

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SOLANO

PLAINTIFF'S EXHIBIT

UC-5165

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IN RE: CLAPPER & BRAYTON) Misc.
SHIPYARD AND APPLICATOR) No. 959
ASBESTOS CASES CONSOLIDATED)
FOR DISCOVERY.)

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

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IN RE: SHIPYARD AND APPLICATOR)
ASBESTOS CASES (CLAPER & BRAYTON)) No. 804416
CONSOLIDATED FOR DISCOVERY.)

(Captions continued on next page.)

DEPOSITION OF
DOUGLAS WAYNE MERRILL

NOVEMBER 1, 1984

NOTICE

Depositions shall be taken under
and subject to the provisions of the
California Code of Civil Procedure,
and the rules of the Superior Court,
and the rules of the Federal District
Court for the Northern District of
California, and the rules of the
United States District Court for the
Northern District of California.

REPORTED BY: MARJORIE K. FORMAN, CSR# 2783

MARY HILLABRAND & ASSOCIATES
Certified Shorthand Reporters
449 Powell Street Mezzanine
San Francisco, CA 94102-1570

COPY

1 Two is two.

2 (Luncheon recess was taken from 12:20 p.m. to 1:25
3 p.m.)

4 CONTINUED EXAMINATION BY MR. BRAYTON

5 MR. BRAYTON: Q. With respect to raw asbestos
6 fibers, who was your contact at Carey with respect to
7 procuring these fibers?

8 A. The only contact that I recall is with E. S.
9 Browning.

10 Q. You don't recall any contact with anybody
11 directly at Carey?

12 A. I don't recall any names, no.

13 Q. What about Johns-Manville?

14 A. I think the guy's name was Joe McCarthy.

15 Q. And Union Carbide?

16 MR. SCHOFIELD: Is --

17 THE WITNESS: No.

18 Union Carbide, we had local. They had a local
19 representation through Harrisons & Crosfield, and --

20 MR. SHARP: Excuse me. What is that second name?
21 I've heard it two or three times.

22 MR. SCHOFIELD: Crosfield

23 MR. SHARP: Cross, as in.

24 MR. SCHOFIELD: C-r-o-s-f-i-e-l-d.

25 MR. SHARP: Thank you.

26 THE WITNESS: There are some names that I know were
27 with Harrisons Crosfield, Dick Lieber, Leon Pierce.
28 That's all I can think of right now. I'm not sure if they

1 were there during the period of the asbestos purchases.

2 MR. BRAYTON: Q. Do you recall having any contact
3 with anybody directly at Union Carbide with respect to
4 purchasing their fibers?

5 A. Yes, we did. I don't recall any names.

6 Q. Did you review any documents prior to the
7 deposition today to refresh your recollection?

8 A. No.

9 Q. Who was your predecessor at Kelly-Moore? Who
10 was there before 1968 in your position?

11 A. Well, my position in 1968 started out in a
12 quality control lab. I don't know who did that. My
13 predecessor on the Paco -- as manager of the Paco, was Tom
14 Smith.

15 Q. Do you know how long he was with the Paco
16 Division?

17 A. No.

18 Q. Do you know where he is today?

19 A. He's selling, I believe, for A. J. Lynch.

20 Q. Where are they located?

21 A. I think their main office is in Southern
22 California, Los Angeles area.

23 Q. Do you think Mr. Smith is selling in Northern
24 California?

25 A. Yes.

26 Q. Do you know where he resides, or where his
27 office is?

28 A. I don't know if he has an office. He could very

1 well work out of his home, and I'm not sure where he
2 lives.

3 Q. I noticed on your summary that the purchases of
4 raw asbestos fiber began in 1968. Did either Paco or
5 Kelly-Moore produce asbestos-containing products prior to
6 1968?

7 A. Yes.

8 Q. And do you know for what period of time prior to
9 1968 they produced asbestos products?

10 A. I don't have any firsthand knowledge, so I don't
11 know.

12 Q. What is the extent of your knowledge of their
13 production of asbestos-containing products prior to 1968?

14 A. Kelly-Moore acquired the Paco Division in the
15 end of December of 1960. They manufactured Drywall
16 products at that time.

17 Q. To the best of your knowledge, the products that
18 you previously described were produced through the '60s by
19 the Paco Division?

20 A. Yes.

21 Q. When they acquired the Paco Division, did they
22 acquire all of these other plants that you've talked to us
23 about?

24 A. No. There was only one Paco plant that I know
25 of at that time.

26 Q. And that was in Richmond?

27 A. In Richmond.

28 Q. Do you know how long Paco was in existence in

1 Richmond prior to December 1960?

2 A. It's my understanding Paco got started in '58.

3 Q. Did you try and obtain records of procurement of
4 raw asbestos fiber for the period 1960 through 1968 from
5 the Paco Division?

6 A. Yes. There were no records available.

7 Q. Were there any records available for the period
8 1960 through 1968 with regard to production?

9 A. I'm not sure. There could be.

10 Q. Have you ever looked for such records?

11 A. Yes.

12 Q. If there were such records, are they reflected
13 in your cumulative report that you've previously
14 described?

15 A. Yes.

16 Q. Is it fair to say that this cumulative report
17 that you have compiled and described here today, both on
18 use of raw fiber and production records, involve all
19 available records from the period 1960 on that are
20 available to Kelly-Moore and to Paco Division.

21 MR. SCHOFIELD: I am going to object to that question
22 as being argumentative in form. That's extremely broad.
23 When you say, "is it fair to say that," it encompasses all
24 the records.

25 We have not brought production records with us
26 because I don't remember seeing anything in your request
27 to produce, even though there are 50 items on it, that
28 dealt specifically with the production end of it, so that