

NO. 90-1760-H

H. WALLY SHIPLEY and FAYE \* IN THE DISTRICT COURT OF  
SHIPLEY; WELDON COOK and \*  
BILLYE COOK; VIRGEL LEON \*  
ZIMMERMAN and RUTH \*  
ZIMMERMAN; HERBERT WILLIAMS \*  
and INEZ WILLIAMS; ARTHUR \* DALLAS COUNTY, TEXAS  
JAMES DAVIS; and J. R. \*  
GENTLE \*  
VS. \*  
ARMSTRONG WORLD INDUSTRIES \*  
INC., ET AL. \* 160TH JUDICIAL DISTRICT

## ORAL DEPOSITION

OF

ROBERT JUNKER

ANSWERS AND DEPOSITION OF ROBERT JUNKER, produced  
as a witness at the instance of the Plaintiffs, taken in  
the above-styled and -numbered cause on the 23rd day of  
October, 1991, at 1:30 p.m., before Sherri B. Garza, a  
Certified Shorthand Reporter in and for the State of  
Texas, at the home of Mr. Robert Junker, 10129 Rockmoor  
Drive, in the City of Dallas, County of Dallas, State of  
Texas, in accordance with the Notice issued and the  
agreements hereinafter set forth.



COPY

A P P E A R A N C E S

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W. R. GRACE & COMPANY

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FOR THE WITNESS  
MR. ROBERT JUNKER

ALSO PRESENT: Mrs. Robert Junker

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EXHIBIT INDEX

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(Exhibit attached at the end of  
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I propose that this deposition can be used for all judicial purposes. All objections except as to the form of the question and responsiveness of the answer are reserved until trial or other judicial use of this deposition. Obviously, one objection by one counsel is good for the other; there are only two lawyers in here today. Are there any other agreements we need to make? I suppose I need to ask Mr. Junker, or, I guess, his attorney whether Mr. Junker would agree to waive signature on the deposition transcript.

**PRITCHETT & ROMANS (214) 373-4977 DALLAS, TEXAS**

1                   that before you got here, Roger, and he  
2                   stated that he would like to read and sign  
3                   the deposition.

4                   THE WITNESS: Well, if I'm going to  
5                   sign it, I want to read it.

6                   MS. CLARK: Right. But I think we can  
7                   agree that when the case comes to trial, if  
8                   for some reason the signed deposition has not  
9                   been returned, you can use a copy of the  
10                  deposition in that case, if that happened.

11                  MR. WORTHINGTON: Okay.

12                  MS. CLARK: But I believe the court  
13                  reporter has indicated that she'll send the  
14                  deposition to me, and we'll get it to Mr.  
15                  Junker, and he'll return it signed.

16                  THE WITNESS: How the hell she can  
17                  read that is more than I can figure out.

18                  MS. CLARK: Now, Mr. Junker, you have  
19                  to remember that everything you say from this  
20                  point forward is going to be taken down in  
21                  the deposition.

22                  THE WITNESS: I know, but I had to say  
23                  that.

24

25

1                                    ROBERT JUNKER,  
2       the witness hereinbefore named, being first duly cautioned  
3       -and sworn to testify the truth, the whole truth, and  
4       nothing but the truth, testified on his oath as follows:  
5                                    EXAMINATION  
6       BY MR. WORTHINGTON:  
7                    Q.       State your name, please.  
8                    A.       Robert L. Junker.  
9                    Q.       Mr. Junker, as I said, my name is Roger  
10       Worthington, and I represent various persons who have  
11       filed lawsuits here in Dallas County against various  
12       manufacturers of asbestos products. We are in your home  
13       today, and it's a rather informal setting, it's certainly  
14       not a courtroom, but though it is an informal setting, I  
15       would like for you to assume that there is a judge and  
16       jury present, and you are under oath as one of the  
17       attorneys advised. Let's set forth a few ground rules.  
18       Okay?  
19                    A.       Uh-huh.  
20                    Q.       First of all, when I ask you a question, if  
21       you could please remember to respond verbally; for  
22       example, a second ago you said uh-huh.  
23                    A.       Yeah, I know. It's a bad habit.  
24                    Q.       It's real hard for the court reporter to  
25       record an uh-huh, and it's also vague as to whether that's

1 a yes or a no.

2 A. I understand that, too. I'll forget again,  
3 but I'll try.

4 Q. I'll remind you. So just please try to  
5 respond to my questions verbally.

6 A. Right.

7 Q. Also, I may be using some words that maybe  
8 you don't understand or maybe my word choice is not very  
9 good. In any event, if you don't understand a word or  
10 something is unclear, could you please let me know that so  
11 I can clarify the question?

12 A. I'll ask.

13 Q. Mr. Junker, did you receive in the mail a  
14 copy of the Notice of Intention to Take Oral Deposition?

15 A. Yes.

16 Q. And was that a few weeks ago that you got a  
17 copy?

18 A. I have it right there.

19 Q. Have you and I ever met before?

20 A. No, not until today.

21 Q. There are two attorneys present in your  
22 living room today. Had you met any of these other  
23 attorneys here before today?

24 A. I've met Laura, but not this young lady.

25 Q. Ms. O'Connell?

1           A.     Yeah.  Yes.

2           Q.     Are you represented by counsel here today?

3           A.     Yes.

4                     MS. O'CONNELL:  I'll state for the

5                     record that I'm here representing Mr. Junker,

6                     as well as Ms. Clark is here.

7           Q.     Did you hire Ms. O'Connell to be your lawyer?

8           A.     No.

9           Q.     When did you first meet Ms. O'Connell?

10          A.     About two years ago, something like that.

11                     MS. O'CONNELL:  Sounds about right.

12          Q.     Have you given a deposition before?

13          A.     Yes.

14          Q.     Do you remember when that was?

15          A.     About a year -- a little over a year ago --

16          oh, no, it was about 18 months ago.

17          Q.     So you have been through this deposition

18          process before; is that right?

19          A.     Yes.

20          Q.     Do you remember the case in which you

21          appeared for a deposition?  Do you remember where that was

22          filed, or who the parties were in that case?

23          A.     Well, it was Grace, and --

24                     THE WITNESS:  Do you know?

25                     MS. O'CONNELL:  Sure.  I can

1 think quickly of the style of the case.

2 Corbelli (phonetic). Corbelli vs. Grace.

3 A. And I testified for Grace, as the best I  
4 could, or told what I knew about them.

5 Q. Mr. Junker, do you know if that was a lawsuit  
6 involving property damage, or was that a lawsuit involving  
7 a personal injury claim?

8 A. I don't think they ever said.

9 THE WITNESS: Did they?

10 A. I don't remember them ever saying whether it  
11 was money or damage or illness or what it was.

12 Q. Were you asked questions about your  
13 experience working for W. R. Grace?

14 A. Oh, yeah, endless questions.

15 Q. Do you remember how long that deposition  
16 took?

17 A. An hour, hour and a half, I guess.

18 Q. Well, I certainly don't want to exhaust you.  
19 I'll try to get straight to the point.

20 A. I'll live.

21 Q. How is your health today?

22 A. Better. Better than it was earlier in the  
23 week. I'm not that weak. I'm just unable to walk.  
24 That's my big problem. My -- I have arthritis in this  
25 wrist and this wrist, and getting out of the --

(Interruption in proceedings.)

A. -- this chair is killing me, getting up,  
-putting the weight on these wrists. Other than that, it's  
not so bad.

Q. How old are you, Mr. Junker?

A. 70 years old.

Q. And what is your home address?

A. 10129 Rockmoor.

Q. Here in Dallas?

A. Right here in Dallas.

Q. How long have you lived in the Dallas area?

A. Since '53.

Q. Are you retired, Mr. Junker?

A. Yes.

Q. What year did you retire?

A. '78, or -- I worked after that, but I retired  
from Grace in '78. They asked me to.

Q. Did you want to retire in 1978?

A. Not really, no. They wanted me to take early  
retirement, which I took.

Q. How many years did you work for W. R. Grace?

A. Well, it was Zonolite Company before that.

Q. Okay.

A. And it was 31 years, total. But it was  
Zonolite Company, then to Grace -- I mean, to Texas

1 Vermiculite Company, and then they became part of Grace.

2 Q. I'll ask you a few questions about the  
3 corporate history of the company you worked for, but  
4 before I do that, let me ask you this: Did W. R. Grace  
5 explain to you why they thought it was in your interest to  
6 retire?

7 A. Well, yeah, because they wanted to transfer  
8 me up to Oklahoma City, or over to Greenville, South  
9 Carolina, and I didn't want to go. My youngest son was  
10 just starting college, and he was on a baseball  
11 scholarship with kind of a -- on a, you know, hit and miss  
12 situation.

13 Q. How was your health in 1978?

14 A. Fine. I went out and got another job.

15 Q. Okay.

16 A. Right then. I wasn't about to quit, and I  
17 held that job for -- well, I had that job and another one  
18 after that for about five years and started traveling.

19 Q. Was the company here in Dallas still  
20 operating in 1978?

21 A. Texas Vermiculite, yeah.

22 Q. And did you still --

23 A. It's still operating.

24 Q. Did you still want to work for Texas  
25 Vermiculite in 1978?

1           A.     No, not after that, no. They took me --  
2 brought me up and paid me almost two years' salary and  
3 pension and said good-bye, and I knew they didn't want me,  
4 so I wasn't about to stay. They got somebody a lot  
5 cheaper; that's all. I guess that means I wasn't worth  
6 much. Who knows.

7           Q.     Did you feel like you were worth more?

8           A.     No, no. I was never underpaid, but they  
9 thought that, I guess.

10          Q.     Do you think you always did a pretty good job  
11 for your company?

12          A.     Yeah. I've been told so by my boss and  
13 others. I was always ready to do what they asked me to.

14          Q.     Why do you think they wanted you to move on?

15                   MS. CLARK: I object to the form of  
16 the question because I think it calls for  
17 speculation on the part of this witness, and  
18 it's also not even remotely relevant to the  
19 case at hand.

20          Q.     Did you have an answer to that question?

21          A.     I don't know.

22          Q.     Mr. Junker, just to draw your attention to  
23 these documents which I sent to you in the mail, on page 3  
24 there's an exhibit, and it asks for a number of documents.  
25 I'm going to hand that to you. Did you have a chance to

1 read that?

2 A. Oh, yeah, I went over it all. Page 3?

3 -Uh-huh, Exhibit A.

4 Q. Exhibit B on page 3.

5 A. Oh, 3.

6 Q. Let me just ask you some questions about  
7 that, Mr. Junker.

8 A. All right.

9 Q. In 1978 when you left Grace, what was the  
10 name of the company in 1978?

11 A. Texas Vermiculite.

12 Q. In 1978 when you left the company, did you  
13 bring any documents with you regarding sales literature or  
14 invoices or --

15 A. No.

16 Q. -- maps or designs or anything like that?

17 A. Nothing other than personal stuff of my own.

18 Q. Before you left in 1978, did you keep here in  
19 your home any of the documents specifically requested on  
20 this piece of paper?

21 A. No, no need to, no reason to.

22 Q. When was the first time you conferred with  
23 Ms. O'Connell about this deposition?

24 A. This one? Well, I called her about a week  
25 ago and asked her about it, you know, because I didn't

1 know this young lady was going to be here or anything  
2 about her, so I -- knowing her, and knowing -- she's the  
3 - only one I know -- attorney I know in this Grace asbestos  
4 thing, I thought it best to talk to her; that's all.

5 Q. Did you provide the lawyer with a copy of  
6 this deposition notice?

7 A. This deposition?

8 Q. Yes.

9 A. She read it when she got here this morning.

10 Q. Have you personally made any attempt to  
11 produce any of these documents?

12 A. There's no way of doing it. I don't have the  
13 originals.

14 Q. Do you know where the information is?

15 A. It would be down at the office or up in  
16 Cambridge. I don't know where it is. I have nothing --  
17 no imagination of where -- what they've got over there and  
18 don't have over there.

19 Q. When you say "office," what are you referring  
20 to?

21 A. The Texas Vermiculite office.

22 Q. Where is that located?

23 A. 2651 Manila Road, Dallas. It's over near the  
24 gypsum plant over there.

25 Q. Did you hire an attorney for this deposition,

1 or is she being provided to you?

2 A. She came of her own free will, I assume.

3 Q. So if I wanted this information, I'd have to  
4 ask your attorney, Ms. O'Connell?

5 A. Well, I don't know where she'd get it. I  
6 don't have it.

7 Q. You think it's at the office on Manila Road?

8 A. No, I don't.

9 MS. CLARK: I object. That's a  
10 mischaracterization of what he said. I  
11 believe he stated that he does not know  
12 whether --

13 A. It could be in Cambridge, as far as I know.  
14 It could be anyplace. I haven't even looked at it in 13  
15 years or whatever it is, 14 years.

16 Q. I would like to visit with you, Mr. Junker,  
17 about your work experience for 31 years for the company,  
18 Zonolite, Texas Vermiculite, W. R. Grace. Actually I'm a  
19 little bit confused about exactly what to call this  
20 entity.

21 A. Well, I started out as a pure and simple  
22 bookkeeper in Chicago; that's all I was. I had a little  
23 fire about me, I guess, because they needed a man in Texas  
24 to kind of run the accounting department, and they picked  
25 me over two or three other guys. So I came down with the

1 treasurer of the company, and we formed this company down  
2 in San Antonio and been there ever since.

3 Q. How far did you get in school, Mr. Junker?

4 A. I went to night school for two, three years  
5 in Chicago. I took accounting courses.

6 Q. Did you go to grade school and high school in  
7 Chicago?

8 A. No. I went in Kenosha, Wisconsin to high  
9 school.

10 Q. In Wisconsin?

11 A. Kenosha.

12 Q. And when did you move to Texas, Mr. Junker?

13 A. In 1948, August of '48.

14 Q. Have you always worked at the job site on  
15 Manila Road when you were working for the Zonolite Company  
16 or the Texas Vermiculite Company?

17 A. Except for the first few months. I was down  
18 in Austin for five years.

19 Q. When did you start working at the plant here  
20 in Dallas?

21 A. 1953.

22 Q. Prior to that, were you working in Austin,  
23 Texas?

24 A. Yeah, and Dallas -- and Chicago.

25 Q. Who was your employer in Austin, Texas?

1           A.     Texas Vermiculite.

2           Q.     Did Texas Vermiculite have a manufacturing  
3     -plant in Austin?

4           A.     No.   It was in Burnet, Texas.

5           Q.     Were you working as a bookkeeper in Austin?

6           A.     Yeah, but it was a little more than that.  I  
7     ran the plant.  We only had one plant at the time, and I  
8     was responsible for the manufacturing of the product.

9           Q.     What was your job title while employed at  
10    Texas Vermiculite in Austin?

11          A.     I was a treasurer and the assistant manager,  
12    plant manager, plant superintendent, anything but sales.  
13    I went to all the sales meetings, but I didn't do any of  
14    the selling.  Mike Moran took care of all that.

15          Q.     What products was Texas Vermiculite  
16    manufacturing in Austin prior to 1953, do you remember?

17          A.     None.  Never made anything in Austin, no.

18          Q.     In Burnet?

19          A.     Well, all the things they make in Dallas now.  
20    All the things they make in Dallas and San Antonio and  
21    other plants now.  I don't know what all those products  
22    are, what they've cut out, what they make, what they don't  
23    make, any of that stuff, but I -- they just moved  
24    everything from Burnet to Dallas and San Antonio  
25    simultaneously, a little bit here, a little bit there.

1 They moved the acoustic and the mixing process to Dallas,  
2 and San Antonio, just the vermiculite.

3 Q. Did you have a chance to look at this list of  
4 products that I sent along with the deposition notice?

5 A. Yeah.

6 Q. I'd like for you to look at that list and  
7 tell me which products were manufactured before 1953 at  
8 the plant in Burnet. Do you remember?

9 A. I can't be certain. Well, they were all made  
10 in Burnet. At the beginning -- until 1953, everything was  
11 made in Burnet. There was no other plant, just Burnet.

12 MS. CLARK: But just to clarify,  
13 you're not stating that everything on that  
14 list was manufactured in Burnet.

15 THE WITNESS: No, no. As far as I can  
16 see, some of it wasn't even being made then;  
17 I don't know offhand. But they never made  
18 perlite in Burnet, never.

19 Q. Were any Monokote products manufactured?

20 A. Not in Burnet, no. It hadn't been invented  
21 by then.

22 Q. Were any asbestos-containing products  
23 manufactured?

24 A. In Austin?

25 Q. In Burnet.

1           A.     Yeah.

2           Q.     What types of materials were being

3 -manufactured that contained asbestos? What were they used

4 for?

5           A.     Acoustical plastic.

6           Q.     Did you say plastic or plaster?

7           A.     Plaster. They prefer the word "plaster,"

8 because it really wasn't plastic.

9           Q.     Were any fireproofing materials manufactured

10 in Burnet?

11          A.     I can't remember when that really came in,

12 but about '53, is about the time we got into the

13 fireproofing. And, of course, the acoustic was a

14 fireproofing product. I mean, it wouldn't burn, you know.

15          Q.     How many employees worked at the plant in

16 Burnet prior to 1953? Do you remember?

17          A.     Yeah. Offhand I can figure it out. Two,

18 four, six -- about eight.

19          Q.     Including yourself, Mr. Junker?

20          A.     No. I didn't work there. I worked in

21 Austin.

22          Q.     Did you ever visit the plant in Burnet?

23          A.     Every month. At least once a month.

24          Q.     How big, in terms of basketball courts or

25 football fields, was this manufacturing plant?

1           A.     Probably as big as a basketball court.

2           Q.     Mr. Junker, I've never been inside this

3 -plant, so I may have to ask you to sort of search your

4 memory to answer my question.

5           A.     Which one are we talking about now?

6           Q.     I'm going to ask you a few questions about

7 this plant at Burnet. Okay?

8           A.     Okay.

9           Q.     First of all, were the materials, the

10 acoustical plasters, were they bagged inside that

11 building?

12          A.     Yeah.

13          Q.     Do you remember how many pounds these bags

14 were of acoustical plaster?

15          A.     About 25 pounds, as I recall.

16          Q.     Do you remember if the bags had any logos or

17 symbols on them?

18          A.     Yeah, Zonolite acoustical plaster. It was in

19 a white bag or a brown bag, as to whether it was white or

20 brown or natural-colored.

21          Q.     Did you acquire any knowledge as to who the

22 customers or consumers were of these bags of Zonolite

23 acoustical plaster?

24          A.     The only ones I really knew were the major --

25 the principals of the plastering companies, you know.

1 None of the -- I knew some of the laborers, but very few  
2 of them.

3 Q. Do you remember some of the major plastering  
4 companies to whom you sold the acoustical plaster?

5 A. Well, you see, it's been so long, I --

6 THE WITNESS: You probably remember  
7 better than I do.

8 MS. CLARK: You're only required to  
9 give the information which you know, or which  
10 you remember.

11 A. I just can't think of some of them. I know  
12 them as well as my name, but some of them were real good  
13 friends. Storbeck & Gregory is one, very good -- nice  
14 people.

15 MS. CLARK: Mr. Worthington, was your  
16 question at that point limited only to the  
17 customers at Burnet?

18 MR. WORTHINGTON: Yes.

19 A. Oh, no. This is in Dallas now.

20 Q. I will get to Dallas in a few minutes; just  
21 bear with me.

22 A. In Burnet, yeah, that was different.

23 MS. CLARK: I thought he might be  
24 jumping ahead.

25 Q. In Austin at that time were they building a

1 lot of government buildings and office buildings?

2 A. No. There was a little bit of a recession  
3 back around that time, and, in fact, the big freeze in the  
4 Valley killed everything down in the Valley. We were  
5 shipping cargos in '48 and '49 and in '51 -- '50, '51 and  
6 '52, nothing.

7 Q. Back at this plant at Burnet, were you in  
8 charge of buying the materials for Grace?

9 A. Yes.

10 Q. From whom did Grace at that time or Zonolite  
11 purchase the raw asbestos that was used in the acoustical  
12 plaster?

13 A. Well, you'll have to name some of those  
14 companies.

15 MS. CLARK: Only answer if you know.

16 I mean, facts that you recall. That's what  
17 you're required to answer.

18 A. I know them, but I haven't even mentioned  
19 their name for years.

20 Q. Would it help if I mentioned a few names?

21 A. You can help me, and I can tell you, I guess.

22 Q. Did you ever purchase raw asbestos from  
23 Johns-Manville?

24 A. Yeah -- no. I bought gypsum from  
25 Johns-Manville, but not asbestos, I don't think.

1 Q. Did you purchase raw asbestos from Carey  
2 Canada?  
3 A. Yes.  
4 Q. Did you purchase raw asbestos from Atlas  
5 Asbestos Company?  
6 A. No. I've never heard the name.  
7 Q. How about Philip Carey Company?  
8 A. I think we have, yes.  
9 Q. How about National Gypsum Company?  
10 A. Yeah. We did really good business with  
11 National. They are very good people.  
12 Q. How were the bags of raw asbestos brought to  
13 the plant at Burnet? Do you know that?  
14 A. Paper bags.  
15 Q. Did they come in trucks or on a railroad car?  
16 A. I think we bought them on trucks because it  
17 was cheaper and close to the supply.  
18 Q. Did you ever walk inside the plant at Burnet  
19 and see how the raw asbestos was mixed in with the  
20 vermiculite?  
21 A. I've seen dust in there, but I didn't see the  
22 asbestos -- oh, mixed? Sure. I saw it mixed all the  
23 time. I saw the mixer.  
24 Q. Explain to me at what point in the assembly  
25 line the asbestos was mixed in with the material.

1           A.     So much bentonite, so much gypsum and so much  
2     asbestos and so much vermiculite were poured in this  
3     -bladed hopper, and that was turned until it mixed up  
4     everything.

5                     MS. CLARK:  Again you're inquiring to  
6     the Burnet plant?

7                     MR. WORTHINGTON:  Right.

8                     MS. CLARK:  I don't know if that makes  
9     any difference in your answer.

10                    THE WITNESS:  No.  That's the way it  
11     was down there, too.  We just moved all that  
12     to Dallas.

13            Q.     When you moved to Dallas, was the plant in  
14     Burnet shut down?

15            A.     Ultimately, yes.  We moved to Dallas and San  
16     Antonio.  We had three furnaces down there.  We junked one  
17     of them, or took it to Dallas, but we didn't use it,  
18     rebuilt one in Dallas and one in San Antonio to get nearer  
19     to the market.

20            Q.     Back in the early '50s, did anyone from the  
21     Zonolite Company or W. R. Grace or any other company --

22            A.     Grace wasn't in it at all in the early '50s.

23            Q.     Okay.  Thank you.  Was the name of your  
24     employer the Zonolite Company at that point?

25            A.     Yeah.

1 Q. Did you ever attend any meetings?

2 A. Occasionally, yeah.

3 Q. Did you ever attend any meetings where the  
4 subject of asbestos dust was discussed in the early '50s?

5 A. No, not usually, not until it became a  
6 subject for discussion. Then it was talked about a great  
7 deal, so we cut it out. That was later.

8 Q. In the '50s, in your capacity as the plant  
9 superintendent, treasurer and assistant manager, if I've  
10 gotten that correct --

11 A. Anything. I was just a jack-of-all-trades, I  
12 guess.

13 Q. Did you ever discuss with any of the  
14 employees in the early '50s the need to eliminate asbestos  
15 exposure?

16 A. Never. It didn't even come up, frankly.

17 Q. Back in the early '50s, again at that plant  
18 in Burnet, did the company ever hire anyone to come in and  
19 measure the dust in the air?

20 A. The standards -- fair standards, or whatever  
21 you call it, the fair air standards, were outside  
22 measuring all the time. They'd set up right on our  
23 loading dock and take samples of the air. They kept us on  
24 the ball all the time about dust, constantly, Burnet and  
25 Dallas.

1 Q. When you say "they," who are you referring  
2 to?

3 A. OSHA, I guess, you'd call them.

4 Q. So you think that OSHA was keeping you on the  
5 ball in the 1950s, early 1950s?

6 A. No, I don't remember that specifically, but  
7 they were checking us out from time to time in the '50s,  
8 and all the way through the '50s and '60s.

9 Q. Are you sure it was OSHA?

10 A. Well, I don't know what it was called then.

11 The --

12 THE WITNESS: What is it? What  
13 company is it? What government agency  
14 checked for the cleanliness of the air?

15 MS. CLARK: And you're talking about  
16 some agency prior to OSHA?

17 THE WITNESS: I guess I am.

18 MS. CLARK: If you recall, then you  
19 need to tell him, but if you don't recall the  
20 names, you don't need to worry about that,  
21 because Mr. Worthington just wants what you  
22 recall. He doesn't really care what I know  
23 at this point. He wants to know what facts  
24 you know.

25 THE WITNESS: Well, if somebody would

1                   say the name, maybe I could confirm it or not  
2                   confirm it. I don't know.

3           Q.     Mr. Junker, my question is, do you know  
4     whether the Zonolite Company hired anyone themselves to  
5     study the amount of dust in the air inside the plant?

6           A.     Oh, yes, definitely. We had some high-priced  
7     engineers in there all the time once they -- it became a  
8     problem and a nuisance and it was known, and we spent  
9     thousands and thousands of dollars trying to fix it.

10                   MR. WORTHINGTON: I'll object as  
11                   nonresponsive.

12           Q.     I'm asking you, Mr. Junker, whether back in  
13     the early 1950s at the Burnet plant, whether you have  
14     knowledge whether the Zonolite Company hired anybody to  
15     come in and measure the dust levels inside the plant.

16           A.     Yes. They came down from Chicago. I drove  
17     them down to Burnet.

18           Q.     Who were these folks? Do you remember their  
19     names?

20           A.     No. Young engineers, primarily.

21           Q.     Did they take dust counts inside the  
22     building?

23           A.     Yeah.

24           Q.     Did you see them do that?

25           A.     Yeah.

1 Q. Did you ask them why they wanted to measure  
2 the amount of dust in the air?

3 A. Yeah, I asked them, and they said orders from  
4 Chicago, from certain people in the Vermiculite Institute  
5 office. Now, the Vermiculite Institute was the -- kind of  
6 the governing entity that watched over the Zonolite and  
7 the Texas Vermiculite Company, trying to keep it on the up  
8 and up.

9 Q. These persons that you're talking about, did  
10 they ever sit down and explain to you why they wanted to  
11 measure the amount of dust in the air?

12 A. Yeah, I imagine. I don't remember  
13 specifically, though.

14 Q. Did they ever discuss with you their need to  
15 study the amount of asbestos in the air?

16 A. Not -- no. Not specifically asbestos.  
17 Asbestos just wasn't considered a problem in those days.  
18 We didn't know it. They didn't know it, I don't think.  
19 Nobody knew it, including a lot more intelligent people  
20 than you and I, because they were using it on everything,  
21 pipe wrappings, brakes, wherever you -- anything that  
22 needed some fire protection, they were putting asbestos on  
23 it.

24 MR. WORTHINGTON: Object as  
25 nonresponsive.

1           Q.     My question, Mr. Junker, is, if these folks  
2     were studying the amount of asbestos in the air --

3           A.     They weren't. They were studying the dust in  
4     the air. Just the dust, because that was the problem,  
5     dust, and a lot of that was vermiculite, and a lot of it  
6     was gypsum dust, too.

7           Q.     If I understand you correctly, you understood  
8     in the early 1950s at the Burnet plant that there was a  
9     dust problem inside your plant?

10          A.     Yeah.

11          Q.     And what types of dusts were in the air  
12     inside the plant?

13          A.     Vermiculite, gypsum, asbestos, I guess,  
14     bentonite, all of them.

15          Q.     Why do you guess asbestos was in the air?

16          A.     Because we were using it.

17          Q.     But you're real sure about vermiculite and  
18     gypsum, but not sure about asbestos?

19          A.     Well, if we were using it, it was in the air.

20          Q.     And you were using asbestos in your  
21     materials; is that right?

22          A.     Right.

23          Q.     Now, when you say the word "problem," are you  
24     referring to a health problem?

25          A.     No. It was just a dirty problem, messy.

1 Everything in the plant was dirty. It's not the way you  
2 like to run a plant -- a business. I didn't, my boss  
3 didn't, nobody did, including the foremen or the men that  
4 worked there.

5 Q. Did the men who worked there, were they  
6 covered in dust?

7 A. Yeah, on their shoulders and stuff and their  
8 hair, sure. It was everywhere.

9 Q. Did you ever advise the workers to avoid the  
10 dust?

11 A. How would you avoid it when you're working  
12 right in it? I mean, how would you advise them?

13 Q. That's not my question. I just asked you if  
14 you ever advised them, not whether you could eliminate the  
15 dust.

16 A. We were always trying to, but we were trying  
17 to as inexpensively as we could, because we could not  
18 afford it. And in the end, without Grace, we never would  
19 have been able to afford all of this cleanup. One of  
20 those baggers cost over \$35,000, and for a little plant in  
21 Burnet, that was over a year's revenue, when we first  
22 started out. Not profit; a year's revenue.

23 Q. In the early 1950s, do you know how much a  
24 dust mask or respirator cost?

25 A. Not very much. A dollar, maybe.

1           Q.     Do you think the company could have afforded  
2 dust masks and respirators?

3           A.     We had some, and the guys bought their own in  
4 some cases, and we paid for some of them. If they wanted  
5 them, we got them.

6           Q.     Did the company at Burnet install vacuum  
7 hoods over the mixer in the early 1950s?

8           A.     Yes. We had -- like in the bathroom, a Vent  
9 A Hood, but it went outside, right out into the air. It  
10 got it right out of that area right there over the mixer,  
11 but it just went outside, because there was nothing to  
12 collect it in. That's what cost the money.

13          Q.     If I understand you, the Zonolite Company was  
14 spending money in the early 1950s to eliminate the dust?

15          A.     I don't remember when they started doing  
16 that. We were constantly trying to cut down on dust, just  
17 dust in general, not asbestos dust, but just dust of all  
18 kinds, because it was aggravating, irritating. It wasn't  
19 very nice. We recognized that, but it wasn't asbestos  
20 concentration; it was all of the things that caused dust.

21                 But asbestos was never singled out at all,  
22 never. There was absolutely no reason to single out  
23 asbestos over vermiculite or bentonite or gypsum. In  
24 fact, gypsum is more aggravating than asbestos would be in  
25 a lot of ways.

1 Q. Have you ever heard of the Dewey & Almy  
2 Chemical Company?

3 A. Dewey & Almy, yeah. That was a forerunner of  
4 some of the Grace properties.

5 Q. Have you ever heard of Multibestos Company?

6 A. Multibestos?

7 Q. Yes.

8 A. No. That's a new one.

9 Q. Did you ever, in the early '50s, talk to any  
10 of the past or present employees of Dewey & Almy?

11 A. I knew one or two of them, some of the  
12 old-timers. One of them was an engineer.

13 Q. Do you know their names?

14 A. But I never knew much about them. I never  
15 really pursued it, because it was long gone when I met  
16 them. No, I don't know their names. As I recall, it was  
17 an engineering company that was organized before Grace was  
18 ever called W. R. Grace Company.

19 Q. Had you ever discussed with anybody from the  
20 Dewey & Almy Chemical Company --

21 A. I've never talked specifically to the Almy  
22 Company people. I don't even remember who it was that I  
23 knew from Dewey & Almy for sure.

24 Q. Do you know whether or not they manufactured  
25 asbestos materials?

1           A.     I doubt it very much.

2           Q.     Do you know whether or not they had any  
3 -manufacturing plants back East?

4           A.     No, I don't know that either. I know nothing  
5 about them except I've heard the name. I mean, it's 2,000  
6 miles up there, and I only got up there three or four  
7 times a year, so I don't know.

8           Q.     Do you know the percentage of asbestos that  
9 was put in each bag of acoustical plaster in the early  
10 1950s?

11          A.     No, I don't remember specifically, but it  
12 wasn't an awful lot. It wasn't an awful lot, just so it  
13 got dispersed through the bag, and it could be any amount.

14          Q.     Do you know why asbestos was put in the bags  
15 of acoustical plaster?

16          A.     Because it kept the acoustic opened up. It  
17 kind of spread it apart, spread the vermiculite and the  
18 gypsum and the bentonite apart and left little holes that  
19 creates a space for the sound to go through. That's what  
20 acoustics are all about. The decibels of sound going into  
21 something is governed by the amount of absorption that it  
22 has.

23          Q.     Would you agree that the asbestos that was  
24 used in the acoustical plaster did not have any thermal or  
25 heat reducing properties?

1 MS. CLARK: I object to the form of the  
2 question. I'm not sure that it's based -- it  
3 doesn't have proper foundation.

4 A. I don't understand it either.

5 MS. CLARK: And I think it would call  
6 for this witness to speculate. I think it  
7 would call for more of an expert opinion than  
8 this witness is able to give.

9 Q. What did you understand the acoustical  
10 plaster to be used for?

11 A. Sound in ceilings and walls, upper walls.

12 Q. It wasn't intended to be used as a  
13 fireproofing material; isn't that right?

14 A. Not specifically by itself, no, although it  
15 wouldn't burn very well.

16 Q. Do you know, Mr. Junker, whether the Zonolite  
17 Company ever invested any money into researching potential  
18 health hazards associated with asbestos back in the 1950s?

19 A. I have no idea. I don't know what they spent  
20 money on. They spent money on a lot of things that they  
21 didn't ask us about.

22 Q. Do you know whether the Zonolite Company ever  
23 spent any money to determine whether there were substitute  
24 materials for asbestos?

25 A. Oh, they tried their darnedest to find

1 something to replace asbestos. That was a long time deal,  
2 yes.

3 Q. Do you know when they started looking for the  
4 substitute materials for asbestos, Mr. Junker?

5 A. About the time that they were told to get out  
6 of the business; told that it was dangerous to put it into  
7 the product.

8 Q. Back in the early '50s, do you remember --

9 A. I don't think it was that early, but go  
10 ahead.

11 Q. Back in the early 1950s, do you know whether  
12 the Zonolite Company invested any money in trying to find  
13 a substitute material for asbestos?

14 A. That's what you just asked me, isn't it? I  
15 said, yeah, they've spent oodles of money trying to do it.

16 Q. In the early 1950s?

17 MS. CLARK: Wait a minute.

18 A. I assume the early '50s. I said I don't know  
19 if it was quite that early.

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

21 I think that mischaracterizes his testimony,  
22 and I think you want to know what his  
23 opinions are and/or his facts are.

24 And he asked you in the '50s, in the  
25 early '50s, did the Zonolite Company attempt

1           A.     Not when you put it that way, no. You are  
2     trying to get me to say that I wanted to kill people, and  
3     that's not correct. That's what you implied, and I don't  
4     like that at all.

5                     MR. WORTHINGTON: Object as  
6     nonresponsive.

7           A.     Mike Moran --

8                     MS. CLARK: First of all, I would like  
9     to object to the form of the question as  
10    being argumentative, to start with, and I  
11    think it wrongly characterizes any testimony  
12    he's given. And I think under the  
13    circumstances of this deposition, that that  
14    line of questioning is entirely out of order.  
15    The circumstances being that obviously Mr.  
16    Junker is not in good health, and we are  
17    taking it at his home and --

18                    THE WITNESS: That doesn't have  
19    anything to do with it.

20                    MS. CLARK: Wait a minute, Mr. Junker.  
21    Let's try to move on through the testimony  
22    that would be relevant to this case, and let  
23    him ask his question.

24           A.     I wish Mike Moran was here to talk to you.  
25    You know, you would walk out the front door like this

1 to put substitute products in, and I don't  
2 think that that's what your testimony was.

3 THE WITNESS: I thought he said the  
4 early '70s, didn't he?

5 MS. CLARK: I don't think he did. I  
6 think you might have misunderstood him, and I  
7 think we need to get that clear on the record  
8 what your information is about that, Mr.  
9 Junker.

10 MR. WORTHINGTON: Can I ask you to  
11 refrain from telling him what the answer  
12 should be? I mean, you can do your  
13 direct afterwards. You can object. I'm not  
14 going to make a big fuss out of it.

15 MS. CLARK: I know it, and I don't  
16 want to either, but I just don't want it to  
17 be confusing because I don't think that's  
18 what he intended to testify to. And we might  
19 as well clear it up now rather than to go  
20 back.

21 I would request that you ask him  
22 the question, however you want to phrase it,  
23 again, just to make sure the record is clear  
24 and that his answer is whatever his answer  
25 is, but I think he gave two different

1                   answers to the question.

2                   A.     When you start throwing around dates, you've  
3     got to be more specific, because that's a period of  
4     time -- the '50s to the '70s is a long period of time in  
5     the business, any business, so go ahead.

6                   Q.     I notice you're smoking a cigarette, Mr.  
7     Junker.

8                   A.     Unfortunately.   Why?

9                   Q.     Have you been smoking for some time?

10                  A.     Yeah.

11                  Q.     It's kind of a bad habit to break, isn't it?

12                  A.     I've cut back to -- I used to smoke terrible.  
13     She'll vouch for that. I'm below -- sometimes below a  
14     package a day, and I used to smoke three and four  
15     sometimes.

16                  Q.     Have you undergone any health tests to check  
17     out the health of your own lungs?

18                  A.     Of my what?

19                  Q.     Of your own lungs. Have you ever had them  
20     examined?

21                  A.     Well, my lungs are bad from smoking, but  
22     nobody has ever said anything about any foreign matter in  
23     there except smoke. They're bad. I know that.

24                  Q.     Did the W. R. Grace Company or the Zonolite  
25     Company or the Texas Vermiculite Company ever pay for an

1 annual physical to see if you had any health problems?

2 A. Our hospitalization would pay for it if we  
3 went and had it.

4 Q. Did you have an examination in the '70s?

5 A. Yeah.

6 Q. In 1970 --

7 A. Yeah, I had a thorough examination in '77, I  
8 believe it was, and they -- I was under a big strain at  
9 work, and he gave me a vitamin pill -- a stress pill that  
10 I started taking. I -- that was Dr. Mack. I've had  
11 physicals.

12 Q. Did a doctor ever discuss with you your  
13 exposure to asbestos?

14 A. No. I don't think the doctors ever knew much  
15 about it. I never told them about it.

16 Q. In the 1970s?

17 A. Never. I never did, because I never had any  
18 trouble. I knew that -- as far as I knew, any trouble I  
19 had with my lungs and my breathing, any of that, has been  
20 from smoking. If it came from asbestos or vermiculite,  
21 that's something I'm not aware of.

22 Q. Did you ever specifically ask a doctor about  
23 whether vermiculite or asbestos was causing you any health  
24 problems?

25 A. No. I don't think they even know what it is.

1           Q.     The doctors today don't even know what  
2     asbestos is?

3           A.     I don't know about asbestos, but vermiculite,  
4     very few people in the world know what vermiculite is  
5     except that it grows gardens or something.

6           Q.     In the 1970s, did you ever undergo any health  
7     examination pursuant to any program sponsored by your  
8     employer to check out your lungs for asbestosis?

9           A.     No.

10          Q.     So a doctor has never told you that you  
11     didn't have any asbestos-related problems; that's just  
12     your belief?

13          A.     They never told me that, no.

14          Q.     Since we're having so much trouble on dates,  
15     and I can understand why, why don't we move up beyond the  
16     early 1950s and make the trip from Burnet and Austin up to  
17     Dallas. Okay?

18          A.     That's a little more current, yeah. That's a  
19     long time ago since Burnet.

20          Q.     When did you move from down in the Austin  
21     area up to Dallas?

22          A.     '53, September of '53.

23          Q.     Where did you office here in Dallas?

24          A.     Right where we do now.

25          Q.     Manila Road?

1           A.     Yeah.

2           Q.     What was your job title in 1956?

3           A.     Same as it was at the --

4           Q.     Is that plant superintendent?

5           A.     Well, yeah, treasurer, assistant manager, so

6     on. We didn't go all out on titles. I was second in

7     charge.

8           Q.     Who was first in charge?

9           A.     Mike Moran, underneath the Grace people, but

10    he was president.

11          Q.     How many employees were at the Manila Road

12    plant throughout the 1950s?

13          A.     Now you're back to '50 again.

14          Q.     I'm talking about '53 up to 1960.

15          A.     Well, our peak employment was about ten men

16    per shift, three shifts a day. That was about the

17    minimum, 30 plus a couple of foremen. Around 40 people.

18          Q.     Was that in the '50s, '60s or '70s that you

19    reached the peak of about 40?

20          A.     Oh, I suppose the late -- the '60s and '70s,

21    particularly. Things were a little slow in the '50s,

22    middle '50s, just getting started.

23          Q.     Whose job was it to order the vermiculite

24    that was used in the materials that were manufactured?

25          A.     Mine.

1 Q. Who did you order the vermiculite from?

2 A. Libby. I had a girl up there that I used to

3 -call on the phone, and we'd sit down and schedule the

4 order to come in intermittently, so we wouldn't get too

5 much or too little at a time.

6 Q. How would the vermiculite ore arrive at the

7 plant on Manila Road?

8 A. Hopper cars, a hundred tons at a time.

9 Q. How many times a month would the hopper cars

10 arrive?

11 A. It varied. Sometimes we would get one two or

12 three times a week when we were real busy. Sometimes only

13 once a week, you know.

14 Q. Whose job was it to order the raw asbestos?

15 A. Mine.

16 Q. And, again, do you remember the names of any

17 of the suppliers of the asbestos?

18 A. National Gypsum, USG, primarily, because they

19 were right out here in West Texas. We got some from

20 General Asbestos.

21 Q. How about Johns-Manville?

22 A. Yeah, Johns-Manville, too.

23 Q. Did you ever hear of a plant, the Acme plant?

24 A. On that stuff, Grace pretty much approved who

25 and what we could buy -- who we could buy from or who we

1 shouldn't buy from for price breaks, for volume purchases.

2 Q. Have you ever heard of a plant out in Quanah,

3 Texas called the Acme plant?

4 A. Oh, yeah.

5 Q. What was going on out there? What were they

6 making?

7 A. Gypsum, some, but there's a plant there, and

8 there's one where National Gypsum is; I forget the town,

9 and then in Sweetwater.

10 Q. How did the raw asbestos fiber arrive at the

11 plant on Manila Road?

12 A. In truckloads, bags.

13 Q. How big were the bags?

14 A. A hundred pounds.

15 Q. Did you ever see the asbestos as part of your

16 job duties as a plant superintendent?

17 A. Yes.

18 Q. What color was it?

19 A. Gray.

20 Q. Did you ever touch it with your own hands?

21 A. Yeah.

22 Q. Was it silky?

23 A. It was powdery, kind of like talcum, yeah.

24 Q. Did it crumble in your fingers?

25 A. It's crumbled already when you get it.

1 Q. What types of materials was the company  
2 producing in the late '50s and throughout the '60s at the  
3 plant on Manila Road?

4 A. What products?

5 Q. Yes, sir.

6 A. Almost all of them.

7 Q. I know this is a little bit difficult, but I  
8 kind of want you to be more specific about that.

9 A. Let me look at that, and I can tell you.

10 Q. Do you need to look at that list, or I can  
11 just read it off to you? Whatever you think is best.

12 A. I would prefer to look at it to know what you  
13 are talking about. We never made this Econo-White.  
14 Ez-Tex we never made. Gun Coat Spray Surfacer, never.  
15 That fourth one, fifth one, we never made that either.  
16 Perlcoustic, we never made that either. We didn't make  
17 any of those -- the perlite spray stuff, never did. We  
18 never made any of that perlite spray stuff, because it was  
19 no good compared to vermiculite.

20 I don't know -- even know what -- oh, Prep  
21 Coat No. 3, Prep Coat No. 4, yeah, I guess we made that.  
22 Super 40. Versakote, I don't know what that is either.  
23 Z-Tex, Z-Tex 2, Z-Tex Super White. We made  
24 Zono-Coustic -- MK-2, that is. Zono-Coustic 1,  
25 Zono-Coustic 2, Zono-Coustic 3. And Zono-Coustic Type Z,

1 I guess we made that. Zonolite Acoustical Plaster.  
2 Zonolite Board of Education Texture, I don't remember that  
3 specifically. Zonolite Finish Coat; that was No. 4  
4 material, and that was just straight vermiculite.  
5 Zonolite Monokote MK-1, MK-3. Now, I think the MK-3 had  
6 asbestos, and the MK-4 didn't, or the MK-1 didn't -- had  
7 it and not 3, or something like that. Monokote  
8 Fireproofing, Zonolite Monokote Back, Zonolite Monokote  
9 Front, Zonolite Spra-Insulation and Zonolite Spra-Tex  
10 Extra Hard. We didn't make any of those perlite products.

11 Q. Okay. Thank you very much, Mr. Junker.

12 A. None of the acoustic -- we didn't make any  
13 kind of a mixed perlite, none whatsoever, because it just  
14 was no good.

15 Q. Did the company manufacture Zono-Coustic  
16 materials?

17 A. Yeah.

18 Q. Did the company manufacture Zonolite Monokote  
19 MK-1 and MK-3 materials?

20 A. Yes.

21 (Interruption in proceedings.)

22 Q. Mr. Junker, in the 1960s, were there three  
23 shifts operating at the plant on Manila Road?

24 A. At various times, yes.

25 Q. Did you ever acquire knowledge as to who your

1 principal customers were in the Dallas area?

2 A. Oh, yeah. I talked to them on the phone a  
3 lot. They would order from me, especially the  
4 contractors.

5 Q. I guess I'm a little confused. As the plant  
6 superintendent, would your job duties include --

7 A. I was a jack-of-all-trades.

8 Q. I'm sorry?

9 A. I was a jack-of-all-trades. I did anything  
10 and everything that needed to be done. If a man wanted  
11 some product on a Sunday morning, I would go down and open  
12 up the plant and help him get it, rather than have my  
13 foreman do it.

14 Q. Would some of the customers actually call  
15 you, Mr. Junker, I need some Zonolite and --

16 A. No. They would say, Bob, get this stuff over  
17 to me right now. Just like that. That's exactly the way  
18 they talked, some of them. And if you can't, why can't  
19 you? I'm the only one that buys from you, aren't I?

20 Q. Was there a pretty big demand for your  
21 material?

22 A. At times there was a big, big demand. We  
23 were putting out as many as three and four loads a day.

24 Q. When you say "loads," what do you mean by  
25 "loads"?

1           A.     700 bags a day is considered a load.

2           Q.     Were the materials bagged inside the plant?

3           A.     Yeah. They were bagged -- the vermiculite

4           was bagged in four cubic foot bags.

5           Q.     I want to sort of limit our discussions to

6           the Zono-Coustic materials and the Zonolite Monokote

7           materials. Once these materials were bagged, were they

8           loaded onto a truck, or were they put in a warehouse?

9           A.     They were put in a warehouse usually.

10          Sometimes they would have to make them for shipment.

11          Q.     Do you remember the names of any of these

12          customers who would call you and ask for more product?

13          A.     Oh, yeah. Do I remember what, the names?

14          Q.     Do you remember the names of any of these

15          folks or their employers?

16          A.     Well, Byrne & Treadwell was a big contractor,

17          Blue Diamond, Keagy, various roof deck applicators -- we

18          tried to get roof deck applicators, what they called

19          applicators, and they were the most reliable, and they

20          kind of depended on our product to make a living.

21          Q.     Do you remember ever selling any material to

22          Storbeck & Gregory?

23          A.     Yeah, plaster materials.

24          Q.     Who did you meet with over there, or who did

25          you know?

1           A.     Oh, I knew them all. I've had many a beer  
2     with Doug Storbeck. Real nice guy.

3           Q.     How about Joe Carpenter?

4           A.     Oh, very good friend of ours, yeah.

5           Q.     Did the company sell Zono-Cooustic and  
6     Zonolite Monokote materials to Joe Carpenter?

7           A.     Yeah.

8           Q.     Did they sell those materials to Storbeck &  
9     Gregory?

10          A.     Yeah, as far as I know.

11          Q.     Was this throughout the '60s?

12          A.     I can't say what years. It seems like they  
13     bought from us forever.

14          Q.     How about McCrory & Company? Did you ever  
15     sell Monokote and Zono-Cooustic to McCrory & Company?

16          A.     Yeah. Let's see. Where is McCrory? Are  
17     they in Dallas?

18          Q.     I believe so. How about Estes & Stout? Did  
19     you ever sell any Monokote or Zonolite to them?

20          A.     Oh, very good -- Red Estes is real nice.  
21     Mary's met both of them. They're real nice people. They  
22     were real good people, and their wives. We had a big,  
23     happy family, I tell you.

24          Q.     They were big customers?

25          A.     Well, as customers go, they were good ones,

1 but not big, big, big. They were a small contracting  
2 company.

3 Q. Did you ever obtain any knowledge during the  
4 '60s or early '70s where the Monokote Zonolite  
5 fireproofing was being applied in the Dallas/Fort Worth  
6 area?

7 A. Oh, yeah. We had a picture in the plant in  
8 the office showing seven or eight buildings downtown that  
9 had Monokote on it, fireproofing.

10 Q. Do you remember any names of any of those  
11 buildings?

12 A. Oh, there was 2001 Main. The Republic Tower,  
13 I guess, was one of them. Of course, the first  
14 vermiculite job in Texas, or in the United States,  
15 Southwest, was the Mercantile Bank way back at the end of  
16 the war, early part of the -- near the end of the war,  
17 because it was lightweight and cut down on all that steel,  
18 and they didn't need steel in those days. I read a  
19 Reader's Digest article about that.

20 (Interruption in proceedings.)

21 Q. I want to ask you a few questions about the  
22 plant on Manila Road, Mr. Junker. On the assembly line,  
23 at which stage on the line --

24 A. There is no real assembly line, but go ahead.

25 Q. Was raw asbestos mixed into the expanded

1 vermiculite ore inside the plant?

2 A. (Witness nods head.)

3 Q. Is that a yes?

4 A. Yes.

5 Q. What was the job title of the person who was

6 in charge of mixing in the asbestos?

7 A. Well, it would depend on the shift foreman or

8 whoever -- different shifts would be different people.

9 Q. That was done manually, was it not, sir?

10 A. It was poured in manually.

11 Q. You didn't have some kind of machine or

12 conveyor belt that ripped open the sacks and emptied them

13 into a hopper; is that right?

14 A. No.

15 Q. Did you ever see an employee inside the plant

16 tear open a bag of raw asbestos and empty it inside the

17 material in the hopper?

18 A. I've seen that, yeah, on occasion.

19 Q. I'm using the word "hopper." That's probably

20 because I'm freestyling here.

21 A. It wasn't a hopper; it was an open mixer.

22 Q. It's a mixer?

23 A. Yeah.

24 Q. How many feet in diameter, or how many feet

25 across --

1           A.     About four feet across and about eight feet  
2 long.

3           Q.     How high off the ground was it?

4           A.     Well, the bottom of it was probably three  
5 feet off the ground.

6           Q.     Was the slurry into which the employee was  
7 emptying the bag of asbestos, was it wet or dry?

8           A.     Dry.

9           Q.     Was the raw asbestos that the employee was  
10 dumping into the mixer, was that dry, as well?

11           A.     Yes. It was a dry mix. No other way.

12           Q.     Did you ever do that yourself?

13           A.     I probably did. Not any more than I had to.

14           Q.     Did you have to wear a handkerchief over your  
15 mouth when you did that?

16           A.     Probably not, because I probably just did it  
17 once or twice.

18           Q.     Once the asbestos was mixed into the  
19 vermiculite or --

20           A.     Expanded.

21           Q.     I'm sorry. The expanded vermiculite --

22           A.     What happened then?

23           Q.     Yes, sir.

24           A.     Well, then the gypsum and the bentonite was  
25 mixed in, too, and it was churned a few times, and drawn

1 off at the end in certain weight bags. And the bags sat  
2 on a scale so that when it tipped that scale, it had so  
3 much weight in it, and they would take it off and sew it  
4 up.

5 Q. When the raw asbestos was dumped into that  
6 mixer with the expanded vermiculite, was there some sort  
7 of paddle in the middle that was stirring?

8 A. Yeah, there was -- like those mixers are.  
9 There's outer blades, and then there's one in the middle  
10 that kind of catches the stuff that drops.

11 Q. Was it pretty hot inside that plant during  
12 July and August?

13 A. Quite.

14 Q. Back then they didn't have air conditioners?

15 A. Not in the plant. Just big fans.

16 Q. Okay.

17 A. And, of course, we were generating 1800  
18 degrees in the furnaces on top of that.

19 Q. Pretty hot place to work?

20 A. Yeah, but it was all back in a big hole in  
21 the ground, so to speak. It went down about ten feet with  
22 a perlite furnace in it, and our furnaces were built in  
23 there, and they were concentrated in the center of the  
24 plant, but it didn't help much. It was hot in there. You  
25 would feel pretty cool when you would come out into the

1     air.

2             Q.     Who was in charge of ordering new equipment  
3     to be installed inside the plant?

4             A.     Well, Mike and I and Mr. Vining, the  
5     president of the division, and the board of directors. I  
6     mean, that kind of stuff you've got to show the life, how  
7     long it would take to write it off. All that kind of  
8     stuff has got to be put down and approved, that is, of any  
9     consequence, anything over \$5,000.

10            Q.     In the 1960s, Mr. Junker, do you have any  
11     personal knowledge that the plant installed any vacuum  
12     hoods over the mixer in an effort to --

13            A.     Oh, yeah, yeah.

14            Q.     You believe they did?

15            A.     Oh, I know they did.

16            Q.     How do you know that?

17            A.     I saw them do it. I arranged for it.

18            Q.     Do you know where the records are kept on  
19     when the technology was bought, installed?

20            A.     I have no idea. After 13, 14 years, no way I  
21     would know, but they're either in Cambridge or down here.  
22     That's a capital asset, so that's there someplace.

23            Q.     Did you ever recommend to Mr. Moran that the  
24     company spend money on purchasing dust-reduction  
25     technologies inside the plant during the 1960s?

1           A.     Did we?

2           Q.     Did you ever --

3           A.     We started in the '60s, yeah. We built some  
4     dust -- you know, those bags had a great big bag about --  
5     those dust collectors, they were -- the bags were about 20  
6     feet long, and there were 10 or 20 of them up on top of  
7     the roof, and those bags cost \$11 a piece, and they  
8     lasted, some of them, a couple of hours. But, anyway,  
9     those -- that was an expensive process.

10          Q.     You're talking about a bag house?

11          A.     Yes.

12          Q.     You think that was put in, in the '60s?

13          A.     Early -- very early '70s, if not in the late  
14     '60s.

15          Q.     It wasn't in the '60s, was it?

16          A.     I don't know.

17                   MS. CLARK: I'm going to object. He's  
18                   already answered to the best of his ability.  
19                   He said the date that he thought it was.

20          A.     If you know when it was put in, why do you  
21     ask me? Because I'm going by memory. You've got it  
22     written down. In other words, you're trying to trick me;  
23     is that it?

24          Q.     No.

25          A.     I would like to know what else. That won't

1 get you nowhere.

2 But those bag collectors were expensive  
3 things, and they didn't do everything by far.

4 Q. Do you think, Mr. Junker, that the dust  
5 collection hoods were installed before or after --

6 A. I don't know.

7 Q. Do you mind if I finish my question?

8 A. Go ahead.

9 Q. Mr. Junker, do you know if the dust  
10 collection hoods were installed before or after OSHA began  
11 regulating the levels of exposure to asbestos inside  
12 manufacturing plants?

13 A. I don't know exactly when they started this  
14 testing outside, and I don't know exactly when we put  
15 those hoods in, so I don't know.

16 Q. So you really don't remember when the hoods  
17 were put in?

18 A. Not exactly the day, the year.

19 MS. CLARK: So the record is clear, I  
20 think you've asked him that several times.  
21 He's given you his best answer and his best  
22 estimate.

23 A. And I don't think there is anyone else down  
24 there that knows either.

25 MS. CLARK: Let's just let him ask his

1 questions.

2 Q. Did the company have a full-time safety  
3 -inspector on the plant?

4 A. No.

5 Q. Did the company hire an industrial hygienist  
6 to come out to the plant to measure the amount of asbestos  
7 in the air?

8 A. No. The insurance company sent people --

9 MS. CLARK: Wait just a second.  
10 I'm going to object to the form of the  
11 question in that I think Mr. Junker has  
12 testified that he was with several different  
13 companies through a long period of time, and  
14 you're asking without any limitation as to  
15 time or what company you're talking about. I  
16 think that that's vague without any further  
17 limitation to that question.

18 Q. At what point, if you know, did the Zonolite  
19 Company merge with or buy or purchase assets of the Texas  
20 Vermiculite Company?

21 A. When did Grace buy it?

22 Q. When did the Zonolite Company buy the Texas  
23 Vermiculite Company?

24 MS. CLARK: If you know the answer.  
25 You shouldn't speculate if you don't know,

1 but if you know the answer --

2 A. They never really bought us. We owed them so  
3 much money they owned us, practically, at the outset.

4 Q. Were the products that were manufactured, the  
5 Zono-Coustic and the Zonolite Monokote products, did the  
6 bags in which those products were packaged bear the logo  
7 Zonolite?

8 A. No.

9 Q. Did they bear the logo Texas Vermiculite?

10 A. Yes. Zonolite product, but not Zonolite  
11 Company.

12 Q. The word "Zonolite" was on the bag?

13 A. Yeah, because it was a Zonolite product. It  
14 was a trade name. We wanted that Zonolite name on there  
15 because people knew it.

16 Q. Did Grace ever buy the Texas Vermiculite  
17 Company, to your knowledge, here on Manila Road?

18 A. Zonolite -- they owned us. They really owned  
19 us and sold us to Grace. We owed them a lot of money for  
20 ore. We took over a \$350,000 debt when we first organized  
21 in 1953, and we paid it all back, paid every bit of it  
22 back, and then Grace paid Zonolite for us.

23 Q. And in the late '60s, was your employer the  
24 Texas Vermiculite Company, the Grace Company or the  
25 Zonolite Company or a combination of all three?

1 MS. CLARK: You're saying in the late  
2 '60s?

3 THE WITNESS: He said late '60s.

4 A. At that time I think we -- Grace bought us  
5 out in the late -- middle '60s. '63, I want to say, so I  
6 was working for Grace at that time.

7 Q. At the plant on Manila Road, did Grace ever  
8 hire an industrial hygienist to come inside the plant to  
9 measure the levels of asbestos in the air?

10 A. No, not specifically. They sent men down  
11 from Cambridge to do that.

12 Q. Do you remember the names of the men from  
13 Cambridge?

14 A. No, no.

15 Q. Was Tom Hamilton --

16 A. I know that he thought everything should be  
17 the Wild West and Indians running around loose out here.  
18 He'd never been west of the Hudson.

19 Q. Who was that?

20 A. The guy from Grace.

21 Q. Was his name Tom Hamilton?

22 A. No. He never came down, Tom. I knew Tom.

23 Q. Is Tom from Boston?

24 A. No. I think he's from Chicago, isn't he? I  
25 don't know.

1 Q. Did he ever come down, to your knowledge, in  
2 the mid '70s and study the levels of asbestos in the air  
3 -inside the plant?  
4 A. Not Tom Hamilton.  
5 Q. How about a man named Mr. Hartenstein or  
6 Hartenstein?  
7 A. That sounds like -- he might have been, yeah.  
8 Maybe he was the one that thought everything was the Wild  
9 West out here.  
10 Q. Have you heard of that man's name before?  
11 A. Yeah.  
12 Q. Do you remember ever meeting him?  
13 A. Vaguely.  
14 Q. Pardon me?  
15 A. Vaguely, yes.  
16 Q. Did you ever meet him here in Dallas?  
17 A. It would have been in Dallas if I met him.  
18 Q. Was he the man who was studying the levels of  
19 dust in the air at the plant?  
20 A. As far as I recall.  
21 Q. If you don't know, that's fine, but I just  
22 want to ask you, do you remember what year he came down to  
23 do that?  
24 A. No way I can remember.  
25 Q. In the 1960s, Mr. Junker, did you ever get a

1 copy of any report from any private source or from any  
2 governmental agency discussing the levels of asbestos in  
3 the air inside the plant?

4 A. Never asbestos, always dust, foreign matter.  
5 That's the kind of reports we got, foreign matter. Never  
6 asbestos, never.

7 Q. So you did get some reports in the 1960s from  
8 some source; is that right?

9 A. Yeah, I assume it was the '60s, early '70s,  
10 but it was never asbestos.

11 Q. You don't have those reports here in your  
12 house, do you?

13 A. Oh, no. In fact, I never had them except in  
14 the office.

15 Q. I need to find those reports, Mr. Junker, and  
16 I want to ask you a little bit about them. Who provided  
17 the company with the reports, do you know?

18 A. Well, I tried to find that out or figure that  
19 out a while ago, and she suggested you don't want to know  
20 who she thinks it is, and I don't know for sure who it is.

21 Q. The lawyer for Grace told you that she didn't  
22 think I wanted to know who it was?

23 MS. CLARK: No.

24 A. Want to know who she thinks it is.

25 MS. CLARK: So the record is clear, I

1 think we are talking about when Mr. Junker  
2 asked me what group was prior to OSHA, and I  
3 said that you didn't want to know what my  
4 opinion was or my information was about  
5 prior -- that was the only context when that  
6 discussion came up.

7 A. I think it was OSHA, but you seem to disagree  
8 with me.

9 MS. CLARK: And I don't know what  
10 entity that might have been.

11 A. They were real nice about it. They came out  
12 and set up across the railroad tracks and had it up there  
13 for hours on end, but in their report they would say,  
14 dust, dust. Never asbestos dust. Particulate. That's  
15 what they called it, particulate.

16 Q. Mr. Junker, I certainly don't mean to be  
17 argumentative, but for the record, I have made a Freedom  
18 of Information Act request to the Department of Labor,  
19 OSHA, here in Dallas for any dust samples or any studies  
20 ever conducted at the plant on Manila Road, and they  
21 responded to me that they have never done any such study.

22 A. OSHA? Well, then it was someone else.

23 Q. So that's why I'm asking you. I don't mean  
24 to be argumentative.

25 A. I told you at the outset that I thought it

1 was OSHA, but maybe it wasn't. I did qualify it. That's  
2 all I can say.

3 Q. Do you know who, if anybody, conducted any of  
4 these dust samples on behalf of any governmental agency?

5 A. No, not anymore, because they set up out  
6 there. They were either with the federal, state or city.  
7 That's all I can tell you. It certainly wasn't our  
8 company.

9 Q. Were there residential homes surrounding the  
10 plant on Manila Road?

11 A. Yeah. Some little Mexican homes, you know,  
12 with outhouses, that type of home.

13 Q. Did any of the people living around the plant  
14 ever complain to you or anyone else about dust levels  
15 coming from the plant?

16 A. Yeah. The drugstore up on the corner once,  
17 years before all this stuff happened, way, way back when  
18 we first went into business in '53. His air conditioner  
19 got plugged up from the dust, but the wind was from the  
20 southeast, and it blew it up there and kind of clogged up  
21 his air conditioner.

22 Q. So in 1953 you had an owner of a store inform  
23 you that the dust from the plant had clogged up his air  
24 conditioner?

25 A. Yeah, but it sure wasn't asbestos. It was

1 perlite.

2 Q. Did you go out to his air conditioner and

3 take a sample of the dust and look at it under a

4 microscope?

5 A. I sure did. He pointed it out to us.

6 Q. Did you get a sample of the material in his

7 air conditioner and look at it under a microscope?

8 A. No. We just looked at it with the eye.

9 Q. You can tell by looking at mineral whether

10 it's asbestos or not?

11 A. You don't go around looking at microscopes,

12 do you, at anything like that? We didn't either.

13 Q. Well, how do you know it wasn't asbestos, is

14 what I want to know, Mr. Junker?

15 A. Because the perlite dust was way up in the

16 air blowing that way. It was 30 feet up in the air

17 blowing that way at that time.

18 Q. Have you ever held perlite in your hands?

19 A. Oh, yeah.

20 Q. And have you held asbestos in your hands?

21 A. Yes.

22 Q. Is there a difference in weight?

23 A. Oh, yeah.

24 Q. Is the asbestos a lot lighter?

25 A. Heavier.

1 Q. It's heavier?

2 A. Uh-huh. That is, the dust would be, now.

3 Yeah, it's lighter by the bulk of it, you know. It weighs  
4 about eight pounds to cubic foot, perlite does. Asbestos,  
5 I don't know what that weighs exactly. I used to know a  
6 lot of things, but --

7 Q. Do you want to take a short break? I don't  
8 have a whole lot longer.

9 (A break was taken.)

10 Q. As a plant superintendent, Mr. Junker, did  
11 you ever read any reports about the levels of dust inside  
12 the plant on Manila Road?

13 A. From who?

14 Q. From any source whatsoever.

15 A. No, not specifically.

16 Q. As far as you know, you never read any  
17 reports about the levels of dust inside the air inside the  
18 plant?

19 A. Not specifically, no.

20 Q. How about generally, then?

21 A. Yeah, I knew there was a lot of dust in  
22 there.

23 Q. You knew there was a lot of dust inside the  
24 air?

25 A. In the plant.

1 Q. Did you ever take steps to inform any workers  
2 to minimize their exposure to dust inside the air?

3 A. Oh, yeah, yeah. We -- especially the  
4 baggers, we bought the face masks, and told them to look  
5 the other way. There is a right way and a wrong way to do  
6 almost everything.

7 Q. Do you remember when it was that you started  
8 advising your workers about the dust in the air?

9 A. I have no way of knowing that.

10 Q. I'm not trying to be argumentative, but do  
11 you think it was before or after 1973?

12 A. Oh, I'm sure it was, yeah.

13 Q. Sure it was after or before?

14 A. Before. Whenever we had any kind of  
15 suggestion that was helpful, we hit them with it, and get  
16 their opinions as best they -- they would tell us what  
17 they think and go on from there.

18 Q. Did you attend any seminars or conferences in  
19 the 1960s or early 1970s in which asbestos dust hazards  
20 were discussed?

21 A. Yeah, but not specifically. They were  
22 brought up, but not specific discussions.

23 Q. Do you remember where these conferences or  
24 seminars were held?

25 A. At some managers meeting that I attended.

1 Q. Was this in Dallas?

2 A. No. It could have been Florida or Boston or  
3 Atlanta.

4 Q. Did anyone from the Grace Company or Zonolite  
5 Company ever tell you about any dust problems that were --

6 A. We knew they all had it, yeah. Some had it  
7 worse than others. One of my best friends worked on  
8 cleaning up dust problems at other plants, so I got quite  
9 a bit of, you know, knowledge as to how they were at other  
10 places.

11 Q. Did anyone from the Grace Company or the  
12 Zonolite Company ever tell you that they had been having  
13 problems with the asbestos dust problems in the Libby,  
14 Montana plant?

15 A. Never specifically asbestos, never. We never  
16 discussed asbestos. I wish you would understand. We had  
17 no discussion about asbestos throughout any of these years  
18 until it came down to, stop using it. We thought we had a  
19 good thing until they said it was not.

20 MR. WORTHINGTON: Object as  
21 nonresponsive.

22 A. And it broke all of our hearts because it cut  
23 profits, but they came in with Monokote and that helped.

24 Q. It broke your heart that you could no longer  
25 sell a dangerous material because it cut profits?

1 (indicating). I know you would. You wouldn't pull that  
2 on him.

3 Q. He would have struck me physically on or  
4 about the face?

5 MS. CLARK: That's an improper --

6 A. You would have been flipping your lips  
7 wondering what the hell happened because he wouldn't take  
8 anything like that. He thought everybody up in Cambridge  
9 were a bunch of dead fish. And they are that way, some of  
10 them. They never smile, some of them. Never kid. He  
11 would write some jokes up there, and he would get no  
12 reply, and everybody down here would just laugh like mad.  
13 And I'm not saying he was extremely jolly, but he had some  
14 good ones.

15 Q. Prior to 1973, Mr. Junker, did you ever  
16 specifically advise any of the employees at the plant on  
17 Manila Road to avoid asbestos dust?

18 A. Prior to '73, no. When did we stop using  
19 asbestos? What year? I've forgotten the year.

20 MS. CLARK: At this point, you know,  
21 you have to just testify from your personal  
22 knowledge, but just do the best you can, and  
23 you've already stated that you are not  
24 exactly sure on specific years.

25 Q. Prior to 1973, Mr. Junker, did you ever

1     advise the employees inside the plant to avoid asbestos  
2     dust because asbestos was a known cancer-causing agent?

3             A.     I can't say before 1973. When we stopped  
4     using it, I probably did tell them that.

5             Q.     After you stopped using the material, then  
6     you advised the employees it was harmful?

7             A.     After we were made aware that it was  
8     dangerous.

9             Q.     What I want to know, Mr. Junker, is, when  
10    were you made aware that it was dangerous?

11            A.     I don't know exactly what year it was.

12            Q.     Do you know how you were made aware?

13            A.     A directive from Grace to tell us to stop  
14    making it.

15            Q.     Was that in the form of a letter, or was that  
16    a phone call?

17            A.     In the form of an important memo telling us  
18    about production.

19                   MR. WORTHINGTON: For the record, I'm  
20                   going to request that the Grace Company  
21                   produce for me the letter that Mr. Junker has  
22                   just mentioned, and I've already asked  
23                   in the pending request for production for all  
24                   memos regarding the health hazards of  
25                   asbestos, so I just want to reiterate my

1 request.

2 MS. CLARK: What you're requesting is  
3 the specific letter stating to stop using  
4 asbestos in products?

5 MR. WORTHINGTON: (Nods head.)

6 A. It may not have been addressed directly to  
7 me. It may have been addressed to Mike Moran, but it was  
8 addressed to the Texas Vermiculite Company.

9 Q. You read this letter?

10 A. Oh, yeah, yes.

11 Q. And do you remember if it had the letterhead  
12 Grace Company, W. R. Grace, or was it Zonolite or what?

13 A. I have no way of remembering that, but almost  
14 all of it was on W. R. Grace letterhead.

15 Q. Who was the contact person up in Boston or  
16 Cambridge that you dealt with on these types of matters?

17 A. We had either -- product managers, and  
18 whatever the product was. In the case of acoustic, it was  
19 the plastering product manager.

20 Q. What I want to know, Mr. Junker, is, who is  
21 the author of the letter informing you to stop using  
22 asbestos?

23 A. I don't know. I don't know who the author  
24 was.

25 Q. Where would that letter be kept, as far as

1       you know?

2               A.       I haven't the slightest idea.

3               Q.       Did Moran have a file in his office where he

4       kept letters like that?

5               A.       Yeah. I'm sure it's not in there now because

6       we've had two managers since then.

7               Q.       What did the letter say to you about asbestos

8       and its health effects?

9               A.       Well, I don't remember what it said except to

10       stop using it.

11              Q.       Did you wonder why?

12              A.       They explained why, as I recall.

13              Q.       What did you understand the reason to be?

14              A.       Asbestos, asbestosis, all that stuff in the

15       papers.

16              Q.       Asbestos would cause asbestosis?

17              A.       Well, that's the word.

18              Q.       Did the letter, to your recollection --

19              A.       I don't know.

20              Q.       -- say anything about lung cancer?

21              A.       I don't know. I don't think so.

22              Q.       What did the company do in response to the

23       letter?

24              A.       Our company?

25              Q.       Yes.

1           A.     Stopped using asbestos, period. Took it off  
2 the market.

3           Q.     Did the company have to shut down?

4           A.     No.

5           Q.     You kept on manufacturing  
6 nonasbestos-containing products?

7           A.     We made our money on vermiculite. That was  
8 other stuff that we made our additional money on.

9           Q.     Just so I understand, when you got the  
10 letter, the company on Manila Road stopped making  
11 asbestos-containing Monokote and Zonolite, and it began  
12 making nonasbestos-containing products; is that right?

13                   MS. CLARK: I object. That's a  
14 mischaracterization of his testimony.

15           A.     Yeah. I didn't say that exactly. I said  
16 that we stopped making acoustical plaster. That's all I  
17 said.

18           Q.     Did the company continue to manufacture  
19 products after it got the letter?

20           A.     No, I don't believe so.

21           Q.     The company shut down?

22           A.     No. It shut down the asbestos, the  
23 acoustical asbestos products.

24           Q.     But did the company continue making --

25           A.     We still made Monokote.

1 Q. -- nonasbestos Monokote?

2 A. Yes.

3 Q. So the only change, as far as you knew as a  
4 plant superintendent, was that the company no longer put  
5 raw asbestos inside the Monokote material?

6 A. As far as I know, we stopped doing that to --  
7 well, not immediately. We stopped making Monokote just  
8 because we didn't know how to do it without asbestos up  
9 till then, so they came out with something from Cambridge  
10 on how to make Monokote without asbestos.

11 Q. Had you ever been told that there were  
12 alternatives to asbestos that were available, such as  
13 glass wool or rock wool or cellulose or wood pulp or any  
14 of those types of materials?

15 A. They would be no good with vermiculite. They  
16 wouldn't blend with vermiculite. Yeah, that came up. We  
17 talked about everything under the sun that might work.

18 MR. WORTHINGTON: Object as  
19 nonresponsive to the first part of the  
20 answer when he said they wouldn't work.

21 A. What?

22 Q. You had been informed that there were  
23 alternatives to asbestos that were available for use  
24 inside fireproofing materials?

25 A. We didn't feel that they would work. We,

1 right here in Dallas, didn't feel that they would work.

2 MR. WORTHINGTON: Object as

3 nonresponsive.

4 MS. CLARK: You can object, but you  
5 asked him if there were substitutes  
6 available, and he's saying that wasn't a  
7 substitute, basically, because it  
8 wouldn't work, and that is a responsive  
9 answer.

10 MR. WORTHINGTON: I have to kindly  
11 request that you not coach the witness. I  
12 didn't use the word "substitute." I used the  
13 word "alternative," first of all.

14 MS. CLARK: Alternative would have the  
15 same response, I think.

16 MR. WORTHINGTON: I appreciate that  
17 you don't want a clear answer to the  
18 question, but that's not what I asked.

19 MS. CLARK: I object to your  
20 characterization of what I want or don't  
21 want. I want this witness to be able to  
22 testify to what his facts and knowledge is,  
23 and he --

24 A. You're asking me to remember stuff that is --  
25 I know you don't remember 15 years ago, and that's what it

1 is, 12, 14 years ago, and it just isn't available to me  
2 because I've been at different jobs selling other  
3 products, traveling around, you know.

4 Q. As plant superintendent, did you specifically  
5 inform the plant employees that they ought not work around  
6 asbestos because they might get lung cancer?

7 A. Specifically, no. I don't think I ever did.  
8 That goes without saying. When you tell them that we  
9 can't make it because it's dangerous to your health, isn't  
10 that enough for most people? I didn't sit everybody down  
11 and tell them they can't get near asbestos because it  
12 might give them cancer or lung disease or whatever.

13 Q. I just want to reask the question. I'm sorry  
14 that this is a little bit tense or unpleasant for you, but  
15 I represent a number of persons with asbestosis, and I  
16 need to ask the questions. Okay?

17 A. It's not unpleasant, if you would just take  
18 my answers as they're meant, from memory, instead of  
19 trying to put words in my mouth, like killing people. I  
20 resented that one.

21 Q. I apologize if that's how you interpreted my  
22 question, but I'm not here --

23 A. How would you have interpreted it, that I  
24 didn't care about it? Anyway, I want to answer you. I  
25 want to answer you correctly, to the best of my knowledge,

1 but it's on a memory basis.

2 Q. My question, Mr. Junker, is, prior to  
3 receiving the letter, did you ever advise workers that  
4 exposure to asbestos dust could cause a health problem  
5 such as asbestosis?

6 A. Prior to receiving the letter?

7 Q. Yes.

8 A. No.

9 Q. When you got the letter, that was the first  
10 time you became aware that asbestos dust could be a health  
11 threat?

12 A. We knew that Grace felt that way, so we would  
13 have to feel that way.

14 Q. Let me ask the question again. Was the first  
15 time you ever knew that asbestos was harmful was when you  
16 got the letter from Cambridge or Boston ordering the  
17 company to stop using asbestos?

18 A. Yeah. I'd say yes.

19 Q. So prior to that, you never had any  
20 discussions with any employees --

21 A. Well, we discussed asbestos.

22 Q. -- about potential health problems?

23 A. We discussed asbestosis, but we didn't  
24 discuss it with the men that worked in it. We discussed  
25 it amongst ourselves. Probably you say a lot of things in

1 management that you don't run out to the guy on the line  
2 and say this, that and the other thing, and get them all  
3 shook up about maybe nothing. We don't know. Some guy  
4 says you get asbestosis from asbestos, but that doesn't  
5 necessarily mean you do, at that time.

6 Q. So you may have had discussions in management  
7 about the potential health problems with asbestosis --

8 A. We knew something was coming, you know. They  
9 weren't going to lay by, or whatever is the correct  
10 word --

11 Q. But even though you had these discussions  
12 between management, you didn't tell your workers, is that  
13 right --

14 A. Right.

15 Q. -- because you were afraid of causing a  
16 ruckus?

17 MS. CLARK: I object. That's not what  
18 he said.

19 A. That's not exactly what I said.

20 MS. CLARK: That's not his testimony.

21 A. That's the kind of thing that you are trying  
22 to put words in my mouth.

23 Q. Mr. Junker, did you say that you didn't want  
24 to tell the workers because it might make them upset?

25 A. You interpret that however you like. I did

1 not tell the workers because you don't go running out to  
2 the employees and tell them what a bum your boss is,  
3 -meaning my boss.

4 Q. You think your boss was a bum?

5 A. Well, you think so. You're making me sound  
6 like I do. You are changing the words to make me sound  
7 like I do, and I don't know any other way to interpret  
8 that.

9 Q. Mr. Junker, all I want is the truth.

10 A. Well, I'm telling you the truth, but you  
11 won't take it that way. I told you I did not discuss the  
12 dangers of asbestos with our employees that worked with it  
13 prior to that letter, and you won't take that as an  
14 answer.

15 Q. Prior to that letter, Mr. Junker, did you  
16 understand there may be a health problem associated with  
17 asbestos exposure?

18 A. I had some inklings.

19 Q. Did you ever discuss that notion or inkling  
20 with your employees?

21 A. No.

22 Q. And can you just please tell me why you  
23 didn't do that?

24 A. Because I wanted them all to croak, that's  
25 why.

1 Q. You wanted them to croak?

2 MS. CLARK: Wait a minute.

3 A. You are talking foolishly.

4 MS. O'CONNELL: You are making him  
5 angry, and he's being facetious.

6 A. I've answered that question three times now,  
7 and every time you've changed my answer. I did not tell  
8 them about it for just exactly the reason I said.

9 Q. I'm sorry. What was that reason?

10 A. Because I didn't want to cause a lot of  
11 uproar because nothing was official, nothing. You can't  
12 go out to a black -- a couple of black men on a line and  
13 tell them that they are going to die tomorrow from  
14 asbestos breathing and expect them to even come into the  
15 plant tomorrow, and you know it, or if you don't, you  
16 should. You just don't do it.

17 What you're trying to tell me is that I  
18 should have -- when Mike showed me that letter, I should  
19 have dropped the letter and ran over and told them this.  
20 That's what you're saying I should have done, and you want  
21 to know why I didn't.

22 MS. CLARK: Mr. Junker, would you like  
23 to take a break?

24 THE WITNESS: No.

25 MR. WORTHINGTON: Do you want to take

1 a break and talk to him?

2 MS. CLARK: No.

3 THE WITNESS: I don't want to take  
4 a break. I want to get this done.

5 MS. CLARK: What you need to do now  
6 is, and I think it will go more quickly, just  
7 let him ask his question, and you answer  
8 specifically.

9 A. Don't put words in my mouth.

10 MS. CLARK: And then you answer it  
11 fully, the way you feel, but try to listen  
12 to his question, and see if we can't move on.

13 A. You know, I'm not the smartest guy in the  
14 world, but I'm able to handle myself when I know that I'm  
15 being called a liar, and that's what you are doing.

16 MR. WORTHINGTON: I object as  
17 argumentative, and I certainly resent that.

18 A. I'm sure it's argumentative.

19 MR. WORTHINGTON: I'll ask counsel  
20 to advise Mr. Junker not to call me a  
21 liar like that. That's not fair.

22 MS. CLARK: Well, that's not what he  
23 said either, but anyway, let's move on.

24 Q. Prior to 1973, Mr. Junker, do you know  
25 whether W. R. Grace ever put any warning labels on the

1 actual bags of Zonolite Monokote or Zono-Coustic about the  
2 potential health hazards caused by asbestos?

3 A. I vaguely remember something like that during  
4 the interim period between asbestos and nonasbestos  
5 Monokote. I don't remember what it was or when it was.

6 Q. Do you think the company put the warning  
7 label on the bags after asbestos had been removed?

8 A. I don't remember. I don't know. I vaguely  
9 remember something that went on the bags. It may not have  
10 had anything to do with asbestos. It may not have.

11 Q. You remember some kind of instruction or some  
12 kind of label on the bags?

13 A. That bag was full of instructions because it  
14 was a tedious product to use.

15 Q. Just so I understand, Mr. Junker, you don't  
16 have any specific recollection of a warning label such as  
17 a skull and crossbones on the bag?

18 A. Just like I said, no, I don't.

19 Q. That's all I'm asking, Mr. Junker.

20 A. That's all I can remember.

21 Q. Mr. Junker, in the 1960s or 1970s, had you  
22 ever heard of the term "TLV"?

23 A. What is the word?

24 Q. TLV.

25 MS. CLARK: First of all, I object.

1                   That's not a word. TLV is not a word. You  
2                   can explain to him what they mean.  
3           A.       That's Texas Lumbermen's -- no.  
4           Q.       Do you think it's the Texas Lumbermen's --  
5           A.       No. TLV?  
6           Q.       You've never heard the term "TLV" before  
7           today, have you?  
8           A.       I don't know. It doesn't ring a bell.  
9           Q.       Have you ever heard the term "threshold limit  
10           value"?  
11           A.       Yes, I've heard that.  
12           Q.       What does that mean?  
13           A.       The value of the threshold of safety, I  
14           guess. I'm guessing, but what's that TL whatever?  
15           Q.       TLV?  
16           A.       Yes.  
17           Q.       That's the acronym for threshold limit value.  
18           It's not something you are real familiar with; is that  
19           right?  
20           A.       No, not particularly. I never used the word.  
21           It's just kind of like Tuesday (unintelligible). I never  
22           use that term either.  
23                   THE REPORTER: Sir, I didn't  
24                   understand what you said.  
25           A.       I said it's just like Tuesday a week; in

1 other words, meaning a week from Tuesday. A lot of people  
2 say Tuesday a week. I never use that.

3 Q. Mr. Junker, have you ever heard of any  
4 employee of W. R. Grace or Texas Vermiculite filing a  
5 workers' compensation claim against a company for an  
6 asbestos-related health problem?

7 A. No. I've heard of the possibility, but never  
8 heard specifically, not the Texas Vermiculite Company.

9 Q. Did the company you work for, to your  
10 knowledge, ever conduct a medical screening for its  
11 employees to see if they had any asbestos-related  
12 problems?

13 A. I answered that a long time ago, no, that I  
14 was aware of, not unless they've done it in the last 15  
15 years. A lot of things could have gone on in the last few  
16 years that I don't know about.

17 Q. Do you know Mr. Bennett?

18 A. Yeah, real nice guy.

19 Q. How long did he work at the plant on Manila  
20 Road, do you know?

21 A. He came as a young kid, about nineteen --  
22 when I came to Dallas he was here. I think so, yeah, in  
23 1953, and he was a good man. And when we opened the plant  
24 in San Antonio, we asked him if he would like to go down  
25 there. His wife wanted to, so we sent him down there as a

1 foreman to the plant in San Antonio, and he was down there  
2 a few years and couldn't wait to get back up here.

3 Q. How many years did he work for the company,  
4 do you know?

5 A. All the time I did, in Dallas, anyways, from  
6 '53 on.

7 Q. At least 20 years?

8 A. He was there when I left in '58 -- '78.

9 Q. Have you ever had a discussion with him about  
10 whether he's ever been checked for asbestosis?

11 A. No.

12 Q. Did you ever have that conversation with  
13 Curtis Gipson?

14 A. No. He had a bad, bad back, as I do.

15 Q. When you got that letter from W. R. Grace  
16 advising you to quit using raw asbestos in your products,  
17 did you have some bags of asbestos in your warehouse on  
18 the plant at the time?

19 A. I'm sure we did. I don't remember  
20 specifically, but I'm sure we did.

21 Q. Did you dispose of the asbestos stockpiles  
22 of --

23 A. Yeah. We didn't use it anymore.

24 Q. Do you know what you did with it? Did you  
25 throw it away?

1           A.     No, I don't remember how we did it. Probably  
2     sent it to the dump somewhere.

3           Q.     When you got that letter, do you know if you  
4     or Mr. Moran ever sent a letter out to the owners of the  
5     buildings and schools and hospitals?

6           A.     No, we didn't.

7           Q.     You didn't send a letter out?

8           A.     What would be the reason for that? We would  
9     have everybody and his uncle trying to find out if they  
10    could sue us. That would be asking for -- that would be  
11    murder.

12                   MS. CLARK: Object.

13           A.     And as an attorney, you should know that.

14                   MS. CLARK: I object to the  
15    responsiveness of the answer.

16           Q.     Just so I understand, you didn't send a  
17    letter out advising building owners about asbestos health  
18    problems --

19           A.     Absolutely not.

20           Q.     -- because you thought they would sue you?

21           A.     What?

22           Q.     Because you thought maybe they would sue you?

23           A.     Well, wouldn't you? You would be suing  
24    everybody that you know, wouldn't you? You would get  
25    every case you could get to sue, and you know you would,

1     you personally, if that letter was sent out telling you  
2     how asbestos had ruined your building, and you better go  
3     to Grace and get all the money you can because that's a  
4     big conglomerate, and you better get on the gravy train.  
5     I never heard of anybody saying something like that.  
6     Nobody in his right mind would write a letter like that,  
7     nobody.

8                     MS. CLARK: Mr. Junker, what you need  
9                     to do is respond to his question. I  
10                    understand you've gotten upset and that this  
11                    is taking a while. We've been here over two  
12                    hours now. But I object to the  
13                    responsiveness of the answer. What you need  
14                    to do, and we'll be through quicker, if  
15                    you -- and I don't want you to be upset, but  
16                    you need to answer his question and -- answer  
17                    his question, but try to refrain from  
18                    discussion beyond that.

19                   THE WITNESS: Some things I can't  
20                    refrain from, and that's one of them.

21                   MS. CLARK: I understand, but why  
22                    don't we try to proceed, so we can get this  
23                    finished.

24                   THE WITNESS: Let's get it over with.

25                   MS. CLARK: We've gone for two hours

1 now.

2 MS. O'CONNELL: Can I ask, Counsel,  
3 how much longer do you think you have?

4 MR. WORTHINGTON: Not much longer.

5 I appreciate your advice.

6 We can get through with this a lot  
7 quicker if you just answer the questions and  
8 move on.

9 THE WITNESS: You don't take an  
10 answer.

11 MS. O'CONNELL: One thing I think  
12 would be helpful is if you tried not to  
13 repeat your questions. I think he feels he's  
14 answered many of the things you're asking,  
15 and you're asking him the same thing over  
16 again.

17 (Interruption in proceedings.)

18 Q. Mr. Junker, when you got the letter from  
19 W. R. Grace advising the company to quit using asbestos,  
20 did you and Mr. Moran or anyone else ever talk about  
21 whether you should let all the building owners know about  
22 that letter?

23 A. No.

24 Q. Did you ever think that perhaps you should  
25 write a letter to everyone?

1           A.     No. It never entered my mind or his or  
2 Grace's, I'm sure.

3           Q.     Why did you not want to send out such a  
4 letter?

5                     MS. CLARK: I object. You've asked  
6 this question.

7           A.     That's asking for the same thing I said  
8 before.

9           Q.     I didn't understand your answer. I want to  
10 make sure I understand.

11          A.     I said every building owner would bring suit.

12                     MS. CLARK: Wait a minute, Mr. Junker.

13                     I think he said it never entered his  
14 mind to send such a letter. They never  
15 discussed sending such a letter, and I think  
16 that this is, you know, entering into an area  
17 that's totally not related to any issue in  
18 this lawsuit, so I object, and I think you  
19 should move on because we've been here over  
20 two hours.

21                     THE WITNESS: Don't keep mentioning  
22 that. Let's get it over with.

23                     MR. WORTHINGTON: Off the record a  
24 second.

25                                     (Discussion off the record.)

1 Q. Mr. Junker, do you remember how you got an  
2 inkling, to use your word, that asbestos could cause  
3 health problems to workers?

4 A. By reading the articles on it, on asbestosis.

5 Q. Were those in -- what kind of documentation?

6 A. I think one of them was in Reader's Digest.

7 Some of it was in the newspapers, wherever.

8 Q. Did W. R. Grace ever send you a memo about  
9 the health problems with asbestos?

10 A. Not until that one.

11 Q. Not until the one that advised you to quit  
12 using it altogether?

13 A. Right. I don't think so. I don't remember.

14 Q. When you got that stop-using-asbestos letter  
15 from Grace, did you and Mr. Moran ever talk about what the  
16 economic impact of that would be on your company?

17 A. Oh, I'm sure we did, yeah, yeah.

18 Q. What did y'all talk about, Mr. Junker?

19 A. The loss of profits. The loss of gross  
20 profit.

21 Q. You think removing asbestos would result in a  
22 loss of profits?

23 A. Yeah.

24 Q. Why is that?

25 A. We wouldn't be selling it. Any time you take

1 a good gross profit product off the line, off the market,  
2 and refrain from selling it, you're bound to be -- have  
3 less sales. You've got to make it up somewhere, so we  
4 went to work on trying to make it up with Monokote and  
5 other vermiculite sales and so on and so forth.

6 Q. Once the company stopped putting asbestos in  
7 their products, did Grace continue to sell nonasbestos  
8 Monokote and Zonolite?

9 A. As far as I know, they did. Texas  
10 Vermiculite did.

11 Q. Was the company still profitable with  
12 nonasbestos products?

13 A. Yeah. We were making money. That was a good  
14 year financially, good -- the economy was up in those  
15 years.

16 Q. Do you remember at all what year that was,  
17 Mr. Junker?

18 A. No, not specifically.

19 Q. Do you know which decade that was?

20 A. That we stopped using it?

21 Q. Yes.

22 A. Well, no, I don't remember specifically what  
23 decade it was either.

24 Q. But the same year that you pulled out the  
25 asbestos was a good year to your company?

1           A.     Well, it wasn't as bad as we had thought it  
2 might be.

3           Q.     What kind of substitute or alternative --

4           A.     And I think it was late in the year that it  
5 happened, too, if I recall.

6           Q.     Do you remember what the company used to  
7 replace asbestos with in the Zonolite and Monokote  
8 products?

9           A.     No, except maybe more of the gypsum and  
10 bentonite and stuff like that.

11          Q.     Were Storbeck & Gregory and your other  
12 customers continuing to buy your material after you took  
13 the asbestos out?

14          A.     Yeah. Those that were doing fireproofing  
15 did.

16          Q.     Do you know, Mr. Junker, whether a bag of  
17 asbestos-containing MK-3 Monokote fireproofing cost more  
18 or less than a bag of nonasbestos-containing Monokote  
19 fireproofing?

20          A.     Oh, it's bound to cost a little more with the  
21 asbestos in it because asbestos isn't exactly cheap.

22          Q.     Do you know what the price difference would  
23 have been?

24          A.     No, because I don't know what they make it  
25 out of now.

1 Q. Well, back in the year that the company  
2 stopped using asbestos in their Monokote, do you remember  
3 if the Monokote without the asbestos cost more than ten  
4 cents or more than twenty cents than the asbestos bag?

5 A. We got a good price for Monokote, a real good  
6 price. Ten cents wasn't that much money in those days for  
7 a Monokote bag because it was an expensive product, so I  
8 don't know. It could have been a 25 cents difference. I  
9 don't really know.

10 Q. You understand that the bag of MK-3 had  
11 asbestos in it; is that right?

12 A. I think it did.

13 Q. And the bag of MK-5 did not have raw  
14 asbestos, right?

15 A. As I remember, yeah.

16 Q. Do you know if the bag of MK-5 cost more or  
17 less than the bag of MK-3 back in the '70s?

18 A. I don't remember. Oh, I doubt that it cost  
19 less.

20 Q. The MK-5 cost less?

21 A. No, I doubt that it does.

22 Q. You think it cost more, then?

23 A. Especially nowadays.

24 Q. But back in the '70s, you think it cost more?

25 A. I don't know. I really don't know.

1 Q. It didn't make a big impression on you in  
2 terms of the price difference between the asbestos and  
3 nonasbestos bag of Monokote?

4 A. You mean selling it or making it?

5 Q. Both.

6 A. Well, every time I made a product, I analyzed  
7 the cost to make it and gave it to Mike and told him, this  
8 is what we can make it for. And then he, with other  
9 people, would decide what we should get for it and make a  
10 decent profit, all of us together, and that's the way we  
11 worked it. And I just don't remember what we came up with  
12 because I don't remember what we put in that we did not  
13 put in when there was asbestos, but probably more of those  
14 products, those raw materials.

15 Q. Just so I understand, Mr. Junker, you don't  
16 remember today whether the bag of MK-5 cost more or less  
17 than the bag of MK-3?

18 A. I would say it cost more.

19 Q. Do you remember how much at all the  
20 difference was?

21 A. No.

22 MS. CLARK: I object. It's been asked  
23 and answered.

24 And you can stand on your answer that  
25 you've already given, Mr. Junker, and you

1 don't have to keep trying to answer the same  
2 question, if you would like to do that.

3 Because I think it has been asked and  
4 answered, Mr. Worthington.

5 Q. Do you know if the difference was a nickel or  
6 a dime?

7 MS. CLARK: I object. It's been asked  
8 and answered.

9 A. I said that before. I don't know. I said it  
10 might be a quarter, and it could be even more than that.  
11 I don't know. You don't remember those kind of things. I  
12 was figuring up the cost on 25, 30, 40 products, and I do  
13 not remember what it cost to make this or that or the  
14 other thing all the time. I wrote it down, and its  
15 analysis and everything, but that's all I did.

16 Q. I just have two more lines of questioning,  
17 Mr. Junker, and then we're done. First of all, I want to  
18 ask you a few questions about vermiculite. All right?

19 A. All right.

20 Q. Have you ever heard of the word "tremolite"  
21 asbestos?

22 A. Is that with asbestos in it -- vermiculite  
23 with asbestos?

24 Q. I'm asking you. I'm not going to testify for  
25 you.

1           A.     I've never heard of the cestolite (phonetic)  
2     or whatever.

3           Q.     Tremolite?

4           A.     Oh, tremolite, no. I have never heard of  
5     that. I think one of these girls mentioned it, and I had  
6     never heard of it.

7           Q.     By "one of these girls," you mean one of  
8     these lawyers?

9           A.     Yeah.

10           THE WITNESS: Oh, pardon me. You are  
11                   not girls; you are lawyers.

12           Q.     Did you ever understand in the '50s, '60s or  
13     '70s, that vermiculite from Libby, Montana had a form of  
14     asbestos in the ore?

15           A.     Yes. Yes, we did. We knew it. We found out  
16     about it from Grace. We used to give it out to people to  
17     fill up their yards, raise low spots, but we stopped  
18     giving it out. We would not let anybody take it home for  
19     that reason.

20           Q.     When did you stop giving it out?

21           A.     I don't know. I don't remember the year.

22           Q.     When you say "give it out," do you mean give  
23     it out to just people?

24           A.     Yeah, they would pick it up in bags and take  
25     it home and fill in low spots.

1 Q. For their houses?

2 A. Yeah, their yards.

3 Q. Why did you no longer give them the  
4 vermiculite?

5 A. Because Grace told us that.

6 Q. Told you what?

7 A. That there was a certain amount of asbestos  
8 in vermiculite.

9 Q. Did anyone from Grace ever tell you that  
10 tremolite asbestos was a definite health hazard at the  
11 Libby, Montana plant and also in the expanding plants?

12 A. Not specifically, no.

13 Q. Did they ever tell you that in a general way?

14 A. Well, yeah, they did, by telling us not to  
15 give any out.

16 Q. Again, if you don't know, that's fine, but do  
17 you remember at all what decade that was, or what year  
18 that was?

19 A. I remember what's his name took that out to  
20 his house out in Farmers Branch from Chicago.

21 THE WITNESS: You know, Elaine's  
22 husband.

23 MRS. JUNKER: Oh, Howard?

24 THE WITNESS: Howard.

25 MRS. JUNKER: That's been 20 years

1                   ago, or more than that.

2                   THE WITNESS: Not when he took it out

3                   to his house.

4                   MRS. JUNKER: It's been a long time

5                   ago. Good grief, it was a long time ago.

6           A.       So it was the '60s. The decade was the '60s.

7           Q.       You think it was in the 1960s?

8           A.       Yeah.

9           Q.       But you're not real sure, are you?

10          A.       She's sure.

11                  MRS. JUNKER: No, I'm not sure.

12          A.       He came down in the middle '50s and built a

13          home.

14                  MS. CLARK: Wait. He's given you an

15                  answer, and that's his best estimate, and I

16                  don't think you can ask him if he's sure or

17                  not sure. He said that it's based on his

18                  memory, and that's his best estimate, so I

19                  think the answer should stand.

20          A.       We stopped letting people take it home.

21                  MR. WORTHINGTON: Sandra, with all due

22                  respect, I don't know if he said the '50s,

23                  '60s or '70s. I don't know what he said.

24                  MS. CLARK: He said the '60s.

25                  MRS. JUNKER: He said he didn't

1 remember.

2 MR. WORTHINGTON: So you say the '60s.  
3 She says -- that's why I'm asking these  
4 questions, because I don't know the answer.

5 MS. CLARK: No, you said -- well,  
6 anyway. I instruct him not to answer. The  
7 record can speak for itself. You can go on  
8 to a different question.

9 Q. Mr. Junker, do you remember whether Grace  
10 told you to quit giving out vermiculite in the form of a  
11 letter, or was that in a telephone call, or what?

12 A. That, I don't remember. That, I don't  
13 remember for sure. I doubt that it was a letter because I  
14 don't think that was the kind of thing they wanted to get  
15 spread all over the place, but --

16 Q. Why don't you think that's the kind of thing  
17 they want to spread all over the place?

18 A. Well, it's business.

19 MS. CLARK: That's calling for  
20 speculation. He can't testify what Grace  
21 wanted or didn't want. He's just merely  
22 speculating about that, and you are asking  
23 him to speculate what someone else or some  
24 other group of people may have wanted to do,  
25 Roger, and that's an improper question.

1 MR. WORTHINGTON: This man was a  
2 high-ranking employee for Grace for many  
3 years, and I'm asking based on his personal  
4 knowledge why he holds that opinion, and  
5 that's perfectly acceptable.

6 MS. CLARK: No, it's not acceptable.  
7 It calls for speculation about why or why not  
8 he got some word from someone at Grace about  
9 this issue.

10 MR. WORTHINGTON: This man worked for  
11 Grace, same party.

12 MS. CLARK: I object to the form of  
13 the question. It calls for speculation on  
14 the part of the witness. That's the  
15 objection.

1 16 Q. Why don't you think this is the kind of  
17 letter that Grace wants to spread around?

18 MS. CLARK: I renew the objection,  
19 that it calls for speculation on the part of  
20 this witness.

21 A. You may be a good lawyer, but you would be a  
22 very poor businessman to want to spread detrimental things  
23 around about the company you work for, because that's what  
24 that would be. You don't tell the world about your  
25 shortcomings in the business world if you can help it.

1                   Lie, yes, that's wrong, but I think that we  
2                   had the -- Mike Moran had all the respect in the world of  
3                   these people, absolute high regard, and we didn't lie. In  
4                   fact, we refused business if it wasn't adequate to do the  
5                   job, many a time, many a time. Now, we didn't  
6                   specifically refuse any asbestos business, I don't think,  
7                   so you can't use that, but we did refuse some vermiculite  
8                   business that wasn't strong enough to do the job.

9                   Q.     Do you remember, Mr. Junker, whether you  
10                  received this instruction from Grace not to give out the  
11                  vermiculite to the public before or after that letter  
12                  advising the company no longer to use asbestos in the  
13                  products?

14                 A.     Say that again.

15                 Q.     I'm trying to figure out the time sequence.  
16                  What came first, the letter from Grace advising you to  
17                  quit using raw asbestos in your products or the  
18                  instruction not to give out the vermiculite ore?

19                 A.     The asbestos in the products, long before.

20                 Q.     So after you got the letter from Grace  
21                  advising you not to use asbestos, then somehow you  
22                  learned --

23                 A.     There was no word about asbestos in the  
24                  vermiculite until long after the asbestos was taken away.

25                 Q.     Before you retired in 1978, Mr. Junker, do

1       you recall letting persons come by and take vermiculite?

2               A.     Not persons, just employees.

3               Q.     Oh, employees?

4               A.     Only employees. We didn't sell it or give it  
5       away to anybody outside the company, and there was only  
6       just a few of them. And I was going to take some out here  
7       once. I just didn't get around to it. And it might have  
8       been my boss down there saying, I wouldn't give that stuff  
9       out anymore because there is a little asbestos in that  
10      stuff. I don't know. That may have been all I ever heard  
11      about it, so I stopped.

12              Q.     Today, Mr. Junker, do you believe that  
13      asbestos is a health hazard?

14              A.     Yeah, I guess it is. I guess it is. That's  
15      all I can say is, I guess it is, because everybody says it  
16      is. It wasn't then because nobody thought it was, nobody  
17      did. Everybody and his uncle used it for pipe coverings,  
18      all these different uses, and nobody thought it was a  
19      health hazard until they discovered it did something to  
20      your lungs.

21                      MR. WORTHINGTON: I object as  
22                      nonresponsive to the part about what people  
23                      knew or didn't know in the past.

24              A.     We are not supposed to have any salt. We're  
25      not supposed to have any sugar. We are not supposed to do

1 this, that and the other thing. When I was growing up, an  
2 egg in the morning was -- oh, God. You had to have an egg  
3 in the morning to keep your energy, and now it will kill  
4 you, so what are you going to do?

5 Q. Do you believe, Mr. Junker, that a company  
6 who makes a dangerous product has a duty to warn consumers  
7 about potential health risks?

8 MS. CLARK: I object to the form of  
9 the question in that it calls for a legal  
10 opinion from this witness.

11 A. Yes, I think if it's a hazard to your health,  
12 it probably does have, just like an automobile that's got  
13 a bad set of brakes or something, but what can you do  
14 about these things? People are going to use them anyway  
15 if so be -- be so, and to tell the public about a  
16 potential hazard -- and that's what it is, a potential  
17 hazard -- is kind of asinine, I think.

18 Q. It's bad for business?

19 A. Yeah, it's bad for business.

20 Q. Do you believe that workers in America,  
21 indeed right here in Dallas, Texas, have a right to know  
22 about dangerous chemicals or substances in their work  
23 place?

24 A. Sure. We didn't have any dangerous  
25 chemicals. Up until a certain date we didn't have

1 asbestos -- dangerous asbestos either because we didn't  
2 know, and nobody else did either at that time.

3 Q. So you believe that --

4 A. We were just as ignorant as the next guy.  
5 That's what it amounts to. And so were these people that  
6 you're representing. They were just as ignorant as the  
7 rest of us. They thought it was the greatest stuff that  
8 ever was invented. They did. They really did. All these  
9 names, Storbeck & Gregory, Estes & Stout. They thought  
10 that acoustical plastic was God's gift to the plastering  
11 trade. Every one of them did.

12 MR. WORTHINGTON: Object as  
13 nonresponsive.

14 Q. Do you believe that a company who  
15 manufactures materials has a duty to inspect those  
16 materials and test them to see whether they pose a health  
17 threat to the public?

18 A. Well, that's a leading question, and I  
19 don't -- and I'm not prepared to answer. I don't know. I  
20 really don't know, because you could spend thousands of  
21 dollars doing just that and not sell anything, other  
22 products. I mean, there is a limit to what -- especially  
23 what a smaller company can do with their resources and  
24 manpower, and I know from experience, and so do a lot of  
25 other people.

1 Q. Do you believe hypothetically that if the  
2 Zonolite Company had been notified in the late '50s that  
3 tremolite asbestos was a definite health hazard, then  
4 Zonolite had a duty to warn workers and consumers about  
5 the health hazard?

6 MS. CLARK: I'm going to object to the  
7 form of the question because it has  
8 insufficient predicate. It also misstates  
9 what that information is, and it doesn't -- I  
10 think it's an improper hypothetical question.

11 A. And, you know, the Zonolite Company has not  
12 been in existence for almost 20 years now, so how would I  
13 know? Nobody that worked for Zonolite Company -- oh,  
14 there's some still working for Grace, I guess, and me, but  
15 I have no idea how they felt, but they went out of  
16 business when Zonolite -- Grace bought Zonolite.

17 Q. Do you believe as an employee for Grace for  
18 some 31 years, do you believe that if upper management had  
19 an inkling that asbestos posed a health hazard to workers  
20 in the plants and also the users in the field, that they  
21 would have told you about that?

22 MS. CLARK: First of all, I'm going  
23 to --

24 A. Well, when?

25 Q. When they found out.

1 MS. CLARK: Wait a minute. Time out.  
2 I think the question mischaracterizes the  
3 facts because you said as an employee for  
4 Grace for 31 years, and I don't think that's  
5 what the evidence or his testimony has been.  
6 A. I think -- I don't know. Maybe I'm going  
7 against my lawyer's advice, but I think anybody that has  
8 that knowledge -- and I think Grace would have been the  
9 first to tell their employees and users at that time.  
10 Q. You think that as soon as Grace had found out  
11 that asbestos posed a health hazard, they would have told  
12 you lickety-split?  
13 MS. CLARK: I object to the form of  
14 the question. That's a vague question.  
15 A. Yeah. What's lickety-split?  
16 Q. As soon as reasonable.  
17 A. As soon as reasonable? They did, I think.  
18 Q. You believe they did?  
19 A. I think so.  
20 Q. Had you ever been told by management at W. R.  
21 Grace or by your attorneys for W. R. Grace that the  
22 Zonolite plant in Libby, Montana had been notified by the  
23 Montana State Board of Health that asbestos dust was of  
24 considerable toxicity back in 1956?  
25 MS. CLARK: Wait a minute.

1           A.     Was I ever told?

2           Q.     Did your lawyers ever tell you that?

3                     MS. CLARK: Wait a minute.

4                     MS. O'CONNELL: Objection. I instruct

5                     you not to answer any questions about any

6                     conversations we've had, Bob, because that's

7                     all privileged.

8                     MS. CLARK: The question, I think, was

9                     multifaceted. I don't understand what the

10                    question was.

11           A.     I sure don't either.

12                    MS. CLARK: Wait a minute. I ask that

13                    you ask or repeat or read back the question.

14           Q.     Mr. Junker, you said that you don't believe

15           that W. R. Grace had any knowledge of the dangers of

16           asbestos until you got that letter; is that right?

17           A.     To the best of my knowledge, yes, that's

18           right.

19           Q.     Had you ever asked --

20           A.     Who do you trust if you don't trust the

21           company you work for?

22           Q.     Did you ever ask your company, W. R. Grace,

23           whether they had been notified back in the '50s?

24           A.     Not specifically, no. Why would I? Would

25           you? I doubt it.

1 Q. Did you ever ask W. R. Grace whether they  
2 ever received any correspondence from the Montana State  
3 Board of Health about inspections at the Libby, Montana  
4 plant?

5 A. I didn't know about it. How could I ask them  
6 about it?

7 Q. So you don't know what Grace had learned back  
8 in the '50s or '60s about asbestos; is that right?

9 A. No, I don't.

10 Q. All you know is what Grace told you about  
11 asbestos?

12 A. Yeah.

13 Q. And what you read in Reader's Digest?

14 A. And it's really none of my business what  
15 happened in Libby, Montana, as far as I was concerned  
16 specifically.

17 Q. Did you learn about the dangers of asbestos  
18 first from your own review of Reader's Digest and other  
19 magazines or from the company?

20 A. I surmised that there was some danger from  
21 asbestos from articles on it. I didn't know it.

22 Q. Did you surmise that before Grace had let you  
23 know in the form of a letter or phone conversation?

24 A. I had formulated some potential opinions, I  
25 guess.

1 Q. On your own?

2 A. Everybody does, yeah. We pulled it -- Mike  
3 --and I talked about, we may have to get out of this  
4 business pretty soon, and then we got this letter.

5 Q. Why did you think you might have to get out  
6 of the business?

7 A. Because of what we read. That's all. You  
8 just asked me, and I just said, because of what we read,  
9 and we had a mind of our own that formulated opinions.  
10 That's all.

11 Q. So you understood that asbestos was a  
12 dangerous material and pretty soon it might get banned?

13 MS. CLARK: Wait a minute.

14 MRS. JUNKER: That's not what he said.

15 MS. CLARK: I object. That's not what  
16 he said.

17 A. That's completely different than what I said.  
18 Why do you want to put words in my mouth like that?

19 Q. It's a question. You can agree or disagree.

20 A. I disagree wholeheartedly. It wasn't a  
21 question. You said, so you agree that so-and-so and --

22 Q. What made you think that you might have to  
23 get out of the business?

24 A. From what we read.

25 Q. What did you read?

1           A.     That it was dangerous. It was dangerous.  
2     Anybody with any common sense that read that would have  
3     said that, that it's possibly dangerous, so we better  
4     prepare to get out of the business. You don't let people  
5     hit you with a block of bricks if you can help it. You  
6     try to anticipate as much as you can in business, and we  
7     did, and we had a little inkling, but we didn't think it  
8     was going to come as soon, and we didn't think it was  
9     going to be as emphatic, to get out of the business; it's  
10    too dangerous to stay in the business.

11           Q.     But you never got out of the business --

12           A.     Even at that, it's taken some 15, 20 years  
13    before a lot of lawsuits are going on.

14           Q.     Well, when you found out that asbestos was  
15    dangerous, the business never shut down; you just took the  
16    asbestos out of the products? Isn't that right?

17           A.     We didn't make acoustic anymore.

18           Q.     How about the fireproofing?

19           A.     Yeah, Monokote, we made.

20           Q.     You continued to make it after --

21           A.     But it didn't have asbestos in it. We didn't  
22    make it with asbestos.

23           Q.     Are you stating under oath that Monokote  
24    never had any asbestos in it?

25           A.     Not after we took it out of the acoustic.

1 When we stopped using any acoustic, we stopped using it in  
2 the Monokote.

3 Q. Do you remember what year that was?

4 A. No. You've asked me that about ten times at  
5 least.

6 Q. But you continued to sell Monokote MK-5 with  
7 vermiculite in it, right?

8 A. Oh, it has to have vermiculite, or it's not  
9 our product.

10 Q. And vermiculite is contaminated with  
11 asbestos; isn't that right?

12 A. Well, everything they made down there has a  
13 little of that in it, and if you could get dangerous --  
14 danger out of that, you're a better man than you think you  
15 are because that is really scratching the bottom.

16 MR. WORTHINGTON: Well, it's been a  
17 very pleasant afternoon. You've been a very  
18 enjoyable witness. I've enjoyed talking to  
19 you. I thank you for your patience and  
20 kind words. You've really built up my ego.

21 THE WITNESS: Don't say it like that.

22 MR. WORTHINGTON: Thank you very much,  
23 Mr. Junker, and I hope you feel better.

24 (Discussion off the record.)  
25

EXAMINATION

BY MS. CLARK:

Q. Earlier you were asked, Mr. Junker, about some products. You were given a list of products, and I'm unclear -- I think the record is unclear.

THE WITNESS: You took my letter, by the way, that was laying there.

Q. You were asked to review this list, if you recall.

A. Yeah.

Q. And I was unclear when you did that whether you were saying certain products were made in Dallas or whether you just read some of them off, you know, just sort of to yourself.

A. You want me to clear it up?

Q. Would you clear that up? Could you look at the list and just indicate for the record which ones you recall.

A. We didn't mix perlite in anything, no mixtures of perlite, never.

Q. So any of the products that have perlite in the name there, you do not recall manufacturing in Dallas?

A. No.

Q. Or anywhere that you had anything to do with. There are a number of those on that list, so you can just

1 take those off the list as far as you're concerned; is  
2 that correct?

3 A. Right.

4 Q. Then can you look at the others that are not  
5 perlite and say which ones that you do recall? That way  
6 that will be easier, I think. You don't have to rule out  
7 the other ones, just indicate the ones that you do recall,  
8 and only the ones that you specifically recall, and don't  
9 speculate.

10 A. Some of these were Zonolite Company's trade  
11 names, not ours, like the Econo-White.

12 Q. I think that that's a list that may reference  
13 some other areas besides just Dallas, and that may be  
14 where the confusion is, so what we want to know, and I  
15 think what Mr. Worthington wants to know is, from that  
16 list, which ones do you recall that may have been  
17 manufactured in Dallas? Can you do that for us?

18 A. That's a Grace letterhead.

19 Q. Just the ones you have personal knowledge of,  
20 and if you are unsure, you can say you are unsure about  
21 them. Okay?

22 A. We never made Econo-White. What do you want  
23 me to say?

24 Q. I want you to say the ones that you do  
25 remember, and then we'll know that you can rule out the

1 others, that you don't remember them, and we will attach  
2 the list.

3 A. Ez-Tex.

4 Q. Are you saying that those -- are you just  
5 reading them?

6 A. We didn't make that.

7 Q. That's what I want to make sure that we are  
8 clear about.

9 A. Zono-Cooustic we made. Zono-Cooustic MK-2, you  
10 didn't mention that one. That was the first one --  
11 forerunner of all of them. Zono-Cooustic 1, Zono-Cooustic  
12 2, Zono-Cooustic 3. I don't remember what Zono-Cooustic  
13 Type Z was. I don't remember that one. Zonolite  
14 Acoustical Plasters, yeah, we made all them. I don't  
15 remember the Board of Education Texture. Zonolite Finish  
16 Coat we made; that was just vermiculite.

17 Q. Go ahead.

18 A. Zonolite Monokote 1 we made with asbestos,  
19 and Monokote 3 without it. Monokote fireproofing, MK.  
20 Monokote, Zonolite Plaster. Zonolite Spra-Insulation,  
21 Zonolite Spra-Tex, we never made that. That was a  
22 texturing material that was made up in Chicago.

23 Q. So the last one you did not recall?

24 A. The last two we didn't make.

25 Q. The last two. And those are Zonolite

1       Spra-Insulation --

2               A.     Of some kind, texturing.

3               Q.     And Zonolite Spra-Tex you do not recall

4       making in Dallas?

5               A.     No.

6               Q.     Thank you. I think that clarifies that list,

7       but I did want to ask you about a couple of other products

8       that I got a little confused when you were giving your

9       testimony. From what I gathered from what you said, and

10      correct me if I'm wrong, on the acoustical products, when

11      you got the letter regarding cessation of using asbestos,

12      you did not continue manufacturing that product?

13              A.     No.

14              Q.     Is that correct?

15              A.     Correct.

16              Q.     So the acoustical products you did not use in

17      a nonasbestos form?

18              A.     No.

19              Q.     Is that correct?

20              A.     Uh-huh.

21              Q.     And the reason I'm asking you to repeat is

22      because we are going to end up with a double negative.

23              A.     It wouldn't have any acoustical value.

24              Q.     So that product was discontinued?

25              A.     And all the other.

1 Q. So when you talked about a product that was  
2 reformulated and sold, you're talking about the Monokote  
3 products?  
4 A. Right. And that was fireproofing, not  
5 acoustic.  
6 Q. I may have been the only person confused  
7 about that.  
8 A. That's put on steel beams up and down and  
9 across.  
10 Q. You were also asked the question about  
11 whether products like glass wool and rock wool and some  
12 other products like that were substitute products or were  
13 alternate products for the asbestos in Monokote.  
14 A. We didn't feel that they'd work.  
15 Q. And when you manufactured the Monokote  
16 without asbestos in it, were there any problems with that  
17 product?  
18 A. At first there were.  
19 Q. What kinds of problems?  
20 A. Getting it to stick, getting it to stay up.  
21 Q. Was that an important part of the product?  
22 A. Very important. That would waste the stuff  
23 if they had to put it back up or throw it away, very  
24 costly.  
25 Q. And is that something that certain people

1 within the company worked to try to develop?

2 A. Yeah. Steve Sheeran for one. Still doing  
3 it, I imagine, some.

4 Q. And then were your customers upset about the  
5 fact that the Monokote would not work properly with the  
6 new formulation?

7 MR. WORTHINGTON: Object. Calls for  
8 speculation. No personal knowledge.

9 Q. You can answer that, if you know.

10 A. I don't know, really. They would rather have  
11 it go up and stay up, and it's got to go up at a certain  
12 thickness, of course. That's very important. So they had  
13 to put up one coat or two coats, whatever the case may be.

14 MS. CLARK: Let's take one second.

15 I'll ask if you have any --

16 MS. O'CONNELL: I have nothing, except  
17 to say thank you, Mr. Junker.

18 THE WITNESS: You're welcome.

19 MS. CLARK: I appreciate your patience,  
20 and I believe that's all the questions I  
21 have.

22 FURTHER EXAMINATION

23 BY MR. WORTHINGTON:

24 Q. Do you know whether National Gypsum and U. S.  
25 Gypsum continued to manufacture acoustical plaster after

1 you stopped?

2 A. Not to my knowledge. I don't know. They had  
3 a different name for it.

4 Q. Were acoustical plasters manufactured by  
5 W. R. Grace in other plants besides Dallas?

6 A. Oh, yeah.

7 Q. Was that even after you got that don't use it  
8 letter?

9 A. Not to my knowledge. That was up to each one  
10 and up to Grace itself. I don't know.

11 Q. Would you agree there continued to be a  
12 market for acoustical plaster?

13 A. Oh, I imagine there would be some out there  
14 right now if it wasn't for this bad publicity. I think it  
15 would really go over big, because it's a sound deadener,  
16 and it makes the room very quiet.

17 A lot of people put it in their homes. If  
18 you had that on this ceiling, you couldn't hardly hear.  
19 It would just be as smooth when the TV's on, just quiet  
20 and smooth, and you could hear every word distinctly,  
21 because it takes all the excess sound out.

22 At this new symphony hall down here, I don't  
23 know what they used, but if it had Zonolite acoustic on  
24 it, it would have been a beautiful acoustical treatment.  
25 They did it other ways. There are other ways, of course,

1 but to get that decibel down, it's very important.

2 Q. What was the more profitable product for  
3 Grace here in Dallas, the fireproofing or the acoustical  
4 plaster?

5 A. Oh, the fireproofing was much more profitable  
6 in the long haul. At that time, it didn't seem like it,  
7 because Monokote was new in the market. It hadn't been  
8 really accepted yet, but there again, Mike got with the  
9 commissioner -- fire insurance commissioner and had him up  
10 to the club for lunch and a few drinks, and pretty soon we  
11 had -- he was approving it for various buildings, because  
12 it was the best thing in fireproofing. See, it would  
13 delay -- a fire department had at least a half to  
14 three-quarters of an hour longer to get to a fire before  
15 the steel started melting. That's really important.

16 MR. WORTHINGTON: All right, Mr.  
17 Junker. Thank you so much.

18 MS. CLARK: The only other  
19 thing I want to do is to attach a copy of the  
20 product list.

21 MR. WORTHINGTON: I meant to attach  
22 the entire --

23 MS. CLARK: I'm sorry. Just for the  
24 record, the product list we were referring to  
25 was the one that was attached to the notice.

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MR. WORTHINGTON: All right.

(End of proceedings.)

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

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C O R R I G E N D A

The witness, ROBERT JUNKER, states he has read the foregoing deposition and wishes to make the following changes or corrections in his testimony as originally given: (List changes or write "NONE")

| <u>PAGE/LINE</u> | <u>CORRECTION</u> | <u>REASON</u> |
|------------------|-------------------|---------------|
|                  |                   |               |
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\_\_\_\_\_  
ROBERT JUNKER

SUBSCRIBED AND SWORN TO BEFORE ME by the said witness, ROBERT JUNKER, on this the \_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Notary Public in and for  
\_\_\_\_\_ County,  
\_\_\_\_\_

1       STATE OF TEXAS       \*

2       COUNTY OF DALLAS       \*

3               I, Sherri B. Garza, a Certified Shorthand Reporter  
4       in and for the State of Texas, do hereby certify that the  
5       foregoing 118 pages are a true, complete and correct  
6       transcript of the proceedings had before me on the 23rd  
7       day of October, 1991.

8               Further certification requirements pursuant to  
9       Rules 205 and 206 of the Texas Rules of Civil Procedure  
10      will be certified to after they have occurred.

11              GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the  
12      5th day of November, 1991.

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Sherri B. Garza, CSR #3669  
Certified Shorthand Reporter  
In and for the State of Texas  
8140 Walnut Hill Lane  
Suite 310, LB 15  
Dallas, Texas 75231

My Commission expires: 12-31-92

CERTIFICATION PURSUANT TO RULES 205 AND 206

NO. 90-1760-H

|                             |   |                          |
|-----------------------------|---|--------------------------|
| H. WALLY SHIPLEY and FAYE   | * | IN THE DISTRICT COURT OF |
| SHIPLEY; WELDON COOK and    | * |                          |
| BILLYE COOK; VIRGEL LEON    | * |                          |
| ZIMMERMAN and RUTH          | * |                          |
| ZIMMERMAN; HERBERT WILLIAMS | * |                          |
| and INEZ WILLIAMS; ARTHUR   | * | DALLAS COUNTY, TEXAS     |
| JAMES DAVIS; and J. R.      | * |                          |
| GENTLE                      | * |                          |
| VS.                         | * |                          |
| ARMSTRONG WORLD INDUSTRIES  | * |                          |
| INC., ET AL.                | * | 160TH JUDICIAL DISTRICT  |

CERTIFICATE TO ORAL DEPOSITION

OF

ROBERT JUNKER

I, Sherri B. Garza, a Certified Shorthand Reporter and Notary Public in and for the State of Texas and the deposition officer for the deposition of the above-named witness, do hereby certify to the following:

- 1) That the witness was duly sworn by me;
- 2) That the transcript is a true record of the testimony given by the witness on the 23rd day of October,

1 1991;

2 3) That the charge for preparation of the completed

3 deposition transcript and any copies of exhibits is

4 \$\_\_\_\_\_ and is to be paid by the Plaintiffs;

5 4) That the deposition transcript was submitted to MS.

6 SANDRA F. CLARK, attorney for the Defendant W. R. Grace &

7 Company, on \_\_\_\_\_, for examination, signature

8 and return to the officer by \_\_\_\_\_;

9 5) That the changes, if any made by the witness, in

10 the transcript are contained on the Corrigenda attached to

11 the original transcript;

12 6) That the original transcript:

13 \_\_\_\_\_ was not returned to the officer for the

14 following reasons:\_\_\_\_\_

15 \_\_\_\_\_ was returned to the officer.

16 \_\_\_\_\_ was returned to the officer as unclaimed by

17 the United States Postal Service.

18 7) That if the original was returned, it was

19 transmitted to MR. ROGER G. WORTHINGTON, the person who

20 asked the first question appearing in the deposition for

21 safekeeping or use at trial;

22 8) That pursuant to information obtained at the time

23 said testimony was taken, the following includes all

24 parties of record:

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MR. ROGER G. WORTHINGTON  
Silber, Pearlman & Worthington  
1000 Highland Park Place  
4514 Cole Avenue, LB 34  
Dallas, Texas 75205-4185  
(214) 528-2000

FOR THE PLAINTIFFS

MS. SANDRA F. CLARK  
McHaffy & Weber  
2615 Calder Avenue  
P. O. Box 16  
Beaumont, Texas 77704  
(409) 550-1613

FOR THE DEFENDANT  
W. R. GRACE & COMPANY

MR. JOHN MARTIN  
Thompson & Knight  
3300 First City Center  
1700 Pacific  
Dallas, Texas 75201  
(214) 969-1700

FOR THE DEFENDANT  
GEORGIA-PACIFIC CORPORATION

9) That a copy of this certificate was served on all parties shown herein pursuant to Rule 21a of the Texas Rules of Civil Procedure.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the  
 \_\_\_ day of \_\_\_\_\_, 1991.

**Sherri B. Garza, CSR #3669**  
**Certified Shorthand Reporter**  
**In and for the State of Texas**  
**8140 Walnut Hill Lane**  
**Suite 310**  
**Dallas, Texas 75231**  
**(214) 373-4977**

**My Commission expires: 12-31-92**

[illegible]

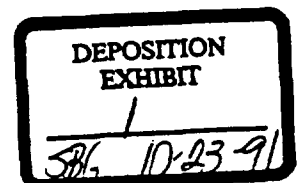
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|------------------------------------|---|--------------------------|
| H. WALLY SHIPLEY and FAYE SHIPLEY; | § | IN THE DISTRICT COURT OF |
| WELDON COOK and BILLYE COOK;       | § |                          |
| VIRGEL LEON ZIMMERMAN and RUTH     | § |                          |
| ZIMMERMAN; HERBERT WILLIAMS and    | § |                          |
| INEZ WILLIAMS; ARTHUR JAMES DAVIS; | § |                          |
| and J. R. GENTLE,                  | § |                          |
|                                    | § |                          |
| Plaintiffs,                        | § |                          |
|                                    | § |                          |
| VS.                                | § | DALLAS COUNTY, TEXAS     |
|                                    | § |                          |
| ARMSTRONG WORLD INDUSTRIES, INC.,  | § |                          |
| ET AL.,                            | § |                          |
|                                    | § |                          |
| Defendants.                        | § | 160TH JUDICIAL DISTRICT  |

NOTICE OF INTENTION TO TAKE ORAL DEPOSITION DUCES TECUM

TO: Defendant, W.R. GRACE & CO.-CONN., by and through its attorney of record, Sandra F. Clark, MeHaffy & Weber, 2615 Calder Avenue, P. O. Box 16, Beaumont, Texas 77704.

PLEASE TAKE NOTICE that, pursuant to Rule 200 of the Texas Rules of Civil Procedure, Plaintiffs represented by Silber, Pearlman & Worthington in the asbestos personal injury litigation referenced above, will take the oral deposition of Robert Junker, a former employee of Defendant W.R. Grace & Co.-Conn., on Wednesday, October 23, 1991 at 1:30 p.m. at the home of Mr. Junker, 10129 Rockmoor Drive, Dallas, Texas 75229 before a certified court reporter from Pritchett & Romans, 8140 Walnut Hill Lane, Suite 130, Dallas, Texas 75231. The oral deposition will continue from day to day until completed.

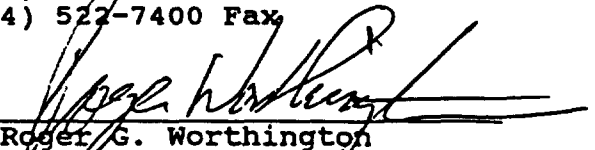
Mr. Junker will be asked to testify, among other things, about the asbestos products manufactured by W.R. Grace on Exhibit "A", among other asbestos-containing products, in addition to other issues relating to the manufacture, distribution, marketing,



testing, application, removal, disposal, and sales of asbestos-containing products. The witness is asked to bring to the deposition the documents identified in Exhibit "B".

Respectfully submitted,

SILBER, PEARLMAN & WORTHINGTON  
1000 Highland Park Place  
4514 Cole Avenue, LB 34  
Dallas, Texas 75205-4185  
(214) 528-2000  
(214) 522-7400 Fax

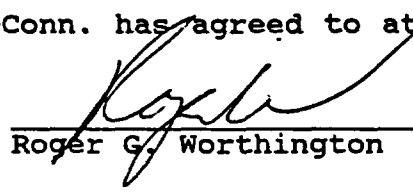
By: 

Roger G. Worthington  
State Bar No. 22010100

COUNSEL FOR PLAINTIFFS

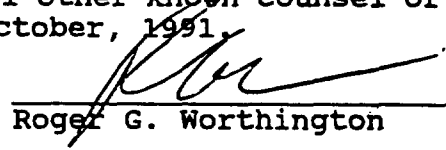
CERTIFICATE OF CONFERENCE

Counsel for W.R. Grace & Co.-Conn. has agreed to attend the above deposition.

  
Roger G. Worthington

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct of the foregoing document has been served on counsel for W.R. Grace & Co.-Conn. by via telecopy and certified mail, return receipt requested, this 10<sup>th</sup> day of October, and to all other known counsel of record by U.S. Mail, on this 11<sup>th</sup> day of October, 1991.

  
Roger G. Worthington

# Grace, W.R. & Co.

Last update: 08/21/90

## Products manufactured by Grace, W.R. & Co.

| Product Name                                                              | Mfg. Years | Asbestos Content | Type | Warning Label | Trademark Number | Picture Number |
|---------------------------------------------------------------------------|------------|------------------|------|---------------|------------------|----------------|
| <b>107 Cements, Adhesives, Boiler Coatings</b>                            |            |                  |      |               |                  |                |
| High Temperature Insulating Cement                                        | 1945-1971  | 19%              | CY   |               |                  |                |
| Zonolite High Temperature Cement                                          | 1930-1970  | 20%              | CY   |               |                  |                |
| <b>109 Plasters, Protective Coatings, Fireproofing, Compounds, Paints</b> |            |                  |      |               |                  |                |
| <b>Art-Zonolite Texture</b>                                               |            |                  |      |               |                  |                |
| Econo-White 65                                                            | 1956-1970  | 15%              | CY   |               |                  |                |
| Econo-White 70                                                            | 1956-1970  | 15%              |      |               |                  |                |
| Et-Tex                                                                    |            | 14%              | CY   |               |                  |                |
| Gun Coat Spray Surfacer                                                   | -1973      |                  |      |               |                  |                |
| 16-Sorb Acoustical Plaster                                                | 1973-      |                  | CY   |               |                  |                |
| Pericoustic                                                               |            | 17%              | CY   |               |                  |                |
| Peritex Fog                                                               | -1973      | 7%               | CY   |               |                  |                |
| Peritex Poly                                                              | -1973      | 5%               | CY   |               |                  |                |
| Peritex Polycourse                                                        | -1973      | 5%               | CY   |               |                  |                |
| Peritex Spray Surfacer                                                    | -1973      | 11%              | CY   |               |                  |                |
| Peritex Super-40                                                          | -1973      |                  |      |               |                  |                |
| Peritex Super-40 Fog                                                      | -1973      | 6%               | CY   |               |                  |                |
| Peritex Super-40 Perlite                                                  | -1973      | 7%               | CY   |               |                  |                |
| Peritex Super-40 Poly                                                     | -1973      | 5%               | CY   |               |                  |                |
| Peritex Super-40 Polycourse                                               | -1973      | 5%               | CY   |               |                  |                |
| Peritex Super-40 SAV                                                      | -1973      | 6%               | CY   |               |                  |                |
| Peritex Super-40 Spray Surfacer                                           | -1973      |                  |      |               |                  |                |
| PlasterTex                                                                | -1973      |                  |      |               |                  |                |
| Prep Coat No. 3                                                           | -1973      | 6%               | CY   |               |                  |                |
| Prep Coat No. 4                                                           |            | 5%               | CY   |               |                  |                |
| Spra-Wyt                                                                  | -1973      |                  |      |               |                  |                |
| Super 40                                                                  |            |                  |      |               | 993595           | AB-22A         |
| Versakote                                                                 |            |                  |      |               |                  |                |
| Z-Tex                                                                     |            | 14%              | CY   |               |                  |                |
| Z-Tex 2                                                                   |            | 14%              | CY   |               |                  |                |
| Z-Tex 2 Super White                                                       |            | 14%              | CY   |               |                  |                |
| Zono-Coustic                                                              | 1959-1973  | 14%              | CY   |               |                  |                |
| Zono-Coustic (MK-2)                                                       | 1959-1973  | 14%              | CY   |               |                  |                |
| Zono-Coustic 1                                                            | 1959-1973  | 14%              | CY   |               |                  |                |
| Zono-Coustic 2                                                            | 1959-1973  | 13%              | CY   |               |                  |                |
| Zono-Coustic 3                                                            | 1959-1973  | 14%              | CY   |               |                  |                |
| Zono-Coustic Type Z                                                       | 1959-1973  | 14%              | CY   |               |                  |                |
| Zonolite Acoustical Plastic/Plaster                                       | 1945-1972  | 20%              | CY   |               |                  |                |
| Zonolite Board Of Education Texture                                       | 1962-      | 12%              | CY   |               |                  |                |
| Zonolite Finish Coat (Decorator's White)                                  | 1950-1974  | 13%              | CY   |               |                  |                |
| Zonolite Finish Coat (Extra Hard)                                         | 1961-1974  | 13%              | CY   |               |                  |                |
| Zonolite Mono-kote (MK-1)                                                 | 1958-1969  | 20%              | CY   |               |                  |                |
| Zonolite Mono-kote (MK-3)                                                 | 1959-1973  | 14%              | CY   |               |                  |                |
| Zonolite Mono-Kote Fireproofing (MK)                                      |            |                  |      |               | 799396           | AB-21A         |
| Zonolite Monokote 5(Back)                                                 |            |                  |      |               |                  | 149C           |
| Zonolite Monokote 5(Front)                                                |            |                  |      |               |                  | 148C           |
| Zonolite Plaster                                                          |            |                  |      |               |                  | 127C           |
| Zonolite Spra-Insulation (MK-2)                                           | 1960-1972  | 12%              | CY   |               |                  |                |
| Zonolite Spra-Tex (Extra Hard)                                            | 1961-1972  | 32%              | CY   |               |                  |                |

"Exhibit A"

Exhibit "B"

REQUEST FOR PRODUCTION

You are asked to bring with you to the deposition the following documents:

1. All correspondence between W.R. Grace and any contractor or supplier in the Dallas/Fort Worth area regarding the sale of any asbestos-containing products, such as those appearing on Exhibit "A". The contractors or suppliers include, but are not limited to, Storbeck & Gregory, Ray Boyd Plastering, McCrory Company, Estes & Stout, Carpenter Plastering, Fort Worth Plastering, and Blue Diamond.

2. All sales literature and brochures distributed by W.R. Grace to suppliers and contractors in the Dallas/Fort Worth area regarding asbestos products.

3. All documents, including sales receipts and invoices, that reflect the purchase by any supplier or contractor of any asbestos-containing product manufactured by W.R. Grace in the Dallas/Fort Worth area.

4. Any and all documents that identify jobsites or projects in the Dallas/Fort Worth area in which W.R. Grace asbestos-containing products were applied, including work orders, inspection reports, plans, specifications, and/or industrial hygiene surveys.

5. All advertisements or promotional material by W.R. Grace regarding Monokote, Zonolite or other asbestos-containing products prior to 1975.

6. All instruction and/or warning labels regarding potential asbestos health hazards appearing on any containers of the asbestos products listed on Exhibit "A".

7. All industrial hygiene surveys or ambient dust counts performed from 1959 to 1978 at any manufacturing plant in Texas owned or operated by W.R. Grace, The Zonolite Company, and/or Texas Vermiculite Company regarding the presence of ambient concentrations of asbestos dust or others.

8. All government inspection reports regarding compliance with any governmental regulation of occupational exposure to asbestos dust in any plant owned or operated by W.R. Grace, The Zonolite Company, or Texas Vermiculite Company from 1959 to 1978.

# Pritchett & Romans

---

December 13, 1991

8140 WALNUT HILL LANE  
SUITE 310 LB 15  
DALLAS, TEXAS 75231  
(214) 373-4977  
FAX (214) 363-7758

Mr. Bill Long  
District Clerk  
Dallas County Courthouse  
600 Commerce Street  
Dallas, Texas 75202

Re: No. 90-1760-H  
H. Wally Shipley, et al. vs.  
Armstrong World Industries  
Inc., et al.

Dear Mr. Long:

Enclosed for filing, please find a copy of the court reporter's certificate for the deposition of ROBERT JUNKER taken in connection with the captioned matter.

Please file same with the proper court pursuant to revised Rule 206 of the Texas Rules of Civil Procedure, said deposition having not been signed and returned to our office as of this date. By copy of this letter, I am notifying all parties of record of said filing.

Thank you for your kind attention to this matter.

Sincerely,

Sherri B. Garza, CSR

SBG/rw  
Enc.

Certified Mail  
Return Receipt Requested

cc: Mr. Roger G. Worthington ✓  
Ms. Sandra F. Clark  
Mr. John Martin

CERTIFICATION PURSUANT TO RULES 205 AND 206

NO. 90-1760-H

H. WALLY SHIPLEY and FAYE \* IN THE DISTRICT COURT OF  
SHIPLEY; WELDON COOK and \*  
BILLYE COOK; VIRGEL LEON \*  
ZIMMERMAN and RUTH \*  
ZIMMERMAN; HERBERT WILLIAMS \*  
and INEZ WILLIAMS; ARTHUR \* DALLAS COUNTY, TEXAS  
JAMES DAVIS; and J. R. \*  
GENTLE \*  
VS. \*  
ARMSTRONG WORLD INDUSTRIES \*  
INC., ET AL. \* 160TH JUDICIAL DISTRICT

CERTIFICATE TO ORAL DEPOSITION

OF

ROBERT JUNKER

I, Sherri B. Garza, a Certified Shorthand Reporter  
and Notary Public in and for the State of Texas and the  
deposition officer for the deposition of the above-named  
witness, do hereby certify to the following:

- 1) That the witness was duly sworn by me;
- 2) That the transcript is a true record of the  
testimony given by the witness on the 23rd day of October,

1 1991;

2 3) That the charge for preparation of the completed

3 deposition transcript and any copies of exhibits is

4 \$ 544.75 and is to be paid by the Plaintiffs;

5 4) That the deposition transcript was submitted to MS.

6 SANDRA F. CLARK, attorney for the Defendant W. R. Grace &

7 Company, on 11/7/91, for examination, signature

8 and return to the officer by 11/27/91;

9 5) That the changes, if any made by the witness, in

10 the transcript are contained on the Corrigenda attached to

11 the original transcript;

12 6) That the original transcript:

13 ✓ was not returned to the officer for the

14 following reasons: Unknown

15        was returned to the officer.

16        was returned to the officer as unclaimed by

17 the United States Postal Service.

18 7) That if the original was returned, it was

19 transmitted to MR. ROGER G. WORTHINGTON, the person who

20 asked the first question appearing in the deposition for

21 safekeeping or use at trial;

22 8) That pursuant to information obtained at the time

23 said testimony was taken, the following includes all

24 parties of record:

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MR. ROGER G. WORTHINGTON  
Silber, Pearlman & Worthington  
1000 Highland Park Place  
4514 Cole Avenue, LB 34  
Dallas, Texas 75205-4185  
(214)-528-2000

FOR THE PLAINTIFFS

MS. SANDRA F. CLARK  
McHaffy & Weber  
2615 Calder Avenue  
P. O. Box 16  
Beaumont, Texas 77704  
(409) 550-1613

FOR THE DEFENDANT  
W. R. GRACE & COMPANY

MR. JOHN MARTIN  
Thompson & Knight  
3300 First City Center  
1700 Pacific  
Dallas, Texas 75201  
(214) 969-1700

FOR THE DEFENDANT  
GEORGIA-PACIFIC CORPORATION

1           9) That a copy of this certificate was served on all  
2 parties shown herein pursuant to Rule 21a of the Texas  
3 Rules of Civil Procedure.

4           GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the  
5 13th day of December, 1991.

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8 Sherri B. Garza, CSR #3669  
9 Certified Shorthand Reporter  
10 In and for the State of Texas  
11 8140 Walnut Hill Lane  
12 Suite 310  
13 Dallas, Texas 75231  
14 (214) 373-4977

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My Commission expires: 12-31-92