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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CIVIL ACTION NOS.

GEORGE R. ODER and MARTHA H. ODER;	)	CA3-84-1436-H
JAMES FRIEND and ELLA E. FRIEND;	)	CA3-84-1447-H
DAVID L. LUSTER and PHYLLIS LUSTER;	)	CA3-84-1449-H
VINCENT W. MASON, SR., WORTHY W. MASON;	)	CA3-84-1448-H
CHARLES OWENS, JR. and MARY C. OWENS;	)	CA3-84-1437-H
JOSH PHILLIPS, DOROTHY M. PHILLIPS;	)	CA3-84-1441-H
VIRGINIA EPPS, personal representative	)	CA3-84-1667-H
Estate of JAMES R. EPPS, Deceased;	)	
MAURICE LANE, SR. and JANIE L. LANE;	)	CA3-84-1683-H
HENRY N. ROPER, JR. and MARGARET ROPER;	)	CA3-84-1679-H
KENNETH SMITH and SHIRLEY SMITH;	)	CA3-84-2251-H
ROY V. THOMAS and BERNICE THOMAS;	)	CA3-84-0142-H
ROBERT G. LEWIS and ELSIE W. LEWIS;	)	CA3-85-0238-H
FRANCES H. LITTLE, Administratrix	)	CA3-85-0513-H
Estate of FREDDIE W. LITTLE, Deceased;	)	
AMBROSE LASSITER, CYNTHIA L. LASSITER;	)	CA3-85-1647-H
JAMES E. ALEXANDER, WANDA L. ALEXANDER;	)	CA3-85-1643-H
GODWIN M. DUNNING and MARY J. DUNNING;	)	CA3-85-1584-H
CHARLIE JOHNSON and LILLIE MAE JOHNSON;	)	CA3-84-2064-H
WILLIAM H. BASNIGHT, JOYCE G. BASNIGHT;	)	CA3-84-2067-H
WILSON COLUMBUS GODFREY and IDA PRICE;	)	CA3-85-1890-H
GEORGE L. SPINDLER, THELMA R. SPINDLER;	)	CA3-84-2066-H
MELVIN L. LILES, R., ROSEMARY H. LILES;	)	CA3-85-1889-H
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
H. K. PORTER COMPANY, INC., et al.,	)	
	)	
Defendants.	)	

DEPOSITION UPON ORAL EXAMINATION
OF LARRY P. HACKLER,
TAKEN ON BEHALF OF THE PLAINTIFFS

Norfolk, Virginia

November 13, 1985

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CIVIL ACTION NOS.

RAYMOND L. JONES and ESSIE M. JONES;	)	CA3-84-1451-F
RALPH J. LOYD and JENNIE C. LOYD;	)	CA3-84-1438-F
HERBERT W. HICKS and JESSIE M. HICKS;	)	CA3-84-1444-F
HOWARD B. SHAW and RUBY M. SHAW;	)	CA3-84-1687-F
JIMMY WADDLES, Personal Representative,	)	CA3-84-1678-F
Estate of LLOYD G. WADDLES, Deceased;	)	
ERNEST EDWARD ANDREWS, NANCY ANDREWS;	)	CA3-84-2065-F
CARL N. STANLEY, MARGARET E. STANLEY;	)	CA3-84-2253-F
EDGAR W. WIGGINS;	)	CA3-85-0319-F
ALICE O. EWELL, Personal Representative)	)	CA3-85-0421-F
Estate of RANDOLPH T. EWELL;	)	
DORTHY LUCAS and JAMES LUCAS;	)	CA3-85-0442-F
WILLIE T. COLLINS and BERTHA COLLINS;	)	CA3-85-0509-F
RICHARD L. BURNEY, SR., DELLA BURNEY;	)	CA3-85-0642-F
ROY BURCHER and JUNE BURCHER;	)	CA3-85-0742-F
ANDREW THOMAS and VERLENE D. THOMAS;	)	CA3-85-0944-F
WILLIAM E. EVANS, JR., PATRICIA EVANS;	)	CA3-85-0943-F
PAUL WALLACE, SR. and JOYCE C. WALLACE;	)	CA3-85-1548-F
JOSEPH DISHMAN and ELLEN R. DISHMAN;	)	CA3-85-1555-F
WILLIAM H. MERRILL, III and	)	CA3-85-1774-F
FRANCES S. MERRILL;	)	
AUVID V. DODD;	)	CA3-85-0523-F
IRENE L. EDWARDS, Administratrix for	)	CA3-84-2274-F
IRA E. LLOYD;	)	
GRADY T. RIGGS and BETTIE L. RIGGS;	)	CA3-85-0237-F
WILLIAM A. GOLDEN;	)	CA3-85-1866-F
EDWARD S. ADAMS and SHIRLEY J. ADAMS;	)	CA3-85-1867-F

Plaintiffs,

v.

H. K. PORTER COMPANY, INC., et al.,

Defendants.

DEPOSITION UPON ORAL EXAMINATION
OF LARRY P. HACKLER,
TAKEN ON BEHALF OF THE PLAINTIFFS

Norfolk, Virginia
November 13, 1985

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CIVIL ACTION NOS.

1	ERSKINE C. HARVEY, LOUVENIA H. HARVEY;	)	CA3-84-1334-D
2	BRUCE CLARK and DELORES W. CLARK;	)	CA3-84-1446-D
3	ROY L. BELL and VIRGINIA BELL;	)	CA3-84-1452-D
4	LLOYD G. WILLIAMSON;	)	CA3-84-1439-D
5	PALFUS C. BATTEN, SR., NANNIE BATTEN;	)	CA3-84-1434-D
6	ALMA GERALDINE BURTON, Personally and	)	CA3-84-1445-D
7	Administratrix of the Estate of	)	
8	FREDDIE BURTON, Deceased;	)	
9	JOHN VESELOSKY and CONNIE L. VESELOSKY;	)	CA3-85-0089-D
10	THOMAS ROBINSON and ANNIE D. ROBINSON;	)	CA3-84-1685-D
11	JERRY STRADER;	)	CA3-84-1681-D
12	JOHN R. MAXWELL;	)	CA3-84-2252-D
13	WILLIAM THOMPSON and BARBARA THOMPSON;	)	CA3-85-1645-D
14	JAMES WILLIAMSON and MARY WILLIAMSON;	)	CA3-85-1646-D
15	ANNA D. BROWN, Administrator, Estate	)	CA3-85-1337-D
16	of WILLIS H. BROWN, JR., Deceased;	)	
17	MAISIE L. DEAL, Executrix of the	)	CA3-85-0511-D
18	Estate of MELVIN E. DEAL, SR.,	)	
19	MELVIN T. FREEMAN, SR., SARAH FREEMAN;	)	CA3-84-1666-D
20	ELMER W. JENNINGS;	)	CA3-85-0514-D
21	CHARLES L. RUSSELL;	)	CA3-84-2068-D
22	HOMER J. WOODS and MILDRED WOODS;	)	CA3-84-2063-D
23	HAROLD DEHART HUBBARD;	)	CA3-85-2052-D
24	MICHAEL A. EARDLEY, JOHANNA K. EARDLEY;	)	CA3-85-2103-D
25		)	
	Plaintiffs,	)	
		)	
	v.	)	
		)	
	H. K. PORTER COMPANY, INC., et al.,	)	
		)	
	Defendants.	)	

DEPOSITION UPON ORAL EXAMINATION
OF LARRY P. HACKLER,
TAKEN ON BEHALF OF THE PLAINTIFFS

Norfolk, Virginia

November 13, 1985

Appearances:

GLASSER and GLASSER

By: RICHARD S. GLASSER, ESQUIRE
RONALD F. SCHMIDT, ESQUIRE
H. SEWARD LAWLOR, ESQUIRE
Counsel for the Plaintiffs

DEHAY & BLANCHARD

By: CRAIG D. NYHUS, ESQUIRE
Counsel for the Wellington Group
Defendants

VIAL, HAMILTON, KOCH & KNOX

By: WILLIAM R. KEFFER, ESQUIRE
Counsel for Defendant Raymark
Industries, Inc.

KAUFMAN & CANOLES, P.C.

By: ALBERT H. POOLE, ESQUIRE
Counsel for Defendant GAF Corporation

DUANE & SHANNON

By: JAMES C. SHANNON, ESQUIRE
Counsel for Defendant Garlock
Corporation

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1 Deposition upon oral examination of LARRY
2 P. HACKLER, taken on behalf of the Plaintiffs, before
3 Frances P. Zahn, RPR, a Notary Public for the
4 Commonwealth of Virginia at Large, taken pursuant to
5 notice, commencing at 9:20 a.m. on the 13th day of
6 November, 1985, at the law offices of Glasser and Glasser,
7 Plaza One Building, Norfolk, Virginia; and this in
8 accordance with the Federal Rules of Civil Procedure.

9
10
11 MR. SCHMIDT: Does any counsel have any
12 preliminary statement to make before we get started here
13 on the record?

14 MR. SHANNON: Do you have the same
15 agreement in the Texas litigation that you do in Virginia,
16 that the objection of one defense counsel is the
17 objection of all?

18 MR. SCHMIDT: Yes. That's fine with me.

19
20 LARRY P. HACKLER was sworn and deposed on
21 behalf of the Plaintiffs, as follows:

22 EXAMINATION

23 BY MR. SCHMIDT:

24 Q. There being no further statements, could
25 you please state your name and address for the record?

1 A. Larry Preston Hackler, 2180 Armada Drive,
2 Chesapeake, Virginia.

3 Q. During what period of time did you work at
4 the Norfolk Naval Shipyard?

5 A. 1963 to 1979.

6 Q. What was the last position that you held in
7 the shipyard?

8 A. Safety director.

9 Q. During what period of time did you hold
10 that position?

11 A. 1973 to 1979.

12 Q. Now, directing your attention, Mr. Hackler,
13 to August 1977, to what extent were you involved in the
14 taking of samples from some materials in Building 276 at
15 the Norfolk Naval Shipyard?

16 A. Lieutenant Joe Cox and myself went to
17 Building 276 on the fourth floor, and there was in a cage,
18 locked cage, there was asbestos products that we had put
19 there previously, and we proceeded to take samples from
20 each one. About 18 to 19 samples, I believe.

21 Q. How were these asbestos products packaged
22 before you took the samples?

23 A. Well, some had never been opened, never
24 used, and some had been opened, I presume had been used.

25 Q. Now, could you describe, please, the

1 procedure that you used in August 1977 to take samples
2 from these materials, and could you also include in your
3 answer the way that these materials were packaged after
4 the samples and materials were packaged?

5 A. We unpackaged each product, and we had
6 three tags, three manila-type tags, and we sample labeled
7 them, say, 1A, 1B, and then we would go in and take a
8 sample from that product, directly from the product, we
9 took that sample and then split it in two and put a tag
10 with all three products that way.

11 Q. In other words, you put one tag with the
12 original material, and one tag with each sample?

13 A. Yes.

14 Q. Now, first of all, did you yourself put the
15 information on these tags?

16 A. Yes, we did.

17 Q. And were you present throughout the taking
18 of these samples?

19 A. Yes.

20 Q. Now, what information did you put on these
21 tags?

22 A. Any information I could obtain directly
23 from the product, I transferred from that product to the
24 tag.

25 Q. And what, for example, was some of the

1 information?

2 A. Well, some of them had federal stock
3 numbers. Some had the manufacturer's name, and some had
4 dates, locations. It varies from product to product.

5 Q. And these tags were done in your
6 handwriting?

7 A. Yes.

8 Q. And did you date and initial each tag?

9 A. Yes.

10 Q. Now, subsequently to the taking of these
11 samples, were tests done or made to determine the
12 composition of the samples?

13 A. Yes.

14 Q. Could you describe what your involvement in
15 that was?

16 A. Well, each sample I took was labeled and
17 identified, and this sample was sent to the Navy
18 Environmental Health Center, at that time located in
19 Cincinnati, Ohio, for analysis.

20 Q. Were the results of those tests
21 communicated to you?

22 A. Yes.

23 Q. And in what form were they communicated to
24 you?

25 A. They returned the form, usually standard

1 form that they used to identify any product sent to them
2 for analysis.

3 Q. I would hand you an exhibit marked S 420
4 and S 421, ask if you can identify that, please?

5 A. Yes. These are the sample results that I
6 sent to the Navy Environmental Health Center, and they
7 returned it to me.

8 Q. So this is the results of their testing?

9 A. Yes.

10 Q. And was it determined that some of these
11 samples contained asbestos and some did not?

12 A. Yes.

13 Q. Now, were those documents there, the
14 documents S 420 and S 421, were they received by you in
15 the ordinary course of your duties at Norfolk Naval
16 Shipyard?

17 A. Yes.

18 MR. SCHMIDT: Now, at this time, unless
19 counsel want the court reporter to mark this, the numbers
20 on there corresponds to the numbers in the H. K. Porter
21 exhibit book. There are corresponding documents in the
22 Raybestos Manhattan book.

23 If counsel wish I'd be happy to have this
24 identified in this deposition, but these are -- I mean,
25 I'll be happy to have it labeled with an exhibit sticker

1 for this deposition, but at an appropriate time we would,
2 of course, move for the admission of that document based
3 upon Mr. Hackler's identification.

4 Would counsel like an exhibit number for
5 this deposition?

6 MR. NYHUS: I don't have any problem with
7 your using the number existing on there.

8 It will be attached, I take it, as an
9 exhibit to this deposition.

10 MR. SCHMIDT: Yes. I'll leave it to the
11 court reporter to attach to the deposition at the
12 conclusion.

13 BY MR. SCHMIDT:

14 Q. What does this report indicate about sample
15 No. 7?

16 A. 7 A reports it's greater than 95 percent
17 asbestos fibers.

18 Q. And what does this report indicate about
19 sample No. 3?

20 A. Greater than 95 percent asbestos fibers.

21 Q. And sample No. 4?

22 A. Greater than 95 percent asbestos fibers.

23 Q. And sample No. 12?

24 A. Greater than 95 percent asbestos fibers.

25 Q. And sample 9?

1 A. 9 is greater than 95 percent of asbestos
2 fibers.

3 Q. Thank you. I'm through with that exhibit.

4 Now, to back up one step, you indicated
5 that these materials had been gathered at Norfolk Naval
6 Shipyard. What was the procedure that was -- what was
7 your involvement in the gathering of these materials?

8 A. These specific 18, 19 samples?

9 Q. Right. You indicated that the materials in
10 the locked cage in 276 had been gathered at some point
11 prior to that?

12 A. Yes.

13 Q. What was your involvement in that gathering
14 process?

15 A. Early in 1977, or late 1976, we received a
16 directive, all asbestos products will not be used in the
17 shipyard any further.

18 Knowing the shipyard like I knew it, we
19 went and looked for it, and this was part of the products
20 that we gathered for ultimate disposal, return to the
21 manufacturer.

22 Q. So those materials in Building 276 that you
23 took the samples from were in fact gathered from within
24 Norfolk Naval Shipyard?

25 A. Yes.

1 Q. Are you familiar with the areas within the
2 shipyard from which those materials were gathered?

3 A. Yes.

4 Q. From where were they gathered?

5 A. Shops, toolboxes, supply buildings, every
6 place except aboard ship. We did not go aboard ship.

7 Q. So those materials were available for use
8 at the shipyard?

9 A. Yes.

10 Q. Now, with respect to the materials from
11 which those samples were taken, again, what warning
12 labels did you find on the containers of those materials
13 in August 1977?

14 A. None.

15 Q. What warning labels did you find on the
16 materials themselves in August 1977?

17 A. None.

18 Q. Now, where have those materials from which
19 the samples had been taken been kept since the samples
20 were taken in August '77?

21 A. They were maintained there in the capture
22 cage on the fourth floor of Building 276.

23 Q. Would you describe for the jury, please,
24 what this capture cage consists of?

25 A. It was a corner of one floor, and around

1 which there was a case, a wire, some kind of wire, and it
2 was kept under lock and key. It's about 20 feet, maybe
3 40 feet, something.

4 Q. Up until you left your job as safety
5 director in 1979, were those materials altered or
6 tampered with in any way?

7 A. Not that I know of.

8 Q. I would like to hand you an exhibit ¹⁵
9 T 542 and ask if you can identify it, please.

10 A. I can identify my tag, which says
11 7A, asbestos cloth.

12 Q. And is that tag in your handwriting?

13 A. Yes, it is.

14 Q. Does it bear the date, August 26, 1977, and
15 your initials?

16 A. Yes.

17 Q. Who was the manufacturer of the material
18 from which that sample was taken?

19 A. Raybestos Manhattan.

20 Q. Where did you get that information?

21 A. Directly from the product itself.

22 Q. And I take it -- well, was the material
23 from which that sample was taken marked in the way you
24 have described?

25 A. Yes, it was.

1 Q. I'd like to show you some other exhibits,
2 please.

3 MR. SHANNON: Off the record a second.

4 (Discussion off the record)

5 BY MR. SCHMIDT:

6 Q. Mr. Hackler, could you read all the
7 information on your card, please?

8 A. It says sample 7 A, asbestos cloth. In
9 parentheses it says 36 inches wide. ID 5640-267-1570.
10 And it says G/C 11/70, manufacturer Raybestos Manhattan,
11 document No. 7026-1381.

12 And then I initialed it and dated it.

13 MR. SHANNON: Off the record.

14 (Discussion off the record)

15 BY MR. SHANNON:

16 Q. And does that -- is that sample 7 A
17 referred to in exhibit No. S 420, S 421?

18 A. Yes. 7 A.

19 Q. And that's the one you indicated was what
20 percent asbestos?

21 A. 95 percent asbestos fibers.

22 Q. Thank you. Now I would like to hand you an
23 exhibit marked T 560, and also bearing a tag in part
24 marked sample 4 A, and ask if you can identify that,
25 please?

1 A. That's my handwriting, sample 4 A.

2 Q. Could you read that -- that's the card that
3 you created in August '77?

4 A. Yes.

5 Q. And could you read the information on that
6 card, please?

7 A. AAA grade asbestos tape, ID No.
8 00181-74-M-8318, manufacturing date 5/74; manufacturer,
9 Raybestos Manhattan, and it says, Mil-T-4117A, class
10 something.

11 Q. And then the date?

12 A. Initialed it and dated it.

13 Q. And who was the manufacturer of the
14 material from which that sample was taken?

15 A. Raybestos Manhattan.

16 Q. And where did you get that from?

17 A. Directly from the product itself.

18 Q. And that is the product identified on
19 exhibits 420 and 421 as sample 4 A?

20 A. Yes.

21 Q. Thank you.

22 Now I hand you an exhibit marked S 431, and
23 bearing the card which -- with an attached card bearing
24 the number sample 3 A and other information, and ask if
25 you can identify this, please?

1 A. This is sample 3 A written in my
2 handwriting and dated August 26, 1977. It says, asbestos
3 cloth, 40 inches times 50 yards, ID KZ-5330-00-585-9501,
4 manufacturer, H. K. Porter.

5 Q. And your date and the initials?

6 A. August '77, and my initials.

7 Q. And who was the manufacturer of the
8 material from which that sample was taken?

9 A. H. K. Porter.

10 Q. And where did you get that information?

11 A. Directly from the product.

12 Q. And is that sample identified on Exhibit S
13 420, S 421, as sample 3 A?

14 A. Yes.

15 Q. Thank you.

16 Now I hand you an exhibit marked S 423,
17 with an attached card containing the -- containing sample
18 6 A and other information, and ask if you can identify
19 this, please?

20 A. Yes. That's my handwriting.

21 This says Amosite roll, ID 6350-2602,
22 manufacturer H. K. Porter, and with my initials and date.

23 Q. And that's the card you created in August '77?

24 A. Yes.

25 Q. And who is the manufacturer of the material

1 from which that sample was taken?

2 A. H. K. Porter.

3 Q. And where did you get that information?

4 A. Directly from the product.

5 Q. And is that sample identified in exhibit S
6 420, S 421, as sample 6 A?

7 A. Yes.

8 Q. Thank you.

9 I would like to show you another sample
10 with an index card bearing the information, sample 12 A,
11 and other information and ask if you can identify it,
12 please?

13 A. Yes. That's my handwriting. It says
14 sample 12A, gasket material, identification number is
15 5330-00-585-9502. Manufacturer says Garlock Company.
16 It's my initials, and date of August 26, 1977.

17 Q. And does that sample, in fact, have the
18 name Garlock on it on the other side?

19 A. Yes, it does.

20 Q. And that was the material in Building 276
21 in August 1977?

22 A. Yes.

23 Q. And that card you created in August 1977?

24 A. Yes.

25 Q. Thank you. Let me back up one question on

1 this. I'm sorry.

2 And is this the sample identified in
3 exhibit S 420, S 421 as sample 12A?

4 A. Yes.

5 Q. Now I hand you another sample bearing a
6 card with the information sample 9 A and the other
7 information on it and ask you if you can identify that?

8 A. Yes. This is sample 9 A taken from my
9 handwriting. This is gasket material. Identification is
10 No. 00181-52373-4065. Manufacturer is Garlock. It's a
11 Mil-A-7021. My initials, dated August '77.

12 Q. Does that material itself bear the name
13 Garlock?

14 A. Yes.

15 Q. And that's a sample that you took in August
16 1977 from material in Building 276?

17 A. Yes.

18 Q. And that sample corresponds to, or is
19 identified on, Exhibit S 420 and S 421 as sample 9 A?

20 A. Yes.

21 Q. Thank you.

22 Now, directing your attention to September
23 1981, were additional samples taken from these materials
24 at that time?

25 A. Yes.

1 Q. And was a videotape made of the unpackaging
2 of these materials and the taking of additional samples?

3 A. Yes.

4 Q. And could you describe for the people of
5 the jury what was done at that time?

6 In other words, what was videotaped?

7 A. We had two shipyard employees inside of a
8 boxcar-type arrangement which had been converted into
9 what they call asbestos rip out place.

10 This was maintained with negative pressure,
11 and the exhaust air filtered through filters, and the
12 employees outside were dressed out in clothing designed
13 to maintain protection from asbestos fibers, and we were
14 looking through a large window, and we had communications
15 with the employees on the inside. We were more or less
16 directing them what to do and how to do it, with
17 camera taking pictures at all times.

18 Q. Now, with respect to the Raybestos
19 Manhattan cloth, were you able to -- the sample of
20 Raybestos Manhattan cloth that you previously identified
21 were you able to locate and identify the material from
22 which that sample was taken?

23 A. Yes.

24 Q. And how did you make that identification?

25 A. Well, when I picked up the package it had a

1 picture of my tag inside, whatever the number was, 3 A or
2 7 A. I don't remember the number, but it had my
3 identifying tag on the inside of it.

4 Q. So your tag was still with it?

5 A. Yes.

6 Q. And were you able to locate -- when that
7 Raybestos Manhattan cloth was unrolled, were you able to
8 locate a portion of the roll on the cloth from which the
9 sample was taken?

10 A. We saw a large section missing from the
11 roll.

12 Q. And with respect to the H. K. Porter cloth,
13 or the sample of H. K. Porter cloth which you have
14 identified, were you able to identify at the videotape
15 the roll of asbestos cloth from which that sample was
16 taken?

17 A. In the same manner I did.

18 Q. That is, the tag was still on the material?

19 A. Yes.

20 Q. And on that roll were you able to -- on the
21 roll of H. K. Porter cloth, were you able to identify the
22 area on the roll of cloth from which your sample was
23 taken?

24 A. Yes.

25 Q. And I take it you were there when the

1 sample -- when these materials were unpackaged on the
2 videotape and so forth?

3 A. Yes.

4 Q. Now, have you had an opportunity to review
5 portions of that videotape prior to today?

6 A. Yesterday, I did.

7 Q. And again this morning?

8 A. Yes.

9 Q. And did we view first a section of the
10 videotape concerning the Raybestos Manhattan cloth?

11 A. Yes.

12 Q. And then we reviewed a section of the tape
13 containing the H. K. Porter cloth?

14 A. Yes.

15 Q. And did you initial the tapes and date the
16 tapes that we viewed?

17 A. Yes.

18 Q. I'd like to show you first a video cassette
19 and ask that you --

20 MR. SCHMIDT: First let me have this marked.
21 This is somewhat unique. I'll have this marked as
22 Hackler Exhibit 1 -- 2 -- it's 1, because the other
23 things -- how about Hackler video cassette 1.

24 MR. NYHUS: Ma'am, we're going to attach a
25 notice as Exhibit 1.

1 (Copy of three notices to take
2 depositions were marked Deposition Exhibit
3 No. 1.)

4 (Two videotapes were marked
5 Deposition Exhibit Nos. 2 and 3.)

6 BY MR. SCHMIDT:

7 Q. Mr. Hackler, I hand you an exhibit marked
8 Hackler No. 2.

9 MR. SCHMIDT: And for the record, we've had
10 three notices of this deposition previously marked as
11 Hackler No. 1.

12 BY MR. SCHMIDT:

13 Q. But I hand you an exhibit marked Ha
14 No. 2 and ask you if you can identify it?

15 A. Yes. This is a videotape that I re
16 yesterday afternoon.

17 Q. And what sample does that videotape pertain
18 to?

19 A. Sample 7.

20 Q. And what information did you put on the
21 outside of that videotape to help you identify it?

22 A. My initials and date.

23 And sample 7 on it.

24 Q. And does that videotape accurately portray
25 what happened in September 1981 with respect to sample 7?

1 A. Yes.

2 Q. And I hand you an exhibit marked Hackler
3 No. 3 and ask you if you can identify that, please?

4 A. This is the videotape I reviewed this
5 morning. It says sample 3 with my initials and date.

6 Q. Did you also view that yesterday?

7 A. Yes. And this morning.

8 Q. And what information did you write on the
9 outside there?

10 A. I wrote, sample 3. Then I initialed it and
11 dated it.

12 Q. And does that tape accurately portray what
13 happened back in September 1981 as to sample No. 3?

14 A. Yes.

15 Q. Okay.

16 MR. SCHMIDT: Now, at this point I will be
17 happy if counsel wish to go ahead and run through these --
18 show these videotapes, or we can wait until
19 cross-examination if someone wants to run through them
20 and question Mr. Hackler at that time.

21 I'm satisfied with the identification of it.
22 I'm trying to save time, but whatever counsel would like
23 to do here.

24 We can go off the record.

25 (Discussion off the record)

1 MR. GLASSER: If we go on the record just
2 for a second, I'd like to make sure it's clear to counsel --
3 we would hope, so that you can be fully apprised of our
4 intentions -- to lay a foundation sufficiently strong to
5 be able to use these videotapes, to the extent that they
6 are needed, in Texas, and so we would encourage you, if
7 you have any concern that you want to address to Mr.
8 Hackler, even if he were not present and the deposition
9 was used, we would want the deposition to lay the
10 foundation for the use of the videotape.

11 MR. KEFFER: This is No. 2?

12 MR. GLASSER: The record should be clear
13 that we are looking at a television set which is playing
14 a scene. It may be that Mr. Hackler can identify that.
15 I'll trust Ron and desires of counsel as to how they want
16 to handle it.

17 BY MR. SCHMIDT:

18 Q. We are now looking at tape No. 2.

19 Can you identify that tag on the screen?

20 A. It says sample 7 A, sample B, my initials
21 and date of August '77.

22 Q. And that's the sample you put on this
23 material in August 19 -- I'm sorry. The tag you put on
24 this material in August of 1977 when you took sample 7 A
25 from it?

1 A. Yes.

2 Q. Now, we're looking at a caution label now,
3 and I understand your prior testimony as to no labels
4 being on those in August of 1977; but, to the best of
5 your knowledge, was this material under the control of
6 the U.S. Government from the time that you took the
7 samples in September, the additional samples in September '81
8 forward?

9 A. Yes.

10 Q. And the material was under the control of
11 the United States Government, in fact, from August of '77
12 forward?

13 A. Yes.

14 Q. And when you took samples from these
15 materials back in August 1977, there were no caution
16 labels on them at that time?

17 A. No.

18 Q. Are we now looking at the burlap on the
19 outer covering of that cloth?

20 A. Yes.

21 Q. During the course of this videotape
22 deposition, was this burlap packaged and labeled?

23 A. Just like that.

24 Q. The burlap that you're looking at, is that
25 where you got the information to put on the tag?

1 A. Yes, it is.

2 Q. What is that manufacturer there?

3 A. Raybestos Manhattan, North Charleston.

4 Q. South Carolina?

5 A. I assume. I can't see.

6 Q. And now we're looking at the paper

7 underneath the burlap?

8 A. Yes.

9 Q. Were there any markings of any kind on that

10 paper?

11 A. Not that I saw.

12 Q. And I think in the foreground, the burlap

13 is being packaged?

14 Is the burlap being put in plastic?

15 A. Yes, it is.

16 Q. And you were observing that back in

17 September 1981 when this videotape was taken?

18 A. Yes, I was.

19 Q. And that's your tag also within the burlap?

20 A. It is.

21 Q. And a tag bearing the number 37-7?

22 A. Yes.

23 Q. Can we stop this right here.

24 I hand you an exhibit that has been

25 previously marked T 543, and it contains a piece of

1 burlap with a card marked 37-7, and a tag marked sample
2 7 A, 7 B, and ask if you can identify this exhibit,
3 please?

4 A. That's my handwriting on the card that says
5 7 A, 7 B. I assume I initialed it.

6 Q. Can you see your initials?

7 A. Yes. Initials and August '77.

8 Q. And is that the piece of burlap that we
9 just viewed on the screen?

10 A. Yes.

11 Q. And that's the burlap that was surrounding
12 the material from which sample 7 A was taken?

13 A. Yes.

14 Q. And on which the name Raybestos Manhattan
15 was on the burlap?

16 A. Yes.

17 Q. And then the paper is being packaged?

18 A. Yes.

19 Q. That is the paper that was surrounding the
20 roll.

21 Now, what do you see on the screen now?

22 A. I see a section of the cloth missing, and
23 this is where we had taken the sample from the roll in
24 August of '77.

25 Q. And this is a roll of Raybestos Manhattan

1 cloth?

2 A. Yes.

3 Q. And that's the hole where sample 7 A came
4 from?

5 A. It is.

6 Q. I think we're --

7 MR. NYHUS: I take it there is no narration
8 along with the video?

9 MR. SCHMIDT: Right. There was -- because
10 of objection by the defendants to the sound, because the
11 deponents were available at trial, when we made the copy,
12 we didn't record the sound, because all during the time
13 that this -- you're seeing this on the screen, I was
14 asking Mr. Hackler similar questions, you know, what is
15 that hole there on the cloth, and, you know, about the
16 burlap and so forth.

17 MR. GLASSER: We would hope to have a
18 technician, maybe even better than Ron and I, to be able
19 to put the tape where it was with Mr. Hackler's narrative
20 for this deposition, so in the event it was required to
21 be played to a Texas jury, it would be done just in the
22 same fashion it was done here. There would have to
23 obviously be someone there coordinating the machine, but
24 I think his narrative description of what was being shown
25 would be easy to identify at the same time.

1 If you would like we would, of course, give
2 the approximate footage number, but I think it's pretty
3 clear as to what he was describing.

4 BY MR. SCHMIDT:

5 Q. Now, this tape that we were just viewing
6 was Hackler exhibit No. 2?

7 A. Yes.

8 Q. And does that accurately portray what
9 occurred in September 1981 with respect to that material?

10 A. Yes, it does.

11 Q. Okay. Thank you.

12 Now I'm going to put in the video machine
13 Hackler No. 3, and I think this concerns the H. K. Porter
14 cloth. And I believe you indicated the men in this trailer
15 were obtaining materials at our request on the outside?

16 A. Yes.

17 Q. And what are we looking at there?

18 A. We're looking at a manila tag on a product
19 wrapped in polyethylene packing.

20 Q. And do you see upside-down sample 3 A, 3 B,
21 or maybe you can't read that?

22 A. I can't make it out very well.

23 Q. I think we have a better view of that later
24 on here.

25 MR. GLASSER: For the record, we're at

1 approximately 50 units, reading the number on our VCR, if
2 they are comparable to yours in Texas.

3 A. There it is now. I can see it now. 3 A, 3
4 B sample.

5 BY MR. SCHMIDT:

6 Q. And is this your tag?

7 A. That's my handwriting, yes.

8 Q. That's the tag you created in August of '77?

9 A. Yes.

10 Q. And at the same time you created the tag
11 which appears on sample 3 A that we looked at earlier?

12 A. Yes.

13 Q. Can you identify what that is we're looking
14 at? Or we were looking at?

15 A. The tag is obliterated, but it looks like
16 the one -- no, I really can't.

17 Q. And now the men are taking an outer layer
18 of plastic off the asbestos cloth?

19 A. Yes.

20 Q. Now, can you --

21 MR. GLASSER: We are at approximately 138
22 on our VCR measuring component.

23 BY MR. SCHMIDT:

24 Q. And what are we looking at now?

25 A. You're looking at a manila tag that says

1 H. K. Porter Company Incorporated, Thermoid Division,
2 Charlotte works.

3 Q. Is that a preprinted tag?

4 A. Yes.

5 Q. In other words, we're not looking at one of
6 your tags now?

7 A. No, that's not mine.

8 Q. Now, you previously identified this cloth
9 as being manufactured by H. K. Porter. Or the sample
10 from which -- the sample taken from this cloth as being
11 made by H. K. Porter. That is sample 3 A. How did you
12 make that identification?

13 A. Probably from that tag right there.

14 Q. Was there a tag attached to that cloth when
15 you first saw it?

16 A. Yes.

17 Q. And do you recall any warning being on that
18 cloth?

19 A. I saw no warning.

20 Q. Or on the packaging of that cloth?

21 A. I saw no warning at all.

22 Q. Or was there any warning on the H. K.
23 Porter tag?

24 A. No.

25 Q. I think we're going to see the back of the

1 tag in a minute here.

2 Was there any warning on the back of the
3 H. K. Porter tag?

4 A. No.

5 Q. Do you see any warnings on the ends?

6 A. No.

7 Q. Now, what are we looking at right now?

8 A. A section of that cloth is missing, and
9 this is where we had taken the sample.

10 MR. GLASSER: We're at approximately 212
11 now, VCR measurement.

12 BY MR. SCHMIDT:

13 Q. That's the place from which sample 3 A,
14 which you previously identified, was taken?

15 A. Yes.

16 Q. And you identified 3 A as being cloth
17 manufactured by H. K. Porter?

18 A. Yes.

19 Q. Now I think we omitted the part where they
20 are taking more samples.

21 The H. K. Porter tag is put with the roll
22 of cloth?

23 A. Yes.

24 Q. And also your tag is put with that?

25 A. I didn't see my tag yet, but --

1 Q. Let me back up. Maybe we can spot that.

2 A. That's my tag above that H. K. Porter tag.

3 Q. That's your tag?

4 A. Yes. Well, I can't see my initials there,
5 but I can see the sample number.

6 There it is. 3 A, 3 B sample.

7 BY MR. SCHMIDT:

8 Q. In any event that tag is still with the
9 roll, as far as you know?

10 A. As far as I know it is, yes.

11 MR. NYHUS: Why don't we run it to the end
12 and note the number. I think it's just a couple more
13 numbers.

14 MR. GLASSER: Do you want me to back it up?

15 MR. NYHUS: I think No. 323 on the counter
16 indicates approximately the end of video portion of the
17 tape.

18 MR. SCHMIDT: I don't know if different
19 counters would register different.

20 BY MR. SCHMIDT:

21 Q. Just a couple of last questions. Do you
22 have any interest in this litigation?

23 A. None whatsoever

24 Q. Do you know, other than your ordinary
25 witness fee required by the Court, are you being paid

1 anything for your testimony?

2 A. I'm not being paid anything.

3 Q. You didn't get a witness check?

4 A. No.

5 Q. Then we owe you a check.

6 MR. SCHMIDT: Thank you. No more questions.

7

8 BY MR. NYHUS:

9 Q. Mr. Hackler, my name is Craig Nyhus. I
10 represent some of the defendants in the litigation
11 brought by plaintiffs from Virginia and is being brought
12 in Dallas, Texas.

13 Are you aware that you're giving your
14 deposition in connection with those cases?

15 A. Would you say that again, please?

16 Q. All right. For your information, some 60-
17 plus Virginians have filed lawsuits in Texas against
18 manufacturers of asbestos-containing products.

19 Are you aware that you are giving your
20 deposition today in connection with those cases?

21 A. Yes.

22 Q. When did you start working at the Norfolk
23 Naval Shipyard?

24 A. July 1963.

25 Q. What was your title at that time?

1 A. Health physicist.

2 Q. What does a health physicist do?

3 A. That's basically radiation safety program,
4 nuclear power program in the Navy.

5 Q. How long have you been a health physicist?

6 A. Since 1972.

7 Q. Okay. And then what was your next title,
8 job title?

9 A. I went -- well, February 1973, I went to
10 the Safety Division, safety office, there at the shipyard.

11 Q. And you remained in the safety office until '79?

12 A. Yes.

13 Q. All right.

14 After 1979, did you leave Norfolk Naval
15 Shipyard?

16 A. Yes.

17 Q. And where did you go?

18 A. I worked for the Navy inspector general's
19 office from October '79 to the present, and our function
20 is to evaluate safety and health programs for all Navy.

21 Q. While you were employed at the Norfolk
22 Naval Shipyard, did you handle asbestos-containing
23 products, other than when you took the sample?

24 A. My job does not require me to apply or take
25 off, remove asbestos at all.

1 Q. Did you go onto the various ships?

2 A. Yes.

3 Q. What would occasion you to enter on the
4 ships?

5 A. To do the safety and health inspections.

6 Q. Can you describe for me a general safety
7 and health inspection of the shipyard where insulators
8 may be working, or in various trades?

9 A. Sure. It would be on most piping engine
10 rooms, lower levels where there is steam collars to
11 insulate the pipes, for some reason, either from
12 condensation or heat, they would be insulated. And at
13 that time most of the insulation was asbestos or fiber
14 glass.

15 Q. Okay. And what would an inspection entail?

16 A. Well, if the insulator was there removing
17 it, we would go in there and make sure that it was done
18 under proper controls.

19 Q. When did the Norfolk Naval Shipyard place
20 controls on these workers, such as the wearing of
21 respirators, masks, or --

22 A. I did a, what they call a Navy JAG
23 investigation in 1977, where I tried to reconstruct the
24 asbestos problems in the shipyard, and I think counsel
25 has a copy of that somewhere, but in my investigations, I

1 could never really clearly determine when respirators
2 were forced on. They were always recommended but never --
3 well, just recommended primarily until the early '60s,
4 and then we started forcing the wearing of respirators
5 and coveralls and using ventilation.

6 Q. So before the early '60s, respirators were
7 recommended and were available to the workers?

8 A. As far as I know.

9 Q. And after the early '60s, it became a
10 required procedure at the Norfolk Naval Shipyard?

11 A. Yes.

12 Q. And insulators at that time were required
13 to wear respirators while working with asbestos-containing
14 products?

15 A. Yes.

16 Q. Approximately how many times have you given
17 your deposition in relation to lawsuits against asbestos
18 manufacturers?

19 A. I'd say between 8 and 10. I really don't
20 know how many times.

21 Q. Have you also testified in trial on
22 occasion?

23 A. Yes.

24 Q. In 1977 when the videotapes -- or excuse me --
25 in 1977 when the samples were taken with the various

1 products, who occasioned -- under whose directives were
2 those samples taken?

3 A. Lieutenant Joe Cox.

4 Q. Okay. And what --

5 A. He was counsel for the Justice Department,
6 for the Navy.

7 Q. Okay. And this was a government procedure,
8 I take it, done by government employees?

9 A. This taking of samples?

10 Q. Yes.

11 A. Yes.

12 Q. In 1981, who occasioned the videotape that
13 we have just reviewed?

14 A. Well, I suppose -- I don't know, really,
15 who instigated it.

16 Q. Who were present other than the three or
17 four employees that were inside the room, who was outside
18 the room looking through the glass with you?

19 A. There were 15 or 10 counsel there observing
20 and watching. I really don't know who they were, except
21 I remember Richard Glasser and Ron Schmidt being there.

22 Q. And obviously a cameraman?

23 A. Yes. And the videotape was taken by
24 shipyard employees.

25 Q. In reviewing the videos, I notice that

1 there were warning tags shown on the video to each of the
2 two -- on each of the two videos which have been attached
3 to your deposition.

4 Is it your testimony that those tags were
5 not there in 1977 but were there in 1981?

6 A. Yes.

7 Q. And who placed them there, you don't know?

8 A. No.

9 Q. You haven't filed your own lawsuit against
10 manufacturers, have you?

11 A. No.

12 Q. When you were on particular ships, did you
13 have occasion to note, or note in your mind, or write
14 down, any of the products that the insulators were working
15 with?

16 A. No, I did not.

17 Q. So it would be a fair statement that you
18 don't have any personal knowledge of the specific
19 products these workers were working with on specific
20 ships which you visited?

21 A. I do not.

22 Q. If I could refer you to -- I'm looking at
23 sample 3 A on my left here, and sample 7 A on my right,
24 both -- each of these samples were referred to in the two
25 videotapes. Is that correct?

1 A. Yes.

2 Q. All right. And each of these samples are
3 asbestos cloth. Is that correct?

4 A. Yes.

5 Q. Would it be a fair statement that these two
6 samples are very similar in appearance?

7 A. Yes, it would be.

8 Q. Okay. And from your view do you notice any
9 noticeable differences in the two samples?

10 A. No, I don't.

11 Q. Were those two rolls on the videotapes full
12 rolls; do you recall?

13 A. As far as I remember they were. They still
14 had wrapping on them.

15 Q. And the only cloth taken off those two
16 rolls was the cloth taken to make the sample?

17 A. Yes.

18 Q. If I could, Mr. Hackler, I'd like to show
19 you what has previously been marked as Exhibit 1, Hackler
20 No. 1, consisting of three deposition notices, each of
21 four or five pages.

22 What I would ask you to do, if you would,
23 sir, is to -- on the left-hand side of the several pages
24 of each of these notices are the names of persons who
25 have filed lawsuits against several manufacturers of

1 asbestos-containing products in Dallas, Texas.

2 If you would go through these three
3 separate lists, and with my red pen, on the left hand
4 margin next to the name, if you recognize the name as
5 anybody that you know from the Norfolk Shipyard or from
6 your work, would you please place a little check mark
7 with the red pen. I think we can take a short break
8 while he does that.

9 (~~Recess~~)

10 BY MR. NYHUS:

11 Q. Mr. Hackler, have you had an opportunity to
12 review exhibit No. 1 to your deposition?

13 A. Yes.

14 Q. By that, I mean all three separate sections?

15 A. Yes.

16 Q. And I take it since you have not placed a
17 red check next to any of the names contained in Exhibit 1,
18 that you don't know any of these individuals?

19 A. I don't know the names.

20 Q. And not knowing these individuals, you
21 would have no knowledge whether they worked at the
22 Norfolk or Newport News Shipyard?

23 A. No.

24 Q. All right. And not knowing any of these
25 persons, you wouldn't have any personal knowledge of any

1 particular ships they worked on or particular
2 asbestos-containing products that they may have or may
3 not have been exposed to?

4 A. No.

5 MR. NYHUS: That's all the questions I have.

6 Ron, I may have been unclear. Is there a
7 narrative to these tapes?

8 MR. SCHMIDT: The original tape is unchanged.
9 ~~What we did is we took the section of the tape from the~~
10 point in view where the material was identified up to the
11 point the samples were taken, and then we took from the
12 point after the sample was taken to where everything was
13 packaged. But on the original tape, there is the sound --
14 there is the question and answer of Mr. Hackler as
15 appears in the transcript of the deposition, of the video
16 deposition.

17 MR. NYHUS: Of course, I can't agree to the
18 production of the tape with narrative at the time of the
19 trial in Dallas. I would object to that.

20 Of course, if we have the tape with Mr.
21 Hackler's testimony here today, a narrative which has not
22 been presented, I would have to object to it.

23 MR. SCHMIDT: Our intentions are to simply
24 use what has been made an exhibit to this deposition and
25 not, you know, at this time.

1 I don't know the rulings of your court as
2 to the admissibility of foreign depositions. I don't
3 want to saying anything to waive our right to use a
4 foreign deposition, but on the other hand the purpose of
5 this deposition today was simply to get him to identify
6 that portion of the videotape taken in September 1981.

7 Now, I can't state at this time whether
8 there may or may not be a motion in the future to use the
9 videotape deposition itself, or any of Mr. Hackler's
10 prior testimony.

11 MR. NYHUS: That's all I have, Mr. Hackler.

12 Thank you.

13

14 BY MR. KEFFER:

15 Q. Mr. Hackler, my name is Bill Keffer, and I
16 represent one of the defendants in this litigation, and I
17 only have a series of some specific questions for you.

18 Let me find which exhibit I need here.

19 Let me show you again exhibit S-542, which
20 is sample 7.

21 Just for my curiosity, what does the G/C
22 11/70 mean?

23 A. I don't know what the G/C means, probably
24 November 1970.

25 Q. But you don't know what that date signifies?

1 A. No.

2 Q. Or what G/C stands for?

3 A. No.

4 Q. And I think you have alluded to this
5 earlier, but just for clarification, when you made the
6 samples, or took the samples from the various rolls in
7 August of 1977, where were the rolls from which you took
8 the samples kept after that time?

9 A. ~~In that capture cage on the fourth floor of~~
10 building 276 of the shipyard.

11 Q. Okay. Is that cage -- was that under the
12 shipyard's auspices, or was it then under the government's
13 auspices, or who had control?

14 A. It was under the shipyard control.

15 Q. Where were the samples taken after you cut
16 them from the rolls?

17 A. I gave Lieutenant Cox a group, and then I
18 sent the others off to the Navy Environmental Health
19 Center.

20 Q. Okay. So Lieutenant Cox kept some samples,
21 and you sent other samples to Cincinnati, Ohio?

22 A. Yes.

23 Q. And after the labs ran their tests in
24 Cincinnati, did they return those tests or samples to you?

25 A. As far as I know, they did. I don't recall.

1 Q. Do you know what they did with those
2 samples after they were returned to you?

3 A. I was giving everything to Lieutenant Cox
4 at this time.

5 Q. Do you know where Lieutenant Cox kept the
6 samples?

7 A. No.

8 Q. In August of 1977, during the sample taking,
9 how many people would you say were present?

10 A. Lieutenant Cox and myself, and I think
11 there were two other people actually taking the samples
12 under controlled conditions.

13 Q. Do you know who the two others might be?
14 Not namewise, but just generally speaking?

15 A. They were insulators. One was supervisor
16 insulator.

17 Q. From the shipyard?

18 A. Yes.

19 Q. You wouldn't recall what their names were,
20 would you?

21 A. No.

22 I can see his face, but I can't recall his
23 name.

24 Q. There was one exhibit that I didn't get the
25 overall exhibit number for it. It was sample 9 A.

1 Ron, was there supposed to be a tag on that?

2 MR. SCHMIDT: 9 -- they do not have a -- we
3 never got to the point with Garlock of actually creating
4 the trial books.

5 MR. KEFFER: Okay.

6 BY MR. KEFFER:

7 Q. Mr. Hackler, when you were having the
8 videotapes taken, in what month of 1981; do you recall?

9 A. I believe it was September.

10 September of 1981.

11 Q. September of 1981. You said there were 15
12 or so attorneys present. And who else. Do you recall?

13 A. I'm sure Charlie Sledge was there.

14 Q. And who was he?

15 A. He presently works in the shipyard. Now
16 he's in control of the asbestos products in the shipyard.
17 Specifically, other than cameramen, I don't know. I
18 don't remember.

19 Q. Do you remember any names of attorneys
20 besides Mr. Glasser and Ron Schmidt?

21 A. No.

22 Q. Okay.

23 MR. GLASSER: Let me go off the record a
24 second, Bill.

25 (Discussion off the record)

1 BY MR. KEFFER:

2 Q. As we viewed the videos today, can you
3 recall whether the section that was cut as samples from
4 the various rolls makes up the entire sample in these
5 exhibits that we see today on the table?

6 In other words, did you use the whole
7 section that was cut? Did you use a portion of that
8 section that was cut?

9 A. I took the section that was cut out, that
10 we just saw, and I split that in two. I gave half -- one
11 half to the Navy Environmental Health Center and another
12 half to Lieutenant Cox.

13 Q. So what we're looking at today is just one
14 half of the sample that you cut from the roll?

15 A. Yes.

16 There is somewhere a sample 7 B. I don't
17 know where it is.

18 Q. So that's what the As and the Bs signify?

19 A. Yes.

20 Q. Okay. Would you know if any of the
21 shipyard employees who helped you in August 1977, or
22 September 1981, during the sample taking and sample
23 identification procedures, if any of those shipyard
24 employees are currently involved in the asbestosis
25 litigation?

1 A. I don't know.

2 Q. Okay. And having reviewed the videotapes
3 yesterday, this morning, and then during the course of
4 this deposition, are you aware of any alterations, or
5 changes, or editings that have been made to the
6 videotapes from when you first had them made?

7 A. Not that I know of, except for the sound is
8 gone, and they seem to be cut in sections.

9 Q. So you can't identify some portions that
10 are missing from the original tapes?

11 A. No.

12 Q. You cannot identify them?

13 A. I don't know. They look complete to me.

14 MR. KEFFER: Ron, from what you said
15 earlier I know you did make some editing.

16 MR. SCHMIDT: The only editing we did, we
17 took out that portion of the video concerning the taking
18 of samples, and we did that at the request of the
19 defendants concerned, but the procedure was the materials
20 were identified, they were unpackaged, looked at the
21 packaging, then additional samples were taken, and then
22 everything was repackaged, and we cut out that portion
23 where the additional samples were taken at the request of
24 the defendants.

25 And also the videotape concerning sample 7

1 was actually used in the Isenhower/Miltier trial back in
2 September 1983. At that point, Raybestos Manhattan was a
3 Defendant. H. K. Porter had settled, so we did not use
4 the other portion of the videotape.

5 BY MR. KEFFER:

6 Q. Okay. Since the tapes were made in
7 September 1981, Mr. Hackler, do you know in whose custody
8 they have been?

9 A. No.

10 MR. SCHMIDT: I can clarify that. There is
11 a pretrial order pertaining to videotapes. For a long
12 period of time they were kept in the custody of the court
13 until such time as they were withdrawn for the purpose of
14 copying and use of portions in the Isenhower/Miltier
15 trial.

16 But there is a court order regarding the
17 preservation of the original and the protection of the
18 original, and so forth, entered in the United States
19 District Court for the Eastern District of Virginia.

20 MR. KEFFER: Okay. Thanks.

21 MR. SCHMIDT: The government may also --
22 since it was done at the government's request, I don't
23 know whether they would have an original copy or not.

24 The official copy that was deposited in the
25 Court, I can speak for that.

1 BY MR. KEFFER:

2 Q. Mr. Hackler, when we viewed the two
3 videotapes today, I notice in the first one, there was a
4 burlap covering underneath which was a brown paper
5 covering, and then the actual asbestos cloth. And then
6 in the second tape, as I recall, there was a brown paper
7 covering that had been torn away revealing a polyethylene
8 covering underneath which was the actual asbestos cloth.

9 Are those the ways that you found the two
10 rolls?

11 A. No.

12 Q. How did you find each roll?

13 A. Just the only way I found it was with the
14 burlap around it, the brown wrapping paper in place, and
15 the other one was just with brown wrapping paper. They
16 had no polyethylene around each one of them.

17 Q. Okay. So the polyethylene covering on the
18 second roll had been added by someone since you found the
19 roll originally?

20 A. Yes.

21 MR. SCHMIDT: Also on the first roll, I
22 think, there was an outer layer of polyethylene on that
23 roll.

24 BY MR. KEFFER:

25 Q. So the second roll did not have a burlap

1 covering when you found it?

2 A. No. I don't remember that.

3 Q. Okay. How many rolls did you gather all
4 together when you were getting these things together from
5 which to take samples in August of 1977?

6 A. I don't remember.

7 There were several in boxes of premolding,
8 pipe covering, and rolls of Garlock gasket material.

9 I just don't remember.

10 Q. Enough material to fill the room in which
11 we're sitting right now?

12 A. Oh, no. No. Only about, I think, 20 items
13 altogether.

14 Q. And you found the various items in
15 different states. What I mean is, perhaps some of them
16 had been opened and used and others had not been opened
17 yet?

18 A. Yes.

19 Q. What determined in what state each item was
20 in?

21 Did it depend on where you found it, or any
22 circumstances?

23 A. Well, we have taken truckloads full of
24 stuff that we found. If it had been opened, we took it
25 to the disposal site. If it had not been opened, we

1 returned it to the factory -- manufacturer.

2 And this was the last kept piece I found
3 was in Building 276, and I was getting ready to dispose
4 of it when Lieutenant Cox stopped me and said, "No, we
5 want to capture this."

6 Q. Okay. So the items that had been opened
7 that you used in your sampling in August 1977 were items
8 that you were just about to dispose of but lieutenant Cox
9 stopped you from doing so?

10 A. Yes.

11 MR. SCHMIDT: And to clarify, we had a
12 subpoena out at that time for all asbestos material at
13 Norfolk Naval Shipyard.

14 MR. KEFFER: Okay.

15 BY MR. KEFFER:

16 Q. If any cloth had been used from the roll
17 that we viewed in the first videotape today, would the
18 burlap covering normally have been disposed of at that
19 time, or would it still remain around the roll?

20 A. It would have been disposed of.

21 Q. Can you recall specifically where the two
22 rolls that we saw in the videotapes today were taken?

23 A. Recall specifically where they were --

24 Q. Yes.

25 A. It was taken outside of that trailer.

1 Q. Okay. Let me rephrase it. Do you recall
2 specifically from what locations in the shipyard you
3 retrieved those two rolls that were used in the two
4 videotapes?

5 A. Yes. It was on the first floor, Building
6 276, in a lay down area, just a place where you lay down
7 materials for holding.

8 Q. Both rolls were from that area?

9 A. Yes.

10 Q. Could those rolls have been delivered to
11 the shipyard in any particular year? Could you tell from
12 how you found the rolls when they were delivered?

13 A. No, I couldn't tell.

14 Q. And just so I'm clear, neither roll had
15 been used yet in the videotapes?

16 A. No.

17 Q. Mr. Hackler, during your time as an an
18 employee at the Norfolk Shipyard, did you ever see or
19 become familiar with manufacturers of asbestos-containing
20 products that were used in the shipyard other than the
21 times that you participated in the sample taking in
22 August of 1977 and this videotaping procedure in
23 September 1981?

24 A. No, I did not.

25 Q. Mr. Hackler, on sample 7 A, which is

1 exhibit T-542, is there anything on the sample itself
2 which would indicate to you who manufactured that piece
3 of cloth?

4 A. No, there is not.

5 MR. KEFFER: That's all I have. Thank you.

6

7 BY MR. SHANNON:

8 Q. Mr. Hackler, my name is Jim Shannon. I
9 represent Garlock.

10 Have you ever, in your time at the shipyard,
11 seen gasket material being cut?

12 A. Prior -- oh, yes. After -- well, it
13 depends on when you're talking about. Yes, I have.

14 Q. When did you see it cut?

15 A. When I became aware that asbestos was a big
16 problem, we always cut gaskets, and we took samples of
17 the operation, of the gasket covering operations.

18 Q. And have you seen cloth and pipe section
19 being cut?

20 A. Yes.

21 Q. And have you seen cement being mixed?

22 A. Yes.

23 Q. Have you ever observed airborne dust from
24 the gasket cutting operation?

25 A. No.

1 Q. Have you observed airborne dust from the
2 cutting of the section of cloth, from the mixing of
3 cement?

4 A. Yes.

5 Q. Are you familiar with the term encapsulated
6 products as they relate to asbestos-containing products?

7 A. Yes.

8 Q. That's a term that's used in the OSHA
9 regulations now, isn't it?

10 A. Yes.

11 Q. And is it not correct that your
12 requirements that you have mentioned of using respirators
13 at the Norfolk Naval Shipyard did not include the gasket
14 cutting operations?

15 A. During cutting operations?

16 Q. Yes.

17 A. No. Not at the time.

18 Q. It was not included among the operations
19 for which a respirator was required?

20 A. That's right.

21 MR. SHANNON: Thank you, sir. That's all.

22 MR. POOLE: Nothing, no.

23 MR. SCHMIDT: Is it back to me?
24
25

1 BY MR. SCHMIDT:

2 Q. I don't have too many follow up questions.

3 With respect to the videotape that was done
4 in 1981, did the attorneys include attorneys for various
5 asbestos manufacturers?

6 A. Yes.

7 Q. I think you said there were 15 or 20
8 attorneys present?

9 A. Yes.

10 Q. Now, with respect to your testimony
11 concerning respirator requirements at Norfolk Naval
12 Shipyard, I take it that your testimony is not based upon
13 your personal knowledge, but based upon the investigation
14 you did in 1977?

15 A. Yes.

16 Q. And your investigation was done by talking
17 to various people and reviewing various documents?

18 A. Yes.

19 Q. And so you have no personal knowledge as to
20 when respirator requirements were initiated or enforced
21 at Norfolk Naval Shipyard?

22 A. No.

23 Q. And if the men working in the various
24 trades such as pipe coverers should testify that as to
25 different dates for those requirements than you have

1 testified to, you would not be able to refute the
2 testimony?

3 A. No.

4 Q. Do you recall when you personally observed
5 the use of respirators by pipe coverers?

6 A. Specific dates?

7 Q. Yes, sir.

8 A. No, I don't.

9 Q. Now, one of the attorneys asked you about
10 your knowledge of -- or your observations of cloth or
11 pipe covering being cut and gasket material and cement
12 being mixed. Did you, during your inspections aboard
13 ships during the 1963-73 period, did you observe these
14 materials being used aboard ships?

15 A. Yes.

16 Q. And I take it you observed the pipe
17 covering being used aboard ships?

18 A. Yes.

19 Q. And you observed the cutting of the pipe
20 covering aboard ships?

21 A. Yes.

22 Q. And was dust customarily generated when
23 pipe covering was cut aboard ships?

24 A. Yes.

25 Q. I take it you observed the cutting and

1 tearing of asbestos cloth aboard ships?

2 A. Specifically I can't remember, but I'm sure
3 I did.

4 Q. And you observed the mixing of cement
5 aboard ships?

6 A. Mixing of cement?

7 Q. Yes, sir.

8 A. Yes.

9 Q. And did you observe dust customarily being
10 generated during that process?

11 A. I can't really specifically remember mixing
12 cement, because I knew it would generate dust.

13 Q. But you are familiar that these materials
14 were used aboard ship during the 1963-73 period?

15 A. Yes.

16 Q. And you are familiar with the fact that
17 dust was generated in the use and handling of these
18 materials aboard ships?

19 A. Yes.

20 Q. Did you observe the removal of these
21 materials aboard ship during the '63-73 period?

22 A. Let's get the dates straight now. I was
23 more aware of the problem from '73 to '79 than I was from
24 '63 to '73. I was concerned with radiation safety at the
25 time, and not asbestos, so what I'm speaking about, when

1 I'm fully aware of it, during the '73 to '79 area.

2 Q. I'm not talking about any problem from the
3 dust. What I'm simply talking about is your observations
4 of people doing this work during shipyard inspections.

5 I take it that during the '63-73 period you
6 did observe those products being used aboard ships?

7 A. Yes.

8 Q. And you did observe dust being created
9 during the customary use and handling of these materials
10 aboard ships

11 MR. NYHUS: Objection.

12 A. Yes.

13 BY MR. SCHMIDT:

14 Q. Now, as to the two cloth samples that we
15 have here, I take it it was not part of your job to
16 observe the difference in the appearance of asbestos
17 cloth?

18 A. No.

19 Q. Now, the material previously identified as
20 plaintiffs exhibit, or sample 7 A, can you tell me the
21 color of the thread in that cloth?

22 A. It looks purple tint.

23 Q. And referring your attention to sample S
24 431, also identified as sample 3 A, can you identify the
25 color of the thread in that cloth?

1 A. That looks more of a blue.

2 Q. So they are different colored threads in
3 the cloth?

4 A. Yes.

5 Q. And they are located on different portions
6 of the cloth?

7 A. Yes.

8 Q. And if you could feel the two cloths and
9 tell me the thickness of the two cloths, and tell me if
10 you observe any difference.

11 A. It's going to be hard.

12 Q. I realize there are several layers of
13 plastic.

14 A. I can't tell the thickness of it.

15 Q. It wasn't part of your job to use these
16 materials?

17 A. No.

18 Q. And these two samples do bear different
19 tags by you; is that correct?

20 A. Yes.

21 Q. And you're sure that each tag identifies
22 the manufacturer of the material from which that sample
23 was taken?

24 A. Yes.

25 Q. Now with respect to your observations of

1 these materials at Norfolk Naval Shipyard, both during
2 the time you did inspections aboard ships and after you
3 became safety director in 1973, did you ever observe at
4 any time any manufacturer's warning label on any
5 asbestos-containing product in use?

6 A. No. I did not prior to that time.

7 Q. And even after you became safety director,
8 did you ever observe any manufacturer's warning label on
9 any asbestos-containing product in use?

10 A. Yes, I did.

11 After I was doing this investigation, I
12 found a box of premolded pipe covering and it had a
13 warning label on the bottom half of it.

14 Q. Was that product in use at the time?

15 A. It was there to be used.

16 Q. Do you remember the -- when was that,
17 approximately?

18 A. Well, that had been 1978. '77, '78,
19 somewhere around there.

20 Q. Do you remember who made that?

21 A. No.

22 Q. But as to the cloth, you don't remember any
23 warnings on that product?

24 A. No.

25 Q. Now, did you ever receive any information --

1 you were safety director beginning in 1973?

2 A. Yes.

3 Q. Did you ever receive any safety information
4 from any manufacturer of asbestos products, either in
5 oral or written, or advertising brochures, or in package
6 inserts, or in any way whatsoever that asbestos dust was
7 dangerous?

8 A. I don't recall any.

9 Q. Did you ever receive any safety information
10 from any manufacturer of asbestos products, either oral
11 or written, advertising brochures, package inserts, and
12 so forth that indicated that any special procedure should
13 be used to avoid -- or any special equipment should be
14 used to avoid breathing asbestos dust?

15 A. I don't recall getting any information like
16 that.

17 MR. SCHMIDT: Thank you. No further
18 questions.

19 MR. SHANNON: I have two, if I may, follow
20 up.

21

22 BY MR. SHANNON:

23 Q. You spoke a moment ago about encapsulated
24 asbestos products. Are samples 9 A and 12 A examples of
25 encapsulated products, as you understand that term?

1 A. That's encapsulated now, yes.

2 Q. But the product itself -- I don't mean
3 encapsulated in a plastic bag. I mean the product itself,
4 is that an encapsulated product as you understand the
5 term?

6 A. Yes. It's bound together. It wouldn't
7 come off, you know, unless you saw it or something.

8 Q. Are those products, 9 A and 12A, similar to
9 what you saw being cut as you testified earlier?

10 A. Yes.

11 MR. SHANNON: Thank you, sir. That's all.

12 BY MR. NYHUS:

13 Q. I just have a couple more questions.
14 How often did you go on the ships and
15 perform inspections?

16 A. Personally?

17 Q. Personally, yes.

18 A. I try to get out every Friday afternoon. I
19 had personnel who went daily.

20 Q. And they observed the pipe coverers while
21 they were working?

22 A. Yes.

23 Q. And you began doing that in 1973?

24 A. Yes.

25 Q. And those inspections were done prior to

1 that time by other personnel?

2 A. Yes.

3 Q. Do you recall the year or the date, as best --
4 to the best of your recollection, when respirators were
5 required of the pipe coverers?

6 MR. SCHMIDT: Objection. I don't think
7 that is proper redirect examination. I think it's
8 repetition. And also, based on his testimony. It's not
9 based on his personal knowledge. It's hearsay and not
10 admissible.

11 BY MR. NYHUS:

12 Q. Go ahead, sir.

13 A. I found evidence in literature and research
14 that respirators were required of insulators when performing
15 rip-outs and replacing insulation material. I don't
16 remember a specific date on which this was required.

17 Q. Did your department, being the Safety
18 Department, issue any directives to the chairman of the
19 pipe covering department, or the general foreman or other
20 personnel recommending or requiring the use of
21 respirators?

22 A. A shipyard instruction was written
23 concerning the use of asbestos material, and I'm sure had
24 it as a part of that. I did not write it myself, but I
25 commented on it and concurred with it.

1 Q. Do you recall when that was?

2 A. No.

3 Q. Do you recall the approximate year?

4 A. Probably shortly after we started to get --
5 we got the directive from headquarters, we put out a
6 shipyard directive on how we dealt with and handled
7 asbestos-containing materials.

8 Q. Do you recall when headquarters directed it?

9 A. No. Probably I'd say late '76, somewhere
10 in that area, I would imagine.

11 Q. When you say headquarters, what is that?

12 A. That's Naval Sea Systems Command. It used
13 to be called Naval Ships.

14 All shipyards report to Commander/
15 Washington, D. C.

16 Q. I take it you were never involved in the
17 purchase of products from any distributors or
18 manufacturers?

19 A. No.

20 MR. NYHUS: That's all I have. Thank you,
21 sir.

22 MR. KEFFER: Off the record.

23 (Discussion off the record.)

24 MR. GLASSER: I'm showing to Jim Shannon,
25 speaking to counsel, I have gotten the transcript cover

1 sheet of the deposition of Charles R. Sledge and Larry P.
2 Hackler, who is this witness, that was taken on behalf of
3 the plaintiffs on September 22, 1981, and this is my
4 understanding of the deposition at which time the
5 videotape was taken.

6 It is listed for de bene esse purposes, and
7 I was showing it to Jim for the purpose of having him to
8 observe the lists of those who appeared. My
9 representation is that I appeared and that Ronald Schmidt,
10 my partner, was there.

11 In addition, there were representations of
12 attorneys on behalf of Johns-Manville Sales Corporation,
13 Raybestos Manhattan, Owens-Corning, Nicolet, Celotex,
14 UNARCO, H. K. Porter Company, and Southern Asbestos
15 Company, as it was known then, J. P. Stevens,
16 Eagle-Picher Industries, Keene Building Products, Pabco
17 Industrial Products, Precision Seal Division of Garlock,
18 Armstrong Cork, Owens Illinois, GAF, U.S. Gypsum, and an
19 attorney there on behalf of the United States.

20 If there is some way that, to the extent
21 that you need assurances as to who was there, that there
22 can be a stipulation, or if you will permit us to file as
23 a part of the deposition simply the cover sheet and the
24 appearances, we would be happy to do so, to confirm the
25 statement that I have made.

1 I don't imagine -- and I have not inquired --
2 that Mr. Hackler was in a position to know the names of
3 those attorneys or for whom they were appearing.

4 MR. SCHMIDT: I note that Mr. Hoyle was
5 listed for Raybestos.

6 Do you remember him?

7 THE DEPONENT: Yes.

8 MR. KEFFER: I don't believe I need to have
9 this attached as an exhibit, if I could just look at it
10 for a second.

11 MR. GLASSER: Yes. It was brought in for
12 that purpose.

13 MR. KEFFER: I just have one question for
14 Mr. Hackler, and then I'm through.

15

16 BY MR. KEFFER:

17 Q. Mr. Hackler, the second roll that we saw on
18 the videotape, was that covered in burlap when you found
19 it?

20 A. It looked like when I found it what you saw
21 there. It hadn't been tampered with.

22 Q. Okay. And it was your testimony earlier
23 that once a burlap covering is removed from a roll of
24 asbestos cloth, it's discarded?

25 A. Yes.

1 MR. KEFFER: Okay. Thank you.

2 MR. SHANNON: Ron, I would certainly agree
3 that the appearance sheet is accurate. I also note there
4 are several pages of colloquy amongst the attorneys with
5 serious objections to the entire procedure and strenuous
6 objection. And to the extent that these have not been
7 ruled upon, they are certainly preserved as objections.

8 MR. SCHMIDT: Sure.

9

10 BY MR. SCHMIDT:

11 Q. Let me just follow up on that last question.

12 Do you know what the procedures were that
13 were followed in the pipe covering shop with respect to
14 the burlap on rolls of cloth?

15 A. No.

16 Q. And to the best of your recollection, the
17 materials were packaged as you found them and as we saw
18 on the videotape done in September 1981, were packaged in
19 the same way you found them in August 1977?

20 A. Yes.

21 MR. SCHMIDT: I don't have any further
22 questions.

23 As I'm sure you have heard a number of
24 times, you have the right to review the transcript of
25 this deposition and make changes to it of a certain

1 nature prior to the time that it is filed in the court,
2 or you can waive that right and let them go ahead and
3 file it.

4 I can certainly assure you that Frances
5 Zahn is one of the original reporters in the asbestos
6 litigation, has been involved for a long time, and is
7 familiar with the terminology and so forth, but I really
8 am not in a position to advise you.

9 If you wish to review it, it will be made
10 available to you by Mrs. Zahn.

11 THE DEPONENT: No. I don't wish to review
12 it.

13 MR. SCHMIDT: Fine. Thank you. And I do
14 owe you a check.

15 (Signature waived)

16 (Whereupon, the deposition was concluded at
17 11:15 a.m.)

18

19

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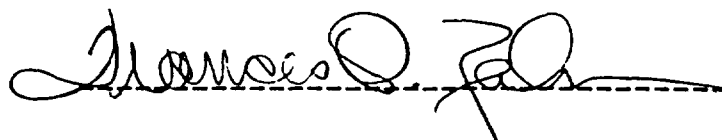
1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, Frances P. Zahn, RPR, a Notary Public
3 for the Commonwealth of Virginia at large, of
4 qualification in the Circuit Court of the City of Norfolk,
5 Virginia, and whose commission expires September 14, 1987,
6 do hereby certify that the within named deponent, LARRY
7 P. HACKLER, appeared before me at Norfolk, Virginia, as
8 hereinbefore set forth, and after being first duly sworn
9 by me, was thereupon examined upon his oath by counsel
10 for the parties; that his examination was recorded in
11 Stenotype by me and reduced to computer printout under my
12 direction; and that the foregoing constitutes a true,
13 accurate and complete transcript of such examination.

14 I further certify that I am not related to
15 nor otherwise associated with any counsel or party to
16 this proceeding, nor otherwise interested in the event
17 thereof.

18 I further certify that by agreement of
19 counsel and the deponent, reading thereof and signature
20 thereto were expressly waived.

21 Given under my hand and notarial seal this
22 15th day of November 1985, at Norfolk, Virginia.

23 
24 _____
25 Notary Public

1 asbestos-containing products in Dallas, Texas.

2 If you would go through these three
3 separate lists, and with my red pen, on the left hand
4 margin next to the name, if you recognize the name as
5 anybody that you know from the Norfolk Shipyard or from
6 your work, would you please place a little check mark
7 with the red pen. I think we can take a short break
8 while he does that.

9 (Recess)

10 BY MR. NYHUS:

11 Q. Mr. Hackler, have you had an opportunity to
12 review exhibit No. 1 to your deposition?

13 A. Yes.

14 Q. By that, I mean all three separate sections?

15 A. Yes.

16 Q. And I take it since you have not placed a
17 red check next to any of the names contained in Exhibit 1,
18 that you don't know any of these individuals?

19 A. I don't know the names.

20 Q. And not knowing these individuals, you
21 would have no knowledge whether they worked at the
22 Norfolk or Newport News Shipyard?

23 A. No.

24 Q. All right. And not knowing any of these
25 persons, you wouldn't have any personal knowledge of any

1 particular ships they worked on or particular
2 asbestos-containing products that they may have or may
3 not have been exposed to?

4 A. No.

5 MR. NYHUS: That's all the questions I have.

6 Ron, I may have been unclear. Is there a
7 narrative to these tapes?

8 MR. SCHMIDT: The original tape is unchanged.
9 What we did is we took the section of the tape from the
10 point in view where the material was identified up to the
11 point the samples were taken, and then we took from the
12 point after the sample was taken to where everything was
13 packaged. But on the original tape, there is the sound --
14 there is the question and answer of Mr. Hackler as
15 appears in the transcript of the deposition, of the video
16 deposition.

17 MR. NYHUS: Of course, I can't agree to the
18 production of the tape with narrative at the time of the
19 trial in Dallas. I would object to that.

20 Of course, if we have the tape with Mr.
21 Hackler's testimony here today, a narrative which has not
22 been presented, I would have to object to it.

23 MR. SCHMIDT: Our intentions are to simply
24 use what has been made an exhibit to this deposition and
25 not, you know, at this time.

1 I don't know the rulings of your court as
2 to the admissibility of foreign depositions. I don't
3 want to saying anything to waive our right to use a
4 foreign deposition, but on the other hand the purpose of
5 this deposition today was simply to get him to identify
6 that portion of the videotape taken in September 1981.

7 Now, I can't state at this time whether
8 there may or may not be a motion in the future to use the
9 videotape deposition itself, or any of Mr. Hackler's
10 prior testimony.

11 MR. NYHUS: That's all I have, Mr. Hackler.
12 Thank you.

13
14 BY MR. KEFFER:

15 Q. Mr. Hackler, my name is Bill Keffer, and I
16 represent one of the defendants in this litigation, and I
17 only have a series of some specific questions for you.

18 Let me find which exhibit I need here.

19 Let me show you again exhibit S-542, which
20 is sample 7.

21 Just for my curiosity, what does the G/C
22 11/70 mean?

23 A. I don't know what the G/C means, probably
24 November 1970.

25 Q. But you don't know what that date signifies?

1 A. No.

2 Q. Or what G/C stands for?

3 A. No.

4 Q. And I think you have alluded to this
5 earlier, but just for clarification, when you made the
6 samples, or took the samples from the various rolls in
7 August of 1977, where were the rolls from which you took
8 the samples kept after that time?

9 A. In that capture cage on the fourth floor of
10 building 276 of the shipyard.

11 Q. Okay. Is that cage -- was that under the
12 shipyard's auspices, or was it then under the government's
13 auspices, or who had control?

14 A. It was under the shipyard control.

15 Q. Where were the samples taken after you cut
16 them from the rolls?

17 A. I gave Lieutenant Cox a group, and then I
18 sent the others off to the Navy Environmental Health
19 Center.

20 Q. Okay. So Lieutenant Cox kept some samples,
21 and you sent other samples to Cincinnati, Ohio?

22 A. Yes.

23 Q. And after the labs ran their tests in
24 Cincinnati, did they return those tests or samples to you?

25 A. As far as I know, they did. I don't recall.