of
22 business by AIA?

1 A. Yes.

2 MR. STURM: Object to form.

3 MR. HATTEN: Just a minute. Okay. I have
4 the signature page. Let me show you -- Apparently,
5 there was a page missing.

6 BY MR. HATTEN:

7 Q. Let me show you the same document from
8 Executive Committee minutes of May 25, 1976. Do you
9 recognize the signature of Mr. Mereness?

10 A. Yes.

11 Q. Having now reviewed the complete document,
12 do you agree that this is an authentic copy of a
13 business record of AIA?

14 A. Yes.

15 MR. HATTEN: All right. That page
16 apparently was left out of the copies.

17 MR. STURM: I'm going to note my objection
18 given that a signature page was not provided prior
19 to the deposition.

20 BY MR. HATTEN:

21 Q. Were these minutes provided by you at the
22 last deposition that you gave in 1982?

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

2 MR. HATTEN: Okay. All right. Take this
3 apart. We will include this exhibit as 17A which is
4 a complete copy of 17.

5 MR. STURM: Just for clarification, my
6 objection was to what is now marked as Exhibit 17A.

7 (The reporter marked Exhibit 17A.)

8 BY MR. HATTEN:

9 Q. No. 18. 18 are minutes of the board of
10 directors' meeting dated June 10, 1976 of the
11 Asbestos Information Association. And these minutes
12 are signed by Mr. Mereness.

13 Do you recognize that document as an
14 authentic copy of the minutes of the AIA?

15 A. Yes.

16 Q. And is that a document that would have
17 been maintained in the ordinary course of business
18 of the AIA?

19 A. Yes.

20 Q. And those documents are still maintained;
21 correct?

22 A. Yes.

1 Q. And No. 17 is still maintained?

2 A. Yes.

3 Q. And 17 -- Well, 17A, the complete
4 document --

5 A. Yes.

6 Q. -- is still maintained?

7 MR. STURM: Object to form.

8 BY MR. HATTEN:

9 Q. And were all of these people members of
10 the AIA who are shown on the first page of these
11 minutes?

12 MR. STURM: Object to form.

13 THE WITNESS: Yes.

14 BY MR. HATTEN:

15 Q. All right. Would the members of AIA have
16 received copies of the minutes --

17 MR. STURM: Object to form.

18 MR. HATTEN: Can I finish my question,
19 please?

20 MR. STURM: Sure. I apologize.

21 BY MR. HATTEN:

22 Q. Would each member of the AIA have received

1 copies of the minutes of the meetings of the board
2 and the various minutes of the executive committee
3 and so forth?

4 A. Yes.

5 MR. STURM: Object to form.

6 BY MR. HATTEN:

7 Q. And whose responsibility was it to send
8 those to the members?

9 A. It was the executive director.

10 Q. All right. And how long was that the
11 practice? Was that the practice of AIA as long as
12 you're familiar with it?

13 A. Yes.

14 MR. STURM: Object to form.

15 BY MR. HATTEN:

16 Q. Was there any period of time, to your
17 memory, that the minutes of the AIA were not
18 circulated to all of the members?

19 A. No.

20 Q. All right. And I believe you agreed this
21 is an authentic copy --

22 A. Yes.

1 Q. -- of a business record of AIA --

2 A. Yes.

3 Q. -- No. 18. Thank you.

4 No. 19. Were the executive committee
5 minutes also circulated to all the members as well?

6 A. Yes.

7 Q. All right. Can you identify this document
8 dated October 5th, 1976 from the Asbestos
9 Information Association Executive Committee signed
10 by Mr. Mereness?

11 A. Yes.

12 Q. Is that an authentic copy of a business
13 record of the Asbestos Information Association at or
14 about the time it was made?

15 A. Yes.

16 Q. And is this document still maintained by
17 the AIA?

18 A. Yes.

19 Q. No. 20. These are executive committee
20 minutes of December 8, 1976 of the AIA signed by
21 Mr. Mereness. Are you familiar with these
22 documents?

1 A. Yes.

2 Q. Can you identify that as an authentic copy
3 of business records of the AIA, specifically the
4 executive committee minutes of December 8th, 1976?

5 A. Yes.

6 Q. And these documents are still maintained
7 by AIA?

8 A. Yes.

9 Q. No. 21. A board of directors meeting
10 dated December 9, 1976, of AIA signed by
11 Mr. Mereness.

12 Do you recognize that document, sir?

13 A. Yes.

14 Q. Is that an authentic copy of the minutes
15 of the AIA that were maintained in the ordinary
16 course of business of the association?

17 A. Yes.

18 Q. And are these records still maintained
19 today?

20 A. Yes.

21 Q. And were all of the people listed on this
22 document members of the organization at the time

1 that these minutes were created?

2 MR. STURM: Object to form.

3 THE WITNESS: Yes.

4 BY MR. HATTEN:

5 Q. All right. And, in fact, these minutes
6 show that representatives of these different
7 companies were present; is that correct?

8 MR. STURM: Object to form.

9 THE WITNESS: Yes.

10 BY MR. HATTEN:

11 Q. How large was the board?

12 A. Well, it varied, because the board
13 consisted of the regular members of the association.
14 Each one designated a representative, so it varied
15 from a few at the beginning until 40, 50 in the
16 eighties.

17 Q. All right. Sir, anybody who was a member
18 was on the board?

19 A. Yes.

20 Q. And I said "anybody." Any asbestos
21 manufacturer or producer or miner who was a member
22 was on the board?

1 A. And so designated by the -- by the member
2 companies.

3 Q. All right. Am I correct that there
4 weren't any shipyards that were on the board?

5 A. You're correct. There were none.

6 Q. No. 22.

7 Do you recognize that document?

8 A. I recognize it as being prepared by the
9 Asbestos Cement Pipe Producers' Association. It was
10 in about 1976.

11 Q. All right. This document was not prepared
12 by AIA; is that correct?

13 A. That's correct.

14 Q. But you received a copy of it and kept a
15 copy in the records of AIA?

16 A. Yes.

17 Q. All right. And so this would have been
18 maintained as part of the business records of AIA
19 even though it was written by another organization?

20 A. Yes.

21 Q. And you recognize this to be an authentic
22 copy of the pamphlet that it purports to be?

1 A. Yes.

2 Q. No. 23 is a letter dated March 2nd, 1977
3 to Mr. Gabrielson, chairman of the legal-medical
4 research committee of the Asbestos Information
5 Association.

6 Before I begin, do you recall the legal-
7 medical research committee?

8 A. Yes.

9 Q. What was the purpose of that committee?

10 A. It was -- As I recall, it was primarily to
11 collect information regarding just general
12 information of the cases that were in the public
13 domain and the collection of medical information on
14 the -- scientists, medical scientists, that were
15 associated with or had expert knowledge of
16 asbestos-related disease.

17 Q. All right. And was part of their
18 responsibility to assist in the development of
19 information for lawyers representing the members in
20 a litigation?

21 A. I think the information that -- the
22 general information that was developed could have

1 been used for that. I -- I was not directly
2 involved with any of the lawyers from any of the
3 companies.

4 Q. All right.

5 Do you recognize -- Do you recall that
6 Mr. Gabrielson was the chairman of the legal-medical
7 research committee of AIA in 1977?

8 A. Yes.

9 Q. And what member company was Mr. Gabrielson
10 from?

11 A. Nicolette.

12 Q. Do you recognize that document concerning
13 the development of information for the medical-legal
14 committee of AIA?

15 A. I can't say I recognize it. I don't
16 recall ever having seen it before, but the -- I have
17 no reason to doubt that it's authentic.

18 Q. Okay. Would records such as this have
19 been maintained in the records of AIA or within the
20 committee?

21 A. I don't know who may have received the
22 memorandum. It's addressed to Mr. Gabrielson as

1 chairman but without an address, so I don't know
2 whether it -- If it had been received by the AIA/NA
3 office, I think it would have been maintained, but
4 if it had gone directly to Mr. Gabrielson at
5 Nicolette, then it may not have been maintained.

6 Q. Okay. No. 24. This is from Tulane
7 University dated October 26, 1977, a copy of a
8 letter from Dr. Hans Weill.

9 Were you familiar with Wendell Alcorn,
10 Junior?

11 A. Yes.

12 Q. Who was he?

13 A. He is an attorney with Cadwalader
14 Wickersham & Taft.

15 Q. Did they represent AIA?

16 A. They provided services. And -- Yes. As
17 counsel, yes.

18 Q. As lawyers?

19 A. Yes.

20 Q. All right. And the previous exhibit,
21 No. 23, on its face, said that it was from Wendell
22 B. Alcorn, Jr.?

1 A. Yes.

2 Q. That's the lawyer for AIA?

3 A. Yes.

4 Q. And at the bottom of this document, it
5 says, "produced J-M 83."

6 Would a representative from Johns-Manville
7 Corporation have been on the legal-medical research
8 committee?

9 A. I -- I have no recollection.

10 Q. On No. 24 that we were just talking about,
11 the letter to Mr. Alcorn, the attorney, from Hans
12 Weill, the doctor -- do you recognize that document?

13 A. No.

14 Q. And, again, this says produced at the
15 bottom, J-M, 83.

16 You don't know whether or not Johns-
17 Manville would have gotten a copy of this document?

18 A. No.

19 Q. Okay. No. 25.

20 Do you recognize what has been marked as
21 Exhibit No. 25? Let me read into the record what it
22 is. Apologize.

1 This document is entitled "Asbestos and
2 Cancer - The First Thirty Years," by Phillip E.
3 Enterline, Ph.D., 19 -- I think it says "1978" at
4 the bottom.

5 Can you tell me what that document is?

6 MR. STURM: Object to form.

7 THE WITNESS: Well, it's a document that
8 was produced by Dr. Enterline on behalf of AIA/NA.

9 BY MR. HATTEN:

10 Q. Did AIA pay Dr. Enterline to produce that
11 document for them?

12 A. Yes.

13 Q. All right. And do you know what the
14 purpose of that document was?

15 A. Well, it was a part of the basic mission
16 of AIA/NA to develop and distribute available
17 scientific information, and this was a project that
18 was decided on and was pursued and was made
19 available not only to the members but any interested
20 party.

21 Q. And was this information collected from
22 medical information that had been published in the

1 medical literature?

2 MR. STURM: Object to form.

3 THE WITNESS: Yeah. I can't answer that.

4 Dr. Enterline would have to answer that.

5 BY MR. HATTEN:

6 Q. Okay. This document, though, was provided
7 to all of your members?

8 A. Yes.

9 Q. And this document was made available to
10 the public?

11 A. Yes.

12 Q. And you recognize this as being an
13 authentic copy of a document that was maintained in
14 the business records as a business record of AIA?

15 A. Yes.

16 Q. No. 26 is a letter dated February 14, 1978
17 on the letterhead of AIA to Mr. Dougherty, senior
18 vice president of Certainteed, signed by
19 Mr. Mereness.

20 Do you recognize that document, sir?

21 MR. STURM: Object to form.

22 THE WITNESS: I don't recall the specifics

1 of the document. I recognize the letterhead, and I
2 recognize the signature.

3 BY MR. HATTEN:

4 Q. All right. Do you have any -- Is that a
5 document that would have been maintained in the
6 ordinary course of business of AIA?

7 A. Yes.

8 Q. And does this appear, based upon your
9 experience with those documents, to be an authentic
10 copy of a business record of the AIA?

11 A. Yes.

12 Q. And is this a document that would have
13 been generated by AIA at or about the time that it
14 indicates, February 14, 1978?

15 A. I have no reason to think otherwise.

16 Q. No. 27 is on the AIA letterhead, and it is
17 the technical committee, a memorandum dated March 1,
18 1978. Do you recognize that as being an authentic
19 copy of a business record of the AIA?

20 A. Yes.

21 Q. Do you recognize the letterhead?

22 A. Yes.

1 Q. Do you recognize the signature?

2 A. Yes.

3 Q. And was this document created and
4 maintained in the records of AIA from approximately
5 1978 until it was destroyed pursuant to the record
6 retention policy?

7 A. Those were not destroyed.

8 Q. So this is still available?

9 A. Yes.

10 Q. Do you recognize the next -- No. Let me
11 withdraw that.

12 The next document, No. 28, is on the
13 letterhead of the Asbestos Information Association,
14 an executive committee meeting dated September 19,
15 1978. And this is signed by Bob Pigg.

16 Do you recognize that as an authentic copy
17 of a business record of the AIA?

18 A. Yes.

19 Q. And is that a document that is currently
20 maintained as part of the records of AIA?

21 A. Yes.

22 Q. No. 29. These are the executive committee

1 minutes of November 8th, 1978 that are signed by
2 you, apparently.

3 Do you recognize Exhibit No. 29 as being
4 an authentic copy of a business record of AIA that
5 is still maintained within those records today?

6 A. Yes.

7 Q. And is that your signature at the bottom
8 of this document?

9 A. Yes.

10 Q. And you recognize the letterhead and the
11 format and so forth?

12 A. Yes.

13 Q. Exhibit No. 30 is a letter from Cad -- how
14 do you say that? Cadwalaudder (phonetic)?

15 MR. ARTABANE: Cadwa-luhder (phonetic).

16 BY MR. HATTEN:

17 Q. -- Cadwalader, Wickersham & Taft dated
18 March 30, 1979. And this has at the bottom a Bates-
19 stamping from UCC of 008153 to 008170.

20 Do you recognize that document as a copy
21 of a business record of the AIA?

22 A. I don't recognize it. I see it's

1 addressed to the legal research committee. I don't
2 recall ever having seen it.

3 Q. What was the legal research committee?

4 A. It was the -- Actually, it was a
5 legal-medical research committee that you asked me
6 about earlier which was a committee that collected
7 general information on legal matters in the public
8 domain and scientific literature and made available
9 to the members of the association.

10 Q. All right. Do you know who was on the
11 legal-medical committee --

12 A. I don't recall --

13 Q. -- besides --

14 A. -- the exact members.

15 Mr. Gabrielson, Guy Gabrielson, was the
16 chairman, but I don't recall.

17 Q. Would these records still be available at
18 the AIA today, the committee minutes or committee
19 records?

20 A. I would -- That would -- Since it's not
21 minutes, if it were ever available in the AIA/NA
22 offices, it would have been destroyed in accordance

1 with the records retention policy.

2 Q. Okay. Did you yourself ever attend any
3 Postgraduate School of Medicine at the Mount Sinai
4 School of Medicine in New York in 1978?

5 A. No.

6 Q. No. 31 is a brochure entitled "Recommended
7 Work Procedures for Resilient Floor Coverings."

8 Do you recognize this document?

9 A. I recognize it. It was not published by
10 AIA/NA. It was published by the Resilient Floor
11 Covering Institute.

12 Q. Is that one of the documents that you
13 would have maintained in the ordinary course of your
14 records at AIA?

15 A. Yes.

16 Q. So although you didn't publish it
17 yourself, this is a document you would have received
18 in the ordinary course of your business at AIA and
19 kept as part of your records?

20 A. Yes.

21 Q. All right. And you recognize this as
22 having come from your records?

1 A. Yes.

2 Q. No. 32 is entitled "Recommended Work
3 Practices for Field Fabrication of Asbestos-Cement
4 Sheet."

5 Do you -- Well, first of all, on that
6 previous one -- on the recommended work practices --
7 this is dated 1980. Would that be approximately the
8 time that you recall first receiving that document,
9 No. 31, at the --

10 A. Yes.

11 MR. STURM: Object to form.

12 BY MR. HATTEN:

13 Q. At AIA?

14 A. Yes.

15 Q. No. 32. Do you recognize that document?

16 A. Yes.

17 Q. And is that document produced by AIA?

18 A. Yes.

19 Q. Was that document produced in
20 approximately 1976 with the other work practice --

21 A. Yes.

22 Q. -- pamphlets?

1 A. Yes.

2 Q. And, again, is this one of those 35-cent
3 pamphlets available to your members?

4 A. Yes.

5 Q. And did you maintain this document in the
6 ordinary course of your business at AIA?

7 A. Yes.

8 Q. And was this document produced by the
9 technical committee of AIA that we've previously
10 identified?

11 A. Yes.

12 Q. No. 33 is entitled "Q & A Working With
13 Asbestos Cement."

14 Can you identify this document?

15 A. Yes.

16 Q. Was that published by AIA to its members
17 and the public?

18 A. Yes.

19 Q. And was that also published in the mid
20 1970s?

21 MR. STURM: Object to form.

22 . . .

1 BY MR. HATTEN:

2 Q. Does it have a publication date on it?

3 A. There's no -- I don't -- It says April 1,
4 1981.

5 Q. Okay. Would that be the approximate time
6 that this document was published?

7 A. Yes.

8 Q. And was this made available to members and
9 to the public at that time?

10 A. Yes.

11 Q. And this document was maintained as part
12 of the records of AIA?

13 A. Yes.

14 Q. No. 34. It's a letter of AIA dated
15 April 1, 1981 to the Assistant Secretary of
16 Occupational Safety and Health from Mr. Dougherty.

17 Who was Mr. Dougherty, T.A. Dougherty?
18 Dah-ter-y (phonetic).

19 A. What's the date of the letter?

20 Q. April 1, 1981.

21 A. Eighty-one?

22 Q. Yes.

1 A. He would have been the president of the
2 association.

3 Q. All right. Do you recognize that document
4 as a business record, a copy of a business record of
5 AIA?

6 A. It appears to be so, yes.

7 Q. And do you recognize the signature at the
8 end?

9 A. Yes.

10 Q. Do you recognize the format --

11 A. Yes.

12 Q. -- of the document?

13 Is this a document that would have been
14 maintained in the records of AIA until such time as
15 the document retention policy required it to be
16 eliminated?

17 A. Yes.

18 Q. And do you have any question whatsoever in
19 your mind as to the authenticity or business status
20 of this document?

21 A. No.

22 Q. No. 35 is a letter dated September 2,

1 1983, and attached to it is a two-page document to
2 the Secretary of Labor from AIA. The cover letter
3 is signed by B.J. Pigg.

4 Do you recognize Exhibit No. 35?

5 A. Yes.

6 Q. Is that a copy of a business record that
7 was maintained in the ordinary course of business of
8 AIA?

9 A. Yes.

10 Q. And is the signature on that document your
11 signature?

12 A. Yes.

13 Q. And was this created and maintained on or
14 about the date shown on the document?

15 A. Yes.

16 Q. Now, am I correct that AIA did not --

17 MR. ARTABANE: Can we take a break at this
18 point?

19 MR. HATTEN: Sure. Take a break.

20 (Recess.)

21 BY MR. HATTEN:

22 Q. All right. Mr. Pigg, am I correct that

1 the AIA never published any pamphlets concerning the
2 repair, removal, or ripout of asbestos-containing
3 products?

4 MR. STURM: Object to form. This goes
5 beyond the scope of the notice.

6 THE WITNESS: You're correct.

7 BY MR. HATTEN:

8 Q. Okay. Am I correct that the AIA also
9 never prepared any publication on the repair,
10 removal, and ripout of asbestos gaskets and packing?

11 MR. STURM: Same objection.

12 BY MR. HATTEN:

13 Q. Is that correct?

14 A. There was a -- There was a recommended
15 work practice for installation. The answer --
16 Repeat -- Would you repeat the question.

17 Q. Am I correct that AIA did not publish any
18 recommended work practice for the removal, repair,
19 and ripout of gaskets and valve packing --

20 MR. STURM: Same objection.

21 BY MR. HATTEN:

22 Q. -- asbestos gaskets and asbestos valve

1 packing?

2 MR. STURM: Same objection.

3 THE WITNESS: You said valves? Is that
4 the word?

5 MR. HATTEN: Yes.

6 THE WITNESS: No recollection of any such
7 publication.

8 MR. HATTEN: Okay. Thank you.

9 BY MR. HATTEN:

10 Q. In your previous testimony, am I correct
11 that none of the members of AIA ever provided you
12 with any recommended safety procedures for their own
13 individual asbestos products?

14 MR. STURM: Same objection.

15 THE WITNESS: I have no recollection of
16 any such, no.

17 BY MR. HATTEN:

18 Q. And am I also correct that none of the
19 asbestos manufacturers who were members of your
20 organization ever forwarded to you any recommended
21 instructions for using any asbestos product that was
22 made by one of the members of your organization?

1 MR. STURM: Same objection.

2 THE WITNESS: No recollection.

3 BY MR. HATTEN:

4 Q. Am I also correct that none of your
5 members ever gave you any written information
6 indicating that there was any health hazard
7 associated with any one of their individual
8 asbestos-containing products?

9 MR. STURM: Same objection. And I want to
10 note for the record that counsel is purporting to
11 read from a deposition transcript as he is asking
12 the witness questions and has not provided the
13 witness a copy of the deposition transcript.

14 BY MR. HATTEN:

15 Q. I'll be happy to show it to you, but if
16 you could answer the question, then I'll show you
17 the question that you previously answered.

18 A. Well, whatever I -- I will answer whatever
19 is -- I said then is the -- I gave my answer as I
20 recalled it so I'd say the same thing today.

21 Q. Okay. Have any of the asbestos
22 manufacturers given you any instructions for the

1 safe use of any of their individual asbestos-
2 containing products?

3 A. No.

4 MR. STURM: Same objections.

5 BY MR. HATTEN:

6 Q. Your answer was no in 1982. Is it still
7 that today?

8 A. Yes.

9 MR. STURM: Same objections.

10 BY MR. HATTEN:

11 Q. And am I correct that your organization
12 never disseminated information to the public about
13 the safe handling and use of any individual
14 manufacturer's asbestos-containing products?

15 MR. HATTEN: Same objections.

16 THE WITNESS: No.

17 BY MR. HATTEN:

18 Q. Is that correct?

19 A. Correct.

20 MR. HATTEN: All right.

21 MR. STURM: Bobby, do you want to grant me
22 a continuing objection? This is noticed as a

1 records deposition, and this is now turning into a
2 corporate designee deposition.

3 MR. HATTEN: Are you through with your
4 objection?

5 MR. STURM: I was just asking if you
6 wanted to grant me a continuing objection or not.

7 MR. HATTEN: I didn't plan on it.

8 MR. STURM: Okay. That works.

9 BY MR. HATTEN:

10 Q. And I finally have one question more from
11 your previous deposition. Do you remember that you
12 gave a written statement, I think, for use in
13 Congress in the --

14 A. No, I never --

15 MR. STURM: Continue my --

16 THE WITNESS: I never testified.

17 MR. STURM: Continue my prior objections,
18 and I also want to note an improper impeachment.

19 BY MR. HATTEN:

20 Q. All right. Am I correct that the Asbestos
21 Information Association of North America believes
22 that the use of labeling which informs both product

1 users of the risk of uncontrolled use of asbestos
2 products and provides instructions for safer use
3 will help to reduce unwarranted human exposure?

4 MR. STURM: Same objections.

5 THE WITNESS: I didn't -- I didn't answer
6 that question.

7 MR. HATTEN: Your answer was yes.

8 THE WITNESS: Oh, I thought you was
9 talking to Mr. Artabane. Let me read the question
10 again.

11 MR. HATTEN: Yes, sir. If your answer is
12 changed --

13 MR. ARTABANE: That was his objection.
14 Then you answered.

15 THE WITNESS: Okay.

16 Yes.

17 BY MR. HATTEN:

18 Q. All right. So the answer -- Just to make
19 it clear for the record, because this got a little
20 disjointed -- Based upon your understanding of the
21 purpose of AIA and your experience with that
22 organization, the AIA of North America believes that

1 the use of labeling which informs both product users
2 of the risk of uncontrolled use of asbestos-
3 containing products and providing instructions for
4 safer use will help reduce unwarranted human
5 exposure? Do you agree with that?

6 A. Yes.

7 MR. STURM: Same objection.

8 MR. HATTEN: Thank you.

9 THE WITNESS: I think I should add, if I
10 may, that there are the regulations that were
11 published by OSHA -- certainly are the ones that
12 AIA/NA would stand behind and feel should be
13 complied with by all manufacturers. I mean, AIA
14 does not develop or did not develop labeling
15 requirements.

16 BY MR. HATTEN:

17 Q. Or recommendations?

18 A. Correct.

19 MR. ARTABANE: Excuse me.

20 MR. STURM: Move to strike the
21 nonresponsive portion to the answer.

22 . . .

1 BY MR. HATTEN:

2 Q. All right. Now, finally, just because we
3 have quoted from this deposition several times
4 today, I'm going to attach the deposition of
5 March 23rd, 1982 as the last exhibit, for reference
6 purposes only.

7 Do you recognize this as being the
8 deposition that you provided under oath in Virginia
9 asbestos litigation in 1982?

10 MR. STURM: Object to form.

11 THE WITNESS: No, I don't. I never seen
12 this document before.

13 BY MR. HATTEN

14 Q. Do you recall testifying --

15 A. Yes.

16 Q. -- in March 1982?

17 A. Yes.

18 MR. HATTEN: Well, I'll attach it, anyway,
19 since we referenced it.

20 BY MR. HATTEN:

21 Q. The testimony that we reviewed today was
22 what you testified that day; correct?

1 MR. STURM: I object to the extent that
2 it's beyond the scope of the notice.

3 THE WITNESS: I assume it is. I have no
4 reason to think it's not.

5 MR. HATTEN: Okay. Thank you. I think
6 the next number would be --

7 THE REPORTER: 36.

8 (The reporter marked Exhibit 36.)

9 MR. HATTEN: Thank you very much,
10 Mr. Pigg. You may answer defense counsel's
11 questions.

12 MR. STURM: I have a few questions.
13 How you doing this morning?

14 THE WITNESS: Fine.

15 MR. STURM: My name's David Sturm, and I'm
16 going to be asking you a few follow-up questions.

17 First thing I want to do, though, is I
18 want to note my objection to the extent that this
19 deposition is used in any case where my clients have
20 not yet been served, as plaintiffs' counsel has not
21 obtained leave of Court pursuant to Rule 4:5A for
22 use of that -- for permitting the taking of a

1 deposition.

2 EXAMINATION

3 BY MR. STURM

4 Q. If I can refer your attention to
5 Exhibit 32 -- If you need a copy, I can provide you
6 a copy.

7 MR. HATTEN: I'll give him a copy.

8 MR. STURM: Do you need a copy?

9 MR. ARTABANE: We have it.

10 BY MR. STURM

11 Q. I just wanted to ask you a clarifying
12 question on this. Do you know the publication date
13 of this document?

14 A. January 25, 1980.

15 Q. So just to correct your prior testimony, I
16 think your prior testimony with respect to this
17 document was that it was published in 1976. That's
18 not correct, is it?

19 A. Well, this one superseded that document.

20 Q. Okay. But this one was published in 1980;
21 correct?

22 A. Correct, mm-hmm.

1 Q. I believe you were asked some questions
2 about AIA's knowledge or your knowledge of what AIA
3 knew. In preparation for the deposition today, did
4 you go back and review any corporate records or
5 documents to ascertain the extent of AIA or AIA/NA's
6 knowledge from the time of its existence up through
7 to today?

8 A. No.

9 Q. Okay. I also have some questions about
10 whether or not certain documents were business
11 records. What's your understanding of what a
12 business record is?

13 A. Well, my understanding would be documents
14 that pertain or relate to the primary focus of
15 AIA/NA which had to do with educational and
16 scientific information regarding asbestos --

17 Q. So --

18 A. -- that might pertain to regulations by
19 the various agencies which AIA/NA provided
20 information through the years -- to all of the
21 agencies that have regulated asbestos.

22 Q. Okay. Would any document that was found

1 in any of the AIA/NA file documents -- would you
2 consider any of those documents to be business
3 records of AIA/NA?

4 A. Would you repeat the question.

5 Q. Would any of the documents that are found
6 in the records, any of the file materials --

7 A. Mm-hmm.

8 Q. -- of AIA/NA -- would you consider any of
9 those documents or materials to be business records
10 of AIA/NA? Every piece of paper that's found in
11 AIA/NA's files?

12 A. I wouldn't think every piece of paper in
13 AIA/NA's files would be, necessarily, a business
14 record. It might be something that was advertised
15 that we might -- might have kept that says that this
16 company provides services for measuring and
17 monitoring asbestos. I mean, that would be incoming
18 information that -- I wouldn't necessarily consider
19 that a business record of AIA/NA.

20 Q. Okay. So is it correct that what you
21 consider to be business records of AIA/NA are
22 generally documents that were created by AIA/NA or

1 at the request of AIA/NA?

2 A. First and foremost, yes.

3 Q. Okay. Are there any other documents that
4 you would consider to be business records other than
5 those?

6 A. Financial records that the accountant for
7 AIA/NA -- they certainly would be business records.

8 Q. And minutes?

9 A. Yes.

10 Q. Those types of things?

11 A. Yes.

12 Q. Sure.

13 Some of the documents today were not --
14 were unsigned documents. I think there were just a
15 couple.

16 A. Mm-hmm.

17 Q. With respect to those documents, how are
18 you able to tell that those are all authentic
19 documents?

20 A. Well, primarily, from the letterhead and
21 whoever's signature was there, whoever's name was at
22 the bottom of the document that -- and the general

1 content.

2 Q. Are you able to tell whether or not that
3 letter was ever distributed if it doesn't have a
4 signature?

5 A. No.

6 Q. With respect to some of the documents, I
7 believe you testified you did not know if they were
8 maintained by the business. Are you able to
9 authenticate any of those records that are not
10 maintained by NI -- I'm sorry -- AIA/NA?

11 A. Not with certainty, no.

12 Q. With respect to any of the documents you
13 were able to authenticate today, do you know the
14 degree to which any of the membership
15 corporations -- the degree of their involvement
16 other than the draftees of the documents or the
17 recipient of the document -- do you know the degree
18 of their involvement in those documents?

19 A. No.

20 MR. STURM: Okay. That's all the
21 questions I have. Thank you.

22 MR. JONES: I have a few questions.

1 Hello, Mr. Pigg. My name is Glenn Jones,
2 and I'm from the law firm of Orrick, Herrington &
3 Sutcliffe in New York, and I represent Union Carbide
4 Corporation.

5 EXAMINATION

6 BY MR. JONES:

7 Q. We've never met before or spoken before
8 now, have we?

9 A. Not to my knowledge.

10 Q. Okay. Just to go back and clarify a few
11 things you said, when did you first start working
12 for the AIA?

13 A. July 1, 1974.

14 Q. Okay. And the AIA was created when?

15 A. It was incorporated in April of 1971.

16 Q. Okay. I just want to clarify the date on
17 a document that you were shown. Can I just borrow
18 it? It was the first one. Do you recall seeing
19 this document?

20 A. I believe, to the best of my knowledge,
21 this document was published -- Well, let me rephrase
22 that. The document was published prior to my coming

1 to work for AIA --

2 Q. Okay.

3 A. -- in 1974.

4 Q. Okay.

5 A. The date it was published, I do not know.

6 Q. Okay. Let me just have you look on the
7 third page.

8 A. Mm-hmm.

9 Q. Actually -- I'm sorry. Start with page 1.
10 Do you see where it says -- the third paragraph,
11 "The formation of the AIA in December 1970"?

12 A. Right.

13 Q. And then if you go to the next page, at
14 the beginning of the second paragraph, it says, "In
15 its first two years of existence" -- do you see
16 that?

17 A. Mm-hmm.

18 Q. -- "the AIA, as among its many activities,
19 conducted a full-day seminar," and so on and so
20 forth.

21 A. Mm-hmm.

22 Q. Does that give you an indication of when

1 this document -- what the date may be?

2 A. Well, it appears it would be between 1970
3 and whenever it was published, so early seventies
4 would be the conclusion I would draw.

5 Q. Right. Well, it's discussing "the first
6 two years of existence," so it must have -- the
7 document must be after the first two years of its
8 existence; right?

9 A. In its first -- Well, it would -- It would
10 appear to me from December '70, that would be 1972.

11 Q. Right.

12 A. So if this was published in 1972, you
13 could make that statement.

14 Q. Right.

15 A. Yeah.

16 Q. Okay. Thanks.

17 Okay. Do you remember how many member
18 companies there were of the AIA?

19 A. Well, in my previous testimony, that
20 number varied. The list that was listed there
21 looked like what? A dozen or so?

22 Q. Mm-hmm.

1 A. And I think it -- Probably, in the 1980s,
2 there were -- Around 1980 or early eighties, it
3 would have been approximately 50 companies.

4 Q. Okay. And I think you also testified
5 about this, but if you could just sort of restate
6 what you feel was the purpose or the mission of the
7 AIA.

8 A. Well, as I say, it's a nonprofit,
9 501(c)(3) organization. Its primary function is
10 devoted to educational and scientific information
11 which was disseminated widely to its members as well
12 as to the public; and AIA/NA responded to and
13 provided information to the U.S. regulatory agencies
14 in the process of their developing regulations in
15 the seventies and the eighties.

16 Q. The AIA was not created to hide
17 information from the public or from the government
18 in any way, was it?

19 A. Absolutely not.

20 Q. The AIA was not created to disseminate
21 misleading information about asbestos health risks?

22 A. Absolutely not.

1 Q. And did the AIA then stay abreast of the
2 health and safety information about asbestos?

3 A. We did our best to do that as well as to
4 distribute it -- distribute that information
5 regularly.

6 Q. Okay. And in what format would that
7 information be distributed? I think we saw
8 documents to that --

9 A. Right. One was the one that
10 Dr. Enterline -- had written, "Asbestos - The First
11 Thirty Years" --

12 Q. Mm-hmm.

13 A. -- which was a public document.

14 And in 1983, there was a document that was
15 developed reviewing the empirical method for
16 measuring and monitoring asbestos which was made
17 available to OSHA in this -- it was a whole -- in
18 addition to the work practices. And --

19 Q. Mm-hmm.

20 A. -- those are just examples that were used.

21 Q. Okay. So sometimes information would be
22 distributed in the form of pamphlets like we've seen

1 here today?

2 A. Exactly.

3 Q. And some of those pamphlets were made for
4 the workers that used the asbestos-containing
5 products?

6 A. That's correct.

7 Q. Now, did these documents that were created
8 by the AIA -- did they always, necessarily, reflect
9 the views of each member?

10 A. The answer to that would be no, because
11 some of the product categories were, like, asbestos
12 cement pipe, for example, or sheet -- There you have
13 members who were not in that -- involved in that
14 product category, so I don't know that they would
15 object, but they were primarily developed using the
16 expertise from the companies that manufactured that
17 particular product category.

18 Q. Okay. And let me broaden that to
19 statements made by the AIA, speeches made by the
20 president or executive director. Would those sorts
21 of statements or speeches -- would those always
22 reflect the views of all the members of the AIA?

1 MR. HATTEN: Objection to the form of the
2 question, no basis for knowledge.

3 BY MR. JONES:

4 Q. In your experience as an administrative
5 assistant -- And then you became the executive
6 director --

7 A. Correct.

8 Q. In your experience in those positions,
9 when the AIA made statements or speeches on behalf
10 of the AIA, did those statements or speeches always
11 reflect the views of each individual member or
12 company?

13 MR. HATTEN: Objection to the form of the
14 question. No foundation.

15 THE WITNESS: I can't say that they always
16 did for certain. You know, that's -- I can't answer
17 that question.

18 MR. JONES: Okay.

19 BY MR. JONES:

20 Q. Did the AIA believe, in the 1970s -- Based
21 on your experience there, do you believe that it was
22 the perception at the AIA that asbestos could be

1 used safely --

2 A. Yes.

3 Q. -- if proper precautions were followed?

4 A. Based on the knowledge that was available
5 at that time.

6 MR. JONES: That's all I have. Thank you.

7 THE WITNESS: Mm-hmm.

8 MR. DAGLIO: I don't have any questions at
9 this time. Thank you.

10 MR. HATTEN: Anyone else have any
11 questions?

12 MR. PARROTT: I don't have any questions
13 but I'd like -- I got lost. On behalf of Okonite,
14 we object to this deposition in the Chappell case,
15 because discovery, as I understand, is closed other
16 than that.

17 MR. HATTEN: I understand.

18 MR. PARROTT: Other than that statement,
19 that's all I have.

20 MR. HATTEN: I understand you previously
21 filed that objection.

22 MR. PARROTT: Right.

1

2

FURTHER EXAMINATION

3

BY MR. HATTEN:

4

Q. Did you maintain records that you received

5

from other sources as part of your business records?

6

MR. STURM: Object to form.

7

THE WITNESS: Would you repeat the

8

question.

9

BY MR. HATTEN:

10

Q. Did you maintain documents that you

11

received from member companies as part of your

12

business records?

13

A. Yes.

14

Q. And have some of those been marked today?

15

The asbestos cement pipe, for one?

16

MR. STURM: Object to form.

17

THE WITNESS: Well, that's not a member

18

company of AIA/NA.

19

MR. HATTEN: Oh, okay.

20

BY MR. HATTEN:

21

Q. The asbestos cement pipe document --

22

Certainteed was a member, weren't they?

1 MR. STURM: Object to form.

2 THE WITNESS: Certainteed was a member
3 of -- to my knowledge, of ACPPA.

4 BY MR. HATTEN:

5 Q. And what is ACPPA?

6 A. Asbestos Cement Pipe Producers'
7 Association.

8 MR. STURM: Object to form and also scope.
9 It's beyond the scope of the notice.

10 BY MR. HATTEN:

11 Q. And Certainteed was on your technical
12 committee; correct?

13 A. As a member of AIA/NA.

14 Q. As a member of AIA; correct?

15 A. Yes.

16 Q. And as part of Certainteed's
17 responsibility for AIA, it helped write the
18 pamphlets of AIA; correct?

19 MR. STURM: Object to form. It's
20 ambiguous. Are you referring -- What documents are
21 you referring to? You talking about all the
22 documents?

1 MR. HATTEN: The work practices. The work
2 practices documents that we've referred to.

3 THE WITNESS: The work practices for
4 asbestos cement pipe were prepared by the Asbestos
5 Cement Pipe Producers' Association.

6 MR. HATTEN: I understand.

7 BY MR. HATTEN:

8 Q. The work practices that were published by
9 AIA, Certainteed participated in; correct --

10 MR. STURM: Object.

11 BY MR. HATTEN:

12 Q. -- on the technical committee?

13 A. As a member of the technical committee.

14 MR. STURM: Object. Beyond the scope of
15 the notice.

16 BY MR. HATTEN:

17 Q. Okay. And the document that we're talking
18 about, No. 32 -- that was published by an
19 organization that Certainteed belonged to; correct?

20 A. No. You are confusing the documents.

21 This is --

22 Q. Okay.

1 A. This is not recommended work practices for
2 asbestos cement pipe. This is for just asbestos
3 cement sheet.

4 Q. I'm sorry. I've got the wrong one. Let
5 me go back and get the right one.

6 Here we go. It's No. 22. That was marked
7 as No. 9 in your previous deposition.

8 A. Yes.

9 MR. STURM: Object to form.

10 BY MR. HATTEN:

11 Q. That document, No. 22, was prepared by the
12 Association of Cement --

13 A. Pipe.

14 Q. -- Pipe Manufacturers?

15 A. Producers.

16 Q. Producers?

17 A. Association.

18 Q. Of which Certainteed was one?

19 MR. STURM: Object to form.

20 BY MR. HATTEN:

21 Q. Is that correct?

22 A. To my knowledge, yes, they were members.

1 Q. All right. And this document was received
2 by AIA and kept as part of its business records
3 concerning safe practices and recommended practices
4 for using asbestos products; correct?

5 A. Yes.

6 MR. STURM: Object to form.

7 Bobby, may I see that? I don't have a 22
8 for some reason.

9 MR. JONES: I don't have one either.

10 MR. STURM: I'm going to object to 22 to
11 the extent -- I'm going to object to Exhibit 22
12 because it was not provided to us prior to the
13 deposition.

14 MR. HATTEN: If there was any omission,
15 since I gave you the index, I would suggest that
16 your failure to bring it to my attention is not
17 something that can't be cured right now.

18 MR. STURM: I would disagree with that,
19 but we can take that up at a later date.

20 MR. HATTEN: Glad you recognize the role
21 of the courts.

22 MR. STURM: What?

1 BY MR. HATTEN:

2 Q. There was a document that Mr. Strum asked
3 you about the date, and you said it was 1980. Was
4 that the recommended --

5 MR. STURM: Object to form. It's
6 mischaracterizing his testimony.

7 MR. HATTEN: You know, I think it'd be
8 nice if you'd let me finish my question, although
9 not characteristic.

10 BY MR. HATTEN:

11 Q. This document, No. 32, that he
12 indicated -- that you indicated was published in
13 1980 --

14 A. Yes.

15 Q. -- correct? By AIA? Is that correct?

16 MR. STURM: Object to form.
17 Mischaracterization.

18 BY MR. HATTEN:

19 Q. What date? I mean: What date is that?

20 A. January 25, 1980.

21 Q. And the document number?

22 A. 32.

1 Q. All right. And did I understand you
2 correctly that there was an earlier document that's
3 an amended document?

4 MR. STURM: Object to form.

5 THE WITNESS: That's correct.

6 BY MR. HATTEN:

7 Q. All right. And when was the first issue
8 of that publication?

9 A. It says previously distributed in 1975, so
10 I -- I've been saying 1976, so --

11 Q. Okay.

12 A. -- it -- Should have said 1975.

13 Q. Okay. And was it the same document? Is
14 that just a republication of the same document?

15 A. It's an update.

16 MR. STURM: Object to form.

17 THE WITNESS: It's an update. Says this
18 booklet supersedes the work practice.

19 MR. HATTEN: Okay. Thank you very much.
20 Thank you, Mr. Pigg.

21 MR. STURM: I have some follow-up. Very
22 briefly.

1 EXAMINATION

2 BY MR. STURM:

3 Q. When you said the last document,
4 Exhibit 32, was an update --

5 A. Mm-hmm.

6 Q. -- that is not the same document as the
7 document it superseded; correct?

8 A. Correct.

9 Q. Okay. And the documents that you've been
10 asked about today are the documents that plaintiff
11 counsel has provided to you and selected and does
12 not reflect all of the business records of AIA/NA;
13 correct?

14 A. Correct.

15 Q. Just wanted to clarify one thing. I
16 think, on the minutes, you had testified regarding
17 the members of the board of directors --

18 A. Mm-hmm.

19 Q. -- and I want to clarify. Maybe we can
20 just use Exhibit 21 if I can direct your attention
21 to that. I believe your testimony was that anyone
22 listed there was a member of the board of directors.

1 And there's a section at the very bottom
2 of the page that says --

3 A. Mm-hmm.

4 Q. -- "Also Present." Those folks listed as
5 "Also Present" were not members of the board of
6 directors; is that correct?

7 A. That's correct.

8 MR. STURM: Okay. Thank you.

9 It appeared, the -- Bobby, could I have
10 the Exhibit 32, the one that we weren't provided
11 previously?

12 MS. GOSWAMI: 22.

13 MR. STURM: Is it 22? Thank you.

14 Thanks.

15 BY MR. STURM:

16 Q. With respect to Plaintiff's Exhibit 22, is
17 there a publication date anywhere in that document?

18 A. No.

19 Q. Okay.

20 A. I just happened to be familiar. I mean, I
21 have to look. There is none.

22 Q. Okay. And do you know when that was

1 published?

2 A. It was about -- about 1976 -- '75, '76.

3 Q. Okay. Let me just -- Let's see if this,
4 perhaps, refreshes your recollection. There's a
5 reference --

6 A. Yeah.

7 Q. -- in one of the footnotes --

8 A. Mm-hmm.

9 Q. -- to February of 1977.

10 A. Okay.

11 Q. Is it correct that this document would
12 have been generated, then, sometime after
13 February 1977?

14 A. Thank you for pointing my attention. It's
15 based on those studies --

16 Q. Okay.

17 A. -- the EEH studies.

18 Q. Okay. So you agree that it was after
19 February Nineteen Seventy --

20 A. I misspoke. It's 1977.

21 MR. STURM: Okay. Thank you.

22 That's all I have. Thank you.

1 MR. HATTEN: Okay. Thank you.

2 MS. MCGRAW: This is Wendy McGraw. I just
3 have a couple of questions.

4 EXAMINATION

5 BY MS. MCGRAW:

6 Q. You said a couple of times that a document
7 was made available to the public. Do you have any
8 knowledge about whether any particular company other
9 than member companies received any particular
10 documents?

11 A. I don't have any records, but we
12 received -- I mean, I recall many requests from
13 companies who were not members wanting copies of
14 documents.

15 Q. And how were the organization's documents
16 advertised to the public so that the public would
17 know they were out there?

18 A. Well, the association occasionally would
19 send out a letter to companies that were known to be
20 users of asbestos, inviting them to become members,
21 and would provide information about what resources
22 that the association had and what documents were

1 available.

2 MS. MCGRAW: Okay. No further questions.

3 MR. HATTEN: Anyone else? Okay.

4 MR. ARTABANE: Mr. Hatten, you've taken
5 his deposition on March 23, 1982, and I was present;
6 you've taken him today, on October 11, 2005. And
7 I'm here to tell you that if you take it again in
8 2028, that Mr. Pigg and I intend on being present.

9 MR. HATTEN: I'll tell you, I'm not going
10 to be. It will be a proxy.

11 I thank you for your cooperation.

12 Now, Mr. Pigg, you have a right to read
13 and sign the deposition or you may waive the reading
14 and signing. You want to read it? It's up to you.

15 MR. ARTABANE: It's up to you.

16 Do you want to read it?

17 THE WITNESS (To Mr. Artabane) You want to
18 read it?

19 MR. HATTEN: Do you have any need to read
20 it?

21 THE WITNESS: I don't want to read it.

22 MR. HATTEN: All right.

1 THE WITNESS: I mean, I told you the
2 truth.

3 MR. HATTEN: Signature is waived. Thank
4 you very much.

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9 (Whereupon, at 11:56 a.m., the deposition of
10 BOBBY JOE PIGG was concluded.)

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1 CERTIFICATE OF COURT REPORTER

2 UNITED STATES OF AMERICA)

3 COMMONWEALTH OF VIRGINIA)

4 I, MARIJANE W. SIMON, the reporter before whom
5 the foregoing deposition was taken, do hereby
6 certify that the witness whose testimony appears in
7 the foregoing deposition was sworn by me; that the
8 testimony of said witness was taken by me in machine
9 shorthand and thereafter transcribed by computer-
10 aided transcription; that said deposition is a true
11 record of the testimony given by said witness; that
12 I am neither counsel for, related to, nor employed
13 by any of the parties to the action in which this
14 deposition was taken; and, further, that I am not a
15 relative or employee of any attorney or counsel
16 employed by the parties hereto, or financially or
17 otherwise interested in the outcome of this action.

18 

19 MARIJANE W. SIMON
20 Notary Public in and for the
Commonwealth of Virginia

21 My Commission expires January 31, 2007.