

1 1st, 1996.

2 THE COURT: Who will do the questions?

3 MR. MCGOWAN: I will, and Mr. Meringer will
4 do the part of Mr. Silwick.

5 THE COURT: Who will do the plaintiff
6 designations, if there are any?

7 MR. SHELLENBERGER: There are no counters,
8 Your Honor.

9 THE COURT: Pardon me?

10 MR. SHELLENBERGER: There are no counters.

11 THE COURT: There are none. All right.

12 MR. MCGOWAN: Your Honor, this should take
13 us right to the end of the day.

14 Your Honor, do you have a copy?

15 THE COURT: Yes, thank you.

16 READING OF DEPOSITION OF ROBERT SILWICK

17 TAKEN ON APRIL 1, 1996

18 (Whereupon, the questions were read by Mr.
19 McGowan and the answers were read by Mr. Meringer.)

20 MR. MCGOWAN: Page 4 he was duly sworn to
21 tell the truth.

1 Go to page 6.

2 BY MR. MCGOWAN:

3 Q Do you understand that you were asked to
4 come here today to talk about particular jobsites that
5 you believed you worked with Mr. Vandergucht?

6 A I didn't say I believe I was. Did I work --
7 I worked with him on those jobsites that are listed.

8 I don't believe I did it, I know I did it.

9 Q Can you please tell us when you first met
10 Mr. Jean Vandergucht.

11 A The circumstances?

12 Q Where did you meet him?

13 A Where did I meet him?

14 Q Yes, sir.

15 A Well, while we worked for John H. Hampshire
16 from 1954 up until he retired as a member of Local 155
17 through the same amount of time.

18 Q And you worked as a plasterer; is that
19 correct?

20 A That is right.

21 Q Then can you tell us when you started

1 working at Commercial Credit, sir?

2 A When did I start working at Commercial
3 Credit?

4 Q Yes, sir.

5 A 1956, I believe, is when I went down there.
6 It was somewhere around November, October. November I
7 think it was.

8 Q On this jobsite, were you an apprentice,
9 sir?

10 A Yes, I was.

11 Q Do you recall how many workers for John
12 Hampshire were on that site?

13 A Offhand, I would say John H. Hampshire had
14 roughly anyplace from 20 men to 45 men on any given
15 day.

16 Q Do you recall when Mr. Vandergucht came on
17 that site?

18 A I would have to say '57.

19 Q At that particular point, at what state of
20 construction was the building?

21 A Well, it wasn't completely under roof yet,

1 but they were coming up with the decks and spraying
2 the metal decks, spraying the side panels.

3 Q When you say they were spraying the side
4 panels and decks, who were you referring to, sir?

5 A The people that were working, including
6 myself, the people that were working on the job.

7 Q Who were they employed by?

8 A John H. Hampshire.

9 Q And what was Mr. Vandergucht doing?

10 A He was working right alongside of the spray
11 men.

12 Q And was he a sprayer in this particular
13 jobsite, sir, to the best of your knowledge?

14 A No.

15 Q Was he an apprentice like yourself?

16 A Jean? No.

17 Q So he was a mechanic?

18 A Yes.

19 Q And what function was he performing?

20 A Well, what they did was sprayed the outside
21 with the cement and perlite mixture, and Jean would

1 lath the walls off with a bunch of other plasterers.

2 Q Once you got the outside wall established,
3 and the latherer would come in and put the studs up
4 and then plastering would start?

5 MR. MERINGER: I am sorry, we missed it.
6 That was mine. Let me back up.

7 A Once you got the outside wall established,
8 and then the latherer would come in and put his studs
9 up and then the plastering would start.

10 Q He was a plastering mechanic?

11 A Yes.

12 Q Can you tell us what, if any, asbestos-
13 containing products you yourself used --

14 A Well --

15 Q -- on this job in particular?

16 A Cafco and the --

17 Q Was that the spray, sir?

18 A Spraydon, yes, Cafco, and the insulation for
19 the pipes. And what else?

20 Q You put the insulation for the pipes on,
21 sir?

1 A Not myself, no.

2 Q My question is what, if any, asbestos-
3 containing products did you yourself use on that
4 jobsite?

5 A I myself used Cafco.

6 Q Okay, and what, if any, asbestos-containing
7 products do you recall seeing Mr. Vandergucht use on
8 this particular jobsite, and that being Commercial
9 Credit?

10 A That he used?

11 Q Yes, sir, if you saw him use any at all.

12 A Outside of tamping up the Cafco spray,
13 because he would follow up behind the man doing the
14 spray work, he would follow behind him on the same
15 scaffold tamping the finish, so he was directly
16 involved with the material.

17 As far as spraying it, I can't say that I
18 actually saw him use the hose.

19 Q Do you know what type of plastering material
20 he used?

21 A What type of plastering material?

1 Q Yes, sir.

2 A For what?

3 Q He was a plasterer, correct?

4 A Yes.

5 Q Did he plaster on this particular job?

6 A Yes, but later on. You were asking me about
7 asbestos-type material, and I gave you an answer about
8 that.

9 As far as the -- USG had the gypsum plaster
10 on the job, and that is what you used to plaster the
11 walls and the ceilings, but you didn't ask me that.

12 Q Of the trades that were there while you were
13 there with Mr. Vandergucht, do you recall whether any
14 of them used asbestos-containing products?

15 A I just got done telling you Jean worked on
16 the scaffold --

17 Q I understand.

18 A -- with the asbestos Spraydon Cafco, the
19 same as I did.

20 Q But of the other trades you listed --

21 A The insulators or pipecoverers, whatever you

1 want to call them, they used asbestos-type material on
2 the job.

3 Q -- what type of asbestos-type material did
4 they use, sir?

5 A Pipecoverers used the wet mud for covering
6 the boiler and the joints.

7 Q Do you recall who employed the pipecoverers
8 at Commercial Credit?

9 A Armstrong insulation or insulators or -- I
10 forget that part. I don't remember that part.

11 MR. McGOWAN: Page 19, counsel.

12 BY MR. McGOWAN:

13 Q Can you recall what type of products the
14 pipecoverers were using other than the generic
15 products you gave us?

16 Can you recall either a trade name,
17 manufacturer or product name of the pipecovering and
18 what mud that you told us about?

19 A Armstrong delivered the products on the job,
20 and that is the name that was on the truck.

21 That is the name that was on the box, the

1 round sleeves that they used to cover, and that was
2 the name of the wet mud that they used to do the
3 joints in the boilers.

4 Q Can you tell us how long you were on that
5 particular jobsite?

6 A How long?

7 Q Yes, sir.

8 A Off and on from 1956 to 1958.

9 Q And of that sporadic two years that you were
10 there and not there, of the times that you were
11 actually there, can you tell us, did you see Mr.
12 Vandergucht there when you were there?

13 A Yes, I did.

14 Q For the entire two years that you were
15 there?

16 A Yes, I did.

17 Q Now, you said that you saw him use certain
18 plastering materials?

19 A No, I did not say that.

20 Q You mentioned US --

21 A I did not say that he used those

1 plastering. All I said was he followed up the spray
2 man tamping the Spraydon Cafco to put the finish on.

3 Q And that was on the outside part of the --

4 A That was on the ceiling overhead.

5 Q Did he actually do any plastering on the
6 inside of the building, sir?

7 A Yes.

8 Q What did he use while he was plastering the
9 inside of the building?

10 A USG sand, I guess. That is the product that
11 was going on the job when you were brown and white
12 coating.

13 Q Sir, do you know who the brown coat was
14 manufactured by?

15 A USG, as far as I know. That is what was on
16 the bag.

17 Q And do you know who the white coat was
18 manufactured by?

19 A USG.

20 MR. MCGOWAN: Skip to page 54.

21 MR. MERINGER: 33.

1 MR. MCGOWAN: 33. Go to line 16.

2 BY MR. MCGOWAN:

3 Q You testified earlier that Armstrong people
4 were doing some of the insulation work, correct?

5 MR. MCGOWAN: There was a response by one of
6 the attorney -- by the plaintiff's attorney, yes, that
7 is what he testified.

8 THE COURT: Even though that plaintiff's
9 attorney was not sworn as a witness.

10 MR. MCGOWAN: Okay. Page 34.

11 BY MR. MCGOWAN:

12 Q My question is, did the same people who
13 actually do the insulation bring their own products to
14 the jobsite?

15 A No, it was delivered, and they unloaded the
16 truck.

17 Q The Armstrong insulators unloaded the
18 Armstrong truck?

19 A Yes.

20 Q And the products coming off the Armstrong
21 truck were Armstrong products?

1 A To the best of my knowledge, that is what
2 was on the boxes and the bags.

3 Q Is it your understanding that the men who
4 were unloading -- actually unloading the trucks and
5 doing the insulation were employed by the same people
6 or work for the same company who manufactured these
7 products?

8 A To the best of my knowledge.

9 MR. McGOWAN: Your Honor, page 54, skip
10 ahead.

11 BY MR. McGOWAN:

12 Q Sir, the next jobsite we have is Bel Air
13 High School.

14 A Yes.

15 Q You said that you worked there with Mr.
16 Vandergucht?

17 A Yes.

18 Q Do you recall when you worked there, sir,
19 when you first went to that jobsite?

20 A I don't recall the exact time.

21 Q Do you recall whether or not Mr. Vandergucht

1 was there when you got there?

2 A Yes, he was.

3 Q Can you tell us what stage of construction
4 the building was in?

5 A Well, the walls were up and the beams were
6 in place. The roof was on.

7 Q And what were you doing at this particular
8 jobsite, sir?

9 A Well, I went up to spray some fireproofing
10 onto beams with the Cafco product, and then I stayed
11 and worked with Jean to plaster along with a couple
12 others.

13 Q How long did you spray, sir, meaning the
14 company, John Hampshire?

15 A The actual spraying time?

16 Q Yes, sir.

17 A Based on a period of over a couple of
18 months, I guess it was 10, 12 actual days spraying
19 time, off and on.

20 Q Did you use any other product other than
21 Cafco?

1 A Not for spraying.

2 Q Once the spray was done, is that when you
3 went to work for Mr. Vandergucht; is that correct?

4 A Jean worked right along with me all the way
5 through.

6 Q Was he tamping at this time?

7 A Yes.

8 Q Now, when you were working with Mr.
9 Vandergucht, were you working side by side as a
10 plasterer?

11 That is what I am asking.

12 A Yes.

13 Q When you were plastering, what products were
14 you using?

15 A USG products.

16 Q Would that be the white coat and the brown
17 coat?

18 A Yes.

19 Q Can you tell us how long you were at this
20 particular jobsite?

21 A About three months, maybe longer.

1 Q Now, was Mr. Vandergucht there when you left
2 the jobsite?

3 A We both left together.

4 Q Now, sir, can you tell us, were there other
5 trades there?

6 It is a simple question, sir.

7 MR. MCGOWAN: Again, the unsworn lawyer said
8 he already answered.

9 THE COURT: Forget what he said. Let's go
10 to the sworn testimony.

11 A Yes, there were other trades there.

12 Q Can you tell us what other trades were
13 there?

14 A Plumbers, electricians, lathers, carpenters,
15 steamfitters, insulators, pipecoverers, whatever you
16 want to call them, boilermakers.

17 Did I leave any of them out?

18 Oh, I forgot bricklayers. You got to have
19 bricklayers. You got to have the ironworkers.

20 Q Mr. Silwick, do you recall what decade this
21 job was?

1 A What?

2 Q Was this in the 1950s, '60s or '70s; do you
3 recall?

4 A Somewhere around 1959, '60. It might -- I
5 can't remember whether it carried over or not, but
6 that is about when it was.

7 MR. McGOWAN: Page 63.

8 THE COURT: A minute and a half left.

9 MR. McGOWAN: Okay. We are almost
10 finished.

11 BY MR. McGOWAN:

12 Q Who else was on the spray team at Bel Air
13 High School beside yourself and Mr. Vandergucht?

14 A That is it.

15 Q What part of the building was sprayed?

16 A Some support beams and part of the boiler
17 room.

18 Q Do you know how many bags were used in a
19 typical day of spraying in 1959 or 1960s?

20 A I couldn't give you an answer to that.

21 Q Would it be more than 15 or 20?

1 A Oh, much more.

2 MR. McGOWAN: Page 66.

3 BY MR. McGOWAN:

4 Q Did you see pipecovering workers applying
5 pipecovering at Bel Air High School?

6 A Yes.

7 Q Did you have an opportunity to see what
8 brand of material they were using?

9 A Armstrong.

10 Q Sir, you stated you recalled the
11 pipecovering.

12 Was that Armstrong; is that what you just
13 said?

14 A Yes.

15 Q Do you know who made the cement?

16 A Armstrong, as far as I know.

17 Q Do you know who employed the pipecoverers?

18 A Armstrong.

19 Q Do you know -- how do you know the employer
20 was Armstrong?

21 A Well, Armstrong trucks delivered the

1 materials to the job, and you can't be on the job
2 without talking to people.

3 Q Earlier at Commercial Credit you said you
4 identified the Armstrong pipecovering and cement by
5 the name on the packaging.

6 Is that the same at Bel Air High School?

7 A Yes, it was.

8 Q Sir, the next jobsite I have is that of
9 Normandy Village Mall; is that correct?

10 A Yes.

11 Q Can you tell us what the Normandy Village
12 Mall is, sir?

13 Can you tell us where it is?

14 A Where it is?

15 Q Yes.

16 A It is out Route 40 a little bit past
17 Enchanted Forest, I guess.

18 Q That is fine.

19 A Six or eight miles past 29, I don't know.

20 Q Can you tell us how long you were at this
21 particular jobsite?

1 A Approximately three months.

2 Q Do you have any independent recollection as
3 to when you were there, sir?

4 A What year?

5 Q Yes, sir.

6 A Somewhere around '62 or '63, I am not
7 exactly sure.

8 Q Do you recall whether Mr. Vandergucht was on
9 that job when you got there?

10 A We went on the job together.

11 Q And do you know, did you leave the job
12 together?

13 A No, Jean was still there when I left.

14 THE COURT: Tomorrow we will resume on page
15 70, line 21.

16 Ladies and gentlemen, this is the conclusion
17 of our court day. Please don't discuss the case or
18 the testimony among yourselves or with anyone else.

19 Get paid tomorrow morning and return to the
20 jury room after you get paid, and we will start as
21 close to 9:30 as possible.

1 Have a good, safe evening, everyone.

2 (Whereupon, jury dismissed -- 4:15 p.m.)

3 MR. MCGOWAN: Your Honor, you might want to
4 forget what I said this morning about being done
5 Monday morning from what happened today.

6 THE COURT: You have been taking time
7 lessons from Mr. Flerlage.

8 MR. MCGOWAN: Yes, yes, and Mr. Smith kind
9 of reminded me of Mr. Flerlage and extended his
10 15-minute cross-examination.

11 THE COURT: He didn't promise a 15-minute
12 cross-examination, she did.

13 MR. SMITH: I said half hour times two, Your
14 Honor, and I think I lived up to my promise.

15 MR. WILLIAMS: No, I think you said half
16 hour.

17 MR. SMITH: Be that as it may.

18 THE COURT: All right. Counsel, if you
19 would be kind enough to be in your seats at 9:25, we
20 will resume again at 9:30.

21 Have a good evening, everyone.

1 (Thereupon, at 4:17 p.m., the proceeding
2 was adjourned.)

1 State of Maryland

2 City of Baltimore

3 I, Bonnie L. Gahagan, a Notary Public of the
4 State of Maryland, City of Baltimore, do hereby
5 certify that the above-captioned case took place
6 before me at the time and place herein set out.

7 I further certify that the proceeding was
8 recorded stenographically by me and this transcript is
9 a true record of the proceedings.

10 I further certify that I am not of counsel
11 to any of the parties, nor an employee of counsel, nor
12 related to any of the parties, nor in any way
13 interested in the outcome of the action.

14 As witness my hand and seal this 12th day of
15 June, 1996.

16

17 Bonnie L. Gahagan

18 My Commission Expires 10-01-96

19

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