

FILE NAME: Goodyear (GY)

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COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

GARY CONNELL, Executor     )  
of the Estate of ROBERT     )  
CONNELL,                     )  
                              )  
                  Plaintiff,     )  
                              )  
                  vs.             ) Case No. 609220  
                              )  
GOODYEAR TIRE AND,             )  
RUBBER CO., ET AL.,            )  
                              )  
                  Defendant(s).     )

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DEPOSITION OF JOSEPH L. HOLTSHOUSER  
Thursday, October 9, 2008  
- - - - -

Deposition of JOSEPH L. HOLTSHOUSER, called by  
the Plaintiff for examination under the Ohio  
Rules of Civil Procedure, taken before me, the  
undersigned, Lorraine A. Litvin, a Notary Public  
in and for the State of Ohio, at Vorys, Sater,  
Seymour and Pease, 52 East Gay Street, Columbus,  
Ohio, commencing at 11:00 a.m. the day and date  
above set forth.

1 APPEARANCES:

2 On Behalf of the Plaintiff:

3 John Mismas, Esq.

Bevan & Associates, LPA, Inc.

4 10360 Northfield Road

Northfield, OH 44067

5 330-467-4493

6 On Behalf of Defendant Goodyear Tire &  
Rubber Co.:

7 Richard Schuster, Esq.

8 Elizabeth Smith, Esq.

Vorys, Sater, Seymour and Pease, LLP

9 52 East Gay Street

P.O. Box 1008

10 Columbus, OH 43216

614-464-5475

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## OBJECTION INDEX

|    |                 |   |   |   |   |   |     |
|----|-----------------|---|---|---|---|---|-----|
| 1  |                 |   |   |   |   |   |     |
| 2  | BY MR. SCHUSTER | . | . | . | . | . | 8   |
|    | BY MR. SCHUSTER | . | . | . | . | . | 83  |
| 3  | BY MR. SCHUSTER | . | . | . | . | . | 84  |
|    | BY MR. SCHUSTER | . | . | . | . | . | 85  |
| 4  | BY MR. SCHUSTER | . | . | . | . | . | 85  |
|    | BY MR. SCHUSTER | . | . | . | . | . | 87  |
| 5  | BY MR. SCHUSTER | . | . | . | . | . | 142 |
|    | BY MR. SCHUSTER | . | . | . | . | . | 151 |
| 6  | BY MR. SCHUSTER | . | . | . | . | . | 157 |
|    | BY MR. SCHUSTER | . | . | . | . | . | 171 |
| 7  | BY MR. SCHUSTER | . | . | . | . | . | 172 |
|    | BY MR. SCHUSTER | . | . | . | . | . | 173 |
| 8  | BY MR. SCHUSTER | . | . | . | . | . | 178 |
|    | BY MR. SCHUSTER | . | . | . | . | . | 178 |
| 9  | BY MR. SCHUSTER | . | . | . | . | . | 179 |
|    | BY MR. SCHUSTER | . | . | . | . | . | 180 |
| 10 | BY MR. SCHUSTER | . | . | . | . | . | 181 |
|    | BY MR. SCHUSTER | . | . | . | . | . | 184 |

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14

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1 JOSEPH L. HOLTSHOUSER

2 called by the Plaintiff for examination under  
3 the Ohio Rules of Civil Procedure, after having  
4 been first duly sworn, as hereinafter certified,  
5 was examined and testified as follows:

6 EXAMINATION

7 BY MR. MISMAS:

8 Q Good morning, Mr. Holtshouser. How are you?

9 A I'm fine.

10 Q How was your flight in?

11 A Excellent.

12 Q You flew in from Dallas?

13 A Yes.

14 Q Will you state your full name?

15 A Joseph L. Holtshouser.

16 Q You have given depositions in the past?

17 A This will be my fourth deposition for your  
18 firm.

19 Q I mean, you have generally given depositions  
20 in the past?

21 A Yes.

22 Q You know the basic rules of a deposition,  
23 right?

24 A Yes.

25 Q I'll go over them just in case. If you need

1 a break at any time, let me know. I won't hold  
2 you hostage here.

3 If I ask you a question and you don't  
4 understand it, ask me to rephrase it. If you  
5 answer it, we'll assume you knew what it meant  
6 and the answer will stick.

7 A Understand.

8 Q If you don't know the answer to the question,  
9 "I don't know" is a perfectly acceptable answer.

10 MR. MISMAS: Rick, I'll ask  
11 you, don't say through the  
12 deposition "if you know." I mean,  
13 he's already been put on notice if  
14 he doesn't know he can answer that  
15 question.

16 Q You currently live in Texas, correct?

17 A Yes.

18 Q Okay. You have lived there since about what,  
19 2003?

20 A 2004.

21 Q Okay. After you left Goodyear you moved to  
22 Texas?

23 A About a year after I left Goodyear.

24 Q The weather's a little better down there.

25 A It is.

1 Q They still are.

2 A Yeah.

3 Q I guess my question, though, is -- so we  
4 talked about their cutting edge in industrial  
5 hygiene in the rubber industry, right?

6 A Yes.

7 Q And the job of industrial hygienist, you  
8 said, it was for the employer to protect the  
9 workers, right?

10 A For the employer to provide a safe and  
11 healthful workplace for the worker.

12 Q So part of that would be keeping up with the  
13 medical and scientific literature of using it in  
14 your plant, right?

15 A And keeping up with it as best you can.

16 Q So if there were articles on mesothelioma in  
17 the medical and scientific literature, Goodyear  
18 should have been aware of that, shouldn't they?

19 A It's speculation. Back at that time we  
20 didn't have the Internet. We didn't have faxes.  
21 We didn't have all that kind of stuff back in the  
22 1960's. You had telephone service.

23 I don't think that the industrial hygienists  
24 back then should be held accountable for what  
25 might be published in Europe at that time.

1       Certainly, if you were going to school at  
2       maybe at Harvard Medical School or some place  
3       like that, they might have it in their library,  
4       but not in Ohio and Akron in that time period.  
5       I'm not going to go with that.

6       They principally relied on the American  
7       Hygiene Association Journal. That's what Bob  
8       Manning said.

9       Dr. Johnson read the Journal of the American  
10      Medical Association and he read the Journal of  
11      Occupational Medicine. He said every now and  
12      then he got a hold of the New England Journal of  
13      Medicine.

14      I think his testimony was he never saw at  
15      that time, during that decade, a copy of the  
16      British Medical Journal, so I don't go with that.

17      Q   What about the New York Academy of Sciences  
18      though?

19      A   I don't know if they subscribed to that or  
20      not.

21      Q   It's a fact in '64 Selikoff gave a speech on  
22      mesothelioma.

23      A   It was published in '65 by then, yeah. I  
24      think that certainly they would have been aware  
25      of it.

1 Q Goodyear?

2 A By '65.

3 Q Can I ask my question so I can get the  
4 answer?

5 A Sorry.

6 Q You know what I mean. We talk and it gets a  
7 little choppy. So Goodyear knew by 1965 asbestos  
8 causes mesothelioma, correct?

9 A In my estimation I think they would have,  
10 yes.

11 (15-minute recess)

12 Q I guess next it says you were going to  
13 testify about Goodyear's knowledge with respect  
14 to industrial hygiene. I think we already  
15 covered that.

16 A We covered that.

17 Q I'm trying to shorten this up. Next it  
18 states that you will be testifying as to Goodyear  
19 Aerospace's separate industrial hygiene program.  
20 Can you tell me a little bit about that?

21 A Corporate had the main design concept and  
22 passed it to the subsidiaries and then the  
23 subsidiaries implemented the design. They put in  
24 a facsimile of the corporate industrial hygiene  
25 program fit to their operations.

1 Q You used the word design --

2 A Concept.

3 Q Okay. I mean, were these, like, rules or  
4 regulations or what you should do, or what were  
5 they?

6 A They're not rules or regulations. It's a  
7 concept, a protocol, an outline of.

8 Q Like a policy?

9 A Overall, maybe. Again, it's not an official  
10 policy that went out in, say, a standard practice  
11 letter. That was official policy. This was  
12 support to the subsidiaries.

13 Q Would they tailor to the specific subsidiary  
14 depending on what they would do?

15 A What they would do for theirs, yes.

16 Q I mean, did they tailor it to the specific  
17 facility by what they actually did at that  
18 facility, like whether they made brakes or tires  
19 or hoses?

20 A Yes.

21 Q Okay. If they were sending a protocol,  
22 that's what you called it, over to Goodyear  
23 Aerospace, it would be a protocol about the vinyl  
24 division and making brakes and things of that  
25 nature?