

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MIKE NORMAN,)
Plaintiff,)
vs.) No. 94-421061 NP
A-C PRODUCT LIABILITY TRUST,)
et al.,)
Defendants.)

The discovery deposition of WILLIAM N.
MCLEAN, taken in the above-entitled cause before
PAMELA L. COSENTINO, a Notary Public of Cook
County, Illinois, on the 15th day of December 1995,
at the hour of 9:00 a.m., at Grippo & Elden, Suite
3600, 227 West Monroe Street, Chicago, Illinois,
pursuant to Notice.

Reported by: Pamela L. Cosentino, CSR, RPR
License No.: 84-3601

1 APPEARANCES:

2 THE MARITIME ASBESTOSIS LEGAL CLINIC,
3 DIVISION OF THE JAQUES ADMIRALTY LAW FIRM,
4 1570 Penobscot Building
5 Detroit, Michigan 48226
6 (800) 492-3849,

7 BY: MR. ROBERT E. SWICKLE,
8 on behalf of the Plaintiff;

9
10 LAW OFFICES OF WILLIAM M. KOZIOL,
11 One Kemper Drive,
12 Long Grove, Illinois 60049
13 (708) 320-2023,

14 BY: MR. EDWARD M. BURNS,
15 on behalf of the Defendant;

16
17 HARVEY, KRUSE, WESTEN & MILAN, P.C.,
18 1730 Buhl Building,
19 Detroit, Michigan 48226
20 (810) 649-7800,

21 BY: MR. DALE R. BURMEISTER,
22 on behalf of the Defendant.

23
24 ALSO PRESENT: Christine Schelble

I N D E XWITNESSEXAMINATION

WILLIAM N. McLEAN

By Mr. Swickle

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By Mr. Burmeister

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E X H I B I T SNUMBERMARKED FOR ID

NO EXHIBITS MARKED.

1 (Witness sworn.)

2 WILLIAM N. McLEAN,

3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:

5 EXAMINATION

6 BY MR. SWICKLE:

7 Q. For the record, would you state your name
8 please, sir?

9 A. William N. McLean.

10 MR. SWICKLE: Who just joined?

11 MR. BURNS: My name is Ed Burns. I represent
12 John Crane. I'm sorry I'm late.

13 MR. SWICKLE: Okay. No problem. We just got
14 the witness's name, which is Mr. William McLean.

15 MR. BURNS: Thank you very much.

16 BY MR. SWICKLE:

17 Q. Sir, where do you reside?

18 MR. BURNS: I reside in Illinois.

19 MR. SWICKLE: Whereabouts?

20 MR. BURNS: Just outside Chicago, Woodstock.

21 MR. BURMEISTER: Wait a minute. You're asking
22 the wrong person.

23 MR. BURNS: Sorry. I thought you were trying
24 to get my information for the record. I apologize.

1 MR. SWICKLE: No.

2 MR. BURNS: I'm Ed Burns. I'm an attorney for
3 John Crane, and you're trying to talk to
4 Mr. McLean, right?

5 MR. SWICKLE: Correct.

6 MR. BURNS: Okay. I'll keep my mouth shut.

7 MR. SWICKLE: Let's just pick it up right after
8 I asked the witness his name.

9 BY MR. SWICKLE:

10 Q. Now, again, directed to the witness, where
11 do you reside, sir?

12 A. Palos Heights, Illinois.

13 Q. Are you employed?

14 A. I'm retired from Crane.

15 Q. When did you retire from Crane?

16 A. In 1986.

17 Q. Could you tell me about your educational
18 background, sir?

19 A. I have a Bachelor of Science in mechanical
20 engineering, a Master of Science in mechanical
21 engineering, both from Northwestern University.

22 Q. Good year for you, right?

23 A. It was a good year when I graduated.

24 Q. When did you graduate?

1 A. My Bachelor's was in 1951 or 1950 -- I'm
2 getting myself confused now. Yes, 1951, and my
3 Master's was in 1952.

4 Q. Any other formal education other than what
5 you've described?

6 A. Not at a university, but I did night
7 school courses after I graduated, and I took a or I
8 had a course in nuclear reactor engineering at the
9 Brookhaven National Laboratory, which was the
10 equivalent of a graduate school kind of thing.

11 Q. How long did you work for Crane?

12 A. I started to work for Crane in 1955.

13 Q. What did you do from when you got out of
14 school to when you worked for Crane?

15 A. I went to work for the Atomic Energy
16 Commission at the Argonne National Laboratory as a
17 nuclear reactor engineer.

18 Q. Did that cover the entire three-year
19 period?

20 A. It covered a two-year period.

21 And then for two years I worked for
22 American Electric Power Corporation. It was then
23 called -- that's what it's called today. It was
24 then called the American Gas and Electric Company.

1 And I worked for them for two years and then came
2 to work for Crane.

3 Q. What was the business of that American Gas
4 and Electric Company?

5 A. American Gas and Electric Company is an
6 electric utility.

7 Q. Where were they located?

8 A. The headquarters office was located in New
9 York, and I physically worked in Chicago.

10 Q. Going now to the time when you started
11 with Crane in 1955 to when you retired, can you go
12 through your career telling us the positions you've
13 held, the location where you performed your job
14 duties for each position, and give us a ballpark
15 time period that you held these positions?

16 A. My memory isn't that good, so I can only
17 make approximations. But I started at Crane in
18 1955 as an engineer with the title of field
19 engineer for nuclear applications. And then I
20 worked in various job categories at management
21 levels, and they had titles such as chief engineer,
22 director of engineering, and so on.

23 In 1968, I became the director of
24 engineering for the Crane valves and held that

1 position essentially since to the time I retired.

2 Q. With regard to your chief engineer
3 position, director of engineering, prior to '68,
4 what product line of Crane were you involved with?

5 A. With the valves that Crane manufacturers,
6 and I dedicated a lot of time to valves for nuclear
7 power applications.

8 Q. Besides valves, were there other products
9 in the Crane product line during your tenure there?

10 A. I worked in the valve division, and valves
11 and what's termed fittings were the primary
12 products of that division, valves and fittings, and
13 subsequently it became only valves.

14 Q. When did it only become valves?

15 A. I don't have that date specifically in
16 mind.

17 Q. Give me a rough, a decade date, like were
18 you director of engineering for Crane valves at
19 that time?

20 A. If I have to make a guess, I would guess
21 that it was probably in the early 60's that Crane
22 ceased manufacturing fittings at their Chicago
23 works. Maybe it was a little bit earlier than
24 that. I just don't have the exact date in mind.

1 Q. Would gaskets and packings be included
2 within your classification of valve fittings?

3 A. Well, fittings are elbows and T's and so
4 on, and they don't have gaskets.

5 Q. Are you aware of the other -- let me put
6 it this way.

7 Are there, to your knowledge, any other
8 products of Crane besides their valves and fitting
9 products that they ever manufactured or
10 distributed?

11 A. Well, Crane did manufacture plumbing
12 equipment and heating equipment, but I worked in
13 the valve division and that was completely separate
14 from those. So I don't have much knowledge of what
15 these other divisions might have manufactured.

16 Q. Sir, were you given a copy of the
17 deposition notice for this deposition?

18 A. I saw it for the first time yesterday.

19 Q. When is the first time you learned that
20 this deposition would be going forward?

21 A. A week ago, something such as that.

22 MR. BURMEISTER: This is Dale Burmeister. For
23 the record, it was probably a few weeks ago. It
24 was before the last hearing before Judge Colombo

1 concerning dates and times for corporate
2 representative depositions. But it would have been
3 in the last three weeks or so.

4 BY MR. SWICKLE:

5 Q. You saw the dep notice the first time
6 yesterday. Did anybody ever read to you the
7 contents of the dep notice in terms of the areas of
8 inquiry?

9 A. No.

10 Q. Prior to that time?

11 A. No.

12 Q. Has anyone ever gone over the dep notice
13 with you in terms of the various areas of inquiry
14 set forth therein relative to whether or not you
15 possess knowledge of that information, or is
16 information contained within the various subparts
17 of the deposition notice?

18 A. Mr. Burmeister explained some of these
19 things to me yesterday.

20 MR. BURMEISTER: I want the record to show that
21 this man is retired. He's the person that's the
22 most knowledgeable that we can find to deal with
23 the principal area of concern in these cases, which
24 are valves.

1 But I mean, he knew the general contours
2 of what you wanted to ask about, and that is
3 valves. He knows more about valves than anybody.
4 So if you have some questions about valves, go
5 ahead.

6 MR. SWICKLE: Well, I don't know if -- I don't
7 take the deposition notice as being so limiting,
8 however, I will, of course, question him.

9 BY MR. SWICKLE:

10 Q. Is there a copy of the deposition notice
11 there, sir?

12 A. Yes, there is.

13 Q. Could you look at it and look at the
14 subparts starting with subpart "A", and I'd ask
15 you, do you possess knowledge of the information
16 set forth or identified in subpart "A" of the
17 deposition notice?

18 A. "A", individual health and safety due to
19 the risk of harm created by asbestos and
20 asbestos-containing products.

21 What is the question now, sir?

22 Q. Do you possess knowledge as to such
23 matters in terms of your employment at John Crane?

24 A. I'm not employed with John Crane. I was

1 employed by the Crane Company.

2 Q. Excuse me. If I said John Crane, I'm
3 sorry.

4 A. Yes.

5 Q. In terms of subpart "A", do you possess
6 knowledge of those matters in terms of your
7 employment with the Crane Company?

8 A. Well, I'm not a health physicist or a
9 health expert or a doctor, so I don't know any of
10 the details about health and safety and so on for
11 asbestos.

12 Q. In connection with your employment at the
13 Crane Company commencing '52 to the date you
14 retired, did you ever have any discussions with
15 anyone at the Crane Company relative to hazards of
16 asbestos?

17 A. You said '52. It was '55 that I commenced
18 working for Crane.

19 Q. Okay. '55 to when you retired, did you
20 ever have any discussions with anyone at Crane
21 relative to hazards of asbestos?

22 MR. BURMEISTER: I'm going to object to the
23 form of the question.

24 THE WITNESS: I can't recall any specific

1 conversations where this was discussed in any
2 detail. I just can't recall any.

3 BY MR. SWICKLE:

4 Q. Who from Crane, if anyone, and I don't
5 care whether or not they're dead or no longer
6 there, but maybe you can give me by position, what
7 person at Crane, what job title of the person at
8 Crane would possess the knowledge of the
9 information in subparagraph "A" of the deposition
10 notice?

11 A. I really don't know the job description
12 that would cover that. I can't think of any just
13 offhand.

14 Q. Did Crane at any time employ an industrial
15 hygienist?

16 A. To the best of my knowledge, no.

17 Q. Did they ever consult, not on the payroll,
18 but consult with outside personnel whose job
19 included industrial hygiene?

20 A. I'm not aware of such consultation.

21 Q. Do you know whether or not the Crane
22 Company at any time employed a doctor or a nurse or
23 other medical practitioner?

24 A. The factory that I worked at, that I

1 started with at Crane and worked at for many years
2 was a very large factory. I believe there were
3 about 6,000 people working there. There were a
4 couple thousand people working there at the time.
5 And they did have a medical department and they did
6 have a physician on staff.

7 Now, I don't know what the arrangement was
8 with the doctor, but there were doctors that did
9 come into the medical department. There were
10 nurses full time in the medical department. So,
11 yes, they did have -- we did have access to medical
12 doctors.

13 Q. What was the name of this facility that
14 had 6,000 employees?

15 A. The Crane Company.

16 Q. It was just called the Crane Company, it
17 didn't have a name?

18 A. It was called Crane Company with a
19 little "R" down at the bottom, which I guess meant
20 it was a registered trademark.

21 Q. Where was the factory located?

22 A. In Chicago.

23 Q. Is it still there?

24 A. No. What was this big factory is all the

1 buildings have been destroyed and it is now a
2 parking lot for trucks.

3 Q. In terms of this factory, how long did
4 Crane own it, what period of time?

5 A. I believe the factory was built in 1917 or
6 opened in 1917.

7 Q. It was owned by Crane at the time?

8 A. It was built by Crane.

9 Q. How long did they keep it?

10 A. I think it was about 1980 when they sold
11 it.

12 Q. Did you ever work at this premises that
13 comprised this factory?

14 A. Yes, I did.

15 Q. What sort of products did they make there?

16 A. Valves, valves and pipe fittings.

17 Q. Did any of the products that they made
18 there have asbestos as a component or
19 asbestos-containing material as a component?

20 A. Yes. They used -- in the valves, they
21 used gaskets and packing that contained asbestos.

22 Q. -- the Crane factory, what has become of
23 it?

24 A. Excuse me. Would you please restate that

1 question? You were away from the phone when you
2 said it and I didn't hear it all.

3 Could you repeat that question because it
4 didn't come through very clearly?

5 Q. Yes.

6 The medical department that you referred
7 to that had doctors and nurses at this factory,
8 what has become of that department?

9 A. Well, it just disappeared. I think that
10 the doctor of many years died. The nurses were
11 eventually retired. The size of the plant
12 dwindled. And when the plant closed, the whole
13 thing closed, including the doctors, nurses and
14 what have you.

15 Q. Did this plant have the medical staff, as
16 you describe it, from the time of its initial
17 building by Crane until it was disposed of in the
18 '80s?

19 A. Well, the physical appearance of the
20 building coordinated very well with the physical
21 appearance of all of the other buildings on the
22 site. So I can only extrapolate that and say that
23 it was probably there when the factory, total
24 factory was built.

1 Q. When you first came there in '55, the
2 medical department at the factory was up and
3 running?

4 A. Yes, sir, it was.

5 Q. Can you tell me the precautions, if any,
6 undertaken by Crane at this plant relative to
7 protecting its employees from asbestos?

8 MR. BURMEISTER: I'm going to object to the
9 form and foundation for the question.

10 Go ahead.

11 THE WITNESS: I don't know of any specific
12 procedures that were put into place that were very
13 special relative to handling the
14 asbestos-containing products at Crane. And that's
15 probably because all of these asbestos-containing
16 products contained the asbestos in the form of
17 having the asbestos into the product with binders
18 and with metal wires.

19 It was something where the people were
20 not handling raw asbestos. They were handling
21 products that had asbestos inside them. But it
22 wasn't -- I don't think it was ever considered to
23 be in any way hazardous for those persons handling
24 these things.

1 BY MR. SWICKLE:

2 Q. When you said, this is probably because,
3 and it was so far, is that your personal opinion or
4 is that the position of the company, to your
5 knowledge?

6 MR. BURMEISTER: Well, I'm going to object. I
7 mean, he's sitting here, you can ask him questions
8 about his personal knowledge and he's also our
9 30B-6 representative, and you know from our Answers
10 to Interrogatories that it is the position of Crane
11 Company that these products did not present a
12 hazard.

13 But I think he may have answered that
14 question based upon his personal knowledge.

15 MR. SWICKLE: Well, I want to understand, and
16 he is a 30B-6 witness, in terms of the Crane policy
17 do not provide any specific measures to its workers
18 relative to protection of the workers from
19 asbestos, and he stated a reason therefore. I'm
20 asking him, is that the position of Crane as to why
21 there were no precautions undertaken for his
22 employees.

23 MR. BURMEISTER: Well, he said no special
24 precautions.

1 But go ahead if you can answer that
2 question. I guess it's a question.

3 THE WITNESS: You're speaking in terms of a
4 factory that was an old factory that was around for
5 a long, long time and it certainly did have on-site
6 medical doctors who understood and had knowledge of
7 the kinds of things that were going on in the
8 factory. And if these doctors saw no hazard with
9 these things, I guess a neophyte engineer who is
10 not familiar with medical things would have a
11 difficult time second-guessing a doctor as to what
12 kinds of hazards might be present with handling
13 this special material.

14 BY MR. SWICKLE:

15 Q. Then you're saying that the matters that
16 pertain to handling the materials would not be
17 within your job description, these matters about
18 safety precautions relative to asbestos material
19 would be within the job description of the medical
20 department?

21 MR. BURMEISTER: Objection. That's a compound
22 question and it doesn't accurately characterize the
23 answer he just gave you.

24 Go ahead.

1 THE WITNESS: I don't know what a doctor's job
2 description might be. So I can't characterize your
3 answer.

4 My own specific activity related to the
5 design of valves, and one of the things we
6 specified in the design of valves were asbestos
7 packing, asbestos gaskets, and these are materials
8 that were used for many, many decades prior to my
9 even appearing on the scene.

10 And when I did appear on the scene, there
11 were no apparent health hazards associated with
12 these or no flags were raised when I arrived on the
13 scene that these indeed were dangerous products to
14 work with. And particularly since the asbestos is
15 fully contained in gaskets and packing with binders
16 and wrappers and what have you, I myself have
17 handled asbestos packings and I've never felt ill
18 at ease in doing so.

19 BY MR. SWICKLE:

20 Q. In terms of what you just said, did anyone
21 at Crane advise you of such information?

22 A. What kind of information, sir?

23 Q. The information you just gave me in your
24 last answer?

1 MR. BURMEISTER: Well, I'm going to object. I
2 mean, he's talking about personal experience,
3 observations he made, that the doctors on staff at
4 this plant never --

5 MR. SWICKLE: Fine. But I want to find out
6 whether or not anyone at Crane advised him of the
7 information that he just related.

8 MR. BURMEISTER: It's been asked and answered
9 whether he had discussions with anyone. He can't
10 recall any specific discussions.

11 MR. SWICKLE: Are you going to let him answer?

12 MR. BURMEISTER: Yes, but it's been asked and
13 answered.

14 Go ahead.

15 THE WITNESS: I don't recall any specific
16 instructions. And you're speaking all within the
17 context of my experience at the Crane Chicago
18 factory?

19 BY MR. SWICKLE:

20 Q. Your entire employment at Crane?

21 MR. BURMEISTER: I believe he spent his entire
22 career in the valve division, so.

23 MR. SWICKLE: Well, I'll ask him.

24 BY MR. SWICKLE:

1 Q. Your entire career -- let me put it this
2 way. Was there ever a change in -- strike that.

3 Did there ever come a time when Crane
4 ceased manufacturing or including
5 asbestos-containing products in its valves?

6 MR. BURMEISTER: Well, I'm going to object.
7 It's a compound question. Crane never manufactured
8 asbestos-containing products.

9 BY MR. SWICKLE:

10 Q. The question was, did there come a time
11 when Crane ceased including asbestos-containing
12 products in its valves?

13 A. Yes. Starting -- well, I'm not certain of
14 dates. You'll have to excuse my inaccurate memory
15 on specific dates. But probably in the late 70's
16 we began to substitute other materials for packing
17 and gaskets where we could. And that was carried
18 on through probably the late 80's, by which time
19 Crane ceased using asbestos-containing products in
20 the form of gaskets and packing.

21 Q. To your knowledge, why did Crane do these
22 substitutes in the late 70's and then cease making
23 a product or including products that contained
24 asbestos in the early 80's?

1 A. Well, there was a -- I had a general
2 manager or a president of our valve division, or
3 whatever his formal title was, let's say a general
4 manager of the valve division, who orally said,
5 let's get rid of asbestos from our products. And
6 we began the program of finding suitable
7 alternative materials in earnest, and as we could
8 with time, slowly over time, we phased out the use
9 of asbestos.

10 Q. What was the name of the general manager?

11 A. I think it was Ron Liervik.

12 Q. Do you know if he's alive or deceased?

13 A. He's alive, but I have no idea where he's
14 at.

15 Q. Was there any written documentation
16 relative to the general manager's instructions
17 to you to get rid of asbestos in the Crane
18 products?

19 MR. BURMEISTER: I'm going to object to the
20 form of the question. It mischaracterized the
21 response that he just gave.

22 Go ahead.

23 THE WITNESS: I said it was an oral
24 instruction.

1 BY MR. SWICKLE:

2 Q. When did you have this conversation with
3 the general manager?

4 A. I don't know. I don't know what specific
5 date. I just can't characterize the date.

6 Q. Was there just one discussion or were
7 there many discussions?

8 A. It was probably only a single discussion.

9 Q. Were you able to effectuate the general
10 manager's directive immediately or did it take
11 time?

12 A. Well, it took some time because we had to
13 initiate a program to find vendors with
14 non-asbestos products that were suitable.

15 Q. Were there ever any follow-up discussions
16 about the progress -- of your progress in carrying
17 out the general manager's directive to get rid of
18 the asbestos?

19 A. I can't recall of any.

20 Q. How was it that he would know whether or
21 not this directive was being carried out?

22 A. I don't know how he might know how it was
23 being carried out. He asked me to do it and I did
24 it. I started to do it, I should say, because it

1 was completed after I left Crane.

2 Q. Would it be a fair statement it started in
3 the 70's?

4 A. The late 70's is when we initiated the
5 searches for alternative materials, and it was
6 probably in the early 80's before the
7 implementation was begun.

8 Q. So I take it then that the oral
9 conversation would have been in the late 80's and
10 was really the cause for you to undertake the
11 search for substitute materials?

12 MR. BURMEISTER: Objection, he said 70's, not
13 late 80's.

14 BY MR. SWICKLE:

15 Q. I'm sorry. 70's?

16 A. The late 70's, right.

17 Q. Your testimony is that after that initial
18 conversation, you've had no discussions with the
19 general manager or whoever took over his job until
20 you left about your progress in achieving that
21 directive that he gave you?

22 MR. BURMEISTER: Objection. He said he didn't
23 recall. He didn't say he didn't have them. He
24 said he didn't recall any specific discussion.

1 THE WITNESS: I don't recall any specific
2 discussions. There may have been and there may not
3 have been. I don't recall any.

4 BY MR. SWICKLE:

5 Q. Now, in a situation where the general
6 manager -- I take it the general manager was your
7 boss?

8 A. Yes.

9 Q. In a situation where your boss tells you
10 to do a project, to do an act, which apparently
11 took you a number of years to perform; is that
12 correct?

13 A. Yes.

14 Q. In a situation then where your general
15 manager, your boss, asks you to do a job that would
16 take a number of years to perform, was it the
17 custom of the Crane business practices that you
18 would or would not have conversations with your
19 boss as to the progress that you were and your
20 success and so forth in carrying out his directive?

21 MR. BURMEISTER: I'll object to the form. It
22 assumes things that haven't been established.
23 There is no foundation for the question.

24 Go ahead.

1 THE WITNESS: This was not one of those things
2 that was put on the schedule and said, I want this
3 done in phases, work out a program. There was no
4 definitive program.

5 And there were many such these kinds of
6 things that I was told to do things and they were
7 done and they were not specifically scheduled
8 problematic things. They were just things that
9 were done in the course of events.

10 BY MR. SWICKLE:

11 Q. Did he set a deadline when you had this
12 oral conversation?

13 A. No.

14 Q. You mentioned, I think, in earnest. Did
15 he say, I want you to do this and get working on it
16 in earnest?

17 A. No. I do most things in earnest.

18 Q. Do you know why the general manager gave
19 you this directive?

20 I'm sorry, I didn't hear the answer.

21 A. No. I wasn't inside his head, so I don't
22 know why he gave that instruction.

23 Q. Next question is, did he ever voice, this
24 is what I want you to do and this is why I want you

1 to do it?

2 A. No. He told me what to do. He didn't
3 tell me why he wanted me to do it.

4 Q. Did you ask him why?

5 A. No.

6 Q. At the time he asked you to do that, he
7 gave you this directive, did you know of any health
8 risks of asbestos to human beings coming in contact
9 with asbestos?

10 MR. BURMEISTER: To packings and gaskets you
11 mean?

12 MR. SWICKLE: No, I'm talking asbestos, period.

13 MR. BURMEISTER: Well, we're talking about a
14 packing and a gasket that was used inside a valve.

15 MR. SWICKLE: Well, you can talk what you want
16 to talk about. You can question him. I'm talking
17 asbestos in general, and depending on his answer, I
18 might go into specific applications also.

19 MR. BURMEISTER: Well, you have to lay some --
20 I mean, he is not an industrial hygienist, he's not
21 a physician. He's not here today to discuss that
22 issue, whether asbestos under every circumstance,
23 under any circumstance, is hazardous or not.

24 If you're asking him whether he thought

1 that asbestos in packing or gaskets was dangerous
2 or hazardous, that's a different question. But
3 he's not equipped to deal with asbestos at
4 different exposure levels or anything of that
5 sort. He doesn't know about insulation workers.
6 He doesn't know about miners or millers. He
7 doesn't know the whole array of exposures that
8 people might have to asbestos-containing products
9 of different kinds.

10 He knows about valves. So if you want to
11 ask him about valves and whether he thought
12 asbestos-containing packing in valves was dangerous
13 or hazardous or posed a health risk, you can ask
14 him that.

15 MR. SWICKLE: I'm certain you want me to ask
16 him that, but I don't want to ask him that. I want
17 to know what this man who designed valves for the
18 Crane Company, what he knew about asbestos, what
19 sort of knowledge he had about it, if any.

20 Maybe his answer is I don't know. Maybe
21 he says, I know, I read Seller Crop, I read all
22 this stuff, I know it was dangerous, hazardous,
23 harmful, could kill people, but because in packing
24 it was enclosed, it didn't possess the harm. I

1 don't know what the answer is.

2 But I'm going at it to find out if he knew
3 anything at all about asbestos, and it's a proper
4 question.

5 MR. BURMEISTER: Well, but he's here as a
6 30(B)6 representative.

7 MR. SWICKLE: He's here as a company employee
8 to testify to anything he knows about. And if he
9 knows about something, that's good. And if he
10 doesn't know about something, that might even be
11 better.

12 MR. BURMEISTER: Well, we're not offering him
13 as an expert on the risks, if any, of asbestos or
14 asbestos-containing products.

15 MR. SWICKLE: I'm not asking any question as to
16 expertise. I'm asking him did he know of any
17 health hazards to human beings due to asbestos?

18 MR. BURMEISTER: Go ahead. My objections
19 stand.

20 THE WITNESS: Yes.

21 BY MR. SWICKLE:

22 Q. What did you know?

23 A. At this period of time, there were
24 certainly magazine articles, articles in the

1 newspaper, articles that had reference to ongoing
2 problems with asbestos. As I recall, there were
3 OSHA regulations promulgated relative to asbestos.

4 And it was certainly a popular topic, I
5 would say, for the press. So one could not help
6 but be alerted to the fact that asbestos was an
7 item to have some health concerns about.

8 However, I do recall also reading in the
9 OSHA description of the OSHA regulations that there
10 was a very specific exception to the use of or
11 permission to use asbestos, to allow asbestos to be
12 used in gaskets and packing. And since these were
13 allowed by OSHA, we had every confidence that that
14 was investigated, had been investigated carefully
15 and that there were no health hazards or risks
16 associated with the handling of packings and
17 gaskets.

18 Q. Sir, this was in the mid-70's that you had
19 this information?

20 MR. BURMEISTER: He didn't specify a date.

21 THE WITNESS: I hesitate to characterize
22 exactly or precisely when these things began to
23 come to the floor.

24 BY MR. SWICKLE:

1 Q. Would it have been the '50s then?

2 A. I don't think it was the '50s. I don't
3 think it was popularized in the '50s.

4 Q. About how about the '60s.

5 MR. BURMEISTER: Well, OSHA didn't come into
6 being until the '70s.

7 MR. SWICKLE: Quit leading the witness and
8 feeding him the answer.

9 MR. BURMEISTER: No. He just told you about
10 OSHA, that OSHA specifically exempted packings and
11 gaskets.

12 MR. SWICKLE: Come on, Dale. Don't feed him
13 the answers you want him to do. He's well enough
14 prepped already.

15 MR. BURMEISTER: Well, I'm going to object to
16 that characterization. Is there a question pending
17 at this point?

18 BY MR. SWICKLE:

19 Q. The question is, did you have this
20 information in the '60s?

21 A. I don't know what date I had it. I just
22 don't know what date I had it.

23 Q. Did you ever include this information in
24 terms of your job activities at the Crane Company?

1 A. How would I include that information in my
2 job activities?

3 Q. To give warnings or to use asbestos or not
4 to use asbestos?

5 A. I just said the OSHA regulations that I
6 had read about excluded packings and gaskets. So
7 there was nothing to be concerned about giving
8 warnings if OSHA did not require them to be
9 included.

10 Q. In terms of your knowledge of the health
11 hazards of asbestos which you've just testified to,
12 was any source of that knowledge from Crane
13 personnel?

14 A. I don't think so. I think it was largely
15 from my reading the technical literature.

16 Q. Was there ever any meeting or seminar by
17 the Crane Company whereby they had in-house medical
18 personnel or outside people come in and advise
19 people relative to health hazards of asbestos?

20 A. I can't recall any, and just offhand, I
21 don't see any reason for having any at Crane
22 because the kinds of asbestos that we were handling
23 in terms of packings and gaskets were not deemed by
24 OSHA to be hazardous.

1 Q. Was there ever any testing at the Crane
2 facility that you worked at, this factory, relative
3 to asbestos in that workplace?

4 A. To my knowledge, the Chicago factory never
5 did have any asbestos program in place.

6 Q. Was there ever any testing, did anybody
7 come in and test for asbestos levels in the air or
8 anything like that?

9 A. No. I just said, to my knowledge, the
10 Chicago factory never did have any such testing.

11 Q. In connection with your job activities, at
12 any time -- let me go back in time.

13 When you first started there, you designed
14 valves which included asbestos-containing
15 components, namely, the packing and the gasketing
16 material, correct?

17 A. That's correct.

18 Q. At any time with regard to your employment
19 at the Crane Company designing their valve products
20 that included these asbestos-containing products,
21 did you ever consult with their medical department
22 either orally or through writing relative to
23 possible health hazards of asbestos that might be
24 contained in the asbestos-containing products that

1 you designed into the valve or into the Crane
2 valve?

3 A. No, I didn't consult, and I think earlier
4 I said I didn't consult because these products had
5 been utilized for decades before I came to work at
6 Crane and it was just carrying on, during my
7 tenure, it was just carrying on using the same
8 sorts of things that had been successfully applied
9 over many years.

10 Q. Do you know whether or not your
11 predecessors ever consulted with the medical
12 department at Crane in terms of possible health
13 hazards to users or employees because of the use of
14 asbestos-containing product in the Crane valve?

15 A. No, I'm not aware of any such
16 consultation. That doesn't mean that there wasn't
17 any, but I'm not aware of it.

18 I might also add that we didn't simply put
19 these packings and gaskets in place only because
20 that's what we wanted to do. Many of the standards
21 and specifications that we worked to, that we
22 supplied our valves to, required, required that we
23 utilized asbestos-containing gaskets and packing.

24 So it was our customer requirements that

1 dictated in many, many instances the use of these
2 specific packings and gaskets.

3 Q. What was the Crane policy with regard to a
4 customer requirement that could result in a risk of
5 harm to users of the products?

6 MR. BURMEISTER: Wait. I'm going to object to
7 the question. He didn't say only -- he said a
8 number of things. He said regulations and
9 standards of various organizations and governmental
10 entities required asbestos to be used, and in some
11 instances, customers may have required that as a
12 result of a need to comply with governmental
13 regulations.

14 MR. SWICKLE: Well --

15 MR. BURMEISTER: You're mischaracterizing --

16 MR. SWICKLE: I didn't hear all the stuff you
17 just said, but again, it's not your deposition.

18 MR. BURMEISTER: I understand that.

19 BY MR. SWICKLE:

20 Q. In terms of these matters that you're
21 saying you were following orders of the customers
22 or otherwise, what was the Crane policy if the end
23 result of the product that met the specifications
24 of the customer or otherwise would pose a risk of

1 harm to users of that product?

2 MR. BURMEISTER: Objection. I mean, first of
3 all, you need to lay a foundation that this
4 gentleman knows what Crane's policy is in that
5 particular area. He's a valve engineer. He's not
6 the person who established policies of that sort
7 for Crane Company.

8 So I don't think you've laid a -- maybe
9 you can lay a foundation, but you need to lay a
10 foundation for that kind of a question.

11 Go ahead, if you can answer.

12 THE WITNESS: Well, as I had said earlier, I
13 don't feel that there was a hazard or a risk to
14 utilizing these asbestos-containing gaskets and
15 packing as components in the Crane valves because
16 these were fully encapsulated onto themselves in
17 terms of in binders and so on to keep the asbestos
18 fibers all captured in place.

19 The asbestos gaskets and packing were
20 fully contained within the valve structure. They
21 were completely surrounded by a metallic
22 structure. So they were encased. They represented
23 no hazard in normal operation to the user of Crane
24 valves. I don't see how this represented a health

1 hazard to the general population in any way.

2 And so when a customer specified that
3 these valves must have asbestos packing, if we're
4 to meet their specifications and meet their
5 purchasing requirements, then we provided those.
6 Again, as I say, these are things that have had
7 decades and decades of prior usage.

8 Q. That's a nice answer, sir, but it's not
9 really the question. What I'm asking is if a
10 customer requested a particular valve with specific
11 specifications which Crane believed posed a risk of
12 harm to users of that valve?..

13 MR. BURMEISTER: The premise is wrong. He said
14 Crane didn't believe it posed any risk of harm.

15 MR. SWICKLE: That's what he's saying.

16 BY MR. SWICKLE:

17 Q. But I'm saying, assuming that, for
18 example, a customer says, I want this valve,
19 X, Y, Z valve. This has a pressure rating of 125
20 pounds and I'm going to put it on a 3,000-pound
21 high pressure line, what would Crane do if a
22 customer was making an order like that with a
23 specific request for a particular valve which Crane
24 would know because of the use, namely, high

1 pressures, the valve would fail, what was Crane's
2 policy in terms of customers with specifications of
3 product in such circumstances, if they had a
4 policy?

5 A. Well, I would say, yes, Crane did have a
6 policy and a concern, and everyone at Crane would
7 have had a concern about such a silly example as
8 the one that you have just cited.

9 Now, Crane valves in terms of pressures,
10 temperatures, and so on, are carefully marked as to
11 what the application capabilities of these valves
12 are.

13 If somebody chooses to use them outside of
14 their range and they would come to us and say, we
15 want to use them outside their range, Crane, in
16 good conscience, would say, no, you can't use them
17 outside that range. Or if it's a purchase, we'd
18 say, no, we will not sell you this particular valve
19 for that application.

20 Q. Sir, in your answer to the previous
21 question, you talked about asbestos being
22 encapsulated in the valve product and so forth and
23 therefore it wouldn't pose a risk of harm.

24 Is that your personal opinion or was that

1 the position of the company with regard to
2 asbestos-containing products within its valves?

3 A. Well, I think that's the position that was
4 shown by OSHA that OSHA permitting the use of
5 asbestos packings and gaskets, not having
6 prohibitions of saying it carried with it a tone
7 that these were indeed safe products to
8 incorporate.

9 Q. And OSHA came out in '72 or so; is that
10 correct?

11 A. I don't know what the date OSHA came out.

12 Q. Well, I'm talking about before OSHA in
13 terms of your statements as to asbestos being
14 contained within the packing and so forth that was
15 encapsulated within the valve assemblies, was that
16 the position of the Crane Company?

17 A. To use --

18 MR. BURMEISTER: I object to the form of the
19 question.

20 THE WITNESS: I don't know if I understand the
21 question. But to use asbestos packing, was that
22 Crane's policy? Yes, it was Crane's policy to use
23 it.

24 BY MR. SWICKLE:

1 Q. Was it the policy of Crane, and this is
2 prior to the OSHA statement, to use asbestos, and
3 was it a belief by Crane that there was no hazard
4 with regard to end users of the Crane product which
5 contained asbestos because it was encapsulated
6 within the valve assembly?

7 MR. BURMEISTER: Objection.

8 BY MR. SWICKLE:

9 Q. Was that the position of Crane pre-OSHA?

10 MR. BURMEISTER: Well, objection. It's been
11 asked and answered. He's talked about before he
12 got there, these were used for decades. The
13 doctors were there. That OSHA said it wasn't a
14 problem. That it's completely enclosed within a
15 metal container, that is, the valve itself.

16 I mean, he's given you these reasons over
17 and over and over again. I don't know why you keep
18 asking the same question over and over again. He's
19 answered it.

20 Go ahead, if you want to answer it one
21 more time.

22 THE WITNESS: I've lost track of the question.
23 I'm sorry.

24 MR. SWICKLE: Would you read it back, Court

1 Reporter, please?

2 (Record read as requested.)

3 THE WITNESS: I can only speculate as to the
4 policy, and I would say, yes, it was the Crane
5 policy to use these asbestos products because they
6 felt it was safe to use it. If they weren't safe,
7 I doubt if a very conservative company like Crane
8 would have permitted, if there was any hazard,
9 would have permitted the use of same.

10 MR. BURMEISTER: Bob, can we take a two-minute
11 break?

12 MR. SWICKLE: Sure.

13 (Whereupon, a break was taken.)

14 BY MR. SWICKLE:

15 Q. Earlier you said that there were no
16 specific precautions used by Crane relative to
17 handling asbestos products.

18 Were there any general precautions
19 employed?

20 A. I'm not aware of any specific written
21 procedural requirements that may have been put in
22 place for the factory there in Chicago.

23 Q. Do you know of any educational programs by
24 Crane relative to advising its employees of

1 potential risk hazards of any of the products they
2 would handle in connection with the Crane
3 activities?

4 A. Other than asbestos?

5 Q. I'm talking in general, and then we'll
6 find out if there's one for asbestos?

7 MR. BURMEISTER: Well, you mean over a 40-year
8 period?

9 MR. SWICKLE: Yes.

10 MR. BURMEISTER: For everything?

11 MR. SWICKLE: Yes. Like acids or anything. I
12 just want to find out what their practice was with
13 regard to employee education on products and then
14 I'll find out was there anything specific with
15 regard to asbestos.

16 THE WITNESS: There may have been procedures
17 that I'm not aware of for handling things like you
18 say, for asbestos and there may have been
19 procedures for how you run a foundry where you're
20 dealing with 2,000 degree plus metal temperatures.
21 But I'm not familiar with those.

22 There was indeed a safety engineer in the
23 factory complex, but what he promulgated in the way
24 of standard or instructions, I just don't know.

1 And I'm sure that there were some.

2 BY MR. SWICKLE:

3 Q. What were the engineer's name, say like
4 when you left?

5 A. I don't know. I just simply don't
6 remember.

7 Q. Who would know that information?

8 A. I don't know who might know that
9 information. It might be in the headquarters
10 office someplace, but I don't know.

11 Q. Would there have been any records of the
12 safety, what you call safety department person?

13 A. I somehow doubt it, but there could be,
14 but I doubt it.

15 Q. In terms of having specific --

16 A. And I say I doubt it because the factory
17 is no longer in existence and has not been in
18 existence since 1980, and I'm sure that those kinds
19 of records would have no bearing on the -- since
20 you don't operate the factory, such records would
21 have no use, and I sincerely doubt that they were
22 maintained in any way. But I don't know that for a
23 fact.

24 Q. But the safety engineer would be within

1 the safety department, is that the title of his
2 department?

3 A. I don't know what the title of the
4 department was. He worked under the employment
5 department. I believe it was under the employment
6 department. I don't even know if he would still be
7 alive because I'm a pretty old guy and when I
8 worked there, he was much older than I was.

9 Q. How old are you now, sir?

10 A. I'm in my 72nd year, so I'm 71.

11 Q. 71 years young, okay.

12 I'm trying to get a summary here. In
13 terms of promulgating and/or educational activities
14 to the Crane employees in terms of hazardous
15 materials they would come in contact, particularly
16 including asbestos, do I understand that such
17 activities of promulgation or employee education
18 would be within the safety department as opposed to
19 your department?

20 A. Yes. It would not have come under an
21 engineering function to do that sort of thing. It
22 would have been in a manufacturing environment that
23 such would have taken place.

24 Q. Right.

1 If this safety department person were to
2 have promulgated memos, had meetings on hazards of
3 asbestos, your department and you personally would
4 not in the course of things have been invited to
5 attend such meetings or receive such memos?

6 A. No, sir, we wouldn't have.

7 Q. Who were Crane's customers of the product
8 which contained asbestos from the '40s to the
9 present?

10 MR. BURNS: I'm sorry, I missed the first part
11 of that question.

12 BY MR. SWICKLE:

13 Q. The Crane customers of asbestos-containing
14 products, and this is in general terms, the
15 customer base, what type of customers did Crane
16 sell its asbestos-containing products to?

17 MR. BURMEISTER: I'm going to object to the
18 form of the question. It's as though you're
19 suggesting that we manufactured asbestos-containing
20 products. We didn't. We incorporated materials
21 that contained asbestos manufactured by others into
22 our valves.

23 MR. SWICKLE: That's why the question was sell
24 asbestos, who were their customers that it sold its

1 asbestos-containing products to.

2 MR. BURMEISTER: Okay, go ahead.

3 THE WITNESS: The customers would be industrial
4 based. These were not, I guess you would say, they
5 were not consumer products. They weren't sold to

6 the general public. They were sold to an
7 industrial base, oil refineries, chemical plants,
8 power plants, in the industrial part of our society
9 for use in industrial piping systems.

10 BY MR. SWICKLE:

11 Q. What about shipyards?

12 A. Yes, shipyards were amongst the
13 customers. The Navy in particular was a customer.

14 You mentioned something earlier about
15 health hazards associated with packing. The Navy
16 department specifications specifically called for
17 asbestos packing. So if the federal government in
18 the form of its Navy was specifying the same, then
19 it's a logical conclusion to say, well, these must
20 be safe if they're going to be incorporating these
21 in a Navy environment. They must be considered to
22 be safe by the government authorities.

23 Q. That's a nice answer, but I wasn't asking
24 you about that.

1 Can you tell me the specific shipyards, to
2 your knowledge, that asbestos-containing products
3 were sold?

4 A. The selling of valves would have been to
5 many different shipyards, but I have no idea as to
6 all of the places that they would have been sold.

7 I do know that we sold valves, for
8 example, to Newport News, to Electric Boat Company,
9 Mare Island Ship Yard. Not being in the sales
10 function, I don't know what all of the places that
11 they might have gone.

12 Q. In terms of its market, was Crane a
13 national company?

14 A. Yes, yes.

15 Q. Did Crane ever sell to ship owners?

16 A. I don't know. If somebody that owned a
17 ship came to a Crane store and wanted a valve, I
18 guess they would have sold it to them.

19 Q. How about a ship chandler?

20 A. I don't even know what a ship chandler is.

21 Q. So then while you know in general that
22 Crane sold to shipyards and you gave me some names,
23 the particulars of that would not be within your
24 department, that would be the sales department; is

1 that correct?

2 A. That's correct.

3 Q. Do you know whether or not there are any
4 records which would contain the shipyards or other
5 marine type of customers to whom Crane sold its
6 asbestos-containing products at any time?

7 A. I don't know what kind of sales records,
8 are maintained. I can't respond to that one very
9 well.

10 Q. Who would know?

11 A. I don't know who would know.

12 Q. Did Crane sell packing and gasketing
13 material that contained asbestos independent of
14 such materials contained within valve products?

15 A. Yes, they did. Packing and gaskets are
16 parts that customers would call for for repair
17 work, for their maintenance work. And Crane did
18 sell these, or the convenience, to their customers.

19 Q. Did it have the Crane label on it?

20 A. No. They would have sold this under the
21 label of whoever it was that they bought the
22 packing from. It may have gone out in let's say a
23 big box with a Crane label on it, but the
24 individual box for say packing or gaskets would

1 have had the manufacturer that was involved.

2 And in many cases, the packing or gaskets
3 would be shipped directly from the supplier to the
4 end user.

5 Q. This is because it was foreseeable that
6 the packing and gasketing material would have to be
7 replaced in the valves which Crane manufactured and
8 sold to the public?

9 MR. BURMEISTER: I'm going to object. I guess
10 it's a legal conclusion that you're asking him to
11 draw. I guess if customers wanted it, that would
12 be the reason why we would have it for sale. But
13 whether or not it was foreseeable or not is, I
14 guess, a legal conclusion that you're asking him to
15 draw.

16 Go ahead. I object to the form.

17 THE WITNESS: Well, it's foreseeable that any
18 part of a valve might be replaced. And we get --
19 Crane gets inquiries or has gotten inquiries over
20 the years for many, many different parts of valves
21 in addition to the packing and gaskets.

22 BY MR. SWICKLE:

23 Q. That's why you offered the packing and
24 gasketing materials as a distributor because your

1 customers would ask for such materials to repack or
2 re-gask a valve that it bought from you earlier?

3 A. Yes, that's entirely true. But they also
4 buy valve stems and valve disks and nuts and bolts
5 and all other kinds of parts as replacement parts.

6 Q. Right. And you knew this as a designer of
7 valves that certain parts including the packing and
8 the gaskets, stems, and so forth during the life of
9 the valve would have to be replaced as a normal
10 operational consequence of that valve in operation,
11 correct?

12 A. Yes, they would have to be replaced, but
13 the frequency of replacement is something else
14 again, and one doesn't know what the frequency of
15 replacement might be.

16 Q. Now, in terms of the valve that Crane
17 made, it included valves that could be used on
18 steam lines?

19 A. Yes. Crane did make valves that were
20 suitable for steam service.

21 Q. And in terms of the packing and gasketing
22 materials of such valves because of the heat of the
23 steam, when it was time to replace either the
24 packing or the gaskets, oftentimes this would be

1 baked on and the materials would have to be
2 physically scraped off either with a chisel type, a
3 flat knife, or sometimes even a wire brush?

4 MR. BURNS: Objection, foundation.

5 MR. BURMEISTER: Same objection.

6 Go ahead.

7 THE WITNESS: Yes, I think that's true that
8 they did bake in, and what apparently happens is
9 that the binders and the graphites that are used
10 around the asbestos bake around the asbestos and it
11 really completely in a very hard manner
12 encapsulates the asbestos, and really, in my
13 opinion, would be a protective barrier against the
14 asbestos causing any damage to anyone.

15 BY MR. SWICKLE:

16 Q. Have you done any test to form the basis
17 of your opinion of such activity?

18 A. No. I said that's my opinion.

19 Q. Was that Crane's opinion of it?

20 A. I don't know if it's Crane's opinion. I
21 probably shouldn't offer a technical opinion, but
22 that's my technical opinion.

23 Q. Did you ever offer your technical opinion
24 to anyone at Crane as a Crane employee during your

1 career there as to this point?

2 A. I was never asked to.

3 Q. But did you ever offer it?

4 A. No.

5 Q. By the way, this is my opinion on the
6 subject?

7 A. Who would I offer that to?

8 Q. Who do you work with, I don't know?

9 A. I was never asked by anyone for the
10 opinion. I never volunteered it to anyone.

11 Q. In connection with the removal of the old
12 materials by mechanical means, is it not true that
13 at times the packing or gasketing material would
14 powder and flake and dust would be created in
15 connection with those activities?

16 MR. BURMEISTER: I'm going to object to the
17 form and foundation.

18 MR. BURNS: Objection to foundation.

19 THE WITNESS: He's not a packing remover
20 expert. We haven't offered him as such.

21 But go ahead.

22 BY MR. SWICKLE:

23 Q. Go ahead, sir.

24 A. I just offered my opinion on that earlier

1 that anything that would come off would have been
2 baked on, and the binders and the graphite that had
3 been surrounding would have encapsulated in a very
4 hard fashion any of the asbestos.

5 Q. You told me your personal opinion. Was
6 this the policy of the Crane Corporation or Crane
7 Company with respect to the removal of the
8 asbestos-containing gasketing and packing material?

9 MR. BURMEISTER: Objection, asked and answered.

10 THE WITNESS: There was no written policy that
11 I'm aware of of the Crane Company where they had
12 any statements relative to asbestos or to packing
13 or gasket removal.

14 BY MR. SWICKLE:

15 Q. Was there an unwritten policy or statement
16 or position relative to gasket and packing removal
17 at the Crane Company?

18 A. When you speak of a policy, you're talking
19 about a policy in terms of the officers of the
20 company promulgating such a policy, and I'm not
21 aware of there being a written or oral policy
22 relative to asbestos removal -- pardon me -- to
23 repacking valves.

24 Q. Do you know of any test or studies

1 undertaken by the Crane Company or at the request
2 of the Crane Company at any time relative to the
3 dust levels encountered in the removal of the
4 packing or gasketing materials of Crane valves once
5 they are put in service and encountered by the end
6 users?

7 A. End user testing I'm not at all privy to.

8 Q. Did Crane do any testing in-house as to
9 dust levels encountered in the repacking of its
10 valve products?

11 A. Yes, it did.

12 Q. Are there any documents that contain
13 reference to any facts in connection with such
14 testing?

15 A. Yes. I think there is a test report to
16 that effect.

17 Q. What is the date of that test report?

18 A. I don't know because I don't have it with
19 me. I would have to look it up.

20 Q. Did that test occur before or after you
21 left the company?

22 A. It was after I left the company.

23 Q. You left in '86?

24 A. Yes.

1 Q. Do I understand that Crane no longer made
2 valves with asbestos packing or gasketing
3 materials, they stopped that prior to your
4 departure from the company?

5 A. Perhaps not completely. I don't have a
6 firm date on the absolute time that they ceased all
7 asbestos because there were still in place, as I
8 indicated earlier, industry specifications that
9 required valves to be furnished with asbestos
10 packings, and in particular, these were the
11 petroleum industry specifications.

12 And whether Crane ceased in '88 or '89
13 or '90, I don't know exactly when the dates -- at
14 which date the use of asbestos completely ended at
15 Crane.

16 Q. Do you know the name of this test, what's
17 it called if I wanted to get a copy of it?

18 A. No, I don't know the name of the test.
19 What it was was a monitoring of a Crane facility in
20 which packings, asbestos-containing packings were
21 removed from valves and non-asbestos packing was
22 used as a replacement.

23 The particular valves that were involved
24 were steel valves, small steel valves, that were

1 made in compliance with an American Petroleum
2 Institute specification. And when customers would
3 say that they would want non-asbestos packing, the
4 asbestos was removed, asbestos packing was removed,
5 and non-asbestos packing was incorporated. The
6 asbestos packing was then disposed of through one
7 of the industrial kinds of groups that are licensed
8 to dispose of asbestos-containing products.

9 And the facility that was doing this, they
10 had a company come in with a monitoring device that
11 had collected samples, air samples, in the area in
12 which the work was going on. And I seem to recall
13 that the conclusion of the monitoring program was
14 that there is absolutely no hazard, no asbestos
15 hazard involved in the operations that were going
16 on.

17 Q. Do you know who has copies of that
18 document if I wanted to get a copy of it or the
19 documents that are the results of those tests?

20 A. I think if you ask the attorney here, that
21 he could make these available to you.

22 MR. SWICKLE: How about it, Dale?

23 MR. BURMEISTER: I haven't seen this document,
24 but if you want to make a request for it, we'll

1 take it under advisement.

2 MR. SWICKLE: I just have. Consider this a
3 request for it.

4 MR. BURMEISTER: Okay.

5 BY MR. SWICKLE:

6 Q. In terms of the valves, these were
7 petroleum valves. Were they steam valves that were
8 the subject of these tests?

9 A. They could be used in steam service, yes.
10 I said that they were made to be in accordance with
11 a petroleum industry standard.

12 Q. Were these valves that were at one time
13 put in service by the customer and then returned to
14 Crane for the packing change, or were they just
15 valves that were new valves that had this asbestos
16 packing and then before they were sold, the packing
17 was changed to a non-asbestos packing?

18 A. They were new valves.

19 Q. So as far as being baked on or being
20 subject to field use for months or years, this test
21 did not encompass such circumstances?

22 A. No. It was with the packing as it was
23 received from the factory. It was new packing.

24 Q. Do you know of any other tests of Crane

1 products made at any time in terms of asbestos
2 within the Crane products?

3 A. This is the only test that I'm aware of.
4 And it's not really a test. It was a monitoring.
5 It was the monitoring of a work area.

6 Q. How was it that you became aware of it if
7 it occurred after you left the company?

8 A. I don't think that the monitoring
9 occurred -- I'm not sure of the dates. I don't
10 think it occurred after I left the company. I'm
11 not exactly sure of the dates that it occurred.

12 Q. We've been talking about valves that Crane
13 made that included asbestos packing and gasket
14 materials. So it's clear, in terms of the packing
15 and gasketing materials, Crane never manufactured
16 such materials; is that correct?

17 A. Crane never, to my knowledge, Crane never
18 manufactured the component that contained
19 asbestos. They used the component that contained
20 asbestos, but they didn't manufacture it.

21 Q. Besides these products, the valves and the
22 gaskets and the packing which could be sold either
23 in the valves or separately, did Crane make any
24 other asbestos-containing products?

1 A. Well, I can't respond to that because my
2 whole career was in the valve division. That's
3 where I worked and that's what I have knowledge of.

4 Q. So as to other asbestos-containing
5 products of Crane, you just don't know, and that
6 could be in terms of products manufactured by Crane
7 or products that are merely distributed by Crane;
8 is that correct, sir?

9 A. Yes.

10 Q. Who would know that information?

11 A. I don't know.

12 Q. Do you know somebody at Crane who would
13 know who would know?

14 MR. BURMEISTER: He just answered that
15 question.

16 MR. SWICKLE: I asked him who would know.

17 MR. BURMEISTER: Now you're making it a
18 compound question.

19 MR. SWICKLE: No, no. He said he wouldn't know
20 who would know that. But I'm asking him -- he
21 doesn't know who the people in personnel are, but
22 who at the company knows who the people in
23 personnel are. That's kind of what I'm saying.

24 THE WITNESS: I'm sorry. The Crane

1 organization is so different than when I was a
2 direct employee of Crane, I don't know.

3 BY MR. SWICKLE:

4 Q. Forget by the name. When you left it, who
5 do you think at the company, maybe by job position,
6 who do you think at the company would know about
7 the other products besides the valve products?

8 A. I honestly don't know who might have such
9 broad knowledge. I just don't know.

10 Q. Did Crane ever -- let me put it this way.
11 Who were the suppliers to Crane for the
12 asbestos packing and gasketing? Was it used in a
13 valve product and also the asbestos-containing
14 packing and gasketing that it sold separately?

15 A. I would have to make some educated guesses
16 on who the suppliers were, and I wouldn't -- don't
17 have all that knowledge available to me. I would
18 guess that the John Crane --

19 MR. BURNS: I'm going to object to any further
20 answer on the basis of foundation.

21 BY MR. SWICKLE:

22 Q. Go ahead, sir.

23 A. I guess it would be John Crane Packing
24 Company.

1 Now, if you have some names that you might
2 give me that might help me remember, if I have a
3 familiarity with them, I'll be glad to take such
4 prompting if you would.

5 MR. SWICKLE: Let's take a little break here.
6 Let's go off the record here.

7 (Discussion off the record.)

8 BY MR. SWICKLE:

9 Q. Let's continue. We were talking about
10 suppliers. I think the witness wanted to be
11 prompted here. How about Garlock, do you know if
12 Garlock supplied your company with gasketing
13 material?

14 A. I don't know that they did, but I think
15 they did.

16 Q. Anchor Packing?

17 A. I'm not sure, but I doubt it.

18 Q. And John Crane you're pretty sure?

19 MR. BURNS: Objection to the characterization.

20 THE WITNESS: John Crane, yes. I believe John
21 Crane did provide packing.

22 BY MR. SWICKLE:

23 Q. How about John Mansville?

24 A. John Mansville may have been a supplier.

1 Q. Are you aware if at any time the suppliers
2 to the Crane Company of the asbestos gaskets or
3 packing ever placed warnings on the materials that
4 were shipped to the Crane Company or on the
5 invoices or separately --

6 MR. BURMEISTER: I'm going to object --

7 BY MR. SWICKLE:

8 Q. -- relative to the asbestos in those
9 respective products?

10 MR. BURMEISTER: I'm going to object to the
11 form of the question and the lack of foundation and
12 suggest that only the manufacturer of those
13 products would be able to answer that question
14 completely.

15 But go ahead.

16 THE WITNESS: Since I was not involved with the
17 receiving and the opening of boxes, packages, I
18 don't know the answer to that question.

19 BY MR. SWICKLE:

20 Q. Did anyone who was involved with the
21 receiving or opening of the boxes or the purchase
22 of those materials ever advise you, either orally
23 or in writing, that our suppliers of this
24 asbestos-containing gasket and packing material

1 have given us a warning as to possible health
2 hazards of the asbestos in it?

3 Was there ever any communications from the
4 people who would receive the products at Crane
5 Company to you that there were such warnings
6 accompanying the respective products?

7 MR. BURNS: Objection, hearsay.

8 MR. BURMEISTER: Go ahead.

9 THE WITNESS: Nobody ever told me that the
10 boxes of packing or gaskets had labels or
11 warnings.

12 BY MR. SWICKLE:

13 Q. Now, Crane sold a whole host of other
14 asbestos-containing materials besides the packing
15 and gasketing; is that correct?

16 MR. BURMEISTER: Objection. He's in the valve
17 division, which this case is about. Your clients
18 have talked about valves and he's here to talk
19 about valves with you.

20 But he's told you he is not familiar with
21 any other area of the company, the faucet division
22 or the sink division or -- you know, Crane made a
23 lot of different products.

24 MR. SWICKLE: Well, but they also -- okay.

1 BY MR. SWICKLE:

2 Q. So in terms of whether or not Crane sold
3 asbestos-insulated materials such as asbesto-cell
4 or asbestos sheet mill board, asbestos block, or
5 even bags of raw asbestos cement, you don't know of
6 such information?

7 A. Well, I do know of older Crane catalogs
8 that have such items shown in there. Do I
9 specifically know that Crane sold them, no, I don't
10 know that they specifically sold them. But I know
11 that they were listed in Crane catalogs.

12 Q. So I take it what you're saying is you
13 know they were offered for sale, but whether or not
14 anybody bought one of those products you don't
15 know?

16 A. I don't know that, no. And I only know
17 that they're shown pictorially in Crane catalogs.
18 I don't know anything about how they were sold, if
19 they were sold.

20 Q. Who would know about those matters?

21 A. Again, I don't know if Crane had a
22 separate group that sold these things and what was
23 referred to as Crane supply or Crane branches.
24 They were effectively mill supply houses and Crane

1 no longer has any of these branches. I don't know
2 who might have any information regarding the
3 operation of those supply houses.

4 Q. If you could look to subpart "C" of the
5 deposition notice, sir.

6 Do you know if you possess knowledge of
7 the information set forth in subpart "C" of the
8 deposition notice?

9 MR. BURMEISTER: I'm going to object. It
10 assumes that there is exposure to a seaman, but the
11 Crane position is that there is none. The
12 asbestos-containing material that's inside the
13 valve is inside the valve and can't escape.

14 Moreover, the use of the word "friable" is
15 unclear because certainly as phrased, it does not
16 comply with the EPA definition of friability, which
17 is the only one that I'm familiar with that can or
18 should be used in connection with discussions of
19 asbestos. So it's nonsensical.

20 Go ahead.

21 THE WITNESS: Well, by merchant seaman, you
22 mean those people who sail the boats and oil the
23 steam engines and cook the food and tie the ropes
24 and things like that, is that what you mean by

1 seaman?

2 BY MR. SWICKLE:

3 Q. Members of the crew of a vessel, correct?

4 A. I don't see where there is any hazard of
5 asbestos to these particular kinds of crewmen
6 because the asbestos is fully contained in terms of
7 being self-contained by virtue of being held in
8 place with binders and sometimes steel or Inconel
9 wires or graphite lubricants.

10 And then they're fully contained in
11 packing boxes and in gasket grooves so that the
12 danger to the seaman is virtually nonexistent. So
13 I don't see where there is any concern for asbestos
14 exposure to a crew.

15 Q. Are you done, sir?

16 A. Yes.

17 Q. Is that your personal opinion or is that
18 the position of the Crane Company?

19 MR. BURMEISTER: Well, he knows more about
20 valves than anybody that's ever worked for the
21 Crane Company as far as I can tell. And so if
22 that's his understanding, then as a corporate
23 representative, that's the understanding of Crane.
24 We can only speak --

1 BY MR. SWICKLE:

2 Q. Did you advise others at Crane Company
3 that this is my understanding and this is,
4 therefore, the policy and understanding of the
5 Crane Company with regard to its business
6 activities?

7 A. Did I say --

8 MR. BURMEISTER: I don't understand the
9 question.

10 But go ahead if you understood it.

11 THE WITNESS: No, I guess I don't. Go ahead.
12 I don't really understand the question fully.

13 BY MR. SWICKLE:

14 Q. The thing is was that your personal
15 understanding or was that the understanding of the
16 company?

17 A. Well, I thought we kind of broached that
18 much earlier. Whether a valve is utilized on board
19 a ship or in an oil refinery, the valve itself
20 don't know any difference. If it's in steam
21 service, it's steam service no matter where the
22 application might be.

23 So if the corporate policy was to sell --

24 Q. I understand that. But you gave your

1 answer as, I don't think, in that answer, and you
2 also gave another qualification that, I don't see
3 that and so forth.

4 I'm trying to find out, is that your
5 personal opinion, or is that the position of the
6 company relative to such matters?

7 A. Well, I'll try to get around to your
8 answer by saying a specific valve that's designed
9 for a steam system intended for use in a steam
10 system, for example, doesn't know the difference
11 between a shipboard application or application in a
12 power plant or application in an oil refinery. If
13 it's steam, it's steam.

14 And if the Crane Company sold valves for
15 steam service with asbestos packing, I would say it
16 would be a corporate policy that it was safe in any
17 environment that it might have been used in.

18 Q. Okay. I think the answers you're giving
19 me are wide.

20 But do I take it then there were no
21 measures undertaken by Crane with regard to any of
22 its customers relative to the reduction of any
23 hazards that might appertain the presence of
24 asbestos in the Crane products?

1 MR. BURMEISTER: Objection to the form of the
2 question. He just said there was no risk.

3 THE WITNESS: There were no risks. There were
4 no risks deemed in the handling or in the use of
5 these asbestos packings to the people that are in
6 the vicinity or proximity of these valves as
7 they're carrying out their normal function. Any
8 asbestos is fully contained within the metallic
9 boundaries of the valve.

10 BY MR. SWICKLE:

11 Q. Other than that, were there any specific
12 measures taken to protect end users of the product
13 from the asbestos contained within the Crane
14 product?

15 MR. BURMEISTER: Objection, asked and
16 answered. This is the third time you've asked the
17 same question. There is no possibility of escape
18 of asbestos.

19 MR. SWICKLE: Oh, come on, you know there is.

20 MR. BURMEISTER: How?

21 THE WITNESS: Where?

22 MR. BURMEISTER: A valve sitting there in the
23 middle of a --

24 MR. SWICKLE: Oh, come on, shape up. You know

1 what the position is and what happened here. You
2 heard testimony of numerous witnesses here speaking
3 to the exposures and the foreseeable use of valves
4 and the like.

5 So come on, stop playing these games
6 here. I just want to lock you in, besides what
7 he's already testified to, any other measures
8 taken. If there is none, then say none else.

9 MR. BURMEISTER: Same objection.

10 THE WITNESS: There were no specific measures
11 taken because the use of the valves themselves in
12 terms of the environment of a ship with the
13 asbestos fully contained in terms of being
14 contained in binders and the like of the asbestos
15 parts and the component being fully contained and
16 surrounded by metallic valve structures, there is
17 no hazard that requires specific measures to be
18 taken.

19 BY MR. SWICKLE:

20 Q. What about specific measures in terms of
21 the replacement of packing or gasketing materials,
22 any specific matters undertaken relative to those
23 activities?

24 A. Well, the question here is exposure to

1 merchant seaman aboard a merchant vessel.

2 Q. No, the question is what I just gave to
3 you.

4 MR. SWICKLE: Court Reporter, would you read it
5 back to the witness, please?

6 (Record read as requested.)

7 THE WITNESS: Any specific measures to do what
8 relative?

9 BY MR. SWICKLE:

10 Q. Relative to reduce the risk of exposure of
11 end users performing the gasket replacing or
12 packing replacement activities in terms of the
13 asbestos in those respective products, any measures
14 at all?

15 MR. BURMEISTER: Just for the record, I'm going
16 to object because this is being taken in multiple
17 cases and most of the individuals that are
18 plaintiffs in this group of cases never did such
19 activities, and indeed, many of them were cooks and
20 never were involved in any way in dealing with
21 valves.

22 But over that objection, go ahead.

23 THE WITNESS: I'm not aware of any published
24 information that Crane may have had relative to the

1 repacking of valves and any dangers that might have
2 been involved with asbestos in the repacking of
3 valves.

4 BY MR. SWICKLE:

5 Q. Did they have any suggestions on
6 methodology of repacking a Crane valve?

7 A. Not in any detail.

8 Q. So I take it there was something in
9 generalized terms?

10 A. There may have been some Crane
11 publications which I -- you know, with 33 years of
12 or 31 years of active employment, there is a lot of
13 publications that one has for the company. And
14 there may have been some general publications about
15 how to repack a valve, but they did not deal with
16 hazards of asbestos.

17 Q. Was there ever any, in these instructions,
18 ever any statements that when they were repacking a
19 valve or changing gasketing material, scraping off
20 old gasketing material, that one should wet down
21 the work or wear respiratory protection devices?

22 MR. BURNS: Objection, foundation.

23 MR. BURMEISTER: Objection, foundation. He
24 says there may have been some instructions. And he

1 indicated that he didn't recall anything dealing
2 specifically with asbestos.

3 MR. SWICKLE: That's right. I'm not talking
4 about asbestos.

5 BY MR. SWICKLE:

6 Q. I'm just saying in general, to wet down
7 the work and to wear respiratory protection when
8 you're repacking or removing an old gasket?

9 MR. BURMEISTER: Objection to the form of the
10 question.

11 Go ahead.

12 THE WITNESS: I'm not aware of any such
13 instructions.

14 BY MR. SWICKLE:

15 Q. Are you aware of the industrial trade or
16 health organizations or associations which
17 defendant has been affiliated with or a member from
18 the '40s to the present?

19 MR. BURMEISTER: Just for the record, I mean,
20 he may know some of them. We answered
21 interrogatories in which we've listed those.

22 But go ahead.

23 THE WITNESS: World health organization, no, I
24 don't know what the world health organization is.

1 BY MR. SWICKLE:

2 Q. I didn't ask about that. I said any
3 industrial trade or health organizations?

4 A. I thought you said the world organization,
5 I'm sorry.

6 Q. No. And I could understand with the
7 speakerphone and I accept that you misheard me.

8 It's part "D". Do you possess knowledge
9 of associations or organizations referred to in
10 part "D" of the deposition notice?

11 MR. BURMEISTER: Same objection.

12 Go ahead.

13 THE WITNESS: I'm not familiar with health
14 organizations. Trade organizations might be
15 something like the Valve Manufacturers
16 Association. I guess that's a trade association.
17 And Crane has been an off and on member of that
18 organization.

19 Industrial organizations, industrial
20 associations might be, I think what you mean is
21 things like the American Petroleum Institute.

22 Q. Yes, if that's one, if Crane was a member
23 of that?

24 A. Oh, if Crane was a member?

1 Q. Yes.

2 A. Crane membership, I'm not certain if Crane
3 had a corporate membership in these trade
4 associations. I think they had a corporate
5 membership in the American National Standards
6 Institute, but I don't know what else they might
7 have had a corporate membership in.

8 Q. Do you know if anyone at Crane
9 participated in the development of the OSHA
10 standards that came about in the early 1970's
11 relative to asbestos?

12 A. To my knowledge, no, there was no one at
13 Crane that participated.

14 Q. How about subpart "E", safety and medical
15 journals which Crane subscribed to from the '40s to
16 the present, do you know any names of such
17 materials?

18 A. No, sir, I don't.

19 MR. BURMEISTER: Again, for the record, we did
20 respond to interrogatories dealing with that
21 issue. His answer, if you got it, was that he
22 didn't know that.

23 THE WITNESS: I'm not aware of safety and
24 medical journals. I have no reason to come in

1 contact with that.

2 BY MR. SWICKLE:

3 Q. Because Crane had a medical department and
4 they also had a safety department, correct?

5 A. That's correct.

6 Q. The safety journal would be something you
7 expect to be covered by the safety department, and
8 the medical journal would be something you would
9 expect it would have been encompassed within the
10 Crane medical department?

11 A. That's where I would think that they would
12 fall. And the technical journals fell under
13 engineering, and we didn't subscribe to many
14 technical journals.

15 Q. Are you familiar with a publication called
16 The Marine Catalogue, which lists various products
17 for marine use?

18 A. No, sir, I'm not.

19 Q. The answer I didn't hear through the
20 speakerphone.

21 A. I'm sorry. The Marine Catalog, no, I'm
22 not familiar with that. I don't believe I've ever
23 seen that.

24 Q. Would it be your job to cause listings of

1 Crane products to be put in such a publication?

2 A. Well, since I don't know what the
3 publication is, I can't respond to that.

4 Q. Would it be your job to put a list of
5 Crane products in any form of publication or
6 listing of products?

7 A. You mean publications like trade magazines
8 and so on?

9 Q. Correct. Would that be within your job
10 function?

11 A. No. There was an advertising department
12 at one time that handled that sort of thing.

13 Q. Do you know whether or not Crane products
14 were on the United States Coast Guard Approved
15 Equipment List for use aboard vessels?

16 A. Yes, I believe that the Coast Guard
17 Equipment List did include Crane valves.

18 Q. Did that include the Crane valves with
19 asbestos packing and asbestos gasketing materials?

20 A. Yes, it did, and I think it did because
21 the regulations, if I remember correctly, some of
22 the standards required asbestos packings.

23 Q. What time period, to your knowledge, were
24 Crane products on the Coast Guard Approved

1 Equipment List?

2 A. I would guess, and I'm having to guess
3 this because I never had a running up-to-date
4 listing, but I think that probably as long as the
5 Coast Guard listings were available, Crane was part
6 of the list.

7 MR. BURMEISTER: I'll object to the guessing,
8 of course, but go ahead. He answered the question,
9 but just to preserve the objection.

10 BY MR. SWICKLE:

11 Q. Could you tell me if the Crane Company
12 attached warnings to its product or in any way gave
13 warning to end users relative to the asbestos in
14 those Crane products which did contain asbestos?

15 I'm just asking whether or not there were
16 warnings, not the why. I'll cover that later. But
17 I just want to know, do you know of any warnings to
18 end users of the Crane products relative to the
19 asbestos in those products of Crane which contained
20 asbestos?

21 A. Yes. And I'm trying to sort out in my
22 mind what some of the dates might be. The answer
23 to your question is yes.

24 Q. Can you tell me the date? I'm sorry that

1 you're troubled by it, but I do want to know the
2 point in time that these warnings were given, and
3 do you know what the warnings consisted of?

4 A. Okay, what the warnings consisted of was
5 on Crane steel valves which were the last to have
6 non-asbestos packings and gaskets.

7 A Mylar strip was attached to the valve,
8 and the words would have said something like,
9 caution, packing or gasket may contain asbestos or
10 contains asbestos. I'm not exactly sure what the
11 wording was, but there was some notice that there
12 was asbestos in the gasket or the packing.

13 Q. Was there also warnings that asbestos dust
14 can cause serious personal injury?

15 MR. BURMEISTER: Objection to the form of the
16 question. He's told you what he recalls the
17 warning indicated.

18 THE WITNESS: That was the total amount of
19 verbiage on the tag.

20 BY MR. SWICKLE:

21 Q. This was in connection with the Crane
22 steel valves which were the last to have
23 non-asbestos packing?

24 A. Yes.

1 Q. Can you give me the decade at least that
2 this occurred?

3 A. That was probably in the late '80s, maybe
4 1985, around 1985, somewhere in that period.

5 Q. Other than these warnings, any other
6 warnings by Crane relative to its products that
7 contained asbestos relative to the asbestos in
8 those products?

9 A. No. That's my only recollection of
10 warnings that were attached to valves relative to
11 asbestos.

12 Q. How about any other Crane products that
13 contained asbestos such as the packing or gasketing
14 material that was sold separately?

15 A. That which was sold separately I would
16 assume that we depend upon the individual
17 manufacturers that we bought the gaskets and
18 packing from, whether they had any markings on it
19 that we would have sent along with the packing. We
20 didn't make up special markings as far as I know.

21 Q. So you didn't add anything extra, but of
22 course, if there was something there, you wouldn't
23 have taken it off?

24 A. No, because it would normally have gone on

1 the boxes, which the original manufacturer had put
2 together, and in many cases, the original
3 manufacturer would ship directly to the end user to
4 save time.

5 Q. In terms of the warnings that were put on
6 these steel valves, do you know why Crane did this
7 when it did it?

8 A. Well, by this, when it was done, I was no
9 longer in the chain of command as an active
10 manager. I was more in the nature of a
11 consultant. And the exact why it was done, I'm not
12 really sure.

13 Q. Who of Crane would know this information?

14 A. I just can't answer that because I don't
15 know who would know who was responsible for it.

16 Q. What's the job title of the person who had
17 the authority to say, okay, we're going to put this
18 warning on our products or our valve products?

19 A. I think that was done when --

20 MR. BURMEISTER: I don't want you to guess. If
21 you don't know, just say you don't know if it was
22 done after you left.

23 THE WITNESS: Well, it was done after I had --
24 after a point where I had no longer responsibility

1 for the engineering function. And I was in a
2 consultive capacity with Crane prior to
3 retirement. And I just don't know who would have
4 had that.

5 BY MR. SWICKLE:

6 Q. Well, I'm not asking the person, but I'm
7 saying, what position would have the authority to
8 make that decision?

9 MR. BURMEISTER: He's answered the question
10 several times now. He doesn't know who. It
11 happened after his responsibility in that area
12 ended.

13 BY MR. SWICKLE:

14 Q. Well, okay, I'll try one more time.
15 For instance, you had indicated that your
16 general manager had authority to tell you to no
17 longer include asbestos in the valves?

18 A. Right.

19 Q. What I want to find out is what position
20 would be such to have the authority to give such a
21 warning with a Crane product?

22 A. Well, it was probably the man who had the
23 responsibility for engineering at the time.

24 Q. The director of engineering, would that be

1 the title?

2 A. That title probably still stayed as
3 director of engineering and that title no longer
4 exists, and the guy who succeeded me in that job is
5 gone many years now. I think he lasted three
6 years.

7 Q. Have you ever given your deposition before
8 in an asbestos case against Crane?

9 A. Yes, I have.

10 Q. How many times?

11 A. Once.

12 Q. If you answered, I didn't catch it, sir?

13 A. Oh, I'm sorry. Once.

14 Q. When was that?

15 A. February of this year.

16 Q. Where did you give it?

17 A. In North Dakota.

18 Q. Do you know the court in which that
19 deposition was given?

20 A. No, I don't.

21 Q. Who would know that information?

22 A. I'm not sure. Perhaps the corporate
23 counsel for Crane might have that.

24 Q. Besides depositions, did you ever testify

1 in court for Crane or really for anyone in a case
2 involving Crane?

3 A. For asbestos?

4 Q. Yes.

5 A. For asbestos, no.

6 Q. Do you know of any other persons of Crane
7 who have testified by deposition or in court in
8 asbestos cases?

9 A. No, I don't.

10 Q. Did the lawyers give you a copy of your
11 deposition testimony that you gave in February in
12 connection with your testimony today?

13 A. After the deposition, they had me read,
14 they sent me a copy to read through.

15 Q. Did you read it?

16 A. Yes, quickly.

17 Q. Did you review it in connection with your
18 deposition testimony today?

19 A. Yes, I did, quickly.

20 Q. Again, I apologize. If you answered, I'm
21 not picking it up on the speakerphone?

22 A. Yes, I did read through it quickly.

23 Q. Do you have it with you?

24 A. No, I don't.

1 Q. Do you know whether or not there has been
2 any judgment against the Crane Company in an
3 asbestos personal injury or death action?

4 MR. BURMEISTER: I'll object to the form of the
5 question and lack of foundation. I think that's
6 beyond this witness's knowledge and expertise.

7 But go ahead and answer if you can.

8 THE WITNESS: I'm not aware of any death
9 associated with asbestos for Crane, against Crane.

10 MR. BURMEISTER: You're not aware of any, what
11 was the word you used, any judgment?

12 THE WITNESS: I'm not aware of any such
13 action.

14 BY MR. SWICKLE:

15 Q. Did the Crane Company ever sell any of its
16 products to OEMs?

17 A. OEMs, original equipment manufacturers?

18 Q. Correct.

19 A. Well, a valve is a piece of equipment, and
20 you mean when you install a valve into a power
21 plant, does the power plant then become the
22 equipment? I guess I don't really understand
23 how --

24 Q. Well, a power company can own a power

1 plant. You might ship to the power plant or you
2 might ship to say a company such as GE that was
3 building a steam service aboard a ship, and you
4 might ship a valve to be used by this company in
5 their turbine assembly?

6 A. I'm certain that Crane has sold valves to
7 General Electric and have sold them to Westinghouse
8 and have sold them to Bechtel and have sold them to
9 Exxon Oil Company, Shell Oil Company.

10 Q. Do you know a company called DeLaValve?

11 A. I think DeLaValve is a turbine company,
12 but that's about all I know of them.

13 Q. Do you know whether or not Crane sold any
14 of its steam valves to the DeLaValve Company for
15 usage?

16 A. They could have. I don't know that for a
17 fact.

18 Q. Do you know if there's ever been an award
19 against Crane, the Crane Company, for punitive
20 damages in an asbestos case?

21 MR. BURMEISTER: I think that was subsumed
22 within the prior question about whether or not any
23 judgments had ever been rendered against Crane,
24 which I objected to, but he said he wasn't aware of

1 any.

2 But this calls for an additional legal
3 conclusion about whether or not punitive damages
4 have ever been awarded. So I'll object again.

5 But go ahead and answer it if you can.

6 THE WITNESS: No, I'm not aware of any. I
7 don't quite understand the exact legal terminology
8 here as to what that punitive damages means, sort
9 of thing, but.

10 BY MR. SWICKLE:

11 Q. Are you aware of insurance coverages of
12 the Crane Company relative to asbestos claims?

13 A. No, I am not.

14 Q. Who would know that?

15 A. I would guess the corporation counsel for
16 Crane would.

17 MR. SWICKLE: Okay. I'm going to have no
18 further questions at this time. However, I would
19 like a copy of the deposition that he said he gave
20 and reviewed in connection with this case.

21 Also, there was some references here about
22 the testing that they did on the valve and hose.
23 I'd like copies of that. And also without
24 limitation to a whole bunch of other matters that I

1 think were up for today, the interrogatory answer
2 on insurance just says a number of different
3 insurers and coverages. I think we're entitled to
4 a lot more than that information.

5 MR. BURMEISTER: Okay. Well, as in the past
6 when these requests for deposition transcripts are
7 made, I think that's an absurd request in light of
8 the fact that I offered on behalf of not only
9 Crane, but other companies, to supply deposition
10 transcripts in lieu of bothering people like
11 Mr. McLean who is retired with a deposition when
12 they have been deposed in the past. And for you to
13 now want a deposition transcript I think is
14 unreasonable. But I'll take it under advisement.

15 MR. SWICKLE: How about the test?

16 MR. BURMEISTER: The test, I don't have a copy
17 of that and I'll consider the request and try to
18 get back to you on that on Monday or Tuesday.

19 MR. SWICKLE: I talked to Donna. The insurance
20 coverage -- and I'm certain there's a whole bunch
21 of other matters that were gone through and it
22 might make moot what we're talking about here as to
23 other documentation requests, but that's one matter
24 we haven't covered in the dep.

1 MR. BURMEISTER: Well, on the insurance issue,
2 I don't know, I'll have to read the answer, but I
3 can't imagine that that's pertinent to these group
4 of cases, this 19 case group that's up for trial in
5 January.

6 But anyway, we would like to request the
7 right to read and sign and do hereby do so.

8 And anyway, I just want to take a
9 two-minute break here and then we'll return and
10 undoubtedly close the record. But I need to take a
11 break for a minute.

12 MR. SWICKLE: Okay, break and then we'll
13 formally close.

14 (Whereupon, a break was taken.)

15 MR. BURMEISTER: I just have a couple of
16 questions I think to clarify the record here.

17 EXAMINATION

18 BY MR. BURMEISTER:

19 Q. One, you were asked about other products
20 that Crane or Crane Supply might have sold, which
21 could have contained asbestos, and you were
22 referred to John Mansville, and I believe you
23 indicated that you saw reference in a catalog early
24 on to such products.

1 Do you recall approximately the date or
2 even decade of the catalog that you saw which
3 referred to materials like the John Mansville
4 product that was mentioned?

5 A. I think the catalog was called the '53
6 Catalog, which would be a 1953 or '52 or somewhere
7 close to 1953 publication in which it showed
8 various kinds of insulating materials, as I
9 remember.

10 Q. Do you know whether those materials, these
11 John Mansville materials, or others appeared in
12 later catalogs?

13 A. The next catalog in the series would have
14 been one that was called Catalog 60, and that would
15 also be a 1960 kind of date. And my recollection
16 is that these materials no longer appeared in that
17 catalog.

18 MR. SWICKLE: I would object to the witness
19 testifying what's in a catalog. The proper method
20 for information is production of the catalog.

21 And just for your information, I note that
22 Judge Colombo ruled that all documents referenced
23 and interrogatory answers inquired of or in
24 depositions are to be produced by the defense by

1 December 22nd.

2 MR. BURMEISTER: When did he say that?

3 MR. SWICKLE: Call your office, Dale. That's
4 what I understand the ruling is, which would
5 include the matters we talked about and a whole
6 host of other things.

7 MR. BURMEISTER: I'm not familiar with that
8 ruling, but.

9 BY MR. BURMEISTER:

10 Q. You were also asked about the need to
11 repack valves and you were asked some questions
12 about frequency and so forth. Can you tell us what
13 kind of range these various valves that Crane
14 manufactured over the years could have in terms of
15 their life expectancy, please?

16 A. Well, the life expectancy of a valve is
17 very, very difficult to forecast. So much depends
18 upon the service conditions that the valves are
19 used under.

20 In general, kinds of applications like
21 steam systems and water services, valves are used
22 for decades and decades. 10, 20, 30, 40 years
23 valves are in service.

24 Q. So some valves might require more frequent

1 service than others?

2 A. Yes, depending on the service condition
3 and the kind of care and maintenance the individual
4 owner of the valve might give the valve.

5 Q. Are you aware of valves that have not
6 required service, including repacking, for many
7 years?

8 A. Yes. Valves can go for a long period of
9 time without repacking because many valves are put
10 in service and they're either opened or they're
11 closed and they stay in that position for years and
12 years and years and they're virtually unattended,
13 nothing is done to the valves.

14 MR. BURMEISTER: Thank you. I have no further
15 questions. Anything else?

16 MR. SWICKLE: I don't. Anybody else?

17 MR. BURNS: No thank you.

18 MR. BURMEISTER: Have a great weekend. I guess
19 that ends the deposition.

20 FURTHER DEPONENT SAITH NOT.

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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MIKE NORMAN,)
Plaintiff,)
vs.) No. 94-421061 NP
A-C PRODUCT LIABILITY TRUST,)
et al.,)
Defendants.)

This is to certify that I have read the
transcript of my deposition taken in the
above-entitled cause by PAMELA L. COSENTINO,
Certified Shorthand Reporter, on December 15, 1995,
and that the foregoing transcript accurately states
the questions asked and the answers given by me as
they now appear.

WILLIAM N. MCLEAN

SUBSCRIBED AND SWORN TO
before me this _____ day
of _____, 1996.

Notary Public

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SUBSCRIBED AND SWORN TO
before me this _____ day
of _____, 1996.

Notary Public

1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF C O O K)

4 I, PAMELA L. COSENTINO, a Notary Public
5 within and for the County of Cook and State of
6 Illinois, do hereby certify that heretofore,
7 to-wit, on the 15th day of December 1995,
8 personally appeared before me WILLIAM N. McLEAN, a
9 witness in a certain cause now pending and
10 undetermined in the Circuit Court of Cook County,
11 Illinois, wherein MIKE NORMAN is the Plaintiff and
12 A-C PRODUCT LIABILITY TRUST, et al., are the
13 Defendants.

14 I further certify that the said WILLIAM N.
15 McLEAN was by me first duly sworn to testify the
16 truth, the whole truth, and nothing but the truth
17 in the cause aforesaid; that the testimony then
18 given by said witness was reported stenographically
19 by me in the presence of said witness and
20 afterwards reduced to typewriting by Computer-Aided
21 Transcription, and the foregoing is a true and
22 correct transcript of the testimony so given by
23 said witness as aforesaid.

24 I further certify that the signature to

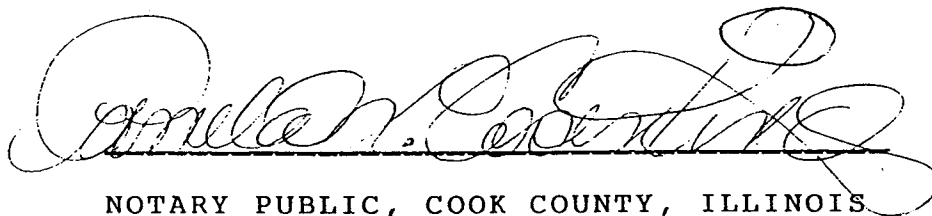
1 the foregoing deposition was not waived by counsel
2 for the respective parties.

3 I further certify that the taking of this
4 deposition was pursuant to Notice and that there
5 were present at the deposition the attorneys
6 hereinbefore mentioned.

7 I further certify that I am not counsel
8 for nor in any way related to the parties to this
9 suit, nor am I in any way interested in the outcome
10 thereof.

11 IN TESTIMONY WHEREOF: I have hereunto set
12 my hand and affixed my notarial seal this 20th
13 day of January, 1996.

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NOTARY PUBLIC, COOK COUNTY, ILLINOIS

"OFFICIAL SEAL"
PAMELA L. COSENTINO
Notary Public, State of Illinois
My Commission Expires 10-30-99

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