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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

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LAOSD ASBESTOS CASES : Case No. BC449400 JCCP 4674

ROSEMARIE GANOE, indivi- :
Dually as legal heirs, and : (Assigned to Judge Emilie H.
Successors in interest to : Elias, Department 324.)
MARK GANOE, deceased, and :
As representative of Estate :
Of MARK GANOE; DANIEL GANOE,
MATTHEW GANOE and MARIE :
DERKS, individually as legal
Heirs to MARK GANOE, deceased :

Plaintiffs, : VIDEO DEPOSITION OF:

-vs- : LUIS RIO

AIR & LIQUID SYSTEMS CORP., :
SUCCESSOR BY MERGER TO
BUFFALO PUMPS, INC., et al., :

Defendants.

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Location: Regus - Utah
222 South Main, 5th Floor
Salt Lake City, Utah

Date: December 18, 2012 - 1:00 p.m.

Reporter: Denise Kirk, CSR/RPR

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1 I started at Dunn Siding they closed the mill in L.A.

2 Q. Did anything happen to the mill at Dunn
3 Siding? Was it expanded? Was there transformations
4 there?

5 A. It was expanded, yeah.

6 Q. Can you tell us a little built about the
7 expansion? Do you remember what they did?

8 A. As I remember, they put in storage tanks
9 and they added more product silos, storage tanks,
10 yeah.

11 Q. So they expanded the mill's capabilities?

12 A. Correct, yeah.

13 Q. Okay. Well, let's talk a little bit about
14 your career there. So you joined, you said, in 1967?

15 A. Correct.

16 Q. What was your position when you started?

17 A. I started out as a lab assistant. Yeah.

18 Q. What did you do as a lab assistant, sir?

19 A. Basically controlled the quality of the
20 product, the talcs and clay.

21 Q. We'll talk a little bit more about that in
22 a minute.

23 Did you ever become promoted?

24 A. Yes, I did. It was about a year after I
25 started, they made me lab supervisor.

1 Q. And how long were you lab supervisor for
2 Western Talc, sir?

3 A. About five or six years if I remember
4 right. Something like that.

5 Q. So until about '74?

6 A. Right.

7 Q. And what happened in 1974?

8 A. Western Talc was sold to Tenneco Oil -- or
9 Tenneco Corporation, anyway.

10 Q. I'm going to focus my questioning during
11 the period of time 1967, when you joined Western Talc,
12 until 1974 or thereabouts when Western Talc sold its
13 operations to Tenneco. So we're going to focus on
14 that period of time, okay, sir?

15 A. Okay.

16 Q. Now, tell me a little bit more about your
17 responsibilities as the lab supervisor.

18 A. Well, my job was to see that the quality
19 of the product is consistent, you know, from one
20 shipment to the next, and to test the quality of all
21 the ore that came in.

22 So when it was needed -- most of all the
23 product, particularly talc, was a blend of different
24 talcs.

25 Q. Okay. Let's take it a step at a time

1 then.

2 A. Okay.

3 Q. Let's talk about the ore first. When you
4 say "ore", do you mean the talc ore?

5 A. The talc ore.

6 Q. Do you know, sir, where the talc ore that
7 came to the Dunn Siding mill came from?

8 A. It came from a place called Warm Springs.
9 One mine was Warm Springs, as I remember, and the
10 other was the Tecopa Mine.

11 Q. So it came from two different mines that
12 you remember, one of them was called Tecopa -- you
13 referred to it as Tecopa --

14 A. Tecopa and Warm Springs, yes.

15 Q. -- and then the other one you referred to
16 as Warm Springs?

17 A. Yes.

18 Q. Now, do you know if Western Talc owned the
19 mine at Tecopa?

20 MR. BLEICHNER: Objection, lacks
21 foundation, calls for speculation.

22 Q. If you know, sir.

23 A. Well, to my knowledge, I assumed that they
24 owned Tecopa.

25 Q. Okay.

1 you have to heat up the tiles or whatever ceramic
2 products that you were doing, you had to have certain
3 qualities; is that correct?

4 A. Correct.

5 Q. Do you remember, sir, if there were
6 certain qualities that were required for talcs that
7 were sold to the rubber industry?

8 A. As I remember, it wasn't necessary that
9 the talc be absolutely white, you know. With talc
10 that went into paint, that was different than talc
11 that went into ceramics.

12 The whiter, the better, particularly when
13 it's -- if it was fired and it remained white, that's
14 preferable.

15 Q. Now, in all of these tests that you
16 performed, did you ever perform any test to evaluate
17 the components of the talc, what was in there?

18 A. Well, yeah. We'd determine the CO2 or
19 calcium oxide. That was the primary concern, calcium
20 oxide because it affected the ceramic product.

21 As far as the paint, I don't recollect
22 that calcium oxide is a large concern with the paint
23 product.

24 Q. Did you have a microscope in your lab?

25 A. Yes, we did.

1 **Q. What kind of a microscope did you have?**

2 A. You know, as far as -- it was a regular
3 microscope you'd see in a lab, you know. Not a
4 high-tech scope because we didn't go after extremely
5 small -- you know, anything that was extremely small.
6 But just what you'd normally see like in a regular
7 college lab, that type of a microscope.

8 **Q. Did you ever look at the talc under a**
9 **microscope?**

10 A. The product that ended up on top of the
11 screen? Yes, we did.

12 **Q. Can you tell me a little bit about the**
13 **circumstances under which you looked at the screen**
14 **under a microscope?**

15 A. Normally, it wasn't part of the tests that
16 we ran that would determine whether the product was
17 going to paint or rubber or whatever, you know. It
18 was the color and all these other things that I
19 mentioned.

20 The only time that I was asked to run a
21 visual on it was when Mr. Moretti, who was -- when I
22 was there was the vice president -- vice president of
23 Western Talc. And he lived in Los Angeles, and worked
24 at the facility in Los Angeles.

25 Periodically he'd come by the Dunn Siding

1 plant on his way to or from the mines. And on a lot
2 of the occasions when he would come back from the
3 mine, he'd stop by and he would drop off samples of
4 talc ore that came from the mines, either Tecopa or
5 Warm Springs.

6 He had us run all the regular tests on
7 that talc. And one of the things he asked me to do,
8 particularly me -- not the other lab technicians, but
9 usually me -- was to make a visual of the residue that
10 was on top of the screen. And it was usually the 200
11 mesh and the 400 mesh.

12 Q. So when you did that analysis, what did
13 you do?

14 A. Well, we'd take the residue that was on
15 the screen, wash it onto a filter -- just a bigger
16 filter. And we'd set that under the lamp and dry it
17 out and just stick it under the telescope --

18 Q. The microscope?

19 A. The microscope, not the telescope. And
20 when I did that, Mr. Moretti wanted to look and see
21 what we had. Okay. So he'd look at it and -- go
22 ahead.

23 Q. Did you ever look at the ores through the
24 microscope?

25 A. Yes, I did.

1 **Q. Can you tell me what you saw when you**
2 **looked at the ore through a microscope?**

3 A. Not all the time, but on more than one
4 occasion on the samples that Mr. Moretti brought from
5 the mines, under the microscope, I saw long like
6 spears, something like as you'd visualize a toothpick,
7 you know, that's tapered at both ends. That's what
8 they resembled under the microscope.

9 Along with that were other granules, you
10 know, rounded granules normally what you'd expect in
11 like a piece of sand or something like that.

12 **Q. Now, have you looked at just -- when you**
13 **looked at regular -- I mean, when you looked at talc**
14 **under the microscope, what did you usually see? I'm**
15 **sorry, my question is not clear. What you just said**
16 **here is that you saw some long spears?**

17 A. Yes.

18 **Q. Was that what you considered to be talc?**

19 A. Well, you know, since -- that was only
20 requested -- the only time that I recollect that we
21 did that was when Mr. Moretti asked me to run a screen
22 and show him the residue, yeah.

23 Normally we wouldn't ever run that test
24 unless it was requested.

25 **Q. But when you looked at it under the**

1 microscope when Mr. Moretti asked you to do so, you
2 saw different shapes, and some of those shapes were
3 like granules?

4 A. Correct.

5 Q. And some of those shapes were like long
6 spears?

7 A. Correct.

8 Q. Did you ever talk to Mr. Moretti about
9 what those long spears were?

10 A. I don't recollect ever asking him, you
11 know. I remember -- you know, this is after Mr.
12 Moretti had gone and it was either Art Thompson -- I
13 can't remember exactly whether it was Art Thompson or
14 Mr. Dickie that was there before Art Thompson when I
15 asked him about these spears. And he explained what
16 they were.

17 What the heck did he call them? Gosh,
18 what's the term? I can't remember the name of the
19 long fibers. He didn't call them asbestos.

20 Anyway, he explained to me that that could
21 be a problem if they're inhaled. You know, at the
22 time I didn't think too much about it. I mean, it's
23 in the talc and that's just part of it, you know. And
24 it could create a problem if they're inhaled, and
25 that's pretty much all he said, you know.

1 **Q. Have you ever heard of the word tremolite?**

2 A. Tremolite. That's the -- that's the word
3 I was trying to think of. Tremolite. Or I don't
4 recollect him ever calling it asbestos.

5 **Q. But you recall him calling it tremolite?**

6 A. I think that's what it was called.
7 Tremolite.

8 MR. BLEICHNER: Move to strike as
9 speculation.

10 **Q. Now, what did -- who was Mr. Thompson?**
11 **Who was he?**

12 A. Art Thompson was the manager at Dunn plant
13 -- well, let me go back. When I first started at
14 Western Talc, Jerry Dickie was the plant manager. And
15 he was the plant manager for about -- I think it was
16 about 18 months after I started.

17 Then he was transferred to another -- it's
18 not -- another company of R.T. Vanderbilt. And then
19 Art Thompson took his position.

20 **Q. So from approximately '68 on, that was Mr.**
21 **Thompson who was the plant manager?**

22 A. Correct.

23 **Q. And that conversation that you had about**
24 **the long spears, about what those were you had with**
25 **either Mr. Thompson or Mr. Dickie but you don't**

1 **remember which of the two?**

2 A. Yeah. I remember having a conversation
3 but I can't remember if it was Jerry Dickie or Art
4 Thompson. I can't remember for sure.

5 Q. And but they explained to you that they
6 were tremolite; correct?

7 A. As I recollect that was the term he used,
8 tremolite, yeah.

9 Q. And they -- either one of them indicated
10 that whatever it was could be a health problem if you
11 inhaled --

12 A. Could be a problem. Excuse me.

13 Q. So you've explained to me that you had
14 pneumonia not too long ago. At any time you need to
15 take a break, just let me know, okay?

16 A. Yeah, okay.

17 Q. This is not a marathon. So we can take a
18 break.

19 Now, let me ask you -- so we talked about
20 the whole process -- the manufacturing process, and we
21 stopped at the mill.

22 So the products -- in the manufacturing
23 process, the products went from the crushers to the
24 mills where they were ground more finely?

25 A. Correct.