

SUPREME COURT OF THE STATE OF NEW YORK
EIGHT JUDICIAL DISTRICT

INDEX NO.: I2006-011337

- - - - - X
KENNETH C. LANG and
JOAN A. LANG, his spouse,

Plaintiff(s),

VIDEOTAPED
DEPOSITION OF:

vs.

KENNETH C. LANG

AII ACQUISITION CORP. f/k/a
HOLLAND FURNACE COMPANY, et al.,

Defendant(s).

- - - - - X

T R A N S C R I P T of the Examination Under Oath
of the witness called, in the above-captioned matter,
said deposition being taken pursuant to Federal Rules of
Civil Procedure by and before BERNADETTE H. MORIARTY, a
Certified Shorthand Reporter and Notary Public of the
State of Florida, at the Renaissance International Plaza
located at 4200 Jim Walter Boulevard in Tampa, Florida
on Thursday, January 18, 2006, commencing at
10:20 a.m.

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1	EXHIBITS Cont'd		1	could do that.
2	IDENT.	PAGE	2	MS. SNIDER: I just want to put on the
3	Lang-37 Weil-McLain Boiler and Radiation		3	record what we talked about a few minutes
	catalogue	7	4	ago, that you have agreed as to the
4	Lang-38 Crane Boiler and Radiation catalogue	7	5	objections for the exhibits, in general,
5	Lang-39 Peerless boiler catalogue	7	6	it can be used by plaintiff's counsel
6	Lang-40 Picture of worm drive Skill saw	7	7	during this deposition, that the defendants
7	Lang-41 Picture of Johns-Manville		8	have a standing objection to each of those
8	thermobesto pipe insulation	7	9	exhibits, not to the question being
9	Lang-42 Picture of Kaylo heat insulating		10	asked relative to them, but to the use of
	block	7	11	the exhibits at all, and it will not be
10	Lang-43 Document	7	12	necessary for the defendants, during the
11	Lang-44 Drawing	7	13	course of the deposition, as I use each
12			14	exhibit to put on an objection, that the
13			15	defendants have a standing objection as
14			16	to that exhibit and the use of that exhibit.
15			17	That if the defendant has an objection as
16			18	to the form of the question relative to
17			19	that exhibit, that they should still make
18			20	that form objection to the question.
19			21	MR. COMERFORD: So stipulated.
20			22	Thank you. Better put.
21			23	MR. FROMMER: Peter Frommer on behalf
22			24	of one of the defendants.
23			25	In the stack of exhibits there's
24				
25				
Page 7			Page 9	
1	KENNETH C. LANG,		1	only one document, some sort of
2	residing at 25355 Canterbury Drive, Lake Wales,		2	demonstrative exhibit which relates to
3	Florida, having been duly sworn, testified as		3	my client. I would just like to state
4	follows:		4	an objection now, not only to form,
5	(Exhibits No. Lang-1 through Lang-44		5	but lack of foundation as to the
6	received and marked for identification.)		6	introduction of that one document at
7			7	trial, and would join in any other
8	MR. COMERFORD: I'm John Comerford with		8	objections that any other party has to
9	Bruce Carter on behalf of Mr. and Mrs. Lang.		9	the rest of the exhibits.
10	This is not on video, this is just on the		10	MS. SNIDER: Just so we're clear,
11	transcript.		11	every defendant has every objection
12	I want to put on the record an		12	preserved as to exhibits, so that
13	objection by one defendant may be relied		13	nobody thinks that they need to sit
14	upon by all other defendants. I also want		14	and make individual objections to each
15	to put on the record that all objections,		15	exhibit.
16	including my paper exhibits and all other		16	MR. COMERFORD: Crystal clear.
17	exhibits, all objections are preserved		17	So stipulated.
18	to the time of trial except as to form.		18	Any other objections before we
19	So if I do ask a leading question and		19	commence?
20	someone feels it is an inappropriate		20	Mr. Rivera?
21	question, please articulate your form		21	MR. RIVERA: Yes. I just want to
22	objections so I can make a decision on		22	put on the record our objection as to
23	whether or not I want to cure my question.		23	the untimeliness of the production of
24	I think there's other objections		24	certain of the documents by plaintiff.
25	people want to put on now, if someone		25	First, last week at the discovery

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1 deposition it was discovered that the 2 plaintiff had five boxes of records 3 related to his heating system and 4 service company, that those records 5 apparently contained invoices, 6 business ledgers, accounts receivable, 7 accounts payables, bank records, other 8 types of records for the '60s and '70s 9 that were not previously produced. 10 Boxes were delivered last Friday, 11 January 12th, to counsel in Buffalo 12 for one of the defendants. No copies 13 were supplied by plaintiff to the 14 other defendants. Accordingly, 15 arrangements were made for some 16 defense counsel to review the actual 17 boxes, then to scan the boxes. 18 There was an intervening legal 19 holiday, Martin Luther King Day, on 20 Monday. By Tuesday, the documents 21 were being scanned for distribution, 22 but due to the volume of documents 23 they could not be scanned in time to 24 be reviewed for today's deposition 25 and, obviously, since we could not	1 entirety of the branch house service 2 catalogues, which were not previously 3 produced in this case, and so I have a 4 standing objection to the use and 5 admission of all of those exhibits on 6 the grounds of authenticity, 7 authentication, lack of foundation, 8 hearsay, relevance, and any other 9 objections that we may propose at the 10 trial in this case. 11 Thank you. 12 MR. COMERFORD: Any other 13 objections before I respond? 14 A DEFENDANT: That's for all 15 defendants. 16 MR. COMERFORD: Yes. I think 17 I've said 17 times, I'll say 18 times, 18 objection by one will be relied upon 19 by all others. 20 Let me address what Mr. Rivera 21 put on the record. 22 This is John Comerford on behalf 23 of Mr. and Mrs. Lang. Before this 24 lawsuit was commenced, the Langs went 25 through, I think, approximately five
Page 11	Page 13
1 review the documents, I could not 2 question the plaintiff on the method 3 of discovery deposition, so we have an 4 objection as to that. 5 Second, two nights ago plaintiff's 6 counsel produced to me two exhibits, at 7 least what I thought were two exhibits, 8 a 1929 Ideal Fitter and a branch house 9 service catalog, excerpts of each, from 10 1951. Those documents were not previously 11 produced, and so I have an objection as to 12 the untimeliness of the production of those. 13 I have asked plaintiff's counsel for an 14 opportunity to question the plaintiff 15 pre-video on those documents, and he has 16 declined my requests. I'm making an 17 objection on the record, and preserving my 18 client's right to recall plaintiff, if 19 necessary, to examine him on all 20 documents that were untimely produced. 21 I also found out today at the 22 deposition that there were certain 23 exhibits that are intended to be used 24 as demonstrative exhibits that came 25 from other Ideal Fitter manuals, the	1 boxes of various invoices and other 2 documents culled and pulled out of 3 what they believed were all invoices 4 that reflected asbestos-containing 5 products. Those documents were 6 provided to defense counsel before the 7 discovery deposition commenced in this 8 case. 9 On Wednesday -- really, the last 10 day of plaintiff's discovery 11 deposition of last week, it came to a 12 head that there were other boxes, and 13 the defendants requested to review 14 those documents, and to hold the 15 discovery deposition open until those 16 documents were produced. 17 The following morning, from 18 Buffalo, New York, we drove to 19 Webster, New York, got ourselves into 20 Mr. Lang's barn, got all the documents 21 out that were relevant, that covered 22 the finite time period. I think it 23 was late '70s -- I'm sorry, late '60s 24 and early '70s, a three to five-year 25 time period of documents that were

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1	relevant. Those were hand-delivered	1	original documents. I have them here.
2	to the offices of Damon & Morey. I think	2	Counsel can certainly look at them.
3	they got there about 4:00 5 o'clock on	3	Mr. Lang's deposition is being
4	Thursday of last week. So, approximately	4	videotaped today. If any defendant
5	a week ago those documents were produced	5	wants to question Mr. Lang when I'm
6	to defense counsel.	6	through, about anything, their rights
7	We're not using any of those	7	are fully protected and they may do
8	documents today. If any of the	8	so. He's here to answer your
9	defendants today want to question Mr.	9	questions.
10	Lang about those documents, they	10	With that being said, I think
11	certainly have the right. I know some	11	we've all put on our client's
12	defendants, not all, especially the	12	respective positions. I'd like to
13	ones from Buffalo, physically did get	13	commence with the video, and at this
14	through those documents, and my	14	point I hope the custom here is to
15	understanding is that they're all, you	15	swear the witness while the video is
16	know -- essentially, I do recall	16	on. I'll stop talking.
17	documents that deal with asbestos-free	17	Any other comments before we do
18	products, so it's my position that	18	that?
19	those documents, for the great majority,	19	Hector?
20	are irrelevant. I don't plan on using	20	MR. RIVERA: Briefly.
21	any of those documents today on the	21	I want to mention that I was not
22	video.	22	one of the people that were able to
23	Regarding Mr. Rivera's other	23	review the invoices. I understand
24	objections, a few days ago some	24	you're not planning on using them
25	pictures from an Ideal Fitter, which	25	today, but, nonetheless, there might
Page 15		Page 17	
1	is an American Radiator Company book I	1	be some information on there that I
2	found, I intend to use those in the	2	might have wanted to go into with Mr.
3	video today. I scanned those pictures	3	Lang.
4	onto a PDF and I E-Mailed them to Mr.	4	I just want to be clear that
5	Rivera. He adequately or correctly	5	there are several manuals here today,
6	described what I sent to him. I told	6	some of which I understand excerpts
7	him that I reserve the right to use	7	have been blown up to be used in the
8	some of these, in part, on the video.	8	deposition that were not previously
9	I look at this testimony today as	9	produced before today. So the
10	nothing more or less than trial	10	objection is, you know, lack of notice
11	testimony. Quite often, in asbestos	11	about those exhibits. They're not
12	litigation, a plaintiff is produced	12	being previously produced until today,
13	for discovery deposition. Four, five,	13	and obviously, the surprise nature of
14	six, seven months go by and the	14	the use of these exhibits at the
15	plaintiff is then produced to give	15	deposition.
16	live testimony before a jury. I'm	16	Thank you.
17	unaware of any lawyer who would ever	17	MR. COMERFORD: Briefly, Mr.
18	subject his client to a second	18	Rivera is right, in part. I just want
19	discovery dep between the interim of	19	to make the record clear. The exhibits
20	the deposition and trial testimony.	20	I plan on using today, the actual
21	Some relevant documents were produced.	21	pictures are used, more or less, for
22	I know the documents in question, I	22	demonstrative purposes. Those were
23	have the original books. I don't	23	E-Mailed to you. In the E-Mail it
24	think there's any question on their	24	mentioned where I got them from, and I
25	authenticity. They're genuine,	25	said at the deposition I will bring

Page 18		Page 20	
1	the original book. I think the	1	you know, your E-Mail will speak for
2	E-Mail, hopefully, will speak for	2	itself, but my recollection is that
3	itself.	3	your E-Mail indicated it was a 1929
4	So, you can look to see where I	4	Ideal Fitter that you reserved your
5	obtained them from. I have the	5	right to use the documents for.
6	original book here. I couldn't E-Mail	6	MR. COMERFORD: Correct.
7	you the whole book, obviously, because	7	MR. RIVERA: That's included in
8	some of them, I think, are 4', 500	8	what you've brought over here, but it
9	pages, and so I scanned and E-Mailed	9	looks like there are also excerpts
10	to you what I planned on using today.	10	from a 1920 Ideal Fitter that was not
11	I'm quite confident, then, if you look	11	referenced in your E-Mail.
12	at my PDF, what I produced, and you	12	If my memory's incorrect, we'll
13	cross-reference what I have here	13	go by what your E-Mail says, that's
14	today, you've seen everything.	14	fine.
15	MR. RIVERA: First of all, the	15	MR. COMERFORD: I think you're
16	book that was not previously produced	16	right on that, Hector. I think what
17	was the American Radiator and Standard	17	we have here, is we have three or
18	Sanitary branch house department	18	four -- two or three -- don't hold me
19	catalogue, but though the excerpted	19	to the exact number of American
20	pages you've blown up, I've seen here	20	Radiator Ideal Fitter books. We have
21	they did come from here, you did scan	21	the originals here. The ones I've
22	them and send those to me, but the	22	picked to use as demonstrative
23	remainder of the book, I did not get	23	exhibits have color pictures. They're
24	to see.	24	all essentially the same thing. It's
25	MR. COMERFORD: So stipulated.	25	sort of the same plaintiff, different
Page 19		Page 21	
1	I want to put on the record I	1	color eyes. The reason I picked a few
2	E-Mailed what I planned on using today	2	of these here is because they're good
3	and I sent an E-mail of the original	3	color pictures. What we produced
4	catalogue. So you can look at the	4	before the deposition, the actual
5	catalogue so your client knows from	5	Ideal Fitter that I put on a disc and
6	where I obtained them and the origin	6	scanned and sent before the discovery
7	of them. So I think you've adequately	7	dep, it's essentially that, but with
8	described, you know, what transpired	8	color pictures instead.
9	here, Mr. Rivera.	9	So that being said, let's start.
10	MR. CARTER: For the record, I,	10	I think everyone's objections are well
11	personally, have previously produced	11	articulated.
12	the entirety of those books to his	12	MR. RIVERA: Thank you, John.
13	client in other litigation over a year	13	(Whereupon a discussion was held
14	ago, so his client's counsel has had	14	off the record.)
15	an opportunity to see these, so	15	THE VIDEOGRAPHER: This is the
16	they're not new to American Standard	16	videotape deposition of Kenneth Lang
17	or counsel for American Standard.	17	taken in the matter of Lang vs. All
18	They may be new to this counsel, but	18	Acquisition Corporation, et al. being
19	National counsel has seen them. Same	19	held at the Renaissance International
20	for Weil-McLain. The documents we're	20	Plaza located at 4200 Jim Walter
21	using were actually produced by	21	Boulevard in Tampa, Florida on
22	Weil-McLain in other litigation about	22	January 18th, 2007. The time is now
23	eight or nine years ago.	23	10:36 a.m.
24	MR. RIVERA: I'm going by my	24	My name is David Legget. I'm the
25	memory here, John, and if I'm wrong,	25	videotape specialist, and the court reporter

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1 is Bernadette Moriarty. All of 2 counsel present will be reflected on 3 the stenographic record. 4 Will the Court Reporter please 5 swear in the witness. 6 7 KENNETH C. LANG, sworn. 8 9 DIRECT EXAMINATION 10 BY MR. COMERFORD: 11 Q. Good morning, Mr. Lang. 12 A. Good morning. 13 Q. Bruce Carter and I have had the 14 honor of getting to know you and your wife over 15 the last three to five weeks, and I want to thank 16 you for allowing us to come into your life and 17 your home. 18 How are you doing this morning? 19 A. Fair. 20 Q. Would you please introduce 21 yourself to the jury? 22 A. My name is Kenneth C. Lang. I reside, 23 my permanent address is 23 Martin Street, Webster, 24 New York, and a few months in the winter I'm here 25 in Florida. I was born on October 18th, 1932,	1 deceased. 2 Q. What did your father do for a 3 living? 4 A. My father was a heating contractor. 5 Q. What kind of childhood did you 6 have growing up, Mr. Lang? 7 A. My childhood was spent very 8 family-oriented. We were a close knit family of a 9 poor nature. Starting business of a heating 10 contractor takes a lot of funds, and everybody was 11 made to pull their share. Everybody worked for 12 the family. 13 Q. I'll get to that in a minute. 14 With that pulling your own share, 15 where was your father's business in relation to 16 your family home, sir? 17 A. In our family home. 18 Q. Did there come a time where, in 19 some capacity, you began to assist your father in 20 some way with the family business? 21 A. Yes, I became involved in the family 22 business in approximately 1945. Up until that 23 time I was always aware of what was going on. 24 Many times emergency service related calls would 25 come in at night when I was around and I would
Page 23	Page 25
1 which makes me 74 years old at this point. 2 Q. Where are we right now, Mr. Lang? 3 A. We're at the Renaissance. 4 Q. What city? 5 A. Tampa, Florida. 6 Q. Do you know why you're giving 7 testimony today by video, sir? 8 A. To preserve my image and capacity at 9 this time because trial timing may not be 10 something that I could handle at that time. 11 Q. Mr. Lang, you mentioned that your 12 permanent residence is in Webster, New York. 13 What large city is that near, sir? 14 A. We're just east of Rochester on Lake 15 Ontario. 16 Q. Where were you born, sir? 17 A. I was born in Rochester, New York. 18 Q. I want to go back a number of 19 decades here and talk about how you grew up and 20 things of that nature. 21 Did you have any siblings growing 22 up, sir? 23 A. I had two older sisters that I grew up 24 with. My closest sister is approximately 15 years 25 older than I am, and the other sister has	1 attend and go with my father to hold the light or 2 do whatever I could do to assist him so he could 3 get back home and get back in bed. 4 Q. Who was the first person, quite 5 often, that would get to the phone? 6 A. Myself. I seemed to have a light 7 sleeping capacity, and in those times phones are 8 not like they are now, you had a party line which 9 had several rings, and our ring was always two 10 long rings, and by the time the second long ring 11 was completed, I was downstairs, waiting for my 12 father. 13 Q. How old were you when you first 14 started, we'll say, holding the light for your 15 father, answering that phone and jumping in the 16 vehicle with him? 17 A. Probably eight, nine years old. 18 Q. Do you have any memories of 19 interacting with the customers as a young man? 20 A. Well, he always said that I went with 21 him just to get the cookies that people offered 22 me. 23 Q. What's the highest level of 24 education that you received, sir? 25 A. I graduated from Webster High School in

Page 26	Page 28
1 1951. 2 Q. Did there come a time when you 3 began working full-time for your father? 4 A. Approximately the next week after 5 graduation, in 1951. 6 Q. No time for a long summer 7 vacation? 8 A. No time for vacation. 9 Q. Let me ask you this: Working 10 with your father in the heating contracting 11 business, is that something you always wanted to 12 do, Mr. Lang? 13 A. No, my life-long dream was to be an 14 architect. Of course, funds weren't there and my 15 father was struggling with work, trying to keep up 16 with the work capacity, so it was just a matter of 17 fact that I melted into the business. 18 Q. Did your father have any medical 19 decisions that affected your decision-making? 20 A. He was a very fragile diabetic. He had 21 a very, very tough time controlling his sugar 22 every day. 23 Q. Once you started working with 24 your father -- and I'm not looking into the exact 25 details now -- but what type of work, generally,	1 installation and equipment and so on and graduated 2 into engineering and sales in approximately the 3 '75 time frame and worked in that capacity until I 4 sold the business in 1997. 5 Q. Sir, what values, if any, did 6 your parents pass on to you? 7 A. Well, there was always the "You can't 8 waste a minute, time is too valuable." There's 9 always something that has to be done, attended to 10 or taken care of. Now, that doesn't always mean 11 work. It meant helping my mother do something or 12 whatever, but you were not to waste time. That 13 was something that wasn't allowed in our household. 14 Q. Time is money? 15 A. Time is money. 16 Q. Are you married, sir? 17 A. Yes, I am. 18 Q. What is your wife's name? 19 A. Joan. 20 Q. I don't mean to embarrass your 21 young bride, but is she with us today? 22 A. Yes, she is. 23 Q. What was the date of your 24 marriage, sir? 25 A. November 7th, 1953.
Page 27	Page 29
1 did you do for your father's business when you 2 began working full-time? 3 A. When I began working full-time? 4 Q. Yes, just generally speaking? 5 A. We did installation, tear-out 6 installation of boilers and furnaces and 7 maintenance work and repair work. 8 Q. Who taught you how to do this 9 work, sir? 10 A. My father. 11 Q. How long did you work with your 12 father? I assume there came -- he retired. I'm 13 just generally speaking. 14 A. I worked with my father until he 15 retired, quote, "retired." He just slowed up a 16 little bit, and he got finally to the point of 17 nursing home care and that really was about the 18 end of his time in the late '60s. 19 Q. Did you eventually take over the 20 business? 21 A. I eventually purchased the business from 22 my dad. 23 Q. What year did you stop working, 24 approximately? 25 A. I stopped working in the actual	1 Q. So you've been married for more 2 than 50 years? 3 A. More than 50 years. 4 Q. At the time of your marriage, how 5 old were you? 6 A. I was 21. 7 Q. How old was your wife? 8 A. Twenty. 9 Q. If I may ask, how did you and 10 Mrs. Lang meet? 11 A. Well, we knew each other from her 12 brother's acquaintance with a very good friend of 13 mine in early years through church functions and 14 other social functions, and she couldn't stand me. 15 Then our paths crossed again when I was chosen by 16 my very good friend to be an usher at a wedding, 17 and it ends up that she's maid of honor for the 18 same wedding. From that time, it was history. 19 Q. She warmed up to you a little bit? 20 A. A little bit. 21 Q. It took some time, though, hum? 22 A. Took some time. 23 Q. Do you remember why you were 24 first attracted to your wife? 25 A. Compatibility and preciseness and

Page 30	Page 32
1 general warmth. 2 Q. Do you and Mrs. Lang have any 3 children? 4 A. We have two children. 5 Q. Can you give me their names, 6 please? 7 A. We have a daughter, Caroline Palmisano, 8 and she lives approximately six miles from us, in 9 Ontario, New York; we have a son, Kevin, who has 10 recently been relocated to Mechanicsburg, 11 Pennsylvania. 12 Q. Let me ask you a little bit about 13 your children. I'll start with Caroline. You 14 said she lives approximately six miles from your 15 house. 16 Does she have any children? 17 A. Yes, she has three children, three 18 daughters. 19 Q. What does Caroline do for work? 20 A. Caroline is an office manager 21 coordinator for a commercial refrigeration 22 company. 23 Q. How often do you see Caroline? 24 A. We see Caroline an average of two to 25 three times a week.	1 then have, Mr. Lang? 2 A. We have a total of four. 3 Q. What I'd like to do is hand you 4 what has been marked Exhibit 1. Can I do that, 5 Mr. Lang? 6 A. Yes. 7 Q. Will you first tell me what is it 8 that I just handed you? 9 A. You handed me a picture of my four 10 grandchildren. 11 Q. Can you hold that up so the 12 videographer can come in. Now, from left to right 13 can you tell us about each of your grandchildren? 14 You have to look at them and walk us through. 15 We'll go from here, your right. 16 A. This is my daughter's middle daughter, 17 Nicole. 18 Q. You need to hold it up like that. 19 There you go. 20 A. The middle one is the oldest daughter, 21 Amanda, and this one here is the youngest 22 daughter, Elizabeth, and this is my son's daughter 23 right here, yes, right here on the end, Britney-Ann, 24 (phonetic). 25 Q. What's it like having four
Page 31	Page 33
1 Q. Are you close with her? 2 A. Very close. 3 Q. Are you close with her children? 4 A. Very close. 5 Q. Let me ask you about your son, 6 Kevin. He's in Mechanicsburg. 7 Is that Pennsylvania? 8 A. That's right, Pennsylvania. 9 Q. What does he do for work? 10 A. He's a store manager for a Wegmans Food 11 Market, a gourmet food chain that originated in 12 Rochester and has spread into Pennsylvania, into 13 Maryland, and so on. 14 Q. Are you close with Kevin? 15 A. We're as close as can be for his 16 situation. 17 Q. How often do you see him? 18 A. Four to five times a year, on a regular 19 basis. This year it's been a little more because 20 of his moving from one place to another. 21 Q. Does Kevin have any children? 22 A. Yes, he does. One daughter. 23 Q. Are you close with her? 24 A. Very close. 25 Q. So, how many grandchildren do you	1 granddaughters? 2 A. It would be nicer to have four grandsons. 3 Q. Oh, stop that. 4 A. It's very fulfilling. 5 Q. You and Mrs. Lang have been 6 married for more than 50 years. 7 What do you think has helped to 8 keep your marriage together this long? 9 A. Our compatibility, to live a life that 10 is always together. 11 Q. Now, you testified that you're 12 retired; right, Mr. Lang? 13 A. Yes. 14 Q. Again, just so we're clear, you 15 stopped working when, sir? 16 A. 1997. 17 Q. Why did you stop working, sir? 18 A. Well, business, as usual, was bankrupt. 19 Everything was changing. You went from the 20 personal touch to the number system, and you had 21 no more touch with your suppliers, your customers, 22 your banker, no one. Everything was computerized 23 and the business was just rolling over, and I said 24 it's too late in life to have to put up with this. 25 Q. So if I understand you correctly,

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1 things were just becoming a little too impersonal? 2 A. That's right. 3 Q. Did you enjoy the relationships 4 you had with your customers and vendors and what 5 have you? 6 A. Definitely. 7 Q. Before this sort of change, did 8 you enjoy what you did? 9 A. Very much so. 10 Q. Sir, let's go back to about 18 11 months ago, okay, 18 months ago, before August of 12 2005. Before August of 2005. 13 How would you describe your 14 physical condition at that time? 15 A. Excellent. 16 Q. Did you have any serious health 17 issues that you were suffering through? 18 A. Not a bit. 19 Q. Did you ever smoke cigarettes, 20 sir? 21 A. No, I did not. 22 Q. Going back about 18 months ago, 23 did you have any leisure activities that you 24 engaged in? 25 A. My days started earlier in the morning,	1 Q. What was his name? 2 A. Jim Isaac. He runs Heating and 3 Air-Conditioning in the city. He's semi-retired 4 now. Probably the largest non-union contractor in 5 western New York. 6 Q. You mentioned issues of walking 7 and exercising. 8 Did you have a gym in your house? 9 A. I have a Total Gym in my barn where I am 10 now. It was in the house where we lived before, 11 yes. 12 Q. How often would you use that? 13 A. Oh, probably averaged five days a week, 14 for at least an hour. 15 Q. You also mentioned something with 16 the Rotary Club. I think you mentioned a camp for 17 handicapped children? 18 A. Yes, we have a camp for handicapped 19 children, along with other surrounding towns' 20 Rotary Clubs. At that place we maintain a 21 building and we maintain a miniature golf course 22 for the handicapped that handle wheelchairs and so 23 on and so forth, and we maintain that. We, also, 24 four times a year, pick up a stretch of highway 25 that runs through Webster, north and south.
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1 weather permitting in the north, and down here, of 2 course, I always walked a three-mile route. I was 3 back by 7 o'clock and enjoyed breakfast, reading 4 the newspaper with my wife, and starting a project. 5 We would -- three times every two weeks I helped 6 two other fellas mow the lawn at a hospice home, I 7 worked with the Rotary Club, our local Rotary 8 Club, which I've been a member of for years, on 9 projects at the handicap camp, worked with a very 10 good friend and competitor that we have a 11 wonderful relationship, the two of us together. 12 We're both the same age and the same time frame, 13 similar being brought up together, working with 14 our fathers. We did Habitat homes, putting 15 heating and ventilation systems in Habitat homes. 16 Q. Was that Habitat for Humanity? 17 A. Yes. 18 Q. Where would you do that? 19 A. Monroe County area and the surrounding 20 counties. It was wherever they were building a 21 home and needed the heating and the ventilating 22 done. There was a couple other fellas that did 23 the same thing and we would switch off here and 24 there with this competitor that I found peace with 25 later on in life.	1 Q. Did you enjoy that work? 2 A. Oh, immensely. 3 Q. Going back to the same time 4 period, did you have any breathing problems at 5 all? 6 A. None, whatsoever. 7 Q. Your wife, did she ever work 8 during your marriage? 9 A. Yes, she did. She worked for the 10 company. 11 Q. What did she do? 12 A. She was basically secretary/treasurer. 13 She kept the books and did all the accounts 14 payable and accounts receivable. 15 Q. Was she good at her job? 16 A. Very good. 17 Q. Is there someone that your wife 18 replaced at the company? 19 A. She replaced my mother. 20 Q. I want to ask you now -- let's go 21 to about the August of 2005 time period. 22 Did there come a time when you 23 noticed a change in your physical condition in 24 2005? 25 A. Yes. In August of 2005 I noticed that I

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1 had rib pain on my right side, and I would do my 2 normal thing for a week or so, slowing up and 3 stopping exercise and so on, and nothing got 4 better, and I went to our family general 5 practitioner. 6 Q. What's his or her name? 7 A. His name, at that time, was Zachariah. 8 Q. Where was his office, sir? 9 A. He's in the Wayne Medical Plaza, in 10 Williamson, New York. 11 Q. What, if any tests, did he do? 12 A. He checked me over and said I think you 13 need some X-rays, and sent me to the Sodus Medical 14 Center for X-rays. 15 Q. What were the results of those 16 X-rays, if you remember, sir? 17 A. He called me back and said that we have 18 found lesions on the bottom of your right lung, 19 and that he was referring me to a pulmonologist, 20 Dr. Swinburne, in Rochester General Hospital. 21 Q. Your understanding is a 22 pulmonologist is a lung specialist? 23 A. Yes. 24 Q. Did you go see this Dr. Swinburne? 25 A. Yes, I did.	1 in her pelvic area and they thought maybe she 2 broke her pelvis. They gave her some X-rays and 3 CAT scan and then a nuclear PET scan and sent 4 results away and come back to the oncologist at 5 the Bond Clinic, and she was diagnosed with 6 skeletal lymphoma type B. 7 Q. I'm sorry to hear that, Mr. Lang. 8 So you were at the Bond Clinic 9 for her treatment? 10 A. I was there for her treatment and I said 11 that I need to be scheduled for a CAT scan, and he 12 said we're going to have to do a CAT scan on her, 13 so he scheduled us both together, the doctor did. 14 Q. So you both had CT scans? 15 A. Right, that was the first part of 2006. 16 Q. What doctor ordered that CT scan 17 for you, sir; what was his name, if you remember? 18 A. Dr. Swinburne ordered it. I had a 19 prescription for it, from Rochester. She was 20 seeing a doctor by the name of Dr. Lerner from the 21 Bond Clinic and he said I can arrange that. 22 Q. So he arranged it. 23 Did there come a time when you 24 received the results of that CT scan? 25 A. Yes. He had the results there and he
Page 39	Page 41
1 Q. You saw him at Rochester General 2 Hospital? 3 A. Yes. 4 Q. What tests did he perform on you, 5 sir? 6 A. He performed a lung capacity test, 7 breathing test, and he looked at the X-rays and 8 proceeded to say that these lesions could have 9 been there for years, and that they were not -- in 10 his capacity, explaining it to me saying that he 11 didn't think that these lesions had any effect for 12 causing my pain, and suggested that I wait three 13 months and we have another CAT scan on this lesion 14 portion of the lung to check out against the other 15 X-rays and CAT scans that they had and see if 16 there was any advanced development at this point. 17 Q. Did you follow his recommendation? 18 A. Yes, I did. I was then in Florida, and 19 in January of 2006 at the Bond Clinic I had a CAT 20 scan. 21 Q. Let me back up a little bit. 22 For what reason were you at the 23 Bond Clinic? 24 A. Well, we had a sudden change in my 25 wife's health in December of 2005. She had pain	1 faxed it to Dr. Swinburne. While I was there 2 talking with him on her condition, I said, did you 3 look at my CAT scan and he said no, but I can pull 4 it up. He did pull it up on the computer and he 5 looked at it. I said I've got this awful pain, 6 and it's just been getting steadily worse since 7 August, and I said no one seems to be able to tell 8 me what's wrong. He says, well, I agree with Dr. 9 Swinburne, those lesions are not causing your 10 problem for that pain. He said, but that's not my 11 field, and he says the report says that you have 12 some gallbladder problems. So he referred me to a 13 gastroenterologist, Dr. Thomas, there at the Bond 14 Clinic. 15 Q. Did you see Dr. Thomas for your 16 gallbladder issue? 17 A. February 2006. 18 Q. Did he also perform surgery? 19 A. Yes, he did. 20 Q. Where was that surgery performed? 21 A. Winter Haven Hospital. 22 Q. What happened in the surgery, 23 what did he do? 24 A. They removed my gallbladder. 25 Q. Did you go back to see Dr. Thomas

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1 for a follow-up after the surgery? 2 A. Post-surgery appointment, and I told 3 him, I said, there's been no change in the pain. 4 I've lost a gallbladder, but I still got pain. He 5 says, well, we've, you know, done a lot of pulling 6 and tugging and cutting there. He said the pain 7 isn't going to go away right away. I took that as 8 an explanation and went back because we had enough 9 problems with her, with her cancer and her 10 treatments, and three to four weeks later I 11 couldn't stand the pain any longer and I was in 12 with her for treatment and I walked down the hall 13 and asked Dr. Thomas if I could see him right 14 away. So he took me in and we discussed my pain 15 situation, and he said, well, did you realize that 16 you had some fractured ribs. I said this is the 17 first I've heard that I had fractured ribs. 18 Q. What time period did Dr. Thomas 19 share with you -- when was this that you first 20 found out about the broken ribs? 21 A. It was the March time frame. 22 Q. What did he say after he told you 23 about the broken ribs on the right side? 24 A. He said that the CAT scan report said 25 that we ought to have another CAT scan in three	1 What, if anything -- who was this 2 doctor again, I'm sorry? 3 A. Dr. Touze, Dr. Miller. 4 Q. The one who you met with was 5 Dr. Miller. 6 Did he refer you to anyone? 7 A. He explained to me that all indications 8 were that I have mesothelioma, and he told me the 9 severity of the cancer that I had and what the 10 options were out there, but he said we can't do 11 anything without a biopsy. 12 So he took me right to the other 13 side of the department and I met with the lung 14 surgeon, Dr. Jake Lambert, at the Bond Clinic, and 15 he looked at the PET scan, CAT scan and reviewed 16 Dr. Miller's notes, and then showed Dr. Touze and 17 I a twin computer screen, the three months, and 18 three months later CAT scans. 19 Q. What did that show? 20 A. It showed a large tumor mass in my right 21 side. 22 Q. What was your reaction? How did 23 you feel after seeing that? 24 A. Well, he confirmed, again, that 25 mesothelioma, and explained the options one more
Page 43	Page 45
1 months to see how the ribs are healing, and so he 2 ordered a CAT scan right away and then followed up 3 with a nuclear PET scan at the Bond Clinic. 4 Q. Who, if anyone, went over the 5 results of that nuclear PET scan with you? 6 A. He referred me to, at that time, a Dr. 7 Miller, a lung specialist there at the Bond 8 Clinic. 9 Q. Approximately when did you meet 10 with Dr. Miller to discuss the results of the 11 scan? 12 A. March 14th. 13 Q. When you went to go discuss the 14 results with him, were you by yourself or did you 15 bring someone with you? 16 A. I had a very good friend of mine who is 17 a retired reconstruction surgeon, that's retired, 18 he lives here in Florida, not far from us, that 19 walks in our group. 20 Q. What's his name? 21 A. Dr. Touze, (phonetic). 22 Q. So you and Dr. Touze met with -- 23 A. Dr. Miller. 24 Q. -- Dr. Miller at the Bond Clinic 25 in April of 2006.	1 time and said we must proceed as fast as possible 2 to get a biopsy. 3 Q. When you say options, what do you 4 mean, options? Your treatment options? 5 A. Treatment options, yes. 6 Q. What did he spell out for you, if 7 anything? 8 A. Well, he said that there was a Dr. 9 Sugarbaker, (phonetic), that performs surgery, not 10 locally. He said that there was four places that 11 you could get radical surgery, Baltimore, Boston, 12 New York and Detroit, and he said that he would 13 only recommend Dr. Sugarbaker for this type of 14 thing, and explained how severe the operation 15 would be and what it would do to lengthen my life. 16 He said you're going to be laid up three months 17 plus, and he says most of the people who have gone 18 through this have never lasted more than five 19 months on their life span. 20 Q. What was your thoughts when you 21 heard this? 22 A. I said at this point that's not 23 something that I would consider, and he said he 24 would not recommend it because of my age, and Dr. 25 Miller would not recommend it, and, of course, the

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1 information was all being sent back to my doctor 2 in New York State, at Rochester General, Dr. 3 Swinburne, and at that point we had scheduled a 4 biopsy. 5 Q. Where was the biopsy scheduled 6 for? 7 A. Winter Haven Hospital. 8 Q. Did you have that biopsy, sir? 9 A. I flew my two children down here, my son, 10 to take care of me because it was going to be a 11 surgical biopsy, and she was scheduled for chemo 12 treatment, (indicating), and was doing very poorly 13 and needed to go, basically, every day for shots. 14 Q. Who? 15 A. My wife. 16 Q. Who was going to take care of her 17 during this? 18 A. Well, I had my daughter fly down, also. 19 They both took off time from work. 20 Q. Just so we're clear, approximately 21 when was this biopsy scheduled for you, sir, what 22 month? 23 A. In April. 24 Q. Did you have the biopsy at the 25 Winter Haven Hospital?	1 scheduled for, in Rochester? 2 A. No, Winter Haven. 3 Q. When you heard that, what did you 4 do? 5 A. In the meantime, we had her chemo 6 treatment and her doctor had advised us that her 7 condition was getting worse and worse, and they 8 found blood clots. We live 56 miles from the Bond 9 Clinic to our house, and he said you're too far 10 from Winter Haven for help in her condition. He 11 said I suggest that you pack up and go home 12 immediately. I said, now do we fly? He said no, 13 I don't want her on the contaminated plane in her 14 condition. So I canceled my biopsy and we left 15 for home immediately. Our friends closed up our 16 residence here for us. 17 Q. You obviously drove back to 18 Rochester? 19 A. Drove back to Rochester. 20 Q. Do you know approximately what 21 date you arrived in Rochester, sir? 22 A. About the 13th of May. 23 Q. When you got home, did there come 24 a time when the biopsy was scheduled? 25 A. Of course, we had to go see her
Page 47	Page 49
1 A. It was the end of April, yeah. No, I 2 did not. I did all the pre-surgery tests and 3 everything was fine, and the anesthesiologist 4 called at 4:30 in the afternoon before my biopsy 5 the next morning was to take place and canceled 6 the biopsy because it was an elective surgery and 7 she needed a nuclear stress test of my heart. So 8 they had scheduled that for Friday, and I said 9 this is just not going to work, I have two 10 children that have to go back home. Friday I went 11 back home to have the nuclear stress test, and the 12 girl that administered the test said what are you 13 doing here. 14 Q. Why did she say that? 15 A. I don't know. She looked at the results 16 in front of her and she asked what I was doing 17 there, and I said I don't know, it was requested. 18 I talked to the doctor in charge that has to be 19 present when this is going on and he told me he 20 would have the results Monday or Tuesday, and they 21 would let me know. We returned home from Winter 22 Haven, and there was a message on my recording at 23 home that my biopsy surgery was scheduled for 24 Monday morning. 25 Q. When you say -- where was it	1 oncologist on Monday morning, first thing, to 2 continue her treatments. In the meantime I 3 contacted Dr. Swinburne, and we had all 4 transferred all the records and everything to him. 5 He scheduled the biopsy for approximately two 6 weeks later. 7 Q. Where was the biopsy taken, sir? 8 A. In Rochester General Hospital. 9 Q. What part of your body was the 10 biopsy taken from? 11 A. The right rib area. 12 Q. Do you remember when someone came 13 to you after the surgery and shared with you what 14 the results were? 15 A. Yes. I called Dr. Swinburne and he said 16 he is waiting for pathology lab tests from 17 out-of-State and he would let me know when I can 18 come in. It was more than a week and he called 19 and said I'd like to meet you in my office, I have 20 the results, but he said I don't want you to come 21 in when the office is full. He says how's your 22 schedule at 4:30 in the afternoon. I said I can 23 make everything, and he said what about a date, 24 and I said, look, I looked at our planner and I 25 said I will be in the hospital with her for blood

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1 work and infusion that day. He said, well, fine, 2 he says, why not make it at noon. I'll meet you 3 on my lunch hour. 4 So, I went to see him on his lunch 5 hour. He took me in his office, closed the door 6 and he says the biopsy come back positive for 7 mesothelioma. Of course, he went through the 8 options again with me, and I said I've already 9 been through it with a couple others. He informed 10 me that their department, no one would take on the 11 surgery, and they do not recommend the surgery at 12 Rochester General, for the record, because he did 13 not approve of this surgery being done at my age. 14 Q. What was your reaction to hearing 15 this? 16 A. I said, well, I've already made up my 17 mind that I wouldn't do that, and he said we can't 18 waste any time, we need -- we need to start with 19 chemo as soon as possible. So I met the same day 20 with her oncologist. 21 Q. Who's that, sir? 22 A. Dr. Bushnell. 23 Q. For what reason did you pick him? 24 A. Only because we had had a good rapport 25 with this gentleman and the department there at	1 number six, we had a CAT scan, we had a CAT scan 2 scheduled and he took the CAT scan and he said 3 that at this point there was no need to further 4 put me through any more chemo, and that we should 5 start radiation as soon as possible. 6 Q. Who did you see for the radiation, 7 sir? 8 A. I talked to a radiologist by the name of 9 Dr. Lopez, a Rochester General radiologist. 10 Q. Now, is that who oversaw your 11 radiation? 12 A. Yes, he did. 13 Q. How many treatments did you have? 14 A. Twenty-five. 15 Q. Any side effects from the 16 radiation? 17 A. Well, I would burn real bad, a skin burn 18 on my back, they burned my kidney, they burned my 19 lung, and the side effects is I just don't have 20 any air. I can't do anything. 21 Q. Are you on any medication today? 22 A. Yes, I am. 23 Q. What medications, sir? 24 A. Prescribed medication, Hydrocodone and 25 Hydromorphone.
Page 51	Page 53
1 the hospital. 2 Q. Did he recommend chemotherapy 3 treatment? 4 A. He said we should get started as soon as 5 possible, and we did, and we took the series of 6 six chemo treatments which made me sick a day 7 after the treatment for at least ten to 12 days. 8 Q. How did you receive the 9 chemotherapy? 10 A. Intravenously. 11 Q. You received how many cycles? 12 A. We went six. 13 Q. How often did you receive the 14 treatments? 15 A. Every 21 days. 16 Q. What reaction, if any, did you 17 have to the chemotherapy, sir? 18 A. As I said, I would have about one day 19 after the treatment, and then I would have ten to 20 11, 12 days of just nausea, loss of sleep, 21 complete loss of control of urination and the 22 problems that come along with chemo. 23 Q. Did you have any other treatment 24 for your mesothelioma other than your chemotherapy? 25 A. After we were done with the cycle, the	1 Q. What are those medications for? 2 A. Pain. 3 Q. Do you have any pain as you sit 4 here today? 5 A. I have constant pain. The medication 6 dulls it a little, but it doesn't get rid of it. 7 Q. Where is the pain? 8 A. Right side, completely down to the belt 9 line, and then just around the back a little bit. 10 Q. How would you describe that pain, 11 sir? 12 A. Severe and constant. 13 Q. Can you describe a typical day 14 you have now, and if you can, compare it to the 15 days that you typically enjoyed 18 months ago that 16 you described earlier. How would you -- 17 A. I can't walk any longer. I'm up several 18 times during the night, of course, and I am still 19 up early in the morning, but a shower is like a 20 day's work. It takes me probably 45 minutes to 21 complete a shower because of the lack of lung 22 capacity. Of course, the moist air doesn't help 23 it any in the shower. I have to rest after that. 24 I've already taken pain pills by that time and I 25 have to rest, and then I can do -- I can walk from

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1 here to the end of the room and back and that 2 would be it until I rested a little while. 3 Q. Has your weight fluctuated in any 4 way? 5 A. I've lost approximately 50 pounds. 6 Q. Sir, I'm going to transition now 7 into your work history, but I thought what I would 8 do with, your permission, of course, is to take 9 five minutes. Let's take five minutes. When we 10 come back, we're going to jump into your work 11 history. 12 Is that okay, Mr. Lang? 13 A. That's fine. 14 Q. Are you doing all right? 15 A. I'm doing all right. 16 Q. Thank you, Mr. Lang. 17 MR. COMERFORD: Let's take five. 18 (Whereupon a brief recess was taken 19 at 11:21.) 20 (Whereupon the proceedings were 21 resumed at 11:37 a.m.) 22 THE VIDEOGRAPHER: On the record, 23 11:37. 24 BY MR. COMERFORD: 25 Q. Mr. Lang, I think we're back on.	1 it was my job to accompany my father in place of 2 another skilled person to do grunt work, to 3 prepare, if we were going to -- if there was to be 4 a tear-out of a boiler, I was required to assist, 5 and probably do most of the removal of the 6 asbestos pipe covering, and the joint cement on 7 the joints, and the boiler covering, if it was 8 asbestos covered, I would be required -- that 9 would be my job. 10 Q. I want to ask you, focusing on 11 this time period, about tear-out of furnaces, 12 okay? 13 A. Yes. 14 Q. Tear-out, meaning removal of 15 furnaces during this 1945 to '51 period. 16 How often did you do that type of 17 work? 18 A. Furnaces relating to the old octopus or 19 the old round cast iron furnace, there would 20 probably be a couple a month, anyway. 21 Q. Same for home boiler, not 22 furnaces, how often would you remove boilers? 23 A. It would be probably three, four a 24 month. 25 Q. What work, if any, was done
Page 55	Page 57
1 How are you feeling? 2 A. Okay. 3 Q. Sir, what year did you start 4 working with your father, approximately? 5 A. Part-time? 6 Q. Yes. 7 A. About 1945. 8 Q. How often did you work with your 9 father from, we'll say, 1945 to 1951, when you 10 graduated from high school? 11 A. It would be on the weekends, the 12 holidays and the vacation time. If you put it 13 all together on a yearly basis, probably 18 to 14 20 hours a week. 15 Q. Just so we're clear, did you work 16 this 18 to 20-hour week from about 1945 to 1951? 17 A. Yes. 18 Q. Now, looking back at this time 19 period, as you sit here today, do you believe you 20 were exposed to asbestos? 21 A. Yes. 22 Q. How were you exposed to asbestos 23 during this time period, sir? 24 A. Well, I was one of the -- as we talked 25 about it in the other times, I was the grunt, and	1 before a boiler was removed, what would you do? 2 Kind of walk me through it, if you can, Mr. Lang. 3 A. Well, as I said, I would remove the pipe 4 covering and the fitting covering or the cement, 5 five feet in each direction on the supply and 6 return lines, I would also remove the asbestos 7 covering on the boiler, if it was covered with 8 asbestos, and which most of them were at that 9 time, and then I would clean up the basement area, 10 and if within reason, I would haul out debris and 11 dispose of that debris on our truck or get it 12 ready for their homeowner's disposal company. 13 Q. How long would it take to 14 actually remove a boiler? 15 A. Well, complete removal of a boiler, from 16 the time you did the prep work and then did the 17 heavy lifting and disassembling of the boiler 18 would probably take, depending how many men you 19 had there, you had -- I had probably six hours in 20 the prep work, and then, of course, when the 21 mechanic, my father were there, they would have 22 another day of removal of the heavy part of a 23 boiler. 24 Q. Focusing on this time period, if 25 you can, what did the boilers generally look like?

Page 58 1 By that, I mean, what was the size and shape? 2 A. Well, in that time frame there were 3 mostly round boilers because we did residential 4 work. Most of the boilers around at that time 5 were small, square boilers which were 6 approximately four feet high and 24 inches width. 7 Q. How much, on average, would you 8 say did they weigh? 9 A. Oh, a round boiler would at least weigh 10 between 650 and 800 pounds, probably. 11 Q. Was anything on the outside of 12 these boilers? 13 A. Asbestos cover. 14 Q. When you say that, can you 15 describe how much asbestos covering? 16 A. That would be probably an 17 inch-and-a-quarter to an inch-and-a-half thick. 18 Q. Was that over what part of the 19 boiler, sir? 20 A. Over the entire cast iron heating part 21 of the boiler. 22 Q. These boilers, where were they 23 generally kept? 24 A. Most of the boilers, residually, were 25 in the basement or a utility area.	Page 60 1 the basement? 2 A. Because you physically, by the weight, 3 could not remove them. 4 Q. So you would do it in pieces? 5 A. Pieces, yes. 6 Q. After the boiler was torn down, 7 what did the air look like in the basement? 8 A. Well, I can look outside like this 9 morning, a little bit foggy, a little bit dusty. 10 Q. After the boiler was broken down, 11 what, if anything, happened? 12 A. Clean up and preparation for the new 13 boiler, usually having to build some sort of a 14 platform base so that you got off to a level start 15 on assembly of a boiler. 16 Q. When you say clean up, can you 17 describe what tools you used for a clean up? 18 A. Shovel, broom, sometimes a rake. 19 Remember, again, these were older homes, some of 20 them didn't have complete basement floors in them. 21 Q. What did the atmosphere look like 22 after you swept up, sir? 23 A. Real dusty. 24 Q. Now, focusing between this '45 25 and '51 time period, if you can, what boilers, by
Page 59 1 Q. Were there any tools used to 2 disassemble or remove these boilers? 3 A. You used a claw hammer, a chisel, 4 whatever, a wedge device that you could get under 5 the covering to take it off. 6 Q. Can you walk me generally through 7 the process of disassembling these boilers? 8 For example, how many sections 9 was there usually, and how would you take them 10 apart; what took place? 11 A. A round boiler, you would have usually 12 two sections on the top, dome sections, as we 13 called them, on the top, and then a large feed 14 door section, and a base on a round boiler. On a 15 sectional boiler or square boiler you would have 16 the number of sections that was required to meet 17 the heat loss of the building. 18 In those days there wasn't much 19 insulation used so boilers were much larger than 20 they are now at this time frame, and houses were 21 older and, you know, here and there a storm sash 22 and so on. So you would have probably an average 23 of four to eight sections of a square boiler. 24 Q. Why was it even necessary to sort 25 of disassemble these boilers to remove them from	Page 61 1 manufacturer, were removed by you which you 2 believe exposed you to asbestos? 3 A. I worked with American Standard, 4 Burnham, Crane, Peerless, Weil-McLain. 5 Q. That's five companies. What I'm 6 going to do is ask you about each one a little bit 7 and see what you remember about these various 8 boilers, okay? 9 A. All right. 10 Q. Let's start with, I guess, 11 American Radiator, because it begins with an "A". 12 Focusing on the American Radiator 13 boilers, what kind of boilers did you remove, the 14 manufacturer by this company? 15 A. Well, there was three series, really. 16 It was American Standard, Ideal and ARCO. The 17 were round type, small, square sectional boilers. 18 Q. What kind of tools were used to 19 disassemble and remove these boilers, sir? 20 A. Same, same type of thing, claw hammer, 21 chisel, wedge. 22 Q. Was there any asbestos on these 23 American Radiator series boilers that you actually 24 removed? 25 A. Yes, there was.

Page 62 1 Q. What kind of asbestos? 2 A. It was made up of asbestos shorts that 3 were mixed with a wetting agent which was water, 4 most likely, and Portland Cement, and applied to 5 the exterior of the boiler. 6 Q. First of all, what are asbestos 7 shorts? Is it something you wear? 8 A. No, not what you wear. Asbestos shorts 9 are a material, like a woolly, fibrous material 10 that's very dusty and white in nature, and fluffy. 11 Q. You said it was on these American 12 Radiator boilers. 13 Where was the asbestos, just so 14 we're clear? 15 A. On the outside. 16 Q. Where on the outside, a little 17 corner, how much? 18 A. Most of the boilers had it completely 19 around the circumference of the boiler. 20 Q. Was that asbestos, when you 21 removed the boilers, was that disturbed in any 22 way? 23 A. Yes, you had to take it off. 24 Q. What did the air look like when 25 you took it off?	Page 64 1 Q. Now, can you hold that book up 2 and I'll ask the videographer to zoom in on it. On 3 the outside it says Ideal Fitter. That book's 4 from 1929. 5 Sir, before this deposition, you 6 and I looked through this book and discussed it a 7 little bit. 8 A. Yes. 9 Q. If you can -- sir, have you ever 10 seen a book like that before? 11 A. Yes, I have. 12 Q. Did you own one? 13 A. Yes, we did. Our company had an Ideal 14 Fitter book, yes. 15 Q. How often, if at all, did you 16 reference the one you had, how often did you look 17 at it or refer to the one you had? 18 A. Quite often. If we needed to know size 19 and output of a radiator that you didn't have 20 information on, you would open it up and go to 21 these tables that are in here, and that way you 22 would find your information. They made quite 23 extensively ornate radiators back there, in those 24 times, and you didn't have a rating on them. You 25 had to sometimes size a new one to replace this or
Page 63 1 A. Dusty and flaky, flakes in it. 2 Q. Was there any clean-up involved 3 after you removed these boilers? 4 A. You had to get rid of the debris that 5 you had just finished taking off the boiler that 6 had fallen to the floor that you didn't throw in 7 the trash can. 8 Q. What did the air look like during 9 clean-up? 10 A. Dusty, fibrous material, suspended. 11 Q. Sir, what I'd like to do at this 12 point is hand you a document. It's marked Lang-33. 13 I'm going to hand this to you. 14 Could you tell me what that book 15 is? 16 A. That book is The Ideal Fitter. 17 Q. Can you tell me a little bit 18 about that book? 19 A. Well, that is, in the boiler industry, 20 the standard that you went by when you didn't have 21 specific instructions, details, or when you were 22 in trouble on an installation or you needed to 23 know ratings or to size new equipment or install a 24 particular piece of radiation or something like 25 that.	Page 65 1 you had to figure it in the total sizing of a 2 boiler capacity, or a piping capacity, and you 3 would use these charts that would be in here. 4 Q. Let me ask you a question, if I 5 may, Mr. Lang. Is that book, the one you're 6 holding, a fair and accurate depiction of the type 7 of book you had when you worked in the industry? 8 A. Yes, it is. 9 Q. What I'd like to do is ask you to 10 do this. In the book, what I thought I would do, 11 sir, is hand this to you. You can hold it up and 12 the videographer can, hopefully, scan in on you 13 and that picture that's A-20 from that book I blew 14 up, okay, Mr. Lang? 15 A. Yes. 16 Q. Make sure the videographer gets 17 that in his view. 18 What is that a picture of? 19 A. It's a picture of an Ideal or Arcoflash 20 boiler, coal-fired. 21 Q. Have you ever seen a type of 22 boiler like that before? 23 A. Yes, I have. 24 Q. Did you ever work with a type of 25 boiler like that before?

	Page 66	Page 68
1	A. In tear-out, yes.	1 in the field with that type of boiler that's
2	Q. Is that picture a fair and	2 depicted there?
3	accurate depiction of a type of boiler that you	3 A. Yes, I have.
4	tore out?	4 Q. Is that a fair and accurate
5	A. Yes.	5 depiction of a type boiler you came into contact
6	Q. In showing that picture, if you	6 with?
7	can, and I'd like you to show the videographer,	7 A. Yes.
8	where, if at all, would the asbestos be on a	8 Q. Looking at that boiler, where, if
9	boiler like that?	9 at all, would there be any asbestos, sir?
10	A. The asbestos on the boiler like this	10 A. The asbestos would be just under the
11	would be right here, (indicating), this line,	11 jacket again, which would be right here, here,
12	straight up around here and over the top and back	12 underneath the top and around the doors would be
13	down around the doors.	13 number 17 under reference.
14	Q. Would you ever come into contact	14 Q. That takes me, if I may, to the
15	with that type of asbestos that's reflected there?	15 reference which is the next page. I'll hand this
16	A. Yes, you would, on tear-out.	16 to you. This is Lang-5.
17	Q. I then want to hand you the next	17 Do you see that?
18	page on that document, which is marked Lang-3.	18 A. Yes.
19	You mentioned number 15 on that	19 Q. Is there a reference there that
20	chart?	20 comments on asbestos, sir?
21	A. Yes.	21 A. Number 17, "Improve type one-inch
22	Q. Then there's a guide to number 15.	22 asbestos cell insulation prevents radiant heat
23	Do you see that? Can you read	23 loss permanently protected and indestructible
24	that out to me?	24 steel jacket."
25	A. Yes.	25 Q. Now, looking at that, going back

	Page 67	Page 69
1	Q. What does that say?	1 in time, do you have a recollection of the boilers
2	A. It says, "Improved type, one-inch	2 you removed of this type, having that type of
3	asbestos cell insulation prevents excessive heat	3 insulation there?
4	loss."	4 A. Yes.
5	Q. Do you know what asbestos cell	5 Q. I'm going to go to a different
6	is, sir?	6 book, the 1929 book, that is marked -- oh, we
7	A. Yes, asbestos cell and a paper asbestos	7 already have that, I apologize, we're already
8	that would have a top coating, a top piece, and	8 there. The next -- one second, Mr. Lang. This is
9	the middle would look like ribbon candy, and there	9 Page 193 of the same book. I'm going to hand that
10	would be a bottom piece to it.	10 to you, and that is marked Lang-6, okay?
11	Q. Did you ever disturb an American	11 A. Okay.
12	radiator that had that type of insulation?	12 Q. Can you tell me what's depicted
13	A. Yes, I did.	13 on the top of that page?
14	Q. What would the air look like when	14 A. This is a page, of course, out of The
15	you disturbed that, sir?	15 Ideal Fitter showing Aircell asbestos pipe
16	A. Well, pretty dusty.	16 covering.
17	Q. I want to hand you the next	17 Q. What is that?
18	exhibit, sir, which is Lang-4. This is Page 38 of	18 A. It's pipe covering, again, consisting of
19	that same book. Lang-33, I just blew it up so you	19 an outer shell, the inner circumference that would
20	could explain what it is.	20 clamp around the pipe, again, like ribbon candy,
21	Looking at that type of boiler,	21 and then a harder inner core.
22	what's depicted there, sir?	22 Q. Is that Aircell something that
23	A. This is a square type coal-fired Ideal	23 you came into contact with out in the field?
24	redflash boiler.	24 A. Definitely, yes.
25	Q. Have you ever come into contact	25 Q. That picture, does that fairly

Page 70 1 and accurately depict what Aircell pipe covering 2 looks like? 3 A. Yes. 4 Q. Just so the record's clear, I'm 5 going to hand you Lang-34. This is the 1920 book 6 and this Aircell is actually on Page 193. So if 7 you could show the front of the book and then go 8 to Page 193, so we're clear, so in the future we 9 know. 10 A. The front of the book, Page 193, Aircell 11 pipe covering is right there, (indicating). 12 Q. Okay. Why don't you, if you can, 13 sir, go to the next page of that book, which is 194. 14 Do you see that? 15 A. Yes. 16 Q. To make it a little easier on 17 you, what's on Page 194, sir? What do you see 18 there? 19 A. What do I see? 20 Q. Yes. 21 A. This lists boilers and the amount of 22 asbestos cement required to cover these particular 23 boilers, model numbers. 24 Q. So the jury can follow along, I'm 25 going to hand you the blow-up of that page, Lang-7	Page 72 1 can you pick a boiler, one that would be typically 2 removed by you during this time period? 3 A. Probably a steam boiler, a 5-19. 4 Q. Now, looking at 5-19, can you 5 tell me how many pounds of asbestos would actually 6 be on that boiler? Is that reflected there? 7 MR. RIVERA: Form. 8 A. 150 pounds. 9 Q. Did there come a time -- and 10 we're going to get to insulation in a little 11 bit -- where you actually installed some of the 12 insulation to cover these boilers -- 13 A. Yes. 14 Q. -- where you insulated it? 15 Based on your experience and work 16 in the field, do you believe that that 150 pounds 17 is a fair and accurate weight of the amount of 18 asbestos that went over these boilers? 19 A. That would be your minimum. 20 Q. What do you mean by that, sir? 21 A. Well, this chart requires a cover of 22 boilers an inch and a quarter thick. Most of the 23 time it was recommended that you cover an 24 inch-and-a-half thickness. 25 Q. That takes me to the next page of
Page 71 1 and Lang-8, which is the next page, Page 194 and 2 195, okay? 3 A. Okay. 4 Q. Let's take these one at a time. 5 Let's go back in time and we'll take the first one 6 you're holding, that's Lang-7. 7 A. Okay. 8 Q. I'll ask the videographer to try 9 to zoom in a little bit. 10 That's entitled Ideal Asbestos 11 Cement; is that correct, sir? 12 A. That's right. 13 Q. Have you ever seen a chart like 14 that before? 15 A. Yes. 16 Q. For what reason? 17 A. To figure out how much asbestos cement 18 you're dealing with. On a boiler for this 19 particular chart it says an inch and a quarter 20 thick. 21 Q. An inch and a quarter thick, what 22 does that mean, sir? 23 A. In this case, they say the material that 24 you would put around the boiler. 25 Q. Now, in looking at that chart,	Page 73 1 that chart. Can you go to Lang-8, which is right 2 here. Thanks, Mr. Lang. 3 At the bottom of the chart, is 4 there a reference to the amount of asbestos, kind 5 of a summary? 6 A. It tells you in here what we use a lot 7 of times when we had no chart like this available 8 on a boiler. That says that you use approximately 9 six pounds per square foot of surface. 10 Q. Can you read what is actually 11 written there on the bottom of that chart, sir? 12 A. Asbestos cement per bag. 13 Q. Up a little bit higher, right 14 there. 15 A. "On boilers not listed here estimate six 16 pounds to the square foot - 1 1/4 thick." 17 Q. Now, over time is that something 18 that you followed in your career? 19 A. Yes. 20 Q. You can put that down. 21 I'm going to hand you the 1951 22 book that's marked Lang-36. I'm going to ask you 23 specific questions about some pages here that have 24 a blue covering or a blue sticky on it. Let me 25 hand you what has been marked Lang 36, and if you

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1 could look at that book, take your time. 2 Before you do that, can you go to 3 the front cover and just read again what exhibit 4 number is that, Mr. Lang? 5 A. Exhibit Lang-36. 6 Q. What does the cover of that book 7 say, sir? 8 A. American Standard Radiator and Sanitary 9 Corporation, Branch House Department. 10 Q. Is that Branch House book, is 11 that something you've seen before? 12 A. I've seen a book like this, yes. 13 Q. For what reason, sir? 14 A. When we were looking up something in 15 concern with a boiler or a valve or something like 16 that. 17 Q. I'd like you to go to Page 323, 18 and I have a blue sticky there for you. A little 19 further down. Right there, Mr. Lang. 20 Do you see Page 323? 21 A. Yes, I do. 22 Q. To make it a little easier for 23 you, I'm going to hand you -- excuse me, a blow-up 24 of that page. 25 Could you go to that?	1 use for packing and gasket material. 2 Q. Did you ever work with asbestos 3 rope? 4 A. Yes, I did. 5 Q. The picture that is depicted 6 there, is that a fair and accurate depiction of 7 the asbestos rope you worked with on occasion? 8 A. Yes. The asbestos, what they call wick, 9 here shown, is what we worked with most. 10 Q. What is asbestos wick, sir? 11 A. Asbestos wick is an especially pure 12 asbestos furnished in quarter-inch, half-inch or 13 one pound balls. 14 Q. Where would you work with that; 15 for what was its purpose? 16 A. Gaskets, gasket material. 17 Q. Would that material release any 18 dust? 19 A. Yes, it would, loose fibers. 20 Q. Could you explain how those loose 21 fibers would -- 22 A. Well, when you pulled it out of the 23 roll, they would naturally be airborne. 24 Q. Would you disturb it in any other 25 way?
Page 75	Page 77
1 A. Yes. 2 Q. Let's start with -- and I've 3 handed you this blow-up. It's Lang-9. 4 Do you see something there listed 5 sheet packing? There's a picture of it. 6 A. Yes. 7 Q. What is that? 8 A. Well, this right here, sheet packing, 9 there's a thickness going 1/32, 1/16, 1/8, 3/16, 10 and 1/4. Sheet packing was a red rubber, a 11 packing that you made gaskets out of, and it come 12 with an insertion of a cloth insert and the 13 thicknesses. Also, 1/16, 1/8, 3/16 and 1/4. 14 Q. Is that picture depicted on 15 Lang-9 a fair and accurate depiction of the type 16 of sheet packing material you worked with on 17 occasion? 18 A. Yes. 19 Q. I want to go down a little 20 further to where it says asbestos rope. 21 Do you see that? 22 A. Yes, I do. 23 Q. What is asbestos rope? 24 A. It's a wound type of continuous thread 25 of asbestos. It's been wound together, that you	1 A. Unrolling it and installing it, yes. 2 Q. Why would installation create 3 dust? 4 A. You were moving it continuously to move 5 it and put it where it belongs. 6 Q. Where did it normally belong, 7 what areas of a boiler? 8 A. Oh, well, between sections, around 9 doors, clean-outs, flue breachings. 10 Q. If you could approximate the 11 length, how much asbestos was this wick in length? 12 Would it be inches or feet that you would use on a 13 standard boiler? 14 A. Oh, on a boiler you would use it if you 15 put it between each section, you could use from 45 16 to 65 feet, 70 feet. 17 Q. Now, let me turn you to 1950. 18 We're still in the same book. 19 Before I forget, would you use 20 the whole ball at one time or would you have to 21 cut it? 22 A. You would have to cut it to reach your 23 lengths for your gaskets. 24 Q. So would you make numerous cuts 25 over time?

Page 78	Page 80
1 A. Oh, yes. 2 Q. Would the cutting of it release 3 any dust? 4 A. Yes, because you're moving the material. 5 Q. Let me turn you to Page 496. 6 I'll have you hold this up. That's Page 496 from 7 the same book. 8 What's depicted there? 9 A. Transite loose pipes and fittings. 10 Q. What is transite? 11 A. Transite is an asbestos cement. 12 Q. Is this something that you ever 13 came into contact with? 14 A. Yes. 15 Q. For what reason? 16 A. Installation of flue systems in 17 construction sites and repair work. 18 Q. Now, looking at -- we'll say the 19 first top picture there on Page 496, which is 20 marked Lang-10, is that a fair and accurate 21 depiction of the type of transite you worked with 22 over time? 23 A. Yes. This gasket material was a round 24 transite material, and oval, and it had a tapered 25 end on it.	1 Q. Now, pipe covering, itself, did 2 you ever come into contact with that? 3 A. Yes. 4 Q. Did you ever have to install it? 5 A. Yes. 6 Q. For what reason? 7 A. When the new installation of a boiler 8 was made, you had to refit the new piping with new 9 pipe covering. 10 Q. Did you ever have to disturb the 11 pipe covering? 12 A. Well, you would have to cut it. 13 Q. What did the air look like when 14 you cut it? 15 A. Dusty. 16 Q. Why would you have to cut it? 17 A. To fit between fittings. 18 Q. Now, that picture I pointed to, 19 this gentleman, 3256, the shape of the pipe 20 covering, just the shape, is that a fair and 21 accurate depiction of the shape and covering that 22 you worked with at times? 23 A. Yes. 24 Q. There's also a mention on this 25 same exhibit, something called asbestos millboard.
Page 79	Page 81
1 Q. Would you ever have to disturb 2 that material by cutting it in some way? 3 A. Yes. 4 Q. What did the air look like when 5 you would cut that material? 6 A. Well, you would use a Skill saw, worm 7 driven Skill saw, and it would be dust all over it. 8 Q. Let me turn next to, I think it's 9 the last exhibit from that book. It's just about 10 the last one I'm using. I'll hand that to you. 11 This is Lang-11, Page 516. Just generally, 12 there's some insulating material listed there. 13 Do you see that? 14 A. Yes. 15 Q. With this pipe covering listed on 16 the top? 17 A. Yes. 18 Q. I'll focus on the one where it 19 shows a gentleman. It's picture S 3256 in the 20 middle. 21 Do you see him? 22 A. Yes. 23 Q. What's he doing there? 24 A. He's installing a magnesium pipe 25 covering.	1 A. Yes. 2 Q. Can you point that to me? 3 A. Right there. 4 Q. Is there a picture to the left? 5 A. Yes, right there. 6 Q. What is asbestos millboard? 7 A. Well, it's a hard -- it's a hard 8 composition of asbestos made in block form, and in 9 sheets at different thicknesses. Usually the 10 sheets are 42-by-48. 11 Q. Did you ever work with that 12 millboard, yourself? 13 A. Yes. 14 Q. Where did you work with it, what 15 parts of the boiler? 16 A. You would use it for heat or fire 17 protection. 18 Q. Would it ever get disturbed for 19 any reason? 20 A. Yes. 21 Q. How? 22 A. Oh, if you had to move it or if you had 23 to do anything with it to relocate it, and also 24 millboard was used on the inspection doors of a 25 lot of oil-fired boilers.

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1 Q. That millboard that's shown there 2 on the exhibit, is that a fair and accurate 3 depiction of the millboard that you worked with 4 over time? 5 A. Yes. 6 Q. There's also something at the 7 bottom of the exhibit called asbestos cement. I 8 just ask you to point out for the videographer, so 9 he can zoom in. 10 A. Right here, (indicating). 11 Q. Do you recognize that at all? 12 A. That's insulating asbestos cement, yes. 13 Q. Did you ever see that out in the 14 field? 15 A. Yes. 16 Q. Did you ever work with it out in 17 the field? 18 A. Yes, we did, all the time. 19 Q. Is that picture a fair and 20 accurate depiction of generally what the asbestos 21 cement looked like? 22 A. That's right. 23 Q. Would that material have to be 24 prepared in any way? 25 A. This would have to use the wet agent	1 others, the claw hammer, the chisel, the wedge. 2 Q. Was there any asbestos on those 3 Weil-McLain boilers during this time? 4 A. Yes. 5 Q. Where was it? 6 A. On the exterior. 7 Q. Generally speaking, what did the 8 Weil-McLain boilers look like during this '45 to 9 '51 time period? 10 A. Round type and square sectional boilers. 11 Q. After the boilers were disassembled, 12 what work with the scrap, if any, did you do? 13 A. After it was disassembled? 14 Q. Yes. 15 A. I would clean up and cart the trash and 16 so on. 17 Q. What did the air look like when 18 you were cleaning up that old debris and hauling 19 it out? 20 A. Very dusty, again. 21 Q. I'm going to hand you, sir, what 22 has been marked Lang-37. 23 Can you tell me what that is? 24 A. Lang-37? 25 Q. What is that, sir?
Page 83	Page 85
1 again and usually a Portland Cement mixture along 2 with it to make a hard surface on it. 3 Q. What did the air look like when 4 you would mix this cement? 5 A. Very dusty. 6 Q. Is there any difference between 7 the asbestos cement and the asbestos shorts? 8 A. Not to my knowledge. 9 Q. Where in the boiler would you use 10 this asbestos cement? 11 A. Covering the outside of the boiler, 12 sealing around refractory, entrance of the oil 13 burner. 14 Q. Let's turn now, I want to ask 15 some questions of the tear-out of Weil-McLain 16 boilers. You can put that down. Thank you, Mr. 17 Lang. 18 You mentioned Weil-McLain 19 earlier, did you not, sir? 20 A. Yes. 21 Q. Did you, on occasion, from 1945 22 to '51, have to remove Weil-McLain boilers? 23 A. Yes. 24 Q. What type of tools were used? 25 A. We used the same tools as we did on the	1 A. It's a Weil-McLain boiler and radiation 2 catalogue. 3 Q. Before this testimony, I asked 4 you to read through that document, did I not, sir? 5 A. Yes. 6 Q. That's an original document, sir? 7 A. Yes. 8 Q. Have you ever seen anything like 9 that before? 10 A. Yes, I have. 11 Q. In what capacity? 12 A. We used this one, or similar catalogues, 13 in our sizing and our engineering, and looking up 14 information. 15 Q. Throughout your career, how often, 16 if at all, would you reference a Weil-McLain 17 catalogue like the one that's in your hand? 18 A. Very often. 19 Q. What you're holding, is that a 20 fair and accurate depiction of what you would 21 refer to in your career? 22 A. Yes. 23 Q. That's, again, marked Lang-37. 24 What I'd like to do, if I can, 25 sir, is direct you to a specific page. This is

Page 86	Page 88
1 Lang-12 in that book, and I highlighted it here so 2 you can walk the jury through it. 3 What is Lang-12, sir? 4 A. Lang-12? 5 Q. What is that? 6 A. This is a Weil-McLain round all fuel 7 boiler. 8 Q. Have you ever seen a boiler like 9 that before out in the field? 10 A. Yes. 11 Q. Ever work with a boiler like this 12 that's depicted there? 13 A. Yes. 14 Q. Is that picture, Lang-12, a fair 15 and accurate depiction of the type of boiler you 16 would work with out in the field? 17 A. Yes. 18 Q. How did you work with a boiler 19 like this out in the field? 20 A. This would be, there again, a 21 replacement for a round boiler in the field that 22 could be all fuel fired so that you could use it 23 for hand firing, oil firing, stoker firing, gas 24 firing, and it had a good through-travel and it 25 was a good boiler.	1 boiler you would have removed that's shown there? 2 A. Oh, an 0522. 3 Q. Staying with that boiler number, 4 is there any indication on the end of this table 5 of the amount of asbestos that would be covering 6 that boiler? 7 A. Yes, there is. 8 Q. How much is that, sir? 9 A. That would be, for that boiler, for an 10 inch and a half thickness now -- 11 Q. Okay. 12 A. -- would be 175 pounds. 13 Q. Now, with your experience and 14 with your work out in the field, do you believe 15 that that 175 pounds is a fair and accurate 16 depiction of the amount of asbestos that would be 17 covering that boiler? 18 A. Yes. 19 Q. When you removed a boiler like 20 that out in the field, could you explain the dust 21 that would be in the air through the removal 22 process? 23 A. It would be a lot. 24 Q. I want to now take you and ask 25 you about Burnham.
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1 Q. Focusing on Lang-12, where, if 2 anywhere, would there be any asbestos? 3 A. Asbestos would be applied to the 4 exterior of this boiler for insulation. 5 Q. Can you explain the thickness, if 6 you know, what would be the general thickness of 7 the asbestos used on that type of boiler? 8 A. It would be in the same category, inch 9 and a quarter to inch and a half. 10 Q. I'm going to hand you the next 11 exhibit, which is marked Lang-13, okay? 12 A. Um-hum. 13 Q. This is also in the book, the 14 original book. This is Lang-13. Do you see that? 15 A. Yes. 16 Q. Have you ever seen a chart that's 17 depicted on the top before? 18 A. Yes. 19 Q. What's that chart for, generally 20 speaking; what its purpose? 21 A. This is your load ratings that you can 22 connect to this style boiler and the different 23 sizes. 24 Q. Focusing on Exhibit Lang-13, can 25 you give me a range, if you can, of a type of	1 Did you ever remove a Burnham 2 boiler, sir? 3 A. Yes. 4 Q. Again, in the '45 to '51 time 5 period, what type of boiler would you remove, sir? 6 MR. FROMMER: Objection to the 7 form of the question. 8 Q. Do you understand my question, 9 what type of Burnham boiler did you remove? 10 A. That would be a square jacketed boiler 11 of sectional designs. 12 Q. When you removed a boiler like 13 that, do you believe by the removal process you 14 were exposed to any asbestos? 15 A. When it was removed, you would have been 16 exposed to asbestos, Aircell type of insulation 17 between the jacket and the cast iron heating 18 sections. 19 Q. How much of this asbestos would 20 be on a Burnham boiler? 21 MR. FROMMER: Objection to the 22 form of the question. 23 A. That would be covering whatever size the 24 boiler was between the jacket and the sections. 25 Q. When you remove a Burnham boiler

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1 like that, can you describe what this asbestos 2 insulation looked like? 3 A. It would be of the Aircell type. 4 Q. When you were doing the removal, 5 though, did this insulation look new, did it look 6 old, what condition was it in? 7 MR. FROMMER: Objection to the 8 form of the question. 9 A. It looked like old cardboard. 10 Q. Would you come into contact with 11 that? 12 MR. FROMMER: Objection to the 13 form of the question. 14 A. You have to remove the boiler, yes. 15 Q. After you removed it, was there 16 any clean-up involved? 17 MR. FROMMER: Objection to the 18 form of the question. 19 A. Yes. 20 Q. Can you explain that to me? 21 A. You would have to clean this up, and in 22 some form, it would be flaky and it would be very 23 light and it would need clean up, broom, shovel 24 type clean up. 25 Q. I'm going to hand you what's been	1 MR. FROMMER: Objection to the form 2 of the question. 3 A. On the inside of the red jacket, between 4 the cast iron heating sections and the steel jacket. 5 Q. Thank you, Mr. Lang. 6 I'm going to now turn to a 7 different company called Crane. You mentioned 8 them earlier. 9 Focusing on Crane boilers from 10 the '45 to '51 time period, did you have occasion 11 to remove their boilers, as well? 12 A. Yes. 13 Q. What did the Crane boilers look 14 like? 15 MS. ALVAREZ: Objection to the 16 form of the question. 17 A. Square sectional boiler. 18 Q. Were the Crane boilers a 19 particular color? 20 MS. ALVAREZ: Objection to form. 21 A. Green. 22 Q. What tools, if any, did you use 23 in removing the Crane boilers? 24 MS. ALVAREZ: Form. 25 Q. You can answer, sir.
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1 marked Lang-14. 2 Can you look at that, please, 3 sir. Look at it first, Lang-14. 4 A. I'm here. 5 Q. What is that a picture of, sir? 6 A. That's a picture of a Burnham square 7 type jacketed boiler. 8 Q. Do you recognize that boiler in 9 any way? 10 A. Yes. 11 MR. FROMMER: Objection to the form 12 of the question. Lack of foundation. 13 Q. How do you recognize it? 14 A. The red jacket, most of the Burnham 15 boilers that I come in contact with had a red 16 jacket on them. 17 Q. In looking at that, can you show 18 me -- do you believe, looking at that type of 19 boiler, is that one that you would have removed? 20 MR. FROMMER: Objection to the form 21 of the question. 22 A. Yes, that and a smaller size of the same 23 thing. 24 Q. Can you show me where, if at all, 25 the asbestos would be on a boiler like that?	1 A. That would be when you're involved in a 2 boiler that has steel jackets, you're not using 3 the same thing. I mean, you're removing bolts and 4 screws and so on, so your type of tool would be 5 sometimes different, depending on how much rust 6 was on the old fastening device and what you had 7 to do to get them out. 8 Q. Do you believe, sitting here 9 today, focusing on Crane boilers you removed, did 10 you ever come into contact with asbestos? 11 MS. ALVAREZ: Objection to form. 12 A. On the removal of the jackets. 13 Q. Can you explain why the removal 14 of the jacket of the Crane boilers exposed you to 15 asbestos? 16 MS. ALVAREZ: Objection to the 17 form. 18 A. The jacket between the jacket and the 19 heating sections contained the Aircell type 20 insulation that would dry out from the heat and 21 would be flaky. 22 Q. How would the boiler actually be 23 disassembled by this Crane boiler? 24 MS. ALVAREZ: Objection to form. 25 A. Once the jackets and the pipe insulation

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1 and the fittings that were asbestos covered were 2 removed, you would do -- the same type of 3 principle would be to separate the sections and 4 carry them out. 5 Q. I'm going to hand you what has 6 been marked as Lang-38, okay? 7 A. Um-hum. 8 Q. Can you go to that book and tell 9 me what that book is? 10 A. Lang-38? 11 Q. What is that book? 12 A. That's a Crane boiler and radiator 13 catalogue. 14 Q. I'm going to ask you -- and I've 15 already -- I've blown up Page 5, okay, and I would 16 like you to take this, that's Page 5 from the 17 catalogue. Do you see where we are, sir? 18 A. Yep. 19 Q. Did you ever see a boiler like 20 that out in the field? 21 MS. ALVAREZ: Objection to form. 22 A. Yes. 23 Q. In what capacity, for what reason 24 did you see that boiler or how did you see it? 25 MS. ALVAREZ: Objection to form.	1 record, sir? 2 A. 23 is -- 3 MS. ALVAREZ: Objection to form. 4 A. 23, down here, "Sides and top insulated 5 with improved asbestos air cell attached to the 6 jacket. Will not sag or drop down." 7 Q. Focusing on 23, in the air cell 8 that's referenced there, that type of boiler and 9 that asbestos that's referenced there, did you 10 ever come into contact with that type of asbestos 11 that's depicted on Exhibit Lang-15? 12 MS. ALVAREZ: Objection to form. 13 A. Yes. 14 Q. Can you explain how? 15 MS. ALVAREZ: Form. 16 A. Disassemble or repair. 17 Q. I'm going to hand you, sir -- 18 we're staying with the same book -- Lang-16. 19 Do you see that, sir? 20 A. Yes, Lang-16. 21 Q. What type of boiler is depicted 22 there? 23 A. This is a Crane round hand-fired boiler. 24 Q. Is that the type of boiler that 25 you ever sought in the field?
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1 A. Well, it was a Crane boiler that was 2 used. This one here is a steam boiler. It 3 happens to be a steam boiler, hand-fired, and it 4 would be a boiler that would be used for the 5 heating of a home. 6 Q. Did you, on occasion, come into 7 contact with a boiler like that? 8 A. Yes. 9 Q. Is that picture a fair and 10 accurate depiction of the type of Crane boiler you 11 would come into contact with? 12 MS. ALVAREZ: Objection to form. 13 A. Yes. 14 Q. Looking at that exhibit -- again, 15 this is marked Lang-15 -- is there any indication 16 or anyplace you would show me where asbestos would 17 have been utilized on this boiler? 18 MS. ALVAREZ: Objection to form. 19 A. Asbestos would have been used between 20 the jacket and the big heating sections inside. 21 Q. If I may, I'm going to direct you 22 to paragraph 23. 23 Do you see that? 24 A. Yes. 25 Q. Can you read that into the	1 MS. ALVAREZ: I object to form. 2 A. Yes. 3 Q. Is that picture a fair and 4 accurate depiction of what a Crane boiler looked 5 like out in the field? 6 MS. ALVAREZ: Form. 7 A. Yes. 8 Q. Is there any asbestos that was 9 utilized on this type of boiler that you worked 10 with, sir? 11 MS. ALVAREZ: Form. 12 A. There would be asbestos between the 13 outer shell and the inner cast iron heating 14 sections. 15 Q. Is that asbestos reflected in 16 paragraph 19, a description of it? 17 MS. ALVAREZ: Form. 18 A. Paragraph 19, "Insulation under jacket 19 is improved asbestos cell. Will not sag or push 20 down." 21 Q. What's described there, what's 22 shown there in the picture, did you ever come into 23 contact with that type of asbestos on a Crane 24 round boiler that's depicted in Exhibit 16? 25 MS. ALVAREZ: I object to form.

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1 A. Yes. 2 Q. Let me go to the next one, sir. 3 You can put that down. This is Lang-17. 4 Can you tell me what type of 5 boiler is depicted there? 6 A. Lang-17? 7 Q. Yes. 8 A. This is a Crane boiler. 9 Q. What type of boiler is it? 10 A. It's an oil-fired boiler. 11 Q. Did you ever come into contact 12 with that type of boiler? 13 MS. ALVAREZ: I object to form. 14 Q. Did you ever see it or work with 15 one? 16 A. This is a downdraft type boiler. 17 Q. What do you mean by downdraft? 18 A. Oh, the flue gases had to go to the type 19 and then back down to circulate before they went 20 back out. They called it a downdraft design. 21 Q. Do you remember ever coming into 22 contact with a downdraft design like this? 23 MS. ALVAREZ: Form. 24 A. No, I cannot. 25 Q. Okay. We'll skip this one, then,	1 Q. I'm going to hand you what's 2 marked as Exhibit M. 3 A. Lang-39, here. 4 Q. That's exactly right, Lang-39. 5 Do you know what -- and generally 6 looking at -- what is Lang-39 -- I'm sorry, sir, 7 what is that a catalogue for? 8 A. A Peerless boiler catalogue. 9 Q. I'm going to hand you, which is 10 from Page 8 of that catalogue. I just blew it up, 11 okay? 12 A. Um-hum. 13 Q. Focusing, looking at that 14 picture, take your time, what is that a picture 15 of, sir? 16 A. That's a large Peerless boiler. This 17 particular one is a steam boiler. 18 Q. Ever work with it? 19 A. Cast iron sectional. 20 Q. Did you ever work with a type of 21 boiler that's depicted there, sir? 22 A. Yes, the smaller sizes. 23 Q. Was there any asbestos on that 24 type of boiler? 25 A. Normally were covered by an inch and a
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1 Mr. Lang. Thank you. 2 I'm going to turn now, sir, to 3 the Peerless company. You mentioned them about 4 tear-out, as well, focusing between the '45 to '51 5 time period. 6 What kind of boilers, Peerless 7 boilers, were removed by you? 8 A. There, again, the round boilers or the 9 square sectional types. 10 Q. What type of tools were used by 11 you to remove those boilers? 12 A. The ones that were covered with asbestos, 13 same tools, claw hammer. 14 Q. Was there any asbestos on these 15 Peerless boilers that you removed? 16 A. Yes. 17 Q. Where was the asbestos? 18 A. On the exterior. 19 Q. How much of the exterior was 20 covered with the asbestos? 21 A. Oh, the total exterior. 22 Q. What did the air look like when 23 you would disassemble these Peerless boilers? 24 A DEFENDANT: Form. 25 A. Very dusty.	1 half on the outside. 2 Q. Just so we're clear, is 3 Exhibit 18 a fair and accurate depiction of the 4 type of Peerless boiler you would come into 5 contact with through removal? 6 A. Yes. 7 Q. I'm going to hand you the next 8 exhibit, which is paragraph 29, which is 9 Lang-19 -- I'm sorry -- Lang-19. This is from 10 Page 29 of the book. 11 A. Okay. Lang-19. 12 Q. I'm taking the paragraph that 13 starts here, "We furnish." 14 Do you see that? 15 A. Yes, "We furnish." 16 Q. Could you read that into the 17 record, sir? 18 A. "We furnish with sectional boilers 19 enough asbestos plastic cement to fill all joints. 20 On account of the increased efficiency and greater 21 economy, we recommend that all boilers be properly 22 covered with asbestos plastic cement to a 23 thickness of not less than an 1 1/2 inches." 24 Q. Do you know what is meant there 25 -- through your industry practice in your working

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1 in the field, what is meant by asbestos plastic 2 cement? 3 A DEFENDANT: Objection to form. 4 A. My recollection, it was similar to the 5 asbestos shorts, it was the same type of material. 6 Q. Okay. In reading that paragraph 7 and in looking back at your work with the Peerless 8 boiler, is that paragraph a fair and accurate 9 description of the use of asbestos on these 10 Peerless boilers that you removed? 11 A DEFENDANT: Objection to form. 12 A. Yes. 13 Q. I'm going to hand you what has 14 been marked as Lang-20. We looked at similar 15 charts like this with the Weil-McLain and also the 16 American Radiator. 17 A. Lang-20. 18 Q. That's Page 48 of the Peerless 19 catalogue and it's marked Lang-20. 20 Do you see that? 21 A. Yes. 22 Q. Can you go to the second chart 23 that says "amount of asbestos cement required to 24 cover Peerless square boilers, one-and-a-half 25 inches thick." Do you see that?	1 Same time period, '45 to '51. 2 What work, if any, did you, 3 personally, have with the installation of the 4 boilers; what parts of the installation, if any, 5 did you do? 6 A. '45 to '51? 7 Q. Yes. Young kid. 8 A. Yeah. There again, I would do the prep 9 work, repairing the boiler for take-out, or the 10 furnace or whatever, where I would remove the 11 asbestos covering five feet from the boiler on the 12 piping and the joint material and the asbestos 13 covering on the exterior of the boiler, if it was 14 that type, and a clean-up, disposal of the product 15 to the exterior in some way, and general clean-up 16 of the base. 17 Q. Well, I'm going to focus now on 18 the installation side, the actual heavy metal 19 pieces. 20 What team player in the Lang 21 family would assemble those boilers? 22 MR. NEMETH: Form. 23 A. That would be my father and his helper. 24 Q. Now, was there any finish work 25 that needed to be done by anyone?
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1 A. Yes. 2 Q. Focusing on that chart, are you 3 able to look at the various boiler numbers on the 4 far left column there and tell me a general type 5 of Peerless boiler you would have removed between 6 1945 and 1951? 7 A DEFENDANT: Objection to form. 8 A. Probably the 418. 9 Q. That's one of the smallest ones? 10 A. Yes. 11 Q. How many pounds of asbestos would 12 be used to insulate that? 13 A. It says 200 pounds. 14 Q. Is that a fair and accurate -- or 15 do you believe that's an accurate amount based on 16 your experience and practice in the field? 17 A. Yes. 18 A DEFENDANT: Objection to form. 19 Q. What did the air look like when 20 you would disassemble one of these boilers with 21 200 pounds of asbestos, Mr. Lang? 22 A DEFENDANT: Objection to form. 23 A. Same thing, dusty fibers in the air. 24 Q. I'm now going to switch to 25 installation. We've dealt mostly with removal.	1 A. Yes. 2 Q. Who did that work on occasion? 3 A. I did that work. 4 Q. I just want to focus on that 5 aspect of your job responsibility, Mr. Lang. 6 What type of work did you do with 7 the insulation or the finish work? 8 MR. NEMETH: Form. 9 A. I would re-assemble the pipe covering, 10 coat the fittings with the asbestos material, I 11 would, again, finish clean-up, if there was 12 anything left that needed touching up or, you 13 know, the covering on the boiler. 14 Q. That's what I want to focus on, 15 Mr. Lang, the covering on the boilers. 16 A. The covering on the boiler we would do 17 if it was necessary. 18 Q. What boilers by manufacturer do 19 you remember insulating with this covering from 20 the '45 to '51 time period? 21 A. '45 to '51 would be American Radiator, 22 Peerless, Weil-McLain. 23 Q. Now, let's focus for a second on 24 these three. 25 American Radiator, we'll start

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1 with that one first, okay? Generally speaking, 2 when you would coat these boilers, the three you 3 just mentioned -- American Radiator, we'll start 4 with that one -- walk me through the process. Did 5 the material have to be prepared in any way and 6 then applied? Just walk me through it. 7 MR. RIVERA: Form. 8 MR. NEMETH: Form. 9 A. It would have to be the wetting agent 10 added to the asbestos cement. 11 Q. Okay. 12 A. The other additive of your Portland 13 Cement would have to be added in the amount that 14 you were doing of that particular coating of the 15 boiler. Whether it was final coat or it was first 16 coat would vary, and the cheesecloth on the final 17 coat would be applied at that point, too. 18 Q. Generally speaking, the American 19 Radiator boilers, during his time period you 20 worked on, what was their size and shape? By 21 working on, I'm still focused on the insulating 22 aspect. 23 MR. RIVERA: Form. 24 A. Still round boilers and square cast iron 25 sectionals.	1 A. Yes. 2 Q. What work would you do on boilers 3 depicted there? 4 A. The tear-out, in some cases, the finish 5 coating. 6 Q. I want to ask you about the 7 finished coating. 8 In looking at that exhibit there 9 are two boilers. There's a steam boiler and a 10 water boiler. 11 What's the difference between a 12 steam boiler and a water boiler? 13 A. Well, steam boiler, you could always 14 pretty much tell a steam boiler in this type of 15 boiler because it had a dome on the top and that 16 was your steam changer, and the water boiler 17 usually was just normal, flat, and so on. Your 18 clean-out doors were different on a water boiler 19 than they were on a steam boiler. 20 Q. Just so we're clear, Lang-21, 21 Page 72, the boilers depicted there, are they a 22 fair and accurate depictions of the types of 23 boilers that you would have to insulate for this 24 '45 to '51 time period? 25 MR. RIVERA: Form.
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1 Q. I'm going to hand you, sir, what 2 has been marked Lang-35. This is The Ideal Fitter 3 book that was marked at your deposition. 4 Do you see that one there? 5 A. Yes. 6 Q. I'm going to ask you -- 7 A. Lang-35. 8 Q. I'm going to ask you, that book 9 -- and we've already discussed this -- I'm going 10 to ask you to please go to Page 74, okay, and I've 11 blown up -- oh, excuse me. I think I meant to say 12 72, I apologize. I've blown up Page 72. 13 Can you hold up what's been 14 marked as Lang-21, and I ask the videographer to 15 zoom in. What's depicted there? 16 A. We've got Ideal ARCO boiler four series, 17 and the steam boiler and the water boiler shown 18 here. 19 Q. Have you ever seen boilers like 20 that before? 21 A. Yes, I have. 22 Q. Did you ever work in any capacity 23 with boilers like that that are depicted on Page 24 72, Exhibit Lang-21? 25 MR. RIVERA: Form.	1 A. Yes. 2 Q. The next is Page 74 from the 3 book. I'll hand this to you, Mr. Lang. I'm going 4 to ask you essentially the same questions. I 5 won't spend much time on these boilers. 6 Do you recognize those boilers, 7 what's depicted on Exhibit 22, Page 74? 8 A. Yes. 9 MR. RIVERA: Form. 10 A. Yes, this is the Ideal ARCO boiler. 11 Q. Is one a steam and one water? 12 A. Yes. 13 Q. Do you recognize those boilers as 14 ones you would have come into contact with between 15 the '45 and '51 time period? 16 A. Yes. 17 MR. RIVERA: Form. 18 Q. For what reason? How do you 19 recognize them? 20 A. Well, they're basically the same, and 21 you've got your steam boiler, you've got your 22 water boiler, and you would come in contact either 23 in a tear-out or install. 24 Q. In looking at those two boilers 25 depicted on 74, would they require insulation

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1 during this time period -- 2 MR. RIVERA: Form, whether they 3 were insulated. 4 Q. -- when they were installed? 5 MR. RIVERA: Form. 6 A. Yes, you would require your outside 7 coating of asbestos cement. 8 Q. Would you prepare and apply that 9 asbestos cement insulation? 10 A. Yes. 11 MR. RIVERA: Form. 12 Q. Just so we're clear, we'll take 13 the boiler on the top, the steam, where did the 14 asbestos go on that boiler? 15 MR. RIVERA: Form. 16 A. Starting right here, above the ash pit, 17 would go the entire height of the boiler and the 18 circumference of the boiler. 19 Q. The preparation of the cement and 20 the application, how long would it take you to do 21 that, sir? 22 MR. RIVERA: Form. 23 A. Depending on the size of the boiler, it 24 would be at least two-thirds of a day. 25 Q. Now --	1 Q. Was that maximum or minimum? 2 A. That would be minimum. 3 Q. Okay. 4 MR. RIVERA: Form. 5 Q. If you look -- I'm going to hand 6 you back Exhibit 22. 7 You just mentioned which one, the 8 5-22 there, Mr. Lang? 9 MR. RIVERA: Form. 10 A. The 5-19 we referred to. 11 Q. Okay. We referenced -- just so 12 we're clear on this one, Lang-22, just to show how 13 the cross-reference works, is there a 5-22 listed 14 on top there? 15 MR. RIVERA: Form. 16 A. 5-22? 17 Q. Is 5-22 listed on that chart, as 18 well? 19 MR. RIVERA: Form. 20 A. For 5-22, yes, right here, (indicating). 21 Q. How many pounds there? 22 A. 175 pounds. 23 MR. RIVERA: Form. 24 Q. What reference number is that, 25 just so we're clear?
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1 A. Depending on the conditions of the 2 basement that you're working in, ambient, and how 3 fast the cement would dry. 4 Q. Okay. Thank you, Mr. Lang. 5 I'm going to hand you Page 194, 6 195 in the 1920 book. Just one second, Mr. Lang. 7 We'll go back real quick. 8 How much asbestos would go on 9 these boilers? I've handed you Lang-7 and Lang-8. 10 Do you see that? 11 A. Right. 12 Q. Can you now show the jury, in 13 using the chart, a typical boiler that you would 14 insulate, the size and then reference the amount 15 of asbestos that would be required to be placed on 16 it? Can you do that? 17 A. Yes. 18 MR. RIVERA: Form. 19 Q. What number are you looking at? 20 A. Lang-7. 21 Q. Can you point to the column and 22 walk us through it? 23 MR. RIVERA: Form. 24 A. The size would be -- take 5-19 -- would 25 be 150 pounds for an inch and a quarter coverage.	1 MR. RIVERA: Form. 2 Q. What exhibit number? 3 A. Lang-7. 4 MR. RIVERA: Form. 5 Q. Thank you. We're almost done 6 here with this book and the references. I just 7 want to finish up. 8 I want to show you, this is from 9 the 1920 book, and this is Page 79. If you could 10 hold that up. 11 Now, do you see "Guarantee and 12 Coverings" on the bottom? 13 MR. RIVERA: Form. 14 A. This is Lang-23. 15 Q. Exactly. I blew that up so we 16 can read it a little better. 17 I'm going to hand you what's 18 marked Lang-24, okay? 19 A. All right. 20 Q. Could you read that? 21 MR. RIVERA: Form. 22 Q. For the record, what's written 23 there? 24 A. Lang-24 -- 25 MR. RIVERA: Form.

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1 A. -- "Guarantee and Coverings: Ideal 2 boilers are guaranteed only to the extent of 3 furnishing new castings for any found defective in 4 manufacturer. On account of the varying 5 conditions surrounding their installation, we do 6 not guarantee our boilers otherwise. 7 "Both on account of increased 8 efficiency and greater economy, we recommend that 9 all boilers be thoroughly protected by a 10 substantial covering of asbestos. On Pages 194 11 and 195, tables will be found giving covering of 12 asbestos -- giving the amount of asbestos cement 13 required to cover our Ideal boilers." 14 Q. We were talking about exhibits on 15 Page 194 and 195 earlier. If you could look at 16 Exhibits 7 and 8. 17 Is this what they're referring 18 to, Mr. Lang? 19 MR. RIVERA: Form. 20 A. Yes, this is the asbestos cement and the 21 amount that goes on each boiler. 22 Q. I was just advised, Mr. Lang, 23 that we have five minutes left on the DVD. We're 24 going to change the tapes now, and let's just 25 suspend the video so the videographer can do his	1 the Weil-McLain, okay? 2 A. All right. 3 Q. We spent a lot of time on 4 American Radiator and Standard. I'm moving now to 5 Weil-McLain. 6 Are you clear with that? 7 A. Yes. 8 Q. The first thing, I want to go 9 back. 10 From '45 to '51, on occasion, 11 would you do the finish work on Weil-McLain 12 boilers? 13 A. Yes. 14 Q. Generally speaking, can you 15 explain that? 16 A. Same thing again. 17 Q. When you say same thing again -- 18 A. It would be the finishing pipe covering, 19 joints covering, and if the boiler had to be 20 covered with asbestos cement. 21 Q. Earlier I showed you Lang-12 and 22 Lang-13, which came from the Weil-McLain 23 catalogue, which I'll hand you. We've already 24 talked about that catalogue. What I want to focus 25 you on, the catalogue is 37, is Lang-13, and
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1 job, okay? 2 A. Okay. 3 Q. Thank you. 4 THE VIDEOGRAPHER: Off the 5 record, 12:48 p.m. 6 (Whereupon a discussion was held 7 off the record.) 8 (Whereupon a brief recess was taken 9 at 12:48 p.m.) 10 (Whereupon the proceedings were 11 resumed at 1:09 p.m.) 12 THE VIDEOGRAPHER: On record at 13 1:09 p.m. 14 BY MR. COMERFORD: 15 Q. Mr. Lang, I know some of these 16 questions are starting to sound repetitive, and I 17 apologize. It's just important to get the 18 evidence out on the record, okay? 19 A. Okay. 20 Q. I'll try to move it along as best 21 I can. 22 Are you doing okay? 23 A. I'm doing fine. 24 Q. Okay. I want to focus now on 25 installation, okay, and I'm going to focus now on	1 there's that chart on the top. 2 Do you see that chart? 3 A. Yes. 4 Q. Looking at that chart from '45 to 5 '51, can you tell me, is there a type of 6 Weil-McLain boiler that you would have done the 7 finish insulation work on? 8 A. Again, on the 0522 or the 0525 would be 9 the most popular that we would be using for the 10 residential field. 11 Q. Now, you're holding that exhibit, 12 and that's the one you insulated. 13 Can you tell me in using that 14 chart how much asbestos would go on that type of 15 boiler on that chart? 16 A. The 0522 would be 175 pounds for an inch 17 and a half thick and the 0525 would be 225 pounds 18 at an inch and a half thick. 19 Q. Do you have a recollection of 20 insulating those two types of boilers? 21 A. Yes. 22 Q. How long would it take to mix and 23 apply the asbestos cement boilers you just 24 described for the Weil-McLain? 25 A. Six to eight hours.

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1 Q. Okay. If you could put that 2 down, Mr. Lang. 3 Can you explain to me, just 4 focusing on the Weil-McLain boilers for a second, 5 that you just described, what was the process you 6 would follow in mixing this cement that went on 7 the outside? 8 A DEFENDANT: Objection. 9 A. We would take the asbestos cement, put 10 it in something that we would call mortar box, 11 that we had made up. I would add the wetting 12 agent, and again, the Portland Cement for what 13 proportion I would need for whatever coating I was 14 putting on. 15 Q. How would you mix the cement? 16 A. With a hole type device. 17 Q. What did the air look like when 18 the water and cement made contact for the first 19 time? 20 A. It would be dusty and fibrous, it would 21 come up off of the surface when you were mixing it. 22 Q. When you were mixing this, was 23 this outside in the open field or -- 24 A. We mixed right next to -- 25 A DEFENDANT: Form.	1 guides on how to install the boilers? 2 A. Yes. 3 Q. Okay. I want to ask you what 4 type of materials would come with the Weil-McLain 5 boilers when you would install them? 6 A. You would have your asbestos type 7 material that would go between the sections, rope 8 or wicking, if that was the type of boiler, and 9 cement, after the boiler was put together and 10 tested, the seams would be done with provided 11 asbestos cement, putty, whatever they would call 12 it, asbestos putty cement. 13 Q. Before I forget, can you 14 generally give me an understanding of the 15 difference between a sectional boiler and a 16 packaged boiler? 17 A. Packaged boiler come created from the 18 factory and you didn't have to do any assembly, 19 you brought it in the house with a hand truck and 20 two or three able bodied people, and have a 21 foundation prepared for it and set it on a 22 foundation. In some cases, we would add some trim 23 items to it that we had removed because of white, 24 like the oil burner, slip it out and put it back 25 in or something like this, but it was assembled.
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1 A. -- right next to the boiler 2 installation, wherever possible. 3 Q. Just so we're clear, where in the 4 house would it be? 5 A. In the basement. 6 Q. Generally speaking, when you were 7 doing this mixing, would you describe what the 8 ventilation was like? 9 A. Normal ventilation in the basement, 10 especially in those older homes, most of the 11 windows are open, or you just had ventilation, on 12 occasion, on an outside access door to the 13 basement. You would be lucky you would have a 14 little more ventilation, but most of the time not 15 enough ventilation to say so. 16 Q. Now, I want to turn your 17 attention to when you would install these 18 Weil-McLain boilers. 19 MR. POTENZA: Form. 20 Q. Was your father's business 21 installing Weil-McLain boilers during this time 22 period? 23 A. Yes. 24 Q. During this time period, did the 25 Weil-McLain boilers ever come with any instruction	1 Q. Do you remember a term called "A" 2 box list? 3 A. Yes. 4 A DEFENDANT: Form. 5 Q. Why do you remember that term? 6 What do you remember about it? 7 A. Well, when the Weil-McLain boiler -- you 8 got a box of parts referred to as the "A" box. In 9 the old days, it was a very thin wood material 10 with your wire clips on the edges, and you would 11 have instructions in that, you would have your 12 plastic cement, you would have your wicking, you 13 would have your base, base to sections to put 14 together, if that was necessary, and flue, flue 15 collector would be in that box. 16 Q. Would there be any gaskets in the 17 box on occasion? 18 A. There would be gaskets in the box. 19 Q. Would there have been asbestos 20 shorts in the box? 21 A. Small bag. 22 Q. What color was that bag? 23 A. Brown. 24 Q. Okay. Was there any instructions 25 contained within that material?

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1 A. There was instructions on where to use 2 the material. 3 Q. How to use the material? 4 A. How to use the material and where to use 5 the materials. 6 Q. Do you have a specific 7 recollection of seeing this "A" box and these 8 erection constructions throughout your career? 9 A. Yes. 10 Q. I'm going to ask you some 11 specific questions about that, but before I ask 12 that, I'm going to hand you what's been marked 13 Lang-25. First, look at it yourself. I want you 14 to get comfortable with it. 15 A. Lang-25, yes. 16 Q. That's marked Lang-25, and it has 17 on the bottom right hand of the document WM 001174. 18 Do you see that? 19 A. That's right, here, yes. 20 Q. In looking at that page and that 21 document, can you hold it up and show the jury 22 what that is? 23 A. (Witness complies.) 24 Q. Do you recognize that document, 25 one like it?	1 Q. Let's take these one at a time. 2 If you can explain to me, and I'm going to ask you 3 what that asbestos material was used for and where 4 it was used on the boiler and how, if at all, you 5 were exposed to it, okay? In other words, was 6 there any dust released with the use of that 7 product? 8 I think the first thing you 9 mentioned was what, Mr. Lang, the two-pound can of 10 putty? 11 A. Putty, yeah. 12 Q. Focusing on the two-pound can of 13 putty, what was its purpose or function? 14 A. That would go to seal the sections after 15 they were put together. 16 Q. What do you mean by sections? 17 A. The boiler is a casting and it comes in 18 sections, because of its weight. You would have a 19 front section, which would be solid, and have the 20 door frames cut out, and clean-out door cut out, 21 you would have a rear section that would have 22 various tappings and so on in it, and then you 23 would have intermediate sections, and the number 24 of intermediate sections would determine the size 25 of your capacity of your boiler. Every boiler
Page 123	Page 125
1 A. That was your packing list in the "A" 2 box. 3 Q. This is for what type of boiler 4 again? 5 A. This particular one is for a B-472 or a 6 B-872. 7 Q. By boiler, I meant what 8 manufacturer? 9 A. Weil-McLain. 10 Q. I want to ask you some questions 11 about this, okay? Can you tell me what 12 asbestos-containing parts, if any, are listed on 13 this "A" box sheet? You can go from top to 14 bottom, any way you want. 15 A. Okay. Two-pound can of putty. 16 Q. Okay. 17 A. Your three-eighths asbestos rope, your 18 glue, gaskets for the clean-out plates -- 19 Q. Okay. 20 A. -- and your asbestos shorts. 21 Q. Do you have a general 22 recollection, as you sit here today, of those 23 asbestos-containing materials coming with this "A" 24 box over the years? 25 A. Yes.	1 sectional boiler had a front and rear section. 2 Q. Was it like a loaf of bread, sort 3 of made up like slices? 4 A. It's just about what it looked like. 5 Q. This putty, did you ever have 6 occasion to apply it? 7 A. Yes. 8 Q. Let's turn to the asbestos rope. 9 A. Yes. 10 Q. What was the size of that rope? 11 A. About three eighths of an inch in 12 diameter. 13 Q. Would all that rope be used on a 14 boiler? 15 A. That would go around the sections, 16 around the push nipples and back down to the other 17 side of the bottom of the sections. 18 Q. What was the total feet, if you 19 can approximate, of this asbestos rope when it 20 would come in? By that, I mean, let's say we took 21 the rope and we sort of threw the ball and we 22 unwound it, what would be the length of it? 23 A. Fifty feet. 24 Q. Would there be any exposure to 25 that asbestos rope by virtue of you working with

Page 126	Page 128
1 it? 2 A. Constantly. 3 Q. How? 4 A. You have to cut it, you have to apply 5 the glue and then push it into the slot, so that 6 you're constantly working with this length, and so 7 that the fibers are coming off of it, and the dust 8 and so on. 9 Q. Was there any clean-up involved 10 with that? Did you have to be careful with the 11 rope? 12 A. You've got to be careful that you didn't 13 get it on your push nipples section. 14 Q. Why is that? 15 A. Because that would cause the problem 16 when you were pulling your sections together and 17 cause a leak. 18 Q. I want to talk to you about these 19 asbestos shorts. 20 You said a bag material came in? 21 A. It come in a bag. 22 Q. How would you work with the 23 materials? How would you prepare it? 24 A. Same way, you would have to put a 25 wetting agent with it. In other words, to get it	1 sections together, and tightening of bolts and 2 level foundation, and then procedure to test your 3 boiler before you final coated it or final put the 4 casings on or whatever. 5 Q. I'm going to ask you about 6 Lang-26. If you could look at that. The Page 3 7 on the bottom right-hand corner is WM 001169? 8 A. Right. 9 Q. What is that a picture or 10 depiction of? 11 A. It shows the erecting instructions for 12 an 87 Weil-McLain oil-fired boiler. 13 Q. Is that a fair and accurate 14 depiction of what a Weil-McLain oil-fired boiler 15 would look like? 16 A. Yes, it is. 17 Q. Have you seen erecting 18 instructions like that before? 19 A. Yes. 20 Q. In looking at this, is there any 21 instruction at all on here about how and where the 22 asbestos rope was to be used? Can you show me? 23 A. It would be around the area around here 24 and back down, better shown in this front section 25 thing showing the asbestos rope and how it's
Page 127	Page 129
1 to the state that you wanted to use it with. 2 Q. So you would have to add water to 3 it? 4 A. Add water. 5 Q. What did the air look like when 6 you added water to this cement? 7 A. Well, it was dusty because it was fluffy. 8 Q. What would you do with that 9 cement? 10 A. Apply it on an oil-fired boiler around 11 where the burner and the refractory, the burner 12 tube and the refractory come together. 13 Q. Now, on this "A" box sheet 14 there's something listed here called erecting 15 instruction sheet. 16 Do you see that? 17 A. Yes. 18 Q. Would you ever look at that? 19 A. Sure. 20 Q. Why is that? 21 A. Well, that told you where it went, and 22 how. 23 Q. Where what went? 24 A. Where all these things went, how they 25 were used, and special instructions to put	1 applied around here, around the bottom, the water 2 port. 3 Q. Now, just so we're clear, would 4 you put in that asbestos rope or were those slices 5 or sections with the rope already pushed in? 6 A. You had to do it in all sections when 7 they're not assembled. 8 Q. Approximately how many sections 9 would be on a typical Weil-McLain boiler that you 10 would install? 11 A. That would depend on size, but usually 12 you would have front and back, usually three or 13 four intermediates. 14 Q. You made reference to these 15 things called push nipples earlier. In the bottom 16 right-hand corner there's reference to it down 17 there. 18 Do you see where it says figure 19 9-B, make sure the push, can you read that? 20 A. Make sure the push nipples and nipple 21 openings are clean and smooth. 22 Q. What is meant by that? 23 A. Well, this was a finely machined tapered 24 surface of this push nipple, and you would apply a 25 lubricant to it and you would start it in one

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1 section of the boiler, and tap it in with a wooden 2 block and a mallet. 3 Q. Do you remember following the 4 specific instructions in installing these? 5 A. Yes. 6 Q. You can put that down. I hand 7 you what is marked Lang-27. Take a second, tell 8 me what that is. That's Page 4 of erecting 9 instructions No. 87, WM 001170. 10 A. WM 1170, yes. 11 Q. Have you ever seen erecting 12 instructions like that before? 13 A. Yes. 14 Q. Is there any reference to use of 15 asbestos-containing materials for the installation 16 of this boiler? 17 A. It shows, there again, putting the 18 asbestos wicking around in the grooves. 19 Q. Now, do you remember doing that 20 yourself, sir? 21 A. Oh, yes. 22 Q. Go to the next one, I'm going to 23 hand it to you, sir, which is Lang-28. If you 24 would take that, please. Take a second and look 25 at that.	1 What is that? 2 A. That's the area right here, shown here 3 is the refractory, is the material that supports 4 the combustion of an oil burner. 5 Q. Then there's something there 6 called mica fill. 7 What does that refer to, if you 8 know, sir? 9 A. Mica fill is the insulating material 10 that was put down between the refractory and the 11 outside base of the boiler for insulating purposes. 12 Q. Before I forget, do you believe 13 refractory contained any asbestos, sir? 14 A. Yes. 15 Q. Can you explain that to me? 16 A. It was a fibrous material, either hard 17 cast or soft cast material. 18 Q. The mica fill, can you show us 19 where that is on the chart there? 20 A. Right there, (indicating). 21 Q. What actually made up the mica 22 fill, what was that? 23 A. Insulating material, ground up material, 24 vermiculite. 25 Q. Do you remember, would you add
Page 131	Page 133
1 A. (Witness complies.) Lang-28, WM 001171. 2 Q. That's correct, sir, Page 5. 3 A. Okay. 4 Q. Is there any reference in the 5 figure 13 to any use of asbestos-containing 6 materials? 7 A. The asbestos gasket that held the flange 8 of the oil burner on there, and also the 9 insulating cement between the burner tube, the 10 refractory and the boiler. 11 Q. So that insulating cement, is 12 that referencing the shorts or the putty? 13 A. That would be the shorts. 14 Q. So the insulating cement, where 15 would that come from? Where would you get that to 16 put into that area? 17 A. That would come in that bag. 18 Q. You would mix that and apply that 19 to that area? 20 A. Yes. 21 Q. Then, the asbestos gasket 22 referenced there, where would that come from? 23 A. The roll that was in the "A" box. 24 Q. You mentioned something called 25 refractory.	1 the vermiculite to the mica fill area? 2 A. Yes, you have to. 3 Q. Was that dusty, that process? 4 A. Yes. 5 Q. Thank you, Mr. Lang. 6 Sticking with the installation, 7 okay, and I know I'm going to go off the beaten 8 path a little bit. I was just focussing on the 9 '45 to '51 time period. 10 Throughout your career, if you 11 can -- let's say, '51 until say '71, that time 12 period, how often did you work with the 13 Weil-McLain boilers in this installation, and more 14 specifically, with these "A" box materials? 15 A. The time frame from -- 16 Q. We'll say '51 to '70. So you're 17 out of high school, you're working with your 18 father. 19 Up until about 1970, how often 20 would you work during this 20-year period with the 21 "A" box and these Weil-McLain boilers? 22 A. Majority of the time. 23 A DEFENDANT: Form. 24 Q. Let me ask about that. 25 During this period, '50 to '70,

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1 1950 to about 1970, did the "A" box materials on 2 these Weil-McLain boilers always come with the 3 rope? 4 A. Yes. 5 Q. Same question for the paper bag 6 cement, from about 1950 to 1970, do you remember 7 this paper bag insulating cement being part of the 8 "A" box? 9 A. Yes. 10 Q. This putty of cement, the putty, 11 was that part of the "A" box package from about 12 1950 to 1970? 13 A. Yes. 14 Q. Same question for gaskets, were 15 gaskets part of the A" box from about 1950 to 16 about 1970? 17 A. Yes. 18 Q. Now, we're going to focus, if we 19 can, Mr. Lang, from 1951 to 1961, okay? 20 A. Um-hum. 21 Q. We're leaving behind your high 22 school days, okay? 23 A. (Witness nods in the affirmative.) 24 Q. This is almost like a show, 25 Remember Your Life; right? Here we go.	1 to a particular boiler, and clean up and so on. 2 Q. Any special type of piping you 3 would work with that might expose you to asbestos? 4 MR. NEMETH: Form. 5 Q. And I'm not talking about 6 asbestos pipe or asbestos pipe covering, but a 7 type of pipe. 8 MR. NEMETH: Form. 9 A. Transite gas vent material, transite air 10 duct material. 11 Q. Let's talk about tear-out now. 12 I'm not going to redo all tear-out again because 13 you've given extensive testimony on that, but from 14 '51 to '61, what boilers, by manufacturer, do you 15 have a recollection of removing that would have 16 caused you to be exposed to asbestos? 17 A. In that same time period would be 18 basically the same as it was before. 19 Q. Just so we're clear. 20 A. American Standard, it would be Burnham, 21 Crane, Peerless, Weil-McLain. 22 Q. Okay. That gives me five 23 companies, which I think is what you testified to 24 from the earlier period. So let me just touch on 25 each manufacturer quickly.
Page 135	Page 137
1 '51 to '61, how often, if at all, 2 did your job change from '51 to '61? 3 A. Well, I started when I went full-time to 4 what I call my journeyman era of my work career, 5 in which I started to take on more and more of the 6 installation parts of the job, and also the 7 removal of boilers because of physical strength 8 and capacity, and did more and more to learn the 9 trade and be a professional in the work ethics. 10 Q. You were a little stronger, a 11 little older so you could do more of the physical 12 labor? 13 A. Yes. 14 Q. That's fair to say. 15 Do you believe from 1951 to 1961 16 you were ever exposed to asbestos? 17 A. Oh, yes, definitely. 18 Q. Okay. Can you give me the five 19 major areas of exposure? 20 A. Removal. 21 Q. Okay. 22 A. Tear-out. 23 Q. Okay. 24 A. Installation, recovering, redoing the 25 joints, and your asbestos work that was pertaining	1 The Weil-McLain -- again, I'm 2 talking '51 to '61 -- do you believe, generally 3 speaking, you removed boilers from Weil-McLain 4 during this period that would have exposed you to 5 asbestos? 6 A. Yes. 7 Q. What type of boilers, generally, 8 would you have removed that would have caused you 9 to be exposed to asbestos? 10 A. Round boilers and small cast iron 11 sectional boilers. 12 Q. We discussed that earlier. Round 13 boilers are the ones that are insulated in what 14 way, sir? 15 A. Exterior. 16 Q. Exterior insulation with what, 17 sir? 18 A. Asbestos. 19 Q. Did you physically remove those 20 types of boilers -- 21 A. Yes. 22 Q. -- during the '51 to '61 period? 23 A. Yes. 24 Q. American Standard, did you ever 25 remove their boilers from the 1951 to '61 time

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1 period? 2 A. Yes. 3 Q. What type of work -- what type of 4 boilers, generally speaking, did you remove from 5 or did you remove that were manufactured by 6 American Standard? 7 A. It would be the round boilers and the 8 small cast iron sectionals. 9 Q. Same question, what types of 10 boilers from '51 to '61 do you believe, by 11 manufacturer, you actually worked with an 12 installation, that you actually installed? 13 MR. RIVERA: Form. 14 A. American Standard, Weil-McLain. 15 Q. Do you believe, generally 16 speaking, during this time period, '51 to '61, did 17 you ever insulate any of those round boilers that 18 you've testified to in detail already from the '51 19 to '61 time period? 20 MR. NEMETH: Form. 21 A. Early '50s period. 22 Q. Just so we're clear, what type of 23 boilers, again, would you insulate during that 24 earlier period? 25 A. Round boilers.	1 else. 2 Q. Let's talk about the something 3 else. Can you give me an idea? 4 A. It would be the square sectional boilers. 5 Q. Square sectional, okay. 6 A. Yes. 7 Q. Any others? 8 A. The square sectional would be mostly 9 oil-fired at that time. 10 Q. Okay. Any others? 11 A. American Standard. 12 Q. I'm just focusing on Weil-McLain. 13 What I'd like you to do, if you don't mind -- 14 A. The gas-fired Weil-McLain started to 15 come in. 16 Q. If you could look at Exhibit 37 17 for me. I just need you to sort of skim through 18 it a little bit, and my questions are limited to 19 '51 to '61. Generally, what boilers of Weil-McLain 20 do you remember installing during this '51 to '61 21 time period? 22 A. We started at that time in the later 23 area of getting packaged boilers. 24 Q. Now, the packaged boilers, it's 25 your position that you weren't exposed to asbestos
Page 139	Page 141
1 Q. What type of material would you 2 use to insulate them? 3 A. Asbestos cement. 4 Q. Now, that included what two 5 manufacturers, sir? 6 A. Johns Manville. 7 Q. I meant boiler manufacturers, 8 just so we're clear. 9 A. American Standard, Weil-McLain. 10 Q. Now, I want to hand you the 11 Weil-McLain book which is marked 37, okay? 12 A. Um-hum. 13 Q. Before I do that, though, if you 14 could put it down, I guess I'm jumping ahead a 15 little bit, can you give me an idea of a number of 16 the Weil-McLain boilers by series number or any 17 other way that you actually believe you installed 18 from the 1951 to '61 time period, whether it be 19 sectional or packaged, and you can do that first 20 from memory, I would appreciate that. 21 A. There were very few round boiler 22 installations -- 23 Q. You touched on that earlier. 24 A. -- at that time, because it was mostly 25 conditions that wouldn't let you put in something	1 with those; right? 2 A. Right. 3 Q. So you can mention what P or 4 packaged series you worked with when you get to it 5 and touch on it, but I'm mostly interested, of 6 course, on the ones that you -- 7 A. The PD series we started installing, the 8 E series was our most popular boiler. 9 Q. What do you mean by E series? 10 A. E series is the Weil-McLain gas-fired E 11 series boiler. 12 Q. Could you hold up an example on 13 that for the videographer to zoom in? 14 Is that something you commonly 15 worked with, sir? 16 A. Commonly. 17 Q. Again, I'm focusing on 18 installation. 19 A. This is gas-fired now, the E series. 20 Of course, occasionally we put in 21 a P-E series, which was a packaged boiler in the 22 smaller sizes that we could handle easily. 23 The H series we got into the 24 larger residential, small commercial installation 25 type thing. Those were a gas boiler, again.

Page 142 1 Q. Okay. 2 A. We did very, very few J series single 3 installation, not multiples. 4 Q. Okay. 5 A. Then we, of course, went into the 6 oil-fired. We had some P-52s that we used, 7 residential, new construction. Our more popular 8 boiler was the 62 series in the oil-fired. There 9 again, watered steam. They also had a P-62 series 10 and -- 11 Q. Did you ever work with a P-62? 12 A. Yes, we did. 13 Q. Okay. Continue. 14 A. Whenever we could get that boiler in, we 15 would use it. Now, that would be -- that's a wet 16 base boiler that was a good boiler to use, and in 17 our replacement work, then there was a 57 series 18 which was a larger size oil-fired boiler. 19 Q. Did you ever -- 20 A. We worked with some of those. 21 Q. Okay. I want to ask you about 22 the final one you're looking at, the 72 oil-fired 23 series. 24 A. Yes. 25 Q. Did you ever install any of	Page 144 1 Do you see that? 2 A. 72 series there, and this is an "A" box 3 for a 72 series. 4 Q. Now, we've already gone over the 5 "A" box. You mentioned E series, you mentioned H 6 series, you mentioned some 57s, some 72s, for all 7 those boilers. 8 When you installed them from '51 9 to '61, did you work with those "A" box materials? 10 A. Yes. 11 Q. Again, to just touch on these, 12 you've already gone over the various exposures. 13 What asbestos component part came 14 with the "A" box that would be used on those 15 boilers? 16 A. A can of putty. 17 Q. Okay. 18 A. Asbestos rope, the glue to fasten that 19 in with, the gaskets for the clean-out plates, and 20 the asbestos shorts. 21 Q. That's fine, Mr. Lang. 22 I want to ask you, if you can, 23 focusing on just maintenance of boilers, okay, 24 just maintenance, did you ever have to maintain 25 any boilers and/or furnaces?
Page 143 1 those? 2 A. Yes, very few. 3 Q. Can you hold up that picture for 4 the videographer, if you could, sir? 5 A. (Witness complies.) 6 Q. That's a Weil-McLain 72 series? 7 A. Yes. 8 Q. Give him a chance to zoom in. 9 I want to take you back to that 10 "A" box, which was Lang-25, and I'll hand that to 11 you. I'll hand that to you. 12 In looking at that, can you tell 13 me for what type of boiler that's for? 14 A. That chart right there? 15 Q. Yes. 16 A. Number 72 "A" box, so it was for a 72 17 series boiler. 18 Q. Just so we're clear, I'll help 19 you here, is that going back to Exhibit 37? You 20 just closed it on me, Mr. Lang, but I'll forgive 21 you. 22 Is that -- I'm sorry, Mr. Lang, I 23 should have had you do this. There we go. Let's 24 hold that up. I just want to show a specific "A" 25 box for a specific boiler?	Page 145 1 A. Yes. 2 Q. For what reason? 3 A. Annual maintenance, repairs. 4 Q. Can you advise me, as you sit 5 here today, did you ever work with any products or 6 materials that contained asbestos while you did 7 maintenance on boilers and/or furnaces? 8 A. Yes. 9 Q. What type of materials? 10 A. It would be asbestos furnace type cement. 11 Q. Can you give me any names of 12 those products by manufacturer or trade name? 13 A. I would work with three types. 14 Q. Those were? 15 A. Nebel's, Pecora and Hercules. 16 Q. Okay. Let's start with these in 17 the order that you mentioned them. 18 The first one is Nebel's. From 19 1951 to 1961, how often would you use the Nebel's 20 cement? 21 MS. SNIDER: Form. 22 A. On maintenance, you would use it 23 annually to seal doors, clean-outs. 24 Q. What type of packaging did the 25 Nebel's cement come in?

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1 A. A gallon can. 2 Q. I'm going to show you what's been 3 marked as Lang-29, sir. 4 Can I hand this to you? 5 A. Um-hum. 6 Q. What is that a picture of? 7 A. Nebel's furnace cement. 8 Q. Do you recognize that picture? 9 A. Yes, I do. 10 Q. Why do you recognize it? 11 A. Of the label. 12 Q. Is that picture a true and 13 accurate depiction of the type of Nebel's furnace 14 cement you worked with during this period? 15 MS. SNIDER: Form. 16 A. Yes. 17 Q. Where would you actually use the 18 Nebel's furnace cement? 19 MS. SNIDER: Form. 20 A. Resealing of clean-out doors and flue 21 breachings. 22 Q. What's a clean-out door? 23 A. Clean-out door is an access plate which 24 you removed -- to remove the products of 25 combustion, annually, your deposits that would act	1 the size? 2 MS. SNIDER: Form. 3 A. Depending on how many doors you had, 4 probably six feet, total. 5 Q. How much cement would you use for 6 that area that you would use the cement? 7 MS. SNIDER: Objection. Form. 8 A. Quarter of a can. 9 Q. Just so we're clear, how much is 10 that by weight, if you know, or how much is in a 11 can; a gallon? 12 MS. SNIDER: Objection to form. 13 A. Approximately a gallon. 14 Q. On a year maintenance job, how 15 much Nebel's would you apply? 16 MR. CRIST: Objection to form. 17 A. Approximately a quarter. 18 Q. I was looking in your deposition 19 and you mentioned something about the resetting of 20 warm air furnaces? 21 A. Yes. 22 MS. SNIDER: Form. 23 Q. Did you do that work? 24 A. Sure. 25 Q. How often would that work be done,
Page 147	Page 149
1 as an insulating material on the surfaces of your 2 section, boiler sections or furnace surfaces. 3 Q. How often -- I think you said it 4 was yearly. 5 Was there a yearly maintenance 6 work you did on certain boilers? 7 A. Yes, we had yearly maintenance customers 8 that we performed the maintenance for every year. 9 Q. Can you describe for me what 10 areas of the boiler you would apply the Nebel's 11 furnace cement for the yearly maintenance? 12 MS. SNIDER: Form. Asked and 13 answered. 14 A. Clean-out doors, flue breachings. 15 Q. Before you applied the cement, 16 was there any prep work that needed to be done? 17 A. You would have to scrape off the old 18 cement and wire brush the cement off. 19 Q. What happened in the atmosphere 20 when you were wire brushing off the old cement? 21 MS. SNIDER: Form. 22 A. Very dusty. 23 Q. What total area, either by inch, 24 millimeters, football fields, would you do 25 insulation for the yearly maintenance, what was	1 sir? 2 A. That was done on a 10, 12-year basis. 3 Q. So every 10 or 12 years you would 4 go in? 5 A. Yes. 6 Q. On what type of furnaces would 7 you do that, sir? 8 A. That would be warm air round "octopus" 9 type furnaces. 10 Q. How much of this Nebel's cement 11 would you apply? 12 MS. SNIDER: Form. Foundation. 13 Q. I'll rephrase the question. 14 What type of cement would you 15 install on these furnaces during this process? 16 MS. SNIDER: Form. 17 A. We would use Nebel's cement. 18 Q. How much Nebel's cement would you 19 use, generally speaking? 20 MS. SNIDER: Form. 21 A. One can, plus, depending on the size of 22 the furnace and how many rings it had on the fire 23 section. 24 Q. Was there any work done before 25 you would -- on these furnaces before you would

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1 apply the Nebel's? 2 A. Yes. 3 Q. What work was that? 4 A. We would have to, of course, disassemble 5 the old castings and we would have to chip out the 6 old cement and wire brush it and prepare the 7 surface to fill the groove up with cement. 8 Q. What did the air look like when 9 you would remove the old cement? 10 MS. SNIDER: Form. 11 A. Dusty. 12 Q. Where were you in relation to 13 that dust, sir? 14 MS. SNIDER: Form. 15 A. Working right there. 16 Q. Did you ever engage in what's 17 called a reassembly of a boiler following repair? 18 A. A re-assemble? 19 Q. Yes. 20 A. Only when you had a leaky push nipple, a 21 leaky section, where you would have to tear the 22 boiler apart to perform this work. 23 Q. When you did that type of work, 24 was any furnace cement used? 25 MS. SNIDER: Form.	1 A. They would have to be removed, yes. 2 Q. Do you remember any boilers by 3 manufacturer where you actually had to remove old 4 asbestos gaskets? 5 A. Weil-McLain, and some of the American 6 Standard. 7 Q. What, if anything, would be used 8 to replace the gaskets that were removed? 9 A. Well, if you could use asbestos rope, 10 you would try and do that. Depending on how much 11 warpage was on the sections in the clean-out 12 doors, you would then use cement. 13 Q. What type of cement, sir? 14 A. Nebel's or Pecora. 15 Q. We'll get to the Pecora in a 16 second. 17 Was there ever any situations 18 where you would have to work with the cement, 19 touch it or come into contact with it after you 20 installed it? 21 A. Yes. 22 Q. Can you explain those situations? 23 A. In trying to get it off of your hands 24 and your clothes. 25 Q. What would your clothes look like
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1 A. Yes. 2 Q. In what way? 3 A. To reseal the joints between the 4 sections. 5 Q. How much furnace cement would you 6 use for that application? 7 MS. SNIDER: Form. 8 A. Depending on how many sections you took 9 apart, usually you would use half a can. 10 Q. What color was the Nebel's, sir? 11 A. Gray. 12 Q. Was the Nebel's ever used on a 13 particular boiler, a type of boiler? 14 A. No. 15 Q. Where was it mostly used then? 16 A. Repairs, maintenance. 17 Q. Do you remember any boilers by 18 manufacturer you would use it on? 19 A. No. 20 Q. When you were doing this 21 maintenance work, did you ever come into contact 22 with asbestos gaskets? 23 A. Yes. 24 Q. Would those gaskets ever have to 25 be removed or replaced?	1 after a typical application of this material? 2 MR. CRIST: Objection to form. 3 Vague. 4 A. You would have a smear when you bumped 5 up against a fresh joint or you would have -- if 6 it spilled on you or something and it would harden 7 from your body heat, and it would go into the 8 fabric, you would have to rub it together to get 9 it off. 10 Q. After the material was applied on 11 the boiler, itself, for aesthetic purposes, would 12 you do anything to it on occasion? 13 MR. CRIST: Objection to form. 14 Vague. 15 A. Occasionally, sanding. 16 Q. Why was sanding done, sir? 17 A. Just for aesthetic purposes. 18 Q. What do you mean by that? 19 A. Well, if you have a big spot that you 20 had dropped off of your putty knife or something, 21 and it went across the casting and stuck to it, 22 you would have to get rid of that. 23 Q. Would you let it dry first or 24 sand it while it was -- 25 A. Try to do it as soon as you can, as soon

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1 as I noticed it. 2 Q. Sure. Over time were there 3 situations where you sanded the Nebel's? 4 MR. CRIST: Objection to form. 5 MS. SNIDER: Form. 6 A. Yes. 7 Q. You mentioned another company 8 called Hercules? 9 A. Yes. 10 Q. From 1951 to 1961, how often, if 11 at all, did you work with the Hercules material? 12 MR. CRIST: Objection to form. 13 Vague. Speculation. 14 A. We used it about the same. 15 Q. The same as what, sir? 16 A. Nebel's. 17 Q. What type of packaging did the 18 Hercules furnace cement come in? 19 MR. CRIST: Objection to form. 20 A. Small can, a can with a red label, a can 21 with like lightning bolts coming from it. 22 Q. I want to hand you what's been 23 marked Lang-30, all right, sir? 24 A. Yes. 25 Q. What is that a picture of?	1 MR. CRIST: Objection to form. 2 Broad, vague, speculation, overboard. 3 MS. SNIDER: Objection. 4 A. No, we used it in the same way. 5 Q. So would your exposures to the 6 Hercules be comparable to your exposures or 7 comparable to the Nebel's? 8 MR. CRIST: Same objection. 9 Speculation. 10 MS. SNIDER: Form. 11 A. No. 12 Q. Do you remember any labels or 13 recommendations that Hercules gave concerning prep 14 work on the furnaces when you worked on them? 15 MR. CRIST: Objection. Form. 16 A. Most generally they recommended a wire 17 brushing of the old surface before you applied the 18 new material. 19 Q. How often would you wire brush 20 the old materials before you put on the new 21 Hercules furnace cement. 22 MR. CRIST: Objection to form. 23 Broad, vague. 24 A. Anytime you were maintaining or 25 repairing a boiler or furnace.
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1 A. Hercules label of asbestos furnace 2 cement. 3 Q. Do you recognize that label in 4 any way? 5 A. Yes. 6 MR. CRIST: Objection to form. 7 Q. Why do you recognize that? 8 A. From the hand and lightning bolt. 9 Q. What do you recognize about it? 10 A. The color. 11 Q. Is that label something you've 12 seen before? 13 A. Oh, yes. 14 Q. Now, Exhibit Lang-30, what you're 15 looking at, is that a fair and accurate depiction 16 of the type of label you saw in the Hercules 17 asbestos furnace cement? 18 MR. CRIST: Objection to form. 19 Broad, vague. 20 A. Yes. 21 Q. Now, focusing on Lang-30, what 22 you're looking at there, sir, can you compare in 23 any way the use of a Hercules furnace cement to 24 what you've just described concerning the Nebel's 25 furnace cement?	1 Q. I'm going to hand you what has 2 been marked Lang-30, and there's directions on the 3 right-hand side. Actually, if you can use the 4 exhibit -- I'm sorry, Mr. Lang, it would be easier 5 for you to read. I think it's blown up better. 6 Can you read out loud what those 7 directions say? 8 A. "Hercules asbestos furnace cement is 9 prepared and ready to use. It contains no oil, is 10 acid-proof and fireproof." 11 Q. I apologize, I meant the one on 12 the left column, sir. 13 MR. CRIST: Objection. Form. 14 Q. Go ahead. 15 A. "For setting up furnaces, ranges or 16 stoves, clean all joints where cement is to be 17 applied with a wire brush or other cleaning tool. 18 Use enough cement to fill cup joints after being 19 tightly packed. Make sure joints fit together 20 properly, and force back any cement which has 21 squeezed out of joints to make them air-tight." 22 Q. Do you remember directions 23 regarding the wire brushing? 24 A. Yes. 25 Q. Do you remember that on the

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1 Hercules cans? 2 A. Yes. 3 MR. CRIST: Objection to form. 4 Q. You mentioned earlier the use of 5 Nebel's. I'm focusing my questions now on 6 Hercules. 7 Do you have a recollection, on 8 occasion, from '51 to '61, of sanding the Hercules 9 cement after it was applied? 10 MR. CRIST: Objection to form. 11 Speculation. Assumes facts not in 12 evidence from prior testimony. 13 A. Aesthetically, if it needed it, yes. 14 Q. Can you describe, generally, what 15 your clothes would look like after you had worked 16 with the Hercules furnace cement? 17 MR. CRIST: Same objections. 18 A. Would be similar to the other cements, 19 only it would be black instead of gray. 20 Q. On occasion, would that material 21 dry on your clothes? 22 A. Yes. 23 MR. CRIST: Same objections. 24 A. Yes. 25 Q. What, if anything, did you try to	1 Q. I'm going to hand you what has 2 been marked Lang-31. 3 Can you see that? 4 A. Lang-31, yes. 5 Q. Do you recognize what's depicted 6 on Lang-31? 7 A. Yes, it's a can of Pecora asbestos 8 furnace cement. 9 Q. Is that a fair and accurate 10 depiction of what Pecora furnace cement looked 11 like when you worked with it? 12 A. Yes. 13 MR. McNULTY: Form. 14 Q. Can you compare the use of Pecora 15 to either the Hercules and/or the Nebel's you 16 described earlier? 17 MR. McNULTY: Form. 18 A. No, it would be we use it the same way. 19 Q. On the same applications? 20 A. Same applications. 21 Q. Same exposure? 22 MR. McNULTY: Form. 23 A. Same. 24 Q. On occasion, would you have to 25 sand off the Pecora cement?
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1 do on that material before you dropped it out at 2 your house and had it cleaned? 3 MR. CRIST: Same objections. 4 A. Try to rub it together to get as much of 5 the fiber off as we could. 6 Q. What did the air look like, sir? 7 MR. CRIST: Same objections. 8 A. It would be dusty. 9 Q. I'm going to ask you now about 10 another product you mentioned a few minutes 11 earlier. 12 Other than the Hercules and the 13 Nebel's, was there any other furnace cements you 14 would use? 15 A. Pecora. 16 Q. From 1951 to 1961, how often, if 17 at all, would you use the Pecora furnace cement? 18 MR. McNULTY: Form. 19 A. About the same. 20 Q. Same what, sir, so we're clear? 21 A. As the Hercules or the Nebel's. 22 Q. What type of packaging did the 23 Pecora furnace cement come in? 24 MR. McNULTY: Form. 25 A. The smaller can, like five-pound type.	1 MR. McNULTY: Form. 2 A. Yes. 3 Q. What did your clothes look like 4 after application of the Pecora? 5 A. They would be, you know, you would have 6 to do the same thing to get it out as soon as you 7 could, you would use something to dilute it with 8 if you caught it in time; if not, you had to rub 9 it together if it was dried. 10 Q. Thank you, Mr. Lang. I'm going 11 to ask you to now turn to something you referenced 12 earlier, warm air duct work in the asbestos gas 13 network. 14 Do you remember talking about 15 that earlier? 16 A. Yes. 17 Q. Can you describe -- we'll take 18 these one at a time -- warm air duct, what type of 19 materials, if any, would you work with when you 20 did warm air duct work? 21 A. That was transite warm air duct asbestos 22 material. 23 Q. What was the purpose of the warm 24 air duct? 25 A. That was to install underneath concrete

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1 slabs for distribution of conditioned air. 2 Q. Did you, personally, handle the 3 material? By material, I mean transite. 4 A. Yes. 5 MR. NEMETH: Form. 6 MR. COMERFORD: I'm going to have 7 you, on the back of this exhibit -- do 8 you have a blank piece of paper? 9 MR. CARTER: Right here. 10 Q. I'm going to have you draw -- 11 MR. COMERFORD: Can I have an 12 exhibit number, Bruce? 13 Q. I'm going to mark this one 14 Exhibit 44. I'm going to let you live your dream 15 a little bit, the dream of being an architect, 16 okay, do a little drawing here. I'm marking this 17 as Exhibit 44, and I'm going to hand this to you, 18 okay? 19 A. All right. 20 Q. Can you show me in a house, if 21 possible, was there a standard size of a house 22 that you would work on with this warm air duct? 23 MR. NEMETH: Form. 24 A. Transite warm air duct you're talking 25 about now?	1 drew and use various names, just walk us through. 2 MR. NEMETH: Objection to form. 3 A. The continuous loop would go around the 4 outside perimeter, the conditioned air source 5 would be somewhere located in the building, the 6 residence. At that point we would run feeder 7 ducts out, material to pressurize this loop, and 8 then if this was the living room, we would have an 9 outlet on this wall and an outlet on this wall to 10 distribute the heat. Maybe this would be a small 11 room in the kitchen. We would have one here, one 12 in the bathroom, maybe this would be a bedroom, we 13 would have one here, and a big bedroom, we might 14 have two, and the same over on this side here, 15 depending on the room that size and requirements 16 for the conditioned air. 17 Q. Mr. Lang, what was the various 18 sizes, if they varied, of the transite pipe you 19 would work with to install? 20 MR. NEMETH: Form. 21 A. Well, you worked to the engineering and 22 you sized your loop. Normally it would be seven 23 or eight-inch, and then you would design your 24 feeders, depending on how many, and that would run 25 from six to eight-inch in a normal home.
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1 Q. Yes, sir. 2 A. Okay. If you had a rectangular house 3 and we did a complete installation under the slab 4 for conditioned air, we would ring the house with 5 a warm air transite duct material in a continuous 6 loop. Depending on where the conditioned air 7 source was -- we'll put the conditioned air source 8 about a third of the way up in the building -- and 9 we would run off feeder ducts from underneath the 10 slab to feed this continuous loop around the 11 building, and we would cut openings, vent 12 openings, as needed, under windows, normally under 13 doors and so on, throughout the building, in the 14 rooms, to distribute the conditioned air. These 15 openings would vary on the size of the surface or 16 the room that they were heating. So that's what 17 we have, a typical under slab conditioned air 18 distribution system for a slab type home. 19 Q. Can you hold up Exhibit 44 for 20 the videographer? 21 MR. NEMETH: Objection to the 22 form of the use of this. 23 BY MR. COMERFORD: 24 Q. In using your fingers, if you 25 can, real quick, describe the various things you	1 Q. Did there come a time or occasion 2 where you had to cut the pipe? 3 MR. NEMETH: Form. 4 A. All the time. 5 Q. For what reasons? 6 A. Both to fit it within the perimeter of 7 the house, the connection between the conditioned 8 air source and the outside loop, the feeders, 9 ducts had to be cut, and then all the openings had 10 to be cut, also. 11 Q. What tool, if any, did you use to 12 cut the transite? 13 A. We cut the transite with a worm drive 14 Skill saw. 15 Q. The Skill saw, how was it 16 powered, if at all? 17 A. Electric. 18 Q. When you would cut the transite, 19 what did the air look like? 20 MR. NEMETH: Form. 21 A. Dust all over everything. 22 Q. I'm going to hand you, sir, what 23 has been marked as Lang-32, and ask you what 24 that's a picture of? 25 Thank you for drawing that, Mr.

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1 Lang. 2 A. This is a Johns-Manville transite pipe 3 advertisement made of asbestos, strong, durable, 4 can't rust or corrode, and it's the white pipe 5 they refer to. 6 Q. On the actual advertisement 7 there, Lang-32, do they make reference to warm air 8 duct or gas vent? 9 A. "Transite warm air duct efficiently 10 delivers heated air to room registers. Installed 11 in concrete slabs for perimeter type heating 12 system." 13 Q. Now, in looking at Exhibit 32 on 14 that large picture of the whitish color pipe that 15 the gentleman's holding -- 16 A. Right. 17 Q. -- is that a fair and accurate -- 18 can you compare that to the transite you worked 19 with? 20 MR. NEMETH: Form. 21 A. This has tapered joints on it. This 22 would more likely be sewer pipe that you would use 23 a coupling and ring to put together, or could be a 24 gas vent pipe, but it has two rings, so I would 25 say it's sewer pipe that he's demonstrating right	1 A. That's a typical picture of a worm drive 2 Skill saw. 3 Q. Can you compare what's depicted 4 on 40 to what you actually worked with when you 5 cut the transite? 6 A. Basically the same, this just has red 7 handles on it, ours had silver. 8 Q. I want to ask you about the 9 asbestos gas vent, pipe vent, because I think I 10 confused that with the other type and I apologize. 11 A. Yes. 12 Q. Did you ever work with asbestos 13 gas vent pipe? 14 A. Yes. 15 Q. How would you work with that, sir? 16 A. This would be the vent material we used 17 in new construction or relining of an old chimney 18 that had crumbled to vent a gas supply. 19 Q. Did you ever have to cut that 20 material? 21 A. Occasionally we had to cut this material. 22 Basically, we cut the material when we start the 23 system and when we end the system. 24 Q. What did the atmosphere look like 25 when that material was cut, sir?
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1 here he's holding up. 2 Q. Other than the coupling, the 3 coupling to the side, can you compare that pipe to 4 the warm air duct pipe you used? 5 MR. NEMETH: Form. 6 A. It would look the same. The thickness 7 would change between our warm air duct and the 8 sewer pipe. 9 Q. I'm going to hand you an earlier 10 Exhibit, Lang-10, that showed various pieces of 11 transite and other material. 12 A. Yes. 13 Q. Anything depicted on Lang-10 that 14 would show for uses of the warm air duct? 15 A. No, this is -- this is round transite 16 flue pipe. That's a different product. There 17 again, we had tapered joints, we had fittings and 18 couplings that went together, and they come in 19 round and oval. 20 Q. We'll get to the flue pipe in a 21 minute. 22 Let me hand you what has been 23 marked Exhibit Lang-40. 24 Can you tell me what that's a 25 picture of?	1 MR. NEMETH: Form. 2 A. Very dusty, and from the saw. 3 Q. Is there anything on Exhibit 70, 4 [sic], that would give us an example of what the 5 gas air -- I'm sorry, the asbestos gas vent pipe 6 looked like? 7 A. No. It would be similar to this up here 8 without the bevelled joint. It had a butt joint. 9 Q. You can put that down. 10 From '51 to '61, which our 11 questions are focusing still on, do you remember 12 where your company purchased these transite pipes 13 utilized for the gas vent and also utilized for 14 the warm air duct work? 15 MR. NEMETH: Form. 16 A. R.E. Hebert. 17 Q. Where are they located, sir? 18 A. Emerson Street, at the end, and before 19 that, around the corner near the Mt. Reed, 20 (phonetic), section. 21 Q. What city is that? 22 A. That's Rochester, New York. 23 Q. You just touched on the transite 24 that you purchased from R.E. Hebert. 25 A. Yes.

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1 Q. Did you purchase anything else 2 from them? 3 Excluding the transite, was there 4 anything else purchased from that company? 5 MR. NEMETH: Form. 6 A. We purchased asbestos paper, asbestos 7 blocks, asbestos shorts, Aircell pipe covering. 8 Q. I need to ask you, the asbestos, 9 we'll start off with the block material, okay? 10 A. Um-hum. 11 Q. For what purpose was the block 12 material purchased from Hebert for? In other 13 words, for what did you use the block on? 14 MR. NEMETH: Form. 15 A. Most of the block material was used for 16 fire protection and insulation. 17 Q. And did you ever have to disturb 18 the block material? 19 A. Yes, we cut. 20 Q. What did you cut it with, sir? 21 A. We scored it and then cut it with a saw. 22 Q. Do you know who was the 23 manufacturer of that block material, sir? 24 A. From Hebert was Johns-Manville. 25 Q. Put the block to the side.	1 A. Shorts. 2 Q. Okay. 3 A. That's -- 4 Q. Another name for cement? 5 A. Asbestos cement. 6 MR. NEMETH: Form. 7 Q. Did you ever purchase asbestos 8 cement from R.E. Hebert? 9 A. Yes. 10 Q. The cement you purchased from 11 them, how or where would you use that cement for? 12 A. Coating of the boilers, coatings of 13 boiler joints and insulating material. 14 Q. This cement you worked with from 15 R.E. Hebert, how did it come packaged? 16 A. In a cloth type paper bag. 17 Q. Let's switch now. Was there any 18 other company that you would purchase insulation 19 materials for other than R.E. Hebert, if you 20 remember, sir? 21 MS. SNIDER: Form. 22 A. RII. 23 Q. Where were they located? 24 A. On Dewey Avenue in Rochester. 25 Q. I'm focusing still on '51 to 1960.
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1 Did you work with any other 2 materials from Hebert? 3 MR. NEMETH: Form. I think you 4 said pipe covering earlier. 5 A. Pipe covering. 6 Q. For what purposes did you use the 7 pipe covering for? 8 A. For that refitting new installation to 9 the old piping, pipe connections and so forth. 10 Q. Did you ever have to disturb the 11 pipe covering? 12 A. Yes. 13 MR. NEMETH: Form. 14 Q. For what reason? 15 A. To cut it to length. 16 Q. This pipe covering, how did it 17 come packaged? 18 A. Three-foot lengths. 19 Q. What type of package? 20 A. In a cardboard box. 21 Q. Do you know who manufactured 22 that? 23 A. Johns-Manville. 24 Q. You also mentioned something 25 about asbestos shorts or cement, which one?	1 What, if anything, did you 2 purchase from RII, sir? 3 A. Block material. 4 Q. Okay. Anything else? 5 A. Asbestos paper material, pipe covering. 6 Q. How did the block material come 7 packaged that you purchased from RII, sir? 8 A. Approximately 42-by-48 cartons. 9 Q. What did RII stand for? 10 A. Rochester Industrial Insulating. 11 Q. Do you know or remember where RII 12 or Rochester Industrial Insulating was located? 13 A. Dewey Avenue in Rochester. 14 Q. Let's focus on block. 15 What color was that block material? 16 A. Chalky white. 17 Q. When it came to you, how was it 18 packaged? 19 A. In a cardboard carton. 20 Q. Was there anything on the 21 packaging? 22 A. The name. 23 Q. What name was that, if you 24 remember? 25 A. (No answer.)

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1 Q. We'll come back to you. 2 The pipe covering? 3 A. Kaylo. 4 Q. Kaylo? 5 A. Yes. 6 Q. What was Kaylo on, if you 7 remember; where did you see it? 8 A. It was on the label of the carton. 9 Q. Okay. Pipe covering, did you 10 purchase pipe covering from R.E. Hebert on 11 occasion? 12 A. Yes. 13 Q. How was that packaged? 14 A. Three-foot lengths, cardboard boxes. 15 Q. The block material, first, that 16 you purchased from RII, the Kaylo block material, 17 if at all, was that used? 18 A. Same thing, fire protection, protection 19 of combustibles against hot surfaces, fire. 20 Q. Would you have to disturb it on 21 occasion? 22 A. Yes. 23 Q. How? 24 MS. SNIDER: Form. 25 A. You would have to cut it.	1 been marked as Lang-41 and ask you to look at 2 that. 3 A. Lang-41, okay. 4 Q. Do you recognize that picture? 5 A. Yes. 6 Q. What -- where do you recognize it 7 from? 8 A. That's Johns-Manville thermobesto pipe 9 insulation. 10 Q. Did you ever see a label like 11 that out in the field? 12 A. Yes. 13 Q. In what capacity? Where would 14 you see that label, sir? 15 A. On the box that the pipe covering was 16 shipped in. 17 Q. Where would you buy this 18 Johns-Manville thermobesto pipe insulation, if you 19 know? 20 MR. NEMETH: Form. 21 A. R.E. Hebert. 22 Q. In Rochester? 23 A. Yes. 24 Q. I'm going to hand you what's 25 marked Lang-42.
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1 Q. Cut it with what, sir? 2 A. We would score it and then cut it with a 3 saw. 4 Q. Same question for pipe covering, 5 did you ever work with that? 6 A. Yes. 7 MS. SNIDER: Form. 8 Q. Did the covering come packaged? 9 A. Yes. 10 Q. What, if anything, was on the 11 covering packaging, if you remember, sir? 12 A. The Kaylo emblem. 13 Q. For what reason would you work 14 with the Kaylo pipe covering from 1951 to 1960? 15 A. There again, insulating pipes, when we 16 replaced the boiler. 17 Q. Sir, real quickly, the Kaylo 18 block material, did you work with that material on 19 occasion from 1955 to 1960? 20 A. Yes. 21 Q. Same question for the pipe 22 covering, did you work with that from 1955 to 1960, 23 on occasion? 24 A. Yes. 25 Q. I'm going to show you what has	1 Would you look at that, please? 2 A. Yes. 3 Q. What is that a picture of? 4 A. Kaylo heat insulation block. 5 Q. Do you recognize that picture? 6 A. Yes. 7 Q. More specifically, do you 8 recognize the box? 9 A. Yes. 10 Q. How do you recognize that box? 11 A. Because of the block insulation that's 12 inside. 13 Q. Okay. That name Kaylo in the red 14 letters, is that a fair and accurate depiction of 15 what the label looked like from 1955 to 1960 on 16 block material you purchased, the packaging? 17 MS. SNIDER: Form. 18 A. Yes. 19 Q. Sir, from 1961 to 1975, I really 20 don't want to have to re-ask all these questions 21 because we're getting to the end here, but from 22 1961 to 1975, did you ever have to remove boilers? 23 A. Yes. 24 Q. During that time period, what 25 manufacturer of boilers did you remove that you

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1 believe brought you into contact with asbestos? 2 A. Weil-McLain, American Standard products. 3 Q. Okay. Now, '61 to '75, did you 4 ever -- and we discussed a lot about installation 5 before from '51 to '61. Now, I'm focusing on '61 6 to '75. 7 Did you install boilers, new 8 boilers which brought you into contact with 9 asbestos? 10 MR. NEMETH: Form. 11 A. '61 to '71? 12 Q. Yes. 13 A. Most of your boilers that required 14 asbestos installation were beginning to be phased 15 out and replaced by jacketed boilers with batt, 16 high temperature batt insulation. 17 Q. From '61 to '75, did you ever 18 work on any Weil-McLain boilers at that time? 19 A. Asbestos rope. 20 Q. The "A" box products? 21 A. Yes. 22 Q. So from '61 to '75, on occasion, 23 did you work with Weil-McLain boilers which came 24 with "A" box products; more specifically, the 25 asbestos cement in the brown bags?	1 vague. 2 A. No, it would become less. 3 Q. Why was it less, sir? 4 A. Because you would have your grate 5 maintenance and resetting of warm air furnaces 6 because they were, of course, being phased out, 7 too, at that time. 8 Q. Is it fair to say you would still 9 work with the products, but their frequency was 10 less? 11 MS. SNIDER: Form. 12 MR. CRIST: Objection to form. 13 Q. What I mean, Mr. Lang -- 14 MR. COMERFORD: We'll suspend the 15 video. I have probably two minutes 16 left and I have to use the men's room, 17 and so I have to suspend it. I 18 apologize. I have about two minutes 19 left. Let's take five minutes and we'll 20 finish up. 21 THE VIDEOGRAPHER: We're off the 22 video at 2:25 p.m. 23 (Whereupon a brief recess was taken.) 24 THE VIDEOGRAPHER: On the record at 25 2:40 p.m.
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1 A. Yes, very frequently. 2 Q. Maintenance of furnaces, did you 3 work with, from 1961 to 1975, any of the asbestos 4 furnace cements? 5 MS. SNIDER: Form. 6 A DEFENDANT: Form. 7 A. Yes. 8 Q. From '61 to '75, what 9 manufacturers, if any, do you remember working 10 with concerning the cements? 11 MR. CRIST: Objection to form. 12 A. There again, it was beginning to phase 13 out, too. Most of our product was the Nebel's 14 type. 15 Q. Other than Nebel's, though, did 16 you have other ones that you mentioned? 17 A. We used Pecora. 18 Q. Any others? 19 A. Hercules. 20 Q. Would your use of those products, 21 the Nebel's, Pecora and Hercules, from '61 to '75, 22 be essentially the same as you described earlier 23 from '51 to '61? 24 MS. SNIDER: Form. 25 MR. CRIST: Objection. Form,	1 BY MR. COMERFORD: 2 Q. Mr. Lang, we're getting to the 3 end here, you've shown the patience of Job today 4 and I appreciate it, let's get this done. Okay. 5 I have a few more questions here. 6 From 1961 to 1965 did you ever 7 have occasion to work with the block pipe covering 8 materials? 9 A. Yes. 10 Q. From that period of time where 11 would you purchase the insulation materials? 12 A. It would be either Hebert or RII. 13 Q. From '61 to '65 on occasion you 14 purchased the pipe covering from RII? 15 MS. SNIDER: Form. 16 A. Yes. 17 Q. What products did those include, 18 sir, just so we're clear? Was it -- what was the 19 products you purchased from RII? 20 A. It would be the same as we had before. 21 Q. Was that the Kaylo product? 22 MS. SNIDER: Form. 23 A. Kaylo products, from RII now. 24 Q. And then Hebert, same question, 25 you purchased from them?

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1 A. Yes. 2 MR. NEMETH: Form. 3 Q. What products did you purchase 4 from them from 1961 to '65? 5 A. That would be the JM product, John's 6 Mansville. 7 Q. In addition to purchasing from 8 Hebert would you also work with the insulation 9 products? 10 A. Yes. 11 MR. NEMETH: Form. 12 Q. The installation of transite pipe 13 you went over that in some detail from 1951 to 14 1961. 15 From '61 to '75 did you ever work 16 with the transite pipe? 17 A. Yes. 18 Q. From whom would you purchase that 19 material from, the transite pipe? 20 A DEFT: Form. 21 A. R.E. Hebert. 22 Q. And for what purposes did you 23 purchase the transite during that period? 24 A. Same, same thing, distribution of 25 conditioned air. We branched out and there was a	1 when the business was sold. 2 Q. Generally, what time period did 3 those invoices cover? 4 A. These particular ones right here? 5 Q. Yes, generally speaking. 6 A. '67, '68, '69 and up to '72. 7 Q. Were those kept in the regular 8 course of business since their inception, since 9 they were created, sir? 10 A. Yes. 11 Q. Are those true and accurate 12 originals? 13 A. Yes. 14 Q. Did you go through and review 15 each one? 16 A. Yes. 17 Q. And in some of them do you have an 18 actual specific recollection of the job they 19 referenced? 20 A. Yes. 21 Q. Is it your testimony that those 22 are true and accurate original documents? 23 A. Yes. 24 Q. Okay. I want to talk to you next 25 about contact if any, that you may have had from
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1 demand for indoor swimming pools, construction in 2 our area. 3 Q. During this period '61 to '75 did 4 you, yourself, personally work with the transite? 5 A. Yes, I did. 6 Q. And again during this period from 7 what company did you purchase the material? 8 A. R.E. Hebert. 9 MR. NEMETH: Form. 10 Q. Did you ever have to disturb the 11 material, the transite? 12 A DEFT: Form. 13 A. Same thing, cutting. 14 Q. What did you cut it with? 15 A. The Skill saw. 16 Q. I want to ask you about this 17 exhibit, 43. It's just some documents. I'm not 18 going to ask you specifically about each one or 19 any detail, I just want you to tell me what 20 Exhibit 43 is? 21 A. It says Lang-43, it's invoices. 22 Q. Are those original invoices? 23 A. Yes. 24 Q. Where were those found, sir? 25 A. In our files that were not destroyed	1 representatives or employees of boiler companies, 2 okay? Are you with me? 3 A. Yep. 4 Q. First, did you have any contact 5 with representatives of boiler companies regarding 6 sales of their boilers to you? 7 A. Yes. 8 Q. Which boiler companies, sir? 9 A. Weil-McLain, and American Standard 10 products. 11 Q. Focusing on Weil-McLain for a 12 second, please, describe the contact you had with 13 Weil-McLain representatives regarding sales of the 14 Weil-McLain boilers? 15 A. We had a salesperson from one of the 16 local Weil-McLain distributors that called on us 17 to pick up orders, and describe deliveries and so 18 on and so forth for us, help with arranging, that 19 sort of thing. 20 Q. During these sales contacts, did 21 Weil-McLain representatives ever warn you that 22 asbestos on the boilers could be dangerous to your 23 health, or the health of your customers? 24 A. No. 25 Q. Is that something you would have

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1 wanted to know, sir? 2 A DEFT: Form. 3 Q. If there was a potential health 4 hazard to asbestos, would that be something you 5 would have found important? 6 A. Very important. 7 Q. Ever any contact -- as you just 8 described with the Weil-McLain company's 9 representatives, did you have any similar contact 10 with any other boiler companies? 11 A. American Standard. 12 Q. What type of contact, if any, did 13 you have with them? 14 A. There, again, a salesperson. 15 Q. Did they ever share with you any 16 of the potential health hazards of asbestos? 17 A. No. 18 MR. RIVERA: Form. Lack of 19 foundation. 20 Q. Have you ever visited a boiler 21 plant of any type where their boilers are 22 manufactured? 23 A. I visited Michigan City, Indiana, a 24 Weil-McLain plant. 25 Q. For what purpose did you go	1 A. Weil-McLain. 2 Q. Now, I've asked you a lot of 3 questions about asbestos products. 4 When did you first learn that 5 asbestos posed a potential health hazard to your 6 health? 7 A. The late '70s. 8 Q. How did you learn about the 9 potential health hazards? 10 A. Of course the national media and all the 11 info that was going on on TV and newspapers and 12 things. 13 Q. When do you believe you were last 14 exposed to asbestos if you had to put a date on 15 it? 16 A. I haven't had contact with asbestos 17 after 1975. 18 Q. Why do you say that, sir? 19 A. Because I transferred my efforts in the 20 engineering and sales in the company. 21 Q. Did you ever see any warnings 22 concerning the potential health hazards of 23 asbestos before this date, 1977? 24 A. No. 25 MR. RIVERA: Form.
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1 there, sir? 2 A. Education. 3 Q. While you were there do you know 4 what decade or time period you were there? 5 A. No, sir, I can't tell you. 6 Q. Sir, we've discussed so many 7 products over the years. I want to focus for a 8 second what exposure, if you can, please, because 9 we've gone over this in such detail, I want to 10 boil it down, if I can, through you, you were 11 there, not me, or the other attorneys here, is 12 there any type of exposure you believe was more 13 substantial than the others? 14 A. Yes, Weil-McLain. 15 MS. SNIDER: Form. 16 A. Weil-McLain boiler exposure. 17 Q. Why is that, sir? 18 A. Well, because we were exposed to the 19 asbestos wicking, and the materials that we needed 20 that come in the "A" box on every boiler 21 installation that we made of a knock down type 22 boiler. 23 Q. Who manufactured the majority 24 then of the boilers you installed that you believe 25 caused you to be exposed to asbestos?	1 Q. Now, sir, you've been married a 2 long time. I think more than 50 years? 3 A. Yeah. 4 Q. How would you describe the 5 marriage that you and Mrs. Lang have had during 6 this time period? 7 A. Wonderful. 8 Q. Has your cancer impacted your 9 marriage in any way? 10 A. Yes. 11 Q. Can you explain how? 12 A. Every way that's possible. Our physical 13 life together, our social life together, our 14 activities, our impact on our children, our 15 friends, our participation in our church, my 16 Rotary Club; just about everything I've done 17 before. 18 Q. Now, I asked you a lot of 19 questions about your physical condition earlier. 20 I'm not going to do that again. 21 Has this mesothelioma affected 22 you emotionally in any way? 23 A. Yes. 24 Q. How so? 25 A. When you've been active all your life,

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1 it's tough, very tough to not be able to do 2 anything. Excuse me for breaking down. 3 Q. Mr. Lang, I don't have any 4 further questions. 5 A. Thank you. 6 Q. It's been an honor talking with 7 you the last few hours and I know I had a lot of 8 repetitive questions. We're going to suspend the 9 video at this point and some of the lawyers behind 10 us here may have some follow-up questions, so 11 we'll suspend and see what questions, if any, they 12 have. Thank you. 13 THE VIDEOGRAPHER: Off record at 14 2:50 p.m. 15 (Whereupon a discussion was held 16 off the record.) 17 MR. COMERFORD: We're going to put 18 a stipulation on the record. 19 Mr. Potenza. 20 MR. POTENZA: I'd like to put a 21 stipulation on the record that exhibits 22 25, 26, 27 and 28 which is a brief 23 description number 72 boiler "A" box 24 description and then the rest of the 25 instructions for the number 87	1 January 2004. 2 MR. POTENZA: You can put that on 3 the record, but like I said, I can't 4 confirm or deny. 5 MR. COMERFORD: We're all set. 6 Thank you. 7 (Whereupon the proceedings were 8 concluded at 3:00 p.m.) 9 10 * * * 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
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1 Weil-McLain oil-fired boilers 2 stipulated by counsel, that these were 3 not documents that were produced by 4 the client, himself, but rather was 5 shown to him in anticipation of his 6 trial testimony. 7 It's further stipulated these 8 documents were provided to defense 9 counsel within days of the trial 10 testimony and were produced after his 11 deposition testimony had been 12 concluded. 13 MR. COMERFORD: I agree with 14 everything that Mr. Potenza put on the 15 record. The only other issue I want 16 to state is these documents were Bates 17 stamped by Weil-McLain and produced by 18 Weil-McLain in other litigation, so 19 these are documents that were produced 20 by the defendant. 21 MR. POTENZA: I can neither confirm 22 nor deny that. 23 MR. CARTER: They were actually 24 produced from trial exhibits in the 25 case of Nolan vs. Weil-McLain in	1 C E R T I F I C A T E 2 3 I, BERNADETTE H. MORIARTY, a Certified 4 Shorthand Reporter and Notary Public, do hereby 5 certify that prior to the commencement of the 6 examination, the witness was duly sworn by me to 7 testify to the truth, the whole truth and nothing 8 by the truth. 9 I DO FURTHER CERTIFY that the foregoing 10 is a true and accurate transcript of the 11 testimony as taken stenographically by and 12 before me at the time, place and on the date 13 hereinbefore set forth, to the best of my 14 ability. 15 I DO FURTHER CERTIFY that I am neither a 16 relative nor employee nor attorney nor counsel 17 of any of the parties to the action, and that I 18 am neither a relative nor employee of such 19 attorney or counsel, and that I am not 20 financially interested in the action. 21 22 23 24 25 BERNADETTE H. MORIARTY, CSR

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1 INSTRUCTIONS TO WITNESS				1 SIGNATURE PAGE			
2				2 OF			
3 Read your deposition over carefully. It is				3 KENNETH C. LANG			
4 your right to read your deposition and make				4			
5 changes in form or substance. You should assign a				5			
6 reason in the appropriate column on the errata				6 I hereby acknowledge that I have read the			
7 sheet for any change made.				7 foregoing deposition, dated January 18, 2007,			
8 After making any change in the form or				8 and that the same is a true and correct			
9 substance, and which have been noted on the				9 transcription of the answers given by me to the			
10 following errata sheet, along with the reason				10 questions propounded, except for the changes, if			
11 for any change, sign your name on the errata				11 any, noted on the attached errata sheet.			
12 sheet and date it.				12			
13 Then sign your deposition at the end of your				13			
14 testimony in the space provided. You are signing				14			
15 it subject to the changes you have made in the				15			
16 errata sheet, which will be attached to the				16			
17 deposition before filing. You must sign it in				17			
18 front of a witness. The witness need not be a				18 SIGNATURE:			
19 notary public. Any competent adult may witness				19			
20 your signature.				20 WITNESSED BY:			
21 Return the original errata sheet to the Court				21			
22 Reporter promptly. Court rules require filing				22 DATE:			
23 within 30 days after you receive the deposition.				23			
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