

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANE ANN GEYER, p/r/e, JEROLD G.
GEYER, Deceased,

Plaintiff,

vs.

BABCOCK & WILCOX COMPANY, et al.,

Defendants,

vs.

USX CORPORATION, f/k/a United
States Steel Corporation,

Defendant and
Third-Party Plaintiff,

UNITED STATES OF AMERICA, et al.,

Third-Party Defendants.)

No. 92CV70075DT

Deposition of ROSS A. HACKEL
Wednesday, March 8, 1995

The deposition of ROSS A. HACKEL, called as a witness by the defendant and third-party plaintiff USX Corporation, pursuant to notice and the Federal Rules of Civil Procedure pertaining to the taking of depositions, taken before me, the undersigned, Barbara Metz Leo, a Notary Public in and for the Commonwealth of Pennsylvania, at the offices of MG&H, Inc., Suite 719 One Bigelow Square, Pittsburgh, Pennsylvania 15219, commencing at 9:40 o'clock a.m., the day and date above set forth.

COMPUTER-AIDED TRANSCRIPTION BY
MORSE, GANTVERG & HODGE, INC.
PITTSBURGH, PENNSYLVANIA
412-281-0189

ORIGINAL

1 APPEARANCES:

2 On behalf of the Defendant and Third-Party
3 Plaintiff USX Corporation:4 Baughman & Associates Co., L.P.A.:
5 Gary A. Weiss, Esquire
6 55 Public Square
7 Suite 2215
8 Cleveland, Ohio 44113

9 On behalf of the Defendant Elliott Company:

10 Ogne, Alberts & Stuart, P.C.:
11 Jeffrey Bullard, Esquire
12 Suite 1800 Top of Troy
13 755 West Big Beaver Road
14 Troy, Michigan 4808415 David M. Hoff, Esquire
16 Angela Hoffman, Esquire
17 Elliott Company
18 Jeannette, Pennsylvania 15644-147319 On behalf of the Defendant Sprinkman Sons
20 Corporation:21 Willman & Arnold:
22 Glenn A. Huetter, Jr., Esquire
23 Suite 705, McKnight East
24 700 McKnight Park Drive
25 Pittsburgh, Pennsylvania 15237

On behalf of the Defendant Leslie Company:

Buckley King & Bluso:
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1400 Bank One Center
Cleveland, Ohio 44114-2652

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1 MR. WEISS: I would like to start out by
2 having the notice of deposition to the Elliott
3 Company marked as Exhibit A, a document marked
4 as "List of Main and Auxiliary Equipment" marked
5 as Exhibit B for identification, a document from
6 the Elliott Company marked as "Quotation" marked
7 as Exhibit C, a document marked as "Purchase
8 Order United States Steel Corporation" marked as
9 Exhibit D.

10 (Thereupon, USX Deposition Exhibits A
11 through D were marked for identification.)

12 - - -

13 ROSS A. HACKEL

14 called as a witness by the Defendant and Third-Party
15 Plaintiff USX Corporation, having been first duly
16 sworn, as hereinafter certified, was deposed and said
17 as follows:

18 EXAMINATION

19 BY MR. WEISS:

20 Q Morning, sir. Could you please state
21 your full name?

22 A Ross A. Hackel.

23 Q And where do you presently live?

24 A Greensburg, Pennsylvania.

25 Q What's your address there?

- 1 A 614 Buckingham Drive.
- 2 Q What's your date of birth?
- 3 A 7/27/35.
- 4 Q Are you currently employed?
- 5 A Yes.
- 6 Q Where do you work?
- 7 A Elliott Company.
- 8 Q And what's the address of the Elliott
9 Company?
- 10 A North Fourth Street, Jeannette,
11 Pennsylvania 15644.
- 12 Q And is that the corporate headquarters?
- 13 A Yes.
- 14 Q Has it always been located there?
- 15 A No.
- 16 Q Where else has it been located?
- 17 A Pittsburgh.
- 18 Q And when did it move to Jeannette?
- 19 A I don't know.
- 20 Q How long have you been employed with the
21 Elliott Company?
- 22 A 37 years.
- 23 Q And what is your current job title?
- 24 A Director of product integrity.
- 25 Q Has that always been your title?

1 A No.

2 Q What was the first title you held at the
3 Elliott Company?

4 A Application engineer.

5 Q And you say you started there about 37
6 years ago?

7 A Yes.

8 Q Did you go to the Elliott Company directly
9 after finishing school?

10 A It wasn't called the Elliott Company at
11 that time. It was called Carrier Corporation, and I
12 went there directly from college.

13 Q And where did you go to college?

14 A Case Institute of Technology.

15 Q And where is that located?

16 A Cleveland, Ohio.

17 Q Is that now known as Case Western Reserve
18 University?

19 A Yes, it is.

20 Q After finishing high school, do you have
21 any degrees?

22 A I have a B.S. degree in engineering.

23 Q Any other advanced degrees?

24 A No.

25 Q Do you have any special training in --

1 relating to asbestos?

2 A No.

3 Q Any special training related to dust
4 control?

5 A No.

6 Q Any special training related to industrial
7 hygiene?

8 A No.

9 Q I am sorry, what is the position you hold
10 there right now again called?

11 A Director of product integrity.

12 Q What exactly do you do as a director of
13 product integrity?

14 A I look after the integrity of the
15 equipment that Elliott builds.

16 Q Okay. And you said you have been there
17 for 37 years, and I understand that, but approximately
18 how many other positions there have you held?

19 A I am not quite sure what you mean by
20 "positions."

21 Q Before you became this director of product
22 integrity, what did you do?

23 A I was a manager of technical services.

24 Q And what were your duties as manager of
25 technical services?

1 A Much the same as director of product
2 integrity.

3 Q And since graduating from college, you
4 worked for no one else but Carrier Corporation or
5 Elliott?

6 A Or one of the companies that had -- that
7 were associated with that. Company has changed its
8 name many times.

9 Q Since you have been there?

10 A Yes.

11 Q Have you ever testified in a deposition
12 before in regard to your duties with the Elliott
13 Company?

14 MR. BULLARD: Specifically with regard to
15 asbestos litigation or in general?

16 MR. WEISS: In general.

17 A Yes.

18 MR. BULLARD: I am going to object as
19 irrelevant. Go ahead!

20 A Yes.

21 Q How many times?

22 A I don't really know. I don't remember.

23 Q Could you give me an approximation?

24 A Depositions?

25 Q Yes.

1 A Estimate 10.

2 Q Did any of those depositions relate to
3 asbestos litigation?

4 A No.

5 Q What did they relate to?

6 A Most of them were product liability.

7 Q You stated -- have you ever testified at a
8 trial?

9 A Yes.

10 Q Did that have to do with asbestos?

11 A No.

12 Q How many times did you do that?

13 MR. BULLARD: If you can recall.

14 A I am not sure of the definition of a
15 trial.

16 Q Have you ever testified at a jury trial?

17 A Yes.

18 Q How many times have you done that?

19 A Once.

20 Q And was that asbestos related?

21 A No.

22 Q Have you ever testified at any workers'
23 compensation hearings?

24 A No.

25 Q Any other hearings that you can think of?

1 A Hearings, yes. That's why I am confused
2 between a trial and a hearing.

3 Q What type of hearings have you testified
4 before?

5 A It was a product related hearing with the
6 Armed Services Board of Appeals.

7 Q Did that have anything to do with
8 asbestos?

9 A No.

10 Q Has anyone from your company, if you are
11 aware, been deposed regarding asbestos litigation?

12 A Not that I am aware of.

13 Q Has your company ever been involved in
14 asbestos litigation, that you are aware?

15 MR. BULLARD: Well, I don't know what you
16 mean by that question. Obviously, they are
17 involved in this case, which is the Geyer case.

18 Can you be more specific?

19 Q Prior to the Geyer case, have you been
20 involved in any -- the Elliott Company been involved
21 in any asbestos litigation?

22 A I don't know the timing of all these
23 things.

24 Q So your answer is yes?

25 A I don't think I said that. I don't know.

1 MR. BULLARD: Has Elliott been named as a
2 third party defendant in any other asbestos
3 litigation?

4 THE WITNESS: I don't know.

5 Q Is the Elliott Company currently involved
6 in any asbestos related litigation, other than this
7 Geyer case?

8 A Yes.

9 Q And do you know the names of those cases?

10 A No.

11 Q Do you know how many cases there are of
12 those -- of that type?

13 A I don't know.

14 Q Do you know any other jurisdictions in
15 which the Elliott Company is a defendant in asbestos
16 litigation?

17 A Define "jurisdiction."

18 Q Any other states?

19 A Other than what?

20 Q Than Pennsylvania or Michigan, anything
21 like that.

22 A Yes.

23 Q What jurisdictions would those be?

24 A California.

25 Q And that's the only other one that you are

1 aware of?

2 A No. There is probably some others.

3 Q Now, have you ever been designated as
4 an expert witness?

5 A Yes.

6 Q What is your expertise regarding?

7 A Rotating machinery.

8 Q And have you ever been designated as a
9 30(b)(6) witness like you are today?

10 MR. BULLARD: Well, I don't know that he
11 knows what a 30(b)(6) is. He is not a lawyer.

12 A I don't know.

13 Q Do you know if the Elliott Company has
14 ever been in any trials or -- just trials relating to
15 asbestos before this Geyer case?

16 A No, I don't know.

17 Q And what is your understanding personally
18 of the hazards of asbestos?

19 A Today?

20 Q Yes.

21 A Today, my understanding is that people
22 believe that it's hazardous to your health.

23 Q Do you know any more specific facts about
24 how it's hazardous to your health?

25 A Little bit.

1 Q Can you please explain those?

2 A You inhale the stuff and it gets in your
3 lungs and cuts off your oxygen.

4 Q Do you know when the Elliott Company, a
5 representative of the Elliott Company became aware of
6 the hazards of asbestos?

7 A No, I don't.

8 Q Do you know whether the Elliott Company
9 ever communicated to its employees that asbestos was
10 hazardous?

11 MR. BULLARD: What time frame? Ever?

12 MR. WEISS: 1948 to 1992.

13 A I believe, yes.

14 Q And when was the first time that
15 information was communicated to the employees?

16 A I don't know the exact date.

17 Q Do you have an approximation?

18 A No, because I don't know the form that you
19 are referring to.

20 Q The Elliott Company was originally founded
21 as what company?

22 A It was founded as, I believe, Liberty
23 Manufacturing.

24 Q In about what era? What date was it
25 founded?

1 A Early 1900s.

2 Q And how many times has it changed names
3 since that time, if you can remember?

4 A I am not sure what you classify as name
5 changes. Elliott has maintained the Elliott name in
6 some form, but legally, I don't know all the ins and
7 outs of the legal entity.

8 Q What else has Elliott been known as? You
9 said Carrier Corporation before.

10 A Carrier Corporation bought Elliott.

11 Q In what year?

12 A 1957.

13 Q And does Carrier still own Elliott?

14 A No.

15 Q Who does?

16 A It's a wholly owned company. It went LBO
17 in 1987.

18 Q Has been since 1987?

19 A Right.

20 Q What line of business is the Elliott
21 Company in right now?

22 A Rotating machinery.

23 Q And they manufacture that machinery?

24 A Yes.

25 Q Do they also distribute that machinery?

1 A Yes.

2 Q Do you use any other types of distributors
3 across the country?

4 A Today?

5 Q Yes.

6 A Yes.

7 Q Can you briefly describe what types of
8 distributors?

9 A They would be sales agents that would sell
10 some of our products.

11 Q And who are some primary competitors of
12 the Elliott Company at this juncture?

13 MR. BULLARD: In terms of what kind of
14 products? Rotating machinery?

15 MR. WEISS: Yes.

16 A Dresser Rand would probably be our leading
17 competitor.

18 Q Where are they located?

19 A Various places, New York State, other
20 places too.

21 Q Does the Elliott Company now, if you are
22 aware, have a medical director?

23 A I am not aware of one.

24 Q Between the years 1948 and 1992, are you
25 aware that they ever had one?

1 A No, I am not aware of one.

2 Q Did the Elliott Company ever manufacture
3 products containing asbestos?

4 A No.

5 Q Did the Elliott Company ever purchase
6 asbestos products in any way?

7 A Yes.

8 Q What types of products would they buy?

9 A Gaskets, packing.

10 Q How would the gaskets be used within an
11 Elliott machine?

12 A Between flanges.

13 Q Can you explain that briefly?

14 A We have oil flow on our machines, and you
15 would connect pieces of pipe with flanges, and they
16 would put a gasket between those flanges.

17 Q And the gaskets would contain asbestos?

18 A Could.

19 Q And where would those gaskets be obtained
20 from?

21 A Suppliers.

22 Q Do you recall any particular suppliers?

23 MR. BULLARD: For gaskets, packing, both?

24 MR. WEISS: For gaskets.

25 A John Crane, Johns Mansville, U.S. Rubber.

1 Q You also said asbestos was used in some of
2 the packing materials at Elliott?

3 A Yes.

4 Q What types of materials?

5 A What do you mean "what types of
6 materials"? Packing material.

7 Q Yes. How were asbestos-containing packing
8 materials used by the Elliott Company?

9 A It was used in, I guess what you would
10 classify as a string form.

11 Q And how would that be applied?

12 A It would be applied in rolled pieces that
13 would be put into the packing area on the governor
14 valves.

15 Q Who would supply you with this string form
16 packing material?

17 A John Crane, probably some others.

18 Q Do you recall any others at this point?

19 A Garlock.

20 Q You stated you don't know when someone at
21 Elliott became aware of when asbestos materials were
22 hazardous; is that true?

23 MR. BULLARD: Wait a second. I don't
24 think that's what he has testified to. I am
25 going to object to the form of the question.

1 Q Let me rephrase the question. To your
2 knowledge, when did someone at Elliott become aware
3 that asbestos was hazardous?

4 A I don't know the answer. I don't know.

5 Q You don't know if employees at Elliott
6 were ever warned about the hazards of asbestos?

7 A They were warned, but I don't know when.

8 Q Do you know how they were warned?

9 A Letters and notices.

10 Q Did you bring any of those letters or
11 notices with you?

12 A No.

13 Q Did you conduct a search for any of those
14 letters or notices?

15 A I have looked for some of that stuff, yes.

16 Q And have you been successful in finding
17 any of it?

18 A I found it, yes.

19 Q What types of materials did you find?

20 A Letters.

21 Q You did not bring those today pursuant to
22 the subpoena, is that true?

23 A That's true.

24 Q What was the basic content of the letters?

25 A The letter that I recall said that

1 asbestos could be hazardous and you should take proper
2 precautions.

3 Q Do you remember the dates of these
4 letters?

5 A Quite awhile ago.

6 Q Could you give us an approximation?

7 A Between 1970 and 1980.

8 Q Were these letters sent to all employees?

9 A No.

10 Q What types of employees were they sent to?

11 A I don't remember.

12 Q What types of employees at Elliott would
13 be exposed to the asbestos-containing gaskets?

14 MR. BULLARD: Well, I am not sure what you
15 mean by "exposed," so I am going to object to
16 the form.

17 If you can answer the question, I don't
18 know.

19 A I don't think that the letter referred to
20 gaskets, per se.

21 Q What did it refer to?

22 A I think that the letter primarily referred
23 to just maintenance, to asbestos-containing materials.

24 Q Did you say these letters were not sent to
25 every employee?

1 A No. I recall it was primarily directed to
2 the maintenance group.

3 Q And why would those letters be directed
4 towards the maintenance group?

5 A Because we have steam piping in our plant
6 and gaskets and that, and that's primarily where it
7 was aimed to because they maintained the equipment.

8 Q Other than the letters sent to these
9 workers, did the Elliott Company take any other
10 precautions to protect their health from asbestos?

11 A I don't know.

12 Q You are stating you don't know what job
13 classifications at Elliott entailed asbestos exposure,
14 is that true?

15 MR. BULLARD: Again, I am not sure what
16 you mean by the term "exposure," but I don't
17 know if you can answer that question or not.

18 A I don't know.

19 Q Specifically, do you know which products
20 that Elliott Corporation or any of its predecessors
21 manufactured that contained asbestos?

22 MR. BULLARD: I am going to object to the
23 form of the question.

24 If you can answer.

25 A It's very broad. I am not quite sure how

1 to answer it, because it's so broad.

2 Q Can you give us an example of one product
3 that you manufacture that contained asbestos?

4 A Some steam turbines contained asbestos
5 material that we would install; some don't.

6 Q Does the Elliott Company produce any
7 products now that contains asbestos?

8 A You are talking about total Elliott
9 Company worldwide?

10 Q That's correct.

11 A Yes, I believe we do.

12 Q What types of products would those be?

13 A Gill thrusters.

14 Q Are those manufactured in this country?

15 A No.

16 Q Where are they manufactured?

17 A England.

18 Q Today, any products that are manufactured
19 in the United States by the Elliott Company, do any of
20 those products contain asbestos?

21 A Not that I know of.

22 Q And when did the Elliott Company stop
23 using asbestos in its products?

24 MR. BULLARD: Manufactured in this
25 country?

1 MR. WEISS: Exactly.

2 A There is no exact date on everything, but
3 it was -- I would say we were, in the United States,
4 we were no longer using any asbestos-containing
5 products that we purchased in about 1992.

6 Q And why did you stop using asbestos in
7 those products?

8 A For numerous reasons.

9 Q Could you please list those?

10 A Specifications changed, other materials
11 became available.

12 Q No other reasons?

13 A I am sure that there is. The hazards in
14 the advertisement that has gone along with them.

15 Q Obviously, the Elliott Company supplied
16 products to commercial shipping companies, is that
17 true?

18 A Commercial shipping companies, yes.

19 Q They gave products -- they sold products
20 to shipbuilders, is that right?

21 A That's correct.

22 Q I am going to hand you what has been
23 marked as USX Exhibit B, and I will direct your
24 attention to the bottom of the first page. There is
25 listed as a "Main Condenser - One." Could you

1 describe what that product is?

2 MR. BULLARD: I don't think we have
3 identified what the document is, so I am going
4 to object to form and foundation.

5 If you can answer.

6 A It says that it's a main injector, and a
7 main injector would be -- I am sorry, main condenser,
8 and the main condenser would be a condenser that
9 worked off of the main turbine and would condense the
10 steam coming out of the main turbine.

11 Q What's the purpose of such a product?

12 A To return the steam to water.

13 Q And what are the applications for a main
14 condenser, as listed there?

15 A To go on the exhaust end of a steam
16 turbine.

17 Q This would be used for maritime purposes?

18 A Yes.

19 Q And this particular product, if you are
20 aware, was this sold to shipbuilders?

21 A Yes.

22 Q Are they still sold to shipbuilders?

23 A No.

24 Q When did they stop selling this product to
25 shipbuilders?

1 A Approximately 30 years ago.

2 Q How long was this product on the market?

3 A 30 years.

4 Q Do you know what temperature ranges a
5 product like that would be subject to?

6 A Yes.

7 Q What would they be?

8 A Maximum temperature would be in the order
9 of 250 degrees; minimum temperature would be 50
10 degrees.

11 Q Would asbestos have been used to make or
12 manufacture that product?

13 MR. BULLARD: I am going to object to the
14 form of the question. It's vague and ambiguous.
15 How can asbestos be used to manufacture a
16 condenser?

17 If you can answer the question, go ahead.

18 A I don't think asbestos can be used to
19 manufacture a condenser.

20 Q Are there any asbestos components in that
21 condenser?

22 A Yes.

23 Q What types of components?

24 A Gaskets. Could be. Doesn't have to be,
25 but it could be.

1 Q And how many gaskets would a condenser
2 like that contain?

3 A That would be supplied by Elliott?

4 Q Yes.

5 A Probably two, maybe three.

6 Q What would be the size of those gaskets?

7 A It doesn't tell me how big this condenser
8 is, so I don't know.

9 Q You don't know what percent those gaskets
10 would contain of asbestos?

11 A No, I don't.

12 Q Or what type of asbestos would be in those
13 gaskets?

14 A I am not sure.

15 Q Now, handing you what has been marked as
16 Exhibit B, page 2, I direct your attention to the top
17 of the page. There is marked a main condenser removal
18 pump drive.

19 A Okay.

20 Q Do you know what one of those is?

21 A Yes.

22 Q What is it?

23 A Steam turbine.

24 Q What exactly is a steam turbine?

25 A It converts steam pressure to rotating

1 power.

2 Q And that obviously would have maritime
3 applications?

4 A Yes.

5 Q Does that product sold by Elliott have any
6 asbestos-containing components, that you know?

7 A Yes.

8 Q What components would those be?

9 A The packing.

10 Q What type of packing?

11 A I am confused with the term "type of
12 packing." It's packing that you would put around a
13 valve. I am not sure the definition of type.

14 Q This obviously was sold to shipbuilders,
15 is that correct?

16 A It was in this case, yes.

17 Q And it was sold to shipbuilders in the
18 Great Lakes region, is that true?

19 A Yes.

20 Q What temperature ranges would an object
21 like that have?

22 A It says right on here 450 degrees.

23 Q That's the maximum temperature?

24 A That's the design temperature.

25 Q On the same exhibit, I would like to

1 direct your attention to the paragraph below where it
2 says "Main Air Ejectors - Two."

3 A Okay.

4 Q Could you tell me what those are?

5 A Ejectors are a device that use steam to,
6 in this particular case, remove air from the
7 condenser.

8 Q And what would the temperature ranges on
9 that item be?

10 A It doesn't say.

11 Q Do you have an estimation?

12 A I could say it's the same temperature as
13 the turbine above, 450 degrees.

14 Q And would this product have
15 asbestos-containing components?

16 A Could have.

17 Q And you say "could have." What types of
18 components could it have had?

19 A Gasket.

20 Q And from looking at this, can you tell me
21 how many gaskets it would contain?

22 A No. It doesn't tell me enough
23 information.

24 Q And again, this product was sold to
25 shipbuilders in the Great Lakes area?

1 A Yes.

2 Q Now, showing you from the same exhibit
3 bottom of page 5, where it says "Auxiliary Condenser,"
4 do you know what one of those is?

5 A It's a condenser, yes.

6 Q And that also has maritime applications?

7 A Yes.

8 Q And that was sold by the Elliott Company
9 to shipbuilders?

10 A It says that, yes.

11 Q What is the purpose of an auxiliary
12 condenser?

13 A I am not sure of the context that it's
14 used in this regard. It's a condenser like the main
15 condenser.

16 Q What purpose would it have on a ship?

17 A It would condense steam.

18 Q And what would the temperature ranges on
19 this auxiliary condenser be?

20 A Similar to what I gave you for the first
21 condenser.

22 Q 450 degrees?

23 A No, I didn't give you that. It would be a
24 lower temperature than that.

25 Q 250?

1 A Probably about 250.

2 Q Would this auxiliary condenser have any
3 other asbestos-containing components other than
4 gaskets?

5 A No.

6 Q And you could not tell me how many gaskets
7 this condenser had?

8 A Two or three.

9 Q And as to those gaskets, what would be the
10 percentage or type of asbestos?

11 A I don't know in this particular case.

12 Q Now, handing you, from the same exhibit,
13 directing your attention to page 6, marked as "Drive
14 Turbine," could you briefly tell me what a drive
15 turbine is?

16 A It's a steam turbine.

17 Q What would its maritime application be?

18 A To drive something. It converts steam to
19 rotating power.

20 Q And when were these turbines manufactured
21 by the Elliott Company?

22 A My guess is in excess of -- between 50 and
23 75 years ago.

24 Q And they no longer produce those?

25 A This particular model, yes.

1 Q They do?

2 A These models, they do not produce.

3 Q As to that model, when was that
4 discontinued?

5 A That's what I am going on. The models
6 that -- the previous one that you showed me, we
7 stopped manufacture in about 1945 or something like
8 that, give or take a couple years, and this model that
9 is here, which is -- which was probably discontinued
10 before that time.

11 Q And what would be the temperature ranges
12 of a drive turbine listed there?

13 A I don't really know, but it wouldn't be
14 greater than 450 degrees, than the other turbine.

15 Q Would this drive turbine contain
16 asbestos-containing components?

17 A I don't know.

18 Q Directing your attention in the same
19 exhibit to the auxiliary air ejectors. Again, what
20 are those?

21 A They are similar to the previous air
22 ejectors that we talked about. They are just
23 auxiliary air ejectors. I am not sure how they fit
24 into the scheme of things.

25 Q And what is their purpose on a ship?

1 A Their purpose is to -- they are a
2 compresser of sorts, but they use steam as a driving
3 force.

4 Q And what would the temperature ranges on
5 these ejectors be?

6 A It's not stated here.

7 Q Do you have an estimate?

8 A It wouldn't be greater than the previous
9 steam.

10 Q And as to asbestos-containing components,
11 what would likely be found in one of these ejectors?

12 A It doesn't say, but they are auxiliary
13 ejectors, and they could be smaller and not have any
14 gaskets in them.

15 Q So it's possible they contain no asbestos
16 whatsoever?

17 A Good possibility.

18 Q As to the products we just spoke of, where
19 was the asbestos purchased from by the Elliott
20 Company?

21 MR. BULLARD: I am going to object. He
22 has not testified that we purchased any
23 asbestos. He testified that we purchased
24 gaskets and packing that contained asbestos.
25 There is a big difference.

1 You can answer the question, if you know,
2 if you can.

3 A We didn't purchase any asbestos.

4 Q So the Elliott Company never purchased
5 asbestos as a raw material?

6 A That's correct.

7 Q As to asbestos-containing gaskets, where
8 were those purchased from?

9 A Suppliers.

10 Q Could you please mention who they are?

11 MR. BULLARD: It's been asked and
12 answered, but go ahead.

13 A I don't really know. We are talking about
14 75 years. Companies change names. I don't know.

15 Q As for the packing, that would be your
16 same answer?

17 A That would be the same answer, correct.

18 Q Handing you what has been marked USX
19 Exhibit C, could you please describe what this
20 document is, if you know?

21 MR. BULLARD: I am also going to object to
22 the document. As I understand it, this man's
23 sailing history, according to plaintiff's own
24 exposure history that was filed in October of
25 '93, indicates that his period of exposure on

1 page 1 was from 1950 to 1972.

2 This document is dated 1981, well after
3 this man was never exposed, according to
4 plaintiff's own exposure history.

5 Go ahead and answer if you can.

6 A This is an invoice, document for parts
7 supplied.

8 Q And on this invoice, gaskets are listed,
9 is that correct?

10 A Yes, item No. 7 says gaskets, No. 4 says
11 gasket, 5 says gasket and there is a bunch of gaskets
12 down at the bottom, 12, 13, 14 and 15.

13 Q Now, to the best of your knowledge, would
14 these gaskets contain asbestos?

15 A I don't know.

16 Q And you have no idea where these gaskets
17 were purchased from?

18 A No, I don't.

19 Q I am handing you what has been marked as
20 USX Exhibit D. Do you recognize that document?

21 A It says --

22 MR. BULLARD: Let me see it for a second.

23 Again, this document is dated August of
24 '76, so I am going to have the same objection.

25 Go ahead.

1 A It says it's a purchase order.

2 Q From whom?

3 A United States Steel Corporation purchasing
4 division.

5 Q And it's a purchase order for what?

6 A Manhole gaskets for deaerator heater tank
7 for 59 square foot vent condenser No. 16835,
8 deaerating heater XX 4112.

9 Q What exactly would a manhole gasket for a
10 deaerator heater tank be?

11 A It's a gasket. It goes over a hole in the
12 tank.

13 Q What is a deaerator heater tank?

14 A Deaerator heater is a device that removes
15 air from the steam, actually, it's from the water that
16 is going to be made into steam.

17 Q And that obviously has a maritime
18 application?

19 A Yes, it does.

20 Q And did Elliott Company manufacture these
21 deaerator heater tanks?

22 A Yes, we made deaerator heater tanks.

23 Q During what period of time?

24 A I don't know the exact year that we began,
25 but 1930. We went out of the business in the early

1 '60's.

2 Q Did these heater tanks contain
3 asbestos-containing components?

4 A They could, yes.

5 Q And what would the range of temperatures
6 be on one of these tanks?

7 A Temperature range, they primarily deal
8 with water, and they inject some steam into them, so
9 the steam coming in would be a couple hundred degrees.

10 Q And the only type of asbestos-containing
11 components on this type of tank would be in a gasket?

12 A That's correct.

13 Q And again, you did not know where the
14 gaskets for these tanks were purchased?

15 A I don't know where it was for this
16 particular tank.

17 Q Do you know for any other tanks?

18 A If I could track it, I could probably
19 guess where they would be.

20 Q Now, as to the products that the Elliott
21 Company produced that contained asbestos, the
22 components that contained asbestos, why was asbestos
23 used in those components generally?

24 A It was the industry standard.

25 Q Why was it the industry standard, if you

1 know?

2 A Because it served a purpose that it was
3 meant to do very well.

4 Q Which is?

5 A To seal these vessels and turbines and
6 ejectors and what have you.

7 Q The Elliott Company produces products all
8 over the country, or just in Pennsylvania?

9 A Primary manufacturing location is
10 Jeannette, Pennsylvania.

11 Q And it's been there for how long?

12 A 70 years.

13 Q 70?

14 A 70. I might be off by a couple.

15 Q So the products we've been discussing so
16 far were produced in Jeannette, Pennsylvania?

17 A Yes.

18 Q Did the Elliott Company ever have any
19 other manufacturing plants in this country?

20 A Yes.

21 Q Where were they?

22 A The two that I can think of were in Dayton
23 and Springfield, Ohio.

24 Q Are those still in operation?

25 A I am not sure.

1 Q Do you know when they started operation?

2 A No.

3 Q The Elliott Company never had any other
4 manufacturing plants, other than the one in Jeannette,
5 the one in Dayton and the one in Springfield?

6 A In the United States?

7 Q Right.

8 A Only manufacturing facilities, yes.

9 Q What types of products were manufactured
10 in the Dayton plant?

11 A Tube tools.

12 Q I am sorry?

13 A Tube tools.

14 Q How about the Springfield plant?

15 A It's the same thing.

16 Q And you say the Elliott Company also has
17 some manufacturing plants abroad?

18 A Yes.

19 Q Where would they be located?

20 A What year are we talking about?

21 Q Start from the inception of the company.

22 A Manufacturing, we manufactured in Holland
23 from 1957, I don't remember the exact year, but
24 sometime in the '80's, we manufactured in England,
25 from sometime in late '70's until the mid '80's,

1 manufactured -- this is through -- the one in Holland
2 was a licensee and Japan is a licensee. Japan
3 licensee started in 1960 something. Still in
4 existence.

5 Q What types of products were manufactured
6 at the Holland plant?

7 A Primarily steam -- primarily centrifugal
8 compressors and steam turbines.

9 Q Is that plant still operational?

10 A It's not part of Elliott.

11 Q As to the England plant, what do they
12 produce?

13 A Same thing.

14 Q Is that still operational?

15 A No, it's gone out of business.

16 Q And the Japanese plant, is that still
17 operational?

18 A It's a licensee. It's still in operation.

19 Q What is produced there?

20 A Compressors and steam turbines.

21 Q Approximately how many people does Elliott
22 employ in the United States now?

23 A Today?

24 Q Yes.

25 A It changes from day to day, but I would

1 say between 1500 and 2000.

2 Q How many of those people are involved in
3 manufacturing?

4 A I don't know the exact number.

5 Q How many of those people are in Jeannette
6 right now?

7 A Again, I don't know the exact number.

8 Q Has your company ever supplied to its
9 employees material safety data sheets?

10 A Yes.

11 Q And when did your company start doing
12 that?

13 A I don't know the date. I don't have a
14 date.

15 Q And were those sheets supplied to all
16 types of workers?

17 A They were available to all types of
18 workers.

19 Q How were they made available?

20 A Through issue of manuals.

21 Q And when were they supplied to employees?

22 A I thought I said they weren't supplied to
23 employees. They were supplied as a manual to the
24 various areas.

25 Q And did these material data safety sheets

1 contain any information regarding asbestos?

2 A I don't know.

3 Q As part of your preparation for this
4 deposition, did you review any of these material
5 safety data sheets?

6 A No.

7 Q Were these same material safety data
8 sheets supplied to any of your customers or
9 distributors?

10 A I am sure that some have. I can't say
11 that I know the details.

12 Q Does Elliott Company keep a record of
13 those sheets?

14 A The ones that we have?

15 Q Any of them you have ever produced, are
16 they kept as records?

17 MR. BULLARD: I don't know that he has
18 produced them or Elliott has produced the MSDS,
19 so I am going to object to the form of the
20 question.

21 A I am having a problem with the way you
22 presented the question.

23 Q Does the Elliott Company, in its archives,
24 save these sheets that they distributed to their
25 employees?

1 A I don't know.

2 Q Or to their customers or distributors?

3 A I don't know how we handle that.

4 Q Has the Elliott Company ever distributed
5 literature to its -- literature of any kind to its
6 customers or distributors regarding asbestos, if you
7 are aware?

8 A Not that I am aware.

9 Q Were letters or memoranda sent to anyone
10 from the Elliott Company that you are aware regarding
11 asbestos-containing components?

12 A Not that I am aware.

13 Q And you have already stated that as to the
14 gaskets used by the Elliott Company, you don't know
15 the type of asbestos used in them?

16 MR. BULLARD: What time frame are you
17 talking about? I mean, his knowledge may have
18 changed over the years. I am going to object to
19 of the form of the question.

20 A Again, the question is so broad that you
21 would have to pick a specific case and then maybe I
22 could help you out. Not in a broad sense.

23 Q For maritime applications in the 1940's,
24 what type of asbestos would be used in the gaskets
25 used in your products?

1 A I am not sure of the answer to that.

2 Q Of the products manufactured by the
3 Elliott Company, were they coded based upon asbestos
4 content?

5 A Not that I am aware of.

6 Q So there was never specific color codes
7 given to products manufactured by Elliott?

8 A Not that I am aware of.

9 Q Does your company maintain any records of
10 the catalogs that it has produced throughout the
11 years?

12 A You mean contain a historical record?

13 Q Right.

14 A No.

15 Q Does your company retain any of the
16 catalogs it has produced throughout the years?

17 A If you ask me if we open up a file, would
18 there be a catalog in there, probably. Do we keep a
19 record of it, no.

20 Q As part of your preparation for this
21 deposition, did you try to obtain old catalogs?

22 A Yes.

23 Q Did you -- were you successful in finding
24 any of them?

25 A I have found a few.

1 Q Did you bring those with you today?

2 A No.

3 Q What catalogs did you find?

4 A I think I found part of a Johns Mansville
5 catalog, some, I think, Garlock.

6 Q As to the -- I am sorry.

7 A Maybe a few others.

8 Q As to the Johns Mansville, what type of
9 catalog was that?

10 A It was with pipe coatings and things like
11 that.

12 Q These are pipe coatings supplied by Johns
13 Mansville to the Elliott Company?

14 A To the industry.

15 Q As to the Garlock catalogs?

16 A Yeah. They are catalogs that were just
17 general.

18 Q You stated earlier that there came a time
19 when the Elliott Company became aware of the hazards
20 of asbestos?

21 A Okay.

22 Q Do you have any information as to where
23 that information came from?

24 A Not specifically, no.

25 Q Generally, do you know?

1 A Generally, from trade magazines.

2 Q Did your company ever perform any studies
3 on its finished products to determine the effects of
4 the asbestos components they contained?

5 A Can you restate that one again?

6 Q Okay. Did your company ever conduct any
7 tests or studies to determine the effects of the
8 deterioration of asbestos-containing components?

9 A Thank you. No.

10 Q Are you aware of any tests or studies that
11 your company was made aware of?

12 A Regarding asbestos?

13 Q Right.

14 A No.

15 Q Did your company ever contribute any money
16 to any asbestos related disease research?

17 A Not that I am aware of.

18 Q You stated that of the products made by
19 the Elliott Company in this country, none contain
20 asbestos?

21 A Today?

22 Q Is that correct?

23 A That's correct.

24 Q And when was asbestos completely phased
25 out of your products?

1 A I said about 1992.

2 Q What are some of the products that
3 replaced asbestos in your products?

4 A I am not sure what replaced them. They
5 come from the suppliers with names like Nobestos and
6 things like that, and I don't know what's in there.

7 Q You don't know any of the specific
8 replacement products?

9 A In many cases, I don't. Some cases, I
10 have a little knowledge.

11 MR. BULLARD: I am going to object to the
12 form of the question. I think he knows what
13 products they are, but he does not know what
14 makes up those products. I think you are
15 talking at cross purposes there, and I don't
16 know that the record is clear.

17 Q When the Elliott Company was producing
18 products that contained asbestos-containing
19 components, did the manufacturing employees wear any
20 safety devices regarding exposure to asbestos?

21 A Not that I am aware of.

22 Q You stated in this country, there were
23 three manufacturing plants?

24 A Correct.

25 Q There were never any more than that?

1 A Manufacturing.

2 Q Now, of these manufacturing plants, did
3 any of them have a medical library?

4 A Not that I am aware of.

5 Q And did any of those plants belong to any
6 industrial hygiene organizations?

7 A Not that I know of.

8 Q Does your company currently employ an
9 industrial hygienist?

10 A Not that I am aware of.

11 Q Has the Elliott Company ever employed
12 an industrial hygienist?

13 A Not that I am aware of.

14 Q You stated that you testified for the
15 Elliott Company at depositions before?

16 A That's correct.

17 Q And this is the first one that has
18 regarded asbestos, is that true?

19 A That's correct.

20 Q And when did you initially learn that you
21 would be testifying at this deposition today?

22 A I think about last Thursday, whatever date
23 that was.

24 Q So about a week ago?

25 A Probably less than a week.

1 Q And did you review any materials in
2 preparation for this deposition?

3 A I read the notice.

4 Q Did you review any documents from the
5 Elliott Company regarding this deposition?

6 A Yes.

7 Q What types of materials?

8 A I helped gathered this material here.

9 Q You are referring to the materials you
10 brought here today?

11 A Right.

12 Q Did you bring any materials regarding the
13 subpoena that was attached to your deposition notice?

14 MR. BULLARD: The subpoena duces tecum,
15 the list of items that were attached to the
16 notice.

17 A Isn't that what this is? I am confused,
18 but I thought that's what this is.

19 MR. WEISS: You're going to allow us to
20 copy those or you are going to supply us copies
21 of those?

22 MR. BULLARD: Sure, if you want them.

23 Q Did you speak with any other company
24 employees regarding this deposition?

25 A Like my boss, telling him I was coming to

1 it.

2 Q You just spoke to your boss about this
3 deposition?

4 A I told him I was coming.

5 Q What's his name?

6 A Frank Rassmann.

7 Q What does he do at Elliott?

8 A He is director of engineering. Director
9 of engineering, I think, is his title.

10 Q How much time would you say you spent in
11 preparation for this deposition?

12 A Aside from digging these records out --
13 including these records, it was several hours.

14 Q How were the documents you brought with
15 you today retrieved?

16 A By looking for the names of the ships that
17 were listed in the letter that we had.

18 Q Which ships did you find?

19 A Ones that are there. I don't remember the
20 names of all the ships.

21 Q You can refer to those if you want. Could
22 you give me the names of the ships?

23 MR. BULLARD: While he does that, I am
24 going to take a break.

25 (Recess taken.)

1 A Would you like to repeat the question?

2 MR. WEISS: Could you read the last one
3 back, please?

4 (Record read.)

5 A These are the ship names that I see in the
6 files. This file here has got Steamer Roger City.

7 Q Do you know who manufactured the Roger
8 City?

9 A By "manufacture," you mean --

10 Q The shipbuilder.

11 A The shipbuilder. This also has in the
12 file B. H. Taylor, and the original unit was shipped
13 to Bradley Transportation Company.

14 Q And did you personally retrieve that file?

15 A Did I personally retrieve it? Pretty
16 close.

17 Q Who else helped you retrieve it?

18 A The file clerk.

19 Q No one else was involved in the retrieval
20 of that file?

21 A Yeah, there was another person that helped
22 me.

23 Q Who was that person?

24 A Angela Hoffman.

25 Q What did she do at Elliott Company?

1 A She is sitting down there.

2 Q What is her position there?

3 A An attorney.

4 - Should I go to the next one?

5 Q Please.

6 A This one has Steamer Taylor in the file.

7 It was purchased by Pittsburgh Steamship Company in
8 Cleveland, Ohio, but I don't know if they were a
9 shipbuilder.

10 This file has Bradley Transportation,
11 Steamer W. F. White. I don't see anything else.

12 Steamer Cedarville. It's also got Steamer
13 Harvey on it. It was shipped to Great Lakes
14 Engineering Works. That was a shipbuilder. It's also
15 called the A. F. Harvey.

16 Steamer Lehigh, also has steamer J. H.
17 Hillman, Jr. I don't know who built that ship.

18 I am not sure how to pronounce this
19 A-f-f-l -- I am sorry, A-f-f-l-e-c-k, Affleck. Also
20 it would be called the B. F. Affleck. This was again
21 purchased by Pittsburgh Steamship Company in
22 Cleveland, Ohio. There is no indication here on who
23 built the ship.

24 Steamer Calcite, C-a-l-c-i-t-e. It says
25 the user is Bradley Transportation Company. There is

1 also a listing here that says White, Steamer White
2 and Steamer W. F. White.

3 This one has Steamer J. H. Hillman, Jr.,
4 Great Lakes Steamship Company. The engineer was Great
5 Lakes Engineering Works.

6 This last file, I haven't found a name in,
7 and it's just an order for Great Lakes Steel Company.
8 Haven't found a name of a ship in it.

9 Q Okay. Thank you. I am going to ask you
10 some questions specifically regarding the subpoena
11 that was attached to the notice. The subpoena asked
12 you to bring with you sales records showing sales and
13 purchases of insulation materials.

14 Did you bring any materials -- materials
15 with you today?

16 A For sales of insulation materials?

17 Q Or purchases.

18 A No. We didn't -- no, I didn't bring any
19 material with me.

20 Q Did your company conduct a search for
21 those types of materials?

22 A I don't know where to look.

23 Q Do you know if any sales or purchase
24 receipts for insulation materials exist within
25 Elliott's control?

1 A No, I do not.

2 Q Did you bring with you any purchase orders
3 showing the purchase of insulation materials by the
4 Elliott Company?

5 A Insulation materials?

6 Q Right.

7 A No.

8 Q Why did you not bring those?

9 A Because the subpoena, the way I read it,
10 was for the Great Lakes fleet.

11 Q In the files you brought with you, are all
12 the materials germane to the Great Lakes fleet that
13 you have in your possession?

14 A For the whole Great Lakes fleet?

15 Q Regarding insulation materials.

16 A Insulation materials?

17 Q Right.

18 A No. There probably could be some others.

19 Q Where would those be located?

20 A In our files.

21 Q Again in Jeannette, Pennsylvania?

22 A Yes.

23 Q You were also asked to bring with you
24 advertising materials received from manufacturers and
25 distributors within your possession of products

1 containing asbestos-containing components.

2 Did you find any of those in your search?

3 A I don't recall reading these questions
4 that way.

5 Q Did you search for those materials,
6 advertising materials?

7 A No, I didn't.

8 Q Are you aware if any of those advertising
9 materials exist?

10 A Not -- they may. I am not sure of the
11 question. I didn't read the question that way.

12 Q The next item was information or
13 promotional literature or brochures regarding the safe
14 handling of asbestos-containing products.

15 Did you find anything of that nature in
16 your search for documents?

17 A I don't recall these questions read that
18 way. Which question are you referring to?

19 Q No. 5 of the duces tecum.

20 A The question No. 5 reads, "All advertising
21 materials received from manufacturers and distributors
22 concerning the sale of products containing asbestos
23 for use in the maritime industry, specifically aboard
24 Great Lakes vessels and/or vessels upon which decedent
25 worked."

1 We don't have any files relative to
2 maritime or Great Lakes vessels, per se. There might
3 be something in our general files.

4 Q Did you conduct a search for those
5 materials?

6 A I looked for this, because I didn't --
7 they don't exist, that I am aware of, for the maritime
8 or for the Great Lakes vessels.

9 Q I will direct your attention to the next
10 paragraph No. 6.

11 A Okay. "All information received from or
12 sent or delivered to manufacturers and/or distributors
13 of asbestos-containing products for defendant
14 concerning the nature, quality, content, use,
15 manufacturing methods, distribution methods, safety,
16 health hazards, availability, installation procedures,
17 warranties, guaranties concerning asbestos-containing
18 products sold, distributed or manufactured by
19 Defendant."

20 I am not aware of any.

21 Q You conducted a search for the items
22 listed in that paragraph?

23 A As much of a search that I would look for
24 stuff in that time frame. I didn't find anything. I
25 don't know where to look.

1 Q I will direct your attention to paragraph
2 9 of the duces tecum, "All shipping receipts and bills
3 of lading concerning the shipping and receiving of
4 asbestos-containing products for use or sale in the
5 marine industry, specifically aboard Great Lakes
6 vessels and/or vessels where the decedent worked."

7 Did you conduct a search for those
8 materials?

9 A That's the shipping records that we would
10 have. This stuff is all over 30 years old, and
11 consequently, it's not readily available.

12 Q All the things you found pursuant to that
13 last request, you brought with you today?

14 A That's here, that I found.

15 MR. WEISS: I have no further questions.

16 MR. AMMONS: I have none.

17 MR. HUETTER: None.

18 MR. BULLARD: I don't have any questions.

19 You have the option of reading this
20 transcript.

21 THE WITNESS: I would like to do that.

22 MR. BULLARD: You can't make changes to
23 the transcript itself, but if you find errors,
24 you can list those errors, and that page will be
25 attached to the deposition transcript.

1 Do you want to do that?

2 THE WITNESS: Yes.

3 MR. BULLARD: Send him the original and
4 let him read it.

5 - - -

6 (Thereupon, at 11:10 o'clock a.m., the
7 deposition was concluded.)

8 - - -

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SIGNATURE PAGE

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Ross A. Hackel

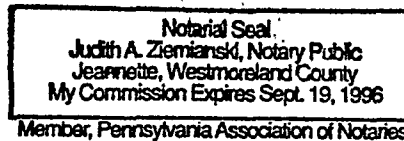
Ross A. Hackel

Subscribed and sworn to before me this

14 day of March, 1995.

Judith A. Ziemianski 3/14/95

Notary Public



CERTIFICATE

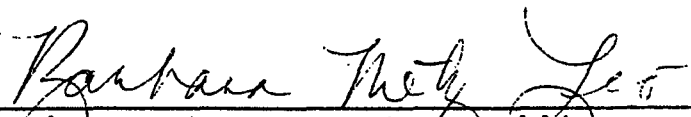
COMMONWEALTH OF PENNSYLVANIA,)
) SS:
COUNTY OF ALLEGHENY.)

I, Barbara Metz Leo, do hereby certify that before me, a Notary Public in and for the Commonwealth aforesaid, personally appeared ROSS A. HACKEL, who then was by me first duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth in the taking of his oral deposition in the cause aforesaid; that the testimony then given by him as above set forth was by me reduced to stenotypy in the presence of said witness, and afterwards transcribed by means of computer-aided transcription.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified, and was completed without adjournment.

I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Pittsburgh, Pennsylvania, on this 10th day of March, 1995.


Barbara Metz Leo, Notary Public
In and for the Commonwealth of Pennsylvania
My commission expires September 21, 1995

I N D E X

1		
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3	Mr. Weiss	3
4	- - -	
5	USX DEPOSITION EXHIBIT NOS.	MARKED
6	-----	----
6	A - Notice of deposition	3
7	B - List of Main and Auxiliary Equipment	3
8	C - Quotation	3
9	D - Purchase order United States Steel Corporation	3
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LAWYER'S NOTES

[illegible]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COPY

JANE ANN GEYER, P/R/E,
JEROLD G. GEYER, DECEASED,

Plaintiff,

v.

BABCOCK & WILCOX, CO., et al.,

Defendants.

v.

USX CORPORATION, fka
UNITED STATES STEEL CORPORATION,

Defendant and
Third-Party Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Third-Party Defendants.

* CASE NO. 92 CV 70075 DT

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* HONORABLE GEORGE WOODS

*

* NOTICE OF DEPOSITION

* PURSUANT TO FED CIV. R. 30(b)(6)

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Please take notice that, pursuant to Civil Rule 30(b)(6), the Defendant Elliott Company is hereby requested to designate and produce one or more individuals for oral examination before trial in the above titled and numbered action on Wednesday, March 8, 1995 at 9:30 a.m. at the offices of Morse, Gantverg & Hodge, Inc., Suite 719, One Bigelow Square, Pittsburgh, PA 15219. Defendant Elliott Company is requested to produce one or more individuals with personal knowledge as to the following areas of concern:

EXHIBIT

A

1. One or more representatives who can testify as to the types, purposes and percent of asbestos in any asbestos-containing product manufactured, sold, distributed (including products containing asbestos components and/or requiring the use of asbestos components) for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

2. One or more representatives who can testify as to an overview of defendant's and its predecessor's past business activities with respect to asbestos-containing materials, including but not limited to Defendant's corporate business history, dates of manufacture and sale of asbestos-containing products, nature and composition of said products, type of asbestos fiber used, description of package, and any information provided with reference to health hazards.

3. One or more representatives who are knowledgeable about the sales, marketing, use and promotion of Defendant's asbestos-containing products (including products containing asbestos components and/or requiring the use of asbestos components) and who can identify people with knowledge concerning Defendant's sales and use of asbestos-containing products by Defendant for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

4. One or more representatives who can testify as to existing-record keeping systems by Defendant concerning asbestos, products containing asbestos, and/or products requiring asbestos-containing components such as invoices, orders, purchase records, sale summaries, bills of lading, etc.

5. One or more representatives who can testify to any and all investigations that Defendant had made at, before, or during the time period that Defendant sold or used

asbestos-containing products (or products requiring the use of asbestos-containing components), into the safety of asbestos generally and specifically as to Defendant's asbestos-containing products.

6. One or more representatives who can testify to any and all steps taken by Defendant to protect, by warning or otherwise, the health and safety of persons who were or may have been exposed to asbestos-containing materials, supplied, sold and/or used by this Defendant.

7. One or more representatives who can testify about the manufacture of asbestos-containing products including without limitations, encapsulations, military specifications, Navy specifications, sales and corporate history for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

8. One or more representatives who can testify about alternatives, known by Defendant or its predecessors, for the use of asbestos as a component material in connection with Defendant's asbestos-containing products (or products requiring the use of asbestos-containing components).

9. One or more representatives who can testify as to the identities of the manufacturers of asbestos-containing materials purchased by Defendant for use and/or resale in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

10. One or more representatives who can testify as to the identities of suppliers of raw asbestos fiber and/or asbestos-containing components for any product used, sold or manufactured by the Defendant for sale and/or resale for use in the Marine

Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

11. One or more representatives who can testify as to the identity of all distributors for Defendant's asbestos-containing products or its asbestos-containing components for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

12. One or more representatives who can testify as to the existence and content of plans and specifications for any of Defendant's asbestos-containing products and/or products requiring the use of asbestos-containing components for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

13. One or more representatives who can identify subcontractors which Defendant hired, retained or otherwise contracted with, for the installation, replacement, repair or removal of asbestos-containing products for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

14. The names and addresses of all clerical employees of Defendant with duties involving the processing of sales, purchase orders, receipts, invoices and billings for asbestos-containing products and/or products requiring the use of asbestos-containing components purchased and sold by Defendant for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

15. One or more representatives who can testify as to the content of any document which the deponent is required by the subpoena accompanying this Notice to

bring to the deposition, when the documents were received, who supplied the information, who had knowledge of the information, and who was notified of the information.

16. One or more representatives who can testify as to all communications from any source, including, but not limited to, between the deponent and the manufacturers, other sellers and/or distributors of asbestos-containing products concerning the nature, quality, content, use, manufacturing methods, distribution methods, availability, installation procedures, warranties and guaranties with regard to such products for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

17. One or more representatives who can testify as to all communications from any source, including but not limited to, between the Defendant and the manufacturers, other sellers and/or distributors of asbestos-containing products concerning product safety, health hazards, asbestos-related disease or asbestos-related litigation with regard to such products for use in the Marine Industry, specifically aboard Great Lakes Vessels, and/or vessels upon which decedent worked during time periods encompassing decedent's employment with United States Steel Corporation (1948-1982).

18. One or more representatives who can testify as to the express language and substantive content of any written or oral warning, caution or caveat given by Defendant to any customer, contractor, installer or employee concerning the hazards of and/or use of any asbestos-containing products which it manufactured, sold, distributed, installed and/or specified for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

19. The identity and description of any and all tests and/or experiments conducted by Defendant or any person, firm or facility on its behalf, to determine and establish the quantity of asbestos fibers which would become airborne as a result of manufacturing, processing, fabricating and/or use, including installation, maintenance, and/or removal of asbestos-containing products and the dates of said tests and experiments.

20. The identity and description of any and all tests and/or experiments conducted by Defendant or any person, firm or facility on its behalf, to determine the effect of inhalation of asbestos fibers and/or asbestos dust or particles into the human body, when those tests were conducted, their results and whether the results were published.

21. The identity and description of any and all tests and/or experiments, tests to determine the effect of inhalation of asbestos fibers and/or asbestos dust or particles into the human body, upon which Defendant relied, at any time in the manufacture, sale, distribution, installation and/or specification of asbestos-containing products.

22. One or more representatives who can testify as to the identity of shippers used by deponent and/or distributors of deponents' insulation materials, refractories (including castable refractories), gaskets, packing and/or other asbestos-containing materials to supply the products to deponent for use or sale for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

23. One or more representatives who are knowledgeable, or who can identify people with knowledge, concerning the sales, marketing, distribution, use and/or promotion of Defendant's asbestos-containing products (including products containing asbestos components and/or requiring the use of asbestos-containing components) to

United States Steel Corporation and/or USS Great Lakes Fleet, Inc. during time periods encompassing decedent's employment with United States Steel Corporation (1948-1982).

24. One or more representatives who are knowledgeable about the provision of or contracting for services to United States Steel Corporation and/or USS Great Lakes Fleet, Inc. that encompass the use, application, installation, repair, replacement, maintenance, and/or removal of asbestos-containing products, including but not limited to, insulation materials, refractory materials (including castable refractories), cements, construction materials, fireproofing materials, friction products, brake linings, gaskets, pipe lagging, packing, drywall boards, joint and/or caulking compounds and raw asbestos fiber, during time periods encompassing decedent's employment with United States Steel Corporation (1948-1982).

25. One or more representatives who can testify as to the identity of Defendant's employees, representatives and/or agents who visited a United States Steel Corporation facility related to its Great Lakes maritime activities and/or the United States Steel Corporation vessels upon which decedent worked during time periods encompassing decedent's employment with United States Steel Corporation (1948-1982).

DUCES TECUM

You are further notified that pursuant to the accompanying Subpoena Duces Tecum that the persons designated by Defendant pursuant to Rule 30(b)(6) are required to bring with them to the deposition the following items, documents, or things within the care, custody or control of Defendant for inspection and photocopying.

1. All sales records showing sales and purchases of insulation materials, refractories (including castable refractories), gaskets, packing and other asbestos-containing products for use or sale in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

2. All invoices showing the sale and purchase of insulation materials, refractories (including castable refractories), gaskets, packing and other asbestos-containing products for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

3. All purchase orders showing the purchase of insulation materials, refractories (including castable refractories), gaskets, packing and other asbestos-containing products for use or sale in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

4. All plans and specifications for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked, pursuant to which plans and specifications deponent's insulation materials, refractory materials (including castable refractories), asbestos gasketing material, asbestos packing material and other asbestos-containing materials or such materials provided or sold by deponent were used in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

5. All advertising materials received from manufacturers and distributors concerning the sale of products containing asbestos for use in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

6. All information received from or sent or delivered to manufacturers and/or distributors of asbestos-containing products for Defendant concerning the nature, quality, content, use, manufacturing methods, distribution methods, safety, health hazards, availability, installation procedures, warranties and guaranties concerning asbestos-containing products sold, distributed or manufactured by Defendant.

7. Photocopies of any and all written warnings, cautions or caveats referred to in paragraph no. 18 of this Notice of Deposition.

8. All documents and/or reports concerning tests and/or experiments referred to in paragraph nos. 19, 20 and 21 of this Notice of Deposition.

9. All shipping receipts and bills of lading concerning the shipping and receiving of asbestos-containing products for use or sale in the Marine Industry, specifically aboard Great Lakes vessels, and/or vessels upon which decedent worked.

10. All information, documents and/or correspondence, of any kind, reflecting Defendant's communications with United States Steel Corporation and/or USS Great Lakes Fleet, Inc. during time periods encompassing decedent's employment with United States Steel Corporation (1948-1982).

DATED this 28th day of February, 1995.



BAUGHMAN & ASSOCIATES CO., L.P.A.

R. Patrick Baughman (005138)

Susan S. Henderson (0015333)

James A. Byrne (0046800)

55 Public Square, Suite 2215

Cleveland, Ohio 44113

Tel. (216) 687-1244

COUNSEL FOR DEFENDANT
USX CORPORATION (fka UNITED
STATES STEEL CORPORATION

CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Deposition Pursuant to Fed. Civ. R. 30(b)(6) has been served upon the following counsel of record on this 28th day of February, 1995, by U.S. ordinary mail postage prepaid:

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Program & Manville Trust,
Sprinkman Sons Corporation

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Fiberglass Corporation

R.H. TAYLOR DIVISION
Taylor Engineering
c/o Robert Moore
1111 James P. Cole Blvd.
Fling, MI 48503

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Company, Inc. & Leslie Co.

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International

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Owens Illinois Corp., Harbison-Walker/
Dresser Industries, Inc.

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HOFFMAN
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Mary M. O'Day
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Counsel for KAISER ALUMINUM &
CHEMICAL

Michael W. Cianciolo, Esq.
HICKEY & CIANCIOLO, P.C.
150 W. Jefferson
Suite 1700
Detroit, MI 48226
Counsel for SPRINKMAN SONS CORP.

BALDWIN-LIMA-HAMILTON CORP.
(Address Unknown)

PNEU-HYDRAULICS, INC.
(Present Address Unknown)

EDWARD VALVES, INC.
(Address Unknown)

SERVICE PRODUCTS, INC.
(Present Address Unknown)

WALLACE & TIERNAN, INC.
(Address Unknown)

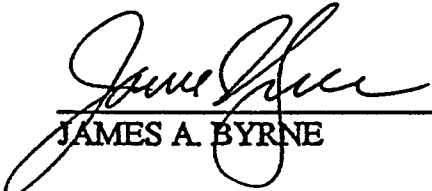
WORTHINGTON PUMP
CORPORATION
(Present Address Unknown)

ZALLEA BROTHERS, INC.
(Present Address Unknown)

CELOTEX CORPORATION
*(BANKRUPT)
4010 W. Boy Scout Blvd.
Tampa, FL 33607

H.K. PORTER CO., INC.
*(BANKRUPT)
c/o C.T. Corporation Systems
28 W. 8th Street
Trenton, NJ

BAUGHMAN & ASSOCIATES



JAMES A. BYRNE

LIST OF MAIN AND AUXILIARY EQUIPMENT
DESIGN L6-S-B1 -- U. S. MARITIME COMMISSION VESSELS
BUILT AT GREAT LAKES ENGINEERING WORKS

STEAMER GEORGE A. SLOAN USMC HULL 581 BUILDERS HULL 292

MAIN PROPELLING ENGINE - ONE

Great Lakes Engineering Works - River Rouge, Michigan

Engine No. 597
Size 24"-41"-68" x 42" stroke
Triple Expansion
Normal I.H.P. - 2500 @ 85 R.P.M.
Maximum I.H.P. - 3200 @ 94 R.P.M.
Steam 230# - 450° F Exhaust - 25" Vacuum

THRUST BEARING - ONE

Kingsbury Machine Works - Philadelphia, Pa.

Size - 32-1/2 FGF
Serial No. DRG 462-800

PROPELLER - ONE

Cast by Cramp Brass & Iron Foundry - Philadelphia, Pa.

Diameter - 18 ft.-0"
Pitch - 14 ft.-9"
4 Blade Manganese Bronze

MAIN CONDENSER - ONE

101051

Elliott Company - Jeanette, Pa.

Condenser - Low Level Jet Type with Integral Centrifugal
Removal Pump (1200 R.P.M.) and Dual Air Ejectors
Capacity Maximum - 45,000# Steam - 26" Vacuum @ 75° Sea Water
Condenser and Removal Pump Serial No. 17488

MAIN CONDENSER REMOVAL PUMP DRIVE - ONE

Elliott Company - Jeanette, Pa.

Type - 2 BY, 60 H.P. - 4800/1200 R.P.M. Geared Turbine
Adjustable Speed Downward
Steam - 220# Ga. 450° F
Exhaust 8 to 10# Ga. B.P.
Turbine Serial No. 7782 W

MAIN AIR EJECTORS - TWO

Elliott Company - Jeanette, Pa.

One - Two Stage Non-condensing -- 45.4# hr. Air Capacity
Serial No. 1st Stage 8612-A
Serial No. 2nd Stage 8612

One - Two Stage Non-condensing -- 75.6# hr. Air Capacity
Serial No. 1st Stage 8601-A
Serial No. 2nd Stage 8601

FEED AND FILTER TANK - ONE

Great Lakes Engineering Works - River Rouge, Michigan

Size of Tank - 40-1/2" x 81-3/4" x 54" high
Clean Water Storage Capacity - 335 gallons
Filter Medium - Loofah Sponges or Cellulose Sponges
Number of Filter Passes - Two
Sponges Required - Loofah--210; Cellulose--264

GREASE EXTRACTOR - ONE TWIN

Blackburn Smith Mfg. Co., Inc. - Hoboken, N. J.

Twin - Cartridge Type - 4" Size, Welded Steel
325# Maximum Operating Pressure
Capacity Each Unit of Twin - 60,000# hr.
Serial No. 5423 and No. 5424

FEED WATER HEATER - ONE

Ross Heater & Mfg. Co. - Buffalo, N. Y.

Vertical, Tubular, Floating Head Type
5/8 O.D. #16 BWG Admiralty Tubes
8'-3 1/2" Between Tube Plates
Heating Surface - 164 sq. ft.
Capacity - 60,000# Water per hr. - 125° F. to 220° F.
@ 8# Steam Pressure
Serial No. 58033A5

MAIN SANITARY PUMP - ONE

Aurora Pump Company - Aurora, Illinois

Motor Driven, Turbine Type Pump - Model H.H.5
Size - 2" Suction and 1-1/2" Discharge - 1750 RPM
Capacity - 35 GPM -- 65# Maximum Discharge Pressure
Complete with 180 gallon expansion tank and automatic
pressure start and stop
Serial No. B61787 BF

SANITARY PUMP MOTOR - ONE

Crocker-Wheeler Electric Mfg. Co. - Ampere, N. J.

3 H.P., Cont. Duty, 1750 RPM, HORIZONTAL, Ball Bearing,
Shunt Wound Motor - 115 Volt D.C. - Input 23 Amps. - 400 C
Serial No. 916267 500 A

CONDENSATE RETURN PUMP - ONE (Fall Heating System)

Aurora Pump Company - Aurora, Illinois

Motor Driven, Turbine Type Pump - Model 15F4-1/2
1750 RPM - Capacity 5 GPM - 40# Discharge
Complete with 15 gallon receiver and float control
Serial No. F4B35590 BR

CONDENSATE RETURN PUMP MOTOR - ONE

Century Electric Company - St. Louis, Mo.

1/2 H.P. 1750 RPM, 115 Volt D.C., Frame 81, Form A
Serial No. 3W53666

AUXILIARY CONDENSER - ONE

Elliott Company - Jeanette, Pa.

Surface Type - Horizontal - 500 sq. ft. Surface - Two Pass
8'-0" Tube Length - 3/4" O.D. Tubes
Serial No. 17507

AUXILIARY CIRCULATING PUMP - ONE (For Auxiliary Condenser)

Pump

Union Steam Pump Company - Battle Creek, Michigan

AUXILIARY CIRCULATING PUMP - ONE (For Auxiliary Condenser) - Cont'd

Centrifugal - Size 6 x 6 - RPM 1750
Capacity - 665 GPM - 30 ft. T.D.H.
Type - Horizontal Split Case
Serial No. 215869

Drive - Turbine

Elliott Company - Jeanette, Pa.

Size - 3A4 Direct Connected, 1750 RPM
8 H.P. - Split Case Steam Turbine
Serial No. 7793

AUXILIARY AIR EJECTORS - TWO (For Auxiliary Condenser)

Elliott Company - Jeanette, Pa.

Single Stage, Non-condensing
Air Capacity - 79# @ 22" Vacuum
Serial No. 8656
Serial No. 8657

STEAM AIR COMPRESSOR - ONE (Miscellaneous and Stand-by Use)

Westinghouse Air Brake Company - Wilmerding, Pa.

Vertical, Single Stage, Steam Air Compressor
Size - 11" x 11" x 12"; Capacity - 66 CFM Displacement
Complete with Air Tank and Governor
Air Pressure - 100# Ga.
Compressor - Serial No. 210340
Tank - Serial No. 18121

INJECTORS - TWO (Boiler Feed)

Manning, Maxwell & Moore, Inc. - Bridgeport, Conn.

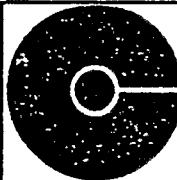
Size - 2" - Model T - No. 13-1/2
Upper Serial No. 501435
Lower Serial No. 501436

Elliott

Company,

6100 North Pulaski Rd.
Chicago, Ill. 60646
Phone: 312-267-7800

Subsidiary of Carrier Corporation

**WHEN ORDERING
REFER TO OUR
QUOTATION NUMBER**

11739

TO: United States Steel Corporation
208 South LaSalle Street
Chicago, Illinois 60690

S.O.S/N

8601A and 8601

PAGE

1 OF

THIS QUOTATION IS SUBMITTED ON BEHALF OF
ELLIOTT COMPANY,
AND IS SUBJECT TO TERMS AND CONDITIONS
AS SET FORTH ON ATTACHED FORM 210-ESATTN: Mr. G. L. Murray
Purchasing Department

YOUR INQUIRY

Great Lakes Fleet

DATE

630-38377

7/28/81

ITEM	QTY.	DESCRIPTION	INST. BOOK PART NO.	CATALOG NUMBER	APPROX. WKS. DEL.	UNIT PRICE	TOTAL
1	1	Diffuser	3	47267-1	12		\$ 1564
2	1	Nozzle plate	4	42627-45	12		266
3	4	Nozzle washer	6	14636-146B	12	\$ 47 00	188
4	6	Gasket	7	G59863SP	12	28 00	168
5	6	Gasket	8	G51-Q30SP	12	28 00	168
6	4	Nozzle	5	51364-146B	12	277 00	1108
7	6	Gasket Above for first stage S/N 8501A	9		12	28 00	168
8	1	Diffuser	12	42420-H-1	12		1564
9	1	Nozzle plate	13	42627-A-45	12		266
10	4	Nozzle	14	51224-146B	12	277 00	1108
11	4	Nozzle washer	15	14647-146B	12	47 00	188
12	6	Gasket	16	G59863SP	12	28 00	168
13	6	Gasket	17	G51-Q30SP	12	28 00	168
14	6	Gasket	18		12	28 00	168
15	6	Gasket Above for second stage S/N 8601	19		12	28 00	168

Payment Terms - see attached Form 210-ES

Shipping Terms - are F.O.B. ex-works with normal inland surface freight prepaid to first destination
in continental United States.

Quoted Prices - are subject to change without notice after thirty (30) days.

Invoice Prices - will be those in effect at time of shipment.

Minimum Billing - there is a minimum billing charge of Fifty dollars (\$50.00) per order.

Special Preparation and Packaging - will be an extra charge.

Partial Shipments - Seller reserves the right to make partial shipments unless otherwise
specified on the Buyer's purchase order.

Letters of Credit are to be made out payable to:

ELLIOTT COMPANY,
DEPARTMENT L251P, PITTSBURGH, PA. 15264
SIGNATUREEdna Steinhilper
USS Parts Specialist
TITLE

CUSTOMER COPY

EXHIBIT

C



PURCHASE ORDER

RECEIVED

PURCHASE

DATE

8-10-76
7/26/76

ORDER NO

630-65E-08261

99

ELLIOTT COMPANY
5301 OAKMAN BLVD.
DEARBORN, MICHIGAN. 48126

ED VENDOR
DELIVERY

ASAP

Vendor Plant

TERMS

N-30

PREVIOUS SUPPLIERS OR ADDITIONAL BIDDERS

United States Steel Corporation Purchasing Division

COMMODITY CODE AND DESCRIPTION

FOR DEAERAETOR TANK

Manhole Gaskets for Deaerator Heater Tank For
59 sq. ft. Vent Condenser No: 16835
Deaerating Heater XX 4112

ITEM

QUANTITY

PRICE

1

6-Gaskets

MASTER RECORD
COPY SENT IN

ADVISE PRICE IN DUPLICATE
BEFORE BILLING

RECEIVED

DATE: 8-27-76

C. L. HARRIS
(Signature)

GREAT LAKE FLEET

FOR STORES USE ONLY: IF USED AS A RELEASE, DESTROY COPY 1 AND CHECK RELEASE SELECTOR BLOCK.
IF USED AS A REQUISITION, RETAIN COPIES 6, 7, 8 AND CHECK REQUISITION BLOCK ON THESE COPIES.
SEND REMAINDER OF FORMSET (COPIES 1 THRU 5) TO PURCHASING.

SHIP UNITED STATES STEEL CORPORATION
TO STR. T.W. ROBINSON. ENGRS, DEPR.
GREAT LAKES FLEET
VIA ROGERS CITY, MICHIGAN. 49779.

INQUIRY STAMP

ORDER STAMP

J. M. GAY

State Tax Applies ☐ Exempt ☐

C. L. Harris
DEPARTMENT APPROVAL

APPROVAL

Ackane
AUTHORIZED SIGNATURE STORES

USS 04863

ORIGINATOR	CC OR INV ACCT	W C & E INV SUB.	EQUIPMENT CODE	ORIGINATING DATE	APPROPRIATION CODE	DEPT CONTROL PER. CENT	AMOUNT PROVIDED FOR ABOVE	ITEM NO	STOCK CODE	STOCK UNIT	STOCK COOL
65E	3126	23	762				\$ 25.00		X		X
DELIVER TO											

EXHIBIT

D

J. CARLISLE DEHAY, JR.
(1922 - 1991)

GARY D. ELLISTON
DAVID W. CROWE
MEL D. BAILEY
CHRISTOPHER P. MANNING
PAUL E. HAMILTON
KATHRYN HERMES
W. SCOTT BERRY
LAURA E. KUGLER
TODD J. SUDDLESON
ME LINDA S. HUFF
BRENT M. KARREN
THOMAS W. BURCH, III

WRITER'S DIRECT DIAL
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TANDY V. JOURET
EDWARD A. KALABUS, JR.
MELISSA M. LEON
JEFFREY M. MAROSZ
MISTI D. MOSTELLER
TODD D. OGDEN
ROBERT B. PADGETT
BLAIR M. PARTLOW
TODD H. RAMSEY
JUSTIN H. ROY
TINA M. STAMPS
JACK A. WALTERS, III
BRIAN R. WESLEY
BERNARD E. ZWILLENBERG

April 4, 2001

Via Hand Delivery

Ben K. Dubose, Esq.
Baron & Budd, P.C.
3102 Oak Lawn Ave.
Suite 1100
Dallas, Texas 75202

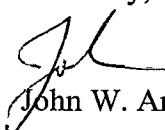
Re: Cause No. CC-99-08033-B; *Malcolm Murphy, et al. v. Owens Corning, et al.*

Dear Ben:

With regard to the above-referenced matter, and specifically the involvement of defendant Elliott Turbomachinery therein, enclosed please find transcripts of the depositions of Ross Hackel taken in the *Geyer* and *Luna* cases. This should complete your request as to Elliott's responses to Interrogatory No. 39.

Thank you very much for your attention to the foregoing. Please contact me with any questions or comments.

Sincerely,


John W. Arnold

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encl.

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