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BEFORE THE ASBESTOS MDL PRE-TRIAL JUDGE

NO. 2010-50588

MARTHA ANN GENSLER, Individually) IN THE DISTRICT COURT
and as Personal Representative of)
the Estate of JOHN EDWARD GENSLER,) OF HARRIS COUNTY, TEXAS
Deceased,)
Plaintiffs,)
vs.)
ASBESTOS COMPANIES, et al.,)
Defendants.) 11TH JUDICIAL DISTRICT

Transferred From

NO. DC10-08454-D

JOHN EDWARD GENSLER and) IN THE DISTRICT COURT
MARTHA GENSLER,)
Plaintiffs,) OF DALLAS COUNTY, TEXAS
vs.)
ASBESTOS COMPANIES, et al.,)
Defendants.) 95TH JUDICIAL DISTRICT

* * * * *

ORAL DEPOSITION OF
KENDALL WATSON PATTERSON

NOVEMBER 16, 2011

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1 ORAL DEPOSITION OF KENDALL WATSON PATTERSON, 2 produced at the instance of the Plaintiffs, and duly sworn, 3 was taken in the above-styled and numbered cause on the 4 16th day of November, 2011, from 10 07 a m to 1 33 p m , 5 before JEAN B SPEIGHTS, RMR, RPR, CCR, a Notary Public in 6 and for the Commonwealth of Virginia, reported by machine 7 shorthand, at the Omni Hotel & Resorts, 100 South 12th 8 Street, Richmond, Virginia, 23219, pursuant to Notice 9 and/or the provisions stated on the record or attached 10 hereto 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 A-P-P-E-A-R-A-N-C-E-S 2 3 FOR THE PLAINTIFFS, 4 MR. CHAD COTTEN 5 Baron & Budd, PC 6 3102 Oak Lawn Avenue, Suite 1100 7 Dallas, TX 75219 8 Phone: (866) 844-4556 9 10 COUNSEL FOR MR. KENDALL W. PATTERSON 11 MR. RORY FITZPATRICK 12 Cetrulo & Capone, LLP 13 Two Seaport Lane 14 Boston, MA 02210 15 Phone: (617) 217-5500 16 17 (Appearance by telephone) 18 FOR THE DEFENDANT, The Dow Chemical Company 19 MS. AMY L. MACCHERONE 20 Cotten, Schmidt & Abbott, LLP 21 650 Poydras Street, Suite 2810 22 New Orleans, LA 70130 23 Phone: (504) 568-9393 24 25
Page 3	Page 5
1 I-N-D-E-X 2 PAGE 3 APPEARANCES 4-6 4 EXHIBITS 7 5 PROCEEDINGS 8 6 7 WITNESS. KENDALL WATSON PATTERSON 8 9 DIRECT EXAMINATION BY MR. COTTEN 8 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 A-P-P-E-A-R-A-N-C-E-S 2 (Appearance by telephone) 3 FOR THE DEFENDANT, Union Carbide 4 MR BRAD ROBINSON 5 DeHay & Elliston, LLP 6 3500 Bank of America Plaza, 901 Main Street 7 Dallas, TX 75202 8 Phone (214) 210-2426 9 10 (Appearance by telephone) 11 FOR THE DEFENDANT, Hercules, Incorporated, Champlain Cable 12 Corporation, Ashland, Inc 13 MS PAMELA J WILLIAMS 14 DeHay & Elliston, LLP 15 3500 Bank of America Plaza, 901 Main Street 16 Dallas, TX 75202 17 Phone (214) 210-2449 18 19 (Appearance by telephone) 20 FOR THE DEFENDANT, Crane Co 21 MR MICHAEL RAMIREZ 22 K&L Gates 23 1717 Main Street, Suite 2800 24 Dallas, TX 75201 25 Phone (214) 939-5500

Page 6 A-P-P-E-A-R-A-N-C-E-S (Appearance by telephone) FOR THE DEFENDANT, Guard-Line, Inc. MR. MARK D. VANCELEAVE Dogan & Wilkinson 734 Delmas Avenue Pascagoula, MS 39568 Phone: (281) 303-8800	Page 8 P-R-O-C-E-E-D-I-N-G-S KENDALL WATSON PATTERSON, having been first duly sworn, called as a witness on behalf of the Plaintiffs, testified as follows: EXAMINATION BY COUNSEL FOR PLAINTIFF BY MR. COTTEN Q Sir, can you state your name for the record, please? MR. FITZPATRICK: Excuse me. Just before we get started, Chad, one more thing Pam Williams is -- MR. COTTEN On the phone? MR. FITZPATRICK Yes, and she will be appearing and representing the witness, although I'm -- and the Defendants -- I'm here on behalf of Mr. Patterson. MR. COTTEN Okay. We'll straighten that out. Let's get him sworn in. THE WITNESS. My name is Kendall Watson Patterson. BY MR. COTTEN Q Mr. Patterson, my name's Chad Cotten. A Yes, sir
Page 7 E-X-H-I-B-I-T-S Patterson Deposition Exhibits Page EXHIBIT NO 1 --- PLAINTIFF'S FIRST AMENDED NOTICE OF INTENTION TO TAKE THE ORAL DEPOSITION OF KENDALL PATTERSON WITH SUBPOENA DUCES TECUM 50 NO 2 --- OBJECTIONS TO NOTICE 50 NO 3 --- BIOGRAPHY OF KENDALL W PATTERSON 50 NO 4 --- JANUARY 15, 1974, MEMO TO ALL ENGINEERING DIVISION SUPERINTENDENTS FROM H J DUCOTE 50 NO 5 --- HAVEG INDUSTRIES, INC , MEMO TO H DUDLEY BARTON FROM EDWARD C PAINTER 74 NO 6 --- CONFIDENTIAL J-M DOCUMENT 108 NO 7 --- SWENSON REQUESTS FOR PRODUCTION #3 142 NO 8 --- CHEMTITE DOCUMENT 145	Page 9 Q I represent Mrs. Gensler in this case. I'm going to be asking you some questions. First of all, just so we're all on the same page here, or as close to the same page as we can get, you have an attorney with you here today, Mr. Fitzpatrick, correct? A That's correct. Q Is he your personal attorney? In other words, is he representing you personally? MR. FITZPATRICK No, I represent Hercules; I represent Ashland; I represent Champlain Cable MR. COTTEN: Okay MR. FITZPATRICK: And Mr Patterson has been designated under your -- let me see -- I get mixed up with my state rules -- 199, Person Most Knowledgeable. MS WILLIAMS. That's correct, Rory. MR. FITZPATRICK So I'm representing him in that capacity MS. WILLIAMS: And, Chad, it's my understanding that Mr Patterson has been designated as a Rule 199 witness for Champlain Cable and Hercules, Incorporated, but not for Ashland. MR COTTEN Okay I understand.

Page 10 1 BY MR. COTTEN 2 Q Sir, are you employed today? 3 A I'm retired. 4 Q Where were you working when you retired? 5 A Hercules, Incorporated. 6 Q When did you start with Hercules, 7 Incorporated? 8 A May of 1968. 9 Q When did you retire? 10 A The end -- last day of December in 2003 11 Q Do you understand that you're here today as 12 the representative of Hercules, Incorporated? 13 A I do. 14 Q And Champlain Cable Company? 15 A I do. 16 Q You're not here, though, for Ashland; is 17 that correct? 18 A That is correct 19 Q Okay. What's Ashland? 20 A Ashland was the successor company to 21 Hercules. They purchased Hercules 22 Q When did they purchase Hercules? 23 A November of 2010 -- no, '09 Just a 24 minute I'm sorry 25 MS. WILLIAMS: And, Chad, he's not here for	Page 12 1 MR. COTTEN: Okay 2 MS WILLIAMS: And, Chad, there's been a 3 deposition of John Riley taken in the Max Jones case, 4 and that deposition, I believe, has been produced to 5 you. But it addresses specifically the Hercules/Ashland 6 relationship and addresses the documents that were a 7 part of that transaction. 8 BY MR. COTTEN 9 Q Okay. You started with Hercules, Inc., in 10 1968? 11 A That's correct 12 Q What was your position when you started? 13 MR. FITZPATRICK: Let me interject for a 14 minute He brought with him a CV which should make it 15 easier for you to go through that. 16 MR. COTTEN: All right. 17 THE WITNESS. Here you go. 18 (Document to Mr. Cotten.) 19 BY MR COTTEN 20 Q Okay. What did you start off with? 21 A I started off as a Process Engineer in the 22 Hopewell, Virginia, plant 23 Q What does a Process Engineer do? 24 A As a chemical engineer I was working with 25 the individual plant processes to improve various
Page 11 1 Ashland, so I'm not sure how familiar he is with the 2 transactions involving Ashland's purchase of Hercules 3 So to that extent, you know, I guess you're welcome to 4 ask him a little bit about that But before you get too 5 much into Ashland I will start objecting 6 MR COTTEN Right There's one way to 7 find out how much he knows 8 BY MR COTTEN 9 Q Do you know what type of a transaction -- 10 by what type of transaction Ashland purchased Hercules? 11 In other words, was it a stock purchase? Was it an 12 asset purchase? Was it a merger, or do you know? 13 A It was a transaction with the assets -- I 14 think it was an asset -- 15 THE WITNESS You'd call it an asset 16 purchase? 17 MR FITZPATRICK I don't answer questions 18 BY MR COTTEN 19 Q You don't know? 20 A I have seen the document, I have read 21 through it, but I read through it for the term of when, 22 and details of what went 23 MR FITZPATRICK And let me just state for 24 the record that the transaction documentation has been 25 produced	Page 13 1 aspects and various yields, quality, that sort of thing. 2 Q You were at Hopewell, Virginia? 3 A Yes. 4 Q When you started? 5 A That's correct 6 Q And at the Hopewell, Virginia, plant, what 7 kind of products was Hercules making? 8 A A line of products developed from 9 cellulose. 10 Q Okay. You stayed there until 1973 in 11 Hopewell, Virginia; is that right? 12 A That is correct 13 Q And then you went to be the Technical 14 Assistant to the Director of Operations of Coatings and 15 Specialty Products, in Wilmington, Delaware? 16 A That is correct. 17 Q Okay. What are the coatings and specialty 18 products? What does that mean? 19 A That was a department in Hercules that had 20 over six manufacturing plants and they served the 21 coatings industry They also made specialty products 22 for a number of different industries. 23 Q What are specialty products? What does 24 that mean? 25 A As differentiated from commodities,

Page 14 1 specialties would be something that's a value-add, a 2 difficult product to make, truly a special -- specialty 3 good. 4 Q Give me some examples of the specialty 5 products that Hercules made during the time you were 6 there in Wilmington, Delaware, from 1973 to '76. 7 A I'll give you a couple Additives that go 8 into making things thicker such as ice cream stabilizer; 9 other additives that went into paint to make it thicker; 10 other things that were used in the printing industry for 11 inks and to give them characteristics and properties. 12 We were selling properties 13 Q The headquarters for Hercules was in 14 Wilmington? 15 A That is correct. 16 Q Okay. Did they also have a manufacturing 17 plant there? 18 A Not of our department, no 19 Q Okay. Was there any type of manufacturing 20 plant there associated with Hercules in Wilmington, 21 Delaware? 22 A The only one that was in the Wilmington 23 area was a wholly-owned subsidiary plant. That would be 24 Haveg Industries. 25 Q From 1973 to '76 did you visit this Haveg	Page 16 1 is about? 2 MS WILLIAMS Objection, form What was 3 your question, Chad? I didn't hear it 4 MR COTTEN I asked him what his 5 understanding of what the case was about 6 MS WILLIAMS Objection, form 7 THE WITNESS The case is about exposure to 8 asbestos, at least exposure by Mr Gensler, who was a 9 pipe fitter 10 BY MR COTTEN 11 Q Do you know what he -- have you read his 12 deposition testimony? 13 A I have 14 Q Do you know what he claims exposure -- do 15 you know what products he claims exposed him to working 16 with asbestos? 17 A I do recall that There were products from 18 insulation materials, there were products from gasket 19 materials, and the Haveg product line of Chemtite was 20 mentioned 21 Q What's Chemtite? 22 A Chemtite is a line of pipe that is made 23 from asbestos and either phenolic resin or epoxy resin, 24 depending on the type of Chemtite 25 Q What type of asbestos is used?
Page 15 1 plant in Delaware? 2 A No. 3 Q Do you know what products they were making 4 at the Haveg plant there? 5 A Not at that time 6 Q Do you know now? 7 A I do. 8 Q What were they making? 9 A They were making anti-corrosion material 10 called Haveg, which was a product produced from resin 11 mixed with asbestos, and the product they made from it 12 was then manufactured into -- by them -- into pipe or 13 other pieces of chemical process equipment 14 Q Were they making anything else there? 15 A They had some other things that were not 16 connected to asbestos. Small things in the aerospace 17 industry. 18 Q You were the Technical Assistant to the 19 Director of Operations; who was the Director of 20 Operations? 21 A Dr. Robert Eyler, E-Y-L-E-R 22 Q When did you first hear about this case, 23 the Gensler case? 24 A About a month ago 25 Q What's your understanding of what this case	Page 17 1 A Crocidolite -- sorry. 2 Q It's okay. 3 A Crocidolite blue asbestos paper 4 Q How much crocidolite blue asbestos paper is 5 used in Chemtite as a percentage of the overall pipe? 6 MS. WILLIAMS Object to form. 7 THE WITNESS. 40 percent by weight. 8 BY MR COTTEN 9 Q When did Haveg start manufacturing 10 Chemtite? 11 A Haveg purchased the -- Haveg Industries 12 purchased the technology, the product name and some 13 assets, some equipment in particular, know-how, from 14 Johns-Manville in July of 1971 15 Q Haveg was a wholly-owned subsidiary of 16 Hercules? 17 A That is correct. 18 Q Did Hercules purchase Haveg? 19 A They did. 20 Q From whom did they purchase it? 21 A It was a public company at that time. 22 Q When did they purchase it? 23 A In May of 1964 24 Q Okay. So before Haveg started 25 manufacturing Chemtite?

Page 18 1 A Yes 2 Q Where did Haveg manufacture Chemtite from, 3 or where? That's a bad question, so let me ask it 4 again. 5 Where did Haveg manufacture Chemtite? 6 A At the Haveg plant in Marshallton, 7 Delaware. 8 Q Do you know whether or not any -- whether 9 or not Haveg sold Chemtite pipes to the Dow Chemical 10 Company for use at its Freeport, Texas, division? 11 MS WILLIAMS: Object to form. 12 THE WITNESS: Is it my understanding that 13 they did. 14 BY MR. COTTEN 15 Q And how do you understand that? 16 A From Counsel, when I learned that -- when 17 the -- we're not disputing that there were sales during 18 that time period to that location. 19 Q Have you ever seen any documents? Sales 20 invoices -- 21 MS. WILLIAMS. Objection, form. 22 BY MR COTTEN 23 Q -- of -- from Haveg to Dow? 24 A No, I have not. 25 Q Why is there crocidolite in the Chemtite?	Page 20 1 Q Did Haveg have manufacturing plants 2 anywhere else except for Marshallton, Delaware? 3 A Haveg Industries did, but the business 4 we're talking about here, the Chemtite and the Haveg 5 polymer, the Haveg resin products, did not have another 6 location. 7 Q Who is, or was, Edward Painter? 8 A Edward Painter was a plant engineer who 9 also had the job for a period as the Safety Coordinator. 10 Q And who was he employed by? 11 A He was employed by Haveg Industries at 12 those jobs. 13 Q Did you work, ever, with Mr. Painter? 14 A No. 15 Q Is he still living? 16 A He is. 17 Q Do you know where he lives? 18 A Southern Delaware. 19 Q Did Hercules have a Safety Department in 20 the 1970s? 21 A They did. 22 Q Do you know, where was that department 23 headquartered? 24 A In Wilmington, Delaware. Corporate 25 offices.
Page 19 1 MS WILLIAMS: Objection, form. 2 THE WITNESS: The purpose of the asbestos 3 in that product was to give it strength, give the pipe 4 strength. 5 BY MR. COTTEN 6 Q What was it used for, the Chemtite product? 7 A Either very corrosive, strong acids, one 8 type of Chemtite pipe, and the other was used for 9 caustic materials of high Ph for different end-uses. 10 There were two types of Chemtite 11 Q What were the two types? 12 A Chemtite PB, which was used for acids, and 13 Chemtite EB, which was used for caustic solutions. 14 Q And both Chemtite PB and Chemtite EB, they 15 both contained asbestos? 16 A That is correct. 17 Q And it was crocidolite-asbestos? 18 A Yes, that is correct. 19 Q 40 percent of weight for both? 20 A Yes. 21 Q Okay. When did Haveg stop selling 22 Chemtite? 23 A Prior to 1980, in May -- excuse me -- it 24 could have been as early as '79 I don't know the exact 25 time. But it was before the sale in 1980	Page 21 1 Q Do you know who is in charge of it? 2 MS. WILLIAMS. Objection, form. 3 THE WITNESS: During which time period? 4 BY MR. COTTEN 5 Q 1970 -- well, let's start with -- well, 6 let's go, 1971 to '78. 7 A That would be Gil Cain, C-A-I-N. 8 Q Okay. Did you do any work with anybody 9 from the Hercules Safety Department during the time 10 period of the 1970s? 11 A Yes. Through my work with the Coatings and 12 Specialty Products Department, yes 13 Q Okay. What did you do with them? 14 A The Hercules Safety Department assisted me 15 in making sure the plant that I was in charge of 16 starting up and finishing -- the construction in 17 Brunswick, Georgia -- was correct and safe, and the 18 designs were proper. 19 Q Was Haveg ever cited by OSHA for any 20 violations of the -- any asbestos regulations during the 21 1970s? 22 A I'm aware of a couple, yes 23 MS WILLIAMS. Objection, form. 24 BY MR COTTEN 25 Q How many?

Page 22	Page 24
1 A I'm aware of two times they were cited. I 2 think each notice had two citations. 3 Q What were the citations for? 4 MS WILLIAMS: Objection, form. 5 THE WITNESS: The first, as I recall, was 6 minor recordkeeping-type violations, and settled for 7 small money. The other one was two violations for -- 8 limits the concentration of dust, fiber -- asbestos 9 fibers above the recommended limits. So there were two 10 citations there on one visit. 11 BY MR. COTTEN 12 Q Do you know when those citations for 13 exceeding the dust limits were? 14 A The late '70s, but I don't recall a date. 15 Q You eventually became General Manager of 16 the Resins Division? 17 A That's correct. 18 Q What kind of products are resin products? 19 A They were a line of products based on 20 additive-type of resins, as opposed to resins for 21 construction or for injection moulding of plastics, that 22 sort of thing. These resins were based on two lines of 23 chemistry: Rosin chemistry and Hydrocarbon resin 24 chemistry. 25 Q This Chemtite asbestos product we're	1 where you've testified? 2 A Not that one question. It came up with -- 3 a question -- I think the last deposition, about that, 4 yes. 5 Q Okay. Did Haveg or Hercules ever conduct 6 any dust monitoring on the cutting or fabrication of 7 Chemtite pipe? 8 A There were dust sampling in the area, but 9 speaking of the cutting of pipe, no. 10 Q Okay. When you're talking about dust 11 sampling of any area, what are you talking about? 12 During the manufacturing process? 13 A In the plant area. 14 Q Okay. Where it's being made? 15 A There were some dust studies that were in 16 the environment of the plant, yes. 17 Q Okay. But in other words, that has nothing 18 to do with fabricating the pipes, right? 19 A No, no. 20 Q And when I say "fabricating," you 21 understand that I mean cutting, right? 22 A That's correct. 23 Q And you'd agree with me that when you're 24 installing Chemtite, it's necessary, at times, to cut 25 it, correct?
Page 23	Page 25
1 talking about, was that a resin product? 2 MS WILLIAMS: Objection to form. 3 THE WITNESS: The material that wasn't 4 asbestos in Chemtite was resin, but it was not the type 5 of resin that was in the Resins Division that I was in 6 charge of. 7 BY MR. COTTEN 8 Q Okay. 9 A At all 10 Q Are you familiar with the manufacturing 11 process for Chemtite pipe? 12 A Yes. 13 Q At the manufacturing plant there, in 14 Marshallton, okay, was there an asbestos treating area? 15 A There was, but it wasn't for Chemtite. 16 Q Okay. What was the asbestos treating area? 17 A It was where the acid treated it for the 18 other types of Haveg material 19 Q What do you mean, the acid treated it? 20 What does that mean? 21 A I don't know the chemistry, exactly. I 22 haven't seen the write-up of the exact chemistry. All I 23 know, it did use hydrochloric acid, but I don't know the 24 treatment and how it changed or affected the asbestos. 25 Q Has this come up before in other cases	1 A At times it would require cutting. yes 2 Q So Haveg or Hercules never conducted any 3 type of dust monitoring, at any time, to determine the 4 amount of dust that was created when someone would cut 5 Chemtite pipe? 6 MS WILLIAMS: Objection, form. Asked and 7 answered 8 THE WITNESS: There weren't studies 9 That's correct 10 BY MR. COTTEN 11 Q Okay. Are you aware of -- well, let me ask 12 you like this: What kind of customers was Haveg selling 13 Chemtite pipe to? 14 A Customers who had a need for very 15 anti-corrosive type of pipe, because they would -- the 16 customers were using chemicals that were corrosive to 17 mild steel or to cast iron or many of the metals. So 18 you wanted an anti-corrosive pipe, and it was a customer 19 that, in general, was quite sophisticated 20 Q Like chemical companies? 21 A Yes, chemical companies 22 Q Like Dow? 23 A That's correct 24 Q Dupont? 25 MS WILLIAMS: Objection

Page 26 1 THE WITNESS: That type of company. 2 BY MR. COTTEN 3 Q All right. DuPont's a Delaware company? 4 A It is. 5 Q You're familiar with DuPont? 6 A I am. 7 Q Okay. Did Haveg ever sell any Chemtite 8 pipe to DuPont? 9 MS. WILLIAMS: Objection, form. 10 THE WITNESS: I haven't seen that they did, 11 but I suspect. 12 BY MR. COTTEN 13 Q Would it surprise you if they did? 14 A Would not surprise me 15 MS. WILLIAMS: Objection, form 16 BY MR. COTTEN 17 Q Did Haveg ever conduct any type of 18 monitoring for the amount of asbestos dust released due 19 to the cutting of Haveg pipe? 20 A No. 21 Q And not one time ever? 22 A Not that I'm aware of. 23 MS. WILLIAMS: Objection. 24 BY MR. COTTEN 25 Q Have you -- are you aware of any of your	Page 28 1 monitoring to test for levels of asbestos at their 2 manufacturing plant? 3 A You mean, the standard dust survey samples 4 is what you're saying, picking-up-dust studies? 5 Q Did they do both dust studies and standard 6 survey? 7 A I'm thinking it's the same thing. I think 8 it's the same -- same designations. 9 Q Okay. Right. 10 A The first one was done in '66. 11 Q How many were done in 1966? 12 A There was one survey over a couple of days, 13 I think over maybe a week. 14 Q When was the next survey done? 15 A I'm aware of the next one, 1968. 16 Q And how many samples were taken then? 17 A I'm not sure the total number of samples. 18 Q And it was just area samples again? 19 A I have not seen the tests. I have seen 20 results, but I have not seen all the details of how they 21 ran all the tests. 22 Q What about the next one, after 1968? 23 MS. WILLIAMS: Objection, form. 24 THE WITNESS: I don't know, the following. 25
Page 27 1 customers or any Haveg Chemtite customers who conducted 2 studies on the -- or measured the amount of dust 3 released due to the cutting of Chemtite pipe? 4 A I have not come across or read or heard of 5 any customer that had such tests or data 6 Q Okay. Have you -- are you aware of any 7 customers of Haveg who conducted dust monitoring on the 8 cutting of Haveg pipe? 9 A I'm not 10 Q And you've never seen any documents that 11 show the results of the dust monitoring of cutting Haveg 12 pipe? 13 A Now, the customers, or anybody else? 14 Q Right. 15 A No, I have not 16 Q Have you seen the Johns-Manville dust 17 monitoring tests on Chemtite pipe that were done in the 18 1960s? 19 A I have not 20 MS. WILLIAMS: Form 21 BY MR. COTTEN 22 Q Okay. Did you know that Johns-Manville had 23 conducted such tests? 24 A I had not heard that, no 25 Q Okay. When did Haveg do the area	Page 29 1 BY MR. COTTEN 2 Q Do you know whether it was the next year? 3 Three years later? Five years later? 4 A Well, I know that dust was getting a lot of 5 attention by Haveg, to reduce dust, and they had a 6 chemical -- you know, projects, capital and maintenance 7 projects on the way to reduce dust, from the mid-'60s, 8 on. 9 Q Okay. When did you first become aware of 10 the hazards of asbestos? 11 A You mean, while I was working for Hercules, 12 that is? 13 Q No, I mean you, personally. 14 A Personally, while I was working for 15 Hercules, I had a project being built, a capital project 16 being built in Brunswick, Georgia. And I was involved 17 in working with the Engineering Department to specify 18 equipment and what we needed. And I do recall at that 19 period, them talking about no asbestos insulation would 20 be used. And they talked about the hazard, and then I 21 think that's where I learned about hazards of asbestos 22 Q Okay. When were -- when was this happening 23 that you were building this capital project in Georgia? 24 A 1975. 25 Q When did Hercules learn first that the

Page 30 1 inhalation of asbestos could cause occupational 2 diseases? 3 MS WILLIAMS Objection, form 4 THE WITNESS I think in the '64 time 5 period they were aware of the hazard, but the main 6 concern at that period was known to be asbestosis 7 BY MR COTTEN 8 Q And certainly, Haveg also knew, and 9 Hercules knew, that exposures to asbestos dust needed to 10 be controlled, correct, in the '60s? 11 A They were working on reducing it, yes 12 Q And they knew that you needed to reduce it? 13 A From the standpoint of a general hazard, 14 yes 15 Q Okay. When did Hercules first understand 16 the connection between exposure to asbestos and 17 mesothelioma? 18 A I think in 1973 Now, Haveg, you're using 19 Hercules and Haveg interchangeably, here 20 Q Uh-huh. 21 A I believe that being -- operating as a 22 wholly-owned subsidiary, that's really what it was It 23 was not integrated into the rest of the company, what we 24 and other parts of Hercules were dealing with 25 I'm going to answer the question on behalf	Page 32 1 BY MR COTTEN 2 Q Are you familiar with OSHA's asbestos 3 regulations? 4 A I know what the "in general" were I do 5 not -- have not read and studied the '72, '76, and the 6 detailed changes 7 Q Okay. 8 A But I know, in general, what it was all 9 about 10 Q So you understand that they were first 11 promulgated in 1972? 12 A That's correct 13 Q You understand there was an Emergency Dust 14 Standard in 1971? 15 A I had heard that 16 Q Okay. Have you ever seen that? 17 A I don't think I have reviewed that 18 document, no 19 Q You don't dispute that the 1971 Asbestos 20 Emergency Dust Standard would have applied to Haveg, do 21 you? 22 A I haven't read the standard. I'm not sure 23 exactly what it said 24 Q Okay. Do you know if anybody at Haveg ever 25 read the standard, or read it when it came out?
Page 31 1 of Haveg, because Hercules wasn't involved in the 2 day-to-day operations of Haveg 3 Q Okay. Certainly, the Safety Departments 4 became -- between Hercules and Haveg became integrated 5 at a certain point, didn't they? 6 A Not integrated They'd been -- they were 7 helpful to, as needed, but they were not -- the people 8 in Haveg did not sit on the staff of the Corporate 9 Safety Department, Corporate Safety Department did not 10 have anybody sitting at the plant in Marshallton There 11 were occasional visits, as needed or as requested, for 12 reviews and opinions 13 Q Okay. When did those occasional visits 14 start? 15 A Started in 1964 after acquisition by 16 Hercules 17 Q Okay. Do you know when Haveg learned of 18 the connection between mesothelioma and exposure to 19 asbestos? 20 MS WILLIAMS Objection, form 21 THE WITNESS I would say it this way In 22 1973, Haveg was aware of the -- under certain 23 circumstances, mesothelioma was related to asbestos 24 exposure 25	Page 33 1 A I'm sure they did. 2 Q Okay. So in 1971 and '72, do you think 3 they read the asbestos regulations promulgated by OSHA 4 in 1972? 5 A And followed them Yes 6 Q Okay. So certainly, then, Haveg's got to 7 know of the connection between exposure to asbestos and 8 mesothelioma at least in 1971, right? 9 MS WILLIAMS Objection, form 10 THE WITNESS I wouldn't say it that way, 11 because there -- I have read that there were scientific 12 opinion, that certain forms of asbestos cause certain 13 disease And in '71 crocidolite was not on the plant, 14 we didn't really start using it then On the plant they 15 had anthophyllite was the type, and I have seen 16 references to the belief, the scientific belief that 17 anthophyllite caused asbestosis but it was not a cause 18 of lung cancer or mesothelioma 19 BY MR COTTEN 20 Q Are you aware of any scientific opinion, 21 either published or stated in testimony, dated 1965 or 22 later, that has stated that crocidolite-asbestos didn't 23 cause mesothelioma? 24 MS WILLIAMS Objection, form 25 THE WITNESS I haven't seen that

Page 34	Page 36
1 connection. 2 BY MR. COTTEN 3 Q Okay. 4 A Yeah. 5 Q You understand that anthophyllite is an 6 amphibole form of asbestos? 7 MS. WILLIAMS: Objection, form. 8 THE WITNESS: I have not used that word. 9 BY MR. COTTEN 10 Q Okay. You're not an expert on asbestos 11 medicine, though, are you? 12 A I'm not an industrial hygienist. 13 Q You're not a doctor, either? 14 A Or a doctor. Correct. 15 Q And you're not an epidemiologist either, 16 are you? 17 A That's correct. 18 MS. WILLIAMS: Chad, if this helps you, 19 we're not going to be offering Mr. Patterson as an 20 expert in any of those areas -- 21 MR. COTTEN: I know. 22 MS. WILLIAMS: -- at trial. 23 MR. COTTEN: I know. I'm just trying to 24 find out why he says or knows or thinks all of those 25 things.	1 MS WILLIAMS What do you mean by 2 "asbestos information," Chad? 3 MR COTTEN I'm just repeating what he 4 said 5 MS WILLIAMS Still objecting to the form 6 THE WITNESS The one I looked at was a 7 1973 document, but I don't know if there wasn't things 8 earlier, I suspect there was 9 BY MR COTTEN 10 Q Okay. You suspect there were, but you 11 don't -- 12 A I don't know what -- I don't know what they 13 would have -- they were open with, you know, the 14 hazards, but the main focus, earlier, was on asbestosis 15 Q Have you read any of the other depositions 16 in this case, except for Mr. Gensler's? 17 A None 18 Q You've not read Dr. Weir's(phonetic) 19 deposition in this case? 20 A I have not 21 Q Now, at a certain point, Haveg started 22 recommending safe work practices for its Chemtite pipe, 23 right? 24 MS WILLIAMS Objection, form 25 THE WITNESS They were -- they were --
Page 35	Page 37
1 MS. WILLIAMS I object to the sidebar. 2 BY MR. COTTEN 3 Q Have you seen any memos regarding -- Haveg 4 memos or Hercules memos regarding asbestos safety? 5 A Yes. 6 MS WILLIAMS: Objection 7 BY MR. COTTEN 8 Q Okay. When is the last time you reviewed 9 such documents? 10 A For what time period? 11 Q When's the last time you looked at them? 12 A I looked at a few documents within the last 13 week 14 Q Okay. What documents did you look at in 15 the last week? 16 A I think I looked at the documents that were 17 covers to the various asbestos information supplied to 18 our employees. 19 Q Okay. When did Haveg first start supplying 20 asbestos information to its employees? 21 MS. WILLIAMS Objection, form. 22 THE WITNESS I'm not sure I've got -- I 23 know the exact date on that 24 BY MR. COTTEN 25 Q It was in the '70s?	1 recommended certain practices before Chemtite came to 2 the plant 3 BY MR. COTTEN 4 Q Okay. No. I'm talking about -- here's 5 what I'm talking about is the actual users guide, okay, 6 or the instructions, for a better word. Like, for the 7 end-users, did Chemtite -- did Haveg ever put any 8 recommendations for end-users to take any precautions 9 because there was asbestos? 10 A You mean, warnings? 11 Q Yes. 12 MS. WILLIAMS Form. 13 THE WITNESS: Yes 14 MR COTTEN Okay. 15 THE WITNESS There were warnings. 16 BY MR. COTTEN 17 Q When was the first warning, on Chemtite? 18 A January of 1973. 19 Q Okay. What did that warning say? 20 A It was a long warning. 21 MR. FITZPATRICK. Objection. 22 THE WITNESS I don't recall the exact 23 wording from memory Do you have it right there, you're 24 looking at? 25 MR. COTTEN. No.

Page 38 1 THE WITNESS. It was a warning that 2 referred the people to the following knowledge: I think 3 it -- I can't recall the exact wording, but I can tell 4 you that it tried to point out that if you modified the 5 pipe -- what it was really saying is, pipe, by itself, 6 is not hazardous. I mean, asbestos -- even though 7 asbestos is made -- is a part of the integral pipe, 8 because the pipe is a homogeneous material, then when 9 you modify it by cutting or sawing or drilling, dust may 10 be created, airborne dust. 11 If that dust is created, we were directed 12 to the OSHA standard dealing with protection of the 13 worker. That was the gist of that first warning. 14 BY MR. COTTEN 15 Q Where was the warning? Was it on the box? 16 A It was sent with the acknowledgment of all 17 orders from customers, with acknowledgment back to the 18 customer. 19 Q Okay. How was it sent? 20 A On the order acknowledgment itself 21 Q All right. How long was the order 22 acknowledgment? 23 A One page. 24 Q So if we had an order acknowledgment, we 25 should be able to look on there and see a warning?	Page 40 1 someone at a hazard, you think you should warn them of 2 that; correct? 3 MS WILLIAMS Objection, form 4 THE WITNESS I wasn't there at that time, 5 but warnings are things that were done 6 BY MR. COTTEN 7 Q Okay. I'm asking you right now, in this 8 case, because you're here representing Hercules and 9 Champlain Cable, do you think that it's a good thing to 10 warn an end-user of the possible hazards of using a 11 product that you're selling to that end-user? 12 MS WILLIAMS Objection, form 13 THE WITNESS The key word is "possible " 14 We didn't say there was a hazard by modifying It could 15 be created, dust We didn't say the dust had asbestos 16 We don't know that it had asbestos at all 17 BY MR. COTTEN 18 Q Okay. But you don't want to say, one way 19 or the other, if you -- look: All I'm asking is, do you 20 think it's a good thing, if there's a possible hazard to 21 an end-user using a product that you've sold that 22 end-user, and using it in a way that you've already told 23 me you guys could anticipate that they would use it -- 24 like, that way, cut it -- that you -- that it's the 25 right thing to do, to warn the end-user of this possible
Page 39 1 A That's my understanding. 2 Q All right. Why was that warning put in 3 there? 4 MS. WILLIAMS: Objection, form 5 THE WITNESS. It was a part of the decision 6 to -- I don't know the exact reference to the document 7 you're referring to, but it's a part of our 8 responsibility to warn when we saw that we need to warn. 9 BY MR. COTTEN 10 Q Okay. You think that if you're making 11 something that could be hazardous -- 12 A Uh-huh 13 Q -- that you have a responsibility to 14 the user -- the person who could be put at the hazard? 15 MS. WILLIAMS: Objection, form. 16 THE WITNESS: We didn't attempt to put down 17 all the uses because you can't do that There are too 18 many. We didn't -- we gave a warning that said, 19 "Material is bound, as is " 20 BY MR. COTTEN 21 Q And you, like I say, you think that's a 22 good thing to do? 23 MS WILLIAMS. Objection, form. 24 BY MR. COTTEN 25 Q If it can be used in a way that can put	Page 41 1 hazard? 2 A We did. 3 Q Okay. 4 MS. WILLIAMS: Objection, form. 5 THE WITNESS The warning did warn. The 6 language did warn. 7 BY MR. COTTEN 8 Q Do you know what the time-weighted average 9 for asbestos was in 1972? 10 MS. WILLIAMS: Objection, form 11 THE WITNESS. What do you mean? The 12 regulation? 13 BY MR. COTTEN 14 Q Uh-huh. 15 A Or recommendation? 16 Q The recommendation. 17 A I believe it was 5 million particles per 18 cubic foot of air. 19 Q Okay. Do you know what an excursion limit 20 is, in reference to asbestos? 21 A I have not used that term, "excursion 22 limit." 23 Q Do you know what I'm talking about? 24 A Things over -- 25 Q A limit you should never go above?

Page 42 1 A I have not seen that 2 Q Okay. 3 A In that term, no 4 Q All right. And so you wouldn't know what 5 it was for any particular use, correct? 6 A I have not seen the term "excursion limits" 7 during that time 8 Q Okay. Do you understand that when the 9 asbestos regulations were first promulgated and then 10 subsequently modified, that each one had a 11 recommended -- or a required time-weighted average you 12 were supposed to stay below? Okay? Do you understand 13 that? 14 A I understand that. 15 Q Okay. They also had a number that you were 16 never supposed to exceed; do you understand that? 17 A I have not seen it in that term, no 18 Q Okay. Do you know of any other limits, 19 other than the time-weighted-average limit, that were 20 part of the asbestos regulation? 21 A I have not read regulations to get that 22 information, no 23 Q Okay. I'm going to show you a document 24 that's dated January 15th, 1974. It's Bates-stamped. 25 It's a DuPont document. And I want to ask you, first of	Page 44 1 BY MR. COTTEN 2 Q Okay. I want you to look at the second 3 paragraph on this, okay, for me, and read it and then 4 we'll go over it. I want to give you a chance to read 5 it first. 6 A Okay. 7 (Witness examines document.) 8 MR. FITZPATRICK Just read the second 9 paragraph 10 MR. COTTEN The second paragraph. He can 11 read the whole thing if he wants. 12 MS. WILLIAMS And, Chad, I'd just like to 13 object to this line of questioning, to the extent that 14 he's never seen the document before and I don't 15 understand the relevance in the Gensler case. 16 MR. COTTEN Oh, it's quite relevant But 17 we'll deal with the objection later I hear you. It's 18 in the record 19 MS. WILLIAMS And, Chad, I don't know if 20 we got this agreement when we started, but for purposes 21 of this deposition, is an objection by one Defendant 22 good for all Defendants present? 23 MR. COTTEN Yes. 24 MS. WILLIAMS. Thank you 25 MR. FITZPATRICK Okay.
Page 43 1 all, if you have ever seen this before. 2 (Document to witness.) 3 MS. WILLIAMS: Chad, what is the Bates 4 number for that document? 5 MR. COTTEN: I'll read it to you when he's 6 done looking 7 MS. WILLIAMS: Okay Thank you. 8 MR. FITZPATRICK. Let me ask you Is this 9 a Bates-stamped number from a production in this case? 10 MR. COTTEN: No 11 THE WITNESS. First, I've never seen this 12 document. 13 BY MR. COTTEN 14 Q Okay. 15 MR. FITZPATRICK That's the only question 16 that's put to you. 17 MR. COTTEN Right. It's Bates-stamped 18 twice, and I'll read them both to you. The first one is 19 DUP050-2566, to DUP050-2567 20 The second one is DU002141, to DU002142 21 It's dated January 15th, 1974. It's a Memo to all 22 Engineering Division Superintendents from H.J. Ducote, 23 which is D-U-C-O-T-E. It's titled, Air Sampling for 24 Asbestos Fibers, Results. 25	Page 45 1 MR. COTTEN Okay. 2 THE WITNESS All right. 3 MR. COTTEN: Could I see that back? 4 (Document to Mr. Cotten.) 5 BY MR. COTTEN 6 Q All right. So the second paragraph says, 7 quote, "The results show that with the exception of 8 machining Haveg pipe and removing dry magnesium 9 insulation, fiber concentration did not exceed the 10 allowable limit of 5 fibers per milliliter of air for 11 handling without respiratory protection." Did you see 12 that? 13 A I saw that. 14 Q Okay. What is "machining Haveg pipe?" 15 What do you think that means? 16 MR. FITZPATRICK: Objection 17 MS. WILLIAMS: Object to form Chad, he's 18 already said he's not familiar with this document 19 MR. COTTEN: I'm asking what he thinks the 20 word "machining" means. 21 MS. WILLIAMS Yes Let me finish my 22 objection. I'm objecting -- you're asking him what 23 somebody may have meant by a term "machining" in a 24 document that he doesn't know anything about. 25 MR. COTTEN Okay I'll lay a foundation,

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1 then. 2 MS. WILLIAMS: Thank you. 3 BY MR. COTTEN 4 Q You worked for Hercules from 1968 to 2003, 5 correct? 6 A Correct. 7 Q And you were Process Engineer for a time? 8 A I was. 9 Q You have been in supervisory positions in 10 technical management, correct? 11 A That's correct. 12 Q You were in charge of the Resins Division? 13 A I was. 14 Q You're familiar with the kind of products 15 that Haveg made and sold, right? 16 A Not during the time I worked 17 Q You are now? 18 A I am now. 19 Q And you're a corporate representative of 20 Hercules and Champlain Cable in this case; is that 21 correct? 22 A That's correct 23 Q And one of the things that you're here to 24 testify about on behalf of the company is what 25 asbestos-containing products they sold, right?	1 BY MR COTTEN 2 Q Not necessarily. But it is something that 3 you -- that needs to be done, correct, at times? 4 MS. WILLIAMS: Objection. 5 THE WITNESS: You're dealing with -- you're 6 talking about Chemtite -- 7 MR. COTTEN: No, I'm talking about Haveg. 8 THE WITNESS -- or Haveg? Haveg pipe was 9 often supplied to the customers, cut for the use and 10 everything is ready to put together 11 BY MR COTTEN 12 Q Okay. Would customers ever have to cut 13 Haveg pipe? 14 A Sometimes. 15 Q Okay. Would customers ever have to drill 16 Haveg pipe? 17 A Don't know. 18 Q Now, you're a Process Engineer, okay. I'm 19 asking you, as an engineer and as a corporate 20 representative, if you are familiar with the term 21 "machining" in connection with these resin-based pipes 22 that Haveg manufactured and sold. 23 MS. WILLIAMS: Objection. 24 THE WITNESS: I have not seen a detailed 25 flow sheet of the process for Haveg or Chemtite I have
Page 47	Page 49
1 A Correct 2 Q Okay. And Haveg pipe is one of them, 3 correct? 4 A That is correct. 5 Q And you understand, and we talked about 6 earlier, that there were certain things you may need to 7 do to fabricate the pipe, right? 8 A Okay. 9 MS. WILLIAMS: Objection, form. 10 BY MR COTTEN 11 Q Drilling, correct? Drilling? 12 MS. WILLIAMS: Objection, form 13 MR. FITZPATRICK. Is your question -- 14 MR. COTTEN: Yes. 15 MR. FITZPATRICK -- you need to drill the 16 pipe? 17 BY MR. COTTEN 18 Q No. Is that one of the things you do when 19 you're fabricating the pipe on a job site? 20 A Not necessarily. 21 MS. WILLIAMS: Object to form 22 BY MR. COTTEN 23 Q Okay. How about cutting it? 24 A Not necessarily. 25 MS. WILLIAMS: Objection, form.	1 not ever seen one or heard if there is one that I could 2 look at. As a result, I don't know whether machining 3 was a part of the fabrication of everything or not. 4 BY MR. COTTEN 5 Q Okay. In machining, do you think that they 6 mean "cutting?" 7 MS. WILLIAMS: Objection, form. 8 THE WITNESS: Not necessarily. Machining 9 can mean grinding; it can mean a number of things. It's 10 a term that is not necessarily applied to just one 11 activity. 12 BY MR. COTTEN 13 Q Okay. So you don't know what that means, 14 "machining?" 15 MS. WILLIAMS: Objection, form. 16 BY MR. COTTEN 17 Q Do you have an idea of what it means, 18 either this or that? 19 MS. WILLIAMS: Objection, form. 20 MR. FITZPATRICK: Don't speculate. 21 THE WITNESS: I don't. 22 BY MR. COTTEN 23 Q Okay. You have no idea? 24 MS. WILLIAMS: Objection, form. 25 THE WITNESS: In the context of that -- the

Page 50 1 document, I do not. 2 MR. COTTEN: Okay. 3 MS. WILLIAMS: Why don't you ask -- the 4 witness, Chad -- the document speaks for itself. Let's 5 move on. 6 BY MR. COTTEN 7 Q Now, did you turn to the second page? 8 A Let me see it again. 9 (Document to witness.) 10 THE WITNESS: Okay. 11 BY MR. COTTEN 12 Q Okay. So on the first page, and we'll mark 13 this as Exhibit -- how about Exhibit 4. 14 (Patterson Exhibit Number 4 marked for 15 identification.) 16 MR. COTTEN: Exhibit 1 will be the Notice. 17 (Patterson Exhibit Number 1 marked for 18 identification.) 19 MR. COTTEN: Exhibit 2 will be the 20 Objections to the Notice. 21 (Patterson Exhibit Number 2 marked for 22 identification.) 23 MR. COTTEN: Exhibit 3 will be your CV. 24 (Patterson Exhibit Number 3 marked for 25 identification.)	Page 52 1 BY MR. COTTEN 2 Q Okay. So here we have, the job is 3 machining Haveg pipe, the location is the shop, and it's 4 a personal sample, and it's 18.22 fibers per milliliter 5 of air; did you see that? 6 A I saw that. 7 MS WILLIAMS Object to form. 8 BY MR. COTTEN 9 Q Okay. Now, for 1974, is that above the 10 allowable OSHA standard? 11 MS. WILLIAMS: Objection, form. 12 THE WITNESS: It is 13 BY MR. COTTEN 14 Q Okay. And the next one is an area sample. 15 It's the next one down. 16 A Okay. 17 Q And what does that one say? 18 A 17. 19 Q Point? 20 A .2697 21 Q And that one's over the OSHA standard of 22 1974, too, correct? 23 A It is. 24 MS. WILLIAMS. Form. 25
Page 51 1 MR. COTTEN: And so we'll call this 2 Exhibit 4. 3 BY MR. COTTEN 4 Q Paragraph two says that, "With the 5 exception of machining Haveg pipe and removing dry 6 magnesium insulation, fiber concentrations did not 7 exceed the allowable limit of 5 fibers per milliliter of 8 air." 9 Let me ask you, first, did Hercules or 10 Haveg ever conduct any dust samplings to measure the 11 amount of asbestos through the grinding of Haveg pipe? 12 MS. WILLIAMS: Objection to form 13 THE WITNESS: I have not seen anything -- 14 you're talking about within a process step? 15 BY MR. COTTEN 16 Q No, I'm talking about in a fabrication 17 step. 18 A I have not seen that data 19 Q Did Haveg or Hercules ever do any type of 20 dust monitoring for any type of fabrication step on 21 either Haveg or Chemtite pipe? 22 MS. WILLIAMS: Objection, form. Asked and 23 answered 24 THE WITNESS: I'm not aware of that type 25 study.	Page 53 1 BY MR. COTTEN 2 Q In 1974, was Haveg and/or Hercules aware 3 that this amount of asbestos dust could be created by 4 machining Haveg pipe? 5 MR. FITZPATRICK: I'll object to form 6 MS. WILLIAMS. Objection, form. 7 THE WITNESS I have not seen data broken 8 down in that way 9 BY MR. COTTEN 10 Q Okay. Did Haveg have any type of idea the 11 amount of asbestos dust that would be created through 12 the fabrication of its pipe by end-users? 13 MS WILLIAMS: Objection, form 14 THE WITNESS: You're mixing end-users with 15 our plant. 16 BY MR. COTTEN 17 Q I'm not, though. I'm just talking about 18 end-users. 19 MS WILLIAMS: Objection to form 20 THE WITNESS: We did not know what they 21 were doing with it, so we couldn't have -- that's why we 22 put the warning, in case they did create airborne dust, 23 they were directed toward workman protection, 24 respirators. 25

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1 BY MR COTTEN 2 Q Okay. You would agree with me, wouldn't 3 you, that DuPont was an end-user? 4 MS. WILLIAMS: Objection, form. 5 THE WITNESS: I have not seen data that 6 says that. They may be. They might have been 7 MR. COTTEN: Okay 8 THE WITNESS: Probably -- probably used 9 some. 10 BY MR. COTTEN 11 Q Should the end-users know more about how 12 much asbestos dust is created by the fabrication of 13 Haveg's product, than Haveg, who is manufacturing the 14 product? 15 MR. FITZPATRICK: Objection, form. 16 MS. WILLIAMS: Objection. 17 THE WITNESS: I don't know that -- 18 MR. FITZPATRICK: Just answer the question. 19 THE WITNESS: No, no -- ask the question 20 again. I'm sorry. 21 MR. COTTEN: Can you read the question 22 back? 23 THE WITNESS: Read the question 24 (The court reporter read back the question, 25 "Should the end-users know more about how much asbestos	1 example Some of it would be the shop equipment 2 Q How about grinding Haveg pipe? 3 MS. WILLIAMS: Objection, form 4 THE WITNESS: I have not seen specific 5 equipment on that 6 BY MR COTTEN 7 Q In the third paragraph here, it talks 8 about, "The shop has been advised to use water mist 9 cooling while machining Haveg pipe to eliminate 10 dusting." Did you see that? 11 A I saw it. 12 Q Does the fact that they're talking about 13 water mist cooling enable you to make any conclusions 14 about what they're doing, machining this pipe? 15 MS. WILLIAMS: Objection, form 16 MR. FITZPATRICK: Don't speculate. 17 THE WITNESS: No. 18 BY MR COTTEN 19 Q Have you ever seen any documents from Dow 20 Chemical Corporation about the uses of Haveg or Chemtite 21 pipe at the Freeport division? 22 A I have seen no documents 23 MS. WILLIAMS: Objection, form 24 BY MR COTTEN 25 Q Have you seen any Dow documents regarding
Page 55	Page 57
1 dust is created by the fabrication of Haveg's product, 2 than Haveg, who is manufacturing the product?") 3 MS. WILLIAMS: Same objection. 4 THE WITNESS: We don't know what they -- 5 exactly, steps they were doing with it. Haveg would not 6 know what steps they were doing with it. 7 BY MR. COTTEN 8 Q Because you don't know exactly what any 9 particular end-user is going to do with it, doesn't it 10 make it all the more important to conduct -- for Haveg 11 to conduct its own tests of the various aspects of 12 fabrication that it can foresee end-users doing? 13 MS. WILLIAMS: Objection, form. 14 THE WITNESS: It's dozens, maybe thousands, 15 of application changes that we -- we had no way of 16 knowing exactly what conditions the customer was using. 17 BY MR COTTEN 18 Q You certainly know that they might cut it 19 or drill it, though, correct? 20 A Yes, but a lot of things we didn't know 21 Q Okay. Have you ever heard of Haveg or 22 Chemtite pipe being sawed in a shop by an end-user? 23 A I think the new -- yes, they -- not 24 specifically, but I imagine it's -- in reference to 25 cutting, what type of equipment you can use, for	1 the amount of asbestos dust created by the fabrication 2 of Haveg or Chemtite pipes? 3 A I have not. 4 Q Do you think it was a good idea for DuPont 5 to measure the amount of asbestos dust being created by 6 the machining and drilling of Haveg pipe? 7 MS. WILLIAMS: Objection, form. 8 THE WITNESS: They were a customer. 9 There's nothing wrong with that. 10 BY MR COTTEN 11 Q Okay. Do you think that's a good safety 12 practice? 13 A We were working on dust ourselves at that 14 time. 15 Q All right. But what I'm asking you is, for 16 them to conduct these tests and measure the amount of 17 dust that's being created, when they used the product, 18 the Haveg pipe, do you think that that was a good thing 19 for them to do? 20 A Yes 21 MS. WILLIAMS: Objection, form. 22 MR. COTTEN: Why don't we take a break. 23 We've been going an hour. 24 (A brief recess was taken.) 25

Page 58 1 BY MR COTTEN 2 Q We were talking earlier about what you 3 know -- we were talking earlier about the OSHA asbestos 4 regulations, and you mentioned a couple times that you 5 thought that Haveg was trying to deal with the dust 6 issue, correct? 7 A Correct 8 Q Okay. I want to show you something that 9 I'm pretty sure you've seen before. It's from August of 10 1978 about a plant tour from a guy named Mr. West at the 11 Hercules Safety Department. 12 (Document to witness.) 13 THE WITNESS Let me see 14 (Witness examines document) 15 BY MR COTTEN 16 Q Okay. I want to direct your attention 17 first, to the one, two, three, four -- seventh paragraph 18 that starts -- well, first of all, who is Mr. West? 19 A He was a member of the Safety Department 20 Q At Hercules? 21 A At the corporate -- yes 22 Q Okay. And you were going to say 23 corporate -- 24 A Corporate Safety Department, yes. 25 Q Okay. Corporate Safety Department. Did	Page 60 1 or anthophyllite, and they also made Chemtite at the 2 location. 3 Q Okay. 4 A I think they're talking about the whole 5 location 6 Q Yeah. Okay. So one, two, three -- wait. 7 Hold on -- the seventh paragraph, again, I'm pretty sure 8 you're familiar with that. Could you read that into the 9 record? 10 MS. WILLIAMS: Object to the sidebar 11 THE WITNESS: "Mr West remarked that if an 12 OSHA inspector at this very moment showed up, Haveg 13 would be instantly closed down and cited for willfully 14 contaminating the area with asbestos. OSHA would also 15 impose on Haveg high penalties in fines and, in turn, 16 this would make us wide open for multimillion dollar 17 liable suits brought on by personnel for being 18 criminally exposed." 19 BY MR. COTTEN 20 Q Okay. Now, this is from 1978, right? 21 A Correct. 22 Q In what year was the OSHA asbestos 23 regulations promulgated? 24 A The first one was in '72. 25 Q So six years before this?
Page 59 1 Haveg have their own Safety Department? 2 A They had a safety unit, which had -- 3 Mr Painter was the coordinator of 4 Q Okay. Who did Mr. Painter work for? 5 A The plant manager, I believe 6 Q So he's technically working for Haveg, or 7 Hercules? 8 A Haveg 9 Q Okay. But the plant tour we're talking 10 about here was from a Mr. West from the Hercules Safety 11 Department? 12 A Yes. 13 Q The corporate office? 14 A Correct 15 Q Okay. And these are the types of safety 16 tours that had been going on since 1964? 17 A Yes I'm not sure what caused that one, 18 whether it was for looking at a project They reviewed 19 projects, they reviewed various things at various times 20 Q Okay. Now, this -- what plant are they 21 talking about here? 22 A Marshallton 23 Q This is where they made Chemtite pipe, 24 right? 25 A Well, they made the other Haveg material,	Page 61 1 A Yeah, that's true. 2 Q Now, you'd agree with me that Mr. West 3 doesn't think that Haveg cares about asbestos dust at 4 its facility, right? 5 MR. FITZPATRICK: Objection, form. 6 THE WITNESS: I don't know what Mr. West 7 thinks I know this. That that was at a point in time 8 when there was a bad inspection. 9 BY MR COTTEN 10 Q Well, let's go to the next paragraph, which 11 is the eighth paragraph. Would you read that one into 12 the record? 13 A "Such deplorable conditions in these 14 localities is not a first-time happening. Mr Good, my 15 predecessor, as well as I, have constantly brought up 16 the matter but somehow the seriousness of the nature 17 does not seem to be acknowledged. 18 "A similar occurrence, although not related 19 to housekeeping, was when Mr A Simpson, Delaware Air 20 Division, visited us on August 23, 1978 His visiting 21 time and the specific equipment he was to monitor was 22 well announced and in plenty of foretime But the 23 asbestos drier[sic], one of the requisites, was not 24 operating. Half an hour later when the drier was in 25 operation and stabilized enough for monitoring the

Page 62 1 effectiveness of the complementing dust collector, the 2 air blower on the roof was scattering asbestos fibers 3 into the atmosphere, right before the eyes of our 4 visitor. 5 "This could have been avoided had the drier 6 been in operation and the blower outlet inspected that 7 morning." 8 Q Okay. What's the asbestos drier? 9 MS. WILLIAMS: Objection, form. 10 THE WITNESS: That's a part of the Haveg 11 plant not connected to Chemtite, where I think -- it's 12 obviously the drying of asbestos. 13 BY MR. COTTEN 14 Q Uh-huh. 15 A And, it -- I'm speculating if I say exactly 16 what -- before this step or another step. But it's just 17 drying the asbestos prior to mixing with the resin. 18 Q The raw anthophyllite-asbestos? 19 A Either before -- yeah, it's anthophyllite 20 without resin. 21 Q Okay. There was asbestos crocidolite paper 22 in the Chemtite, correct? 23 A Correct. 24 Q Was the paper bought or made by Haveg? 25 A The paper was always bought in roll form.	Page 64 1 came here on this date and started telling you, and 2 until now, nothing has ever happened"? 3 A No, that's not what I'm saying. 4 MS. WILLIAMS Objection 5 THE WITNESS: That was not what I was 6 implying 7 BY MR. COTTEN 8 Q Okay. Do you think there was a time before 9 this where Haveg was taking asbestos seriously at the 10 plant and then they stopped doing it? 11 MS. WILLIAMS: Objection. 12 THE WITNESS: I don't think they stopped 13 doing it. That's a one-shot inspection that was not one 14 of their better days, obviously 15 BY MR. COTTEN 16 Q Okay. What does it mean, "Willfully 17 contaminating the environment with asbestos"? 18 MR FITZPATRICK: Objection. 19 MS WILLIAMS: Objection, form. 20 THE WITNESS: I don't -- I don't know 21 what -- why they said that 22 BY MR. COTTEN 23 Q Who is Dudley Barton? 24 A General manager 25 Q Of the plant?
Page 63 1 Q Okay. 2 A Paper. 3 Q Who is Mr. Good? 4 A He was a Safety Coordinator prior to 5 Mr. Painter. 6 Q When did Mr. Painter become the Safety 7 Coordinator? 8 A He was there from '71 until sometime in the 9 mid-'70s at another assignment or other location; came 10 back in '78, I believe 11 Q Okay. So Mr. Good is out there in the 12 mid-'70s? 13 A Yes 14 Q So here we have Mr. Painter saying that 15 both he and Mr. Good brought up this matter, meaning, 16 asbestos safety, but nobody has acknowledged it. You'd 17 agree that that's what he says? 18 MR. FITZPATRICK Object to the form. Show 19 him the document so he can agree or not agree 20 (Witness examines document.) 21 THE WITNESS: He states that. But he 22 doesn't state it's been continuously like that from time 23 periods. 24 BY MR. COTTEN 25 Q Okay. So you'd want somebody to say, "I	Page 65 1 A Of the location Yes, sir 2 Q Okay. Did Mr. Barton have a response in 3 writing to this memo? 4 A I have not seen it, if he did 5 Q Was Mr. Barton reprimanded in connection 6 with this memo? 7 MS WILLIAMS Objection, form 8 THE WITNESS I do not know 9 BY MR COTTEN 10 Q Do you know when Mr. Barton stopped working 11 for Haveg? 12 A He was there through the sale to Ametek, 13 and then it went on with -- with the process with them 14 Q Okay. So when was the sale to Ametek? 15 A October of 1980 16 Q And then he continued on with Ametek? 17 A Correct 18 Q Okay. Can you read the last paragraph 19 here? 20 A "Not wanting to sound like a Cassandra, I 21 must still say that I cannot overemphasize the severity 22 of these infractions, and that my amazement of the 23 observed lack of concern or understanding of the gravity 24 of such problems by the supervisor " 25 Q Okay. Doesn't that continue -- doesn't

Page 66 1 that indicate to you that this is a continuing problem, 2 as far as Mr. West or Mr. Painter is concerned? 3 A It doesn't say the frequency at all. 4 Q Okay. But he still says "infractions," 5 correct? So he's not just talking about one? 6 MS. WILLIAMS: Objection, form. 7 THE WITNESS: That's what he says. 8 BY MR. COTTEN 9 Q Right. And he also says, "The observed 10 lack of concern or an understanding of the gravity of 11 such problems," right? Meaning, there was more than 12 one, obviously? 13 MS. WILLIAMS: Objection, form 14 THE WITNESS: That's what he says. 15 BY MR. COTTEN 16 Q Okay. What's a Cassandra? 17 A I don't know what that refers to. 18 Q Okay. 19 A I'm not sure that's a mythological 20 reference. 21 Q It is. And tell me if this refreshes your 22 memory. It's someone who is always saying the sky is 23 falling, basically, right? Cassandra? 24 MS. WILLIAMS: Object to form. 25	Page 68 1 inference is that it's -- 2 MR. FITZPATRICK: Don't draw inferences. 3 Just -- 4 THE WITNESS: I don't know what he's 5 saying 6 BY MR. COTTEN 7 Q Okay. Do you know who else was copied on 8 this memo? 9 A Sorry. I do not. 10 Q Now, so this is a memo from Mr. Painter to 11 the Safety Coordinator there at the plant, to Mr. West, 12 or to -- I'm sorry -- to Mr. Barton, who is the general 13 manager of the plant. And the Safety Coordinator, 14 Mr. Painter, is saying to the general manager of the 15 plant, Mr. -- that if OSHA showed up, right at that 16 moment, that the whole plant would be closed down and 17 cited for willfully contaminating the environment with 18 asbestos. That's what he says. 19 Do you know what Mr. Barton did 20 specifically in reaction to this memo? 21 MS. WILLIAMS: Objection to the sidebar. 22 Objection to the form of the question. 23 THE WITNESS: I have not seen a response. 24 BY MR. COTTEN 25 Q Do you know if he did anything?
Page 67 1 BY MR. COTTEN 2 Q So he doesn't want to sound too negative; 3 is that what he's saying right there? 4 MS. WILLIAMS: Objection, form 5 THE WITNESS: Yeah. I guess that's what 6 he's trying to say 7 BY MR. COTTEN 8 Q Okay. Now, the paragraph right above that, 9 okay, "Such occurrences cannot be ignored. The 10 wage-role employees are generally the culprits because 11 they are the user of the solvents in their operations. 12 But if no supervision is present and constant 13 surveillance is not made, they stand blameless," right? 14 Do. 15 You remember reading that? Do you want to 16 read it again? 17 (Document to witness.) 18 MS. WILLIAMS: Objection Is there a 19 question? 20 THE WITNESS: That's what he says 21 BY MR. COTTEN 22 Q Okay. Now, he's saying there, that this is 23 Mr. Barton's fault, right? 24 MS. WILLIAMS: Objection, form. 25 THE WITNESS: He is saying that -- the	Page 69 1 A I do not know 2 Q Okay. He certainly wasn't let go by Haveg 3 or Hercules, was he? Mr. Painter? Or, I mean, 4 Mr. Barton? 5 A He was not 6 Q Okay. Now, you think, certainly, that 7 something should have been done in reaction to this 8 memo, don't you? 9 MS. WILLIAMS: Objection, form 10 THE WITNESS: I do not believe that to be 11 the case -- that memo to be the case on a day-to-day 12 basis -- 13 MR. COTTEN: Okay. 14 THE WITNESS: -- of the whole time period 15 BY MR. COTTEN 16 Q Even if it wasn't the case on a day-to-day 17 basis, if something like this had happened and was put 18 in writing in a memo, you would think that Mr. Barton 19 would have taken some action in response to it, correct? 20 A He may have. I don't know 21 Q Well, I'm not asking you whether or not he 22 did, because we already established that you don't know. 23 A Okay 24 MS. WILLIAMS: Objection, form 25

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1 BY MR. COTTEN 2 Q I'm asking, do you think he should have? 3 MS WILLIAMS Objection, form. 4 THE WITNESS: Yes. 5 BY MR COTTEN 6 Q Okay. You ran a plant, right? 7 A Right. 8 Q The one in Georgia, correct? 9 A I have, yes. 10 Q Okay. If somebody came to you -- you're 11 the general manager of the plant, right? 12 A Let's say -- well, not that title, but 13 let's just say I was in charge. 14 Q Okay. What was your official title? 15 A I was the Area Manager at that time, Area 16 Supervisor of that plant. 17 Q Okay. 18 A Subunit of a larger plant. 19 Q Okay. Was there a Safety Coordinator too? 20 A For the plant, yes. 21 Q And if the Safety Coordinator came to you 22 and said that the area that you were managing, if OSHA 23 were to show up that day, the whole thing would be shut 24 down, you would take steps, wouldn't you, to correct the 25 problems?	1 MS WILLIAMS: Objection, form. 2 BY MR. COTTEN 3 Q Right? 4 MS. WILLIAMS. The document speaks for 5 itself. 6 THE WITNESS: The document says that. 7 BY MR. COTTEN 8 Q Okay. And you don't know whether or not 9 Mr. Barton ever went back and made sure that they 10 covered up the paper rolls with plastic, as was required 11 by the law, do you? 12 MS WILLIAMS: Objection, form. 13 THE WITNESS: I do not know, either way. 14 BY MR. COTTEN 15 Q Okay. Wouldn't a standard practice -- and 16 maybe it wouldn't be, so tell me -- wouldn't a standard 17 practice in Haveg and in Hercules be to make sure that 18 each one of these specifically identified problems -- 19 because they are specifically identified -- have been 20 dealt with and in writing so you guys can verify it? 21 MS. WILLIAMS: Objection, form 22 THE WITNESS: Things get corrected with 23 high priority, and I'm not -- we don't know that that 24 wasn't corrected. 25
Page 71	Page 73
1 MS. WILLIAMS. Objection, form. 2 THE WITNESS: I would. 3 BY MR. COTTEN 4 Q Okay. And you'd probably file a written 5 response too, correct? 6 A Not necessarily 7 MS. WILLIAMS Form 8 BY MR. COTTEN 9 Q Okay. The fourth paragraph, what does that 10 say? 11 (Witness examines document.) 12 THE WITNESS: "In the same locality there 13 are asbestos paper rolls, bare, and plastic bag coverage 14 is mandatory for asbestos items." 15 BY MR. COTTEN 16 Q Okay. So that's asbestos paper rolls, 17 right? 18 A That's correct 19 Q That's Chemtite stuff? 20 MS. WILLIAMS: Objection. 21 THE WITNESS. Chemtite feedstock 22 BY MR. COTTEN 23 Q Okay. And what that paragraph says is that 24 it's required that there be plastic bag coverage on 25 those paper rolls, and there wasn't any?	1 BY MR. COTTEN 2 Q Isn't it important -- but we don't know 3 that it was, either, do we? 4 MS WILLIAMS: Objection, form 5 THE WITNESS. I believe the culture of that 6 plant was not as bad as he's indicating 7 BY MR. COTTEN 8 Q Okay. You believe that, based on what? 9 A The Plant Safety Committee met all the time 10 that -- that Plant Safety Committee met monthly, made up 11 of a couple of managing -- management people and a 12 couple of technicians and then one person from each area 13 of the plant. And they saw to it that two things 14 happened: That things were identified and corrected, 15 and that they had a Safety and Housekeeping Report each 16 month. 17 Safety and Housekeeping Reports, I looked 18 at 45 of these over the time period 1964 to 1980, and 19 there's not a trend that says that that memo we've been 20 speaking of is representative. 21 BY MR COTTEN 22 Q Have you brought any of those reports with 23 you to your deposition? 24 A No 25 Q When's the last time you looked at them?

Page 74 1 A A couple of days ago 2 MR FITZPATRICK I would note for the 3 record that they were all produced 4 BY MR COTTEN 5 Q Did you sit on that committee? 6 A No 7 Q Have you talked to anybody who did sit on 8 that committee, in connection with this memo from 1978, 9 which we'll mark as Exhibit 5? 10 A No 11 (Patterson Exhibit Number 5 marked for 12 identification) 13 BY MR COTTEN 14 Q And I just want to make sure that I get 15 this straight: You think that even though this memo 16 came out that says that the opinion of the Safety 17 Coordinator is that if OSHA showed up that day they'd 18 shut down the Haveg plant for violating the asbestos 19 rules, that you don't think the plant was really that 20 bad, with -- in connection with asbestos? 21 MS WILLIAMS Objection, form 22 THE WITNESS I didn't say that What I 23 was talking about was the period of time of any spot -- 24 that's a spot inspection and a judgment that is 25 horrible, and it could have been But I'm saying that	Page 76 1 addressed in that report? 2 MS WILLIAMS Objection, form 3 THE WITNESS I don't know that it was 4 linked to that report I just don't know 5 BY MR. COTTEN 6 Q Okay. What is the purpose of these Safety 7 and Housekeeping Reports? 8 A To continue to emphasize where changes are 9 needed, fix it, and demonstrate that you fixed it 10 Q So wouldn't the things that are outlined in 11 this 19 -- in this August 29th, 1978, report, things 12 that needed to be changed and emphasized? 13 A They may have been I just don't have the 14 linkage between that date and the monthly 15 Q Right. I'm not -- 16 A No 17 Q -- asking you whether they're in the 18 housekeeping report. What I'm asking you is, don't you 19 think they should have been in the housekeeping report? 20 A That was done by different people than the 21 housekeeping report I mean, it's two different 22 documents 23 Q Okay. Would the housekeeping -- would the 24 people doing the housekeeping report know about the 25 asbestos regulations?
Page 75 1 they took care of housekeeping, they continued to work 2 on it through the time period '64 to 1980 3 BY MR COTTEN 4 Q Okay. But just to be clear, you don't have 5 any knowledge, one way or the other, whether any of the 6 issues that are noted in this memo were ever addressed 7 or taken care of? 8 A I don't recall seeing it, no 9 Q Okay. 10 MS WILLIAMS Asked and answered 11 BY MR COTTEN 12 Q Did you, in your review of the housekeeping 13 memos, was there one done in August or September of 14 1978? 15 A I didn't try to match them up I wasn't 16 trying to prove a memo I was looking at the -- 17 Q The housekeeping memos, wouldn't they be 18 expected to address these issues? 19 MS WILLIAMS Objection, form 20 THE WITNESS I didn't have all the months 21 by any stretch of the imagination I had 45 for 16 22 years 23 BY MR COTTEN 24 Q Okay. If you saw one from September of 25 1978, wouldn't you expect all these issues to be	Page 77 1 MS WILLIAMS Objection, form 2 THE WITNESS They knew that dust was to be 3 reduced, eliminated 4 BY MR COTTEN 5 Q Asbestos dust? 6 A Dust You don't know, when you're doing 7 something, whether it's resin dust or encapsulated 8 asbestos, or asbestos So we say, you know, dust is -- 9 get rid of dust 10 Q Okay. 11 A Some of it's asbestos, some is other dust 12 Q Well, what I'm trying to understand is if 13 the people writing the Safety and Housekeeping Reports 14 aren't familiar with these issues, why would you look at 15 the Safety and Housekeeping Reports in order to 16 determine whether these issues were being dealt with? 17 A They're looking at everything They're 18 looking at -- all the plant's -- it's a tour It's a 19 tour, looking for good versus bad 20 Q Now, we're talking about something that's 21 so bad that Mr. Painter thinks that OSHA would shut the 22 whole plant down, right? That's what he says? 23 A He says that, but we don't know -- 24 MS WILLIAMS Form 25

Page 78	Page 80
1 BY MR COTTEN 2 Q That's what it says? 3 A That's what it says That's what he says 4 Q And these are Hercules employees saying 5 that? 6 A He's a Haveg employee 7 Q Okay. 8 A Mr West? 9 Q No, Mr. West remarked that if an OSHA 10 inspector at this very moment showed up, Haveg would be 11 instantly closed down. 12 A See, I don't know what Mr West -- 13 MS WILLIAMS Objection, form 14 THE WITNESS I don't know how long 15 Mr West had been in the Safety Department I don't 16 know how much he knew about the OSHA regulations. I 17 don't know 18 MS WILLIAMS I was going to advise 19 Mr Patterson or ask him to please just wait just a 20 second after the question is asked to allow me a chance 21 to make an objection It will make it easier for the 22 court reporter Okay? 23 THE WITNESS Will do 24 BY MR COTTEN 25 Q So what you're saying is, you don't know	1 BY MR COTTEN 2 Q Okay. When you were going through the 3 safety reports, did you specifically look for any safety 4 reports from 1978? 5 A No, I was looking just to see -- looking 6 for trends, that, were they what I would consider to be 7 a functioning Safety Committee at the plant, and I 8 concluded they were 9 Q Okay. 10 A From not just the safety analysis of their 11 housekeeping issues, but the follow-up on other things 12 that they were about, and the feedback from employees 13 and to employees, from managers. 14 Q Okay. You're familiar with this memo, 15 you've seen this before, this case, right? 16 A Not before this case, but a couple days 17 ago, yes. 18 Q You saw this a couple days ago? 19 A Maybe a week ago. But I'm not familiar 20 with it from the past. 21 Q Okay. Have you seen it in other 22 litigation? 23 MS WILLIAMS: Objection, form 24 THE WITNESS. I'm not certain -- I guess 25 the last deposition is where I saw it, three weeks ago
Page 79	Page 81
1 whether Mr. West's assessment here is accurate or not? 2 MS. WILLIAMS. Objection, form. 3 THE WITNESS: I do not -- 4 BY MR. COTTEN 5 Q Okay. Let me ask you like this: If it is 6 accurate, that's certainly something that should be 7 addressed in the Safety and Housekeeping Report, isn't 8 it? 9 MS WILLIAMS Objection 10 BY MR COTTEN 11 Q Something so serious that OSHA would shut 12 the whole plant down? 13 A You're asking me to speculate 14 MS. WILLIAMS: Objection, form. Chad, I 15 think you've asked him the same question about 20 times 16 BY MR. COTTEN 17 Q I'm not asking you whether or not it was in 18 there. I'm asking you, the -- your understanding the 19 purpose of the Safety and Housekeeping Reports, 20 shouldn't it be in there? 21 MS WILLIAMS: Objection, form. You've 22 asked him that as well several times 23 THE WITNESS: I don't know the linkage of 24 that letter to the other study 25	1 BY MR COTTEN 2 Q Okay. And since that last deposition, 3 you've gone and reviewed the Safety and Housekeeping 4 Reports? 5 A Not in connection with that report 6 Q But you have done it? 7 A I have looked over it, but it's a six-page 8 report each month I didn't study it. 9 Q So you did see this, and after that, you 10 looked at the Safety and Housekeeping Reports? 11 A Not in this -- 12 Q But you didn't look for anything in 13 connection with this? 14 A Not in the same time period, not in the 15 same sequence. I looked at the housekeeping reports; I 16 glanced at that a couple days before. I wasn't looking 17 to make a match. 18 Q Okay. So you'd agree with me then, that 19 the Safety and Housekeeping Reports, they don't have 20 anything to do with this memo, which is Exhibit 5? 21 A Possibly not, but possibly so I don't 22 know 23 Q You noted here -- and if you want, I'll 24 show it to you again -- that Mr. Painter notes that, 25 "These deplorable conditions were not the first time

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1 **this has happened." Do you see that?**
 2 A I saw it
 3 MS WILLIAMS Objection, form Are we
 4 going back over the same --
 5 MR FITZPATRICK You've read it three
 6 times He's read it It's in the record three times
 7 Do we have to read the language again?
 8 MR COTTEN I want him to understand what
 9 we're talking about That's all.
 10 MS. WILLIAMS Chad, for the record --
 11 MR COTTEN It needs to be clear I have
 12 learned from reading enough depositions that if you
 13 don't make it clear, you don't know what we're talking
 14 about, okay?
 15 MS WILLIAMS Objection to the sidebar or
 16 the form of the question I don't think it was a
 17 question But, whatever
 18 BY MR COTTEN
 19 **Q All right. So it's not the first time it's**
 20 **happened. Have you looked for any other memos like this**
 21 **one?**
 22 MS WILLIAMS Objection, form Objection,
 23 sidebar
 24 THE WITNESS I don't recall seeing another
 25 one like that one.

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1 BY MR. COTTEN
 2 **Q Okay. Have you looked for any?**
 3 A I have got thousands -- thousands of memos.
 4 I've not searched it for that, no.
 5 **Q Okay. How about, have you seen anything**
 6 **written by Mr. Good along these same lines?**
 7 MS. WILLIAMS: Objection, form.
 8 THE WITNESS: Not that I recall.
 9 BY MR. COTTEN
 10 **Q Okay. Is Mr. Good still alive?**
 11 A I don't know.
 12 **Q Mr. Painter -- and I may have asked you**
 13 **this but I forget -- is he still alive?**
 14 A Yes, he is.
 15 **Q And I did ask you this, but I forgot what**
 16 **you said. Where does he live?**
 17 A Southern Delaware.
 18 **Q Okay. When's the last time you spoke with**
 19 **Mr. Painter?**
 20 A I have only spoken with him once, and that
 21 would have been about two years, a year and half ago,
 22 maybe.
 23 **Q Okay. So you didn't talk to him about**
 24 **this?**
 25 A No, no.

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1 **Q Are you familiar with the manufacturing**
 2 **process of Haveg pipe, how it's made?**
 3 A In general, yes
 4 **Q Okay. What about Chemtite pipe?**
 5 A In general, yes
 6 **Q Okay. What are the differences in the**
 7 **manufacturing between Haveg and Chemtite pipe?**
 8 MS. WILLIAMS. Objection, form.
 9 THE WITNESS: Haveg pipe, you mix asbestos,
 10 anthophyllite-asbestos with resin at 50/50 by weight
 11 After it's mixed, it's then put into moulds. Whether
 12 you're moulding a fitting or whether you're moulding a
 13 tank or strips or bars or pipe, it's put into a mould
 14 Then, under heat and pressure, it's allowed to
 15 essentially react to become a dense, homogeneous
 16 one-phase material. Then it's taken out of the mould,
 17 perhaps processed a little bit more to take off any
 18 rough edges, but then -- then it's -- in the case of
 19 pipe, it would be cut to length, 10 feet, generally,
 20 plus or minus one foot.
 21 Chemtite, on the other hand, starts with
 22 blue crocidolite-asbestos paper. It's unrolled and it's
 23 taken through a bath of resin to saturate the
 24 resin[sic]. After the resin is -- then after the roll
 25 feeds through in a continuous way, some squeeze the roll

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1 to take off excess. The material is taken through a
 2 heating cycle then rolled up into small rolls, 50 pounds
 3 each. These rolls then go to the pipe machine and are
 4 spiral and wound and wrapped, spiral fashion, around a
 5 stainless steel mandrel that is the diameter of -- the
 6 inside diameter -- the outside diameter of the mandrel
 7 becomes the inside diameter of the pipe.
 8 And you spiral-wind -- the machine
 9 spiral-winds the saturated asbestos paper up and down to
 10 a seven-layers-thick material. Then that pipe is taken
 11 through a couple stages of oven, elevated temperatures,
 12 and cured and then cut.
 13 Now the pipe is, at that point, a dense
 14 homogeneous material, impervious, and ready for moving
 15 over to the next piece
 16 BY MR. COTTEN
 17 **Q So the steel mandrel is taken out?**
 18 A The steel mandrel is taken out.
 19 **Q Okay.**
 20 A And the material, then, is the pipe
 21 **Q Does the -- I'm sorry. Were you done?**
 22 A Yeah.
 23 **Q Does the -- with the papers put through a**
 24 **bath, okay, does it stay as one big sheet of paper or**
 25 **does it dissolve into the bath?**

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1 A It's continuous, and it stays as a sheet 2 Q Okay. 3 A But the material is saturating it. 4 Q Okay. 5 A At 60 percent resin, and 40 percent 6 asbestos. 7 Q Now, you said there's seven layers. How 8 thick is each layer? 9 A Well, it depends on the size of the pipe. 10 Q Okay. 11 A If you've got a 4-inch pipe, there's more 12 resin per layer because you've got the diameter, and 13 more -- more weight, if you would, of material onto the 14 mandrel than a 1-inch pipe. But the nominal -- maybe a 15 quarter-inch thick is the difference between the inside 16 diameter and the outside diameter, so the thickness, the 17 wall of the pipe, is a quarter-inch, give or take. 18 Q How many times does it need to be spun to 19 make a layer? 20 A Well, I don't know, because I have not seen 21 the equipment, and I haven't seen the diagrams 22 Q Okay. 23 A But the write-up that I have seen indicates 24 it's spiral-wound so that you have overlaps and you keep 25 it rather smooth	1 connection to fit the pipe 2 Q Okay. So this is the anthophyllite stuff? 3 A Not necessarily I'm not sure I haven't 4 seen the exact makeup of the fitting, 5 concentration-wise It's done on a mould The fittings 6 are moulded 7 Q Does it have asbestos in it? 8 A Yes 9 Q Okay. You don't know whether it's 10 crocidolite or anthophyllite, though? 11 A It's my belief that it would be what -- 12 what is the same type, but it could be anthophyllite 13 I'm just not sure on that 14 Q When you say the same type -- 15 A Crocidolite, yeah 16 Q Okay. And is that because the processes 17 that somebody is buying Chemtite pipe for requires 18 crocidolite as opposed to anthophyllite, or do you know? 19 A I don't know 20 Q Okay. What is a -- do you know what a 21 repair sleeve is? 22 A My understanding is that's for emergency 23 repairs It's a fitting that slips over -- you have to 24 cut the pipe, put the sleeve over it, stick the other 25 part of it back in and use a joint cement, cement them
Page 87	Page 89
1 Q Okay. But you're not saying it's spun 2 around seven times? 3 A It's rotated around enough times where a 4 10-foot section of pipe, any particular part of it, is 5 seven thicknesses, on the outside to the inside 6 diameter 7 Q So it's safe to say that it's basically a 8 pipe that's made out of this paper that's been saturated 9 with resin? 10 A That's correct 11 Q Now, there's other parts to the Chemtite 12 piping system -- well, let me ask this: How are the 13 different Chemtite pipes put together? How are they put 14 together? There are different sections. Let's say you 15 wanted to run 30 feet of it. 16 A Well, there are a couple different ways, 17 but the primary way is they're threaded, and to use a 18 connector -- 19 Q Okay. 20 A -- to connect the threaded sections 21 Q What's the connector made out of? 22 A A similar material 23 Q Paper? 24 A No They can't spin a fitting, so it's a 25 Haveg type of material that is the threaded inside	1 together. 2 Q Do you know what that material is made out 3 of? 4 A I have not seen the material. I think it's 5 equivalent to a fitting. 6 Q Meaning, it's -- 7 A It's got resin and asbestos. 8 Q Paper? 9 A Not paper. They cut it down to fibers 10 That's where I'm not sure. 11 Q Okay. 12 A I know that it's -- it's a constant 13 thick -- you cut through it; it's one-phase. You 14 couldn't identify layers of paper in pipe or fittings 15 It's one-phase-looking when you cut it 16 Q Was there a point when Haveg used asbestos 17 different from a fiber, different from anthophyllite 18 fiber to make its Haveg pipes? 19 A There were trials run, I believe But I 20 have seen reference to some tremolite on the plant and 21 some amosite. But I have never seen documents saying 22 that the commercial pipe contained that. So I don't 23 know 24 Q What sizes could you buy Chemtite in? 25 A Chemtite for pressure pipe, of liquids,

Page 90 1 pumping liquid under pressure, was from 1-inch diameter 2 to a 4-inch diameter 3 Q Would the pipe have always been the same 4 thickness, regardless of the diameter? 5 A No. 6 Q Okay. It would be thicker as you got 7 larger? 8 A Yes I think the difference is something 9 like .05 inches. So, you know, if it's -- if it's .25, 10 that means it goes from .2 to .3-inches' thickness. It 11 goes up with the diameter, because you're putting more 12 resin and more asbestos on the circumference, so you got 13 more thickness 14 Q Okay. You talked about couplings. There 15 were also Chemtite pipe flanges, correct? 16 A That is correct You could get it such 17 that you didn't have to thread it You could get a 18 flange that would slip into the flange and then, you 19 know, glue it to the thing Sometimes that was the way 20 customers needed to have it, for some reason or another. 21 Q Now, was it possible to buy flanges 22 themselves and also pipes that had flanges on them, or 23 would you -- 24 A Pipes would not have -- 25 MR. FITZPATRICK: Let him finish the	Page 92 1 Q Right. 2 A To make a fitting, they would chop up the 3 paper to get down to the fiber so they could mix it, 4 highly intense, and then put it in a mould and mould it 5 You couldn't wrap it. It's too cumbersome, 6 geometrically, to wrap fittings. 7 Q Okay. What about joint cement? Was 8 that -- 9 A It's a resin asbestos mixture. 10 Q Did Haveg make that? 11 A They did. 12 Q Okay. For a connection with their Chemtite 13 pipes, right? 14 A Yes 15 Q How did they -- how did they make their 16 joint cement? 17 A I don't know the exact way they formulated 18 it. I have not seen equipment diagrams or equipment 19 descriptions on that, but it was made by getting a 20 homogeneous mix and then packaging it in small packages 21 Q What was the joint cement for? 22 A Adhesion, so that the threads would -- 23 would be frozen in place and not leak under pressure 24 when you're pumping through it 25 Q What was the brand name of Haveg joint
Page 91 1 question before you start to answer, okay? 2 BY MR. COTTEN 3 Q That's the question. 4 A Pipe would be separate. We didn't sell it 5 with flanges attached. 6 Q Okay. What were the flanges made out of? 7 A In Chemtite, whenever they did flanges, 8 they were made of the resin and the asbestos. 9 Q Meaning, the anthophyllite-asbestos? 10 A Yes, or crocidolite. I'm not -- not that 11 many flanges, compared to threads. 12 Q Okay. 13 A So I have not studied nor have I seen 14 statistics on how much of each and the details of when 15 you'd used flanges and when you'd use threaded. But 16 most of it was threaded. 17 Q I'm sorry. To make Chemtite, did Haveg 18 ever just use crocidolite fibers? 19 A Loose fiber? 20 Q Yeah. 21 A No. 22 Q If they needed the fibers, what would they 23 do? Cut out the paper? 24 A No, they -- they -- oh, you mean -- you're 25 talking -- for a fitting?	Page 93 1 cement? What did they call it? 2 A I don't know that I have seen the name. I 3 have heard it as joint cement. But there was a name, I 4 just don't recall it. 5 Q Do you know what type of asbestos they used 6 in the joint cement? 7 A I know that anthophyllite was used in it, 8 but it could have been some crocidolite. I just don't 9 know. I don't recall it -- 10 MR. FITZPATRICK: Don't start speculating. 11 THE WITNESS Okay I do not recall that. 12 BY MR. COTTEN 13 Q Is there any 6-inch Chemtite pipe? 14 A There is for liquid, I mean, for vapor-fume 15 purpose, vents, and not for pumping liquid. 16 MR. COTTEN Let's go off the record for a 17 second. 18 (A brief recess was taken.) 19 BY MR. COTTEN 20 Q So there's 6-inch pipe, and it's for 21 venting -- 22 A From a reactor or something, where you've 23 got gas going through, low pressure. 24 Q Low pressure? 25 A Low pressure.

Page 94 1 Q Is it made out of asbestos? 2 A The 6-inch pipe is made of 60 percent resin 3 and 40 percent crocidolite 4 Q Paper? 5 A Asbestos paper, yes 6 Q Okay. When they needed crocidolite fibers, 7 we talked about them just getting them off the paper by 8 chopping the paper up, and that's actually what I'm 9 going to ask you is, how would they chop the paper up or 10 get the fibers from the paper; do you know? 11 A I have not seen how they did it 12 Q Okay. And you talked earlier that -- you 13 talked earlier about how the crocidolite was bought by 14 the -- in a roll of paper? 15 A Yes 16 Q Okay. Do you know who Haveg was buying 17 their crocidolite paper from? 18 A I know there were three suppliers, and as 19 time went on there may have been others They were -- 20 the three were Hollingsworth and Vose, the Strathmore 21 Paper Company, and the Herty -- H-E-R-T-Y -- Foundation 22 Q On Exhibit 5 -- yeah, Exhibit 5 -- that we 23 talked about earlier, it was noted that the paper rolls 24 were bare and without covering, in violation of the 25 asbestos regulations. Do you know why the asbestos	Page 96 1 Q And Chemtite did make 3-inch threaded pipe? 2 A Yes 3 Q And 2-inch threaded pipe? 4 A That's correct 5 Q Did Haveg or Hercules ever do any dust 6 monitoring on the use of the joint cement that it was 7 selling, the asbestos joint cement? 8 A I'm not aware of any 9 Q Where was the joint cement manufactured? 10 A I'm not sure 11 Q Was it there at the same Chemtite plant or 12 at the same plant that Chemtite was being manufactured? 13 A I would be speculating 14 Q Okay. Was Chemtite made anywhere else 15 other than Marshallton, Delaware? 16 A No. 17 Q Was Haveg pipe made anywhere else other 18 than Marshallton, Delaware? 19 A No 20 Q Were there any applications for which 21 somebody, an end-user, could use either Haveg or 22 Chemtite and both would be appropriate? 23 A I believe there were, yes 24 Q What would those be? Give me some 25 examples.
Page 95 1 paper rolls were supposed to be covered with plastic? 2 A I do not. 3 Q Okay. 4 MS WILLIAMS Objection, form 5 BY MR. COTTEN 6 Q What about a socket-T? Do you know what 7 that is, for Chemtite pipe? 8 A Yeah. When you wanted to take a pipe and 9 run it into a T and have both sides of the T have 10 additional pipe. 11 Q Okay. 12 A So it's a standard pipe fitting 13 Q And how would a socket-T be manufactured 14 for Chemtite? 15 A I don't know 16 Q You don't know whether it's -- 17 A I don't know whether -- I think it was 18 cast, but, I mean, I do not know. 19 Q Did they contain asbestos? 20 MR. FITZPATRICK: Don't speculate. 21 THE WITNESS I don't know. 22 BY MR. COTTEN 23 Q Okay. Did Chemtite make any 8-inch pipes? 24 A They did, and it was also for vent purpose, 25 and it was also for low-pressure gas	Page 97 1 A Hydrochloric acid could be done that way 2 Sulphuric acid, I think, could be done that way I 3 don't know others, exactly There's a -- you've got 4 charts that have, for both types of products, 5 suitability when you'd use -- for various chemicals, 6 when you'd use EB or when you'd use PB, that type of 7 thing 8 Q Do you know when -- let me ask you this: 9 You talked earlier about how Haveg bought the Chemtite 10 name and process from Johns-Manville, correct? 11 A That's correct 12 Q Did Johns-Manville ever manufacture and 13 sell Chemtite pipe? 14 A They did 15 Q Okay. And the manufacturing process that 16 Johns-Manville used for Chemtite pipe would have been 17 the same as that, that Haveg used, correct? 18 A Only at the end, necessarily Because my 19 understanding is that, from the documents, that they 20 transferred the pipe -- I mean, the equipment for 21 Chemtite that was being made at the time of transaction 22 How many years before that, there may have been some 23 different equipment used by Johns-Manville I do not 24 know But I know that at the time of the transition and 25 the transfer of technology, the equipment used there was

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1 taken apart, marked very carefully, taken to Marshall 2 and re-installed, as it was before, at Johns-Manville 3 Q There were PB -- Chemtite PB and 4 Chemtite -- what was the other one? 5 A EB. 6 Q And the difference there is phenolic-blend, 7 epoxy-blend? 8 A Yes 9 Q If Johns-Manville had conducted tests on 10 Chemtite pipe where they sawed it to measure the amount 11 of dust that was released when sawing it, there's no 12 reason Haveg couldn't have done that as well, right? 13 MS WILLIAMS Objection, form 14 THE WITNESS I'm not aware that 15 Johns-Manville did that 16 BY MR COTTEN 17 Q Okay. If Johns-Manville did, certainly 18 Haveg could have too, right? 19 MS WILLIAMS Objection, form 20 THE WITNESS I don't know what -- how they 21 would have done what they did That's -- I don't know 22 BY MR COTTEN 23 Q Well, Haveg certainly had the ability to 24 take area samples for asbestos, correct? 25 A Yes	1 BY MR. COTTEN 2 Q Well, I'm asking, just first of all, if you 3 think it's important. 4 MS. WILLIAMS: Objection, form. 5 THE WITNESS: I have not seen any -- 6 MS. WILLIAMS: How does he know what's 7 important if he hasn't seen anything? That's a silly 8 question. 9 MR. COTTEN: I don't think it's a silly 10 question. 11 BY MR. COTTEN 12 Q I mean, you can see why they might not be 13 relevant, correct? 14 MS. WILLIAMS: Objection, form. 15 THE WITNESS: I mean, I would be dealing in 16 speculation here. 17 MR. COTTEN: Okay. I do have some. I'll 18 let you see them. Why don't we take a break. It's kind 19 of long. So you can take your time and look over them. 20 They're hard to read, okay? 21 MR. FITZPATRICK: Let's take a break where 22 he can take a break and not read, and then we can read 23 them. 24 MR. COTTEN: Yes. 25 (A brief recess was taken.)
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1 Q Okay. Did they ever take any personal 2 samples out there at the plant? 3 A They did 4 Q Okay. When did they start doing that? 5 A The first time I saw it I think was in '66, 6 that report 7 Q Was that an insurance carrier's report? 8 A Yes 9 Q So since they could take personal area 10 samples in '66, they could have -- Haveg certainly could 11 have taken personal and area samples for sawing Chemtite 12 pipe, right? 13 MS WILLIAMS Objection, form 14 THE WITNESS I don't know 15 BY MR COTTEN 16 Q You don't know any reason why they couldn't 17 have done it? 18 A I don't know of any, no 19 Q Okay. Would you like to see that 20 Johns-Manville had conducted any dust measurements on 21 Chemtite pipe? Would you like to see them and know what 22 they were? 23 MS WILLIAMS Objection, form Do you 24 have something to show him? 25 THE WITNESS Do you have something?	1 BY MR COTTEN 2 Q Okay, sir. This case is set for December 3 the 12th. Are you planning on coming to Dallas, in 4 person, for the trial? 5 A We haven't talked about the exact timing 6 but I'm in discussions with that, yes. 7 Q Okay. You're available, though, like the 8 week or two after the 5th? 9 A Yes. 10 Q Okay. Do you know who Kyle Dodson is? 11 A Yes. 12 Q Who is he? 13 A An industrial hygienist 14 Q Have you met him before? 15 A Once. 16 Q When did you meet him? 17 A About -- over nine months ago. 18 Q Nine months ago. Where did you meet him? 19 A In Dallas. 20 Q In what context did you meet him? 21 A He was there with -- I was with attorneys, 22 and he was in the building with other attorneys 23 Q Was there a trial going on? 24 A I'm not sure 25 Q Okay.

Page 102 1 A Not involving me. 2 Q I certainly don't want to hear anything to 3 do with what you guys were talking -- or what you were 4 talking to these attorneys about, okay? All I want to 5 know is what you and Mr. Dodson talked about. All 6 right? 7 A Okay. 8 Q So you guys had a meeting? 9 A Short 10 Q You understood he was an industrial 11 hygienist? 12 A Yes. 13 Q How did you know that? Did he tell you? 14 A He told me, yes. 15 Q Okay. What did you guys talk about? 16 A I asked him some questions about what he 17 did and how he did things, in general Just -- I'm not 18 an industrial hygienist, and I have an appreciation for 19 those who are. But at the time, it was not -- not a lot 20 of time for detailed, heavy discussion. A short 21 meeting. 22 Q Okay. When you mean "what he did," you 23 mean, what he did as an industrial hygienist? 24 A Well, how he did his work, how he 25 interfaced with industry	Page 104 1 A Not -- not specific to those details, no. 2 Q Did he tell you that he had attended a Work 3 Practice Study that was done to measure the amounts of 4 asbestos dust released on phenolic pipe? 5 A We didn't talk about places he had been or 6 things he had done. I do recall talking about the 7 subject, but not the specifics of any Work Practice 8 Study. 9 Q Okay. 10 A I have not. 11 Q So you guys talked about the subject of 12 asbestos-containing phenolic pipe? 13 A Asbestos, in general. But I don't recall 14 ever hearing the term "Work Practice Study," of 15 knowledge. 16 Q Okay. What about, were you aware that he 17 conducted -- he attended an experiment or that he had 18 conducted a -- he had gone to a laboratory where 19 somebody else had sawed and cut into phenolic asbestos 20 pipe and measured the amount of asbestos dust that was 21 created there by doing -- 22 MS. WILLIAMS: Objection, form. 23 THE WITNESS: I was -- I'm aware that he -- 24 he mentioned something about that subject. We did not 25 talk about the -- where it was or -- or other things.
Page 103 1 Q Okay. Are you aware that Dr. Dodson or 2 Mr. Dodson, or whatever -- 3 MR FITZPATRICK Mister 4 BY MR COTTEN 5 Q Okay. I don't want to -- General Dodson -- 6 Mr. Dodson was present at a Materials -- at an MAS -- a 7 Work Practice Study that was done on phenolic pipe; are 8 you aware of that? 9 MS WILLIAMS Objection, form 10 THE WITNESS I'm not aware of the context 11 of that I understand he knows a good bit about 12 phenolic pipe 13 BY MR COTTEN 14 Q Okay. Do you know that he has attended a 15 Work Practice Study done by Dr. William Longo? Did you 16 know that? 17 A I have not seen reference to it or talked 18 to him about it, no 19 Q Okay. So you didn't know that? 20 A No 21 Q Okay. And you've never spoken with him 22 about that? 23 A About? 24 Q The dust study on phenolic pipe that 25 Dr. Longo did that Mr. Dodson attended.	Page 105 1 He -- I didn't get into that much depth. 2 BY MR. COTTEN 3 Q Okay. Well, what did he tell you about 4 that? 5 MS. WILLIAMS: Objection, form. 6 THE WITNESS: I think the only thing that 7 sticks in my head is that when phenolic plastic pipe was 8 cut, the resin stays encapsulated. It does not free up 9 asbestos fiber. 10 BY MR. COTTEN 11 Q Okay. 12 A But as far as the details surrounding any 13 study, I have not seen that. 14 Q Or talked to him about it? 15 A About the details about that, no. 16 Q All right. Did he tell you that -- about 17 any dust samples he has taken from the cutting of 18 phenolic asbestos pipe? 19 A No. 20 Q Did he tell you that he's taken such dust 21 studies before? 22 A We didn't talk about it. 23 MS. WILLIAMS: Objection. 24 THE WITNESS: And I didn't ask; he didn't 25 say it; we didn't cover it.

Page 106 1 BY MR. COTTEN 2 Q Did you guys discuss the differences, if 3 there are any, between different types of phenolic 4 asbestos pipes? 5 A I wasn't seeking to become an industrial 6 hygienist at that point at all. So, no, we didn't 7 Q Okay. You understand that Mr. Dodson has 8 been retained as an expert before by Hercules, correct? 9 A I have been told -- yes. I am under that 10 understanding. 11 MS WILLIAMS: Objection, form. 12 BY MR COTTEN 13 Q And is it your understanding that 14 Mr. Dodson is not a -- has not been retained as an 15 expert by Hercules in this case? 16 A I don't know about that. I have not talked 17 about it I don't know. 18 Q Okay. You know, we've talked a lot about 19 Haveg, Hercules, and I want to try to actually pin this 20 down. Champlain Cable, what's Champlain Cable? 21 A Okay. Champlain Cable was a company that 22 was formed in 1980. It was already -- it already had 23 some assets that didn't go with the sale, weren't going 24 to go with the sale to Ametek from Haveg Industries. 25 So these assets, since the name "Haveg	Page 108 1 Cable " 2 Q Hercules also retained the liabilities of 3 Haveg for the manufacturing, sale, supply of 4 asbestos-containing Haveg products? 5 A Yes 6 Q Before 1980; is that correct? 7 A That's correct. 8 Q So -- 9 MR FITZPATRICK Let me make a belated 10 objection You're asking him for a legal conclusion 11 BY MR COTTEN 12 Q Well, here's what I'm getting at: Is 13 Hercules going to come into trial and, as part of its 14 defense say that they're not responsible for Haveg's 15 asbestos-containing products? 16 MR FITZPATRICK And you don't answer that 17 question, I do We are not going to come into trial and 18 take that position 19 MR COTTEN Fair enough 20 BY MR COTTEN 21 Q Have you ever had any position with 22 Champlain Cable? 23 A None 24 Q Okay. But you're here as a corporate 25 representative for Champlain Cable? And I'm just making
Page 107 1 Industries" went with the Marshallton plant and that 2 business that Ametek bought -- 3 Q Uh-huh. 4 A -- those residual assets that stayed with 5 Hercules had to be given a new name. 6 Q Okay. 7 A That's the formation of Champlain Cable, in 8 1980. 9 Q Is Champlain Cable also a wholly-owned 10 subsidiary of Hercules? 11 A It, I think, was. But it's been sold to 12 someone else later. And I think 1988 was the year. 13 Q Do you know who it was sold to? 14 A Yes. A company named Huber, H-U-B-E-R -- 15 and Suhner, S-U-H-N-E-R -- I think. 16 Q Now, Hercules sold Haveg to Ametek? 17 A It was a transaction between the three 18 companies and that effect was Ametek took the process, 19 the equipment, the plant location, the business, the 20 name "Haveg," and the employees went with it as well. 21 Q Okay. And what did Hercules keep? 22 A The residual assets that became Champlain 23 Cable -- 24 Q Uh-huh. 25 A -- and so they renamed it "Champlain	Page 109 1 it clear -- 2 A That's correct. 3 Q -- for the record. Okay. The 4 Johns-Manville stuff that I showed you -- which we'll 5 mark as Exhibit 6 -- and I specifically want to ask you 6 about the two pages in front of you. 7 (Patterson Exhibit Number 6 marked for 8 identification.) 9 BY MR. COTTEN 10 Q Okay. You'll note that they're talking 11 about Chemtite. If you'll look up at the top. 12 MS. WILLIAMS: Objection. 13 THE WITNESS: They are 14 BY MR COTTEN 15 Q And you'll also note that they're talking 16 about conducting a test with the band saw, right? 17 A A table saw, is what it says. 18 Q A table saw? 19 A Yes. 20 Q Okay. Can you tell me what the results are 21 of the dust measurement that they did? 22 MS. WILLIAMS: Objection, form. Lack of 23 foundation. There's a lot of problems with that 24 question, but object to form. This whole line of 25 questioning, actually.

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1 THE WITNESS You've got the analysis -- 2 MR. FITZPATRICK Wait Just tell him what 3 numbers you can read 4 THE WITNESS For example, on the one 5 that's dated at the top, S3-NG 6 BY MR COTTEN 7 Q Okay. Well, you know what -- 8 A These columns here -- 9 Q Okay. 10 A I'm trying to figure out -- 11 Q Actually, let me lay a foundation for this, 12 and then we'll come back and answer this question. 13 First of all, you've looked at these 14 documents -- we'll mark them as Exhibit 5[sic] -- and 15 they are Bates-stamped CRMC-HRCL-003158 through -- could 16 I see those real quick? -- okay. This is Exhibit 6, 17 then -- through Bates stamp CRMC-HRCL-003186. Okay. 18 And I'm specifically, out of this group of documents, 19 going to ask you about Bates stamp number 20 CRMC-HRCL-003165, and Bates stamp number ending in the 21 four numbers 3186. So you can just refer to them as 22 3165 or 3186. 23 A Okay 24 Q And the first one I'll ask you about is the 25 one ending in the four numbers 3165. Okay.	1 Q What are they? 2 A Well, is that two different samples? What 3 does that mean? 4 Q Well, what are the numbers? 5 A 11 5 and 12 0. 6 MS WILLIAMS: Objection, form. Lacks 7 foundation. 8 BY MR COTTEN 9 Q Okay. And what's the date of this sample? 10 A 3/26/62. 11 Q Okay. Could I see it back real quick? 12 (Document to Mr. Cotten.) 13 BY MR. COTTEN 14 Q Now, you know, we're looking at particular 15 pages, okay -- 16 A Okay. 17 Q -- of Exhibit 6. You reviewed the entire 18 set of pages, though, correct? 19 MR. FITZPATRICK I'm going to object to 20 the form of -- calling it review, I think, overstates 21 the quick glance that he gave it 22 BY MR. COTTEN 23 Q Okay. The quick glance. You've seen them, 24 though? You got a chance to look at them? And if you 25 want, we'll go off and he can look at them a little bit
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1 MS. WILLIAMS. Chad, just for the record, 2 this is a document that is not a Hercules or Haveg 3 document. The witness has not seen this document until 4 you showed it to him about five minutes ago And so the 5 document would speak for itself. But go ahead with your 6 question. 7 MR. COTTEN: Right. It was a little longer 8 than five minutes. Maybe 20. 9 BY MR. COTTEN 10 Q Okay. Now, you're looking at -- what's the 11 last four numbers? 12 A 3165. 13 Q Okay. You're looking at 3165. Can you 14 note under there the results on that test? 15 MR. FITZPATRICK. Object to the form of the 16 question. You're asking him to assume that some of this 17 is results. But he can tell you what he reads. 18 BY MR COTTEN 19 Q Do you see what the numbers are? 20 A I see Sample Date. 21 Q Okay. 22 A And then I see Analysis, MPPCF 23 Q Okay. 24 A Or, "Other." And then it's got two numbers 25 on it.	1 more? 2 A I can't read a bunch of them because 3 they're too -- the copy is illegible But I -- 4 Q Okay. 5 A -- I tried, and I tried 6 Q So you're going to agree with me, though, 7 that these are dust samples for asbestos, correct? 8 MS. WILLIAMS. Objection, form. 9 THE WITNESS I don't know what they are 10 BY MR. COTTEN 11 Q Okay. That's fair enough. 12 A It doesn't say -- 13 MR. FITZPATRICK: You answered. You don't 14 know what they are. 15 THE WITNESS I don't know what they are 16 BY MR. COTTEN 17 Q They're sampling something, though, 18 correct? 19 MS. WILLIAMS: Objection, form. 20 BY MR COTTEN 21 Q You'd agree with that? 22 MS. WILLIAMS. Objection, form 23 THE WITNESS: I don't know what they are. 24 BY MR. COTTEN 25 Q Okay. You don't know -- you don't have any

Page 114 1 idea what they are? 2 MS. WILLIAMS Objection, form 3 BY MR COTTEN 4 Q Let me ask you like this, okay? We'll just 5 attach it. You saw earlier, Exhibit 4 was the Dupont 6 measurement of machining Haveg; do you remember that? 7 A Okay 8 MS WILLIAMS Objection, form 9 BY MR COTTEN 10 Q If DuPont was able to measure the amount of 11 dust created by machining Haveg, there's no reason that 12 Haveg couldn't have conducted the same dust samples -- 13 MR FITZPATRICK Objection, asked and 14 answered 15 BY MR COTTEN 16 Q Is that correct? 17 MS WILLIAMS Objection, form 18 THE WITNESS I don't know what conditions 19 that DuPont was using I don't know what conditions at 20 all 21 BY MR COTTEN 22 Q Okay. If Johns-Manville was sawing 23 Chemtite in 1962 to see how much dust was -- asbestos 24 dust was released by sawing it, there's no reason that 25 Haveg couldn't have conducted those same type of tests	Page 116 1 created by sawing Chemtite that wasn't available to 2 Haveg? 3 MS. WILLIAMS: Objection, form 4 THE WITNESS: "Sawing" is a general term 5 with many types of saws, many types of speeds, many 6 types of variables. I don't know any of those. 7 BY MR COTTEN 8 Q Okay. Regardless of the type of saw, the 9 type of speed, you'd agree with me that -- and you've 10 already said this -- but Haveg never conducted any tests 11 of how much asbestos dust is released from sawing 12 Chemtite, regardless of the type of saw, correct? 13 MS. WILLIAMS: Objection, form 14 THE WITNESS: I have never seen data to 15 that effect. Correct. 16 BY MR COTTEN 17 Q And that leads you to conclude that they 18 didn't do any tests, right? 19 MS. WILLIAMS. Objection, form. 20 THE WITNESS. I think so 21 BY MR COTTEN 22 Q Okay. So now, regardless of the type of 23 saw, table saw, regardless of the type of table saw, is 24 there any reason that -- is there any special equipment 25 or knowledge that Johns-Manville had that would have
Page 115 1 in the 1970s, correct? 2 MS. WILLIAMS. Objection, form. 3 MR. FITZPATRICK: Objection, form. 4 THE WITNESS. I don't know the conditions 5 of that test whatsoever. 6 BY MR. COTTEN 7 Q Why would it make a difference to know the 8 conditions of the test as to whether or not you could 9 conduct a test? 10 A There are a number of possibilities that, 11 in speculating -- is that pilot material? 12 MR FITZPATRICK: Don't speculate 13 THE WITNESS: I don't know what it is 14 BY MR. COTTEN 15 Q Well, you know what, I'm not even going to 16 ask -- I don't really -- this question is not dealing 17 with what the results are. Let's leave that aside. 18 What I'm trying to see is, is there any reason Haveg 19 couldn't have conducted its own tests? 20 MS. WILLIAMS: Objection, form. 21 THE WITNESS I'm not certain. 22 BY MR. COTTEN 23 Q Okay. Do you know of any special type of 24 equipment that Johns-Manville had that allowed it to 25 measure the amounts of asbestos dust that would be	Page 117 1 enabled it to measure the type or the amount of asbestos 2 dust released from putting a table saw in Chemtite, and 3 wouldn't allowed Haveg to conduct the same type of test? 4 MR FITZPATRICK Asked and answered 5 MS WILLIAMS Objection, form 6 THE WITNESS I still don't know the 7 answer 8 BY MR COTTEN 9 Q Okay. Sitting here today, do you think 10 that Haveg should have conducted dust tests to see how 11 much asbestos dust was released through sawing and 12 cutting Chemtite type? 13 MR FITZPATRICK Object to form 14 MS WILLIAMS Objection, form 15 THE WITNESS Not necessarily 16 BY MR COTTEN 17 Q Okay. Why not? 18 A Haveg warned that if you modified the pipe 19 it was possible you could create airborne dust If that 20 was the case, it refers you to the Worker Protection 21 part of the OSHA statements 22 We didn't know all of the possibilities 23 that people would use Haveg didn't know how many 24 different conditions and different things that could 25 cause variables But we were dealing with a very

Page 118 1 sophisticated customer base who saw the thing that said 2 it's possible it may, may, create airborne dust, and we 3 directed to the attention, to that We weren't 4 attempting to cover every single eventuality, because we 5 don't know I'm sure they didn't know all the 6 possibilities. 7 BY MR COTTEN 8 Q Okay. But Haveg didn't conduct any tests, 9 so they didn't know of any eventuality, correct? 10 A I have not seen that they knew of -- yeah, 11 I don't 12 Q And you'd agree with me that you don't 13 know -- you don't need to know every single eventuality 14 to at least know some? 15 A We believed -- Haveg, I think, saw the size 16 of the particles and was not of the belief we were 17 creating asbestos dust 18 Q Okay. Was not of the belief that you were 19 creating asbestos -- 20 A When you sawed a pipe 21 Q Okay. Do you think that, considering the 22 fact that -- you know, we talked about in Exhibit 5, 23 considering the fact that there's obviously an awareness 24 by Mr. Painter and Mr. West and Mr. Good that asbestos 25 was being released into the atmosphere in connection	Page 120 1 MR. FITZPATRICK: And he's trying to -- 2 MS. WILLIAMS: Object to the sidebar. He 3 is answering your questions. You may not like them. 4 MR. COTTEN: Well, you know, I'm trying to 5 get this over with without having an objection after 6 every single answer, okay? 7 MS. WILLIAMS: That's the first time -- 8 MR. COTTEN: And I'm not trying to have a 9 sidebar, which is why I tried to go off the record, but 10 we didn't want to do that. 11 So on that, could you read back the last 12 question I asked, please. 13 (The court reporter read back the question, 14 "Okay. Do you think that considering the fact that -- 15 you know, we talked about in Exhibit 5, considering the 16 fact that there's obviously an awareness by Mr. Painter 17 and Mr. West and Mr. Good that asbestos was being 18 released into the atmosphere in connection with the 19 manufacturing of Haveg asbestos products, do you think 20 that there should have been an increased awareness by 21 Haveg to look at the amount of asbestos that's created 22 by machining its products?") 23 MR. FITZPATRICK: Read his answer, please. 24 MS. WILLIAMS: Objection, form. Oh, I'm 25 sorry --
Page 119 1 with the manufacturing of Haveg asbestos products, do 2 you think that there should have been an increased 3 awareness by Haveg to look at the amount of asbestos 4 that's created by machining its products? 5 MR FITZPATRICK: Objection. 6 MS. WILLIAMS: Objection, form 7 THE WITNESS: Haveg has loose asbestos at 8 different places in the process. There's stuff in the 9 air that they're trying to, you know, eliminate by 10 sampling. I have not seen, I repeat, dust, by 11 individual pieces of equipment. 12 MR. COTTEN: Okay Object to the 13 nonresponsive portion. 14 BY MR. COTTEN 15 Q You know, I'm not -- 16 MR COTTEN: And can we go off the record 17 for a second? 18 MR. FITZPATRICK: I don't want to go off 19 the record 20 MR. COTTEN: Okay. I'm not trying to 21 harass you or anything. I just need to get an answer to 22 certain questions. I don't want to sit here and object 23 to nonresponsive every time you say something, okay? 24 And so I'm trying just to get answers. 25 THE WITNESS: I understand	Page 121 1 (The court reporter read back the answer, 2 "Haveg has loose asbestos at different places in the 3 process There's stuff in the air that they're trying 4 to, you know, eliminate by sampling I have not seen, I 5 repeat, dust, by individual pieces of equipment ") 6 MR FITZPATRICK I think it was entirely 7 responsive 8 MR COTTEN I don't think it's responsive 9 at all And so I object, nonresponsive 10 BY MR COTTEN 11 Q Okay. Obviously, Mr. Painter and Mr. West 12 think, in 1978, that Haveg is letting asbestos into the 13 atmosphere, and that if OSHA were to show up they'd shut 14 the plant down; you'd agree with that? 15 MS WILLIAMS Objection, form 16 THE WITNESS They said that 17 BY MR COTTEN 18 Q Okay. 19 A I don't agree, necessarily, with the 20 premise that they use 21 Q Okay. They said that, though? 22 A That's what they said 23 Q Okay. Considering that the Safety 24 Coordinator at the plant says that about the asbestos 25 being released into the atmosphere during the

Page 122 1 manufacturing process, don't you think that Haveg should 2 have also gone back and made sure that when you cut the 3 products, that you knew how much asbestos was being 4 released then as well, since so much was being released 5 during the manufacturing process? 6 MS WILLIAMS Objection, form 7 THE WITNESS Cutting would not be the 8 biggest factor in those numbers 9 MR COTTEN Okay Objection, 10 nonresponsive 11 BY MR COTTEN 12 Q Do you think -- don't you think that you 13 have to take a test to see how much asbestos is released 14 from the sawing of Haveg Chemtite pipe? 15 MS WILLIAMS Objection, form 16 THE WITNESS We took samples from '72, 17 when OSHA was formed, all the way through the '70s We 18 made corrections, improvements, and capital 19 expenditures, including equipment, and reduced the dust 20 MR COTTEN Objection, nonresponsive. 21 BY MR COTTEN 22 Q Haveg didn't take any samples from the 23 cutting of Chemtite, correct? 24 A I have not seen samples from the cutting of 25 the Chemtite pipe	Page 124 1 THE WITNESS: And picking it up. 2 BY MR. COTTEN 3 Q Okay. So are you saying that Chemtite was 4 fabricated at the plant in the same way that it would be 5 fabricated by end-users? 6 A No. 7 MS. WILLIAMS. Objection, form. 8 BY MR. COTTEN 9 Q Okay. So if they were taking area samples 10 at the Chemtite plant, they wouldn't be relevant to the 11 area samples that one would take when the plant[sic] is 12 being cut by end-users, correct? 13 A We were looking at the -- Mr. Painter's 14 letter refers to "at our plant," not our customers' 15 plant. 16 MR COTTEN. Objection, nonresponsive. 17 BY MR. COTTEN 18 Q Certainly, Mr. Painter, in his letter or 19 memo, notes that there is a problem with the amount of 20 asbestos dust being released during the manufacturing 21 process of Haveg and Chemtite pipe, right? 22 A At that point in time. 23 Q Okay. 24 MS. WILLIAMS. Form. 25
Page 123 1 Q Okay. In order to know how much asbestos 2 is released from cutting Chemtite pipe, didn't Haveg 3 have to sample cutting Chemtite pipe? 4 MS WILLIAMS Objection, form. 5 THE WITNESS. I think they were looking at 6 area samples, and if the area sample was low -- I don't 7 know the answer to your question. I really don't. 8 MR. COTTEN: Okay. Objection, 9 nonresponsive. 10 MR. FITZPATRICK: "I don't know," the 11 answer to your question, is nonresponsive? 12 MS. WILLIAMS: He said he doesn't know 13 MR COTTEN: The first part, about the area 14 sampling, was nonresponsive 15 BY MR. COTTEN 16 Q Did Haveg conduct any area samplings due to 17 the cutting of Chemtite pipe? 18 MS WILLIAMS: Objection, form Asked and 19 answered 20 THE WITNESS: If they were sampling -- what 21 I'm trying to say, if they were sampling a plant, and at 22 the time, cutting was on, and the plant was -- to sample 23 a number of places around, they're picking up anything, 24 any source that's putting stuff in the air. 25 MR. COTTEN. Okay	Page 125 1 BY MR COTTEN 2 Q Because there's a problem with excessive 3 asbestos created during the manufacturing process, don't 4 you think that Haveg should have made sure how much 5 asbestos was being created during the fabricating 6 process by the end-user? 7 MS WILLIAMS And hang on a second I'm 8 going to object to the form And at this point, Chad, 9 you've asked him this question and a variation of this 10 question -- we're going on an hour now, and I think that 11 you're starting to harass the witness And I'm going to 12 instruct him to not answer the question You can move 13 to a different topic now 14 BY MR COTTEN 15 Q What's your answer? 16 MS WILLIAMS And I'm instructing 17 Mr Patterson not to answer that question You're 18 harassing the witness 19 MR COTTEN Well, let me say this I've 20 tried to get a straight answer on that I tried not to 21 object to nonresponsiveness, that didn't work Now 22 you're instructing him not to answer, and that's fine 23 I don't think that that's proper I think the question 24 is obvious, and I don't think it's been answered 25 MS WILLIAMS Well, I disagree with you,

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1 and the record will reflect -- 2 MR. COTTEN. Yes, it will. 3 MS. WILLIAMS -- it has been answered 4 multiple times. 5 MR. COTTEN: Yes, it will reflect it. 6 MS. WILLIAMS: -- tried to get an answer 7 that you like. 8 BY MR. COTTEN 9 Q And just to be clear, you're not going to 10 answer the last question? 11 A I'm not. 12 Q Okay. When's the last time you've given a 13 deposition in an asbestos case? 14 A November the 2nd. 15 Q Was that a case involving Chemtite pipe? 16 A It was. 17 Q What facility? If you know. 18 MS. WILLIAMS: Objection, form. 19 THE WITNESS: At a -- that's what I don't 20 know It was down -- 21 MS. WILLIAMS: I don't think anybody knows. 22 THE WITNESS: Nobody knows. The record of 23 employment was so varied that the customer for which the 24 Chemtite pipe would have been exposed from, was not 25 clear	1 A Well, actually, there are two reports 2 There's a Plant Safety Committee Report, and then 3 there's a Safety and Housekeeping Report. It's 45 of 4 the first, and some number, about that, for the second 5 Q Okay. So 90, in total? 6 A Something in that order, yes 7 Q So one is a Safety and one is a 8 Housekeeping? 9 A Yes. 10 Q Were they put out monthly? 11 A They were. But I didn't have all the 12 months. 13 Q Okay. When did they start? What date? 14 A There were actually -- the first one, the 15 Plant Safety Committee Reports, were actually going on 16 when we made the acquisition -- Hercules made the 17 acquisition of Haveg in 1964 And they continued until 18 the time of sale to Ametek. But I don't have the 19 representative number for every year in there. 20 Q Okay. Do you have reports from every year? 21 A No. 22 Q Did you ask for specific months or a 23 specific number? 24 A No, I got what was -- had been produced. 25 Q Okay. Do you know if there's any more of
Page 127	Page 129
1 BY MR. COTTEN 2 Q What did you bring with you to your 3 deposition today? 4 A The three copies of the biographical 5 sketch. 6 Q You went to review these Safety and 7 Housekeeping Reports the last couple weeks, right? 8 A Among other things, I looked at them, yes. 9 Q Okay. Where did you go to look at those? 10 A I have them in my files. 11 Q Your files are where? 12 A In my house. 13 Q Why did you have them in your files? 14 A Because I was given them for the last 15 deposition. 16 Q Do you know where they were gotten from? 17 A They were given to me by my attorney. 18 Q Did you ask for them? 19 A It was in the context of what I need to 20 see, want to see. Yes, I did ask for them. 21 Q Okay. 22 THE WITNESS: What do you have? 23 BY MR. COTTEN 24 Q And there are -- you said there are about 25 45 of them?	1 these Safety or Housekeeping Reports in existence? 2 A I do not know. 3 Q Did you do anything to see whether or not 4 there were any more in existence? 5 A No, I did not. 6 Q You asked for these reports, correct? 7 A I said, "What do we have?" 8 Q Okay. 9 A The thing was -- "Here's what we produced." 10 Q After it was produced and you noted it 11 wasn't everything, you didn't say, "This isn't 12 everything? Is there anything else?" 13 A I didn't ask that question, no. 14 Q Okay. Are they dated consecutively, or do 15 they jump around? 16 A Jump around, and some years don't have any. 17 But there was a continuity in terms of the activity, 18 obviously continued. 19 Q There was a Safety Committee and a 20 Housekeeping Committee? 21 A I think the Housekeeping Report was a 22 subset of a Safety Committee, because it was a separate 23 report. I did not note when it started, or put them in 24 chronological order. 25 Q Did Mr. Painter sit on the Housekeeping

Page 130 1 Committee? 2 A I don't know 3 Q Did he sit on the Safety Committee? 4 A He was not there the entire time He -- 5 you know, it started '64 to 1980 Different people came 6 and went as a rotational type of thing, the membership 7 of the committee 8 Q During the time he was there, did 9 Mr. Painter sit on the committee? 10 A Some of them But whether he sat on all of 11 them, since I don't have all the reports, I don't know 12 Q Okay. On the ones you have from the years 13 that Mr. Painter was there, he was -- he was a member of 14 the committee, Safety Committee? 15 A There were some times I saw his name, yes 16 Q Okay. 17 A But I did not have all of them so I don't 18 know if he was on the committee during the years I'm 19 missing 20 Q Well, you would expect while he's there at 21 the plant as a Safety Coordinator that he would have 22 been on the Safety Committee, right? 23 A Not necessarily 24 Q How many people were on the Safety 25 Committee?	Page 132 1 Q Okay. What about Housekeeping? That's a 2 different committee or the same one? 3 A I don't know -- I did not see the makeup 4 of -- the group that made that It was a report that 5 came over in tabular form, and I wasn't, at the time, 6 trying to learn all about dust. There was just a -- 7 reading through a number of things I hadn't seen, before 8 I read them. 9 Q In those reports, did you see specific 10 references to asbestos dust? 11 A Some, but not everything -- they were 12 looking at everything on housekeeping: Drums that were 13 left with tops open; situations where clutter was in the 14 aisle, situations where they had water running on the 15 floor and it's a slipping hazard. It was a housekeeping 16 comprehensive. 17 Q Okay. Let me ask it like this: For the 18 Safety Committee reports, all right, did you see 19 specific references to asbestos dust? 20 A Not as a routine. 21 Q Okay. 22 A Some, where they referenced the 23 collaboration they had with the insurance folks 24 Q Okay. 25 A And the results from the insurance studies.
Page 131 1 A Like, 12. 2 Q How was it decided who would be on the 3 Safety Committee? 4 A It's my understanding, from my reading, 5 that each area nominated one to come from their area. 6 So that was like, different treatment areas or different 7 manufacturing areas, and then one from engineering, one 8 from the research group, and a couple of supervisor-type 9 folks. 10 Q Did you note Mr. Good's name as being on 11 the Safety Committee on any of the -- 12 A Some of the times, he was in there, yes 13 Some of the reports I read 14 Q And let me ask you this: Why would you not 15 necessarily think that the Safety Coordinator should be 16 sitting on the Safety Committee? 17 A Part of the time he was Safety Coordinator 18 he had some other duties in the Engineering Department. 19 And I -- it's not -- the Safety Coordinator doesn't run 20 everything This committee was -- the plant engineer 21 often was the one that was the chairman of the 22 committee. 23 Q Okay. 24 A So it wasn't a safety function. It was a 25 plant function on behalf of plant safety	Page 133 1 But one thing that would make this a little clearer, 2 perhaps, is the safety name, back in those days, was 3 meaning personnel safety of cuts and avoiding accidents 4 and breaks and falls and all sorts of accidents, 5 injuries from -- and avoiding fires, so fire protection, 6 explosion protection, safety engineering, when you're 7 putting together projects to make sure that the safety 8 is put into the project as a part of the engineering. 9 And industrial hygiene functioned -- reported to the 10 Hercules Medical Department instead of the Safety 11 Department 12 Q Okay. 13 A So as a result, hygiene on the plant was 14 often augmented with consultant industrial hygienists or 15 someone from a contract company to come around and test 16 So you had that -- you know, the separation of the two 17 functions is one thing that will probably make it 18 clearer. 19 Q And that's kind of what we're talking about 20 in Exhibit 5, is an industrial hygiene function. And 21 that's why there's Hercules people on the plant? 22 MS. WILLIAMS: Objection. 23 THE WITNESS: Well, no, that was not a 24 hygienist, that was an engineer. 25 MR. COTTEN: Okay.

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1 THE WITNESS. He was on the plant looking 2 at the status of equipment, and they're going to make 3 those spot-check tours from time to time to see how 4 things look, see how things are going. It doesn't 5 really say in that report that he came for that reason. 6 He was there, he took a tour, and they saw this -- these 7 things out of compliance. 8 BY MR. COTTEN 9 Q Okay. So Industrial Hygiene is separate 10 from the Safety Committee? 11 A On a daily basis, yes. 12 Q Okay. Did you look -- are there any 13 industrial hygiene committees? Is there an Industrial 14 Hygiene Committee? 15 A Not per se. It was used as-needed to get 16 studies and that sort of thing. But -- and there were 17 visits by the industrial hygiene manager from Hercules. 18 Q Okay. 19 A And he saw progress being made throughout 20 and saw that they had attention for safety and personnel 21 protection. 22 Q Who is the industrial hygiene director for 23 Hercules from 1971 and 1978? 24 A They were called a manager. Manager of 25 Industrial Hygiene The head of that function would be	1 A I have seen evidence from things the 2 plant -- letters from the plant that said. "These 3 equipment improvements have been finished." 4 And that says -- that's what he was talking 5 about when he mentioned his initiating some requests. 6 Q In regards to asbestos? 7 A In regards to controlling dust, reducing 8 dust, reducing exposure, increasing awareness of risk, 9 and personnel protective equipment as well. 10 Q These letters from the plant, who wrote 11 them? 12 A One was written by Ed Painter. 13 Q Okay. What date is that letter? 14 A I don't recall. 15 Q Is it after this 1978 -- 16 A Before that. 17 Q Do you know who wrote any of the other 18 ones? 19 A I'm not absolutely certain. I'm not 20 speculating on that, because I read so many things over 21 the months. 22 Q Okay. When's the last time you read these 23 letters from the plant, talking about industrial 24 hygiene? 25 A It must be eight months or more. I mean,
Page 135	Page 137
1 Mr. Ameil Christofano(phonetic) 2 Q Okay. And have you seen any reports of 3 his? 4 A I have seen references and his depositions. 5 I have seen comments and I have talked live to him And 6 he saw progress being made from the time of his first 7 visit in the '64 time period after the acquisition, 8 through the time that he left -- Haveg left Hercules. 9 Q Is he still alive? 10 A He is. 11 Q When's the last time you talked to him? 12 A Maybe eight months ago. 13 Q And you were talking to him about asbestos? 14 A And industrial hygiene, yes. 15 Q Have you, aside from talking to him and 16 looking at his depositions, have you seen any reports 17 from the Industrial Hygiene Department at Hercules 18 Metals[sic] about asbestos? 19 A I don't recall any that I have seen, no. 20 Q So if there was progress, as testified to 21 by this gentleman -- I can't remember what you said his 22 name was -- Christofano? 23 A Christofano 24 Q You haven't seen any documented evidence of 25 that?	1 it's not current 2 Q And the only one you can think of -- the 3 only author you can think of is Mr. Painter? 4 A The only one for certain. I can think of 5 others, but I don't want to speculate, because I don't 6 have them in front of me and I haven't looked at them 7 lately 8 Q Okay. 9 A But there are others. 10 Q Have you seen any reports from the 11 Industrial Hygiene Department of Hercules Metals[sic] 12 about asbestos at the Haveg manufacturing facility? 13 MR. FITZPATRICK: Excuse me, Chad. I think 14 you've misspoken a couple times, saying Hercules 15 "Metals," and I don't think there is a Hercules Metals. 16 MR. COTTEN: I've been saying Hercules -- 17 forget the "Metals" part. 18 THE WITNESS: For the most part, the 19 department was Christofano and maybe three industrial 20 hygienists. So they didn't write a monthly report to 21 things -- they dealt with issues as they came up for the 22 whole corporation and maybe its 50 locations. I have 23 not sought to find all of their collective reports, 24 because at the time, you know, Haveg wouldn't be that -- 25 that great as a relative percentage. But they

Page 138 1 encouraged the plants to bring in other people to run 2 tests. Mr. Christofano was far too valuable to have him 3 just running the actual survey in putting together 4 reports 5 BY MR. COTTEN 6 Q Okay. 7 A That was done -- that was outsourced 8 frequently 9 Q Just a real simple question: Have you seen 10 any reports from the Industrial Hygiene Department of 11 Hercules regarding asbestos at Haveg? 12 A Not -- 13 MS WILLIAMS: Objection 14 THE WITNESS: Not that I recall. 15 BY MR. COTTEN 16 Q Have you seen any documented discussions 17 about the possible hazards to end-users of Haveg 18 asbestos-containing products? 19 MS. WILLIAMS: Objection, form. 20 THE WITNESS: Discussions? 21 BY MR. COTTEN 22 Q Uh-huh. 23 A Yes, when they -- '73, '76, '78, there were 24 three different time periods they passed along new 25 information from the academic world and the safety world	Page 140 1 pipe, crush it, or break it, or throw it. 2 Q And so this would be in the installation 3 guide? 4 A In the installation guide. 5 Q If we looked at one dated '73 it would be 6 in there? 7 A I think so, absolutely. 8 Q And '74, it would be in there? 9 A They changed it several times And it was 10 in every edition that I have seen. 11 Q When was the first put in, in the 12 installation guide? 13 A I think the Chemtite product was brought to 14 the plant in '71 but not commercialized immediately 15 because they had to install it, et cetera. But shortly 16 thereafter, maybe early '73, somewhere in '73, the 17 installation guide was posted and it was sent with each 18 order. 19 Q Haveg was selling Chemtite in '71, though, 20 right? 21 A No. 22 Q Okay. 23 A It was actually after February 25th of '72 24 before the sales began. 25 Q Okay. Did the same type of warning go into
Page 139 1 about the hazards of asbestos. 2 Q To end-users? 3 A To everybody that could have been exposed. 4 It wasn't specific to end-users. It was talking about 5 exposure to Haveg. When you're saying "users" you're 6 implying the customer, of course, and I'm not aware of 7 things that were sent to the customer other than the 8 documents that went with the product; like installation 9 guides, they always had references to the safety warning 10 that I spoke of before and talked about procedures that 11 were safe. But we weren't attempting to try to deal 12 with hundreds of different applications of which we 13 didn't know. 14 Q Okay. So if we look at an installation 15 guide for Chemtite from 1973, we're going to see 16 information in there about the hazards of asbestos? 17 A You're going to see -- the one that says 18 the asbestos is mixed with a binder that keeps asbestos 19 from being dispersed as fibers in Haveg and Chemtite, 20 when you modify the material by -- such as grinding, 21 sawing or cutting, it may be possible that fibers are -- 22 airborne fibers are created. And if that is the case, 23 we refer you to the OSHA guideline dealing with 24 Protection of Workmen. So that's the reference. And 25 then they talk about, you also don't want to jump on the	Page 141 1 the Haveg installation guide? 2 A There were warnings I'm not -- I was 3 preparing this discussion with more Chemtite than Haveg, 4 so I didn't catch it. 5 Q Okay. I want to show you this. This is an 6 invoice from Haveg Industries going to Dow Chemical 7 Company, Freeport, Texas, from Chemtite Division. It's 8 dated September 27th, 1971. Do you see that? 9 (Witness examines document.) 10 THE WITNESS It's the first time I have 11 ever seen this 12 BY MR. COTTEN 13 Q Okay. So this is a little earlier than 14 '72? 15 A These are all Dow orders? 16 Q I think most of them are. There may be a 17 few in there that aren't. And they're not all from 18 1971. Okay. It's just that at least one of them is. 19 MR FITZPATRICK There's not a question 20 pending 21 THE WITNESS Okay 22 BY MR. COTTEN 23 Q Okay. So you saw that, right? 24 A Yes, I did 25 Q So that looks like they were shipping some

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1 Chemtite to Dow in 1971, Haveg was? 2 A That's what it looks like, yes. 3 Q Okay. So would it be safer to say that 4 you're not really positive when Chemtite started getting 5 sold? 6 MS. WILLIAMS: Objection, form. 7 THE WITNESS. Everything I had seen before 8 said nothing was on grade before that period -- nothing 9 produced was ready for shipment before that period of 10 February '72. I don't recognize the numbers in there 11 ahead of Chemtite. Are you -- in this report, is 12 this -- 13 MR. FITZPATRICK: Don't ask questions, 14 okay? 15 THE WITNESS: Sorry. Excuse me. 16 BY MR. COTTEN 17 Q There was a Chemtite Division? 18 A Okay 19 Q Was there? Did Haveg have a Chemtite 20 Division? 21 A On the plant, it was a part of the Haveg 22 thing. I didn't ever see it as a Chemtite Division. It 23 was a department, but I never have seen that order -- I 24 mean, those orders, period. 25 Q It's in Marshallton, Delaware?	1 to have you look through it and tell me where it is, but 2 if it's not going to be in there before '73, I don't 3 want to have to do that. 4 MS. WILLIAMS: Objection to the form. 5 BY MR. COTTEN 6 Q Well, okay. I mean, I'll pass you this. 7 Here's a Chemtite -- it says, "Haveg Chemtite Piping 8 Systems." Is that a user guide? Is that what you're 9 talking about? 10 A This is one -- brochures, but it's a user's 11 guide but it's an installation guide 12 Q Okay. Would the warning about asbestos 13 also be in the brochure or just in the installation 14 guide? 15 A Wait a minute. Let me see something. 16 This is -- I think this is a Johns-Manville document 17 that became a Hercules document or a Haveg document in 18 the middle of the year, July of 1971, when they were 19 transacted. 20 Q Okay. 21 A The picture shows J.M. pipe 22 Q Okay. But the front of it says "Haveg?" 23 A Yes, it does. 24 Q And just let me ask, then, did the 25 brochures ever have these -- this asbestos information
Page 143	Page 145
1 A That's right. That's right. 2 MR. COTTEN: Okay. We'll go ahead and mark 3 this, then, as 7. 4 (Patterson Exhibit Number 7 marked for 5 identification.) 6 MR. FITZPATRICK: Identify it for the 7 record 8 MR. COTTEN: It's invoices and sales 9 reports of Chemtite to the Dow Chemical Company for 10 Freeport, Texas, dated approximately September of 1971 11 through -- and this is approximate -- September 1974. 12 There is also a manifest or a ledger at the end noting 13 the same. 14 BY MR. COTTEN 15 Q So the Chemtite piping, you know, before 16 1973, if we looked at a Chemtite users guide it wouldn't 17 have the asbestos warning in there, right? 18 A Excuse me? 19 Q It wouldn't have this asbestos information 20 in there that you were talking about earlier? Referring 21 to OSHA and all that stuff. 22 A I think it had it in '72, but I'm -- 23 Q Okay. I have got one here, and I think 24 it's from 1971, but I don't see the -- I don't see that 25 warning in there. So I'm just -- you know, I was going	1 in them, or just the installation guide? 2 A I think more than one brochure. All types 3 of brochures in -- I know more than one did 4 Q Okay. 5 A There were different varieties of labels. 6 Sometimes they were called Improvement to Piping; other 7 times it was called Installation Guide, and different 8 things. This was called -- can't be read -- Piping 9 Systems, Chemtite Piping Systems 10 Q Does that have any information about 11 asbestos in it? 12 A I was looking for the safety warning. It 13 says, "Asbestos reinforced, epoxy." Yeah. And it's got 14 asbestos in it, of course, but I don't see the safety 15 warning in that particular one, no. 16 Q Okay. 17 A But that is the same -- in fact, mine is 18 '71, in the picture. 19 MR. FITZPATRICK: Excuse me. Can we mark 20 this? 21 (Patterson Exhibit Number 8 marked for 22 identification) 23 BY MR. COTTEN 24 Q So this is the brochure; it's not an 25 installation guide?

Page 146 1 A That's correct. 2 Q But there's no -- there's none of the 3 asbestos safety information in here? 4 A That's correct It's the '71 document 5 Q And just -- you might have said this and I 6 missed it. But was the asbestos safety information that 7 was being put in the installation guides also put in the 8 brochures? 9 A I believe I have seen it in all those 10 things, but I do -- I can't recall exactly which ones. 11 There are different varieties of brochures. 12 MR. FITZPATRICK: Do you want to go off the 13 record for a second? 14 MR. COTTEN: That's all the questions I 15 have, for right now I mean, unless you ask something. 16 MS. WILLIAMS: Are you passing the witness, 17 Chad? 18 MR. COTTEN: Yes. 19 MS. WILLIAMS: Okay. Let' take a 20 five-minute break to see if we have anything. 21 (A brief recess was taken.) 22 MS. WILLIAMS: Well, first of all, is there 23 anybody on the phone that has questions for 24 Mr Patterson? 25 (No response.)	Page 148 1 COMMONWEALTH OF VIRGINIA 2 CITY OF RICHMOND, to wit, 3 I, Jean Speights, RMR, RPR, CCR, a 4 Notary Public in and for the Commonwealth of Virginia, do 5 hereby certify that on the 16th day of November, 2011, the 6 foregoing witness, having been by me first duly sworn to 7 tell the whole truth, gave his/her testimony, which was 8 reported by me in stenotype, and that the foregoing pages 9 constitute a true and correct transcription, to the best of 10 my ability, of my said shorthand report. 11 I further certify that I am not a 12 relative or employee or attorney or counsel of any of the 13 parties hereto, nor am I a relative or employee of such 14 attorney or counsel, nor am I financially interested in the 15 action. 16 17 Given under my hand this _____ 18 day of _____, 2011. 19 20 21 22 23 Jean B. Speights, RMR, RPR, CCR 24 Registered Merit Reporter 25 Registered Professional Reporter Virginia CCR # 03131541 Commission Expiration: April 30, 2015 ID # 176313
Page 147 1 MS. WILLIAMS: Okay. Well, okay. We'll 2 reserve our questions until time of trial. 3 MR. RAMIREZ: I don't have any questions 4 either. 5 6 7 AND FURTHER THE DEPONENT SAITH NOT 8 9 10 _____ 11 KENDALL WATSON PATTERSON 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 149 1 COMMONWEALTH OF VIRGINIA 2 CITY OF _____, to wit, 3 4 I _____ a Notary Public for 5 _____, certify that the Deposition of 6 KENDALL WATSON PATTERSON, having been previously submitted 7 to him/her for examination and reading, stated to the 8 undersigned Notary Public that he/she had read and examined 9 his/her Deposition and then signed his/her Deposition in 10 the presence of the Notary Public, and again swore that the 11 statements contained therein were true and correct and that 12 the said Deposition was duly subscribed to before me on the 13 _____ day of _____, 2011 14 15 16 _____ 17 Notary Public 18 19 20 21 22 23 My Commission Expires _____, 20__ 24 25

1	ERRATA SHEET		
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3	CHANGES MADE IN THE DEPOSITION OF		
4	KENDALL WATSON PATTERSON		
5	AT THE TIME OF SIGNING		
6			
7	CASE OF Martha Gensler v Asbestos Companies, et al		
8	DATE 11/16/11		
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