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In The Matter Of:
FOSTER VS.
CYPRUS AMAX MINERAL COMPANY

RODNEY WOODARD
May 17, 2016

Ludwig Klein Reporters & Video, Inc.

10:23:49-10:24:44 Page 13 1 with the 2008 crash, I had to close the doors and 2 open under a new name. 3 Q. Okay. 4 Have you ever given a deposition before or 5 testified at trial? 6 A. Yes. 7 Q. And on how many occasions have you given 8 such testimony? 9 A. Three. 10 Q. And were any of those previous depositions 11 related to your employment at Western Talc Company? 12 A. Yes. 13 Q. How many of those depositions were related 14 to Western Talc? 15 A. One. 16 Q. And how long ago was that deposition? 17 A. About three, four years ago, three and a 18 half years, four years. 19 Q. And since then have you reviewed any of 20 your testimony? 21 A. No. 22 Q. And your two other depositions besides 23 that, what was the nature of those cases? 24 A. One in like 2002 dealing with Affordable 25 Air. We were a third party on a lawsuit involving	10:25:56-10:26:57 Page 15 1 A. 17 and a half. 2 Q. And had you graduated high school at the 3 time? 4 A. Yes. I graduated on -- well, my daughter 5 was born on Tuesday, I graduated on Friday, and I 6 went to work on the following Monday. 7 Q. Okay. 8 A. It was an eventful period in my life. 9 Q. And at what location did you work for 10 Western Talc? 11 A. At the Dunn Siding facility. 12 Q. Is that a mill? 13 A. Yes. 14 Q. And has anyone else in your family ever 15 been employed by Western Talc? 16 A. Yes, my father, Marcus Lynn Woodard, Sr. 17 Q. And what site did he work on? 18 A. The Dunn Siding facility. 19 Q. When did he start working at the Dunn 20 Siding facility? 21 A. I'd say it was '65 because we took our 22 first family vacation in '66 to Oklahoma, and he was 23 on vacation, and that was the summer of '66. 24 Q. Okay. And when or approximately when did 25 he stop working at Dunn Siding?
10:24:49-10:25:55 Page 14 1 Cardenas Supermarkets, an injury with a customer 2 inside the store, and we were the air conditioning 3 company that services the air conditioning. 4 Q. What was the third case? 5 A. In the late '70s, I was a witness to an 6 accident with excessive speed and major bodily 7 injury. 8 Q. Okay. 9 Now, have you met either of my clients 10 Shirwold Foster or Raquel Foster? 11 A. No. 12 Q. And had you ever met their father, Rodney 13 Foster? 14 A. No. 15 Q. Do you intend to gain anything from your 16 testimony financially? 17 A. No. 18 Q. Have you ever worked for an entity called 19 Western Talc Company? 20 A. Yes. 21 Q. When did you work for Western Talc? 22 A. I started in January 1972, and ended in 23 March of 1973. 24 Q. And what age were you when you started 25 working for Western Talc?	10:27:01-10:28:16 Page 16 1 A. He retired in the early '80s, '83, '84, 2 somewhere in that time frame. He had had some heart 3 conditions and stuff and finally retired. 4 Q. And during that period between 1965 and 5 approximately 1983 or 1984, to your knowledge, was 6 the mill owned by the same company throughout that 7 period? 8 A. No. It changed hands multiple times. 9 Q. But when you worked there at Dunn Siding 10 from January of 1972 to March of 1973, who was your 11 employer? 12 A. Western Talc. 13 Q. And I'm going to ask you some questions 14 about Western Talc Company and the Dunn Siding 15 location generally. 16 When you first started working there in 17 1972, how many hours per day did it operate? 18 A. When I first hired in, it was an 19 eight-hour, but it rapidly went to a two-shift, 20 16-hour. 21 Q. Okay. 22 A. This was one of the reasons I think I was 23 hired. There was a lot of us hired. They increased 24 the crew because they added a second shift. 25 Q. Okay. And when was the second shift?

11:00:31-11:01:53 Page 41 1 conversation. After that, we went back to work, and 2 it was very short, brief. 3 Q. Do you have any understanding as to why 4 Goodyear was at the plant at that time? 5 A. I understood it was having an issue with 6 the product, with the talc. 7 Q. They were having some problem with the 8 talc? 9 A. Yes. I don't remember if it was the 10 consistency or the grade or the grind. They were 11 just having a problem. From what I understood, they 12 spread the talc mix on their molds, and then the 13 mold closed, and the vulcanization process took 14 place. The talc was to keep the vulcanization from 15 sticking to the mold. 16 Q. Do you know what Goodyear facility was the 17 customer? 18 A. No. 19 Q. How far away from the Dunn Siding mill 20 was, say, downtown Los Angeles? 21 A. From here to downtown is 60. Dunn Siding 22 is another 40, 50. They're probably a hundred miles 23 from Dunn Siding. 24 Q. And on how many occasions do you recall 25 seeing a Goodyear employee at Dunn Siding?	11 03:11-11:04:25 Page 43 1 A. Not that I know. But I wouldn't know 2 whether it was or wasn't. I didn't work in that 3 aspect of it. In other words, I didn't work on the 4 crusher. The only time I worked on the crusher was 5 when they had a plug. 6 Q. When you first started at Western Talc in 7 January of 1972, was any sort of respiratory 8 protection made available to you? 9 A. No. 10 Q. Did there come a time when that changed? 11 A. Yes. 12 Q. And how soon after that did it change? 13 A. It was very shortly after I went to work. 14 I'm going to say within a month or so. 15 Q. And what changed or -- 16 A. For some reason or another, a bunch of the 17 employees had been tested, had lung X-rays, and they 18 come back with spots on their lungs. We have no 19 clue -- I have no clue what it is. We just all 20 razzed them about having the black lung. 21 Q. You don't know whether it was the black 22 lung; you just know that some of them -- 23 A. They had spots on their lungs. 24 Q. Okay. Do you know what those spots were? 25 A. No.
11:01:56-11:03:11 Page 42 1 A. I just remember that one time. There was 2 several people there. They were all in a group, had 3 some Western Talc people there. 4 Q. And at this time, can you recall how many 5 Goodyear employees were there? 6 A. No. 7 Q. At this time, do you recall any other 8 specific customers of Western Talc? 9 A. The only other customer I know of, and I 10 don't know if we bagged for them, when I worked 11 there or if it was afterwards, it was Johns 12 Mansfield, and that was the Amarillo plant, and my 13 dad, we talked -- I lived in Amarillo in the late 14 '70s, early '80s, and they shipped for them. As far 15 as what we shipped out that time, I don't know. 16 Q. Do you have any knowledge as to what kind 17 of facility this Johns Manfield -- 18 A. No. 19 Q. Okay. And at this time do you recall any 20 distributors Western Talc used, if any? 21 A. No. 22 Q. Do you know whether -- do you know one way 23 or the other whether Western Talc received any talc 24 ore from any mine besides a Western Talc operated 25 mine?	11:04:25-11:05:34 Page 44 1 Q. And were you required to wear some sort of 2 respiratory protection? 3 A. After that, it became very imperative. 4 They had issued us safety glasses, kind of the 5 goggles that you see people wearing in machine 6 shops, because when a bag would explode, that stuff 7 would blow up in your face. But it was right after 8 that they started making it mandatory, and they got 9 really hard on it. If you were bagging or doing 10 certain operations and you didn't wear it, you got 11 wrote up. 12 Q. It was mandatory to do what? 13 A. Wear the respirator. 14 Q. Could you describe the respirator. 15 A. You see them at Home Depot. It is not a 16 mask, it's an actual respirator with a replaceable 17 cartridge. 18 Q. Okay. 19 And you mentioned that some employees were 20 X-rayed at this time. Do you know one way or the 21 other who sponsored that X-ray? 22 A. No. 23 Q. And do you know whether that X-ray took 24 place before or after you started working at Western 25 Talc in January of 1972?

11.05.36-11.06.45

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1 A. It happened -- that happened before, the
2 X-rays did, just before I went to work there.
3 Q. Okay.
4 A. But I guess the results didn't come out
5 until after I started because I know one day we
6 weren't wearing them and the next day they were all
7 being passed out and signed for.
8 Q. And do you know anyone who was found to
9 have spots on their lung?
10 A. I think my dad did, but it never affected
11 his health. There was other people there, but I
12 left since then.
13 Q. And you were never told one way or the
14 other what those spots were?
15 A. No.
16 Q. You were never told one way or the other
17 what the danger was?
18 A. No.
19 Q. And after the X-rays were done and Western
20 Talc began requiring -- let me back up.
21 Were there specific employees who were
22 required to wear respirators, or was it everybody?
23 A. Everybody was issued one.
24 Q. Okay.
25 A. But the ones that were specific was, if

11.08.08-11.09.04

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1 A. Last night.
2 Q. How long was our meeting?
3 A. About an hour and a half, two hours.
4 Q. And did I show you any pictures, other
5 than this aerial view of Dunn Siding that we marked
6 as Exhibit 3?
7 A. Just it.
8 Q. Did I show you your previous deposition
9 transcript?
10 A. No.
11 Q. Did I give you any documents?
12 A. No.
13 Q. Did I read you any documents?
14 A. No.
15 Q. Did we talk about your work at Western
16 Talc?
17 A. Yes.
18 Q. And generally, how would you compare the
19 questions I asked you yesterday to the questions I
20 asked you today?
21 A. Almost the same questions exactly.
22 MR. BUHA: Let me look over my notes for a
23 second. I think that's all I have.
24 Yes, that's all the questions I have.
25 THE WITNESS: Can we take five minutes so

11.06.49-11.08.06

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1 you were a bagger, if you were sitting on the
2 bagging machine doing the actual bagging, that was
3 mandatory. Crusher operators were mandatory, and
4 the mill operators wore them all the time. Now
5 whether theirs were mandatory or not, I don't know.
6 But if we were cleaning the dust collectors, it was
7 mandatory. Any of the high dust areas became
8 mandatory.
9 Q. Okay.
10 And after the X-rays were done and Western
11 Talc began requiring that you wear a respirator, did
12 you ever see any warnings on the bags of talc about
13 the hazards of inhaling talc?
14 A. No.
15 Q. After the X-rays were done and Western
16 Talc began requiring some employees wear
17 respirators, were you ever asked to stencil on any
18 warnings on any of the talc bags about the hazards
19 of inhaling talc?
20 A. No.
21 Q. Now, did you and I meet before today?
22 A. Yes.
23 Q. How many times did we meet?
24 A. Once.
25 Q. And when did we meet?

11.09.06-11.22.05

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1 I can go to the bathroom?
2 MR. BUHA: Sure, sure We'll take a
3 10-minute break.
4 THE VIDEOGRAPHER: Okay
5 Going off the record. The time is now
6 11:09 a.m.
7 (Brief recess.)
8 THE VIDEOGRAPHER: The time is 11:21 a.m.
9 We're back on the record.
10
11 EXAMINATION
12 BY MR. THAYER:
13 Q. Good morning again, sir.
14 A. Good morning.
15 Q. We've taken a brief break of about 10
16 minutes. Are you okay to continue with your
17 deposition a little longer?
18 A. Oh, yeah.
19 Q. My name is Jeff Thayer. I represent
20 Vanderbilt Minerals which is one of the defendants
21 in this case.
22 A. Okay.
23 Q. Earlier when Mr. Buha was asking you
24 questions, he referred to another deposition you had
25 given a few years ago that was also with Western

11:30:21-11:31:53 Page 57 1 Q. Okay. And you were a member of that union 2 the entire time you worked at Western Talc, correct? 3 A. Yes. 4 Q. Did you ever -- during that time, did you 5 ever receive any publications from the union? 6 A. You know, I don't remember. I know when I 7 hired on, I got a packet. I had employee 8 information. It told me my dues and my initiation 9 fee, and some union rights and stuff like that. 10 That was about it. That's what I can honestly tell 11 you I remember. 12 Q. Do you remember if there was anything in 13 this packet that talked about the materials you 14 might be working with at Western Talc? 15 A. No. 16 Q. Do you remember if there was anything in 17 the packet that talked about OSHA? 18 A. No. 19 Q. You talked about having a conversation 20 with Mr. Buha about this case last night. 21 A. Uh-huh. 22 Q. When did you first hear about this case? 23 A. His investigator called me some time ago, 24 and we had set up a deposition, and then it all kind 25 of changed. I guess somebody passed away, and it	11:33:15-11:34:17 Page 59 1 me their client had passed away and they would be 2 contacting me later if they did, and so that's it. 3 Q. Okay. 4 So it sounds like you had a couple of 5 phone conversations with Jennifer that were each a 6 few minutes -- 7 A. Uh-huh. 8 Q. -- long? 9 A. Yeah, not very long. 10 Q. Did you ever speak to any other 11 investigator with the Maune, Raichle firm? 12 A. No. 13 Q. And you haven't spoken with Mr. Buha 14 before last night about this case? 15 A. He called, we set an appointment to meet, 16 he introduced himself, but that was it. 17 Q. Now, is the Dunn Siding mill still 18 operating, as far as you know? 19 A. I know it's there physically because the 20 only reason I know that is I work in Baker, and I 21 drive by it, but I don't know if it's in operation 22 or not. 23 Q. Do you know who owns the facility right 24 now? 25 A. No.
11:31:56-11:33:11 Page 58 1 all changed, the filings and all of that, but this 2 was -- I'm going to say it was last year sometime. 3 I don't remember exactly. 4 Q. Do you remember the name of the 5 investigator who talked to you? 6 A. Her name was Jennifer. 7 Q. Do you remember her last name? 8 A. No. 9 Q. Do you remember on that occasion 10 approximately how long you talked to Jennifer about 11 this case? 12 A. She just asked me a few simple questions: 13 A, if I remembered the previous deposition; B, would 14 I be willing to give another deposition; and when 15 would be a good time for me to give a deposition if 16 I was willing, and that was about the extent of it. 17 I gave her a broad brief, and I don't remember if it 18 was summer, spring, fall, you know, normally this 19 time period. Summertime is not a good time, and she 20 said okay, and then she called back and we set a 21 date, and then -- I don't even remember if I got a 22 letter, you know, I got a formal letter from -- if 23 it was your office or somebody's office stating the 24 time and date for this deposition. I don't think I 25 even got that when I got a phone call back telling	11:34:23-11:35:32 Page 60 1 Q. When you were at Western Talc, did you 2 ever see any signs warning about asbestos? 3 A. No. 4 Q. During the time you were at Western Talc, 5 are you aware of any earth sampling tests being 6 performed there? 7 A. No. Those were all done before. 8 Q. Before you started working there? 9 A. Yeah, that's when they put in the dust 10 collector. I remember my dad talking about it. 11 They put in the dust collector. The plant was 12 producing too much dust. It was an EPA issue. 13 Q. Do you know what year it was, 14 approximately? 15 A. No. They were installed before I was 16 there, so I was in high school. That was his thing, 17 not mine. 18 Q. And when your father was telling you about 19 this issue, did he tell you who actually did any of 20 the testing? 21 A. No. 22 Q. You mentioned the EPA. Do you know if the 23 EPA actually came out to the facility? 24 A. No, I don't know. 25 Q. Okay. And you wouldn't know the results