

FILE NAME: General Electric (GE)

DATE: 2004

DOC#: GE091

DOCUMENT DESCRIPTION: Legal - Deposition of Marjorie Drucker Vol II

1 SUPREME COURT OF THE STATE OF NEW YORK
2 ALL COUNTIES WITHIN NEW YORK CITY
3

4 In Re: NEW YORK CITY ASBESTOS LITIGATION
5
6

VOL. II

7
8 Continued
9 Deposition Under
10 Oral Examination
11 of MARJORIE DRUCKER
12
13
14
15
16
17
18
19
20

21 PRIORITY-ONE COURT REPORTING SERVICES, INC.

899 Manor Road

22 Staten Island, New York 10314

(718) 761-0527
23
24
25

1 Transcript of the deposition of MARJORIE
 2 DRUCKER, called for Oral Examination in the
 3 above-captioned matter, said deposition being
 4 taken pursuant to the Federal Rules of Civil
 5 Procedure by and before, Victoria Rohl, Court
 6 Reporter and Notary Public in and for the State
 7 of New York; taken at the office of SIDLEY
 8 AUSTIN, BROWN & WOOD, Bank One Plaza, 10 South
 9 Dearborn Street, Chicago, Illinois 91356, on
 10 July 14, 2004, commencing at 10:00 a.m.
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 IT IS HEREBY STIPULATED AND
 2 AGREED by and between the attorneys
 3 for the respective parties hereto
 4 that filing, sealing and
 5 certification of the within
 6 Examination Before Trial be waived;
 7 that all objections, except as to
 8 form, are reserved to the time of
 9 trial.

10 IT IS FURTHER STIPULATED AND
 11 AGREED that the transcript may be
 12 signed before and Notary Public with
 13 the same force and effect as if
 14 signed before a Clerk or Judge of the
 15 Court.

16 IT IS FURTHER STIPULATED AND
 17 AGREED that the within examination
 18 may be utilized for all purposes as
 19 provided by the CPLR.

20 IT IS FURTHER STIPULATED AND
 21 AGREED that all rights provided to
 22 all parties by the CPLR shall not be
 23 deemed waived and the appropriate
 24 sections of the CPLR shall be
 25 controlling with respect thereto.

1 APPEARANCES:
 2 JERRY KRISTAL, ESQ.
 3 WEITZ & LUXENBERG
 4 180 Maiden Lane, 17th Floor
 5 New York, New York 10038-4925
 6 Appearing for the Plaintiff
 7 DAVID SPEZIALI, ESQ.
 8 SPEZIALI, GREENWALD & HAWKINS
 9 1081 Winslow Road
 10 P.O. Box 1086
 11 Williamstown, New Jersey 08094
 12 Appearing for the Defendant
 13 General Electric
 14 TIMOTHY KAPSHANDY, ESQ.
 15 SIDLEY, AUSTIN, BROWN & WOOD
 16 Bank One Plaza
 17 10 South Dearborn Street
 18 Chicago, Illinois 91356
 19 Appearing For the Defendant
 20 General Electric
 21 WILLIAM C. SILVERMAN, ESQ.
 22 GREENBERG TRAURIG, LLP
 23 885 Third Avenue
 24 New York, New York 10022
 25 Appearing for the Defendant
 Robert A. Keasbey Company
 AMY E. McCRACKEN, ESQ.
 DUANE MORRIS
 227 West Monroe Street, Suite 3400
 Chicago, Illinois 60606
 Appearing for the Defendants
 Ford and General Motors
 LOUIS FLOCCO, ESQ.
 WILBRAHAM, LAWLER & BUBA
 1818 Market Street, Suite 3100
 Philadelphia, Pennsylvania 19103-3631
 Appearing telephonically for the Defendant
 Buffalo Pumps

1 IT IS FURTHER STIPULATED AND
 2 AGREED by and between the attorneys
 3 for the respective parties hereto
 4 that a copy of the Examination shall
 5 be furnished, without charge, to the
 6 attorney representing the witness
 7 testifying herein.
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 MR. FLOCCO: Obviously I represent
2 Buffalo Pumps. We did not receive notice of the
3 first day of this deposition of Ms. Drucker, and
4 I would simply like to reserve my client's
5 rights to any objections that we may have had to
6 that testimony after we have a chance to take a
7 look at it. And my attendance by telephone
8 today cannot be construed as a waiver of any of
9 the rights my client may have in that regard.
10 Thank you.

11 MR. KRISTAL: Right. And I don't want
12 my silence to mean that I am agreeing that you
13 did or didn't have notice of the first day of
14 deposition, but your statement stands as it is
15 and we'll move forward. Obviously you had
16 notice of today's dep, right?

17 MR. FLOCCO: Yes.

18 MS. McCracken: I'd like to put on the
19 record as well on behalf of Ford and GM, it's my
20 understanding we did not have notice of the
21 first day either.

22 MR. KRISTAL: Right, and -- okay. I
23 think I'll probably be able to explain that a
24 little more clearly in a moment, if that's
25 correct, as well. But are we ready.

1 A. Good. How are you?
2 Q. Nice to see you again.
3 A. Nice to see you.
4 Q. I want to do a little bit of
5 housekeeping first. I've marked as Exhibit 8
6 what we call notice to take deposition which is
7 just informing folks that we're going to be
8 taking your deposition. This is from the
9 original dep which is June -- the deposition
10 date was June 3rd, 2004.

11 And in that deposition, you had been
12 designated by General Electric as an expert in
13 four cases, Campa, Renow, Zatz and Roth. And we
14 were taking your deposition at that time as a GE
15 expert in those cases.

16 Subsequent to that, we sent a notice
17 dated June 23rd, 2004 which I've marked as
18 Drucker Exhibit 9. And in that deposition
19 notice, we had requested General Electric to
20 designate a person most knowledgeable in two
21 subjects; one being General Electric's
22 historical knowledge of the hazards of exposure
23 to asbestos, and the second, General Electric's
24 historical use of asbestos. And that deposition
25 was scheduled for July 1st of 2004.

1 (Whereupon, Drucker Exhibit 8, a
2 deposition notice from June 3rd, 2004 of
3 Ms. Drucker, was then received and marked for
4 identification.)

5 (Whereupon, Drucker Exhibit 9, a
6 deposition notice dated June 23rd, 2004, was
7 then received and marked for identification.)

8 (Whereupon, Drucker Exhibit 10, a
9 letter to all counsel which was sent out by one
10 of Weitz & Luxenberg's trial paralegals
11 notifying folks on the rider that GE was
12 designating Ms. Drucker as the most
13 knowledgeable person in the two subjects and
14 that the deposition was scheduled for July 14th
15 and July 15th, and not for July 1st, was then
16 received and marked for identification.)

17
18 MARJORIE A. DRUCKER, Post Office Box 3515,
19 Manhattan Beach, California, 90266, after being
20 duly called and sworn, testified as follows:

21
22 EXAMINATION BY MR. KRISTAL:

23
24 Q. Ms. Drucker, as you know, I'm Jerry
25 Kristal. How are you?

1 After GE received that notice, we were
2 informed that you are designated as that person.
3 So you are here pursuant to Exhibit 9 as the
4 General Electric designee to speak about the two
5 subjects that I just mentioned. Do you
6 understand that?

7 A. Yes.

8 MR. SPEZIALI: Let me just make a
9 clarification. And I'm seeing -- maybe it's my
10 confusion, and whether it's my confusion or not,
11 it's irrelevant. That dep notice is for a group
12 of cases that go beyond Roth, Campo, Katz and
13 Renow. Did I get all four?

14 MR. KRISTAL: Roth, Campa, Zatz and
15 Renow. You're right, and let me put that on the
16 record.

17 MR. SPEZIALI: Right.

18 MR. KRISTAL: Sure. The deposition
19 notice which is dated June 23rd, which is
20 Exhibit 9, and that was sent a couple of weeks
21 after the first day of your deposition as an
22 expert, was noticed in all cases in which
23 General Electric is a defendant in the November
24 2003 and May 2004 in extremis trial clusters.

25 Is that what you wanted on the record?

1 MR. SPEZIALI: No.
 2 MR. KRISTAL: Okay.
 3 MR. SPEZIALI: Yeah, the first -- in
 4 the first dep, as far as I was aware, the only
 5 four cases that we were focused on, which means
 6 they may have been the only four that were left
 7 in the classes, were the four -- I'm going to
 8 call them the shipyard cases so I don't have to
 9 keep repeating. The four shipyard cases are
 10 Roth, Katz, Renow and Campa, right?

11 MR. KRISTAL: Yeah. You just misspoke.
 12 It's Zatz.

13 MR. SPEZIALI: What did I say? Katz?
 14 It's Zatz. I can tell you that for purposes of
 15 today's notice, she continues, of course, to be
 16 an expert in those four cases, and we are
 17 producing her as our 30(b)(6) witness for those
 18 four cases.

19 It is absolutely true that there are
 20 now other cases that are covered by this notice,
 21 but I have to tell you, and it's indicative of
 22 the unfairness of these clusters, I don't know
 23 anything about those other cases. I can tell
 24 you she hasn't seen these cases. I'm not
 25 telling you she would not be our 30(b)(6)

1 witness in those cases. She has no information
 2 or detail in those cases. She does know the
 3 four cases; shipyard cases. She's looked at
 4 those.

5 And there may be a nuance -- and I
 6 guess I'm concerned that there would be an
 7 allegation that we've done something improper in
 8 terms of the witness. My point is this: There
 9 may be nuances in these cases that she is
 10 totally not the right witness for. I don't know
 11 what they are. I don't know if there's a case
 12 here -- off the record before we started today I
 13 was mentioning to somebody that there was a case
 14 we were sued in that, for the life of me, I
 15 can't figure out why we would be sued.

16 There may be a case here that has
 17 allegations that she's just not the right
 18 witness for, and I don't know that. So that's
 19 my way of saying to you I am going to reserve a
 20 right to have a different 30(b)(6) witness as we
 21 get down to the nitty-gritty of some of those
 22 other cases.

23 And a lot of these may be dismissed and
 24 it won't matter. In fact, I think we might have
 25 been dismissed in a few of these already. So I

1 don't think that impacts anything you do today.
 2 The room is full of documents. Probably
 3 anything you ask about 30(b)(6) in the four
 4 cases will segue or spill over into the others
 5 anyway.

6 I just want you to know that I may have
 7 other 30(b)(6) witnesses on particular aspects
 8 of some of these cases. I can't represent to
 9 you that she is the appropriate only witness for
 10 all of them.

11 MR. KRISTAL: Well, let me see if we
 12 can work our way through this. We sent out a
 13 notice asking for GE to designate a spokesperson
 14 who were most knowledgeable in two subjects, and
 15 that was noticed in the in extremis trial cases
 16 in which GE is a defendant for the November 2003
 17 and November (sic) 2004 clusters.

18 Regardless of the details of any
 19 specific case, the generic subject matters are
 20 the same in all cases; GE's knowledge of the
 21 hazards of exposure to asbestos historically and
 22 GE's historical use of asbestos generally.

23 So I don't understand what you say when
 24 you have somebody who may be in a particular
 25 case on a particular subject a different

1 30(b)(6) witness. Ms. Drucker is the most
 2 knowledgeable person on those two subjects as
 3 the GE designee. If there are any other
 4 subjects that arise in these cases, either
 5 the ones that Ms. Drucker's been also designated
 6 as an expert for the other GE cases, you might
 7 designate somebody else most knowledgeable in a
 8 different subject, but Ms. Drucker is here on
 9 two subjects generically for GE. That's why I'm
 10 a little bit confused, but we can move forward.

11 MR. SPEZIALI: That's exactly my point.
 12 There may be other people that I need to add. I
 13 don't know what your allegations in some of
 14 these cases are. You may have a -- I'm not
 15 going to repeat the introductory statement or
 16 interrogatory answers, but we're a big, diverse
 17 company.

18 There may be product lines that neither
 19 she nor GE were thinking about that you stumbled
 20 across a 1930 document that you got off of eBay
 21 that we found out that we made that product line
 22 too that she knows nothing about. I may have to
 23 get some other witness for those. That's not
 24 going to change the fact that GE has general
 25 knowledge. I'm just saying we may have to

1 supplement on the 30(b)(6) as these cases go
2 forward.

3 MR. KRISTAL: If you want to add
4 somebody else in addition to her, we'll deal
5 with it at the time that you have to do that.
6 I'm not sure that will come to pass.

7 BY MR. KRISTAL:

8 Q. Exhibit 10 is a letter to all counsel
9 which was sent out by one of Weitz & Luxenberg's
10 trial paralegals notifying folks on the rider
11 that GE was designating Ms. Drucker as the most
12 knowledgeable person in the two subjects and
13 that the deposition was scheduled for today and
14 tomorrow, if necessary, and not for July 1st.
15 So I just want to put that on the record as
16 Exhibit 10.

17 There was also an agreement to
18 incorporate the June 3rd expert witness
19 deposition into this so that it's kind of one
20 continuing deposition. I think it will be
21 fairly easy to separate out Ms. Drucker's hats
22 in terms of whether she's testifying as an
23 expert or a GE spokesman in the -- spokesperson,
24 sorry, in the two subjects that we mentioned.

25 Now, do you understand that? I know

1 it's -- this is a lot of business, legalese,
2 that you're wearing two hats in some of these
3 cases; wearing both hats in the same case, one
4 is as an expert witness, and the other is as a
5 GE spokesperson. Do you understand the two hats
6 sort of?

7 A. Yes.

8 Q. Okay. Most of my questions last time
9 related to your designation as an expert witness
10 because you hadn't been designated as a GE
11 spokesperson at that time, but there's an
12 agreement if there are some questions that
13 relate to the two subject matters for which you
14 are now the spokesperson, that we're going to
15 incorporate that into this deposition. Do you
16 understand that?

17 A. Yes.

18 Q. Most, if not all, of my questions today
19 are going to relate to your role as a GE
20 spokesperson with respect to GE historical
21 knowledge of the hazards of asbestos and GE's
22 historical use of asbestos. Do you understand
23 that?

24 A. Yes.

25 Q. Okay. So if we kind of get into other

1 subject matters, I will let you know so maybe it
2 will help you refocus your answers perhaps.

3 A. Thank you.

4 MR. KAPSHANDY: For the record, if you
5 can tell her and us whether you're asking her
6 personally or as an expert. We'll otherwise
7 presume you're asking her as a GE
8 representative. Is that fair?

9 MR. KRISTAL: That is fair. And as I
10 said, it will probably take most of the day, if
11 not all of the day today, to get through the GE
12 hat. All right.

13 Having said that, are you ready to
14 begin?

15 THE WITNESS: Yes.

16 MR. KRISTAL: Okay.

17 MR. SPEZIALI: Can I give you -- we
18 brought four other exhibits. I can tell you now
19 or a different time. Before you start, we
20 have -- in the room are the boxes of exhibits
21 that have been sent to Plaintiffs' counsel, that
22 hopefully he had a chance to look at some of
23 them.

24 What I did is I brought with me the
25 following which will be added to the exhibit

1 list. I brought the -- what is Betts Exhibit 10
2 which is the February 19th, 1943 New York Navy
3 Yard medical division memorandum from Goldwater;
4 I brought an unedited version of the Flescher
5 Drinker report.

6 I have -- we have -- also will be
7 adding the July 5th, 1955 Industrial Health
8 Program from the Navy Civilian Personnel
9 Instructions Manual; January 7th, 1958
10 Department of Navy safety handbook for pipe
11 fitters; also from the Betts and Cushing
12 depositions, February 19th, 1959 New York Navy
13 Shipyard, Brooklyn, High Temperature Pipe
14 Insulation Form, the minutes from that meeting.

15 And it was a -- I think it was just a
16 copying issue, and I don't have the number in
17 front of me, but on the GE exhibit list is the
18 June 20th, 1986 preamble to the OSHA
19 regulations. For some reason, only a couple
20 pages printed on that. So we have the entire
21 preamble here that will be imaged on to the
22 disc. It was just a mistake but I brought it
23 anyway. So these are the additions, most of
24 which I think you've already seen in other --

25 MR. KRISTAL: Other lifetimes.

1 MR. SPEZIALI: Well, actually in some
2 depts that you were at last week, I think.

3 MR. KRISTAL: To the extent that I
4 understand what these documents are, and I
5 certainly am familiar with some of them, they
6 relate more to your hat as an expert witness.
7 They don't relate directly to GE and its
8 knowledge or GE and its use of asbestos, so it's
9 highly unlikely I'm going to be asking about
10 these today.

11 But when you put on the other hat, that
12 may be incorrect, but since I haven't had a
13 chance to really look at them, it's highly
14 unlikely that I'll be asking you about them
15 today. Anything else?

16 MR. SPEZIALI: I'll think of something.

17 BY MR. KRISTAL:

18 Q. Could you tell me when the General
19 Electric Corporation was incorporated?

20 A. GE was incorporated in the early 1890s.

21 Q. Okay. And in what state was it
22 incorporated, if you know?

23 A. I don't recall.

24 Q. Okay. Do you know where GE's
25 headquarters, corporate headquarters have been

1 historically?

2 A. I'd say historically -- I'd say from
3 the 1950s forward for a great length of time
4 they were headquartered in New York City, and
5 then in the late 1970s they moved to Fairfield,
6 Connecticut.

7 Q. Okay. Prior to the 1950s, do you know
8 where corporate headquarters were?

9 A. As I recall, they were also in New York
10 City for a long period of time because I recall
11 seeing correspondence to the then president in
12 New York City.

13 Q. Right. And if I understand what you're
14 saying, Gerald Swope, S-W-O-P-E, was GE
15 president from the 1920s to around 1940 or so?

16 A. That's correct, from the early '20s to
17 the early '40s, and he came back for a period of
18 time during the war and then he retired again.

19 Q. Mr. Swope's offices, as president of
20 the General Electric Company, were in New York
21 City, right?

22 A. Yes.

23 Q. And General Electric has facilities,
24 whether they are manufacturing plants or service
25 plants, all over the US?

1 A. Yes, they do.

2 Q. And have had them all over the US since
3 certainly the 1920s?

4 A. Yes, I would say so.

5 Q. I want to talk to you about products
6 that General Electric produced that either
7 contained components made out of asbestos or
8 products that were themselves made with asbestos
9 and GE's use of asbestos in some of those
10 products.

11 (Whereupon, Drucker Exhibit 11, a
12 broad-brush summary of various asbestos air
13 sampling that had been done over the years in
14 various locations at GE where asbestos was used
15 or asbestos was used in the production of GE
16 products, was then received and marked for
17 identification.)

18 BY MR. KRISTAL:

19 Q. So I'm going to mark as Exhibit 11 --
20 it's a three-page index which was part of the
21 documents that have been supplied to me with
22 respect to documents that you have reviewed.
23 And I believe if I'm understanding this
24 three-page summary, this is sort of a
25 broad-brush summary of various asbestos air

1 sampling that had been done over the years in
2 various locations at GE where asbestos was used
3 or asbestos was used in the production of GE
4 products. Is that a fair statement?

5 A. Yeah. I don't know what you mean by
6 broad brush. This is a summary of the
7 industrial hygiene air sampling that was
8 conducted throughout GE facilities for the
9 period 1950s through 1990s.

10 Q. Okay. I guess what I meant by broad
11 brush is we have not all that much level of
12 detail of the results but we have some kind of
13 tabulation or summary of those results. Is that
14 fair?

15 A. Yes, that's based on the industrial
16 hygiene surveys that are in the files in this
17 room.

18 Q. Right. I have those, but for purposes
19 of what I want to do now, I'm just going to ask
20 you about the various products rather than the
21 details of the air sampling. Okay?

22 A. Sure.

23 Q. Okay. And just so the jury
24 understands, what GE did historically at
25 different locations throughout the country where

1 they were using asbestos products or asbestos
2 products were being used in the production of
3 their other pieces of equipment, would take
4 periodic air sampling to measure the amount of
5 asbestos in the air.

6 A. Yes. As part of their ongoing
7 industrial hygiene monitoring to protect their
8 employees they took periodic monitoring. Some
9 of these samples reflect other monitoring, as
10 well, those conducted by state governments, and
11 those were incorporated here, too.

12 Q. Okay. Regardless of who took the
13 samples, whether it was GE internal people or
14 some outside agency, the monitoring was done in
15 areas where asbestos products were used on
16 products or used in the production of products
17 at General Electric?

18 A. Yeah. They might have been, right,
19 components used as part of GE products that were
20 not themselves asbestos products.

21 Q. Right.

22 A. But they were just used in association
23 with certain limited applications, yes.

24 Q. For example, on the second page of
25 Exhibit 11, it has product dash use and

1 production, and then it has a list. And the
2 first one is arc, A-R-C, chutes, C-H-U-T-E-S,
3 switch gear and control panels, and then it has
4 dash use, and then it has, the next column down,
5 arc chutes, switch gear and control panels
6 production. Do you see that?

7 A. Yes.

8 Q. And if I'm understanding this, there
9 were samples taken at various GE locations over
10 the years where GE was using arc chutes, switch
11 gear and control panels that contained asbestos?

12 A. Yes. Generally they were made by
13 others, and they were just using them on their
14 premises, and yes, they were testing that.

15 Q. Okay. But then the second one is arc
16 chutes, switch gear and control panels
17 production.

18 A. Uh-huh.

19 Q. And those would be air samples that
20 were taken at GE facilities where those products
21 containing asbestos were produced by GE?

22 A. Generally I would say that those relate
23 to, to certain operations that may have been on
24 products purchased by -- from other
25 manufacturers such as arc chutes being produced

1 by other manufacturers and having had to be
2 worked in some manner so that asbestos samples
3 were taken.

4 Q. So GE people would take an arc chute
5 that contained asbestos and drill it or cut it
6 or manipulate it in some way and air samples
7 were taken. Is that an example of what you're
8 talking about?

9 A. Yes, that's an example, yes.

10 Q. The next item down with respect to
11 products at GE, brakes, B-R-A-K-E-S, use and
12 then brakes and production. Do you see that?

13 A. Yes.

14 Q. So air samples were taken at GE
15 facilities over the years where asbestos was
16 used in brakes and where brakes or brake
17 components were produced by GE?

18 A. Well, there were no samples actually --
19 you can see from the lower portion of the
20 chart -- on brake production because they didn't
21 make the brakes, but yes, on brake use there
22 were samples taken while they were used in GE
23 facilities.

24 Q. Okay. And then the next one down there
25 were asbestos-containing gaskets that were used

1 by GE over the years.

2 A. Yes, there were, and there were samples
3 taken on gasket use.

4 Q. Okay. Now, when it says gasket
5 production, and there's no samples next to it,
6 does that mean to you that asbestos-containing
7 gaskets were not produced by GE, or does it mean
8 that there were no air samples taken where
9 asbestos-containing gaskets were produced?

10 A. Yeah, it's my understanding that they
11 were not produced by GE.

12 Q. And you got that understanding from
13 speaking to folks at GE?

14 A. Yes. I spoke to many people throughout
15 GE and who had been with GE. I also read
16 answers to interrogatories, and that's what led
17 me to that.

18 Q. Okay. The next one, it's an
19 abbreviation that's supposed to mean general
20 use?

21 A. G-E-N-A-L?

22 Q. Right.

23 A. Yes. Genal actually was a product that
24 was made by GE. It's -- that's the product
25 name, Genal, and that -- we talked about that

1 briefly at the last deposition. That's a
2 phenolic polymer that was made by GE for a
3 period of time from the 1920s to 1972.

4 Q. Okay. So Genal, G-E-N-A-L, was a
5 product where, in its production at certain
6 General Electric facilities, GE would purchase
7 asbestos fiber and mix it with other raw
8 ingredients to make a product call Genal?

9 A. Yes. They mixed certain phenolic
10 materials with asbestos in some of the Genal.
11 Not all Genal contains asbestos, but that those
12 that did were included here obviously for the
13 asbestos testing.

14 Q. Okay. So here there was Genal use and
15 there were air samples done, correct --

16 A. Yes.

17 Q. -- over the years, and then Genal
18 production which is where GE was actually
19 producing this product?

20 A. Yes, that's correct.

21 Q. Okay. And then there were tests where
22 asbestos-containing products were used on jet
23 engines that GE had built. Is that right?
24 Where it says jet engines use.

25 A. Right. The jet engine itself obviously

1 parts of asbestos materials, yes. And I'm
2 sorry, the second part of your question --

3 Q. Involved the use -- when those
4 asbestos-containing products were used with
5 respect to the motors and generators GE also
6 took air samples at the GE facilities where that
7 was done?

8 A. Yes, generally. The use in motors and
9 generators is broad sweeping, actually. It
10 incorporates some of use and also certain --
11 some of the dismantling of certain types of
12 applications for former asbestos-containing
13 materials in motors and generators. That's a
14 broad category here that I put under use.

15 Q. Okay. Rail car use. So at times GE,
16 in its servicing of rail cars, would be using
17 asbestos-containing products?

18 A. I don't know about servicing, but
19 possibly in, in some sort of allied need. The
20 rail car again is not an asbestos product; that
21 it may have used certain materials that did
22 contain asbestos in certain small amounts.

23 Q. And GE, in some facility or more than
24 some facilities, were using asbestos products on
25 rail cars, right, because we have some sampling

1 is not an asbestos product but that it used
2 certain types of asbestos-containing parts that
3 were made by others incorporated into this.

4 Q. Okay. And then the next one down where
5 there's air sampling is locomotives production,
6 and General Electric over the years produced
7 locomotives and used asbestos-containing
8 products in the production of the locomotives.
9 Is that fair to say?

10 A. Yeah. It's my understanding that --
11 obviously again, locomotives are not an asbestos
12 product -- that it might have used certain types
13 of materials that contained asbestos at various
14 points in time.

15 Q. The next products are motors and
16 generators, and both use and production of
17 those. Do you see that?

18 A. Yes, I do.

19 Q. And so that means that over the years
20 GE both used asbestos-containing products that
21 were on or in motors and generators and produced
22 motors and generators in which asbestos products
23 were in or on?

24 A. Over the years GE did some work that
25 may have incorporated a production for certain

1 there, right?

2 A. Yeah, I don't know how many. I'd have
3 to actually look at the studies done on that,
4 but we do have some samples. We have six
5 samples total relating to rail car, and they're
6 all a hundred percent in compliance.

7 Q. And then Textolite, T-E-X-T-O-L-I-T-E,
8 use. That's a product that contained asbestos
9 that GE took air samples in some of the
10 facilities where that product was used?

11 A. Yes, and made, and we talked about that
12 at the last deposition also. That was a product
13 made from the 1930s through 1973 when it was
14 phased out. Not all Textolite contained
15 asbestos. Less than five percent ever did, but
16 these are obviously -- obviously we have very
17 few samples on that, those included here.

18 Q. Where do you get the information that
19 less than five percent of the Textolite products
20 contained asbestos?

21 A. I think it was from a few sources. One
22 was that some of these samples were taken by the
23 State of Massachusetts when they went into the
24 plants, and they described that not all these
25 Textolite materials contained asbestos, that

1 there were other things that could have been
2 used. And also from certain answers to
3 interrogatories, and also talking to people.

4 Q. Did you talk to someone specifically
5 about what percent of Textolite product made by
6 GE contained asbestos over the years?

7 A. Not that I recall.

8 Q. Now, GE did produce Textolite that
9 contained asbestos from the 1930s through
10 whenever it was phased out in the '70s, correct?

11 A. Yes, they did.

12 Q. Now, there are no air samples during
13 the production of Textolite, but the lack of air
14 samples does not mean that GE did not produce
15 Textolite with asbestos, correct?

16 A. Right. It doesn't mean that they
17 didn't produce it. They --

18 Q. I'm sorry. Go ahead.

19 A. Yeah. As I said before, they did
20 produce Textolite from the '30s to 1973.

21 Q. But the absence of air sampling does
22 not mean that GE did not produce
23 asbestos-containing Textolite, right?

24 A. Yes. If what you're saying, if I'm
25 understanding correctly, is that because we

1 don't have samples it doesn't mean they didn't
2 produce it, yes.

3 Q. Precisely.

4 A. Yes.

5 Q. Then there's transformers use and
6 transformers production. So GE both used
7 asbestos-containing products with transformers
8 and produced transformers which contained
9 asbestos-containing components or parts or
10 insulation perhaps, right?

11 A. Well, I don't know about production.
12 Yes, I'm sorry. Pardon me. We're looking at
13 transformers.

14 Q. Right.

15 A. Yes. Again, the transformer is not an
16 asbestos product, but it might have been used in
17 certain products in discrete locations made by
18 others, and there were samples on that and also
19 for use.

20 Q. And then turbines, we have use and
21 turbines production. So there were -- GE, in
22 using its turbines, would that be in servicing
23 turbines or repairing turbines would use
24 asbestos-containing products?

25 A. Well, again, to be totally focused on

1 that answer, I'd have to look at the document,
2 but in general I would say that a turbine is a
3 non-asbestos product, as well, but that there
4 may have been some materials used in conjunction
5 with parts of the turbine made by others that,
6 that contained asbestos, and those were tested.

7 Q. Well, when you say some components that
8 may have contained asbestos, there were lots of
9 components in and on turbines that contained
10 asbestos, were there not?

11 MR. SPEZIALI: I object to the use of
12 the word "lots".

13 THE WITNESS: I don't know what you
14 mean by lots. There were components made by
15 others that did contain asbestos at different
16 periods of time, and it's my understanding as
17 well that that would depend on the specific type
18 of turbine, the model, and I need to know more
19 specific information to really fully answer your
20 question accurately.

21 MR. KRISTAL: We'll go over in a few
22 minutes in more detail all of the
23 asbestos-containing parts that went in and on
24 turbines.

25 MR. KAPSHANDY: We're running afoul.

1 We were discussing before we started that that's
2 an area where we have designated other 30(b)(6)
3 witnesses who will talk about the historical use
4 of asbestos in those particular products. As
5 you know, we can designate more than one
6 witness. We don't want to suggest that she is a
7 witness for turbines, and I think you know that.

8 MR. KRISTAL: I don't know that, and
9 I'll ask the questions and we'll deal with it.

10 MR. KAPSHANDY: I think they had been
11 already. Just so we're clear, she is not the
12 person for historical use of asbestos in
13 turbines. If you want to ask her about that,
14 she's already qualified --

15 MR. KRISTAL: I'm just going to be
16 asking her about documents that you supplied to
17 me that Ms. Drucker supposedly reviewed.

18 BY MR. KRISTAL:

19 Q. Wire and cable use in production. GE
20 both manufactured wire and cable that contained
21 asbestos in it and used wire and cable that
22 contained asbestos?

23 A. Right. We mentioned that last time.
24 Wire and cable was made for a certain period of
25 time contained certain amounts of asbestos. And

1 as we mentioned before, not all wire and cable
2 made by GE contained asbestos. It was less than
3 ten percent, until around the 1970s it was less
4 than five percent.

5 Q. Where do you get those figures from?

6 A. I got those figures from speaking to a
7 few people that had worked in wire and cable in
8 Lowell, and those were in a list that I believe
9 was provided to you and it was called persons
10 places contacted. So I got that information
11 from at least one other, if not more than one,
12 person.

13 Q. So one or more people whose names would
14 be on the chronology summary that you have told
15 me that about ten percent of the asbestos --
16 strike that.

17 Ten percent of the GE wire and cable
18 had asbestos and then it was reduced in later
19 years?

20 A. Right. Up to, right, the '70s about
21 ten percent, and then it was reduced further,
22 and that, as I mentioned before, was because it
23 was required by law in certain types of wire and
24 cable. And then as the NEC approved
25 non-asbestos-containing wire for the highest

1 temperature wire and cable, then it was
2 eliminated in 1980.

3 Q. Move to strike the non-responsive
4 portion of that answer.

5 Let me mark as Exhibit 12 a document
6 dated April 30th, 1970. And it's from a
7 Dr. Brugsch, B-R-U-G-S-C-H, to a Dr. Elkins, and
8 it relates to a visit to the GE plant at Lowell,
9 Massachusetts of April 22nd, 1970. Do you see
10 that?

11 A. I do.

12 (Whereupon, Drucker Exhibit 12, a
13 document dated April 30th, 1970 from Dr. Brugsch
14 to Dr. Elkins, relating to a visit to the GE
15 plant at Lowell, Massachusetts of April 22nd,
16 1970, was then received and marked for
17 identification.)

18 MR. SPEZIALI: We're going to look at
19 this. Jerry, let me mention one other thing for
20 the record.

21 To the extent -- and again, this is
22 noticed for a large group of cases and only four
23 of which I am readily familiar with the facts
24 which are the shipyard cases. To the extent
25 that a document postdates a period of last

1 exposure, an alleged last exposure of a given
2 Plaintiff, I'm going to have a standing
3 objection.

4 I don't want to waive any objections
5 that I might have to relevance or admissibility
6 which are impossible to determine because I
7 don't know what the facts in all the cases are
8 that we're here for today. So I just want to
9 note for the record a standing objection.

10 I know you and I won't have a problem.
11 I'm worried about some other lawyers getting
12 imaginative and deciding suddenly that New York
13 rules don't apply for the dep and California
14 rules apply, and somebody in Illinois getting
15 the same thing in her head.

16 Just so the record is clear, we're
17 proceeding as a New York deposition, New York
18 rules, and I'm going to make certain objections
19 that I necessarily don't need to make under New
20 York rules because of nuances and thus
21 litigation and how we know these transcripts
22 tend to circulate elsewhere in the country.

23 I'm not going to belabor or burden the
24 record, and I know I wouldn't have a problem
25 with you on some of these objections, but that's

1 why I'm doing it. So I'll let her look at the
2 document.

3 MR. KRISTAL: This document, in the
4 third paragraph, references production by GE of
5 a product that contained asbestos, right?

6 MR. SPEZIALI: Is this from the
7 exhibits that we gave you?

8 MR. KRISTAL: Yes.

9 MR. SPEZIALI: Do you know the GE
10 exhibit number on this?

11 MR. KRISTAL: Well --

12 MR. SPEZIALI: The only reason I ask
13 that is for quick reference.

14 MR. KRISTAL: I didn't know there were
15 GE exhibit numbers. There may have been numbers
16 on the disc, but --

17 MR. SPEZIALI: That's the one, right,
18 that's on the disc?

19 MR. KAPSHANDY: Right. This looks to
20 be from the wire cable production IH file. I
21 could be wrong. Maybe the witness can tell us.

22 BY MR. KRISTAL:

23 Q. The third paragraph talks about a total
24 of forty machines used for carding and
25 processing asbestos felt. Do you see that?

1 A. Yes, I do.

2 Q. And that was in the production of wire
3 and cable. Is that your understanding? If you
4 look on the next page it may help.

5 A. I was looking at the location. Yes,
6 they were making wire and cable at this Lowell
7 plant for a period of time.

8 Q. Well, certainly going back to the
9 1930s, right?

10 A. As I recall it was about going back to,
11 yeah, that point in time.

12 Q. What they're discussing here is looking
13 at an area where asbestos is being handled in
14 making the felt to put on the wire and cable.
15 Is that fair to say?

16 MR. SPEZIALI: Just object. The
17 document speaks for itself.

18 THE WITNESS: They were discussing
19 certain of the processes, and asbestos felt
20 was -- is mentioned that it was being processed.
21 One thing.

22 BY MR. KRISTAL:

23 Q. On the next page, number two, it read,
24 quote, the twenty employees who are assigned in
25 an adjacent area where mainly cotton is used for

1 producing electrical cord and where considerable
2 amounts of dust were also noted on the floor
3 should also be given chest x-ray examinations on
4 full-size film at regular intervals, unquote.
5 Do you see that?

6 A. Yes, that's what it says. You read
7 that correctly.

8 Q. So there was a group of twenty
9 employees who were using cotton to produce a
10 coating for electrical cord, and they were
11 adjacent to folks who were using asbestos in the
12 same general process. Is that your
13 understanding?

14 A. That's what it appears to say in this
15 report.

16 Q. Okay. And then towards the second
17 paragraph it says, in view of the tendency of
18 asbestos workers to malignancies, closer
19 supervision of the exposed workers is indicated.
20 And that sentence should be in quotes. Do you
21 see that?

22 A. I see that you read that sentence
23 correctly.

24 Q. Well, this was a document that was
25 prepared by GE?

1 A. This is a document that was offered by
2 GE. They had requested information from the
3 state governments, and this is something that
4 was done by the State of Massachusetts.

5 Q. And this report was presented to
6 Dr. Elkins who was in the medical department at
7 the GE Lowell plant?

8 A. No. Dr. Elkins was the head of the
9 same program. In fact, I knew him. He was one
10 of the guest lecturers who frequently spoke at
11 the Harvard School of Public Health. So
12 Dr. Elkins was the head of the state program,
13 and this was an internal memorandum from his
14 people who go around and do the surveys for
15 Dr. Elkins.

16 Q. This you got from GE?

17 A. This GE got from the state.

18 Q. Right.

19 A. In fact, I don't know if this was ever
20 delivered to GE, actually. This could have been
21 an internal memorandum.

22 Q. Well, GE was certainly aware that this
23 inspection was going on because their plant
24 nurses and unit managers -- GE's plant nurse and
25 unit manager were interviewed for the visit,

1 correct?

2 A. Yes. They appear to have been
3 interviewed, correct.

4 MR. SPEZIALI: Just for the record, we
5 would -- to the extent that this document were
6 used or the transcript were read, we're going to
7 ask that Exhibit 12 be attached to the
8 transcript --

9 MR. KRISTAL: Sure.

10 MR. SPEZIALI: -- for completeness
11 purposes if it were read -- rather than
12 burdening the record now, I would read the
13 entire letter into the record at this point,
14 but --

15 MR. KRISTAL: You don't have the right
16 to read the entire letter into the record at
17 this point. The document has been identified.
18 The document has been marked. At the end when
19 you have a chance to ask questions, you can read
20 and ask anything you want.

21 MR. SPEZIALI: Let me just say, Jerry,
22 for the record again, you and I would never have
23 problems with this, but I do have a right to
24 read it to the extent that any imaginative
25 plaintiff's attorney, whether in New York or

1 elsewhere in the country, is going to decide
2 that suddenly this is trial testimony and is
3 going to try to read the transcript.

4 If that were the case, which I will
5 suspect somebody will attempt to do, I would
6 have a right to interject for completeness
7 purposes in the record.

8 In lieu of burdening the record with
9 that, we'll attach it to the transcript. If
10 somebody were to try to do it, hopefully whoever
11 counsel for GE is at this point will, based on
12 the statements, read the entire letter at that
13 juncture for completeness purposes.

14 MR. KRISTAL: If it's being used
15 potentially by us and marked into evidence and
16 anybody can read any portion of it.

17 MR. SPEZIALI: I agree you and I will
18 never have a problem.

19 MR. KRISTAL: I wouldn't go that far.

20 MR. SPEZIALI: At least on that case.

21 (Whereupon, Drucker Exhibit 13, a
22 document dated July 16th, 1956 to Dr. Elkins
23 from Mr. Compony and Mr. Bavley, the subject
24 being the Lowell, Massachusetts plant, was then
25 received and marked for identification.)

1 BY MR. KRISTAL:

2 Q. Exhibit 13 is dated July 16th, 1956,
3 and it is again to Dr. Elkins from a Mr. Compony
4 and Mr. Bavley, and the subject is the Lowell,
5 Massachusetts plant. Is that fair to say?

6 A. Yes.

7 Q. And they're talking about evaluating
8 dust conditions in the heater cord braiding and
9 K carding departments. Do you see that?

10 A. Yes.

11 Q. And what's your understanding of the K
12 carding department at GE, Lowell, Massachusetts
13 in 1956 in terms of their use of asbestos?

14 A. Well, I'd say that in general, what I
15 know from all the departments of GE, when they
16 used asbestos in the production of wire and
17 cable, that all tests conducted over the years
18 were within the applicable permissible exposure
19 limits at the time.

20 With regard to specifically the K
21 carding department in Lowell, I've seen the
22 indication -- alphabetical indication such as K
23 and other alphabet letters of different carding
24 areas. I'm not sure what the K means. Carding
25 is where they were doing the carding operation

1 on the fiber.

2 Q. I move to strike the non-responsive
3 portions of that answer.

4 And according to this memo, the mixture
5 of the heater cord asbestos covering was
6 eighty-five to ninety-five percent asbestos, and
7 five to fifteen percent cotton was used in the
8 manufacture of heater cords; is that correct?

9 A. That's what this says, yes, you're
10 reading that first sentence in the first second
11 paragraph correctly.

12 Q. You don't disagree with that, do you?

13 A. I'll accept the document for what it
14 says.

15 Q. Okay.

16 MR. SPEZIALI: Again, we'd ask that the
17 entire document be attached to the record. We
18 would read in the results of the studies if we
19 were sitting in a trial and somebody were trying
20 to read portions of the letter.

21 BY MR. KRISTAL:

22 Q. I'm just asking you now about the
23 different products that contained asbestos that
24 GE was manufacturing. I'm not talking about air
25 sampling now. Do you understand that? So we

1 have heater cord coverings, we have the wire and
2 cable coverings. Those contained asbestos, and
3 they -- the coverings themselves were produced
4 by GE, put onto the cords and the wire and cable
5 that GE was manufacturing and selling. Is that
6 fair to say?

7 A. No. What I'd say is that in this
8 instance where you see this one memorandum dated
9 from 1956, they do indicate that they are making
10 certain -- that they're using certain amounts of
11 asbestos for certain aspects of heater cords.

12 It's my understanding that over the
13 years these kinds of products were not made
14 anymore. Just because it says something
15 happened in 1956, doesn't mean it happened for
16 the full time that GE made wire and cable.

17 So to the extent that -- what I said
18 was I accepted the document in 1956, that's what
19 they came across. Yes. Was it like that in
20 1960? As far as I know, no. So things did
21 change over time. I just want to put it in
22 perspective and context so that if you come back
23 later and say, well, up to 1980 they made this,
24 they didn't.

25 Q. Well, you've been designated as the GE

1 person most knowledgeable in the GE historical
2 use of asbestos. Tell me, during what period of
3 time did GE use asbestos in the manufacture of
4 wire and cable and in the manufacture of heater
5 cords.

6 A. Well, as I said earlier, it's -- GE
7 used chrysotile asbestos -- encapsulated
8 chrysotile in the manufacture of certain wire
9 and cable products from the 1930s through 1980.
10 And as I mentioned before, from the 1930s to the
11 1970s that was less than ten percent of the
12 types -- total types of wire and cable that they
13 made. After 1970 it was less than five percent
14 of the total that they made.

15 Q. Okay.

16 A. And it was -- as far as the outer and
17 the braiding and heater cords, it's my
18 understanding that products that used that were
19 phased out in the '50s. So that that type of
20 braiding would not have applied after the '50s.

21 Q. So from the '30s to the '50s that would
22 apply?

23 A. Possibly in some products. It was --
24 it had very limited use.

25 (Whereupon, Drucker Exhibit 14, a memo

1 dated November 22nd, 1972 regarding a meeting
2 between General Electric and Johns-Manville, was
3 then received and marked for identification.)

4 MR. KRISTAL: Okay. I move to strike
5 the non-responsive portion of the prior answer.

6 Exhibit 14, which I'll hand you, is a
7 memo dated November 22nd, 1972 regarding a
8 meeting between General Electric and
9 Johns-Manville. And it indicates as of that
10 date that GE was using asbestos, in the second
11 paragraph, to make plastic compounds. Do you
12 see that?

13 MR. SPEZIALI: Can I have that question
14 read back?

15 (Whereupon, the above-requested
16 question was then read by the reporter.)

17 MR. SPEZIALI: You sure you wanted to
18 ask it that way as of that date?

19 MR. KRISTAL: Fine.

20 THE WITNESS: As of that date. Well,
21 we know that GE phased out the use of asbestos
22 in the plastic that we called -- we discussed
23 before as Genal in 1952. So they're saying that
24 they were phasing it out as of this date.

25 MR. KRISTAL: So GE, at least as of

1 that date, the end of 1972, was phasing asbestos
2 out of the plastic compounds?

3 THE WITNESS: Right, as we talked about
4 before. It wasn't in all plastics; in some --
5 less than five percent of Textolite, and in some
6 of the Genal, and as of '72 it was phased out in
7 the Genal.

8 MR. KRISTAL: And this is all things
9 that have been told to you either by people
10 you've interviewed or from GE's answers to
11 interrogatories?

12 MR. SPEZIALI: Objection. It's in the
13 documents.

14 BY MR. KRISTAL:

15 Q. The percentages?

16 A. The percentages.

17 Q. When you say something was only five
18 percent of the product, so I don't have to keep
19 on asking, your knowledge of that comes from
20 information you got from General Electric's
21 answers to interrogatories or from speaking to
22 somebody at General Electric?

23 A. As I said before, yes, in part from
24 answers to interrogatories, in part from
25 speaking to people, and then also, as I

1 mentioned, that the state was in doing
2 monitoring in some of these plants, especially
3 in Massachusetts where this plastics, that it's
4 my understanding they're referring to the Genal
5 was made, and in the state reports themselves
6 the state indicates that in certain inspections
7 that, that asbestos was only used in certain
8 amounts of products, not in all products.

9 Q. But they don't give a percentage.

10 A. I'd have to look at the document itself
11 to be sure, but I mentioned that before some of
12 my knowledge comes from state reports
13 inspections and some of it from answers to
14 interrogatories and from speaking to people.

15 And there were a lot of crosschecks in
16 all this. I had an opportunity to go from
17 document to document and refer from one to the
18 other. So there were crosschecks in doing this
19 type of study.

20 Q. Okay. And if the percentages of the
21 plastic compounds that had asbestos are not in
22 your chronological notes -- and you didn't get
23 it from somebody you interviewed? Is that fair
24 to say?

25 A. I'm sorry.

1 Q. Sure. You have provided a
2 chronological list who you met with and who you
3 spoke to, and you wrote notes from your longhand
4 notes and typed them into an index, right?

5 A. Yes. I typed into that running list
6 that we talked about before.

7 Q. And then you threw your original notes
8 away?

9 A. Yes. Yes, I discarded them after I had
10 put the information into the listing.

11 Q. So the information that's on the
12 listing are complete records of your notes?

13 A. Unless I recalled something in addition
14 to that; if I remembered something from a
15 discussion that's not necessarily written down.

16 Q. So you might have remembered something
17 from a discussion that wasn't from your original
18 notes, didn't make it onto your chronological
19 notes but you remember now?

20 A. It depends on what you might ask me.

21 Q. I'm just asking.

22 A. It depends on what you might ask me.
23 There might be something that I recall that
24 might not have gotten written down.

25 Q. So now the memo, Exhibit 14, also

1 A. I spoke to some industrial hygienist
2 who indicated that in '72 GE had phased asbestos
3 out of plastics and was very happy with that
4 decision. And so yes, I spoke to an industrial
5 hygienist about that in general.

6 Q. My question is, did you speak to anybody
7 at GE regarding those departments referenced in
8 this memo in terms of their decision to
9 eliminate asbestos in the end of 1972 from those
10 two products, plastic compounds and the
11 insulating tapes based on the economic penalties
12 associated with the cleanup equipment?

13 A. That wasn't your question before. That
14 was entirely different. Which question -- what
15 do you want?

16 Q. Okay. Well, I want to know if you
17 spoke to anybody about that sentence, that GE
18 departments made their decisions based on the
19 economic penalties associated with cleanup
20 equipment.

21 A. Okay. If you're asking me now if in
22 these cases GE departments made their decisions
23 based on the economic penalties associated with
24 cleanup, all I know is that's what this person
25 wrote in the letter.

1 references a group within GE with respect to
2 deciding as of November of '72 to phase out
3 asbestos insulating tapes. Do you see that?

4 A. Yes. It says here the IMD group has
5 decided to phase it out of insulating tapes.

6 Q. Okay. Right. And the "it" refers to
7 asbestos?

8 A. Yes.

9 Q. Okay. So GE was manufacturing
10 insulating tapes which also contained asbestos
11 for some period of time?

12 A. That doesn't necessarily mean that to
13 me, that they might have been buying this and
14 they were just going to phase it out in the use
15 of insulating tapes. That's the way I look at
16 that.

17 Q. And the memo in both cases says, these
18 GE departments made their decisions based on the
19 economic penalties associated with the cleanup
20 equipment. And that sentence should be in
21 quotes. Do you see that?

22 A. Yes, that's the last sentence in the
23 second paragraph.

24 Q. Did you speak to anybody from GE who
25 you interviewed about that?

1 Q. Here's my question: Did you speak to
2 anybody about GE -- strike that.

3 Did you speak to anybody at GE, all of
4 the people you interviewed, about that decision
5 in terms of the "it" being based on economic
6 penalties associated with the cleanup equipment?
7 That's my question. I just want to know if you
8 spoke to anybody about that particular subject.

9 A. You're limiting it to a few words.

10 Q. I am limiting it because I'm asking the
11 questions. I'm limiting my question to whether
12 or not you spoke to anybody at GE about the
13 decision to eliminate asbestos in plastic
14 compounds and insulating tapes based on the
15 economic penalties associated with the cleanup
16 equipment. That is my question.

17 A. I'll answer it this way since you're
18 asking it very specifically with regard to these
19 words: I don't recall having mentioned, quote,
20 based on the economic penalties associated with
21 cleanup equipment, end quote. I'd say in
22 general I certainly spoke to them about their
23 use and their eventual discontinuance of
24 asbestos.

25 (Whereupon, Drucker Exhibit 15, a

1 letter that encloses a state survey similar to
2 the ones we had seen with respect to the wire
3 and cable and the heater cords April 22nd, 1991,
4 the subject being the General Electric turbine
5 department at Fitchburg, and the date of the
6 survey was April 14th, 1971, was then received
7 and marked for identification.)

8 BY MR. KRISTAL:

9 Q. Okay. Exhibit 15 is dated April 26th,
10 1971, and the first page is a letter from Harvey
11 Elkins to Mr. Rhodes, R-H-O-D-E-S, who's the
12 plant manager of GE at Fitchburg,
13 F-I-T-C-H-B-U-R-G, Massachusetts. Do you see
14 that?

15 A. Yes.

16 Q. And the letter encloses a state survey
17 similar to the ones we had seen with respect to
18 the wire and cable and the heater cords, and the
19 survey is dated April 22nd, 1991, and the
20 subject is the General Electric turbine
21 department at Fitchburg, and the date of the
22 survey was April 14th, 1971. Do you see that?

23 A. Yes.

24 Q. So at least from this particular
25 document, Mr. Elkins or Dr. Elkins had furnished

1 to the GE plant manager a copy of the survey
2 that had been done in that plant, right?

3 A. Yes.

4 Q. Okay. And the survey itself indicates
5 that the plant manager, Mr. Rhodes, and two GE
6 plant nurses were also interviewed at the time
7 of the survey in April of 1971.

8 A. Yes. Wait. Two GE --

9 Q. Look on the next page. The survey says
10 persons interviewed, and it includes Mr. Rhodes,
11 the plant manager, and two GE plant nurses,
12 correct?

13 A. Yes.

14 Q. Okay. And this deals with, in part,
15 the cutting of asbestos with a power saw, right?

16 A. Yes, the cutting of asbestos blocks,
17 yes.

18 Q. And if you look at the survey itself,
19 the next page, second paragraph, they're
20 speaking about a particular employee, and
21 because of privacy issues I don't feel
22 particularly right in mentioning his name
23 because there's a medical issue involved, so
24 I'll call him Mr. B. William B. Do you know who
25 I'm talking about?

1 A. Yes.

2 Q. Okay. And Mr. B was sixty-two years
3 old, and he was one of the three employees
4 engaged in changing turbine filters and
5 preparing asbestos gaskets. That's what the
6 survey says, right?

7 A. Yes.

8 Q. And then the survey says, quote, this
9 operation is performed monthly for one or two
10 days and entails the use of number 450, 450,
11 asbestos cement as well as the cutting of
12 asbestos blocks, both obtained from
13 Johns-Manville, end quote. Do you see that?

14 A. Yes, you read that correctly.

15 Q. And so that would be an example -- when
16 we looked at the original industrial hygiene
17 surveys where it says turbines use, these are
18 asbestos-containing products used by GE in the
19 production of their turbines, right, in the
20 plant at Fitchburg?

21 A. Are you talking about the survey? Are
22 you talking about the air sampling data that we
23 went through before?

24 Q. Right. It says turbines use. So there
25 was use of asbestos-containing products with

1 respect to turbines at GE?

2 A. Well, I'm not saying that that is
3 exactly the same type of use as is described
4 here in this particular memorandum.

5 Q. No, but this is an example of the use
6 by GE of asbestos-containing products in
7 conjunction with their turbines.

8 MR. KRISTAL: I really would appreciate
9 if you wouldn't shake your head. It may be
10 unconscious --

11 MR. KAPSHANDY: You're confusing a
12 totally different set of documents. Industrial
13 hygiene --

14 MR. KRISTAL: All I'm asking is please
15 don't nod your head or shake your head in one
16 direction or the other. You're sitting right
17 next to the witness. That's all I'm asking.

18 MR. KAPSHANDY: Counsel, your question
19 is misleading in that this document is not even
20 referred to in something that you know is not in
21 the summary of the industrial hygiene use and
22 data. You're confusing two different sets of
23 documents and contents.

24 MR. KRISTAL: Let me say my comment had
25 nothing to do with confusion. My comment had to

1 do with perhaps an unconscious shaking of your
2 head.

3 BY MR. KRISTAL:

4 Q. All I'm asking is this survey
5 references with -- the use of
6 asbestos-containing products in conjunction with
7 turbine production by GE. Is that fair?

8 A. Before you said that he shook his head.
9 I'm not looking in his direction.

10 Q. There is no question pending other
11 than --

12 A. I'm trying to answer the question. I
13 said before are you, are you trying to link this
14 up with the air industrial hygiene data from
15 before? These are two different sets of
16 circumstances completely. The industrial
17 hygiene data that we mentioned before is
18 different data -- obviously there is no data from
19 this. This is a qualitative study. It's
20 descriptive, and these were two entirely
21 different situations.

22 Q. Okay. Move to strike that answer.

23 Here's my question. This survey is an
24 example of the use by GE of asbestos-containing
25 products in the production of turbines at GE

1 happened when his people went into this plant at
2 that particular time.

3 Q. Move to strike the non-responsive
4 portions of that answer.

5 GE had been manufacturing turbines from
6 the turn of the 20th century; from the 1900s
7 forward?

8 A. GE -- yes, in general they made
9 turbines from, right, the 1900s forward.

10 Q. And those turbines had asbestos
11 insulation that were used on them from that time
12 forward?

13 MR. KAPSHANDY: Now, Counsel, here's
14 where you have been tendered a 30(b)(6) witness
15 on the use of asbestos in conjunction with
16 turbines. This witness is not being designated
17 on that subject. If you want to continue to
18 waste your time asking her about that, it truly
19 is a waste of time.

20 She is not GE's designee on the use of
21 asbestos in marine steam turbines. She is not
22 answering those questions on behalf of GE. You
23 were tendered Mr. Hobson, and he is the designee
24 on that subject.

25 MR. KRISTAL: I'm asking you in terms

1 plant in Fitchburg, Massachusetts. Is that fair
2 to say?

3 A. Well, I think what's fair to say is
4 that at this particular point in time when the
5 state went in, this is one descriptor of how
6 asbestos was used in that plant. Whether that
7 extended to any other plants and points in time,
8 I have no reason to believe that's the case. I
9 know from this description here, you know, this
10 is, this is what was going on.

11 Q. Okay. And you have no reason to
12 believe that similar operations were being
13 performed at Fitchburg in years prior to this,
14 or you have no way one way or the other to know?

15 A. Well, I know that the state was in over
16 periods of years and had been in and out of all
17 GE plants. I know that Dr. Elkins -- who was
18 the head of the state program, I knew him
19 personally -- was on the TLV committee, and I
20 knew that -- we know that at this point in time
21 this activity was going on in this particular
22 plant.

23 So I don't see Dr. Elkins shutting down
24 anything or saying anything other than some
25 basic recommendations. So all I know is what

1 of being designated on the historical use by GE
2 of asbestos.

3 MR. KAPSHANDY: In something other than
4 marine steam turbines for which there has been
5 another designee?

6 MR. KRISTAL: That's not what GE said
7 in its designation, and I'll ask my questions
8 and we'll hash it out later.

9 MR. KAPSHANDY: Which designation are
10 you referring to?

11 MR. KRISTAL: The response to my notice
12 is what I'm referring to.

13 At the time --

14 MR. KAPSHANDY: Where is that? I'm
15 sorry. I don't have it.

16 MR. KRISTAL: It has been marked.

17 MR. KAPSHANDY: Provide it to me.

18 MR. KRISTAL: It was marked earlier.

19 MR. KAPSHANDY: Thank you.

20 MR. KRISTAL: In any event --

21 MR. KAPSHANDY: Counsel, I don't see
22 any GE response. Could you tell me which
23 exhibit that is?

24 MR. KRISTAL: What's that?

25 MR. KAPSHANDY: Which GE response

1 amongst these exhibits are you referring to?

2 MR. KRISTAL: The fact that Ms. Drucker
3 was designated.

4 MR. KAPSHANDY: Let me speak again in
5 plain English. She is not, by virtue of her
6 appearance, the designee as to use of GE
7 asbestos in conjunction with the use of GE
8 marine steam turbines. That was David Hobson.
9 You had your opportunity with him many times,
10 and she's not here to answer questions about the
11 use of asbestos in conjunction with GE
12 documents.

13 Your attempt to use this document out
14 of context which has to do with a totally
15 separate subject about GE's knowledge in health
16 and safety practice is, is one thing, but don't
17 try to turn this into a reattempt to redo your
18 deposition of David Hobson on the subject of the
19 use of asbestos in conjunction with GE's marine
20 steam turbines. You had your chance on that.

21 MR. KRISTAL: I would appreciate it if
22 you would just object to the form of the
23 question or reserve any objections for later on,
24 but I hear what you're saying and I'll speak to
25 David at a break as to your question about GE

1 designating Ms. Drucker.

2 In this particular instance there was a
3 concern that Mr. B had asbestosis, correct?

4 MR. SPEZIALI: No. Objection. Jerry,
5 that's not what the document says. Objection.
6 That document speaks for itself.

7 I was actually going to put it on when
8 you were done because I thought you asked it in
9 an earlier question. The document speaks for
10 itself. If it is deemed relevant because of
11 time frame, which we would object to in many
12 cases -- if it's deemed relevant, which we
13 object to relevance because it's a plant
14 situation versus an end-product use situation.

15 More importantly, that document does
16 not make a finding -- does not suggest in any
17 way that Mr. B has asbestosis, and it speaks for
18 itself. We'd ask if somebody were to put it
19 into evidence for those reasons or read portions
20 of the transcript, that the entire document be
21 read.

22 MR. KRISTAL: We're going to be here a
23 long time, and all I'm suggesting is if you keep
24 your objections to form, I would appreciate it.
25 I will live with the consequences. You can make

1 all of the objections that you're now making at
2 some other time, and if we need to get the
3 special master on the phone, that's fine. I was
4 hoping to finish by the end of tomorrow. Let's
5 try to move on.

6 BY MR. KRISTAL:

7 Q. This document was a document that you
8 had read as part of your review of General
9 Electric documents relating to asbestos use and
10 GE's knowledge of the hazards of asbestos. Is
11 that fair to say?

12 A. Yes, I would say that it was gotten
13 from the state so that they could show all the
14 records from the state, who went in of the
15 still-existing records, yes.

16 Q. Move to strike. You reviewed this
17 prior to today?

18 A. Yes.

19 Q. And it was provided to you by GE,
20 correct?

21 A. Most immediately, yes, I got this from
22 Mr. Kapshandy.

23 Q. And you knew or you know that Mr. B had
24 been diagnosed with asbestosis, is that fair to
25 say, from your review of GE documents?

1 MR. SPEZIALI: Objection. The document
2 speaks for itself.

3 THE WITNESS: Well, as of this date I
4 don't know whether that was the case. As of
5 this date it appears that Mr. B was presented
6 because of a blood dyscrasia.

7 MR. KRISTAL: Right. And then goes on
8 to say at the time of his visits to the blood
9 clinic it was found that he suffers from
10 pulmonary disease of an undetermined type, end
11 quote. Do you see that?

12 THE WITNESS: Yes.

13 MR. KRISTAL: But you also reviewed,
14 did you not, what I'm marking as Exhibit 16?
15 This is a medical record dated April 15th, 1971
16 of Mr. B. you had reviewed which makes a
17 diagnosis on the second page, first paragraph of
18 asbestosis.

19 MR. SPEZIALI: Objection. The document
20 speaks for itself. Relevance grounds.

21 (Whereupon, Drucker Exhibit 16, a
22 medical record dated April 15th, 1971 of Mr. B.,
23 was then received and marked for
24 identification.)

25 BY MR. KRISTAL:

1 Q. Right. First paragraph on the second
2 page says, quote, I feel that the clinical and
3 laboratory data in association with his
4 occupational exposure to asbestos is sufficient
5 to warrant the diagnosis of asbestosis, end
6 quote.

7 A. Yes, you read that correctly.

8 Q. Okay. Now, in this survey Mr. B was
9 cutting asbestos block and using
10 asbestos-containing cement in conjunction with
11 his work on the turbines, right?

12 A. As you said, the asbestos cement as
13 well as the cutting of asbestos blocks, yes, he
14 was doing that as of this day.

15 Q. In conjunction with his work on the GE
16 turbines in that turbine department?

17 MR. SPEZIALI: Again, objection. The
18 document speaks for itself.

19 THE WITNESS: Again, as of this date,
20 but what we know is that if he was diagnosed in
21 '71, he was probably exposed years and years
22 before; could have been twenty, thirty, forty
23 years before.

24 So I don't know whether Mr. B was brand
25 new to the plant and just happened to be there

1 Q. And there was a concern expressed,
2 according to the memo, about insulation lagging
3 which goes on the turbine, quote, as a wet mud
4 is, of course, removed at the time of
5 dismantling in a very dry, dusty state, end
6 quote. Do you see that?

7 MR. SPEZIALI: Objection. The document
8 speaks for itself.

9 BY MR. KRISTAL:

10 Q. Do you see that?

11 A. Yes, you read that correctly.

12 Q. Okay. So it's your understanding, is
13 it not, from reading this document that
14 asbestos-containing mud is put on GE turbines
15 and then at times in dismantling it, it has to
16 be removed?

17 A. It's my understanding that there is an
18 expert who's really more geared to turbines, and
19 there is a land turbine expert and a marine
20 turbine expert. The land turbine expert is Paul
21 Baniziewski, and the marine turbine expert is a
22 Mr. Hobson. So generally I would say that those
23 are the people who have the knowledge about this
24 kind of situation.

25 Q. Well, you've reviewed documents with

1 for a short period of time or what the situation
2 was. All I can go on is what literally is
3 written on this piece of paper. What his
4 history is, I don't know.

5 MR. KRISTAL: The next document is
6 Exhibit 17.

7 MR. KAPSHANDY: Can we put these aside?

8 MR. KRISTAL: I'm moving on to another
9 exhibit.

10 (Whereupon, Drucker Exhibit 17, a memo
11 from January 3rd, 1973, was then received and
12 marked for identification.)

13 BY MR. KRISTAL:

14 Q. This is a memo from January 3rd, 1973
15 which you also reviewed, correct, imparted to
16 you by the GE attorney?

17 A. Yes. I'm sorry, the question?

18 Q. This document was provided to you by
19 the GE attorneys and you have reviewed it before
20 today?

21 A. Yes.

22 Q. And it's a memo again about a meeting
23 between Johns-Manville and General Electric,
24 right?

25 A. Yes, that appears to be the case.

1 respect to wire and cable, and you've reviewed
2 documents with respect to a whole host of GE
3 products that had asbestos, right?

4 A. I reviewed a whole host of documents,
5 yes.

6 Q. And there were certainly people at GE
7 who you had to go to to find out about those
8 products, correct?

9 A. Those products meaning which products
10 are you talking about?

11 Q. Non-turbine, asbestos-containing
12 products, wire and cable, phenolic resins, those
13 types of products.

14 A. Yes, I spoke to people. I read
15 reports. I reviewed a number of things, as we
16 talked about before.

17 Q. What you're saying is you feel
18 comfortable speaking about those products but
19 you don't feel comfortable speaking about
20 asbestos on turbines?

21 MR. SPEZIALI: Objection, objection to
22 the question. It mischaracterizes what she
23 said, Jerry.

24 MR. KRISTAL: Okay.

25 THE WITNESS: It's my understanding

1 that any type of possible asbestos use would
2 depend on a particular model, make, year,
3 whatever, and that there are people that you can
4 go to for answers to these things. There was a
5 land turbine expert and a marine turbine expert.

6 BY MR. KRISTAL:

7 Q. Well, there's also a wire and cable
8 expert. You've read GE interrogatories. There
9 are specific people at GE who have more
10 knowledge on the individual products than you,
11 right? You're aware of that?

12 A. Yeah, there are people who are there
13 that have more knowledge than I on certain
14 aspects of those kinds of products.

15 Q. Okay. Are you doubting that there was
16 asbestos-containing cement put on GE turbines
17 historically?

18 A. That's such a broad question. I'd say
19 that I -- anything was possible, but it would
20 depend really on a specific that you're asking,
21 and that's the kind of question that you should
22 go to either Mr. Baniziewski or Mr. Hobson.

23 Q. So let me ask you this: You don't know
24 one way or the other whether some GE turbines,
25 over the period of time from 1930 to let's say

1 certainly direct you to Mr. Hobson. I said
2 before for the Navy we know that the Navy spec'd
3 out what they wanted. The Navy had applicators.
4 The insulators put whatever they wanted on their
5 own turbines.

6 Q. So you do know --

7 A. That I know.

8 Q. So you do know that GE turbines, over a
9 certain period of time, certain models had
10 asbestos-containing cement put on. You do know
11 that?

12 MR. KAPSHANDY: Are you asking her that
13 personally or as a representative of GE?

14 MR. KRISTAL: Personally or as an
15 expert or in her capacity at GE.

16 MR. KAPSHANDY: Out of fairness and for
17 the record, you said at the outset that you
18 would like her to state if there's any
19 confusion.

20 MR. KRISTAL: And I just said I'm
21 putting on her expert hat and her GE hat at this
22 point.

23 MR. KAPSHANDY: Let me ask you to break
24 them down if you can.

25 MR. KRISTAL: Sure.

1 1975, had asbestos-containing cement put on
2 them?

3 A. Well, as I said to you, I think -- in
4 this regard, it's a possibility, but it would
5 really depend on the application meaning the
6 situation that the turbine -- what it called
7 for, what the customer wanted, what the customer
8 spec'd out, obviously what the Navy -- the Navy
9 situation, what the Navy wanted. The Navy
10 applied their own insulation, so I can't answer
11 your question.

12 Q. You can't answer that question?

13 A. I just answered the question. I said
14 that there were --

15 Q. Your answer to the question is you
16 can't answer the question?

17 A. You totally distorted what I just said.
18 Let's read it back.

19 Q. You finished the answer with "I can't
20 answer that question", and I'm just trying to
21 understand. Are you saying you can't answer
22 that question?

23 A. Well, actually, my answer was that
24 there were many aspects to answering your
25 question fully. And for marine turbines I would

1 BY MR. KRISTAL:

2 Q. As an expert do you have an opinion as
3 to whether or not at any period of time GE
4 had -- GE turbines at any period of time had
5 asbestos-containing cement on them?

6 A. Well, I certainly -- as an expert and
7 having worked for the Navy, I would say that I'm
8 familiar that the Navy would have used asbestos
9 on its turbines at certain periods of time.

10 Q. Have you asked anybody about GE
11 turbines in general and asbestos use in your
12 capacity as a GE spokesperson? Have you asked
13 anybody about that?

14 A. As I sit here right now I don't recall
15 having spoken to somebody in particular -- with
16 the GE hat on now -- about GE's use of
17 insulation on turbines. That was my
18 understanding that there were turbine experts,
19 Mr. Baniziewski, Mr. Hobson, who would answer
20 specifically for those types of situations.

21 Q. So you did not speak to one person at
22 GE in your capacity as informing yourself about
23 GE's historical use of asbestos in terms of
24 trying to find out whether or not
25 asbestos-containing products were used on GE

1 turbines at any period of time? You didn't
2 speak to anybody about that?

3 MR. KAPSHANDY: I think she said no
4 because that was somebody else's job.

5 MR. KRISTAL: That's what I'm trying to
6 find out.

7 MR. KAPSHANDY: Asked and answered.

8 THE WITNESS: Yes, as I said, it was my
9 understanding that there were people who
10 specialized, were experts in that, and that they
11 would direct it, and I have not spoken to
12 Mr. Baniziewski or Mr. Hobson.

13 MR. KRISTAL: Is it your understanding
14 that GE has other, quote, experts, end quote, in
15 the other asbestos-containing products that it
16 used or manufactured over the years? You've
17 seen that in GE's answers to interrogatories,
18 haven't you?

19 THE WITNESS: As I said before, GE made
20 very few types of products that ever contained
21 amounts of asbestos over periods of time. Other
22 products were not asbestos products. They may
23 have been used in conjunction with certain types
24 of materials made by others, and for some of
25 those, yes, it's my understanding there are

1 A. As I recall, there was a person
2 mentioned in wire and cable.

3 Q. And that would include phenolic resins
4 with asbestos?

5 A. For that I'd have to recheck the
6 answers to interrogatories.

7 Q. So why are you begging off the turbine
8 questions but you're not begging off the wire
9 and cable questions? You're aware that GE has
10 somebody that they claim is more knowledgeable
11 on wire and cable?

12 MR. SPEZIALI: Objection. She
13 hasn't --

14 MR. KRISTAL: Just object to the form.
15 She's very good at picking up your coaching, so
16 just make an objection to form or let the
17 question go.

18 MR. SPEZIALI: I'm not coaching.

19 MR. KRISTAL: Well, then you can either
20 say form objection if --

21 MR. SPEZIALI: When you're using a
22 phrase like begging off, you're accusing us
23 of obstruction.

24 MR. KRISTAL: So then object to the
25 form of the question.

1 people who are designated as experts in those
2 particular types of products.

3 MR. KRISTAL: Move to strike the
4 non-responsive portion. What products are there
5 people designated as experts in those types of
6 products?

7 MR. SPEZIALI: Just, Jerry, so we don't
8 get our phrases mixed up here, when we're saying
9 experts, I think we're talking about most
10 knowledgeable. Baniziewski would be most
11 knowledgeable. Hobson would be most
12 knowledgeable.

13 MR. KRISTAL: You guys can't have it
14 both ways as I'm sitting here.

15 BY MR. KRISTAL:

16 Q. You've read in GE interrogatories that
17 GE claims that there are a number of different
18 people knowledgeable about GE's use of asbestos
19 for a variety of different products.

20 A. I'm aware that for some products in
21 interrogatories there are people who are named
22 as those people most knowledgeable in those
23 types of products.

24 Q. And that would include wire and cable,
25 right?

1 (Discussion off the record.)

2 MR. KRISTAL: We're putting this on the
3 record or do you want to be off the record?

4 THE SPECIAL MASTER: What kind of
5 objections?

6 MR. KRISTAL: Speaking objections about
7 this and that and everything else, and then the
8 witness picks up on the objection and gives an
9 answer. If it's to form, state as to form. If
10 it's anything else, it's reserved.

11 MR. SPEZIALI: Laraine, I disagree with
12 that characterization, obviously, but let me tell
13 you what the problem is. We have here a
14 30(b)(6) witness whose genesis starts as an
15 expert in four marine turbine cases, purely
16 aboard ship, Navy exposure cases. In these four
17 cases, there are separate 30(b)(6) witnesses
18 with respect to turbine specific, and --

19 THE SPECIAL MASTER: You're saying
20 she's not the witness for that?

21 MR. SPEZIALI: She isn't, and here's
22 the problem. If you were to ask her a question
23 about give me the historic knowledge of General
24 Electric about asbestos, you ask her that
25 question, she would take you back to the 1920s,

1 1930s, and she would say as part of that yes,
2 and by the way, I understand that GE put
3 asbestos or it made products, namely turbines,
4 that had asbestos applied to them and they made
5 wire and cable and they made plastics and they
6 made arc chutes and they made a variety of
7 different things.

8 However, so to -- the short answer --
9 and as part of that she saw documentation, and
10 in some instances she talked to people and in
11 some she did not. To that extent in order to
12 capture the 30(b)(6) area of what did the
13 company in general do about asbestos, the answer
14 to the question is yes, she's that person.

15 However, when you start to ask her the
16 questions, okay, so tell me everything there is
17 to know about a turbine, tell me everything
18 there is to know about wire and cable, tell me
19 everything there is to know about an arc chute,
20 that's where she stops and she would say no, now
21 you have to go to Dave Hobson on one specific
22 product.

23 THE SPECIAL MASTER: So what's the
24 problem?

25 MR. KRISTAL: Well, the problem is Dave

1 is not saying what is happening here. I'm not
2 asking her to explain how a turbine works, how
3 an arc chute works. She's been designated.

4 THE SPECIAL MASTER: It's like -- you
5 know, are we clear, Jerry, that there are
6 certain areas that you may not explore with this
7 witness because she's not the designee for the
8 areas?

9 MR. KRISTAL: Well, she was designated
10 in the following two areas: GE's historical
11 knowledge of the hazards of asbestos and GE's
12 historical use of asbestos.

13 When I show her a memo and I ask her --
14 it talks about asbestos-containing mud and block
15 used on turbines, she's getting coached to say I
16 can't say anything about that. And when I ask
17 her about wire and cable, she can talk about it
18 and talk about it was only five percent.

19 So she's picking and choosing what
20 products she wants to talk about. And my main
21 reason for calling is simply to have the
22 objections be a form objection. The witness can
23 either answer the question or can't answer the
24 question or qualifies the answer, but what I
25 perceive as coaching going on is not proper.

1 And I told Dave he has a preservation of every
2 objection except as to form.

3 MR. SPEZIALI: Laraine, I'll -- again,
4 I'll disagree with the idea of coaching. Here's
5 the other problem, and I've said it on the
6 record several times and I'll repeat it.

7 If it was just me and Jerry and knowing
8 that at some later date you'd be ruling on
9 objections or the judges would be ruling, I
10 would have no problem. I would say objection,
11 or Jerry, you and I know I will have an
12 objection, and we'd move on with our lives and
13 this thing would go smooth.

14 The problem is this is the first
15 30(b)(6) deposition of this nature. It -- the
16 history of this litigation, as far as I'm aware
17 maybe there's two, who knows, of this type of
18 witness against General Electric, who, of course
19 has become, in light of bankruptcies, the new
20 target defendant.

21 We can't sit here and be naive. We
22 know the folks in California are going to look
23 to read this transcript. We know the folks in
24 Madison County are going to look to read this
25 transcript. And those judges and those special

1 masters and those courts, they're not going to
2 agree with the New York rules.

3 I have got to approach this to protect
4 this record. Now, I know we can't seal this
5 transcript, and even if you were to say on the
6 record right now it's never to be used anywhere
7 besides New York --

8 THE SPECIAL MASTER: I can't say that.

9 MR. SPEZIALI: -- you can't do that.

10 THE SPECIAL MASTER: It's not up to me.

11 MR. KRISTAL: Nor should you care about
12 anywhere else other than New York because we're
13 in New York taking a New York dep with a GE
14 designee.

15 MR. SPEZIALI: To the extent that I say
16 objection and indicate in the record, which I
17 probably wouldn't do specifically in most
18 instances as I'm in a New York case, as to why,
19 but if I think that a question does -- is
20 incomplete with respect to the document, I need
21 to say into this record I object, I ask that the
22 entire document be read. I think it's
23 incomplete.

24 THE SPECIAL MASTER: Why can't you do
25 that?

1 MR. KRISTAL: That's exactly what I
2 said, Laraine. That's what I said.

3 MR. SPEZIALI: In many states --

4 MR. KAPSHANDY: Here's what the problem
5 is. This is Tim Kapshandy, Laraine, GE's
6 national counsel. He's essentially asking her
7 to decide whether she is the corporate designee
8 for a particular subject. That's the lawyer's
9 decision.

10 We have told him point blank when it
11 comes to questions of specifics with regard to
12 turbines or wire and whatever, that she's not
13 the designee, she's not answering on behalf of
14 GE, and he wants her to answer that question.

15 THE SPECIAL MASTER: The way I would
16 rather you do that rather than having some sort
17 of leading objection or something that is not a
18 proper objection, if Jerry is asking her
19 questions that are outside the scope of her
20 designation, then instruct her not to answer,
21 all right, save all of that up to the end, and
22 then I'll decide whether that is in the scope or
23 outside the scope, rather than having a coached
24 answer or rather there having be no answer.

25 I mean, if I'm representing a 30(b)(6)

1 documents on turbines and asbestos on turbines.

2 When I ask her about those documents
3 that she reviewed as part of her scope of her
4 project, all of a sudden there's an objection.

5 THE SPECIAL MASTER: Why are you
6 objecting to asking her about documents that she
7 reviewed?

8 MR. SPEZIALI: No, no, no. We're not
9 asking about that. Here's what happens. She'll
10 clearly talk about a document that she reviewed.
11 So to the extent that the document provides
12 insight, yes, GE had a product line, yes, that
13 product line had somehow touched upon the world
14 of asbestos, that she'll say yes and yes to, and
15 she'll say I know that because the document has
16 the word asbestos in it.

17 But then to the extent that it goes
18 beyond and the question now is and therefore,
19 the General Electric Corporation understood that
20 its turbines, when they went to those ships and
21 they went to those land facilities, were going
22 to be insulated with asbestos --

23 MR. KRISTAL: I haven't asked that.
24 Let me give you an example specifically --

25 THE SPECIAL MASTER: Hold on one

1 witness and I designated it for A and they were
2 being asked questions about B, I'd simply
3 instruct her not to answer on the grounds it's
4 outside the scope of the designation.

5 MR. KRISTAL: This is the first time
6 that I'm hearing that they're carving out what
7 happens to be the critical products in this
8 case, number one.

9 THE SPECIAL MASTER: Do they have a
10 designee for the critical products?

11 MR. KRISTAL: Well, no. There's a guy
12 named David Hobson who worked in the late '60s
13 and has since retired from GE. This witness is
14 supposedly a total wrap-around witness. They
15 sent me --

16 THE SPECIAL MASTER: What's a
17 wrap-around witness?

18 MR. KRISTAL: A witness who is
19 basically talking about asbestos use and
20 knowledge of asbestos hazards by GE from the
21 1920s forward.

22 They have sent me hundreds, if not
23 thousands and thousands of documents that she
24 has reviewed as part of this project to become
25 the person most knowledgeable, including

1 second, please. Sorry.

2 MR. KRISTAL: -- so you can understand
3 what's going on.

4 THE SPECIAL MASTER: She doesn't know.
5 If he's asking her things that she doesn't know,
6 then all she has to say is I can't tell you, I
7 don't know that.

8 MR. KRISTAL: Precisely.

9 THE SPECIAL MASTER: I don't
10 understand.

11 MR. KRISTAL: The problem is we have a
12 witness --

13 THE SPECIAL MASTER: Stop. Is the
14 witness in the room?

15 MR. KRISTAL: No.

16 THE SPECIAL MASTER: If you've got a
17 witness who's a loose cannon, that's not Jerry's
18 problem. If she doesn't know -- if all she
19 knows is what she read in the documents and she
20 can't respond as to, you know, anything larger
21 than what she read in the document, then her
22 answer is she doesn't know.

23 MR. KAPSHANDY: That's what she said,
24 and she said I'm not the designee for that, and
25 he insists on pursuing that.

1 THE SPECIAL MASTER: She can say I
2 don't know. His question to her wasn't whether
3 she was the designee. His question is as to
4 whether she has knowledge.

5 MR. KAPSHANDY: He asked her why is it
6 that you're begging off on these questions?
7 It's very insulting, and it had to do with
8 whether she could make the determination as to
9 whether or not she was designee. She told him
10 at the start she is not. We told him during the
11 deposition she is not, and he keeps insisting on
12 asking.

13 MR. KRISTAL: Let me give you an
14 example.

15 THE SPECIAL MASTER: After she says I
16 don't know, he's going to stop wasting his time.

17 MR. KAPSHANDY: You don't know Jerry.

18 THE SPECIAL MASTER: Your objection to
19 that question would be objection to form because
20 it was asked and answered. Asked and answered.
21 I don't have any problem with that.

22 MR. KRISTAL: But Laraine, can I give
23 you an example of what I'm talking about?

24 THE SPECIAL MASTER: Okay. Is this all
25 on the record?

1 MR. KRISTAL: If you want to go off the
2 record --

3 THE SPECIAL MASTER: Go ahead.

4 MR. KRISTAL: She professes to know
5 about asbestos-containing wire and cable, and
6 she throws in in the context of an answer, it
7 was only five percent of the products. And I'm
8 moving to strike non-responsive things.

9 Then when I ask her about turbines, she
10 begs off because somebody else knows more than
11 her, and there's other people that know more
12 than her about wire and cable. So what's really
13 going on is she's talking about things she knows
14 nothing about, and she's begging off the
15 critical products in this case. But if you say
16 her answers should be I don't know and limit it
17 to I don't know the answer to that question,
18 we'll go to the next question.

19 THE SPECIAL MASTER: If she honestly
20 doesn't know the answer. If she knows, she
21 can answer.

22 MR. KRISTAL: Right.

23 MR. KAPSHANDY: The problem, Laraine,
24 is he puts documents in front of her that she's
25 reviewed that touch upon, as Mr. Speziali

1 mentioned previously, wire and cable, and he
2 reads from the documents, and then we're off and
3 running on wire and cable when we've told him,
4 the interrogatory answers told him there's other
5 people that know about wire and cable. She's
6 trying to be fair to him.

7 THE SPECIAL MASTER: I have no
8 independent knowledge. If the document says
9 that, that's what she has to answer. I mean, if
10 that's the -- if the only knowledge she has is
11 what's in the document, that's what she tells
12 him. If you want to cure any incomplete use of
13 the document, you have a turn after they go to
14 ask her anything you want to clarify.

15 MR. KAPSHANDY: Right. And as long as
16 we stop at that's all I know from the document,
17 we wouldn't be troubling you and we would be
18 fine.

19 MR. KRISTAL: I doubt that.

20 THE SPECIAL MASTER: If he asks six
21 more questions, he's wasting his day, and her
22 answer should be the same, and eventually --
23 Jerry is not a fool -- he will move on.

24 MR. KAPSHANDY: I hope you're right.

25 THE SPECIAL MASTER: I know Jerry is

1 not a fool. I know I'm right.

2 MR. KRISTAL: Can we agree that if
3 there's --

4 THE SPECIAL MASTER: That you're not a
5 fool? I think we can. Unfortunately by the
6 tone of this --

7 MR. KRISTAL: All those in favor?

8 THE SPECIAL MASTER: I hope this is on
9 the record, too.

10 MR. KRISTAL: All I'm saying is can we
11 get direction from you that the objections
12 should be limited to form, and that every and
13 any other objection is reserved for whenever
14 anybody anywhere in the country wants to use
15 this? Because I don't care about use anywhere
16 else, so I don't see why we should take New York
17 rules --

18 THE SPECIAL MASTER: You're taking a
19 New York deposition under New York rules.

20 MR. KRISTAL: Exactly. And therefore,
21 New York rules apply, and we'll go under New
22 York rules. If somebody else in the country
23 wants to use this, then they're stuck with
24 whatever the New York rules were.

25 THE SPECIAL MASTER: I would agree.

1 MR. KRISTAL: And thank you for the
2 vote of confidence.

3 THE SPECIAL MASTER: Well, it's
4 limited, Jerry.

5 MR. KAPSHANDY: We may have to call you
6 back.

7 THE SPECIAL MASTER: I'm reachable at
8 all times.

9 MR. SPEZIALI: We may get to a point
10 where my geographic concerns are such -- and
11 having been in some of those other
12 jurisdictions, which I know will absolutely
13 ignore New York rules --

14 THE SPECIAL MASTER: I don't see how
15 you can be hurt by an answer that says I don't
16 know.

17 MR. SPEZIALI: I'm concerned about a
18 partial reading of the document.

19 THE SPECIAL MASTER: If he reads a --
20 if he makes a partial read of the document, you
21 should -- you have an opportunity in this
22 deposition to ask your own questions and refer
23 back to his questions and say, Mr. Kristal
24 showed you a document, this is the document he
25 showed you, would you read -- he only read

1 paragraph two, would you read paragraph four?
2 Fine. There's a way to cure that.

3 MR. SPEZIALI: Unfortunately in some
4 jurisdictions because this has not been cross
5 noticed as an evidence dep by GE, my direct
6 examination at the end would not be admissible.

7 MR. KRISTAL: That's not New York
8 rules.

9 MR. SPEZIALI: I understand that, but
10 unfortunately New York rules will not be applied
11 in many jurisdictions anyway.

12 MR. KRISTAL: Not our problem, as I see
13 it.

14 MR. SPEZIALI: I agree. New York
15 doesn't have an identity of interest rule. I
16 can take fifty deps of co-workers on the
17 Constellation in the Brooklyn Navy Yard. In
18 every state but three that I know of, Florida,
19 Kentucky, New York, I could read that transcript
20 in on the identity of interest rule. I can't do
21 that in New York, and New York would not
22 recognize the jurisdictional rules of
23 California. Do you see what I mean?

24 THE SPECIAL MASTER: I can only be the
25 special master in this state.

1 MR. SPEZIALI: So I would like to at
2 least be able to indicate for the record that a
3 document, under completeness, should have been
4 read in.

5 THE SPECIAL MASTER: I tell you what
6 I'll let you do if -- Jerry, if it's okay with
7 you. When the questioning about the document is
8 completed, if he just wants to make a notation
9 that the document wasn't full and the witness
10 doesn't get to say anything else, I have no
11 problem.

12 MR. KRISTAL: Laraine, we could put one
13 statement on. I am marking the exhibits so they
14 will be part of the transcript. Have you ever
15 been to a deposition where every document in its
16 entirety was read into the record? We'd be here
17 for weeks.

18 THE SPECIAL MASTER: I'm not suggesting
19 that you read it into the record. Where he
20 feels there's a document where incomplete
21 reading is going to prejudice him in some other
22 jurisdiction, it can be noted. Why don't you,
23 at the end --

24 MR. SPEZIALI: That's what I've been
25 doing.

1 THE SPECIAL MASTER: Why don't you, at
2 the end, have something read into the
3 transcript.

4 MR. KRISTAL: Just have one major
5 statement and it's over.

6 THE SPECIAL MASTER: There's a way of
7 doing that.

8 MR. SPEZIALI: Exactly what you just
9 said is what I've been doing. I have just been
10 saying objection, I would ask that the entire
11 document be read in the event this transcript is
12 being used outside the New York rules.

13 MR. KRISTAL: Make that statement once.

14 MR. SPEZIALI: That's all I've been
15 saying as the document is read in.

16 MR. KRISTAL: Is it okay if he makes
17 the statement once?

18 THE SPECIAL MASTER: It seems to me
19 that's the decision. Have a nice day.

20 MR. SPEZIALI: We'll be talking to you.
21 Thank you.

22 THE SPECIAL MASTER: Bye.

23 MR. SPEZIALI: Off the record.
(Discussion off the record.)

24 MR. KRISTAL: Just on the record. Do
25

1 you want to put something on the record?

2 MR. SPEZIALI: Okay. As the record
3 reflects, we just had a discussion with the
4 special master, Ms. Drucker. Here's how we're
5 going to handle this.

6 There may be some instances, based on
7 that discussion, we're going to just tell you
8 don't answer the question. To the extent that
9 you feel there's an area that you're asked about
10 which is outside your area, you just simply
11 state that; this is outside my area, this is
12 knowledge that I don't personally have, and
13 leave it at that.

14 I will just do, at the instruction of
15 what the special master said, which I deem to be
16 an instruction by the Court, I will, I will, I
17 will -- I should say this also is an instruction
18 based upon the finding by the special master
19 that this is a New York deposition with New York
20 rules.

21 I will limit my objections to form, and
22 to the extent that a document is read
23 incompletely, we will simply object, and we
24 also -- with the understanding that that entire
25 document, if it's used as an exhibit in this

1 dep, is going to be attached to the transcript.

2 With that, let's -- I don't know if I
3 missed anything, but we'll proceed and see how
4 this works out.

5 MR. KRISTAL: Okay.

6 MR. SPEZIALI: We were on Exhibit 17 I
7 think was our last exhibit.

8 MR. KRISTAL: Exhibit 17 says, reading
9 the second paragraph, quote, he would add only
10 one specific question. The utility customer of
11 General Electric periodically takes down turbine
12 generators. The insulation lagging, which goes
13 on the turbine as a wet mud, is, of course,
14 removed at the time of dismantling in a very
15 dry, dusty state, end quote. Do you see that
16 sentence?

17 THE WITNESS: I don't have it in front
18 of me.

19 MR. SPEZIALI: You have it there.
20 Again, my objection is for reasons stated.

21 THE WITNESS: Yes, I read that.

22 BY MR. KRISTAL:

23 Q. And the "he" refers to, from reading
24 this document, Mr. Egge, E-G-G-E, or Mr. Nelson?

25 A. His real name is Ege, E-G-E. I'm trying

1 to read this to answer your question.

2 Q. Okay.

3 A. It's not totally clear to me who he is.

4 Q. Well, there were two people, a
5 Mr. Nelson in Schenectady, New York, right? It
6 says that up top. Mr. James Nelson?

7 A. Okay. There was a Mr. Nelson.

8 Q. And Mr. Ege?

9 A. Mr. Ege.

10 Q. Ege. And the correct spelling is
11 E-G-E. And Mr. Ege is John Ege who was a GE
12 industrial hygienist, correct?

13 A. He was, yes.

14 Q. Okay. You spoke specifically to
15 Mr. Ege, did you not, with respect to your
16 becoming the person most knowledgeable about the
17 historical use of asbestos at GE?

18 A. I did. I spoke to Mr. Ege about
19 asbestos matters in general.

20 (Whereupon, Drucker Exhibit 18, persons
21 contacted, places visited document, was then
22 received and marked for identification.)

23 BY MR. KRISTAL:

24 Q. Okay. And you spoke to him on
25 looking -- and I'll hand you a copy that I

1 marked as Exhibit 18 -- at your persons
2 contacted, places visited document, and down at
3 the bottom there's an entry that you spoke to
4 Mr. Ege on the phone 12/1/03.

5 A. That's correct.

6 Q. And there were no limitations on what
7 you could ask Mr. Ege, right, put on by GE?

8 A. No. I could ask anything I want.

9 Q. What did Mr. Ege say about this
10 conference in which either he or Mr. Nelson
11 asked about insulation lagging coming off a
12 turbine being dismantled and coming off in a
13 very dry, dusty state? What did he say about
14 that?

15 MR. KAPSHANDY: Objection. It's not a
16 GE document.

17 MR. KRISTAL: All you need to say is
18 object to the form.

19 THE WITNESS: Okay. First of all, I
20 don't know if it's -- somebody at GE apparently
21 did not write this document. I don't know if
22 what this person is saying or paraphrasing or
23 alleging or anything happened is true or is
24 anything related to GE whatever. So I mean,
25 I -- what was your question?

1 MR. SPEZIALI: Did you to talk to him?

2 BY MR. KRISTAL:

3 Q. Let me back up for a second. You were
4 given a task unrestricted by GE to find out a
5 lot of information about GE's historical use of
6 asbestos and GE's knowledge historically about
7 the hazards of asbestos, correct?

8 A. Yes.

9 Q. Were there any restrictions placed on
10 you timewise, money, material, who you could
11 speak to, who you couldn't speak to, any kind of
12 restrictions placed by GE on you in that regard?

13 A. No, no, they didn't give me any
14 restrictions.

15 Q. Did you speak to Mr. Ege about this
16 memo?

17 A. I don't recall having spoken to Mr. Ege
18 about this memo specifically, for one thing. I
19 did speak to Mr. Ege about asbestos in general.
20 For another, it's my understanding that these
21 documents come from Manville trust which, as I
22 understand it, these documents were obtained
23 fairly recently; since, in fact, I had spoken to
24 Mr. Ege. So that's -- just in timing, I didn't
25 have this by the time -- at the time that I had

1 spoken to Mr. Ege on December 1st of 2003.

2 Q. Okay. So when you reviewed this
3 document you called him back?

4 A. When I reviewed this document I had the
5 same questions in my mind that I just spoke to
6 you about. First of all, Mr. Ege -- can I
7 finish, please?

8 Q. My question is, did you call him back
9 after you reviewed the document?

10 A. I'm supposed to answer these questions
11 the way I'm supposed to answer them.

12 Q. You're supposed to give an answer
13 that's responsive.

14 A. That's what I'm doing.

15 Q. My question is, did you call Mr. Ege
16 after you read the document?

17 A. No.

18 Q. Okay. Next question, why didn't you
19 call Mr. Ege after you read the document if
20 there's any question about what the document
21 says?

22 A. Well, as I said, with regard to
23 questions about the document, I have no idea if
24 this was -- we know that this wasn't written by
25 Mr. Ege or somebody at GE, and I don't know if

1 the person writing this was accurate. I don't
2 know what they had in their mind. I don't know.
3 I don't know if this conversation or these
4 questions ever occurred. No, I didn't contact
5 Mr. Ege. I actually saw these documents fairly
6 recently.

7 Q. Like when?

8 A. I'd say within the last week or so.

9 Q. So you're going to plan on calling
10 Mr. Ege to find out something about this
11 document?

12 MR. SPEZIALI: Objection.

13 BY MR. KRISTAL:

14 Q. Are you planning on calling Mr. Ege?

15 A. I have no plans one way or the other as
16 I sit here right now.

17 Q. Was it your goal when you started this
18 project to get as much knowledge as you could on
19 the subjects that you were asked to get
20 knowledge about?

21 A. Yes, it was.

22 Q. Okay. And this document, in your mind
23 you don't know if it's accurate, who was at the
24 meeting, who wrote it, right?

25 A. Right. We don't know from this.

1 Q. But you do know that it references a
2 person who you have already spoken to and you
3 have access to speak to again, right?

4 A. Yes. And according to Mr. Ege, as he
5 told me on the phone on December 1st, 2003, he
6 didn't think asbestos was a problem during his
7 tenure. So in a way, he addressed this;
8 whatever issues came up. He didn't think
9 asbestos was a problem during his long tenure
10 with General Electric.

11 Q. And this document would contradict
12 that, right?

13 MR. SPEZIALI: Objection.

14 THE WITNESS: Not necessarily at all.
15 We don't know what this document reflects;
16 somebody's accurate, inaccurate, distorted view
17 about what was talked about. Who knows what
18 this -- no.

19 MR. KRISTAL: Isn't that the reason you
20 should speak to Mr. Ege?

21 MR. SPEZIALI: Objection.

22 THE WITNESS: I've already spoken to
23 Mr. Ege, and according --

24 BY MR. KRISTAL:

25 Q. So you don't --

1 A. Can I finish?
 2 Q. Sure. Go ahead.
 3 A. According to Mr. Ege, asbestos wasn't a
 4 problem during his tenure at General Electric.
 5 Q. And now you have a document that you
 6 don't know if it's accurate or not that mentions
 7 Mr. Ege being present at a meeting, right?
 8 A. Right.
 9 Q. And you have no plans to speak to
 10 Mr. Ege about that?
 11 A. I said I didn't have any plans one way
 12 or another.
 13 Q. Do you think it's a good idea you might
 14 want to speak to Mr. Ege?
 15 MR. SPEZIALI: Objection.
 16 THE WITNESS: I've spoken to a
 17 considerable number of other people, as you
 18 know, from this listing and from our
 19 discussions, and my, my understanding from
 20 speaking to many industrial hygienists and
 21 medical people over the years, and having been
 22 there myself in the 1970s, is that asbestos was
 23 not a problem the way it was used at GE.
 24 MR. KRISTAL: Do you think it would be
 25 a good idea in the context of your role that

1 is from the GE exhibit list?
 2 MR. KRISTAL: No. The E-17 is from the
 3 disc of documents that Ms. Drucker reviewed.
 4 MR. KAPSHANDY: That is a GE index
 5 provided to you?
 6 MR. KRISTAL: I agree, it's part of the
 7 GE index of documents that Ms. Drucker reviewed.
 8 There's a separate exhibit list in New York for
 9 this trial, and I don't believe this is on the
 10 GE exhibit list.
 11 THE WITNESS: Would you give me the E
 12 number?
 13 MR. KRISTAL: 17.
 14 MR. SPEZIALI: Okay. And this is
 15 Drucker --
 16 MR. KRISTAL: 19.
 17 MR. SPEZIALI: I'm sorry. What's 18?
 18 MR. KRISTAL: 18 was the chron --
 19 MR. SPEZIALI: I put 8. That's 18.
 20 All right.
 21 BY MR. KRISTAL:
 22 Q. You read this document, did you not,
 23 before today?
 24 A. Yes.
 25 Q. When did you read this document?

1 you've been asked to perform for GE to speak to
 2 Mr. Ege about this document? Yes or no.
 3 THE WITNESS: Maybe, maybe not. I will
 4 give it certain thought.
 5 MR. KRISTAL: Okay. If Ms. Drucker
 6 sees fit to speak to Mr. Ege about this
 7 document, I would ask that I be notified that
 8 that occurred so I can question her about that.
 9 (Whereupon, Drucker Exhibit 19, a
 10 document entitled ACM manuals including TILs,
 11 was then received and marked for
 12 identification.)
 13 MR. KRISTAL: Exhibit 19 is a large
 14 exhibit entitled ACM manuals including TILs.
 15 MR. SPEZIALI: What number is that,
 16 Jerry?
 17 MR. KRISTAL: E-17. I'm marking it
 18 as -- a group of them, and I'm marking one at a
 19 time as Drucker 19. I'll mark the first one
 20 which is a portion of this larger document.
 21 It's about an inch and a half thick, and I
 22 wasn't going to copy the whole thing. So I
 23 marked a portion in it which is called a
 24 technical information letter, TIL.
 25 MR. SPEZIALI: For the record, the E-17

1 A. Several months ago.
 2 Q. Now, there are many boxes of documents
 3 that you reviewed in performing your task for GE
 4 regarding GE's historical knowledge of the
 5 hazards of asbestos and historical use of
 6 asbestos?
 7 A. Yes, I reviewed many boxes of
 8 materials.
 9 Q. Did you take any notes on those
 10 materials?
 11 A. No.
 12 Q. Did you write on the documents
 13 themselves any notations or any kind of anything
 14 in writing to help you recall high points, low
 15 points, anything you thought about a document?
 16 Anything like that?
 17 A. In some instances I used highlighter.
 18 Q. Okay. And where are your highlighted
 19 copies?
 20 A. They're at my office.
 21 Q. Okay. And did you take any notes or
 22 write on them other than the highlighting?
 23 A. No.
 24 Q. This -- do you know what a technical
 25 information letter is from your review of GE

1 information?

2 A. Yes.

3 Q. And it's a letter that is to inform
4 customers of various things, correct?

5 A. Yes. In general, this one is one of
6 those. It's directed to sales and service
7 organizations.

8 Q. And this particular one is entitled
9 Asbestos-Containing Material in Turbine
10 Generators Applicable to Steam Turbine
11 Generators. Do you see that?

12 A. Yes.

13 Q. And it indicates that the purpose of
14 the TIL is to inform customers of the possible
15 location of asbestos-containing materials in
16 General Electric steam turbine generators
17 manufactured for utility and industrial
18 applications, right?

19 A. Yes.

20 MR. SPEZIALI: Objection.

21 THE WITNESS: You read that correctly.

22 MR. KRISTAL: And is it your
23 understanding of this TIL that it only applies
24 to GE turbine -- steam turbine generators for
25 utility and industrial applications that were

1 manufactured as of a certain date or all such
2 pieces of equipment manufactured by GE used by
3 any and all customers in that description?

4 THE WITNESS: By any and all
5 customers -- what do you mean? This one is
6 directed to utility and industrial applications.

7 MR. KRISTAL: Right. And is the
8 document limited in time in terms of turbine
9 generators manufactured after a certain date or
10 before a certain date or within certain dates?

11 MR. SPEZIALI: Objection. I don't
12 understand the question.

13 BY MR. KRISTAL:

14 Q. Sure. When you read this document, it
15 applied to GE steam turbine generators
16 manufactured for utility and industrial
17 applications. Was that your understanding?

18 A. That's that it says.

19 Q. Was that your understanding?

20 A. Yes, because that's what it says. That
21 was my understanding, yes.

22 Q. Good. Was it your understanding that
23 this TIL relating to steam turbine generators
24 was limited to any specific steam turbine
25 generator or model or applied to all GE steam

1 turbine generators?

2 MR. KAPSHANDY: Are you asking her
3 personally or as the 30(b)(6) designee? I think
4 we may be running afoul here. It was --

5 MR. KRISTAL: I'm asking what your
6 understanding of the document was.

7 MR. KAPSHANDY: Is that of her
8 personally or as a 30(b)(6) designee?

9 MR. KRISTAL: As a 30(b)(6).

10 MR. KAPSHANDY: Here we're going to ask
11 again for the special master's instructions.

12 Instruct her not to answer. A witness, Paul
13 Baniziewski, has been designated to explain
14 these documents in turbines and the use of
15 asbestos in conjunction with them.

16 MR. KRISTAL: Well, are you making him
17 available in this case then? In other words,
18 when I sent out a notice with GE to designate
19 the person most knowledgeable with respect to
20 GE's historical use of asbestos, it was not
21 limited in any way to a particular product or
22 product line. So Ms. Drucker was designated.
23 Now I understand you're making statements about
24 other people being designated.

25 MR. KAPSHANDY: Right.

1 MR. KRISTAL: So I want to know are you
2 making those people available in these cases on
3 that subject, because I believe that GE's
4 asbestos use in all products relates to these
5 cases, and that's what our dep notice was for.

6 MR. KAPSHANDY: Well, if you want a
7 designee for land turbines and it is appropriate
8 in these cases, whatever that means,
9 Mr. Baniziewski would be that designee.

10 MR. KRISTAL: Then we will take his
11 dep. You need to get a date for his deposition.

12 MR. KAPSHANDY: In these four cases or
13 generally?

14 MR. KRISTAL: Generally.

15 MR. KAPSHANDY: That's fine.

16 MR. KRISTAL: And we also have who
17 else? He's going to be -- Hobson, he's going to
18 be designated in all cases for person most
19 knowledgeable about steam turbines?

20 MR. KAPSHANDY: He has, I believe.

21 MR. KRISTAL: I don't think he has
22 because he said his knowledge was limited as of
23 the time he started working and GE turbines were
24 delivered to him. You may need to designate
25 somebody else.

1 What about other GE products? Every
2 and any GE product that had asbestos in it I
3 want to take that person's deposition that's
4 most knowledgeable, because I don't understand
5 what Ms. Drucker is doing here on that subject
6 if you're saying she can't talk about turbines,
7 wire and cable. Are you going to have somebody
8 for arc chutes and phenolic resins? My dep
9 notice was not limited.

10 MR. SPEZIALI: Let me say that to the
11 extent that these cases -- none of us have
12 looked underneath them beyond the four.

13 MR. KRISTAL: There's nothing limited
14 by these cases.

15 MR. SPEZIALI: Yes, there is. I
16 disagree with you. I don't think arc chutes are
17 relevant to the Navy cases.

18 MR. KRISTAL: Well, then you need to
19 file a protective order and -- you will need to
20 file a protective order.

21 MR. SPEZIALI: We're going to have to
22 do that. I'm not conceding that on the record,
23 but to the extent that there are cases -- and I
24 suspect there are land turbine cases. I'm not
25 going to pretend there aren't. That's the only

1 one that I would know beyond marine that we
2 would have a separate person for the kind of
3 detail you're looking for on the 30(b)(6).

4 MR. KAPSHANDY: Just so the record is
5 clear, a number of other designees' depositions
6 have been produced and are in those materials.
7 Let's not be coy about that. The depositions
8 are in these materials and provided to you for
9 motors.

10 MR. KRISTAL: These depositions were
11 provided to Ms. Drucker for her to review.

12 MR. KAPSHANDY: They were provided to
13 you, also.

14 MR. KRISTAL: Of course they were
15 provided.

16 MR. KAPSHANDY: So don't pretend you
17 don't know who they are.

18 MR. KRISTAL: They were provided to me
19 as documents that she reviewed in terms of her
20 task. So she's reviewing depositions of other
21 people. That's fine. But now if you want to
22 change that and say she can't talk about it,
23 that's fine, too.

24 MR. KAPSHANDY: She is not the designee
25 on motors, if that's your question. If you have

1 a motors case and you think that deposition is
2 important, then we'll arrange to produce it.

3 MR. KRISTAL: Who is your 30(b)(6)
4 witness on the historical use by GE of asbestos?

5 MR. KAPSHANDY: It depends on the
6 product. Let me be as plain as possible.
7 There's no one person who can answer that
8 question.

9 MR. KRISTAL: Then what products is she
10 here to discuss?

11 MR. KAPSHANDY: She's here to talk
12 about the knowledge with regard to the health
13 issues associated with the use of asbestos.
14 Unfortunately, there's no separate category for
15 use versus state of the art on knowledge of
16 health effects because they go hand in hand.

17 If you happen to be using asbestos in
18 the production of wire and doing industrial
19 hygiene sampling, they overlap. She's doing her
20 best to answer those questions. When you blur
21 into an area which clearly involves the
22 technical expertise of that product, we have
23 other designees for that. If it's appropriate
24 in a particular case, that person will be
25 produced.

1 MR. KRISTAL: Is Ms. Drucker being
2 designated as General Electric's person most
3 knowledgeable on the historic use of asbestos?

4 MR. KAPSHANDY: It depends on the
5 product.

6 MR. KRISTAL: Why didn't you say that
7 before we got here?

8 MR. KAPSHANDY: I said it at the
9 beginning. We said it off the record. We said
10 it on the record repeatedly.

11 MR. KRISTAL: The first time I heard
12 that was this morning. What I want to know
13 is -- there were two areas; one, General
14 Electric's historical knowledge of the hazards
15 of exposure to asbestos. Is Ms. Drucker GE's
16 spokesperson for that?

17 MR. KAPSHANDY: Yes.

18 MR. SPEZIALI: On certain aspects of
19 it, yes.

20 MR. KRISTAL: What do you mean by that?

21 THE WITNESS: Health aspects.

22 MR. KRISTAL: He just said that.

23 MR. SPEZIALI: He didn't use the word.

24 MR. KRISTAL: Hazards of the exposure
25 to asbestos.

1 MR. SPEZIALI: Yes.
2 MR. KRISTAL: Number two, General
3 Electric's historic use of asbestos. Who's your
4 designee?

5 MR. SPEZIALI: She, and to the extent
6 that you want to get into technical aspects with
7 respect to the mechanics of a particular piece
8 of equipment, an additional witness. There is
9 not one person in that category. There are
10 several people.

11 MR. KRISTAL: Are you limiting
12 Ms. Drucker to historical use of asbestos to
13 certain products or not?

14 MR. SPEZIALI: No.

15 MR. KRISTAL: Well, then I don't
16 understand why she can't answer the question.

17 MR. SPEZIALI: I made it very clear
18 with the special master on the record. To the
19 extent that she's asked are you aware that
20 asbestos was used or touched upon --

21 MR. KRISTAL: What I'm asking her is
22 her understanding of that document.

23 MR. SPEZIALI: To the extent she's
24 asked, she'll say yes.

25 MR. KRISTAL: I asked her her

1 understanding of this document, and she was
2 instructed not to answer.

3 MR. KAPSHANDY: No. I asked you to
4 clarify whether it was her personal
5 understanding or whether she was being asked as
6 a GE corporate designee.

7 MR. KRISTAL: I could care less about
8 Ms. Drucker's personal understanding about
9 virtually anything in the context of this
10 deposition.

11 MR. KAPSHANDY: In which case you did
12 change the question. If it's not simply what
13 she reviewed or what her understanding is but
14 what the GE's representation is as to what the
15 purpose of that document is and to whom it was
16 sent, you need to ask Paul Baniziewski. If you
17 want to ask what her personal understanding is,
18 she might be able to answer.

19 MR. KRISTAL: Why would I care what her
20 personal understanding is if she's not speaking
21 as a GE designee? It's like asking anybody in
22 the room --

23 MR. KAPSHANDY: She's also tendered as
24 an expert --

25 MR. KRISTAL: On this subject?

1 MR. KAPSHANDY: To the extent that you
2 believe this relates to health and safety issues
3 and hazard communication, then yes.

4 BY MR. KRISTAL:

5 Q. Put on your expert hat. What's your
6 understanding of Exhibit 19, this TIL, in terms
7 of whether it applies to any particular year or
8 any particular model of GE steam turbine
9 generator for utility and industrial
10 applications?

11 A. I have to say I don't know.

12 Q. Well, is it limited in the document
13 itself?

14 A. Is "it" limited? What do you mean by
15 "it"?

16 Q. What's your understanding in terms of
17 who this letter was sent to; this TIL?

18 MR. KAPSHANDY: Asked and answered, but
19 go ahead.

20 THE WITNESS: Just all I can do is say
21 that this was -- the purpose of this tactical
22 information letter is to inform our customers of
23 the possible locations of asbestos-containing
24 materials in General Electric's steam turbine
25 generators manufactured for utility and

1 industrial applications.

2 BY MR. KRISTAL:

3 Q. Okay. Is it limited in any way to
4 steam turbine generators manufactured before or
5 after any certain date?

6 A. I don't know.

7 Q. Well, does it say that?

8 A. I don't know.

9 Q. You don't know if it says that?

10 A. No.

11 Q. Why don't you read it.

12 A. If you'd like me to take my time, sure.

13 Q. Sure. Take as much time as you need.

14 A. Thank you. And could I have the
15 question again, please?

16 (Whereupon, the above-requested
17 question was then read by the reporter.)

18 THE WITNESS: I don't know.

19 BY MR. KRISTAL:

20 Q. But you just read it, right?

21 A. I just read this, yes.

22 Q. Does it say in it that it's limited?

23 A. I don't know.

24 Q. You don't know if it says in this that
25 it's limited or not limited?

1 A. I didn't see the word limited in the
2 document. If there is one, perhaps you could
3 point it out to me. As I mentioned before,
4 there's a person who does land-based steam
5 turbines who you could speak to,
6 Mr. Baniziewski, who's the person most
7 knowledgeable about this.

8 Q. We've spoken to the special master
9 about this. Just say I don't know.

10 A. I did.

11 MR. KAPSHANDY: She did.

12 MR. KRISTAL: Well, then you don't need
13 to go on any further.

14 MR. KAPSHANDY: Well, then don't re-ask
15 it. Then we'll move faster.

16 BY MR. KRISTAL:

17 Q. My question is, does the document
18 anywhere in it limit itself to a year in terms
19 of the manufacture of steam turbine generators
20 that they're talking about?

21 A. I don't know.

22 Q. Does the document limit it -- limit
23 itself in the document to any particular model
24 steam turbine generator that's referenced in
25 terms of being manufactured for utility and

1 industrial applications?

2 A. I don't know.

3 Q. Well, I don't understand when you say
4 you don't know. You're reading the words of the
5 document, and you don't know if they say what
6 I'm asking one way or the other?

7 MR. KAPSHANDY: Objection. The
8 document speaks for itself.

9 THE WITNESS: You just told me if I
10 don't know, I should say I don't know. I told
11 you I don't know, and then you say why don't you
12 know.

13 BY MR. KRISTAL:

14 Q. I didn't say that.

15 A. I don't know why you keep repeating
16 these questions. I told you there's a person
17 who does address this kind of steam turbine
18 generator. Mr. Baniziewski.

19 Q. Did you read this document before you
20 got here today, Exhibit 19?

21 A. I read it over, yes.

22 Q. Was it part of the knowledge base that
23 you have regarding GE and its historical use of
24 asbestos?

25 A. It was a document that I read for part

1 of the project, I'd say. I saw that a tactical
2 information had been issued; tactical
3 information letter had been issued.

4 Q. Did you try -- were you done?

5 A. Yes.

6 Q. Did you try to understand it?

7 A. Did I try to understand it? Sure, I
8 tried to understand what I read.

9 Q. Did you ask anybody about it?

10 A. Not that I recall.

11 Q. If it's not in your notes, fair to say
12 you didn't ask anybody about it?

13 A. Well, I'd say that in general those
14 notes that you're referring to listing are the
15 specific interviews that I had with people.

16 Q. In those specific interviews that you
17 had with people, did you ask anybody about this
18 TIL?

19 A. Not that I recall. It was my
20 understanding that there was an expert who was
21 going to be dealing with this; most
22 knowledgeable person for steam generators,
23 Mr. Baniziewski.

24 Q. Okay. Now, this document notes that
25 asbestos-containing thermal insulation was used

1 on steam turbine generators, does it not?

2 MR. SPEZIALI: Objection.

3 THE WITNESS: Can you tell me what
4 you're looking at, please?

5 MR. KRISTAL: Sure. Look at any or all
6 portions of it. There's a table which begins on
7 the fourth page, and it says asbestos-containing
8 material type, heat retention material, i.e.,
9 thermal insulation, comma, lagging. Do you see
10 that?

11 MR. SPEZIALI: Objection.

12 BY MR. KRISTAL:

13 Q. Turn to the next page. You read that,
14 right?

15 A. I looked it over.

16 Q. Well, for what purpose?

17 A. General information on that this
18 appeared that, you know -- and it was my
19 understanding that this was -- that customers
20 were inquiring, and that general information
21 letter was provided, and beyond that, that
22 specifics would be addressed by the steam --
23 land-based steam turbine expert,
24 Mr. Baniziewski.

25 Q. Okay. When you read this document, you

1 saw that in a table that is entitled
2 Asbestos-Containing Material in Turbine
3 Generators. You see that title, right?

4 A. You read that correctly. That's title
5 one.

6 Q. Did you read that when you looked at
7 this document?

8 A. Yes, I read that.

9 Q. There's a column, left-hand side that
10 says asbestos-containing material type. Do you
11 see that?

12 A. Yes, there's a column that says
13 asbestos-containing material type.

14 Q. Did you read that?

15 A. I'm sure I looked it over, yes.

16 Q. And under that, the first thing under
17 that column is heat retention material, i.e.,
18 thermal insulation, comma, lagging. Do you see
19 that?

20 A. Yes, you read that correctly.

21 Q. Did you read that at the time you saw
22 this document?

23 A. Again, I looked it over for general
24 information. It's my understanding there was a
25 specialist who would deal with this,

1 Mr. Baniziewski. These are specialized things.
2 There was a land-based steam turbine, and
3 there's a marine steam turbine person.

4 Q. Is it your understanding from this
5 document that GE is saying that there was
6 asbestos-containing heat retention material on
7 hot surfaces of its turbine generators from
8 reading this document?

9 MR. SPEZIALI: Objection.

10 THE WITNESS: Maybe, maybe not. It's
11 my understanding it all depends on the type, the
12 model, the year; that anything the client,
13 the -- anything. Where it's going, you know.
14 It's, it's --

15 BY MR. KRISTAL:

16 Q. Where did you get that understanding?

17 A. Where did I get that understanding?
18 Well, first of all, I know from having worked
19 with the Navy that the Navy would have certain
20 types of requirements that may be different from
21 any other type of situation obviously because
22 there's -- it's a marine situation. And I also
23 read deposition transcripts of Mr. Baniziewski,
24 Mr. Hobson, and so I had information.

25 Q. Why did you read their transcripts?

1 A. Why did I read their transcripts?

2 Q. Yeah.

3 A. Because I was interested in seeing what
4 they had to say. They were the people most
5 knowledgeable in land-based steam turbines and
6 marine steam turbines, so it was of interest to
7 me to read their depositions.

8 Q. Where it says asbestos-containing
9 material, then it says potential locations,
10 right? It says general, hot surfaces greater
11 than a hundred and forty degrees Fahrenheit. Do
12 you see that?

13 A. It says potential locations. What this
14 speaks to me -- it all depends. It depends, it
15 depends, it depends. It depends on the
16 situation, model, the year. I don't know why we
17 keep going over this. You can ask me about
18 every single one on here, and I'm going to say
19 it depends.

20 Q. Okay. Maybe you misunderstood my
21 question.

22 A. Sure.

23 Q. Your understanding of this document is
24 is that for some turbine generators that are
25 being referenced in this document there was

1 asbestos-containing insulation on hot surfaces,
2 not all of them, it depends on the application
3 and the specifications in part?

4 A. Maybe, maybe not.

5 Q. Maybe, maybe not meaning under no case
6 was there asbestos-containing thermal insulation
7 used?

8 A. I don't know.

9 Q. Well, then why would GE be informing
10 customers that a potential location for its
11 turbine generators would be the hot surfaces
12 where there would be asbestos-containing thermal
13 insulation if under no circumstances did that
14 occur?

15 MR. KAPSHANDY: Objection. Maybe it's
16 been answered. If you can understand it.

17 THE WITNESS: I don't understand the
18 question, but I really would think for details
19 like that, you need to speak to the person most
20 knowledgeable.

21 MR. KRISTAL: Did you speak to the
22 person about this document?

23 MR. SPEZIALI: Objection. Asked and
24 answered.

25 THE WITNESS: I did answer that, and I

1 said that no, I read their deposition
2 transcripts, and it was my understanding that
3 they were available to be -- to answer questions
4 on those subjects.

5 BY MR. KRISTAL:

6 Q. There's no question in your mind,
7 though, that this was a GE document written by
8 GE dated November 10th, 1989, right? It's got a
9 GE copyright?

10 A. I don't authenticate documents. All I
11 can do is just, like you, look at what it says
12 on this piece of paper. Beyond that, I don't
13 know.

14 Q. What's your understanding? Is this
15 based on, this piece of paper, a document
16 copyrighted by General Electric?

17 A. I don't authenticate documents.

18 MR. SPEZIALI: He just wants to know do
19 you, from looking at it, think that this is a GE
20 document. That's all he wants. You said yeah?

21 THE WITNESS: It appears to be a GE
22 document.

23 MR. SPEZIALI: Okay. That's all he
24 wants to know.

25 THE WITNESS: I said beyond looking at

1 that like you. That's all I can do. It says
2 General Electric on it.

3 BY MR. KRISTAL:

4 Q. When you were assigned your task when
5 you were reviewing all these documents that were
6 sent to you by the GE lawyers, did you make any
7 effort in your mind to figure out, do I think
8 this is a GE document, do I think this isn't a
9 GE document, I don't know one way or the other?
10 Did you make that effort?

11 A. Do I think this is a GE document? Are
12 you talking about general? Are you talking
13 about this?

14 Q. General.

15 A. Well, in general I certainly look a
16 document over to see where -- like from or to,
17 if that's the case, or whatever may be attendant
18 with it.

19 Q. To try to see if it was a GE document
20 or not in part?

21 A. Well, that was just part of the puzzle.
22 There were a lot of documents that I looked at.
23 Whether it was a GE or state, whether it was a
24 study, whether it was anything, it was just
25 part, part of the puzzle.

1 Q. But your best understanding is this was
2 a GE document?

3 MR. SPEZIALI: Objection. Asked and
4 answered.

5 THE WITNESS: Again --

6 MR. KRISTAL: You're not objecting to
7 this on authenticity grounds. I'm asking you --

8 MR. SPEZIALI: She's already said
9 that her conclusion is this is a GE document.

10 MR. KAPSHANDY: It's a document that we
11 produced from GE's files. We're not objecting
12 to its authenticity, to speed it up.

13 (Whereupon, Drucker Exhibit 20, a TIL
14 relating to gas and steam turbines and
15 generators, was then received and marked for
16 identification.)

17 MR. KRISTAL: I'm going to mark as
18 Exhibit 20 another TIL relating to gas and steam
19 turbines and generators. Did you read this
20 document before today?

21 THE WITNESS: Yes.

22 MR. KRISTAL: This is another technical
23 information letter from GE to customers advising
24 them where potential locations of
25 asbestos-containing materials in GE gas and

1 steam turbines and generators were located?

2 MR. SPEZIALI: Objection.

3 THE WITNESS: The purpose is to advise
4 customers of potential locations of
5 asbestos-containing materials in GE gas and
6 steam turbines and generators.

7 MR. KRISTAL: And does this document in
8 the document itself limit itself to any year or
9 model or make of GE gas and steam turbine or
10 generator?

11 MR. SPEZIALI: Objection.

12 THE WITNESS: I don't know.

13 BY MR. KRISTAL:

14 Q. Did you read the document?

15 A. Yes.

16 Q. From your reading of the document, does
17 it limit itself to any make or model or
18 particular year?

19 A. I don't know.

20 Q. Do you read English?

21 MR. SPEZIALI: Objection. Come on.
22 Ask a question.

23 BY MR. KRISTAL:

24 Q. Do the words of the document limit
25 itself in any way?

1 A. Well, let me answer it this way: Yes,
2 by the way, I do read English. Thank you.

3 When I look at a document like this,
4 it's a technical information letter, and to me
5 this speaks to people who are technical people
6 in these areas of gas and steam turbines and
7 generators.

8 This might speak to them as far as what
9 you're asking about, years and other things that
10 I just don't know about. I don't know. And
11 that I would refer the type of information,
12 something like that, to the overall expertise of
13 somebody who knows about these things; in this
14 case, Mr. Baniziewski.

15 Q. I'll give you what I'm marking as
16 Exhibit 23.

17 MR. SPEZIALI: Do you know that 21 and
18 22 haven't been marked yet?

19 MR. KRISTAL: No.

20 MR. SPEZIALI: I got 21 as my next
21 number.

22 MR. KRISTAL: We'll mark this as 21.

23 (Whereupon, Drucker Exhibit 21, a memo
24 dated June 10th, 1974 from the insulation and
25 non-metals laboratory, memo report WJ Willis,

1 see that?

2 A. Yes, I read that.

3 Q. And you are aware, are you not, that
4 those items were manufactured by GE?

5 MR. SPEZIALI: Objection.

6 THE WITNESS: No, no. They -- it's my
7 understanding that they were made by others and
8 possibly used by GE in certain types of
9 situations.

10 MR. KRISTAL: Why don't you look at the
11 next page of the document.

12 MR. SPEZIALI: Next page. Page or
13 paragraph?

14 BY MR. KRISTAL:

15 Q. Next page. Roman numeral four, quote,
16 status of the candidate replacement materials,
17 unquote. Do you see that section?

18 A. Yes.

19 Q. And the first paragraph is A, arc
20 chutes. Do you see that?

21 A. Yes.

22 Q. Now, I'm going to leave out the various
23 model numbers because it would take me too long
24 to read them. So let me read the couple of
25 sentences there without the model numbers.

1 and the subject is replacement materials for
2 structural asbestos parts, was then received and
3 marked for identification.)

4 BY MR. KRISTAL:

5 Q. Handing you what's been marked as
6 Exhibit 21 which is a memo dated June 10th, 1974
7 from the insulation and non-metals laboratory,
8 memo report WJ Willis, and the subject is
9 replacement materials for structural asbestos
10 parts. This came from some of the documents
11 that you had been asked to review by GE.

12 Now, this document references the fact
13 that there are asbestos-containing parts on
14 equipment sold to the New York City Transit
15 Authority which are arc chutes, structural
16 frames for resistors, and insulating
17 constructing bases and boxes. Do you see that
18 in the document?

19 A. Where were you reading from?

20 Q. Under discussion, the first sentence.

21 It says, quote, asbestos-containing parts on
22 equipment sold to New York City Transit
23 Authority are arc chutes, structural frames for
24 resistors, and insulating
25 constructing bases and boxes, end quote. Do you

1 Quote, arc chute sides and other
2 similar parts are molded in building 24 from GE
3 number one compound per manufacturing process
4 P6-GEP16. Do you see that sentence?

5 A. Yes.

6 MR. SPEZIALI: Objection.

7 BY MR. KRISTAL:

8 Q. So is it your understanding of that
9 sentence from reading this document that GE is
10 manufacturing the arc chutes?

11 A. No, I don't take that necessarily as
12 manufacturing.

13 Q. Okay. Well, let's read the next
14 sentence. Quote, GE number ninety-one compound
15 consists of slaked, S-L-A-K-E-D, line, comma,
16 flint, and intermediate short asbestos fibers,
17 end quote. Do you see that sentence?

18 A. Yes.

19 Q. So they're talking about a particular
20 GE mix, right? Number ninety-one compound?
21 Right?

22 A. Yeah. That's not -- that's a compound.
23 That's not necessarily the compound formulating
24 the arc chute, but go ahead.

25 Q. What are you talking about? It says in

1 the sentence we just read that the arc chutes
2 are molded from GE number ninety-one compound.

3 MR. SPEZIALI: Right.

4 MR. KAPSHANDY: Objection, Counsel.
5 This is under the section entitled candidate for
6 replacement materials.

7 MR. KRISTAL: Of course. This is the
8 lead-in paragraph that's talking about the GE
9 asbestos-containing, and manufactured by GE, arc
10 chutes, and they segue into possible
11 replacements for asbestos, but we're not there
12 yet.

13 BY MR. KRISTAL:

14 Q. Read paragraph one to yourself.

15 A. Thank you.

16 Q. Okay. So you would agree that this
17 document is stating that GE is mixing various
18 raw materials into a compound which they call
19 compound ninety-one, and that compound is then
20 molded to make arc chutes, right?

21 A. A type of an arc chute. We know that
22 just very certain models of -- yes, that's what
23 this appears to say.

24 Q. And they list five particular types of
25 arc chutes by model number, right?

1 A. Right, number ninety-one asbestos
2 compound consists of slaked lime, flint and
3 intermediate short asbestos fibers.

4 Q. Why did you say that it's your
5 understanding that arc chutes were not
6 manufactured by GE but that they were purchased
7 by others -- from others?

8 A. That's what I recall. I brought this
9 to attention.

10 Q. There's nothing that you need to bring
11 to my attention.

12 A. I'd like to --

13 Q. It's not appropriate in a deposition.

14 MR. SPEZIALI: It's her answer to the
15 last question.

16 MR. KRISTAL: There's nothing you need
17 to bring to my attention. If there's anything I
18 want you to bring to my attention, I'll ask you.
19 Counsel can ask whatever questions they want.

20 MR. SPEZIALI: Let me clarify. The
21 question is, as I understand it, why did she
22 say --

23 MR. KRISTAL: No -- yes.

24 MR. SPEZIALI: -- arc chutes were not
25 made by GE.

1 A. Yeah. It appears to be the case they
2 list five separate long numbers.

3 Q. Okay. And in the manufacture of those
4 types of arc chutes, GE is using, as a raw
5 material, asbestos?

6 A. Yeah, they're using some asbestos in
7 the -- that has been incorporated into the GE
8 number ninety-one compound.

9 Q. And that was done in the Erie,
10 Pennsylvania, GE factory. That's item B on the
11 second page.

12 A. It appears to be, right, having been
13 made in Erie, Pennsylvania from this.

14 Q. Okay. And what the document is saying
15 is that, quote, during the mixing, molding and
16 machining of the ninety-one -- the number
17 ninety-one asbestos compound, it is obviously
18 difficult and expensive to prevent particulate
19 pollution of the work area, end quote. Do you
20 see that?

21 A. I see that you read that sentence, yes.

22 Q. Okay. So it's your understanding that
23 these arc chutes are made with a compound that
24 contains asbestos, right; what they refer to as
25 number ninety-one asbestos compound?

1 MR. KRISTAL: The question is why did
2 you say that the arc chutes were not made by GE
3 but were purchased from others, and she said
4 that was my recollection, and that was the
5 answer to the question. There's no question
6 pending.

7 MR. SPEZIALI: All I want to know is
8 this: Was what you were about to follow up with
9 responsive to that or to something else?

10 THE WITNESS: To something else.

11 MR. SPEZIALI: We'll deal with that
12 later.

13 MR. KAPSHANDY: I'd like to object to
14 counsel marking parts of a document as this is
15 only an appendix from another document that has
16 been produced.

17 MR. KRISTAL: If you wish to mark that
18 entire document as Exhibit 21-A, you can do that
19 now. We'll put it on the record.

20 I'm not trying to do anything -- when I
21 travel a long distance and I'm interested in a
22 particular memo that is a subset and was
23 attached to other memos, I really don't have it
24 in me to lug this all around the country.

25 So Tim, if you want to mark that as

1 21-A, go ahead. We'll make that part of the
2 record. I have no problem with that. Whatever
3 you want to do in that regard is fine.

4 MR. KAPSHANDY: Thank you.

5 MR. KRISTAL: Do you want to do that?

6 MR. KAPSHANDY: Yeah. We'll have to
7 get a copy at the break.

8 MR. KRISTAL: All right. So we're
9 going to mark -- why don't you just -- we'll do
10 it when you have it ready to be marked.

11 MR. KAPSHANDY: Great.

12 BY MR. KRISTAL:

13 Q. Turn to page three. And this is now
14 section B under the candidate of replacement
15 parts, right?

16 A. Section B, status of the candidate
17 replacement materials continued.

18 Q. The first section we were talking about
19 arc chutes, and they start out the discussion by
20 talking about asbestos-containing arc chutes at
21 the manufacturing, and then they go to discuss
22 other possible arc chutes that don't contain
23 asbestos. Is that fair?

24 A. They talk about non-asbestos arc
25 chutes.

1 Authority. That's what the memo says.

2 MR. KAPSHANDY: I'm going to object.
3 That is misleading.

4 MR. KRISTAL: Is that what the memo is
5 about?

6 MR. KAPSHANDY: It doesn't say that at
7 all. That misstates --

8 MR. KRISTAL: All you need to do is
9 object, Tim. And I don't want to get Laraine
10 back on the phone.

11 THE WITNESS: Could you please repeat
12 the question?

13 MR. KAPSHANDY: Counsel, for the
14 record, you know there's a 30(b)(6) designee for
15 transit car products if you had specific
16 questions about whether braking resistor grids
17 are used in transit cars.

18 THE WITNESS: I'm sorry. Could you
19 please repeat the question?

20 BY MR. KRISTAL:

21 Q. Sure. The barrier boards -- a hundred
22 thousand barrier boards per year, is it your
23 understanding GE is purchasing them from a
24 company called Debco Products from reading this
25 document?

1 Q. Right. Then there's another section on
2 something called barriers, and the first section
3 reads, quote, approximately a hundred thousand
4 barrier boards per year are purchased from Debco
5 Products who cut fifty inch by ninety-eight inch
6 sheet asbestos to the sizes specified in the
7 drawing, end quote. Do you see that?

8 A. Yes, you read that correctly.

9 Q. Okay. So is it your understanding that
10 with respect to the products that are being
11 discussed here, the equipment sold to the New
12 York City Transit Authority, that GE is
13 purchasing a hundred thousand asbestos sheet
14 boards from another company for use in that
15 material -- in that equipment?

16 MR. SPEZIALI: Objection.

17 THE WITNESS: Not necessarily.

18 MR. KRISTAL: Not necessarily? They're
19 talking about barriers here, right, in this
20 paragraph?

21 THE WITNESS: They're talking about
22 barrier boards.

23 MR. KRISTAL: And barrier boards is an
24 asbestos-containing component that is used in
25 equipment sold to the New York City Transit

1 A. Somebody is purchasing them.

2 Q. Well, this is, your understanding, is a
3 GE memo, is it not?

4 A. I don't know with certainty. I don't.

5 Q. Do you have an understanding that it's
6 a GE memo?

7 A. It may be, and it's my understanding
8 that there's an expert that you can speak to.

9 Q. You're very good at picking up on those
10 clues, aren't you?

11 MR. KAPSHANDY: It's not her job --

12 MR. KRISTAL: It's a joke. You were
13 supposed to object, and then you not only
14 object, you then throw it in, she then picks it
15 up.

16 The hundred thousand barrier boards
17 that are referenced here, those are fifty by
18 ninety-eight inch sheet asbestos, is it not?
19 That's what the document says.

20 MR. KAPSHANDY: If you're asking her
21 personally what the document says. If you're
22 asking her as a 30(b)(6) designee on transit
23 cars, she's not the witness.

24 MR. KRISTAL: You have the right to
25 make an objection as to form or whatever else

1 the special master said, but that was not
2 included.

3 MR. KAPSHANDY: I'm asking you to
4 clarify as a matter of courtesy. If you
5 refuse --

6 MR. KRISTAL: Put on your expert hat or
7 your 30(b)(6) hat and tell me which one you're
8 answering under what's being referenced, a
9 hundred thousand barrier boards being purchased
10 from Debeco who cut fifty inch by ninety-eight
11 inch sheet asbestos to the sizes specified in
12 the drawing.

13 MR. KAPSHANDY: For the record, I'll
14 instruct you not to answer as a 30(b)(6)
15 designee on transit cars. If as an expert in
16 the area of health and safety and industrial
17 hygiene you can answer the question, please go
18 ahead.

19 MR. KRISTAL: Well, in terms of the
20 30(b)(6) in the area of industrial hygiene.

21 MR. KAPSHANDY: What's your question?

22 MR. KRISTAL: I'm asking when you just
23 said if you could answer as an expert in the area
24 of industrial hygiene, I could care less what
25 her opinion is unless it's an expert opinion

1 that you intend to offer in this case.

2 MR. KAPSHANDY: I don't know that she's
3 going to rely upon this in offering any opinions
4 as a health and safety expert, but I can tell
5 you in response to your subpoena, you requested
6 at the last deposition to bring all documents
7 that she's reviewed. She's brought them, and
8 some of them may relate to her expert testimony
9 and some of them may not.

10 MR. SPEZIALI: We don't plan on relying
11 on this document.

12 MR. KAPSHANDY: But we brought them in
13 the interest of being open and giving you
14 everything that she reviewed and relied upon.

15 MR. KRISTAL: Did you read this
16 document?

17 THE WITNESS: I read it.

18 MR. KRISTAL: What does this paragraph
19 mean to you in terms of GE's use of asbestos
20 sheet barrier boards?

21 MR. KAPSHANDY: We're not offering her
22 as an expert in what they, what they used in
23 what transit car products. If it has some
24 significance to you as a health and safety
25 expert, maybe it does.

1 THE WITNESS: As a health and safety
2 expert, this has no relevance to me.

3 MR. KRISTAL: Well, is it relevant to
4 you in your capacity as a GE spokesperson how
5 much asbestos GE used over the years in terms of
6 their knowledge about asbestos?

7 THE WITNESS: You know, in terms of the
8 overall company picture and part of the puzzle
9 and how things were handled responsibly
10 throughout the company.

11 MR. KRISTAL: Okay. So you would agree
12 a hundred thousand asbestos sheet boards that
13 are approximately four feet by eight feet per
14 year used by GE is a significant number of
15 asbestos sheets?

16 MR. SPEZIALI: Objection.

17 THE WITNESS: I can tell you as a
18 health and safety professional that this could
19 be sheet board that's totally encapsulated that
20 has no bearing on any asbestos at all. So I
21 don't know.

22 I don't know as -- not being an expert
23 in the transit cars, I don't know what this
24 means to them. Again, this means -- I can't
25 answer that as a health and safety person. I

1 don't know if that's a lot or a little. It
2 could be nothing in terms of --

3 (Whereupon, Drucker Exhibit 22, a
4 document entitled The Asbestos Problem by
5 HW Gayek, G-A-Y-E-K, Transportation Equipment
6 Products Department, Erie, Pennsylvania, was
7 then received and marked for identification.)

8 MR. KRISTAL: Okay. Let me give you
9 Exhibit 22, which I think is from the same
10 bigger document, but it's entitled The Asbestos
11 Problem by HW Gayek, G-A-Y-E-K, Transportation
12 Equipment Products Department, Erie,
13 Pennsylvania. This is one of the documents that
14 were provided to you by GE Florida.

15 MR. KAPSHANDY: It's page ten of some
16 document, Counsel.

17 MR. KRISTAL: It may have been part of
18 that other document.

19 MR. SPEZIALI: It's not. I can tell
20 you that for the record.

21 MR. KRISTAL: It's in one of the boxes
22 here. That's about as good as I can provide
23 you.

24 MR. SPEZIALI: We'll object to using
25 the document. I'll see if I can find the rest

1 of it.

2 MR. KAPSHANDY: I'll look for it, too.

3 MR. SPEZIALI: Transportation Equipment
4 Products Department, Erie, Pennsylvania.

5 MR. KRISTAL: It's in the same group as
6 the last one because that's also the GE
7 Equipment Transportation.

8 BY MR. KRISTAL:

9 Q. First of all, this is a document that
10 was provided to you by the GE lawyers?

11 A. I don't know where this came from, so
12 if you say it was part of these --

13 Q. I can represent to you as an officer of
14 the Court that it was printed off the CDs that
15 were sent to me of the documents that you
16 reviewed that had been sent to you by the GE
17 lawyers.

18 The first sentence reads, quote, for
19 about the past year we, in the transportation
20 equipment products department, have been engaged
21 in a project aimed at identifying substitutes
22 for asbestos materials used in our products, end
23 quote. Do you see that?

24 A. Yes, you read that correctly.

25 Q. Did you speak to anybody at the GE

1 of that.

2 A. My understanding is that there is a
3 person who can address that.

4 Q. So you have no understanding?

5 A. Well, that's my understanding.

6 Q. I'm not asking you about who can
7 address that question. I'm asking about your
8 understanding of the subject matter. Do you
9 have an understanding of the subject matter as
10 to which or anything about any of those twelve
11 hundred parts drawings calling for asbestos
12 materials?

13 A. When you say to me -- this is really
14 taking something, I think, totally out of
15 context. The twelve hundred parts could be
16 twelve hundred parts in fifty thousand different
17 types of pieces of equipment. I don't know.
18 This is totally --

19 Q. My point is you don't know anything
20 about that?

21 A. I haven't seen the rest of the
22 document, for one thing. You put one piece of
23 paper in front of me.

24 Q. Can you tell me --

25 A. No. Let me finish. Why are you

1 transportation equipment products department
2 about that subject?

3 A. No.

4 Q. Did you speak to Mr. or Ms. Gayek?

5 A. No, I did not.

6 Q. The fourth paragraph down reads, quote,
7 in our study we identified and reviewed some
8 twelve hundred parts drawings calling for
9 asbestos materials, end quote. Do you see that?

10 A. Yes, you read that correctly.

11 Q. Did you speak to anybody about that?

12 A. No, not about that specifically, no, I
13 did not.

14 Q. Do you have an understanding as to any
15 or all of the twelve hundred parts that call for
16 asbestos materials that were used in the
17 transportation equipment products department at
18 GE --

19 A. Well --

20 Q. -- to start with?

21 A. As I said before, it's my understanding
22 that there is an expert who can discuss if,
23 where, models, years and so forth that may have
24 contained asbestos parts.

25 Q. I'm asking if you have an understanding

1 laughing?

2 Q. Because this is turning into a joke.

3 MR. KAPSHANDY: She's asked for the
4 entire document. If you can provide it, tell us
5 where it came from.

6 MR. KRISTAL: I just told you where it
7 came from.

8 MR. KAPSHANDY: It's not in there.

9 MR. KRISTAL: It is what it is.

10 MR. KAPSHANDY: Well, it's a part of a
11 document that she's asked for the rest of it, so
12 we can't proceed any further if that's what it
13 is.

14 MR. KRISTAL: We can proceed as far as
15 we can.

16 Did you ask anybody, did you do any
17 research, did you look into anything involving
18 the twelve hundred parts drawings calling for
19 asbestos materials referenced in this document?
20 You either did that or you didn't do it.

21 THE WITNESS: I said no, no, I did not.

22 MR. KRISTAL: Okay. Then that's your
23 answer. The next document from the same series
24 is Exhibit 23. It's in the TEPD, wherever that
25 series of documents is located. Something

Page 429

1 called a TIS. Does that mean anything to you?

2 MR. KAPSHANDY: No.

3 MR. KRISTAL: That's what it says on

4 the document.

5 (Whereupon, Drucker Exhibit 23, page

6 two of a results summary for the TEPD, was then

7 received and marked for identification.)

8 BY MR. KRISTAL:

9 Q. Exhibit 23 is page two of a results

10 summary for the TEPD. It says typical annual

11 usage, all asbestos materials. Do you see that?

12 A. I see that's what's written on there; a

13 piece of paper.

14 Q. This was a document sent to you by the

15 General Electric attorneys?

16 A. I don't know.

17 MR. KRISTAL: Let's take a break.

18 Let's find the original of the document. We'll

19 give it to you and then we'll move forward.

20 (Discussion off the record.)

21 (Whereupon, Drucker Exhibit 22-A, the

22 entire document that contains Exhibits 22 and

23 23, was then received and marked for

24 identification.)

25 MR. KRISTAL: Okay. We're going to

Page 430

1 mark as Exhibit 22-A the entire document that

2 contains Exhibits 22 and 23, and if you could

3 give that to Ms. Drucker for her to look at

4 since she needs to look at the whole document.

5 MR. KAPSHANDY: Have we marked 22 and

6 23?

7 MR. KRISTAL: 23 is holding. 22 is a

8 prior exhibit.

9 MR. KAPSHANDY: What's 22-A?

10 MR. KRISTAL: They're separately

11 marked, but you're telling me that they are

12 pages from 22-A. That's that I'm understanding

13 you to say.

14 MR. KAPSHANDY: Right.

15 MR. KRISTAL: Okay.

16 THE WITNESS: I haven't seen it.

17 MR. SPEZIALI: That one came from --

18 that one is in there.

19 THE WITNESS: Not this one.

20 MR. KAPSHANDY: Let's see. There's a

21 different three-part number.

22 MR. SPEZIALI: Do you want to do 22

23 first?

24 MR. KRISTAL: No. All we need to do is

25 state that for the record Exhibit 22-A is the

Page 431

1 complete document of which Exhibit 22 is

2 contained.

3 MR. SPEZIALI: Okay.

4 BY MR. KRISTAL:

5 Q. Having read the complete document are

6 any questions or any answers to the questions

7 that you provided for 22 any different?

8 22-A, for the record, is a -- it's

9 entitled Transportation Systems Business

10 Division. It has General Electric up top with

11 the logo, technical information series. The

12 title of the entire document is Arc, A-R-C,

13 Interruption Conference 1977, and the date is

14 11/25/77, and it's a compilation of a variety of

15 documents. And Exhibit 22 is a portion of

16 those.

17 Anything about my questioning regarding

18 the twelve hundred parts drawings calling for

19 asbestos now that you've seen the whole 22 and

20 all the materials?

21 A. Yeah. It appears from the document in

22 its entirety that they pulled together people

23 from all over the company to study certain

24 issues, this being one of the -- asbestos being

25 one of them.

Page 432

1 And it appears to me in looking at the

2 document that there are certain critical uses of

3 asbestos as part of these products. So that it

4 seems that in all instances, substitute

5 materials are not available or not readily

6 available.

7 And so one thing that this added to me

8 is that the company is studying ways to further

9 get out of asbestos, but there are some very

10 critical aspects that they just can't get out of

11 at the time of this conference, so they're

12 studying it.

13 Q. And one of the things that was

14 presented at this conference was the fact that

15 there were twelve hundred parts drawings for

16 different parts that contained asbestos for this

17 particular type of product?

18 A. Yeah. My understanding is that some of

19 these parts can be very tiny parts.

20 Q. Where did you get that understanding

21 from?

22 A. Because I, I've read documents and

23 I've, I've seen documents that indicate that

24 some of these -- some of the equipment that they

25 put together was thousands and thousands and

1 thousands of parts.

2 So the fact that there might be some
3 parts, small little parts of twelve hundred, it
4 could be insignificant in terms of the finished
5 product or finished products. Again, I would
6 have to refer you to the person who was most
7 knowledgeable about this.

8 Q. So you don't know one way or another?

9 A. I do. I just told you.

10 Q. Well, you don't know if the twelve
11 hundred parts that contain asbestos that are
12 referenced here are big, small, medium? You
13 don't know which parts they are? You don't
14 anything about them?

15 MR. SPEZIALI: Objection.

16 BY MR. KRISTAL:

17 Q. Do you?

18 A. Yeah.

19 Q. Tell me which parts of those twelve
20 hundred that are, in your mind, small; the
21 twelve hundred asbestos-containing parts.

22 A. That's not exactly what your question
23 was.

24 Q. That's now my question. That's my
25 question.

1 Q. Who was that?

2 A. I don't recall his name.

3 Q. And in the key words on the title page
4 of this, asbestos is listed as a key word on
5 this document, right?

6 A. Right.

7 Q. Okay.

8 A. It's listed as a key word, among many
9 other key words, on this piece of paper.

10 Q. Okay. Can you tell me anything other
11 than what you've already said about the twelve
12 hundred parts that contained asbestos?

13 A. Well, if you ask me a question, perhaps
14 I can answer it.

15 Q. Do you know what years they were
16 manufactured? Do you know how much asbestos
17 they had? Do you know the specific size of any
18 of them? Do you know the type of asbestos that
19 was put in them? Do you know how they were
20 manufactured?

21 MR. SPEZIALI: Objection.

22 THE WITNESS: We know that some are
23 non-critical, some were semi-critical and some
24 were critical. So that speaks to me that were
25 certain -- some that had to be used but they

1 MR. SPEZIALI: Objection.

2 BY MR. KRISTAL:

3 Q. Tell me which of the twelve hundred
4 parts that contain asbestos that are referenced
5 in Exhibit 22 are, in your mind, small.

6 A. From this I can't tell which are small.

7 Q. Okay. Can you tell from any other
8 source specifically which ones are small?

9 A. But I can tell you that in general,
10 having read documents and about just general
11 information knowing how many thousands of parts
12 may be in any given type of piece of equipment
13 just in general that, that this twelve hundred
14 might really be taking these out of context.

15 That's all I'm saying, that this twelve
16 hundred could be totally small parts,
17 insignificant in the total picture or pictures
18 of various types of transit cars. So I would
19 urge you for the sake of context to speak to the
20 person who is most knowledgeable in that way.

21 Q. Did you speak to the person about that
22 or anybody else at GE about that?

23 A. As I recall, I read a deposition by a
24 person who was designated as knowledgeable about
25 that.

1 were required to be used. So that I know as of
2 this date and this document.

3 MR. KRISTAL: Okay. Anything else?

4 THE WITNESS: It depends on what you
5 ask.

6 MR. KRISTAL: I'm asking you if there's
7 anything else on the question that I just asked.
8 I'm trying to get a complete answer.

9 MR. SPEZIALI: Objection.

10 THE WITNESS: I think I would refer you
11 to the person who's most knowledgeable about
12 these.

13 MR. KRISTAL: Okay. Do we have 23-A?

14 MR. KAPSHANDY: Yes. It's part of
15 E-15, and it's subfolder seven.

16 MR. KRISTAL: We're going to mark as
17 23-A a document which is a collection of
18 documents from which 23 came. And why don't you
19 look at that and hold it out to Ms. Drucker and
20 I'll ask you some questions about 23.

21 MR. SPEZIALI: We'll take a break after
22 this one.

23 MR. KRISTAL: Okay.

24 THE WITNESS: Yes.

25 (Whereupon, Drucker Exhibit 23-A, a

1 collection of documents from which 23 came, was
2 then received and marked for identification.)

3 BY MR. KRISTAL:

4 Q. Exhibit 23-A is dated February 7th,
5 1977. It's another Transportation Systems
6 Business Division of GE, technical information
7 series. The subject is entitled, quote,
8 Asbestos Materials, end quote. The title is,
9 quote, Asbestos Materials Usage and Applications
10 in GE Transportation Equipment Products, end
11 quote. And the author is HW Gayek, G-A-Y-E-K.

12 And the summary page begins with the
13 following, quote, significant quantities of
14 asbestos materials are used currently in the
15 products of the transportation equipment
16 products department, end quote. Do you see that
17 first sentence?

18 A. Yes, you read that correctly.

19 Q. Did you agree, disagree, have no
20 opinion on that subject?

21 A. I'll take it for face value.

22 Q. Okay. And in it they discuss the
23 number of tons and pounds of the various
24 asbestos materials that are used by the
25 Transportation Equipment Products Department, do

1 they not, in Exhibit 23-A?

2 A. If I could see that copy, please.

3 Q. Sure.

4 A. The question was --

5 Q. They discuss the amount by weight, the
6 pounds and tons, of various asbestos materials
7 that are used by the Transportation Equipment
8 Product Department?

9 A. Yes, they list that on page two.

10 Q. Right, which is number 23, which I have
11 pulled out of this larger document, 23-A. And
12 they reference, on page four, the types of
13 materials that contain asbestos that are used,
14 and they list asbestos paper, sheet packing,
15 asbestos cloth, asbestos lumber, and they say
16 sheets and thicknesses from one-eighth inch to
17 two inches, and they have asbestos plates. Do
18 you see that?

19 A. Yes, I see that listed.

20 MR. SPEZIALI: Where do you see
21 asbestos plates? I see.

22 MR. KRISTAL: And the pounds per year
23 that are used in annual usage was estimated on
24 Exhibit 23. Let me find it in 23-A.

25 MR. KAPSHANDY: It's page two.

1 BY MR. KRISTAL:

2 Q. It has the total was six hundred
3 thousand pounds a year. Three hundred tons a
4 year. Is that what the document says?

5 A. Yes, that's what's listed on page two.

6 Q. Okay. Do you have any reason to
7 disagree with that?

8 A. No. Again, I'll just accept that as
9 what it says.

10 Q. Okay.

11 MR. KRISTAL: Why don't we take a break
12 and we'll come back after lunch. Is that all
13 right with everyone?

14 (Whereupon, a recess was then taken.)

15 (Whereupon, Drucker Exhibit 24, a memo
16 dated November 11th, 1971 from Dr. Elkins to
17 Mr. Grady, the subject being General Electric
18 Company, Building 36, Pittsfield, was then
19 received and marked for identification.)

20 BY MR. KRISTAL:

21 Q. Marking as Exhibit 24 a memo dated
22 November 11th, 1971 from Dr. Elkins to a
23 Mr. Grady. The subject is General Electric
24 Company, Building 36, Pittsfield. And this is
25 one of the documents that GE lawyers provided to

1 you and which you reviewed as part of your
2 project?

3 A. Yes, I did.

4 Q. And Exhibit 24 is the memo that I just
5 mentioned with an attached report to Dr. Elkins
6 dated November 5th, 1971, and the subject is the
7 General Electric Company, Building 36,
8 Pittsfield, and it notes that there was a visit
9 October 13th, 1971. Is that, correct?

10 A. Yes. A visit by the state, yes.

11 Q. Okay. And Mr. Robert Cunningham, the
12 manager of personnel, was interviewed at the
13 time of the visit by the state, right?

14 A. Yes, that's what it says.

15 Q. Okay. And is it your understanding
16 Mr. Cunningham was a GE employee?

17 A. I took it that way, yes.

18 Q. And Mr. Grady, to whom this was sent,
19 was a GE employee; to whom the report was sent?

20 A. I don't know if Mr. Grady is a GE
21 employee.

22 Q. Did you ask anybody?

23 A. No, I didn't.

24 Q. Did you ask the GE lawyers where they
25 got this document from?

1 A. Yes.

2 Q. Where did they get the document from?

3 A. It's my understanding they did a
4 freedom of information search of several states.
5 This was one from Massachusetts, and this was
6 from the State of Massachusetts.

7 Q. Okay. And what's your understanding --
8 strike that.

9 They were investigating mixing
10 operations in which raw asbestos was being
11 dumped into mixers at this GE facility, correct?

12 A. Yeah. At this facility they were
13 mixing asbestos, occasionally dumping it. There
14 wasn't a continual operation.

15 Q. Well, they would dump it as they needed
16 to make the product they were making, right?

17 A. According to this -- let me read this a
18 second. If you read this in combination with
19 other surveys made by the State of
20 Massachusetts, it's described that this is an
21 occasional-type thing. It's not a continual
22 operation, nor is it continual with asbestos.
23 It's just done on occasion.

24 Q. Are you saying that it's your
25 understanding from reading documents that the

1 Q. But at least on this occasion they were
2 dumping as much as eight hundred pounds of
3 asbestos at one time.

4 A. It said they sometimes dump as much as
5 eight hundred pounds of asbestos from
6 one-hundred-pound bags into cardboard drums.

7 Q. Okay. And the product they were making
8 here was a phenolic resin that contained
9 asbestos?

10 A. Yes.

11 Q. So GE was taking various raw materials
12 and manufacturing an asbestos-containing
13 product?

14 A. Yeah. I mentioned that before. This
15 was where they were making Genal, and that was
16 made from a period of the '20s to '72 when
17 asbestos was completely phased out, and not all
18 Genal contained asbestos.

19 We have IH, industrial hygiene, data of
20 the use of Genal, and all the data shows that
21 everything was within applicable permissible
22 exposure limits at the time.

23 Q. Move to strike the non-responsive
24 portion of that answer.

25 When you say that it was your

1 dumping of asbestos into these mixers at the
2 Pittsfield GE facility at this time was only
3 done occasionally?

4 A. I was at Pittsfield at this time. I
5 was at -- this was one of my plants in November
6 of 1971, and it is my understanding, both from
7 state reports and from what I saw personally,
8 that this was done occasionally.

9 Q. So part of your understanding of how
10 frequent or infrequent the raw asbestos was
11 being dumped is from state reports similar to
12 this? Is that what you're saying?

13 A. Well, part of it, yeah. As I said, if
14 you read all the state reports, they describe
15 that this was an occasional-type operation, and
16 that was my understanding when I was there
17 myself on several occasions in Pittsfield at
18 this time.

19 Q. What do you mean by occasional?

20 A. I -- maybe I should look up the other
21 surveys and give you their description of that.

22 Q. When, when you say other surveys, you
23 mean other state surveys done of Pittsfield at
24 Building 36?

25 A. Buildings 32 and 36, yes.

1 understanding that the asbestos was only used
2 occasionally in Building 32 and 36, do you mean
3 on that day it was only used occasionally? Do
4 you mean -- how far back was it only used
5 occasionally?

6 A. How far back in time?

7 Q. How far back in time do you have an
8 understanding that asbestos in Buildings 32 and
9 36 at Pittsfield prior to this November 1971
10 time frame was asbestos only used occasionally?

11 A. Well, it's my understanding that Genal,
12 its phenolic product that contained asbestos,
13 was made there from the 1920s up through 1972.

14 Q. And was the use of asbestos, in your
15 understanding, being reduced as time went on or
16 increased or stayed the same or you don't know?
17 I'm talking about in these buildings for that
18 product.

19 A. I don't know how they were decreased
20 over time. I know that it was a big priority to
21 the company, in fact, the company president, to
22 go asbestos free in Genal, which they did in
23 '72. And everybody was happy when they did
24 not have to use that as part of the constituents
25 of the product.

1 Q. So in answer to my question, was it a
2 decreasing use from the '20s up until '72 in
3 this facility?

4 A. I'd have to check reports for that to
5 give you more information. I'd have to go back
6 and look at some of the industrial hygiene
7 surveys.

8 Q. In any event, it's not your
9 understanding that the use of asbestos as an
10 ingredient, the raw material, at Pittsfield was
11 increasing over the years?

12 A. I'm not led to believe that. I don't
13 think that's the case. To understand its -- how
14 frequently it was used and the amounts, I might
15 get more information from the industrial hygiene
16 reports.

17 (Whereupon, Drucker Exhibit 25, an
18 October 26th, 1970 memo, was then received and
19 marked for identification.)

20 BY MR. KRISTAL:

21 Q. I'll mark as Exhibit 25 an October
22 26th, 1970 memo from Dr. Elkins to Mr. Grady,
23 and the subject, General Electric Company in
24 Pittsfield, and attached to it is an October
25 14th, 1970 memo, and the subject is General

1 Electric Company, Building 36, Pittsfield,
2 persons interviewed, Mr. Ernest Laskovic, safety
3 engineer, and Mr. Carl Lambert, process
4 engineer, and the date of the visit was
5 September 29th, 1970.

6 And my question is, is that another
7 report with respect to -- at least another
8 survey with respect to Building 36 for
9 Pittsfield making this Genal product with
10 asbestos, correct?

11 A. Yes.

12 Q. And this was one of the ones that you
13 were referring to earlier when you said you had
14 read other reports from that building?

15 A. Yes, I had. Yes, this is one of them
16 that I was thinking about, yes.

17 Q. Okay. And if you look at the report
18 dated October 14th, 1970, it says in the second
19 paragraph that a total of eleven mixing stations
20 are located in this building of which nine are
21 in use. Do you see that?

22 A. Yes, I see you read that, yes.

23 Q. And then it reads that asbestos is
24 dumped into ventilated mixer feeds from
25 hundred pound bags, right?

1 A. Yes, into, into ventilated mixer feeds,
2 yes.

3 Q. And then in the next paragraph it says,
4 a total of approximately four million pounds of
5 asbestos will be used at this location during
6 1970. Do you see that sentence?

7 A. Yes, you read that correctly.

8 Q. That to you is an occasional use of
9 asbestos, four million pounds in a year?

10 A. Yes, it is. The way they describe the
11 process it is occasional. They describe the
12 different total weights of the batches, and yes,
13 that was my understanding, that it was not a
14 continuous-type operation. It was done
15 intermittently, not continually.

16 Q. Well, four million pounds is two
17 thousand tons, right?

18 A. Yes.

19 Q. And if there are three hundred
20 sixty-five days in a year or fifty-two weeks in
21 a year, let's say that Pittsfield facility was
22 closed on weekends and there were holidays
23 involved, so let's say two hundred fifty work
24 days. Is that a reasonable estimate?

25 MR. SPEZIALI: I object.

1 MR. KRISTAL: I want you to assume that
2 there was approximately two hundred and fifty
3 work days.

4 THE WITNESS: Okay. Two hundred fifty
5 work days.

6 MR. KRISTAL: Okay. And in the year
7 1970, according to the numbers here, that would
8 be eight tons of asbestos a day was being used
9 at that facility, correct?

10 MR. KAPSHANDY: Objection. That's
11 misleading.

12 MR. KRISTAL: I'm just doing math.
13 It's very hard to be misleading.

14 MR. KAPSHANDY: There's a lot of things
15 that are misleading in that, and I won't get
16 into it to avoid the talking objection.

17 MR. KRISTAL: So just object to the
18 form if you want.

19 MR. KAPSHANDY: You said it wasn't
20 misleading. I say it is.

21 MR. KRISTAL: Okay.

22 MR. KAPSHANDY: But given those
23 assumptions, go ahead and answer if you can.

24 THE WITNESS: We're talking about two
25 thousand tons a year.

1 MR. KRISTAL: Divided by two hundred
2 fifty days, eight tons of asbestos a day.

3 THE WITNESS: Yes, if you do the math.
4 Eight tons of asbestos per day put into
5 ventilated mixers.

6 MR. KRISTAL: Right. And that, to you,
7 is occasional use of asbestos?

8 MR. KAPSHANDY: Objection. It's
9 misleading. You're missing -- this is a waste
10 of time.

11 THE WITNESS: As I mentioned before,
12 this is one of the plants I had and I went to on
13 several occasions. This isn't something that
14 they did on a continual basis. They mixed up
15 batches at various points in time, and it wasn't
16 a continual-type operation.

17 MR. KRISTAL: So there were days when
18 they were using less than eight tons and days
19 when they were using more than eight tons?

20 MR. KAPSHANDY: Objection. Misleading.
21 Assuming, as you did, that they weren't working
22 all the time --

23 MR. KRISTAL: All you need to say is
24 objection, Tim. If we need to get Laraine back
25 on the phone, it's a very easy phone call to

1 A. I said I was aware of this.

2 Q. Okay. So at the time in 1970, '71 time
3 frame, you physically had Exhibit 27 and 28. Is
4 that what you're saying?

5 A. I had seen the reports. Whether -- I'd
6 seen the reports. That's what I said to you.

7 Q. And you had seen them in your capacity
8 as a GE employee?

9 A. Yes.

10 Q. Did you speak to anybody at the time
11 about the approximately four million pounds of
12 asbestos used at this location during 1970 as is
13 written in Exhibit 28?

14 A. Yes. It was one of my locations, and
15 as I mentioned to you in our last occasion, that
16 I worked very closely with one of the medical
17 physicians at GE when I was the industrial
18 hygienist for many plants including this one.

19 Q. So your answer is back at the time,
20 1970, '71, you spoke to someone at GE about the
21 approximately four million pounds of asbestos
22 referenced in this report?

23 A. Well, as I said, as I sit here right
24 now I don't recall if I mentioned that number.
25 I certainly recall speaking about the use of

1 make.

2 THE WITNESS: The question again?

3 MR. KRISTAL: Sometimes they were using
4 more than eight tons, and some days they were
5 using less than eight tons?

6 MR. KAPSHANDY: Assuming his
7 assumptions.

8 THE WITNESS: Taking your math, yes. I
9 don't know if that's actually the case, but I'll
10 just take those numbers as they are if you want
11 to do the math.

12 BY MR. KRISTAL:

13 Q. Did you know Mr. Laskovic or
14 Mr. Lambert from GE?

15 A. Not that I recall.

16 Q. Okay. Did you know at the time that
17 these inspections were being done in the
18 Pittsfield plant?

19 A. Yes.

20 Q. Did you speak to Dr. Elkins or anybody
21 else from the state regarding these inspections?

22 A. Not with regard to these. I know
23 Dr. Elkins. I knew him. But no, not with
24 regard to these inspections. I had his reports.

25 Q. So you had these reports?

1 asbestos at that location.

2 Q. And then the Exhibit 28 goes on. The
3 next sentence after the 1970 time frame is,
4 quote, it is expected that approximately five
5 million pounds will be used during 1971, end
6 quote. Do you see that?

7 A. I saw that sentence that you read, yes.

8 Q. Okay. And you read it at the time?

9 A. Yes, I was aware of that.

10 Q. Now, when -- did you -- strike that.

11 Who was it, the medical person, that
12 you spoke to about this report?

13 A. The medical person?

14 Q. At GE.

15 A. The medical person with whom I worked
16 at GE was Dr. George Martalon.

17 Q. Okay. Now, on page two, first full
18 paragraph, quote, due to the low ventilation
19 rates and the toxicity of asbestos, approved
20 respirators should be worn by the employee --
21 employees during any handling of the asbestos,
22 end quote. Do you see that?

23 A. Yes, I see that you read that, yes.

24 Q. Did you concur with that statement at
25 the time?

1 A. Yes, I did. And what else I recall at
2 that plant specifically was that we were having
3 a very difficult time getting the people to wear
4 respirators; that they were available but that
5 it was being -- that they were -- that it was
6 very, very difficult to get them to wear the
7 respirators even though they were available.

8 Q. What was your understanding at the time
9 as to the four million pounds of asbestos that's
10 referenced here?

11 MR. SPEZIALI: Understanding about
12 what?

13 MR. KAPSHANDY: That it weighed four
14 million tons?

15 MR. KRISTAL: What they were referring
16 to there.

17 THE WITNESS: I don't know what you're
18 asking.

19 MR. KRISTAL: I'm asking what your
20 understanding is of that sentence, quote, a
21 total of approximately four million pounds of
22 asbestos will be used at this location during
23 1970, unquote.

24 MR. SPEZIALI: Objection.

25 THE WITNESS: I took it at face value.

1 I took it a total of approximately four million
2 pounds of asbestos will be used at this location
3 during 1970. I know that it was phased out
4 there in '72. And that was, that was it.

5 BY MR. KRISTAL:

6 Q. Okay. Did you have any
7 responsibility -- strike that.

8 You were not at GE in 1969, right?

9 A. Yes, right.

10 Q. You were or you were not?

11 A. I was not.

12 Q. And at Lowell GE what was being
13 manufactured -- wait a minute. Hang on. What
14 number did I give that?

15 MR. SPEZIALI: 25.

16 MR. KRISTAL: Okay.

17 MR. KAPSHANDY: I think we're okay.

18 MR. KRISTAL: I think we're okay but I
19 think I referred to them as 28 and 27 earlier.
20 I should have referred to them as 24 and 25. If
21 there's any problem, can we just correct the
22 transcript. When I referenced documents,
23 Ms. Drucker was looking at the document, I was
24 looking at the document, I just called it --

25 MR. KAPSHANDY: Say 26, does that mean

1 27 or 24?

2 MR. KRISTAL: We marked the documents
3 as Exhibit 24 and 25. In the context of a
4 question I may have referred to them as 27 and
5 28, so I'd just like to correct the transcript.
6 There's nothing different in your answers if I
7 got it wrong?

8 THE WITNESS: No.

9 MR. KRISTAL: Okay.

10 MR. SPEZIALI: There might be.

11 THE WITNESS: If you want to go back
12 over the questions, we can.

13 (Whereupon, Drucker Exhibit 26, a
14 document dated August 5th, 1969 from Dr. Elkins
15 to Mr. Sinclair, was then received and marked
16 for identification.)

17 BY MR. KRISTAL:

18 Q. I have no such desire unless you feel
19 there's a need to.

20 A. No, that's okay.

21 Q. Okay. Drucker 26 dated August 5th,
22 1969, and it's from Dr. Elkins to a
23 Mr. Sinclair, and it references a copy of a
24 report that was done with respect to, in part,
25 asbestos from the Lowell facility, does it not?

1 A. Okay. I'm sorry. Could we have that
2 one back?

3 Q. Sure. The document refers to a study
4 that was done by the state at the GE facility in
5 Lowell and, in part, references asbestos?

6 A. Yes. They took dust counts for
7 asbestos which revealed concentrations which
8 averaged below the maximum allowable
9 concentration.

10 Q. And the next to the last paragraph
11 says, quote, recommendations are made for use of
12 respirators for highly toxic dusts by workers
13 exposed to asbestos and for the housekeeping at
14 the K and M machines, end quote. Do you see
15 that?

16 A. Yes, I do.

17 Q. And with respect to the recommendation
18 for respirators for the Pittsfield plant, they
19 would be for the same type of respirators; i.e.,
20 for highly toxic dusts?

21 A. Well, I'm assuming that they would have
22 been for dusts. As you know, the types of
23 respirators that were approved for dusts such as
24 asbestos changed over time.

25 There were, for a long period of time,

1 disposable dust respirators acceptably used.
2 When you're saying for highly toxic dusts, I
3 don't know which type of respirators they're
4 referring to. They changed over time.

5 Q. But at the time -- first of all, I move
6 to strike the non-responsive portion of that.

7 For the time when you were aware there
8 was a recommendation that you agreed with with
9 respect to the respirators, and reading the
10 sentence from Exhibit 25 --

11 MR. KAPSHANDY: Previously referred to
12 as 27?

13 MR. KRISTAL: No. That was actually
14 previously referred to as 28.

15 MR. KAPSHANDY: As long as we're clear.

16 MR. KRISTAL: Quote, due to the low
17 ventilation rates and the toxicity of asbestos,
18 approved respirators should be worn by the
19 employees during any handling of the asbestos,
20 end quote.

21 So you knew that you had -- you knew at
22 the time that the approved respirators had to be
23 the type that were not just for nuisance dust.

24 A. That's what I'm saying, that those
25 types of respirators changed over time, and that

1 document if you'd like to have me look at it.

2 MR. KRISTAL: In order to say whether
3 this is part of a larger document that was sent
4 to you by the GE lawyers you need to see the
5 whole document?

6 THE WITNESS: Yes.

7 MR. KRISTAL: Okay.

8 MR. SPEZIALI: Off the record.

9 (Discussion off the record.)

10 MR. KAPSHANDY: For the record, it's
11 E-16, asbestos documents from CEP library files;
12 potentially one of two documents, looks like
13 there are two different versions. One is
14 slightly different, but the same title.

15 MR. KRISTAL: One is fifty-seven. This
16 must be this one. This is, this is only
17 thirty-two pages. We'll mark that as 27-A at
18 some point.

19 BY MR. KRISTAL:

20 Q. That's the fifty-seven page document of
21 which Exhibit 27 came from and is page twelve
22 of?

23 A. Yes.

24 Q. What's your understanding of the GE
25 extranet?

1 for a long period of time the type of respirator
2 that was for nuisance -- an approved respirator
3 for nuisance dust was also approved for
4 asbestos. I just want to make sure that we're
5 talking about the same thing here.

6 Q. Move to strike the non-responsive
7 portions of that answer.

8 (Whereupon, Drucker Exhibit 27, page
9 twelve of fifty-seven pages from a website, was
10 then received and marked for identification.)

11 MR. KRISTAL: Exhibit 27 is page twelve
12 of fifty-seven pages from some website, and this
13 was part of the materials that were provided to
14 you and then provided to me by the GE lawyers.
15 And what's your understanding on the bottom?
16 The address is cep.corporate.ge.com. CEP is
17 corporate environmental something or other?

18 THE WITNESS: It's my understanding
19 that would be corporate environmental programs
20 at GE, yes.

21 MR. KRISTAL: This is part of one of
22 the documents that you reviewed?

23 MR. SPEZIALI: This is page twelve of
24 fifty-seven.

25 THE WITNESS: I'd have to see the whole

1 A. I don't know.

2 Q. Do you know where this document came
3 from; the website that's listed at the bottom?

4 A. Other than the website listed at the
5 bottom, no, I don't.

6 Q. Okay. Under properties at the bottom
7 of Exhibit 27, it says warning properties. Do
8 you see that?

9 A. Yes.

10 Q. And it says, quote, asbestos is
11 odorless and generally non-irritating.
12 Accordingly, asbestos should be regarded as
13 having inadequate warning properties, end quote.
14 Do you see that?

15 A. I do. And I can tell you that in
16 general this document is meant for health and
17 safety professionals, and that type of warning
18 and this wording means something to health and
19 safety professionals.

20 MR. SPEZIALI: Objection.

21 MR. KRISTAL: Meaning that the
22 substance itself doesn't give any indication
23 that it could be dangerous?

24 THE WITNESS: Meaning that it doesn't
25 have certain types of warning properties such as

1 odor or things of that nature.

2 MR. KRISTAL: All right. Exhibit 28 --

3 MR. SPEZIALI: I just noted something.
4 There is identifying information on the back
5 page of it. It says asbestos United States --
6 bear with me one second. I don't know if you
7 want that on the record or not.

8 MR. KRISTAL: At the end, I don't know,
9 it says words, what this is, Asbestos
10 parentheses, United States, close parentheses,
11 1998 by Jonathan Oreck & Company, 234 Church
12 Street, New Haven, Connecticut.

13 (Whereupon, Drucker Exhibit 28, a
14 document entitled GE Power Generation, Sales and
15 Services Operations, with the GE logo, Asbestos
16 Management Training Participants Book, Company
17 Proprietary Information, was then received and
18 marked for identification.)

19 BY MR. KRISTAL:

20 Q. But in any event, this document was
21 found on a GE corporate environmental website,
22 right? I'm asking you.

23 A. Yeah. It appears to be something
24 prepared by health and safety professionals for
25 health and safety professionals.

1 Q. Okay. Exhibit 28 is part of that same
2 larger document that we had discussed earlier
3 which is E-17 which is entitled ACM Manuals.
4 It's called E-17, although I'm not marking the
5 entire thing.

6 Let me -- can we agree that E-17, from
7 which this document comes, is -- you can take a
8 look -- entitled GE Power Generation, Sales and
9 Services Operations, got the GE logo, Asbestos
10 Management Training Participants Book, Company
11 Proprietary Information? It's from
12 environmental health and safety. And if you
13 flip through -- try help you -- section --
14 second paperclipped section.

15 A. Okay. I see a diagram, human
16 respiratory tract.

17 Q. Which is the front page of Exhibit 28,
18 right?

19 A. Yes.

20 Q. Then if you look behind that in the
21 larger document, can you confirm that the next
22 two pages are the second and third page of
23 Exhibit 28?

24 A. Yes. I'm looking for a date on this
25 document. Give me a minute here.

1 Q. Sure. Let me check the back and see if
2 there's something that would help. I don't see
3 a date. The only thing that appears to be dated
4 are some of the TILs which we have previously
5 discussed which are from 1990 which would
6 obviously indicate it's probably sometime
7 thereafter because it would hard pressed to be
8 before.

9 A. Post --

10 Q. Tell me what you're trying to do.

11 A. I was trying to match up the
12 permissible exposure limits with the dates, and
13 this has a permissible exposure limit of '86 and
14 yet the technical information letter is --

15 Q. November of '89?

16 A. -- is before -- it was changed to '94.

17 All right. Okay.

18 Q. So it's probably sometime between 19 --
19 end of 1989 and 1994?

20 A. Between '86 and '94.

21 Q. Okay. Turn to the second page of
22 Exhibit 28.

23 A. Yes.

24 Q. There's a section entitled diseases
25 related to asbestos. Do you see that?

1 A. I do.

2 Q. And it says, quote, asbestos is a slow
3 acting or chronic toxin, parentheses, versus
4 fast acting or acute, close parentheses, with a
5 latency period of five to thirty or more years,
6 end quote. Do you see that?

7 A. Again, this was written after 1986. So
8 that was certainly known by '86.

9 Q. We're going to go over some documents
10 in a moment about the historical knowledge, but
11 that fact was certainly something that was known
12 by the folks at GE in the 1930s?

13 MR. SPEZIALI: Objection.

14 THE WITNESS: What fact?

15 BY MR. KRISTAL:

16 Q. That asbestos is a slow acting or
17 chronic toxin versus a fast acting or acute
18 one, number one, that was known, was it not, in
19 1934 and thereafter by the folks at GE? Perhaps
20 even earlier.

21 A. I'd say for the most part, yes, it was
22 known by the 1930s. It was a chronic, and the
23 type of exposure with a latency period generally
24 at that point thought to be longer than five
25 years. This says five to thirty years.

1 Generally going back to the '20s. That would
2 have been considered kind of a short latency
3 period, five to thirty. It would have been
4 considered longer than that.

5 Q. Okay. So folks at GE, people in the
6 medical department at GE, Mr. Swope -- and we're
7 going to look at communications he had with
8 Alice Hamilton who was the president of GE in
9 the '30s -- were certainly aware that asbestos
10 was a slow acting or chronic toxin with a
11 certain latency period, and they knew that in
12 the 1930s?

13 MR. SPEZIALI: Objection.

14 THE WITNESS: Well, I'd say what they
15 knew in the 1930s, which was known in the
16 medical and scientific literature, was that
17 asbestos -- over exposure, high levels of
18 asbestos dust, could lead to a fibrosis
19 condition identified and called asbestosis in
20 1928, but -- that it could lead to that kind of
21 condition, but that was certainly considered at
22 very high levels of dust back in the 1930s.

23 MR. KRISTAL: Move to strike the answer
24 as non-responsive.

25 What I'm trying to do, I'm going to

1 subject.

2 I'm asking you is it not true that
3 people in the medical and industrial health
4 departments at GE and the president of GE in the
5 1930s knew that asbestos is a slow acting or
6 chronic toxin versus fast acting or acute?

7 A. Well, you're really taking something
8 totally out of context, and what I really have
9 to do as a health and safety professional is
10 describe what really happened back then and not
11 play some word games. If I can answer the
12 question the way I know how to answer it, let me
13 just go ahead and do that.

14 MR. KRISTAL: Let's get Laraine on the
15 phone. Either I'm wrong or not, but I'm not
16 going to play games like this for much longer.

17 (Discussion off the record.)

18 MS. McCRACKEN: I want to put one thing
19 on the record before we quit. This just relates
20 to our discussions at the very beginning about
21 notice with regard to the original deposition,
22 and during the course of this deposition I've
23 looked at Exhibit 9 and 10, which were the
24 notices for this deposition, and I would say
25 that I do not see reflected on there, but if

1 read the sentence and I'm going to ask you if
2 the folks at GE, anybody at GE, knew that that
3 was true in the 1930s. Quote, asbestos is a slow
4 acting or chronic toxin versus fast acting or
5 acute, end quote. Do you agree or disagree that
6 people at General Electric knew that in the
7 1930s?

8 MR. SPEZIALI: Objection.

9 THE WITNESS: Well, again, I have to
10 say that they -- what was known -- they knew
11 what the rest of the medical and scientific
12 community knew.

13 BY MR. KRISTAL:

14 Q. I'm not asking about the rest of the
15 medical and scientific community.

16 A. I can only answer the way I can answer.

17 Q. The last time you didn't know what the
18 medical and scientific community knew in terms
19 of the state of the art, and you said you knew
20 what the Navy knew and you knew what GE knew.
21 Didn't you say that last time?

22 A. I don't recall.

23 Q. I'm just asking you about General
24 Electric's knowledge because you are the
25 spokesperson for General Electric on that

1 I've missed it I'm happy to be corrected, that
2 GM was ever notified even of the continuing
3 deposition. Notwithstanding the fact that I am
4 here and that we had actual notice, to the
5 extent that there may be issues with respect to
6 notice, I don't want to waive those.

7 MR. KRISTAL: But you're here for the
8 two clients --

9 MS. McCRACKEN: GM and Ford.

10 (Discussion off the record.)

11 MR. KRISTAL: We just had a phone call
12 with the special master, Laraine Pacheco,
13 regarding the questioning and answering of the
14 witness. We discussed the last line of
15 questioning, and we're going to continue this
16 deposition August 17th and 18th in Tucson so we
17 can be directly supervised by the special
18 master. So that's the end of the dep today.

19 MR. SPEZIALI: I just think that's
20 probably by agreement of all counsel. This way
21 we get this thing done, and we do have a
22 gentlemen's disagreement as to whose position is
23 correct, and rather than having to run to the
24 phone every time because we are standing on our
25 swords thinking we're right, it's probably going

1 to be easier for all involved Plaintiffs and GE
 2 to get our rulings whether we like them or not.
 3 MR. KRISTAL: Well, I agree with that.
 4 We're off the record now.
 5 * * * * *

1 STATE OF NEW YORK)
 2 SS:
 3 COUNTY OF ERIE)
 4

5 I, VICTORIA ROHL, a Notary Public
 6 in and for the State of New York, County of
 7 Erie, DO HEREBY CERTIFY, that the Examination
 8 Before Trial of MARJORIE DRUCKER, was taken down
 9 by me in a verbatim manner by means of Machine
 10 Shorthand on July 14, 2004, that the proceedings
 11 were taken to be used in the above-entitled
 12 action.

13 I further CERTIFY that the
 14 above-described transcript constitutes a true,
 15 accurate and complete transcript of the
 16 testimony.
 17

18
 19
 20
 21 VICTORIA ROHL
 22 Notary Public
 23
 24
 25

1 I hereby CERTIFY that I have read
 2 the foregoing pages, and with the exception of
 3 the changes on the errata sheet, that they are a
 4 true and accurate transcript of the testimony
 5 given by me in the above-entitled action on July
 6 14, 2004.
 7
 8
 9

10 MARJORIE DRUCKER

11 Sworn to before me this
 12 day of , 2004.
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Notary Public

EXHIBIT INDEX

DRUCKER EXHIBITS:	PAGE:
8, a deposition notice from June 3rd, 2004 of Ms. Drucker	286
9, a deposition notice dated June 23rd, 2004	286
10, a letter to all counsel which was sent out by one of Weitz & Luxenberg's trial paralegals notifying folks on the rider that GE was designating Ms. Drucker as the most knowledgeable person in the two subjects and that the deposition was scheduled for July 14th and July 15th, and not for July 1st	286
11, a broad-brush summary of various asbestos air sampling that had been done over the years in various locations at GE where asbestos was used or asbestos was used in the production of GE products	299
12, a document dated April 30th, 1970 from Dr. Brugach to Dr. Elkins, relating to a visit to the GE plant at Lowell, Massachusetts of April 22nd, 1970	314
13, a document dated July 16th, 1956 to Dr. Elkins from Mr. Compton and Mr. Bivley, the subject being the Lowell, Massachusetts plant	321
14, a memo dated November 22nd, 1972 regarding a meeting between General Electric and Johns-Manville	325
15, a letter that encloses a state survey similar to the ones we had seen with respect to the wire and cable and the heater cords April 22nd, 1991, the subject being the General Electric turbine department at Fitchburg, and the date of the survey was April 14th, 1971	332
16, a medical record dated April 15th, 1971 of Mr. B.	344

1	17, a memo from January 3rd, 1973	346
2	18, persons contacted, places visited document	375
3		
4	19, a document entitled ACM manuals including TTLs	382
5	20, a TIL relating to gas and steam turbines and generators	407
6		
7	21, a memo dated June 10th, 1974 from the insulation and non-metals laboratory, memo report WJ Willis, and the subject is replacement materials for structural asbestos parts	409
8		
9	22, a document entitled The Asbestos Problem by HW Gayek, G-A-Y-E-K, Transportation Equipment Products Department, Erie, Pennsylvania	424
10		
11	23, page two of a results summary for the TEPD	429
12		
13	22-A, the entire document that contains Exhibits 22 and 23	429
14		
15	23-A, a collection of documents from which 23 came	436
16		
17	24, a memo dated November 11th, 1971 from Dr. Elkins to Mr. Grady, the subject being General Electric Company, Building 36, Pittsfield	439
18		
19	25, an October 26th, 1970 memo	445
20	26, a document dated August 5th, 1969 from Dr. Elkins to Mr. Sinclair	455
21		
22	27, page twelve of fifty-seven pages from a website	458
23	28, a document entitled GE Power Generation, Sales and Services Operations, with the GE logo, Asbestos Management Training Participants Book, Company Proprietary Information	461
24		
25		