

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

---oOo---

ALFRED TODAK and

STEPHANIE TODAK,

Plaintiffs,

vs.

No. 320621

ASBESTOS DEFENDANTS (BHC),

Defendants.

DEPOSITION OF CARLO MARTINO

Via telephone conference call

Thursday, February 7, 2002

(Pages 1 through 170)

Reported by:

DEBORAH E. JILKA

CSR. No. 5942

BE IT REMEMBERED that, pursuant to Deposition
Notice, and on Thursday, February 7, 2002, commencing at
the hour of 10:10 a.m., thereof, at the office of Deborah E.
Jilka, CSR, 8818 Clothier Lane, Cotati, California 94931,
before me, DEBORAH E. JILKA, CSR No. 5942, A Certified
Shorthand Reporter in and for the State of California,
there appeared via telephone conference call

CARLO MARTINO,

called as a witness by the Plaintiff herein; who, having
been first duly sworn, was thereupon examined and
testified as is hereinafter set forth.

Law Offices of BRAYTON PURCELL, 222 Rush Landing
Road, Novato, California 94945 represented by Rett Bergmark,
Esquire, appeared via telephone conference call as Counsel
on behalf of the Plaintiffs; and

Law Offices of MCKENNA & CUNEO, One Market,
Steuart Street Tower, 27th Floor, San Francisco,
California 94105, represented by Lisa Oberg, Esquire,
appeared via telephone conference call as Counsel on
behalf of the Defendants.

Law Offices of KELLY, DRYE & WARREN, 101 Park
Avenue, New York, New York 10178, represented by Jonathan
Glasser, Esquire, appeared via telephone conference call as
Counsel on behalf of the Defendants.

1

3

I N D E X

WITNESS

CARLO MARTINO

EXAMINATION BY:	Page
MR. BERGMARK.....	5, 163
MS. OBERG.....	161

E X H I B I T S

Description	Page
A Deposition notice.....	169

MARKED QUESITONS

Page	Line
28	13
49	4
52	15

Law Offices of MORGENSTEIN & JUBBLIRER, One
Market, Spear Street Tower, San Francisco, California 94105,
represented by Alex Catalona, Esquire and Robert Mullen,
Esquire, appeared via telephone conference call as Counsel
on behalf of the Defendants, Viacom, Inc.

Law Offices of JACKSON & WALLACE, 580 California
Street, 15th Floor, San Francisco, California 94104,
represented by Michele Barnes, Esquire, appeared via
telephone conference call as Counsel on behalf of the
Defendants, Foster Wheeler and Fraser's Boiler Service.

Law Offices of DRINKER, BIDDLE & REATH, 225 Bush
Street, 15th Floor, San Francisco, California 94104,
represented by Dennis Raglin, Esquire, and Thomas Van,
Esquire, appeared via telephone conference call as Counsel
on behalf of the Defendants, Monsanto Company.

Law Offices of FREEBERG, JUDY & NETTELS, 600 S.
Lake Street, Suite 500, Pasadena, California 91106,
represented by Steven Freeburg, Esquire and Carla Crochet,
Esquire, appeared via telephone conference call as Counsel
on behalf of the Defendants, Underwriter Labs.

Law Offices of POND, NORTH & HUGO, 611 West Sixth
Street, Suite 2500, Los Angeles, Califorani 90017,
represented by Sandra Gryder, Esquire, specially appearing
via telephone conference call for Counsel on behalf of the
Defendants, Jamestown Metal Marine.

1 February 7, 2002 10:10 a.m.
 2 ---oOo---
 3
 4 (Reporter's Disclosure: I am an independent
 5 Certified Shorthand Reporter representing CalNorth
 6 Reporting Service. Neither CalNorth Reporting Service
 7 nor I have an ongoing contractual relationship with any
 8 party or legal representative to this action. I am an
 9 impartial and unbiased reporter. This is being
 10 disclosed with reference to California Certified
 11 Shorthand Reporters' and National Court Reporters
 12 Association's Code of Professional Conduct and CalNorth
 13 Reporting Service's interpretation of Business and
 14 Professional Code 8025 (c).)

15
 16 ---oOo---
 17

18 EXAMINATION BY MR. BERGMARK

19 MR. BERGMARK: Q. Can you please state your name
 20 for the record.
 21 A. Excuse me? State my name?
 22 Q. Please.
 23 A. Carlo F. Martino, M-a-r-t-i-n-o.
 24 Q. Mr. Martino, what is your residence address?
 25 A. 125 River Road, Somerville,

1 Q. On how many occasions?
 2 A. Twice.
 3 Q. When was the last occasion?
 4 A. In May of 19 -- in May of 2001.
 5 Q. What type of case were you giving deposition
 6 testimony in May of 2001?
 7 A. That's right.
 8 Q. What type of case? What was the cause of
 9 action or --
 10 MR. GLASSER: Objection as to the form.
 11 MR. BERGMARK: Q. Go ahead.
 12 MS. OBERG: Would you repeat the question, Rett? I
 13 think there's a confusion here. What is your question
 14 again?
 15 MR. BERGMARK: Q. My question is: What was the
 16 cause of action or issue in the case in which you have
 17 given deposition testimony?
 18 MS. OBERG: I'm going to object to the question
 19 insofar as it's calling for speculation, and it's also
 20 not relevant as to what's going on here.
 21 Are you asking what type of case it was?
 22 MR. BERGMARK: That's right.
 23 MS. OBERG: Mr. Martino, do you know what type of
 24 case it was that you were deposed on?
 25 A. It was asbestos related with regard to

5

7

1 S-o-m-e-r-v-i-l-l-e, New Jersey 08876-3621.
 2 Q. Are you currently employed?
 3 A. No, I'm not.
 4 Q. When was your last date of employment?
 5 A. 1996. I'm retired.
 6 Q. In 1996?
 7 A. Yes.
 8 Q. When you were employed in the year of 1996,
 9 what company were you working for?
 10 A. Union Carbide.
 11 Q. Where was your business address that you
 12 worked out of for Union Carbide in 1996, your last year
 13 of employment with them?
 14 A. It's River Road, Bound Brook, B-o-u-n-d,
 15 Brook, New Jersey. I don't remember the ZIP code.
 16 Q. Did it have an address number, its River Road
 17 address.
 18 A. No, I don't.
 19 Q. Did it have one and you just don't recall it
 20 right now?
 21 A. I don't recall it. I think it was One River
 22 Road, but I'm not certain of that.
 23 Q. Have you ever given deposition testimony
 24 before?
 25 A. Yes.

1 phenolic molding compounds. Asbestos phenolic molding
 2 compounds.
 3 MR. BERGMARK: Q. Phenolic molding compounds?
 4 A. Right.
 5 Q. In what state was that action?
 6 MS. OBERG: Objection. Calls for speculation. If
 7 you know, Mr. Martino.
 8 A. I don't know.
 9 MR. BERGMARK: Q. Do you remember the name of the
 10 or the plaintiff, either one?
 11 A. I believe it was Frye, F-r-y-e.
 12 Q. And the first name?
 13 A. I don't recall the first name.
 14 Q. Do you know who the plaintiff's firm was that
 15 deposed you?
 16 A. Who deposed me?
 17 Q. Yes.
 18 A. No, I don't. I don't remember.
 19 Q. Just for your understanding, I'm with Brayton,
 20 Purcell.
 21 A. Okay.
 22 Q. I'm in a law firm in California. Where are
 23 you currently?
 24 A. You mean at the present time? I'm at the
 25 Marriott in Somerset, New Jersey.

1 Q. Who is with you in that room?

2 A. Jonathan Glasser.

3 Q. Anybody else?

4 A. No.

5 Q. Aside from this May 20 -- pardon me. Aside

6 from this May 2001 testimony, what is the other occasion

7 in which you have given deposition testimony in terms of

8 dates?

9 A. The end of April in 2001 I also gave a

10 deposition.

11 Q. What kind of case was that?

12 A. That also was with regard to

13 asbestos-containing phenolic molding materials and also

14 Bakelites and phenolic resins.

15 Q. Resins? R-e-s-i-n?

16 A. -- S. And laminates, l-a-m-i-n-a-t-e-s.

17 Q. What was the plaintiff's name in that case?

18 A. I don't remember where was that action.

19 Q. Where was that action filed?

20 MS. OBERG: Again, calls for speculation.

21 If you know, Mr. Martino.

22 A. I believe it was in California.

23 MR. BERGMARK: Q. Was it a plaintiff's firm that

24 deposed you, that took your deposition?

25 A. I don't know.

9

1 reporter is in Petaluma, California and without

2 objection by any defendants, she will be taking the

3 deposition telephonically as well. I believe that we

4 have stipulated to that, correct, Ms. Oberg?

5 MS. OBERG: We have not objection to the telephonic

6 appearance of the court reporter.

7 MR. BERGMARK: Any other counsel?

8 THE COURT REPORTER: I'm in Cotati, California.

9 MR. BERGMARK: I've misspoken. The court reporter

10 is actually in Cotati, California.

11 Q. In any event, although we are in informal

12 settings, you understand that your testimony given here

13 today has the same force and effect as if you gave it in

14 a court of law, correct?

15 A. Yes.

16 Q. You understand that you may be subject to the

17 penalty of perjury for untruthful testimony?

18 A. Yes.

19 Q. In order for you to comply with the oath that

20 you have given, it's important that you testify as to

21 facts that are listed from my questions to you. You are

22 not to guess or speculate. If you have a foundation for

23 the answer that you have given, you may provide it, but

24 I don't want you to make a guess. However, I am

25 entitled to an estimate.

11

1 Q. What was the name of the firm?

2 A. I don't remember that either.

3 Q. Have you ever given trial testimony?

4 A. Yes.

5 Q. How many occasions?

6 A. Once.

7 Q. When was that?

8 A. That was also April 2001, at the end of April.

9 Q. In what state did you give this testimony?

10 A. In California.

11 Q. What city?

12 A. San Francisco.

13 Q. Is this in that same case that you had given

14 the deposition testimony in April of 2001?

15 A. Yes.

16 Q. It sounds like you've recently had some

17 experience regarding giving depositions, but I want to

18 go through some admonitions with you which will help

19 make this process go quickly.

20 You understand that you've been sworn by the

21 court reporter here today to tell the truth, correct?

22 A. Yes.

23 Q. And although you're in an informal setting at

24 the Marriott at Somerset, New Jersey and I'm in an

25 informal setting in Novato, California and the court

1 For example, I may ask you for information

2 about certain dates or number of products or businesses

3 or other things that could elicit specific numbers or

4 dates or such. If you are not sure of the exact dates

5 or numbers or such information but have a basis on which

6 to provide an estimate, I'm entitled to have you provide

7 that estimate. But I do not want you to provide answers

8 for which you or Union Carbide or anyone at Union

9 Carbide have no foundation for that response.

10 Do you understand?

11 A. Yes.

12 Q. If you do not hear or understand a question

13 that I've posed to you, you must indicate that you did

14 not hear or understand my question. Otherwise, in

15 responding, I and others will assume that you understood

16 the question and that you were responding to the

17 question as posed.

18 Do you understand that?

19 A. If I do not understand the question, I will

20 ask it to be repeated, to the best of my knowledge if I

21 don't understand it.

22 Q. Very good.

23 The court reporter will be taking down

24 everything you and I say and any objections by any

25 counsel here today. You will have an opportunity to

1 review the transcript of the deposition and make any
2 changes you deem necessary to make the transcript as
3 complete and accurate as possible. I must caution you
4 that any changes you make to the transcript may be
5 commented on at a later time, including trial, and may
6 be used to question your credibility and the
7 truthfulness of your testimony at trial.

8 If the changes are material, I reserve the
9 right to redepose you on those matters on which you made
10 changes to the transcript. So I ask that your testimony
11 be the most complete and accurate accounting of facts.

12 Do you understand that?

13 A. Yes, I do.

14 Q. Finally, because we want to ensure a clear
15 record, it's important to wait until the entirety of my
16 question is asked before you respond and I'll oblige by
17 waiting until the entirety of your answer is completed
18 before posing the next question.

19 If at any time you feel that you have not
20 completely responded to my question before I pose my
21 next question, I need you to indicate that that is the
22 case and I will allow you to complete your statement.

23 If you do not, I and others will assume you
24 completed your entire answer to that question.

25 Do you understand that?

13

1 A. No, I do not.

2 Q. Have you ever held such positions?

3 A. No.

4 Q. You say that you were associate director of
5 research and development, and I think that would be
6 between 1994 and 1996; is that accurate?

7 A. Yes. I'm sorry, let's go back to that. It
8 was 1995 to 1996.

9 Q. Very well. During that time period, '95 to
10 '96, did you -- strike that.

11 What were you the associate director of
12 research and development for? Was there a particular
13 area?

14 A. I was responsible for the development and
15 service of all molding, pipe and extrusion polyethylene
16 products.

17 Q. When did you first work for Union Carbide?

18 A. I was hired in August of 1948.

19 Q. Where were you hired?

20 A. In Bound Brook, New Jersey.

21 Q. Did you work at which plant or location?

22 A. At the Bound Brook location. It's in
23 Piscataway but they referred to it as the Bound Brook
24 location.

25 Q. What was your job title when you were first

15

1 A. Yes, I do.

2 Q. And because this is being done telephonically,
3 it's important to take a breath in between the
4 conclusion of my question before you respond. And
5 sometimes I pause while asking my questions, and so I
6 ask that you maybe even take two breaths before posing
7 your answer. And I will do the exact same to you
8 because you may be thinking and I'll want to give you
9 time to complete your answer.

10 Does that sound fair?

11 A. Yes.

12 Q. When you were employed at Union Carbide in
13 1996, what was your job title?

14 A. I was associate director of research and
15 development.

16 Q. How long did you hold that position?

17 A. About two years.

18 Q. Do you currently do any freelance consulting?

19 A. No, other than the depositions that we just
20 mentioned.

21 Q. Are you paid by Union Carbide for giving
22 testimony?

23 A. No, I'm not.

24 Q. Do you currently have any chairmanship or
25 officership with Union Carbide?

14

1 hired on in 1948?

2 A. I was a production trainee.

3 Q. What were your job responsibilities as a
4 production trainee?

5 A. I was assigned to the various departments in
6 the Bound Brook plant for a period of time that extended
7 over a period of almost a year and was rotated from
8 department to department to learn the business.

9 Q. When you say "production trainee," production
10 of what?

11 A. Production of the various plastics that were
12 being made at that location at the time.

13 Q. What you say "plastics," are you including
14 phenolic resins?

15 A. Yes.

16 Q. Was Bakelite one of those phenolic resins at
17 that time?

18 A. Yes.

19 Q. Bakelite is a trade name?

20 A. Yes, it is.

21 Q. In your --

22 MS. OBERG: I'm going to.

23 MR. BERGMARK: -- understanding --

24 MS. OBERG: Excuse me, Rett.

25 MR. BERGMARK: Sure.

16

1 MS. OBERG: This is Lisa Oberg.

2 I'm going to interpose a late objection to the
3 use of the word "trade name" insofar as it might have
4 any implications and a legal meaning and to the extent
5 that it's taken in its lay sense. If the question is
6 phrased that way, it's acceptable. But other than that
7 insofar as it might lead to a legal conclusion, I'll
8 object.

9 Go ahead.

10 MR. BERGMARK: Q. With regard to this Bakelite
11 product that you have talked about, what is your
12 understanding as to the first date that Union Carbide
13 made Bakelite?

14 MS. OBERG: I'm going to object to the question on
15 the grounds that the "term Bakelite," as you're using it
16 is vague and ambiguous and confusing.

17 MR. BERGMARK: Q. Go ahead, sir.

18 A. Didn't I hear an objection to that?

19 MS. OBERG: You did hear an objection; and provided
20 that you are able to comprehend the question, feel free
21 to go ahead and answer it. I just want to make sure
22 there's no confusion about the term "Bakelite."

23 MR. BERGMARK: Q. Go ahead.

24 A. Union Carbide purchased the Bakelite
25 Corporation in I believe 1939, so the term Bakelite goes

1 assignments. What type of assignments?

2 A. It was mainly a training assignment where I
3 would spend time with the department heads of the
4 various departments in Bound Brook and receive
5 presentations on what the function of the department was
6 and also was given background on the products that were
7 made, and we of course observed the manufacturing
8 operation.

9 Q. What type of information were you given with
10 regard to the products that were made in terms of
11 Bakelite products?

12 MS. OBERG: Object that it's overbroad.

13 MR. BERGMARK: Q. Go ahead.

14 A. I'm sorry, Lisa, I didn't hear that.

15 MS. OBERG: I said that it's overly broad.

16 A. Oh, okay.

17 MS. OBERG: If you're able to answer it, go ahead.

18 A. It was general overview of the business. The
19 products, how the products were made and how they were
20 tested. It was not an independent training at that
21 time.

22 MR. BERGMARK: Q. In 1948, describe for me what
23 you mean by a Bakelite product that was in existence at
24 that time.

25 A. Bakelite refers to a broad range of materials.

17

19

1 back well before that.

2 Q. And Bakelite Corporation that was purchased in
3 1939 by Union Carbide, where was the central plant or
4 location for that?

5 MS. OBERG: I'm going to object to the question on
6 the grounds that it is beyond the scope of the
7 deposition notice and beyond the scope of the issues
8 that are relevant for this deposition.

9 MR. BERGMARK: I'm entitled to ask questions with
10 regard to the Bakelite products and matters tending to
11 lead to the discovery of admissible evidence concerning
12 the component products, Bakelite products, and this is
13 part of that.

14 MS. OBERG: I disagree, Rett, and I'm going to have
15 to object to the question on the same grounds.

16 And among the other reasons why it's
17 objectionable are the fact that you're asking this
18 witness about a corporate acquisition that is by the
19 company. He's the corporate person most knowledgeable
20 concerning the categories in the deposition notice. The
21 acquisition occurred well before his employment with the
22 company, and I'm going to instruct him not to answer.

23 MR. BERGMARK: That's all I need to hear.

24 Q. When you came aboard in 1948 as a production
25 trainee, you said that you were assigned to various

1 It --

2 Q. Go ahead.

3 A. There are the phenolic resins. Those are
4 either liquid or solids. And then it also applies to
5 combination of those resins with various fillers to make
6 what we call a molding compound.

7 Q. Any others?

8 A. They were also used later to -- for epoxy
9 resins. They were called Bakelite resins, even though
10 they weren't phenolic.

11 Even later than that, the marketing group
12 decided to use the Bakelite name to designate all of
13 their thermoplastics. And in the '50's we had Bakelite
14 brand polystyrene, Bakelite brand polyethylene.

15 Q. And it's your understanding that Bakelite is a
16 brand name?

17 A. Yes.

18 Q. With regard to the -- that's a brand name for
19 Union Carbide, correct?

20 A. To the best of my knowledge, yes.

21 Q. In 1948, the Bakelite phenolic resins -- and
22 these are the resins without the fillers -- what
23 different uses were these resins intended to have?

24 MS. OBERG: Let me clarify the question. Are you
25 asking about phenolic resins without fillers and

1 intended uses of those?

2 MR. BERGMARK: Q. The phenolic resins -- and let
3 me clarify -- that are opposed to what you would refer
4 to as resins with fillers to make molding compounds. It
5 sounds like you broke it down into two parts. You said
6 there were phenolic resins and then there were resins
7 with fillers to make molding compounds.

8 Let me talk about that first phenolic resin
9 that you broke down for me. What were the intended use
10 of those phenolic resins as opposed to the resins with
11 the fillers to make molding compounds?

12 MS. OBERG: I'm going to object to the question on
13 the grounds that it is beyond the scope of the
14 deposition and the notice as it was restricted by
15 Commissioner Hewlett insofar as the categories within
16 the notice were restricted to inquiry concerning
17 asbestos-containing materials only.

18 MR. BERGMARK: Q. Go ahead.

19 MS. OBERG: No, Rett. If you want to clarify your
20 question to make sure you're asking about an
21 asbestos-containing product, that's fine. But that's
22 all we are here to talk about today.

23 MR. BERGMARK: Are you instructing him not to
24 answer that question?

25 MS. OBERG: As it stands right now, and I'm

1 did those contain asbestos?

2 A. Some did.

3 Q. What products were those?

4 A. Those would be the phenolic molding compounds,
5 some of those contained asbestos.

6 Q. As of 1948, which of those contained asbestos?

7 MS. OBERG: I'm going to object to that question
8 because it is beyond the scope of the deposition notice.
9 This is a category that's going to be gone into in
10 detail provided that -- I'm not going to tell you how to
11 do your deposition, Rett, but at this stage, a listing
12 of all the asbestos-containing phenolic resins
13 manufactured by Union Carbide is not part of this
14 notice.

15 MR. BERGMARK: Are you instructing him not to
16 answer that question?

17 MS. OBERG: As currently phrased, I am.

18 MR. BERGMARK: Q. With regard to these
19 asbestos-containing resin products that Union Carbide
20 made in that 1948 time period, were any of those with
21 the intended use for electrical insulation?

22 A. Some were, yes.

23 Q. Which were?

24 A. My experience with -- in detail with the
25 products didn't start until 1960. I did not have that

21

23

1 inviting you to explore why.

2 MR. BERGMARK: I'm taking a look at an order that
3 has been prepared by Mr. Goldstein and been forwarded to
4 the court for signature.

5 MS. OBERG: You are taking a look at an unsigned
6 order.

7 MR. BERGMARK: Well, he signed this.

8 MS. OBERG: And you're also taking a look at an
9 order that restricts this inquiry to asbestos-containing
10 materials, as drafted by Mr. Goldstein.

11 So if you want to clarify with the witness
12 why -- which products might have contained asbestos,
13 that's fine and we can proceed, but inquiry regarding
14 other products is not part of this deposition.

15 MR. BERGMARK: In having him identify those
16 products, I will be able to ascertain from him,
17 hopefully, or others whether they are
18 asbestos-containing or not. But we'll go ahead. I'll
19 accommodate you, Lisa, for now.

20 Q. And ask you, Mr. Martino, of these phenolic
21 resins in the 1948 time period, did any of those have an
22 asbestos component to them?

23 A. The phenolic resins themselves did not.

24 Q. Did any of the product that Union Carbide
25 produced with phenolic resins in the 1948 time period,

1 sufficient depth in training in the 1948 period to know
2 all that.

3 Q. Are you aware of any electrical thermal
4 insulation products that Union Carbide manufactured in
5 the 1948 time period that did not have any asbestos?

6 A. Yes, I did.

7 Q. Of the ones that did have asbestos, where you
8 were able to differentiate between the two, please
9 describe for me the ones that did have asbestos.

10 MS. OBERG: No, I'm going to object -- I'm sorry to
11 interrupt you, Rett.

12 I'm going to object for two reasons. The
13 first is that he's already described that his extensive
14 knowledge did not start until 1960. But more
15 importantly, this particular deposition has now been
16 restricted from the dates 1960 through 1972. Now it's
17 convenient that Mr. Martino's knowledge starts in 1960,
18 but insofar as you're asking in 1948, it's beyond the
19 scope of the deposition notice.

20 MR. BERGMARK: Q. Let's move to the period of 1960
21 where you have this acquired -- better acquired
22 knowledge, Mr. Martino.

23 What was your job title at that time?

24 A. I was group manager of the Bakelite molding
25 and laminating resins group.

1 Q. Can I just call that group manager of Bakelite
2 resins group for brevity?

3 A. That's too broad.

4 Q. Okay.

5 A. There were other resin groups at the time.

6 Q. Can you repeat your title for me then?

7 A. Group manager of the Bakelite molding and
8 laminating resins group.

9 Q. What were your job duties at that time in that
10 role?

11 A. I supervised a group of people whose job was
12 to formulate products for those two areas of our
13 business and to provide technical service for the
14 customers in those areas of the business.

15 Q. Was it your responsibility to have an
16 understanding as to what the Bakelite molding and
17 laminating resins component products were?

18 A. Yes.

19 Q. How did you become aware of those?

20 A. It was our job to formulate new products, so I
21 had to develop an understanding of what the various
22 components in those products did and what the customers
23 did with them -- with the final product.

24 Q. With regard to the formulation of these
25 Bakelite molding and laminating resins, did any of those

1 finished part. And that would be a variety of parts
2 like iron handles, wall plates, receptacles that you --
3 the electrical receptacles in the wall, that sort of
4 thing.

5 Q. Aside from wall plates and
6 receptacles -- strike that.

7 You indicate that the molding compound that
8 Union Carbide produced came in a granular form?

9 A. Yes.

10 Q. Did it come in any other form during the
11 1960's?

12 A. That was the primary form.

13 Q. Were there any other forms produced by Union
14 Carbide in the 1960's?

15 A. No, no others.

16 Q. When you say "granular," what size are we
17 talking about?

18 A. It was sort of a coarse sand.

19 Q. With regards to these molding compounds in
20 a -- strike that.

21 Any time after 1960, did Union Carbide produce
22 molding compounds in a form other than granular?

23 MS. OBERG: Asbestos-containing molding compounds?

24 MR. BERGMARK: Just leave it open to molding
25 compounds in general.

25

27

1 contain asbestos?

2 A. Yes, some did.

3 MS. OBERG: We are talking about the 1960 time
4 range here, Rett, correct?

5 MR. BERGMARK: Right.

6 MS. OBERG: Thank you.

7 A. The molding compounds, some of those did.

8 MR. BERGMARK: Q. How about the laminating resins?

9 A. They did not contain asbestos.

10 Q. What's the difference between a molding
11 compound and a laminating resin?

12 A. The resin is sold in the form of a liquid and
13 it is sold to customers who make laminates. And
14 laminates are like the decorative laminates you have on
15 your kitchen counter or, you know, vanity in the
16 bathroom, that sort of thing.

17 The customer uses the phenolic as the adhesive
18 to glue these different plies together to form this
19 sheet that's a decorative surface. And there are also
20 industrial laminates as well that don't have a
21 decorative surface.

22 The molding compounds are made by taking those
23 phenolic resins, combining them with various fillers,
24 mixing them and then selling that product in a granular
25 form, that composition, to someone who will mold the

1 MS. OBERG: Then I'm going to object that it's
2 beyond the scope of the deposition. Commissioner
3 Hewlett very specifically restricted this deposition to
4 asbestos-containing materials.

5 MR. BERGMARK: I want to be able to differentiate
6 between what is asbestos-containing and not
7 asbestos-containing.

8 MS. OBERG: Knowing other formulations doesn't help
9 you do that.

10 MR. BERGMARK: I'm not asking about the
11 formulations. I'm asking what it appeared to be. We
12 have one form which was the granular form.

13 Q. After 1960, what other forms did the molding
14 compounds take?

15 MS. OBERG: Rett, why don't you ask him whether
16 asbestos-containing molding compounds ever came in any
17 forms other than granular?

18 MR. BERGMARK: Are you instructing him not to
19 answer?

20 MS. OBERG: I am because it's beyond the scope, so
21 I'm trying to help you here.

22 MR. BERGMARK: It's not.

23 Madam court reporter, why don't you mark that
24 one.

25 Q. With regard to any of the molding compounds in

1 1960, which you say in that time period were all in
2 granular form when produced by Union Carbide?

3 A. These are the ones I described as being hot
4 compounded on rolls.

5 Q. Is somebody else talking to you?

6 A. I'm sorry?

7 Q. Mr. Martino, was somebody else talking to you?

8 A. No, no.

9 Q. Go ahead.

10 A. These are with regard to those products that
11 were made the way I described, the phenolic combined
12 with the resins -- the fillers and hot compounded and
13 then granulated.

14 Q. When you say phenolic filler compounded and
15 granulated, are you saying that phenolic filler compound
16 is a different product altogether than the granular?

17 MS. OBERG: No, objection. We have confusion going
18 here. He didn't say that, Rett. He said molding
19 compounds. He didn't say filler compounds. Let's get
20 the term straight.

21 MR. BERGMARK: Madam court reporter, can you read
22 back his answer.

(record read)

24 MR. BERGMARK: Okay. Let me reask the question
25 this way, sir.

1 MR. BERGMARK: Q. Were any of these granular
2 asbestos-containing products from Union Carbide used for
3 electrical insulation?

4 A. Yes.

5 Q. Which ones? What varieties?

6 MS. OBERG: Objection. Vague and ambiguous with
7 respect to the term "varieties."

8 MR. BERGMARK: Q. Go ahead.

9 MS. OBERG: Do you understand the question, Carlos?

10 A. I'm not sure I understand "varieties."

11 MS. OBERG: Okay. The question is --

12 MR. BERGMARK: Don't interrupt the witness.

13 MS. OBERG: No, he's already said he doesn't
14 understand it.

15 A. I don't understand "varieties."

16 MS. OBERG: Rephrase the question, please, Counsel.

17 MR. BERGMARK: Q. With regard to the electrical
18 insulation that had an asbestos component in this
19 granular form that you have talked about which Union
20 Carbide produced, were there different types of product
21 that you're referring to?

22 A. Yes.

23 Q. How many different types of products have
24 these features?

25 A. I can only give you a rough estimate.

1 Q. After 1960 -- strike that.

2 With regard to the molding compounds that had
3 come in this granular form, did any of those have an
4 asbestos component?

5 A. Yes.

6 Q. How many varieties had a granular and asbestos
7 component in 1960?

8 MS. OBERG: I'm going to object to that question
9 because I think it is beyond the scope of the deposition
10 notice. And this is why the depo notice is restricted
11 very specifically to asbestos-containing materials that
12 are intended for use in electrical application.

13 MR. BERGMARK: I'm getting there.

14 MS. OBERG: Well, then ask that question because
15 otherwise we are beyond the scope and I'm going to be
16 forced to instruct him not to answer.

17 MR. BERGMARK: Q. Answer that one, go ahead.

18 MS. OBERG: I'm sorry, what's the -- you said what?

19 MR. BERGMARK: Let him answer that one because it
20 tends to lead to -- it is a foundational question
21 leading to whether it was an electrical insulation use.

22 MS. OBERG: No, it's not. You've asked him to
23 describe the varieties of all of the asbestos-containing
24 molding compounds at the time. You're entitled to ask
25 him about those intended for electrical uses.

1 Q. That's fine. I'm entitled to an estimate.

2 A. Okay.

3 About a dozen out of -- at that time we had
4 probably around 200 formulations, and about a dozen
5 contained some asbestos.

6 Q. And you're saying the other 188 did not
7 contain asbestos, approximately?

8 A. That's right.

9 Q. Was there a way that you were able to
10 differentiate as a group manager of the Bakelite molding
11 and laminating resin group which of the products
12 contained asbestos and which didn't?

13 A. By the formulation that we used.

14 Q. And is a record of those formulation kept at
15 Union Carbide?

16 MS. OBERG: Objection. Calls for speculation.
17 This witness is no longer employed by Union Carbide.

18 MR. BERGMARK: Go ahead, sir.

19 MS. OBERG: I'll instruct him not to answer.

20 MR. BERGMARK: Q. The fact as to whether or not
21 he's still employed by Union Carbide has no relevance to
22 whether he has knowledge of it being in existence at
23 this time. The documents that I'm referring to --
24 Ms. Oberg, you're being obstructive and your delay
25 tactics are unappreciated.

1 Q. Go ahead, Mr. Martino.

2 MS. OBERG: Rett, if you want to ask him something
3 about what he knows about the time he was employed by
4 Union Carbide, that's fine. You're asking him whether
5 an entity by whom he's no longer employed maintains
6 records in 2002.

7 MR. BERGMARK: You have produced this person, and
8 correct me if I am wrong. Maybe you're producing
9 another custodian of record?

10 MS. OBERG: There's an entirely separate procedure
11 being pursued in connection with the records as
12 explained to the commissioner the other day and as
13 accepted by Mr. Goldstein. This witness is being
14 produced as the person most knowledgeable only. There's
15 yet to be a document production.

16 MR. BERGMARK: I'm very involved in that document
17 production, Ms. Oberg. It's been delayed, I understand,
18 from the time that we had previously agreed, if this is
19 the one we are talking about, the one that was to
20 commence on February 18th of 2002.

21 MS. OBERG: No, it's not. It's utterly -- an
22 entirely different one. And I apologize for belaboring
23 the record, but we might as well get this straight,
24 Rett.

25 MR. BERGMARK: Okay.

33

1 Q. With regard to the approximately 12 types of
2 asbestos-containing electrical insulation in existence
3 in the 1960's time frame, can you please describe what
4 those products looked like.

5 MS. OBERG: I'm going to object merely to the use
6 of asbestos-containing insulation. You're talking about
7 phenolic resin molding compounds?

8 MR. BERGMARK: Electrical insulations.

9 MS. OBERG: Same objections. Go ahead,
10 Mr. Martino.

11 A. They -- all of the phenolic compounds in
12 granular form looked the same, whether they have
13 asbestos in them or not, and even in the molded part,
14 you can not tell which has asbestos or not.

15 MR. BERGMARK: Q. Can you differentiate by the
16 uses as to whether it contained asbestos or not during
17 that 1960 time period? Was there a differentiation in
18 uses of these products where you can discern whether it
19 was an asbestos versus a non-asbestos?

20 A. Some of the applications that required high
21 heat resistance probably were the ones that contained
22 the asbestos.

23 Q. When you say "high heat," at what degree was
24 very high heat?

25 A. An example would be a steam iron handle. They

35

1 MS. OBERG: The document production that you intend
2 to go back to New York to conduct has nothing to do with
3 Bakelite. It's on fiber supply only. It's a fiber
4 supply notice that's set out.

5 MR. BERGMARK: Right.

6 MS. OBERG: And that does not have anything to do
7 with the Todak case. The document production I'm
8 talking about is a document search that will be
9 conducted in connection with the notice of deposition
10 that was served in this case.

11 MR. BERGMARK: When will those documents be
12 produced?

13 MS. OBERG: They will be produced as soon as we can
14 complete the search. Again, this was gone into in front
15 of the commissioner. You can ask John Goldstein about
16 it. And as soon as the search can be completed, they'll
17 be produce if there are responsive documents.

18 MR. BERGMARK: I then reserve the right to continue
19 my deposition of Mr. Martino or redepose him, however
20 the case may be, once those documents are produced.

21 MS. OBERG: That's already out there and that's the
22 terms under which we are producing him.

23 MR. BERGMARK: All right.

24 Q. Thank you for your patience, Mr. Martino.

25 A. That's fine.

34

1 used to be made out of phenolic molding compounds.

2 Q. That had an asbestos content to it?

3 A. Right. And that was --

4 Q. What degree?

5 MS. OBERG: Just a minute. The witness is not done
6 with his answer.

7 MR. BERGMARK: Q. You're not done yet?

8 A. I was just going to add another possibility is
9 hot handles where you need high temperatures.

10 Q. Your ordinary pot handles that a person doing
11 cooking in their home would use?

12 A. At one time, yes.

13 Q. And what degree in terms of temperature were
14 these high heat applications intended where you had to
15 use the asbestos?

16 A. The primary use of the asbestos was to prevent
17 the product from shrinking and cracking at these high
18 temperatures. The wood flour filler would shrink more
19 than a mineral filled compound.

20 Q. Was there a particular temperature which you
21 discern required an asbestos component to be added in
22 order to be --

23 A. It was more a performance requirement that had
24 had to -- for that particular application.

25 Q. Was there ever a particular temperature that

36

1 was considered as a basis for adding asbestos to a
2 phenolic resin?

3 MS. OBERG: Again, I'm assuming you're talking
4 about the date range involved here, '60 to '72, right?

5 A. Yes.

6 MR. BERGMARK: Q. I'm talking about 1960, but go
7 ahead.

8 A. There wasn't any particular temperature. It
9 was decided when the customer asked for a product to
10 meet his requirements for a particular application, we
11 would work with him to determine how best to meet it,
12 and that involved, after we made the instrumental
13 compound, testing it in his application.

14 There was no specific temperature. We would
15 say: Well, now we have to put in asbestos and then
16 further, if -- it's also a question of water resistance.
17 You can put mineral fillers to reduce water resistance.
18 You don't necessarily have to have the temperature.

19 Q. When you say fillers, "mineral fillers," would
20 that have included asbestos during the 1960 time period?

21 A. Yes. Asbestos was only one of many fillers
22 that we used, and there were other mineral fillers we
23 also used.

24 Q. In addition to the --

25 MS. OBERG: He's not done with his answer. Please

1 Q. So for these asbestos-containing products that
2 you have talked about which were intended to have the
3 water resistancy, you're saying that asbestos, in
4 addition to these other fillers, were contained in those
5 products, correct?

6 A. No. I'm saying asbestos in combination with
7 those or individually were used. So you could have the
8 asbestos as the primary filler or you could have a
9 combination of the two.

10 Q. In what type of application with regard to the
11 water resistancy of these products we have been talking
12 about would you have used asbestos as opposed to any of
13 those other fillers as an exception to asbestos?

14 MS. OBERG: Rett, I'm going to stop you there and
15 I'm going to do for it the follow reason. I'm going to
16 ask that you specify for me.

17 I've let you go on this formulation area as a
18 matter of general background, but before we go any
19 further, I'd like to know which category of the
20 deposition notice this question falls under, because I
21 think we are beyond the scope. But I need you to
22 identify where you think it comes in.

23 MR. BERGMARK: Go to the electrical insulation
24 produced by Union Carbide that has an asbestos component
25 to it.

1 let him go on.

2 MR. BERGMARK: Are you not done?

3 A. Yeah, I'm sorry. I lost my train of thought
4 there. Go on with your next question, please.

5 MS. OBERG: Well, could I just make a request that
6 counsel -- Rett, you kind of increased the speed at
7 which these questions are being posed. And I understand
8 as you think through your questions, you want to move
9 quickly, but please let him finish.

10 MR. BERGMARK: Q. I'm sorry if you did not feel
11 that you had completed your answer. Do you feel that
12 you did not complete your answer?

13 A. No. Go ahead with your next question.

14 Q. I didn't think so.

15 MS. OBERG: No, you said they are one of many
16 fillers and, Mr. Martino, you were about to go on after
17 that.

18 A. I probably was going to tell you the other
19 fillers. Calcium carbonate, talc.

20 MR. BERGMARK: Q. Any others?

21 A. Mica.

22 Q. Any others?

23 A. Graphite. That's not a mineral, I'm sorry.

24 Q. Any others?

25 A. That's primarily it for the mineral fillers.

1 MS. OBERG: Tell me what number in the deposition
2 notice you're referring to.

3 MR. BERGMARK: Category 5 through 14.

4 Madam Court Reporter, can you please read back
5 the last question.

6 MS. OBERG: Wait a minute, Rett, No. 5. I disagree
7 with you that numbers 5 through 14 permits you to go
8 into the formulations and into the areas that you're
9 talking about now. And I ask you once again to tell me
10 which category permits the line of questioning that
11 you're now pursuing.

12 MR. BERGMARK: I'm going into the issue of the
13 asbestos-containing electrical insulation products that
14 were produced by Union Carbide and then going on from
15 there.

16 Once he tells me what those products were and
17 their uses, I'll find out the job sites. I want to find
18 out the different mines that the products -- that the
19 asbestos came from, information pertaining to the
20 entities to whom Union Carbide sold these products and
21 Category 8, which I'm going into right now very
22 specifically, the material composition and formulation
23 of the asbestos-containing products.

24 MS. OBERG: See, that's the problem. Category
25 No. 8 --

1 MR. BERGMARK: Yes.

2 MS. OBERG: -- is restricted to sales to the

3 entities listed in Category No. 3.

4 MR. BERGMARK: No, Category 8.

5 MS. OBERG: Yes. Yes, it is.

6 MR. BERGMARK: Q. Sir, do you know all of the

7 entities to whom the electrical insulations with

8 asbestos components that had this water resistancy were

9 sold to --

10 MS. OBERG: Objection. I'm going to instruct the

11 witness not to answer. That is beyond the scope, and

12 that particular question was specifically precluded.

13 MR. BERGMARK: Let me finish.

14 -- between the years 1960 to 1972?

15 MS. OBERG: Same objection.

16 MR. BERGMARK: How that is beyond the scope?

17 MS. OBERG: It is beyond the specific scope of the

18 deposition notice. It's hammered out before

19 Commissioner Hewlett.

20 MR. BERGMARK: Okay. We'll go --

21 MS. OBERG: A listing of all customers was

22 specifically precluded as being overly broad.

23 MR. BERGMARK: Okay. Let's go category by category

24 then.

25 MS. OBERG: Okay.

41

1 MR. BERGMARK: Q. Mr. Martino, do you have any

2 information pertaining to Union Carbide sales of

3 asbestos-reinforced resins, phenolic resins or Bakelite

4 products between the years 1945 to 1977?

5 MS. OBERG: Wait a minute. Objection. Overly

6 broad. What category does that relate to?

7 MR. BERGMARK: No. 5.

8 MS. OBERG: And No. 5 is specifically restricted to

9 any of the job sites or companies listed on the attached

10 Exhibit 8.

11 MR. BERGMARK: Q. Sir, do you have the attached

12 Exhibit A in front of you?

13 MS. OBERG: He has a list of those entities.

14 MR. BERGMARK: Do you have those, sir, what's

15 marked as attachment Exhibit A?

16 MS. OBERG: I will represent to you, Counsel that

17 he has a list of the entities. He's been provided by

18 counsel with the list of the entities that are listed on

19 Exhibit A.

20 MR. BERGMARK: Q. Sir, do you have those in front

21 of you?

22 A. Yes. Are you referring to No. 5?

23 Q. Yes.

24 A. Yes.

25 Q. And there's a list of companies?

42

1 A. Yes.

2 Q. And there's a list of time periods associated

3 with those companies?

4 A. Yeah, 1960 to '72.

5 Q. What document -- can you read off what

6 document that is?

7 A. I'm sorry. There was no date there.

8 Q. What document do you have in front of you?

9 MS. OBERG: Counsel, I'm going to object that that

10 is requesting -- revealing attorney-client privilege and

11 attorney-client communication.

12 MR. BERGMARK: Not at all. Particular --

13 MS. OBERG: Yes, he is being represented by me

14 today.

15 MR. BERGMARK: Yes, I understand that.

16 MS. OBERG: And yes, it is revealing and I will

17 represent to you I have provided to him a list of the

18 entities that are included in the Exhibit A.

19 MR. BERGMARK: Was that list provided to him in

20 preparation for this deposition?

21 MS. OBERG: It was, but it is in connection with an

22 attorney-client communication. And to have him read it

23 to you is -- it is required that I make that objection,

24 Counsel.

25 What are you asking that he read?

43

1 MR. BERGMARK: I'm asking that he identify what the

2 document is that he has --

3 MS. OBERG: It is a communication.

4 MR. BERGMARK: -- in front of him that he used in

5 order to prepare for this deposition.

6 MS. OBERG: It's a communication from me.

7 MR. BERGMARK: Q. Is that accurate, sir?

8 A. Yes.

9 Q. Is that in the form of a letter?

10 A. No.

11 Q. Does it have a title to it?

12 A. A what?

13 Q. A title.

14 A. A title?

15 Q. Yes.

16 A. Deposition. That's all. Carlos's Deposition.

17 It was an e-mail.

18 Q. Okay, it was an e-mail.

19 I'm entitled to a copy of that e-mail that

20 he's reviewed in preparation for his deposition and on

21 which he's prepared to give testimony, Ms. Oberg.

22 MS. OBERG: I disagree, but I will represent to you

23 that --

24 MR. BERGMARK: How is that -- under what law are

25 you considering that I am not entitled to -- for him to

44

1 read to me the document that you provided for him in
2 preparation for this deposition on which he's relying in
3 order to give testimony?

4 MS. OBERG: The reason for my objection was that
5 you requested that he read the document. I have no
6 objection to him reading the list of entities that's
7 contained under Category No. 5 --

8 MR. BERGMARK: No, I --

9 MS. OBERG: -- that's relevant to this question.

10 MR. BERGMARK: I'm demanding that you produce that
11 document. You can fax it to my office.

12 MS. OBERG: I will not do that.

13 MR. BERGMARK: I'm demanding that a copy be
14 provided to me, otherwise I will go to court and request
15 sanctions.

16 MS. OBERG: That's fine. I will not do that. I
17 will not produce my attorney-client communications.

18 MR. BERGMARK: It's not an attorney-client
19 communications.

20 MS. OBERG: It is.

21 MR. GLASSER: This is Jonathan Glasser.

22 Can I ask you a quick question here?

23 MR. BERGMARK: Of course.

24 MR. GLASSER: My understanding is that the rule I
25 think you're referring to relates to documents that are

1 as an overview, Rett. I can tell you what is included
2 among the list are all of the entities on Exhibit A with
3 the exception of the specific ship names. And the
4 reason for that -- I am just trying to cut to the chase
5 here, not lead your deposition. But the reason is that
6 the names of the ships also did not serve to refresh any
7 recollection, and if you want him to read you that list,
8 that's fine. But it's Exhibit A minus the ship names.

9 MR. BERGMARK: Okay. I'm going to attach as
10 Plaintiff's Exhibit 1 the Notice of Taking Deposition of
11 Union Carbide with the date served, which is first
12 indicated of February 4th, 2002 date for this deposition
13 to commence.

14 MS. OBERG: What is that date -- that is the second
15 notice, John?

16 MR. BERGMARK: Yes.

17 MS. OBERG: I'm sorry. Rett.

18 MR. BERGMARK: It's dated January 23rd, 2002, the
19 Proof of Service. That is the same one that you have,
20 Ms. Oberg?

21 MS. OBERG: I have one that is -- was faxed to us
22 on January 24th, 2002.

23 MR. BERGMARK: Okay. Then I'll attach that as
24 Exhibit A.

25 MS. OBERG: And that's what the proof of service

45

47

1 used to refresh recollection in preparation for a
2 deposition. I think that's what you're thinking of, and
3 that's not what this document is.

4 MR. BERGMARK: No, documents in preparation for
5 deposition is clearly stated that she provided this to
6 Mr. Martino for him to review in preparation for his
7 deposition.

8 MR. GLASSER: It's not that broad. I don't
9 think -- I think the rule is that if your recollection
10 is refreshed by something you review in preparation for
11 a deposition you've waived the privilege, but that's not
12 what this is.

13 MR. BERGMARK: I don't believe that that's the
14 case.

15 MS. OBERG: That's fine.

16 MR. BERGMARK: Q. Nonetheless, you know, taking a
17 look at that document, does that refresh your
18 recollection as to some of the entities that Union
19 Carbide associated with in the distribution or sale of
20 some of their asbestos components?

21 A. No.

22 Q. On that list that you have in front of you, I
23 need to find out what are the companies that are
24 indicated.

25 MS. OBERG: I have no objection to him reading it

1 reflects, okay.

2 MR. BERGMARK: I will attach that as Exhibit A to
3 my deposition.

4 Is it the document that is Exhibit A to that
5 notice that you're referring to, Ms. Oberg, as the
6 information that you provided to Mr. Martino absent the
7 ship dates?

8 MS. OBERG: Yes.

9 MR. BERGMARK: Exhibit A attached to what is now
10 marked as Exhibit A?

11 MS. OBERG: Yes.

12 MR. BERGMARK: Is the information therein absent
13 ship names that Mr. Martino has?

14 MS. OBERG: Correct.

15 MR. BERGMARK: Very good.

16 Q. Mr. Martino --

17 A. Yes.

18 Q. -- with regard to that document that you have
19 that Ms. Oberg sent you in e-mail format, how many pages
20 does that contain, if you were to print it out?

21 A. Two.

22 Q. Does any of that information assist you in
23 recalling any information with regard to the Bakelite
24 product that Union Carbide produced between the years
25 1960 and 1972 for electrical insulation?

1 A. No, it did not.
 2 Q. Were there any instructions given in there?
 3 A. No, there were not.
 4 Q. Are you aware -- and by "you," I mean yourself
 5 personally as well as Union Carbide -- of information
 6 pertaining to the composition of asbestos-containing
 7 resin material, phenolic resin or Bakelite product
 8 intended for electrical components and parts that were
 9 sold to Westinghouse during the 1960 to 1972 -- 1977
 10 time period?
 11 MR. CATALONA: Objection. Overbroad, calls for
 12 speculation, lacks foundation.
 13 This is Alex Catalona, for defendant Viacom,
 14 Inc.
 15 MS. OBERG: And I want to specify and make sure I
 16 understood the question as being restricted to
 17 asbestos-containing materials?
 18 MR. BERGMARK: That's right.
 19 MS. OBERG: Thank you.
 20 MR. BERGMARK: Let me restrict it also from 1960 to
 21 1972.
 22 MR. CATALONA: Same objections.
 23 MR. BERGMARK: Q. Go ahead.
 24 MR. CATALONA: It's also vague.
 25 MS. OBERG: Do you remember the question, Carlo?

49

1 MS. OBERG: It is not.
 2 MR. CATALONA: Move to strike on the basis of not
 3 being in the deposition notice.
 4 MR. BERGMARK: It is, and it's part of the order
 5 that was provided by the court.
 6 Are you truly instructing him not to answer
 7 that question as to what the product is?
 8 MS. OBERG: I absolutely am. And I --
 9 MR. BERGMARK: Madam Reporter, please mark that.
 10 MS. OBERG: I would like to specify, Rett, that
 11 what I'm objecting to is the fact that you're asking him
 12 about a product line of another company entirely. This
 13 gentleman's been produced as the person most
 14 knowledgeable about Union Carbide.
 15 MR. BERGMARK: He offered up the information based
 16 on my question and I will follow up with it.
 17 MS. OBERG: And we'll see where you get with it.
 18 At the moment, as the question was posed, I've
 19 instructed him not to answer.
 20 MR. GLASSER: I'd also like to object on the
 21 grounds you're asking him for his knowledge and Union
 22 Carbide's knowledge.
 23 MR. BERGMARK: That's what he's produced for. He's
 24 produced for Union Carbide. He's a Union Carbide person
 25 most knowledgeable.

51

1 THE WITNESS: No, I don't. I'm lost on that one.
 2 MR. BERGMARK: Madam Reporter, can you please
 3 reread that, with the objections reserved for Viacom.
 4 (record read)
 5 MS. OBERG: You meant to say 1972, did you not,
 6 Rett?
 7 MR. BERGMARK: 1972.
 8 MR. CATALONA: Same objections.
 9 MR. BERGMARK: Q. Go ahead.
 10 A. Am I supposed to answer that?
 11 Q. It's for you.
 12 MS. OBERG: If you can, if you understand it, yes.
 13 A. First of all, Westinghouse made its own
 14 molding materials.
 15 MR. BERGMARK: Oh, yeah? What?
 16 MR. CATALONA: Objection. Calls for speculation.
 17 Move to strike. No adequate foundation.
 18 MS. OBERG: Objection. Beyond the scope of the
 19 deposition notice and I'm going to instruct him not to
 20 answer.
 21 MR. BERGMARK: He's offered that.
 22 MR. CATALONA: I just move to strike that.
 23 MS. OBERG: It's still not within the scope of the
 24 deposition notice.
 25 MR. BERGMARK: Of course it is.

50

1 MS. OBERG: Yes, that's right, but you are asking
 2 him about what the entire company knows. You're
 3 entitled to know what he knows as the person most
 4 knowledgeable. He's not the spokesperson for the
 5 corporation. He's not -- and as you asked in one of
 6 your first questions, he's not a director, he's not a
 7 chairman.
 8 MR. BERGMARK: I just want to make sure that he's
 9 the person most knowledgeable on the question that I'm
 10 asking for.
 11 MS. OBERG: And so far so good.
 12 MR. BERGMARK: Oh, good. I raise an issue, please.
 13 MS. OBERG: Proceed.
 14 MR. BERGMARK: Okay.
 15 Q. Now, then, my question to you before your
 16 attorney had made her statement was whether Union
 17 Carbide sold any asbestos-contained phenolic resins or
 18 resin parts to Westinghouse during the time period of
 19 1960 to 1972?
 20 A. I have to answer that in two parts.
 21 MR. CATALONA: Excuse me. If that is
 22 Mr. Bergmark's question, I have to object again that is
 23 overly broad, lacks foundation and calls for
 24 speculation. It is vague and ambiguous.
 25 MR. BERGMARK: Q. Go ahead, sir. You can answer

52

1 it in two parts.

2 MS. OBERG: The question pending, if I understand
3 it -- and I'm going to object because I think it's still
4 vague and ambiguous and we are having a little confusion
5 from here. But the question is, whether or not Union
6 Carbide sold asbestos-containing resins or Bakelite
7 intended for electrical components to Westinghouse from
8 1960 to 1972? Right?

9 A. Yes. I think there was "parts" in that.

10 MR. BERGMARK: Q. And parts, or electrical parts
11 insulation components.

12 MS. OBERG: Okay. So did Union Carbide sell to
13 Westinghouse asbestos-containing parts, as designated?

14 A. Union Carbide did not sell parts. It sold the
15 phenolic molding material to molders who made parts. So
16 I can say we did not sell parts to Westinghouse.

17 To the best of my knowledge --

18 MR. CATALONA: I'm going to make an objection.

19 MR. BERGMARK: Don't interrupt that witness.

20 MR. CATALONA: He's not answering the question at
21 this point. There's no question pending.

22 MR. BERGMARK: You're being obstructive.

23 Please mark that.

24 A. As far as the sale of phenolic molding
25 compounds from Westinghouse, I'm not aware of any. They

53

1 that you didn't recall seeing any such information about
2 those sales and then you had indicated that you never
3 saw those sales. Are you saying that you did not --
4 don't recall seeing them or you never saw them?

5 MR. CATALONA: Objection. Asked and answered.

6 MR. BERGMARK: Q. Go ahead.

7 A. Again, I didn't get that last part.
8 Objection, what? Was there an objection or am I
9 supposed to answer that?

10 MR. BERGMARK: Q. You're supposed to answer.

11 A. I never saw any activity with Westinghouse.

12 MR. BERGMARK: Does --

13 MS. OBERG: He's still answering, Rett.

14 A. Yeah. In terms of selling phenolic molding
15 compounds to them.

16 MR. BERGMARK: Q. What asbestos-containing
17 electrical insulation products do you recall Union
18 Carbide selling to Westinghouse?

19 MS. OBERG: Objection. It assumes facts not in
20 evidence.

21 MR. CATALONA: Objection. Asked and answered.
22 There's no foundation. He just said that he didn't
23 recall that.

24 MR. BERGMARK: No, he limited it to molded.
25 Go ahead, sir.

55

1 were not -- I don't recall seeing them being among our
2 sales rolls.

3 MR. BERGMARK: Q. But that doesn't mean Union
4 Carbide did not sell the phenolic molding compounds with
5 asbestos for use in electrical components?

6 A. That's right. Based on my association there,
7 I never saw any sales to Westinghouse, nor did we get
8 any request for assistance, technical assistance, from
9 Westinghouse.

10 Q. Before you said that you --

11 MS. OBERG: Wait a minute.

12 A. But I'm not sure. You know, this is just
13 based on my knowledge. I can't be certain of that.

14 MR. BERGMARK: Okay.

15 MS. OBERG: And I would request, again, Rett, you
16 just jumped all over somebody for interrupting. Do not
17 interrupt the witness until he's done.

18 MR. BERGMARK: I'm not interrupting.

19 MS. OBERG: You did.

20 MR. BERGMARK: It's a little hard, I'll agree. I'd
21 love to be out there in New Jersey seeing him
22 face-to-face, but I will take the two breaths that I
23 requested from him.

24 MS. OBERG: Thank you. Let's all do that.

25 MR. BERGMARK: Q. Sir, at first you had indicated

54

1 MS. OBERG: And we specified way back at the
2 beginning of this deposition that the only
3 asbestos-containing Bakelite products are phenolic
4 molding compounds, Rett, just for clarity, but go ahead.

5 MR. BERGMARK: Q. Go ahead, sir.

6 MR. GLASSER: Was there --

7 A. There was another question? I thought I
8 answered it.

9 MR. BERGMARK: Madam Reporter, please read that
10 back and all objections are reserved.

11 (record read)

12 A. I said I never saw them.

13 MR. BERGMARK: Did I ask a subsequent question?

14 (record read)

15 MS. OBERG: Same objections.

16 MR. CATALONA: Same objections.

17 A. What is -- I'm sorry, was I supposed to answer
18 a question there? If I was, would you please repeat it?

19 MR. BERGMARK: Yes, I'll have the court reporter
20 read it back.

21 (record read)

22 MR. CATALONA: Same objections.

23 MS. OBERG: Same objections.

24 A. I don't know of any.

25 MR. BERGMARK: Q. Have you done a search?

56

1 A. No, I have not.
 2 Q. Have you made any inquiries at Union Carbide
 3 with regard to these sales?
 4 A. No, I have not.
 5 Q. What information were you privy to with
 6 regards to the sales of products from Union Carbide to
 7 Westinghouse during that tenure of 1960 to 1972?
 8 A. What kind of information did you say?
 9 Q. Right.
 10 A. Call reports.
 11 Q. I'm sorry?
 12 A. Call reports.
 13 Q. All?
 14 A. Call, yeah, these are reports that salespeople
 15 send in on calls they make with various customers.
 16 Also if a customer required any assistance,
 17 which many of our customers did, or had any inquiries
 18 with regard to the performance of the product, they
 19 would call us.
 20 Q. So that's customer assistance reports?
 21 A. No, those are mostly telephone calls.
 22 Q. Were they memorialized in writing?
 23 A. Were they what?
 24 Q. Were they memorialized in writing?
 25 A. The call reports were written.

57

1 notice that covers this inquiry?
 2 MR. BERGMARK: Yes. It has to do with category
 3 No. 8, all information pertaining to the material
 4 composition and/or formulations of your
 5 asbestos-containing product.
 6 MR. CATALONA: What does that have to do with the
 7 formulation?
 8 MR. BERGMARK: Let me take a look. I'm sorry, I'm
 9 looking at Category No. 7:
 10 "All information pertaining to the entities
 11 to whom you sold, supplied and distributed
 12 asbestos-containing Bakelite or similar
 13 phenolic resin compounds for use in injection
 14 molding, casting, extruding or other methods
 15 of forming phenolic resin parts or
 16 components."
 17 MS. OBERG: That's --
 18 MR. BERGMARK: And --
 19 MS. OBERG: That's not our notice.
 20 MR. BERGMARK: Yes, it is.
 21 Oh, that's the Court's order.
 22 MS. OBERG: No --
 23 MR. BERGMARK: Oh, yes, it is.
 24 MS. OBERG: Okay, go ahead.
 25 MR. BERGMARK: And it's limited to

59

1 Q. Okay.
 2 A. The telephone calls were not.
 3 If one of us went to visit the customer, that
 4 would have been generally recorded in a report on the
 5 visit.
 6 Q. Did anybody from Union Carbide ever visit
 7 Westinghouse?
 8 MR. GLASSER: Objection.
 9 MS. OBERG: Objection. Absolutely objection. It's
 10 overly broad. It's beyond the scope of the deposition
 11 notice. I'm going to instruct him not to answer.
 12 MR. BERGMARK: I'm talking about during the 1960's
 13 or 1972 time period.
 14 MS. OBERG: Doesn't matter. We have already
 15 established that this witness is not aware of any sales
 16 of asbestos-containing material to Westinghouse and
 17 that's the end of the inquiry.
 18 MR. BERGMARK: No, that's not the end of the
 19 inquiry. I need to find out if there were any
 20 visitation to Westinghouse during the 1960 to 1972 time
 21 period.
 22 MS. OBERG: I disagree because it's beyond the
 23 scope.
 24 MR. CATALONA: Yes, I'm going to object. It lacks
 25 foundation. Is there any category in the deposition

58

1 asbestos-reinforced resin material, phenolic resins, or
 2 Bakelite products.
 3 MS. OBERG: And it's also limited to the entities
 4 in Category 3 which include Westinghouse, but we have
 5 already established that this witness has no knowledge
 6 of any sales of any asbestos-containing products to
 7 Westinghouse. So that's the answer. The question's
 8 been answered.
 9 MR. BERGMARK: That's with regard to sales. I want
 10 to find out about distribution, which is another
 11 question, and part of distribution is visitation of
 12 customers.
 13 MS. OBERG: No. Part of --
 14 MR. BERGMARK: Yes. Don't interrupt me.
 15 MS. OBERG: You cannot distribute something you
 16 haven't sold.
 17 MR. BERGMARK: Of course you can.
 18 MS. OBERG: If you'd like to ask him if he has
 19 knowledge of distribution -- okay, I take that back, but
 20 if you want to extend the inquiry as to whether he has
 21 knowledge of distribution of asbestos-containing
 22 materials to Westinghouse for this restricted period of
 23 time, that's a different question you can ask.
 24 MR. BERGMARK: Q. Sir, do you have my question in
 25 mind?

60

1 MS. OBERG: Who's question, Rett? What is it?
 2 MR. BERGMARK: My question.
 3 MS. OBERG: Please state your question again so we
 4 can do this properly.
 5 MR. BERGMARK: Q. Mr. Martino --
 6 A. Yes.
 7 Q. -- did Union Carbide ever visit Westinghouse
 8 for purposes related to the distribution or sale of
 9 asbestos-containing phenolic resins?
 10 MS. OBERG: For the period from 1960 to 1972?
 11 MR. BERGMARK: Right.
 12 Q. Go ahead.
 13 A. I can only speak for myself and the people who
 14 were working for me, and I am not aware of any
 15 distribution or resin or information to Westinghouse.
 16 Q. At any time during that time period?
 17 A. That's right.
 18 Q. These call reports that you reference, are
 19 those maintained at Union Carbide?
 20 MS. OBERG: Objection. Calls for speculation.
 21 Beyond the scope of the deposition notice and not within
 22 the this witness's knowledge.
 23 MR. BERGMARK: Q. Go ahead.
 24 MS. OBERG: Are you talking about whether they are
 25 maintained in 2002?

61

1 Q. How long did you hold that title with Union
 2 Carbide?
 3 A. Until 1974. I was promoted to senior group
 4 manager in 1970, but that didn't change my
 5 responsibilities.
 6 Q. Before we took a break, you said that by 1974
 7 you were out?
 8 A. Yes.
 9 Q. What does that mean?
 10 A. I was transferred to the polyethylene business
 11 and I became a group manager of the polyethylene holding
 12 group.
 13 Q. Did polyethylene contain asbestos, any of
 14 those products?
 15 A. No, it did not.
 16 Q. How long were you in that polyethylene
 17 department?
 18 A. I was rotated to various positions as group
 19 manager until I retired. And then I was promoted to
 20 associated -- I held various group manager positions in
 21 various parts of the polyethylene business until 1995
 22 when I was promoted to the associated director. And I
 23 still retained responsibility for a number of those
 24 groups until I retired in 1996.
 25 Q. Is it a fair statement then that during the

63

1 MR. BERGMARK: Q. By the time you left, were they
 2 maintained at Union Carbide?
 3 MS. OBERG: Are you talking about in 1996?
 4 MR. BERGMARK: Right.
 5 A. Is that a question?
 6 MR. BERGMARK: Q. Yes.
 7 A. I don't know. I don't know. I left the
 8 business in 1974.
 9 Q. Why don't we for talk about that.
 10 MS. OBERG: Let's take a break. We have been going
 11 for an hour and a half, an hour and 45 minutes.
 12 Court reporter, how are you doing?
 13 MR. BERGMARK: Let's take a break.
 14 MS. OBERG: Ten minutes.
 15 MR. BERGMARK: That's fine.
 16 MS. OBERG: You want to resume at what?
 17 MR. BERGMARK: At 12:00.
 18 MS. OBERG: Okay. At 12:00, Okay.
 19 (A short recess taken from 11:45 a.m to 12:05 p.m.)
 20 MR. BERGMARK: Back on the record.
 21 Q. Mr. Martino --
 22 A. Yes.
 23 Q. -- in 1960, you were the group manager of
 24 Bakelite molding and laminating resin group, correct?
 25 A. Yes.

62

1 years 1960 to 1974, your primary responsibilities were
 2 in the Bakelite molding and laminating resin group?
 3 A. Yes.
 4 Q. And that after 1974, you did not have
 5 responsibility for oversight of the Bakelite molding and
 6 laminating resin group?
 7 A. That's right.
 8 Q. You weren't ever asked to come in and consult
 9 with that group or provide information to that group
 10 after 1975?
 11 A. We went out of business a year later, so there
 12 wasn't that -- you know, during that period of time, I
 13 might have gotten some calls.
 14 Q. When you say we went out of business, who are
 15 you talking about?
 16 A. Union Carbide. They went out of the Bakelite
 17 phenolic molding material business in 1975.
 18 Q. Are you saying that -- strike that.
 19 Sir, can you state unequivocally that Union
 20 Carbide never sold any products to Westinghouse? And by
 21 "products," I mean asbestos-containing phenolic resins
 22 for use in electrical components or parts.
 23 MS. OBERG: Objection. It's been asked and
 24 answered, and it is overly broad and lacks foundation.
 25 MR. BERGMARK: Q. I'm talking about the 1960 to

64

1 1972 time period. Go ahead.

2 A. I'll have to answer as I did before. I'm not

3 aware of any sales to Westinghouse. I can't say that

4 they did not occur. I'm not aware of any.

5 MR. CATALONA: Belated objection. That was asked

6 and answered.

7 MR. BERGMARK: Q. What efforts did you undertake

8 for your deposition here today to determine whether or

9 not any sales were made?

10 MR. CATALONA: Asked and answered.

11 MR. BERGMARK: Q. Go ahead.

12 A. Am I supposed to answer that?

13 Q. Yes. Unless Ms. Oberg tells you not to.

14 A. None. I'm basing it on what I can recall.

15 Q. Are you aware of any documents at Union

16 Carbide that might be able to refresh your memory?

17 A. As I mentioned before, call reports and also

18 sales records.

19 Q. Were you privy to the sales records in your

20 role as senior group manager during that time period

21 between 1960 and 1974?

22 A. I could obtain them if I wanted them.

23 Q. How often would you see them during that time

24 period? Let me limit it to the call reports. How often

25 were you looking at or reviewing call reports in 1960 to

65

1 time period was contained on -- go ahead.

2 MS. OBERG: Excuse me. I'm going to object that

3 that's beyond the scope of the deposition notice with

4 respect to subject matter and time period. As currently

5 phrased, I'm going to instruct him not to answer.

6 MR. BERGMARK: That's completely within the scope.

7 I was trying to find out what reference materials or

8 sales record materials he had access to that would have

9 given him an ability to know the names of customers.

10 Q. So go ahead.

11 Unless you're still instructing him not to

12 answer, Ms. Oberg.

13 MS. OBERG: You need to restrict it to the time

14 period of the question.

15 MR. BERGMARK: Sure. Restricted to 1960 to 1972.

16 MS. OBERG: Thank you.

17 MR. BERGMARK: Q. Was any of that sales

18 information contained on computer?

19 A. I don't know. What I received was in printed

20 form.

21 Q. When you talk about the perforated edges on

22 the edge of the scroll --

23 A. Yes.

24 Q. -- did they have holes in them?

25 A. Yes.

67

1 1972?

2 A. That was being done on a continuous basis. I

3 just like reading the mail.

4 Q. So it was daily?

5 A. Yes.

6 Q. With regard to the sales records, how often

7 did you review the sales records that referenced names

8 of customers for the products?

9 A. Oh, probably once a quarter.

10 Q. What were these sales records?

11 A. They were a listing of the customers and what

12 the customers were buying and the quantity.

13 Q. Were these in ledger form?

14 A. They were scrolls.

15 Q. When you say "scrolls," are you talking about

16 paper?

17 A. Yeah, paper with the perforations at both

18 sides.

19 Q. So they were printed off of a computer?

20 A. I don't know what was used.

21 MS. OBERG: In 1960?

22 A. Yeah, I don't know what was used. I don't

23 think computers were that far advanced.

24 MR. BERGMARK: Q. Are you aware that sometime

25 between 1960 and 1974 that sales information for that

66

1 Q. So it came out of some type of printer; is

2 that your understanding?

3 A. That's what I suspected.

4 Q. What was your understanding, at the time that

5 you left that division, of the retention policy for

6 those records that were on scrolls?

7 A. I don't know what the retention policy was.

8 Q. Do you know what the retention policy was with

9 regard to the call reports?

10 A. No, I don't.

11 Q. Were you able to go back and look at the sales

12 records from the past in order to determine what the

13 differences in the purchases from one customer to

14 another were over a time period?

15 A. Yes.

16 MS. OBERG: Objection as overly broad.

17 MR. BERGMARK: Q. How much of your time was spent

18 with regard to the sales of Union Carbide phenolic resin

19 as opposed to the development or research end of that

20 during your time, during 1960 to 1972?

21 A. Our interaction with sales was primarily

22 technical service.

23 Q. Was primarily what?

24 A. Technical service. In other words, providing

25 assistance to the customer when they had a technical

68

1 problem.

2 Q. Who made the sales there?

3 A. The sales -- we had a sales department.

4 Q. Who was the head of the sales department
5 during that time period?

6 A. Well, there were quite a few.

7 MS. OBERG: I'm going to object to this question
8 that it is beyond the scope of the deposition notice in
9 this respect.

10 MR. BERGMARK: No, it leads to the discovery of
11 admissible evidence with regard to persons knowledgeable
12 about sales to Westinghouse. He's indicated that he's
13 personally not aware, but he can't say that Westinghouse
14 didn't purchase some of the asbestos-containing products
15 at issue. And therefore I need to find out through the
16 discovery process, which is broad under Greyhound and
17 other similar cases, who I might be able to make these
18 inquiries to or who should have been produced for this
19 deposition.

20 MS. OBERG: Okay, thanks for the speech. But I
21 want to make sure that we have the restriction to, 1)
22 asbestos-containing products, 2) That the time frame is
23 '60 to '72, and 3) That it is sales to those entities
24 that are listed in Category No. 3, to those limited
25 entities, because sales to anybody else we don't go into

1 MR. BERGMARK: I bet you they found a way to do it.

2 MS. OBERG: Why don't you ask him.

3 MR. BERGMARK: No, I like the question I had.

4 Q. Sir, with regard to the head of the sales
5 department, can you name them for me that were present
6 during 1960's or 1972 time period?

7 MS. OBERG: And again, adopting my restrictions,
8 right, Rett, so that we are clear about the question?

9 MR. BERGMARK: Right.

10 MS. OBERG: Go ahead, sir.

11 MR. BERGMARK: Q. Go ahead, sir.

12 A. Dick Bruce, was probably one in the early
13 years.

14 Q. Okay.

15 A. Charlie Naylor, N-a-y-l-o-r.

16 Q. Who else?

17 A. I don't recall the names of the others.

18 Q. Any salesmen that you recall during that time
19 period for those products for those types of sales?

20 MS. OBERG: To those entities?

21 MR. BERGMARK: Right.

22 Q. Go ahead.

23 A. Well, our salespeople were assigned on a
24 regional basis. So they covered all of the customers
25 within a certain geographic area, so no, these entities

1 in this deposition.

2 MR. BERGMARK: That's my inquiry. That is all I
3 care about, Lisa.

4 MS. OBERG: Okay. I'm restricting the question
5 then and making sure we are clear.

6 MR. BERGMARK: Very good.

7 Q. Now, with regard to the sales department, sir,
8 the persons in the sales department that were engaged in
9 the sales to customers during this time period, which
10 may have or may not have included Westinghouse, go ahead
11 and indicate to me the names of those persons who are
12 the heads of those sales department.

13 MS. OBERG: Who were involved in the sale of
14 phenolic molding compounds that did contain asbestos?

15 MR. BERGMARK: Did contain asbestos.

16 MS. OBERG: And that were there were from '60 to
17 '72?

18 MR. BERGMARK: Right.

19 MS. OBERG: And that were involved with potential
20 sales to Westinghouse, Monsanto, General Electric and
21 Occidental chemical only.

22 MR. BERGMARK: And Bakelite Company.

23 MS. OBERG: Do you want ask him about that?
24 Because that's a little confusing. How you can sell to
25 yourself?

1 are all over the place.

2 Q. How about for Pittsburgh, which salesmen do
3 you remember from Pittsburgh, that area?

4 MR. CATALONA: Objection, overbroad.

5 MR. BERGMARK: That must be Viacom, go ahead.

6 MR. RAGLIN: This is Dennis Raglin.

7 Before that question's answered, I'd like to
8 intersperse a late objection to the question, as framed,
9 and then altered by the counsel representing Union
10 Carbide to the extent it assumes facts not in evidence.
11 Thank you.

12 MS. OBERG: That's fair.

13 MR. CATALONA: I'm going to join in that.

14 MR. BERGMARK: Q. Go ahead.

15 A. Am I suppose to answer that?

16 MR. BERGMARK: Yes. Who had the Pittsburgh
17 territory?

18 MR. RAGLIN: Same objection.

19 A. The only -- I'm not sure whether he covered
20 Pittsburgh or not. Alex Martella, M-a-r-t-e-l-l-a.

21 MR. BERGMARK: Q. Anybody else during that time
22 frame, those products, those entities? Go ahead.

23 A. Right now, I can't recall the names. They may
24 come to me a little later.

25 Q. Is Dick Bruce still alive, to your knowledge?

1 A. I don't think so.
 2 Q. Where was he living last you heard?
 3 A. Connecticut. I don't know where in
 4 Connecticut.
 5 Q. Charlie Naylor, is he still alive, to your
 6 knowledge?
 7 A. I don't know. He left the company.
 8 Q. At what time period?
 9 A. I think the latter part of -- I don't know the
 10 exact date.
 11 Q. That's fine.
 12 A. But in the latter '60's.
 13 Q. Where was he living, last you heard?
 14 A. He was in Florida, running a company there.
 15 Q. What company?
 16 A. That I don't know.
 17 Q. What part of Florida?
 18 A. The Tampa area.
 19 Q. And Mr. Martella, is he still alive, to your
 20 understanding?
 21 A. I don't know.
 22 Q. When did Mr. Martella leave the company, if
 23 ever?
 24 A. I think he left in the '70's.
 25 Q. Where was he living last you heard?

73

1 A. I don't know. It says Alex Martella. I think
 2 it's Gil Martella.
 3 Q. Okay. Does that help refresh your memory?
 4 A. Oh, there was a guy named Bob Sherman. He was
 5 an assistant sales manager for a while.
 6 Q. Going back to Gil, where was he living last
 7 you heard?
 8 A. I've lost track of him. He was in the Chicago
 9 area, but I don't know whether he's still there or not.
 10 Q. Which company was he working for last you
 11 heard in Chicago?
 12 A. He was working I think for one of the plastic
 13 organizations.
 14 Q. What plastic organization?
 15 A. It was a trade organization, but I can't
 16 recall the name of it.
 17 Q. All right.
 18 Bob Sherman?
 19 A. Yeah.
 20 Q. Did he ever leave the company?
 21 A. Yes.
 22 Q. Approximately when?
 23 A. In the '70's.
 24 Q. Where was he living last you heard?
 25 A. That's the one I told you was in Chicago.

74

1 Q. Oh, I thought Mr. Martella was in Chicago?
 2 A. No, no. Martella I think was working out of
 3 the Cleveland area.
 4 Q. For which outfit?
 5 A. Well, he was working for Carbide out of the
 6 Cleveland area. Where he went after that, I don't know.
 7 I suspect he stayed in Cleveland.
 8 Q. Would you say that these people are the
 9 persons most knowledgeable about the companies to whom
 10 Union Carbide sold their asbestos-containing phenolic
 11 resins for use in electrical components during the time
 12 frame of 1960 to 1972?
 13 MS. OBERG: Objection. Calls for speculation as to
 14 having this witness tell you what these other people are
 15 knowledgeable about.
 16 MR. BERGMARK: I just want to know if he thinks so.
 17 Q. Go ahead, sir.
 18 MS. OBERG: Same objection.
 19 MR. BERGMARK: Q. Do you think they are most
 20 knowledgeable about that information as opposed to
 21 yourself?
 22 MS. OBERG: Same objection.
 23 A. I don't know.
 24 MR. BERGMARK: Q. Do you think that you're more
 25 knowledgeable than either of these people on the subject

75

1 of the sales of the products during the time frame we
 2 talked about; is that right?
 3 MS. OBERG: Same objection because the question
 4 presupposes that Mr. Martino knows everything those
 5 people know.
 6 MR. BERGMARK: Q. Go ahead, sir.
 7 A. They were assigned to geographic areas so they
 8 would not know -- be aware of what was going on in
 9 someone else's geographic area. In that regard, I
 10 might -- I had access to records from all the geographic
 11 areas.
 12 Q. Are you saying that they had no access at all
 13 to each other's areas?
 14 A. Oh, they could, if they wanted to, you know.
 15 They could request the information from the salesman
 16 responsible in the other area. Whether they did or not,
 17 I have no idea.
 18 Q. So going back to my last question, do you
 19 think that you're more knowledgeable than each of these
 20 individuals about the sales of these products during the
 21 1960 to 1972 time frame?
 22 MS. OBERG: Same objection.
 23 MR. BERGMARK: Go ahead.
 24 A. I just bring a different perspective. I can't
 25 say that I'm more knowledgeable. It's, you know -- I'm

76

1 looking at the situation from the R and D tech service
2 point of view. They may be more knowledgeable about
3 other aspects of the business there.

4 Q. I hear you.

5 A. They may buy other chemicals and products as
6 well, you know.

7 Q. Did you, Union Carbide, ever sell
8 asbestos-containing phenolic resins for use in
9 electrical components or parts to Monsanto Company at
10 any time during the 1960 to 1972 time frame?

11 MR. RAGLIN: This is Dennis Raglin from Monsanto.
12 As you might expect, I have objections, which include
13 assumes facts not in evidence, lacks foundation and, as
14 I understand it, is outside the scope of the deposition
15 notice presented before us in negotiating with
16 Commissioner Hewlett.

17 MR. BERGMARK: Q. Go ahead, sir.

18 A. Well, as I said before, we did not sell molded
19 parts to anybody. We sold only the phenolic molding
20 material to a molder and then the molder sold to the
21 distributors or directly to other companies.

22 Q. Which molders did you sell?

23 MS. OBERG: No, no, no.

24 MR. BERGMARK: No, no, no what?

25 MS. OBERG: You need to let the witness finish his

77

1 MS. OBERG: And now you need to let me finish and
2 then you can make your statement, okay?

3 MR. BERGMARK: Go ahead, ma'am.

4 MS. OBERG: For the respect of the court reporter
5 and everybody here, let's all give each other a chance.
6 And I'm getting upset because in the course of one
7 answer now, you've interrupted him three times. If you
8 let him finish and we all take the breath that we all
9 promised that we do, we'll get through this.

10 MR. BERGMARK: I'll took my two breaths, but if he
11 needed a third, I'll now take three.

12 Q. Were you finished, sir?

13 A. All I said was Monsanto was not a molder, to
14 my knowledge. I've never seen them on our list of
15 molding customers.

16 Q. Now, let me -- I respectfully move to strike.
17 It's calling for speculation as to whether or not
18 Monsanto did some of the molding themselves, but let me
19 ask it to you again.

20 Do you know whether Union Carbide sold any
21 asbestos-containing phenolic resins for use in the
22 electrical components or parts to Monsanto during the
23 period from 1960 to 1972 at any time?

24 MR. RAGLIN: This is Dennis Raglin.

25 I would intersperse the same objections and

79

1 answer, please.

2 MR. BERGMARK: Okay, I'm sorry.

3 MS. OBERG: You interrupted him.

4 MR. BERGMARK: Q. Did you not finish, sir?

5 A. No, I'm not finished.

6 Q. Okay, please, go ahead.

7 A. I'm just trying to make the point that Union
8 Carbide was not in the business of selling molded parts.

9 So with regard to Monsanto, I can say we did
10 not sell them any molded parts because we don't sell
11 them to anybody else.

12 Q. That's not my question, but I appreciate the
13 information.

14 MS. OBERG: Again, he's not finished. Let him
15 finish the answer.

16 A. With regard to phenolic molding materials,
17 Monsanto is not a molder, as far as I know, so I don't
18 see any reason why we would have sold any --

19 MR. BERGMARK: Q. Do you know one way or another?

20 MS. OBERG: You just --

21 MR. RAGLIN: You're not letting the witness finish.

22 MS. OBERG: You have got to let him finish, Rett,
23 to the point where we may have to take a break. You
24 have to cool off, maybe calm down a little bit.

25 MR. BERGMARK: I'm not --

78

1 also add asked and answered.

2 MR. BERGMARK: Q. Go ahead.

3 MS. OBERG: Join.

4 A. I think I covered the part on parts.

5 MR. BERGMARK: Q. How about the sales?

6 A. I'm not aware of any sales to Monsanto of
7 phenolic molding compounds.

8 Q. Are you able to state unequivocally that Union
9 Carbide never sold any asbestos-containing phenolic
10 resin to Monsanto for use in electrical components at
11 any time in 1960 to 1972 time period?

12 MR. RAGLIN: Dennis Raglin, also interspersing the
13 same objections. Also I would add argumentative and
14 badgering the witness at this point.

15 MR. BERGMARK: Q. Go ahead, sir.

16 MS. OBERG: Join.

17 A. I'm basing on it my experience.
18 Unequivocally, as far as I'm concerned, they were not a
19 molder and we never sold them anything directly. So
20 beyond that, I can't do any more.

21 MR. BERGMARK: Q. Beyond your frame of reference?

22 A. That's right.

23 Q. Or within your frame of reference, that's your
24 answer?

25 A. Right.

80

1 Q. Correct?

2 A. Within my frame of reference, that is correct.

3 The molders in the industry were very well known.

4 MS. OBERG: I'm going to stop you right now,

5 Carlos. There's no question pending.

6 A. Okay.

7 MR. BERGMARK: Q. What molders are you aware of

8 that were sold to during this time frame of 1960 to

9 1972?

10 MS. OBERG: Objection. It's beyond the scope of

11 the deposition notice, and I'd invite you if you

12 disagree with me to tell me which one it's relevant to.

13 MR. BERGMARK: It's relevant to No. 7 about:

14 "All the information pertaining to the

15 entities to whom you sold, supplied and/or

16 distributed asbestos-containing Bakelite or

17 similar phenolic resin compounds for use in

18 injection, molding, fastening, extruding or

19 other methods of forming phenolic resins

20 intended or specified for use in electrical

21 components or parts to any of the entities

22 listed in No. 3 which would include Monsanto."

23 And this goes to the distribution of these

24 products to Monsanto through a molder.

25 MS. OBERG: So what I'm going to object to right

81

1 now is the fact that the question, it goes beyond the

2 scope of the deposition notice. The topic of your being

3 able to inquire as to, in essence, Union Carbide's

4 customer list at this point was dealt with at the

5 hearing, and the judge specifically said you don't get

6 to ask that question. That's what your question is, and

7 I'm not -- on that basis, I'm going to instruct him not

8 to answer.

9 MR. BERGMARK: Your Honor, this is an obvious

10 attempt at Ms. Oberg trying to evade relevant

11 discoverable information using semantics and using

12 obfuscation tactics. That should not be allowed. It is

13 well within my right in the course of discovery to find

14 out, concerning the distribution of asbestos-containing

15 products to Monsanto from Union Carbide, whether it was

16 through a molding company or any other entity that they

17 had sent their products, as long as it meets those

18 categories that I've restricted my question to, time

19 period, the type of material and so on.

20 And, Your Honor, this is unconscionable and I

21 expect that you're going to be reading this in my motion

22 to compel, and I hope that you consider it.

23 MS. OBERG: I don't know who you're referring to,

24 Rett, on this record by "Your Honor," but --

25 MR. BERGMARK: That was -- that would be --

82

1 MS. OBERG: Again, I need to finish a sentence.

2 MR. BERGMARK: -- the discovery commissioner that

3 would be reading this.

4 MS. OBERG: Again, I request that you do me the

5 courtesy of not interrupting me.

6 MR. BERGMARK: I wanted to answer for you.

7 MS. OBERG: No, let me finish.

8 MR. BERGMARK: Go ahead.

9 MS. OBERG: I didn't ask a question. I said I

10 don't know who you're referring to by saying "Your

11 Honor," but this is my answer.

12 Rett, if you can't -- the recitation you just

13 made is a very different inquiry than the one I'm

14 objecting to. If you want to ask him about knowledge

15 regarding distribution of parts or distribution of

16 phenolic molding compound to Monsanto, you're entitled

17 to ask that.

18 You just asked him to list Union Carbide's

19 customers. You don't get that in this deposition. That

20 is a part that is objectionable.

21 MR. BERGMARK: No, I asked with regard -- I'm not

22 asking about -- don't interrupt me, ma'am.

23 I'm asking about the sales or distribution to

24 Monsanto of Union Carbide products. Now, it's evident

25 to me that this witness has information as to those

83

1 other entities through which Union Carbide products,

2 which are an issue, went to companies such as Monsanto,

3 went to companies such as Westinghouse, went to

4 companies such as Occidental, General Electric.

5 And you are obstructing this inquiry. I'll go

6 in ex parte come Monday --

7 MS. OBERG: You're asking for a --

8 MR. BERGMARK: -- and make this court aware of this

9 situation and ask for them to order continuation of this

10 deposition for the purposes of getting the information

11 as to the sales and distribution and supply of these

12 asbestos-containing resin products.

13 MS. OBERG: You have restricted your deposition

14 notice and then it has been further restricted by the

15 court to this list of entities.

16 You are asking now for him to list Union

17 Carbide's customers. That's an inappropriate use of

18 this discovery process. It is overly broad. It was

19 specifically dealt with. I specifically said to

20 Commissioner Hewlett, we have a problem with that

21 because it goes well outside the scope of what's

22 relevant to this case.

23 MR. BERGMARK: Well, obviously --

24 MS. OBERG: And excuse me, I'm not done yet.

25 And the order that was generated by your

84

1 office reflected that, reflected Commissioner Hewlett's
2 rulings and, in fact, Mr. Goldstein's concurrence that
3 it be restricted to the individual entities. So if you
4 want to ask about those entities, that's okay.

5 MR. BERGMARK: Obviously you misrepresented
6 yourself to Commissioner Hewlett and that is
7 regrettable. Let me go on with my next question then.

8 Q. Sir, are you aware that Monsanto had been
9 distributing phenolic resin that at one time came from
10 Union Carbide?

11 MR. RAGLIN: This is Dennis Raglin.

12 I'd object that that calls for speculation, as
13 phrased. It's also vague and ambiguous and assumes
14 facts not in evidence.

15 MR. BERGMARK: Q. Go ahead.

16 A. If they were, I was not aware of it. I don't
17 know why they would.

18 Q. You're not aware of any molding company that
19 had supplied the resin to Monsanto?

20 MR. RAGLIN: This is Dennis Raglin.

21 Asked and answered. Now argumentative and
22 combative to the witness.

23 MR. BERGMARK: Q. Go ahead.

24 A. I'm not aware of anybody supplying phenolic
25 molding materials to Monsanto, no.

1 asbestos-containing electrical components or parts from
2 a molder, that it used the phenolic resin that contained
3 asbestos that was manufactured and supplied by Union
4 Carbide during the 1960 to 1972 time period?

5 MS. OBERG: No, no, excuse me. Objection. That
6 utterly mischaracterizes his testimony. That's not what
7 he said -- excuse me, may I finish my objection, Rett?

8 MR. BERGMARK: I thought you were. Go ahead.

9 MS. OBERG: You are now to the point of harassing
10 this witness by asking the same question at least five
11 times.

12 MR. BERGMARK: It is a different question, ma'am.

13 Q. Go ahead.

14 MS. OBERG: You are asking him -- I'll stand on
15 that. It mischaracterizes his testimony.

16 MR. RAGLIN: This is Dennis Raglin.

17 I would also add that it's assuming facts not
18 in evidence and vague and ambiguous.

19 MR. BERGMARK: Q. Go ahead, sir, you can answer.

20 A. I think you are asking me if Monsanto had
21 bought any electrical parts.

22 Q. Whether it was possible.

23 A. Well, every large plant -- and Monsanto had
24 plenty of them, has the need to electrical components in
25 the plant as well as Carbide. I don't know who they

1 Q. Are you able to state unequivocally that the
2 molding companies that Union Carbide sold
3 asbestos-containing electrical components or parts to
4 did not then forward that in a molded form to Monsanto?

5 MR. RAGLIN: This is Dennis Raglin.

6 Same objections.

7 How many times do you want the witness to
8 answer the question?

9 MR. BERGMARK: Q. Go ahead.

10 MS. OBERG: I agree. It's asked and answered.

11 MR. GLASSER: Objection as to form.

12 MS. OBERG: And the objection that I'll elaborate
13 is it is vague and ambiguous --

14 MR. BERGMARK: Go ahead.

15 MS. OBERG: -- among other things.

16 MR. GLASSER: Join.

17 MR. BERGMARK: Q. Would you like that read back?

18 A. No.

19 I have no idea who Monsanto bought their
20 electrical parts from, if they bought any.

21 MR. RAGLIN: This is Dennis Raglin.

22 Move to strike as nonresponsive and assumes
23 facts not in evidence.

24 MR. BERGMARK: Q. So is it your testimony that
25 it's possible that Monsanto may have purchased

1 purchased from, and I don't even know who our own
2 company purchased from. They buy through electrical
3 parts distributors. So you know, it's beyond the scope
4 of where I can really give you any more information.
5 It's nothing I had anything to do with.

6 Q. That's fine. Thank you, thank you for your
7 candor.

8 Did Union Carbide ever sell any
9 asbestos-containing Bakelite for use in electrical
10 components or parts at Monsanto at any time during the
11 1960 to 1972 time frame?

12 MR. RAGLIN: This is Dennis Raglin.

13 I intersperse an objection based on assumes
14 facts not in evidence, vague and ambiguous.

15 MS. OBERG: It's beyond the scope. You need to
16 restrict it to intended for electrical components.

17 MR. BERGMARK: Q. Go ahead, sir.

18 A. I thought I answered that.

19 Q. Same answer?

20 A. Yeah. I said we did not sell parts, and I'm
21 not aware of any sale of phenolic molding material
22 directly to Monsanto.

23 Q. How about the sale of any asbestos-containing
24 resin for use in electrical components to Monsanto at
25 any time during the 1960 to 1972?

1 A. We did not make resins that contained asbestos
2 in them.

3 Q. Are you saying that your resins never
4 contained asbestos?

5 A. No.

6 Q. What are you saying?

7 A. I'm saying only the molding material contained
8 some asbestos and only part of -- you know, a small
9 percentage of that, of the molding material, contained
10 asbestos. I think we talked about that earlier.

11 Q. Just so that I'm clear, the molding material
12 is not a resin?

13 A. No. It is a combination of resins with
14 fillers and lubricants and colorants that's compounded
15 on the rolls, granulated and sold in a granular form to
16 a molder, who then takes it and forms a part out of it.

17 Q. Okay. Then I'll refer to it as molding
18 material, how's that?

19 A. Right. And as I said before, I am not aware
20 of any sales of the phenolic molding material to
21 Monsanto.

22 Q. Are you aware of the sale of molding materials
23 to Monsanto by any company?

24 MS. OBERG: Objection. Beyond the scope of the
25 deposition notice.

1 Bakelite materials for use in electrical components or
2 parts to General Electric at any time during the 1960 to
3 1972 time frame?

4 A. General Electric was one of our competitors
5 and a producer of phenolic molding compounds. They made
6 their own products and it's sold to the industry as
7 well.

8 MS. OBERG: May I make a request, so that we can
9 get a clear record here, and it has to do with your
10 reference of how you're referring to the product. We
11 have now made it clear that only the molding compounds
12 contained asbestos and you continue to ask about resins,
13 and Bakelite and the like. Can we just for a clear
14 record only restrict it to molding compounds?

15 MR. BERGMARK: You know, I'd like to but earlier on
16 in his deposition he said that Bakelite contained
17 asbestos and that it came from Union Carbide.

18 MS. OBERG: Do you want to -- all right.

19 MR. BERGMARK: Q. Is that true, sir, did
20 Bakelite -- at least a dozen Bakelite products contain
21 asbestos which Union Carbide manufactured during this
22 time period of 1960 to 1972?

23 MS. OBERG: They are Bakelite molding compounds.

24 MR. BERGMARK: Q. You can go ahead and answer.

25 A. Yes, that's correct. It was Bakelite molding

89

91

1 MR. RAGLIN: Calls for speculation, assumes facts
2 not in evidence as well.

3 MR. BERGMARK: Q. Go ahead.

4 A. I have no idea. Let's take one step back. If
5 I think that Monsanto is not a molder, then I would
6 think that no other molding material supplier would be
7 selling them molding material directly as well, but I
8 don't know, you know. That's what I base my answer on.

9 Q. Do you know if that molding material that
10 Union Carbide made ever found its way to a Monsanto
11 facility?

12 MS. OBERG: Objection. Asked and answered.

13 MR. BERGMARK: Go ahead.

14 MS. OBERG: This is the last time you get to ask
15 the same question, Rett, before I instruct him not to
16 answer.

17 MR. BERGMARK: Q. Go ahead.

18 A. What was your question again?

19 MR. BERGMARK: Madam Reporter, so that Ms. Oberg
20 doesn't restrict my question from being asked again, can
21 you please repeat it.

22 (record read)

23 A. No, I don't know.

24 MR. BERGMARK: Q. Did Union Carbide ever sell any
25 asbestos-containing phenolic resin, molding material or

1 compounds. That's what I was referring to.

2 Q. Whenever I talk about the asbestos-containing
3 phenolic resin --

4 A. There is --

5 Q. -- molding materials, would that also be
6 considered Bakelite?

7 MS. OBERG: Wait a second.

8 MR. BERGMARK: Strike that. Don't worry about it.
9 I'll strike it.

10 MS. OBERG: I'm really trying to help here, Rett.

11 MR. BERGMARK: No, you're not. I will never accept
12 that from you. Let me withdraw that question.

13 MS. OBERG: Oh, good God. It's done in good faith.
14 I wanted to make sure that you understood that what --
15 the terms are clear here that we are dealing with, and
16 you keep referring to asbestos-containing phenolic
17 resin. There is no such thing. That's all. And I'm
18 done.

19 Ask the questions however you want and I'll
20 object appropriately. Go ahead.

21 MR. BERGMARK: Q. With regard to the
22 asbestos-containing material that Union Carbide produced
23 either in a manufacturing process or in a distribution
24 form that were used or intended to be used for
25 electrical components at sometime during the 1960's to

1 1972 time frame, what are those components? What is
 2 that material called?
 3 MR. GLASSER: Objection as to form.
 4 MR. BERGMARK: Q. Go ahead. Is it called molding
 5 material?
 6 A. Yes.
 7 MS. OBERG: Molding compound.
 8 A. Well, molding compounds. Sometimes some
 9 people call it molding materials.
 10 MR. BERGMARK: Q. Were there any other names for
 11 any asbestos-containing materials that were used or
 12 intended to be used for electrical components or parts
 13 that Union Carbide made during the 1960's to 1972 time
 14 frame?
 15 A. No.
 16 Q. The Bakelite that the Union Carbide sold --
 17 first of all, did Union Carbide ever sell Bakelite?
 18 Go ahead.
 19 MS. OBERG: Objection with respect to the use of
 20 the term "Bakelite."
 21 MR. BERGMARK: Q. Go ahead, sir.
 22 A. Union Carbide owns Bakelite.
 23 Q. Did Union Carbide ever sell a product called
 24 Bakelite?
 25 A. Well, Bakelite was a division of Union

93

1 Q. Any of that asbestos-containing?
 2 A. Yes.
 3 Q. What did those components look like?
 4 MS. OBERG: For electrical usage?
 5 MR. BERGMARK: Right.
 6 MS. OBERG: The time period from 1960 to 1972?
 7 MR. BERGMARK: Right.
 8 Q. What did those test products look like?
 9 A. They were tensile bars which looked like an
 10 elongated dog biscuit.
 11 There were flexural bars which were just
 12 five-inch bars about a half-inch square.
 13 There were disks, two inches in diameter and
 14 four inches in diameter, molded to look in the
 15 appearance of the product in a molded form.
 16 Q. What other --
 17 A. Pardon?
 18 Q. -- molded test materials do you recall?
 19 A. What other parts were molded, did you say?
 20 Q. Right. That's asbestos components in the
 21 '60's to '72 time period.
 22 A. Small cups, like a drinking cup, done
 23 primarily as a test piece.
 24 Q. What else?
 25 A. We had an ashtray mold in Research &

95

1 Carbide.
 2 Q. Was there ever a product named Bakelite?
 3 A. Bakelite was a generic -- was a trade name
 4 which later became used as a generic name for all
 5 phenolic compounds and resins.
 6 Q. The product under the trade name Bakelite,
 7 that was a Union Carbide manufactured product?
 8 A. Yes.
 9 Q. What did that look like?
 10 A. It was a black or brown granular material and
 11 granular, like a coarse sand, that was fed into a
 12 machine where it was melted and then formed into the
 13 part under pressure and temperature.
 14 Q. Was that process done at any Union Carbide
 15 plant?
 16 MS. OBERG: Objection. Vague and ambiguous with
 17 respect to that process. What do you mean? Molding?
 18 MR. BERGMARK: Right.
 19 A. There was molding done to test the material in
 20 the quality control department and in the -- in my own
 21 facilities. The molding was not done to make parts for
 22 sale.
 23 MR. BERGMARK: Q. This molded material that we
 24 have talked about, it was molded for testing purposes?
 25 A. Yes.

94

1 Development which we used as a test piece.
 2 Q. How about with regard to electrical
 3 components, did you try to mold any to look like
 4 electrical components?
 5 A. No. These were all test pieces to get
 6 physical properties and run quality control tests on.
 7 Q. Are you saying that Union Carbide never sold a
 8 Bakelite -- that it molded to be used on insulation to
 9 electrical equipment?
 10 A. It never sold the molded part, no.
 11 Q. Did they ever manufacture it for testing
 12 purposes?
 13 MR. GLASSER: Objection, asked and answered.
 14 MR. BERGMARK: Q. Go ahead.
 15 A. The molded parts were tested internally. They
 16 were not sold to anybody.
 17 Q. Did any of the tested parts appear to be
 18 electrical insulators?
 19 A. Well, all of the phenolic compounds are
 20 insulators in one way or another. It's just a matter of
 21 the degree. The wood flour filled phenolic compounds
 22 are insulators.
 23 Q. I want to limit it to the asbestos-containing
 24 Bakelite products. You've understood that when we were
 25 talking, correct?

96

1 A. Yes.

2 Q. What did those insulators that Union Carbide

3 molded for purposes of testing look like?

4 MS. OBERG: He's just described them.

5 MR. BERGMARK: You described tensile bars, flexural

6 bars, disks. Any other forms?

7 MS. OBERG: Small cups, an ashtray. He just

8 described them all.

9 MR. BERGMARK: Q. Was the drinking cup intended to

10 look like an electrical insulator?

11 A. Not the shape, no.

12 Q. Were the tensile bars intended to look like an

13 electrical insulator?

14 A. No.

15 Q. How about the flexural bars?

16 A. No.

17 Q. Go ahead.

18 MS. OBERG: There's no question pending.

19 MR. BERGMARK: Q. How about the flexural bars,

20 were they created in order to look like an electrical

21 insulator?

22 A. No.

23 Q. How about the disks, were they ever molded at

24 Union Carbide to look like any electrical insulators?

25 A. No.

97

1 where arc-resistance was important, the arc-resistant

2 test would be run.

3 MR. BERGMARK: Q. Have you ever seen a finished

4 molded product that was an arc resistor in a phenolic

5 resin form?

6 MS. OBERG: Objection. Vague and ambiguous.

7 MR. BERGMARK: Q. Go ahead.

8 A. I'm a little confused by the question so I'm

9 not sure whether my answer is going to satisfy you.

10 MS. OBERG: Please rephrase the question, Counsel.

11 MR. BERGMARK: I'll withdraw the question.

12 Q. Have you ever seen a phenolic resin,

13 arc-resistant electrical component?

14 MS. OBERG: At any time manufactured by anybody?

15 MR. BERGMARK: Right.

16 Q. Go ahead.

17 A. I saw finished molded parts, but I don't know

18 whether they had to meet an arc-resistant requirement or

19 not.

20 Q. What did those parts look like?

21 A. Similar to the panels that you have in your

22 control -- electrical control box in your home.

23 Q. What shape were they?

24 A. Oh.

25 MS. OBERG: Can we specify something? Because you

99

1 Q. Do you know what I mean by the term

2 arc-resisting material or component?

3 A. There is an arc-resistant test.

4 Q. What do you mean by "arc"?

5 A. Well, of course, arc is a current going from

6 one terminal to the other. It's the voltage and the

7 current that I know of. You get the current jumping

8 across. That's the arc.

9 Q. And the Union Carbide Bakelite product which

10 contained asbestos during the 1960 to '72 time frame,

11 they were intended to have an arc-resistant quality to

12 them, correct?

13 MS. OBERG: Objection. Overly broad. It is not

14 restricted to the agreed upon and ordered restrictions

15 in the deposition notice.

16 MR. BERGMARK: Q. Go ahead, sir.

17 MS. OBERG: No, you just asked about all Bakelite

18 asbestos-containing products. If you want to restrict

19 it to those that were intended for use in electrical

20 components, that's another --

21 MR. BERGMARK: Yes, intended for use in electrical

22 components.

23 MS. OBERG: '60 to '72.

24 MR. BERGMARK: Right.

25 A. If the product was intended for an application

1 were asking whether he's ever seen these at any time

2 made by anybody. What is the nature of the current line

3 of questioning?

4 MR. BERGMARK: It's foundational.

5 MS. OBERG: For what?

6 MR. BERGMARK: The molding. What did the mold look

7 like that Union Carbide made of these Bakelite products?

8 MS. OBERG: Okay then, I'm going to object that it

9 assumes facts not in evidence and mischaracterizes

10 testimony. There's been no testimony that Union Carbide

11 ever molded a component part that were intended for

12 arc-resistance. All the testimony here has been about

13 test parts.

14 MR. BERGMARK: Right.

15 MS. OBERG: What are --

16 MR. BERGMARK: Q. Go ahead, sir. You can answer

17 my question.

18 MS. OBERG: What's the question?

19 MR. CATALONA: Can we take a break at some point in

20 the next 15 or so minutes?

21 MR. BERGMARK: Fine.

22 Q. What did these panels look like that you saw?

23 A. I saw various electrical parts molded. I

24 don't know whether they required an arc-resistance

25 component requirement or not.

1 Q. Okay. Putting the arc-resistancy aside.

2 A. We provide the information to the customer and
3 they use the material in the parts the way they feel
4 they need to.

5 MS. OBERG: Are we talking about parts, Rett, that
6 you think are molded by Union Carbide or molded by
7 others?

8 MR. BERGMARK: What did these panels look like? I
9 haven't even gotten into whether they are molded by
10 Union Carbide or not. I just want to get a clear
11 understanding as to what these panel component parts
12 look like.

13 Q. Go ahead, sir.

14 MS. OBERG: He already answered it.

15 MR. BERGMARK: Q. What did the panel look --

16 A. My last answer assumed it meant parts molded
17 by our customers.

18 Q. Okay.

19 A. I can't tell you from the parts I saw whether
20 they needed to meet a certain arc-resistance value or
21 not.

22 Q. So arc -- the panels molded by your customers,
23 what did those look like?

24 A. Well, they ranged all over the place, from
25 receptacles in the wall, the control panels that are

101

1 A. Molded insulated -- molded insulator box.

2 Q. Molded insulator box?

3 A. Yes. I'm not sure that that's the correct
4 term, but that's about as descriptive as I can get.

5 Q. Okay.

6 What color were the molded insulated boxes
7 that you saw?

8 A. Black.

9 Q. Any others?

10 A. No. I never saw anything other than black.

11 Q. How about the receptacles, the molded
12 receptacles, what colors do you recall?

13 A. Black and brown.

14 Q. What about the circuit breakers?

15 A. Black.

16 Q. What about the insulator, breaker?

17 A. Black.

18 Q. Does Union Carbide ever mold as a test product
19 any of its asbestos-containing molding material to look
20 like the insulated boxes you just described?

21 A. No.

22 Q. Never mold any of its molding materials which
23 contained asbestos to look like receptacles?

24 A. No.

25 Q. How about to look like any circuit breaker

103

1 used to hold your circuit breakers and your electrical
2 control box.

3 Q. What else?

4 A. The circuit breakers themselves and various
5 sizes and thicknesses and that was it.

6 Q. So the only panels you recall are the
7 receptacles, the circuit breakers and the circuit
8 breaker control box panels.

9 A. Not the box, the parts that the circuit
10 breakers fit into.

11 Q. The insulator for the control box?

12 A. Right.

13 Q. Is that right?

14 A. Yes.

15 Q. Any other panels you recall seeing?

16 A. No. That's about it.

17 Q. Now, when you sold these different forms of
18 panels, these were made by customers of Union Carbide?

19 A. Yes. Now, you called them panels. They were
20 shaped.

21 Q. Should I say molded shapes?

22 A. Well, it's like a box with slots in it.

23 Q. Should I say molded insulation?

24 A. Right.

25 Q. Would that -- molded?

102

1 insulators?

2 A. No.

3 Q. Did Union Carbide have an understanding that
4 its asbestos-containing molding material would later be
5 used during this 1960 to 1972 time period to become
6 those products, the insulated -- insulator breakers,
7 circuit breakers, receptacles, insulated boxes?

8 A. Yes.

9 Q. Why didn't Union Carbide create molds to look
10 like those items in the test process?

11 A. There would not have been any use to it.

12 Q. Why?

13 A. The physical properties that are run are
14 standard tests that require certain shapes, sizes and
15 thicknesses in order to get the results. Those are all
16 specified by the American standard test methods.

17 Q. All right.

18 So with regard to the tensile bars that you
19 described as being asbestos-containing molded material,
20 molded as a test product at Union Carbide, what colors
21 did those look like?

22 A. Black. Well, and of course, brown, if we were
23 making a brown product.

24 Q. What about the flexural bars?

25 A. Same.

104

1 Q. What about the disks?
 2 A. Same.
 3 Q. Drinking cups?
 4 A. Same.
 5 Q. Ashtray?
 6 A. Same.
 7 Q. Any other colors other than black and brown?
 8 MS. OBERG: On the test products?
 9 MR. BERGMARK: Right.
 10 A. There were colored molding materials being
 11 made in the '60's that did not contain asbestos.
 12 MR. BERGMARK: Q. How about the ones that did
 13 contain asbestos, what did those look like?
 14 A. Those were either black or brown. In fact, I
 15 don't even remember a brown one.
 16 Q. You just remember black when it came to
 17 asbestos?
 18 A. That's right. And that was our predominant
 19 color for all of our products.
 20 Q. Is it your testimony that Union Carbide molded
 21 material which contained asbestos during the time period
 22 between 1960 to 1972, to your knowledge, was never any
 23 other color than black?
 24 MS. OBERG: Objection. Misstates testimony.
 25 MR. BERGMARK: Q. Go ahead.

105

1 circuit breaker insulator box -- in the very limited,
 2 you know, context of that type of product that you saw,
 3 you had an understanding that it was an
 4 asbestos-containing product that was made from a Union
 5 Carbide molding compound; is that correct?
 6 MS. OBERG: I'm going to interpose an objection
 7 because I think we are encountering some confusion that
 8 occurred because you started by questioning the witness
 9 regarding the color of the materials that he saw molded
 10 by Union Carbide in those various shapes. We talked
 11 about black and brown. And then you said was there any
 12 other color, and he talked about there being no color.
 13 And now you're switching from the test shapes molded by
 14 Union Carbide internally to something else.
 15 MR. BERGMARK: No, he's said no color meant dirty
 16 brown.
 17 Q. Am I incorrect in that?
 18 A. I'm just describing what it looked like.
 19 MS. OBERG: That's not my problem with the
 20 question. My problem is that the object we are talking
 21 about.
 22 MR. BERGMARK: Let me get clarification.
 23 Q. When you said no color, sir, did you mean that
 24 to say it had a dirty brown look to it?
 25 A. Yes.

107

1 A. There may have been a product that did not
 2 contain any color.
 3 Q. That was see-through, transparent?
 4 A. It was -- without color, it would look like a
 5 dirty brown. But other than that, it was black.
 6 Q. This dirty brown, when you saw that
 7 asbestos-containing product, what did that look like as
 8 far as the molded material, which shape?
 9 A. It was the same shape I described earlier.
 10 The color didn't change the shape to be molded.
 11 Q. And you saw that in terms of circuit breaker
 12 insulators, boxed insulators and receptacles?
 13 A. Right.
 14 MS. OBERG: No, excuse me. Are you talking -- is
 15 the question whether or not the material molded by Union
 16 Carbide came out in those shapes?
 17 MR. BERGMARK: No. When he saw the molded
 18 material, whoever molded it, the product, the asbestos
 19 product, was Union Carbide. The molded was -- what I
 20 call the molding compound was Union Carbide produced.
 21 A. You mean after it was molded, could we tell
 22 whether it was our product or not?
 23 Q. I'm not saying in every circumstance. I'm
 24 just asking in that situation where you saw a dirty
 25 brown molded product which appeared to be a receptacle,

106

1 MS. OBERG: What is it that we are talking about
 2 here?
 3 MR. BERGMARK: It is the molded material which was
 4 from a Union Carbide asbestos-containing molding
 5 compound.
 6 Q. That is your understanding, sir?
 7 MS. OBERG: Molded by whom?
 8 MR. BERGMARK: I don't know.
 9 Q. Go ahead, sir.
 10 MS. OBERG: Objection. Vague and ambiguous. Lacks
 11 foundation.
 12 The problem is, are you talking about what
 13 they molded themselves, or are you talking about a
 14 third-party molder?
 15 MR. BERGMARK: Don't try to confuse this,
 16 Ms. Oberg.
 17 I'm trying to find out if the dirty brown
 18 material was a molded product that was generated from a
 19 Union Carbide molding compound.
 20 Q. Go ahead, sir. Was that?
 21 MS. OBERG: That contained asbestos?
 22 MR. BERGMARK: Correct.
 23 A. No.
 24 MR. BERGMARK: Q. I'm sorry?
 25 A. This what we call natural product. I don't

108

1 even recall what it was used for. It was a very small
2 volume product, and I'm not sure what the parts were
3 that were made from it. I was only answering your
4 question as to whether there was any other color.

5 Q. But this was an asbestos product, correct?

6 A. I think it contained some asbestos in it. I'm
7 not certain.

8 Q. All right.

9 With regard to the quantity of asbestos in the
10 molding compound that Union Carbide made for use in
11 electrical components or parts during the 1960 to 1972
12 time frame, how much asbestos were in those molding
13 compounds? What percentage?

14 Go ahead.

15 A. The largest volume products contained about
16 5 percent. Then there was another category that
17 contained about 15 percent, and then I think there was
18 one specialty product that was in the 20's.

19 Q. You said largest volume product was 5 percent?

20 A. Right.

21 Q. What product is this?

22 MS. OBERG: I'm going to object to that because
23 it's beyond the scope of -- in particular, you are
24 beyond it in the sense that you haven't restricted it by
25 time and you have not restricted to it any product that

1 confusing to everyone involved because there were many
2 products; there wasn't three products. And the ranges
3 that we are talking about, you know, it's not as if
4 there are three products with three different amounts;
5 that's what I'm hearing. The questions that I'm
6 hearing, I think, are going to be confusing down the
7 road. I've stated my objection.

8 MR. BERGMARK: Okay.

9 MS. OBERG: I also have a question for you, Rett.
10 Fifteen minutes ago, maybe 20 minutes ago we had a
11 request for a break.

12 MR. BERGMARK: Let me finish this line and we'll
13 break immediately after that.

14 MS. OBERG: Thank you. Go ahead.

15 MR. BERGMARK: Q. This 20 percent asbestos molding
16 compound made by Union Carbide, that was made sometime
17 between 1960 and 1972 for use in electrical components
18 or parts; is that correct?

19 A. I think its primary use was for electronic
20 components.

21 Q. What type of components?

22 A. High-frequency insulator.

23 MR. BERGMARK: Let's take a ten-minute break. Off
24 the record.

25 (A short recess taken from 1:19 p.m. to 1:39 p.m.)

109

111

1 was designed for use in electrical applications.

2 MR. BERGMARK: Q. Their -- the largest volume that
3 was 5 percent asbestos --

4 A. Yes.

5 Q. -- was this produced during the time frame of
6 1960 to 1972 for use in electrical components?

7 A. Yes.

8 Q. And the 15 percent asbestos products, that was
9 manufactured sometime between 1960 to 1972 for use in
10 electrical components?

11 A. Yes.

12 Q. And the 20 percent asbestos product, that was
13 also manufactured by Union Carbide during this period
14 between 1960 to 1972 for use in electrical components
15 for parts?

16 MR. GLASSER: Objection.

17 MR. BERGMARK: Q. Was that a "yes"?

18 MR. GLASSER: I'm objecting. This is Jonathan
19 Glasser.

20 I'm objecting on the grounds that the
21 questions are vague and ambiguous, this whole line.

22 This is partially a late objection to the two
23 prior questions, and it is -- I'm also objecting to the
24 form generally. I think that we are going to have a few
25 pages of testimony here that's going to be very

1 MR. BERGMARK: Back on the record.

2 Q. Mr. Martino, you had stated that the Union
3 Carbide molding compound that contained asbestos during
4 the 1960 to 1972 time frame which was used as a
5 high-frequency insulator contained 20 percent asbestos,
6 correct?

7 A. I thought I said higher than that.

8 Q. What's the amount?

9 A. It's probably -- you know, I can only give you
10 a rough estimate. I don't recall the exact formulation.
11 I would say it's probably, you know, over 25 percent.
12 Any of the percentages I gave you are rough estimates.
13 I hope you understand that.

14 Q. I understand that.

15 A. And there are variations, you know, in the
16 products in each category so that, you know, there could
17 be higher, there could be lower, around those ranges I
18 gave you.

19 Q. What would you say the lowest percentage of
20 asbestos was in any of the molding compounds that Union
21 Carbide manufactured between '60 and 1972?

22 A. Well, it would be a 5 percent, which, you
23 know, give or take, plus or minus a few percent one way
24 or the other.

25 Q. When you say "plus or minus," what are we

1 talking about, plus or minus 1 percent?

2 A. 4 maybe to 8.

3 Q. 2?

4 A. Yeah.

5 Q. 2 would be the differential, the most

6 differential that you would figure from that estimate?

7 A. Yeah, over a variety of products.

8 Q. Say somewhere between 3 to 5 percent would be

9 the lowest amount of one of the asbestos-containing

10 molding compounds, correct?

11 A. Well, I'm lumping them all together. I'd say

12 the 4 to 8 percent range would cover most of them.

13 Q. That was the largest percent, was the 4 to

14 8 percent range, correct?

15 A. Yeah.

16 MS. OBERG: Objection. Vague and ambiguous.

17 Largest percentage of the Union Carbide

18 asbestos-containing molding compounds?

19 MR. BERGMARK: Right.

20 MS. OBERG: Okay.

21 A. And I also want to make clear, when I said

22 that the lower percentage was the largest volume.

23 That's the largest volume of the asbestos-containing.

24 MR. BERGMARK: Q. Right.

25 A. Not your largest volume products that we sold.

113

1 Q. Sure. I understand that. I think you made

2 that clear.

3 With regard to the products that were intended

4 to be manufactured from this Union Carbide

5 asbestos-containing molding compound during the 1960 to

6 1972 time frame having 4 to 8 percent asbestos, what

7 were those intended products and uses in terms of

8 electrical components or parts?

9 A. It could be used for switch gear. It could

10 be -- they were also used for non-electrical

11 applications.

12 Q. Right. I just want to know the electrical

13 ones.

14 A. Right. Electrical, probably components like

15 switch gear.

16 Q. Any panels?

17 A. Any what?

18 Q. Electrical panels?

19 A. Panels? It depended on the size that they

20 were molding and the voltages that they were trying to

21 control. In industrial breakers, we did not -- we had

22 an impact compound that did not contain asbestos. It

23 wasn't used for that.

24 Q. I'm just talking about the ones that did

25 contain asbestos. Would there be some panels for

114

1 circuit boxes that would have 4 to 8 percent asbestos?

2 A. There could be some, yes.

3 Q. Other than the switch gear and some of these

4 panels that would be in the circuit breaker boxes, any

5 other intended uses?

6 A. Many of these products were designed for

7 under-the-hood automotive applications.

8 Q. In the electrical component aspect?

9 A. Yes. Transmission parts, replacing cast metal

10 and places under the hood where there was heat near the

11 engine block.

12 Q. With regard to electrical components that were

13 manufactured using Union Carbide molded compound with

14 the 4 to 8 percent asbestos during the 1960 to 1972 time

15 period, you indicated that switch gears and some panels

16 comprised these manufactured end products, correct?

17 A. When you say "panels," I mean the shaped

18 boxes.

19 Q. The box themselves?

20 A. The box itself, right. When you say "panel,"

21 that implies a sheet.

22 Q. Were any of the sheets an end product that

23 were manufactured by Union Carbide containing 4 to

24 8 percent asbestos for use in electrical equipment

25 during the 1960 to 1978 time period?

115

1 MS. OBERG: Objection. Vague and ambiguous.

2 You're suggesting that the finished product was

3 manufactured by Union Carbide. I think you meant to say

4 incorporating Union Carbide molding compounds?

5 MR. BERGMARK: Right.

6 Q. With your counsel's further clarification,

7 were any of these --

8 A. The sheets would have been made by a different

9 process.

10 Q. What do you mean by that?

11 A. The laminating process that we previously

12 talked about.

13 Q. Were any of those sheets asbestos-containing?

14 A. We did not make any as far as I know. They

15 did not contain asbestos.

16 Q. I know that you are saying that you did not

17 make the actual laminating sheet containing asbestos.

18 What I wanted to find out is did Union Carbide make the

19 molding compound which would later be used after it had

20 been molded by someone else into a sheet for use on the

21 electrical equipment?

22 A. If it was a large sheet, it would not have

23 been made from a molding compound.

24 Q. What about smaller sheets, would that have

25 been made by a molding compound from Union Carbide

116

1 during the 1960 to 1972 time frame for use in electrical
2 equipment?

3 A. No. Those would be, again, I'm taking your
4 sheet to mean a large panel. That would have been made
5 by a the laminating process.

6 Q. When you're saying --

7 MS. OBERG: He's not done.

8 MR. BERGMARK: Q. Are you done?

9 A. It would not have been made by a -- from a
10 molding material.

11 Q. When you say sheet, large sheet, what size are
12 you talking about?

13 A. 5 -- 3 feet by 5 feet or larger. There are
14 industrial laminates used as electrical insulators.

15 Q. I'm talking about smaller sheets that are less
16 than a foot in square footage.

17 With regard to Union Carbide's molding
18 compound, could that, during the 1960 to 1972 time
19 frame, be used to create a sheet of material that could
20 be used as electrical insulation?

21 A. If you're considering a plaque about a
22 quarter-inch or three-eighths inch thick, it is possible
23 to make it that way.

24 Q. Did you have an understanding that some
25 manufacturers did use Union Carbide's

1 A. That's it. That was the bulk of it.

2 Q. The bulk of it were the boxes?

3 A. The boxes.

4 Q. Aside from the bulk, what were insulators in?

5 MS. OBERG: Objection. Asked and answered.

6 MR. BERGMARK: Q. Go ahead.

7 A. I don't recall any other parts, no.

8 Q. When you talk about the switch gears, what did
9 those look like that contained 4 to 8 percent asbestos?

10 A. That contained how much -- the -- like the
11 boxes in your control panel and the components that go
12 in there.

13 Q. What components?

14 A. Well, the circuit breakers.

15 Q. What other components?

16 A. I'm not implying that that is what you have in
17 your house. I'm just saying that is the type of
18 application.

19 Q. Right. I appreciate that. Thank you. That's
20 what I'm looking for.

21 The circuit breakers were one of the
22 applications that were intended for this 4 to 8 percent
23 asbestos compound to be used as. Aside from that, what
24 other switch gear or component materials were intended
25 for use during the 1960 to 1972 time period?

1 asbestos-containing compound that way?

2 A. I never saw any.

3 Q. Did you have an understanding that that was
4 one of the uses that a manufacturer had used it for?

5 A. No, I did not.

6 Q. With regard to insulators, did you ever see a
7 Union Carbide molding compound as an insulator end
8 product between the years 1960 to 1972?

9 MS. OBERG: I'm going to object. It's overly
10 broad, beyond the scope of the deposition notice.

11 MR. BERGMARK: Q. Go ahead, sir.

12 MS. OBERG: Are you talking about electrical
13 applications?

14 MR. BERGMARK: Absolutely.

15 MS. OBERG: I'm going to also object that it's
16 vague and ambiguous with respect to the term
17 "insulators."

18 MR. BERGMARK: Q. Go ahead.

19 A. I saw the electrical boxes that we talked
20 about earlier.

21 Q. The box themselves?

22 A. Yeah.

23 Q. What else?

24 A. I saw those.

25 Q. What else?

1 MS. OBERG: Objection. Asked and answered.

2 MR. BERGMARK: Q. Go ahead.

3 A. I'm not aware of any others.

4 Q. So --

5 A. Boxes came in various shapes and sizes and
6 that's all I saw.

7 Q. What difference --

8 A. Not all of them were made from the asbestos-
9 containing materials.

10 Q. I'm just limiting my question to the
11 asbestos-containing --

12 A. Yeah. I want to make sure that you don't --
13 that my answer doesn't imply that all of those boxes
14 were made from those materials.

15 Q. That's understandable.

16 Now then, with regard to the boxes that were
17 created with 4 to 8 percent asbestos, what different
18 shapes did you see that coming in?

19 A. The shapes that we previously described: A
20 box-like shape with slots in it.

21 Q. Can you be any more descriptive as to the
22 dimensions or sizes?

23 A. No.

24 Q. With regard to the color that you saw coming
25 in, what different colors?

1 A. Black.
 2 Q. Any others?
 3 A. No.
 4 Q. With regard to the circuit breakers, what
 5 colors?
 6 A. Black.
 7 Q. Do you remember the asbestos component?
 8 A. Black.
 9 Q. What shape?
 10 A. The same as we discussed before.
 11 Q. Which is?
 12 A. The box-like shape with slots.
 13 Q. And in terms of the sizes that you saw, this 4
 14 to 8 percent asbestos material?
 15 A. The what?
 16 Q. Go ahead.
 17 A. I'm sorry, I didn't hear that.
 18 Q. In terms of the size, what dimensions?
 19 A. I'm giving you a general description of switch
 20 gear parts. I can't tell you which of those contain
 21 asbestos and which did not contain asbestos because they
 22 all had different requirements depending on size and
 23 uses.
 24 Q. Right. But the ones that you saw that had the
 25 requirements of having a 4 to 8 percent asbestos

121

1 component, what sizes do you see those circuit breaker
 2 boxes coming in?
 3 MS. OBERG: I'm going to object because I think the
 4 witness says he can't tell you that because he doesn't
 5 know which ones contained asbestos and which did not.
 6 MR. BERGMARK: Q. Is that your statement, sir?
 7 A. Yes.
 8 Q. Okay.
 9 Sounds like with regard to the electrical
 10 equipment that you remember the asbestos compound being
 11 used for, they were all box-shaped?
 12 A. Yes.
 13 Q. Nothing other than box-shaped, correct?
 14 A. That's correct. That's correct as far as what
 15 I saw.
 16 Q. Well, are you aware that they were used for
 17 any other application other than creating box shaped --
 18 A. I'm not aware, no.
 19 Q. Did you ever see any information regarding
 20 manufacturers suggested or actual uses of
 21 asbestos-containing molding compounds, aside from boxes?
 22 MS. OBERG: I'm going to object to the question as
 23 vague and ambiguous.
 24 MR. BERGMARK: Q. Go ahead, if you understand the
 25 question.

122

1 A. I couldn't hear part of it because you faded
 2 out. Could you repeat that, please?
 3 Q. Sure.
 4 Madam Court Reporter, can you please repeat
 5 that.
 6 (record read)
 7 MS. OBERG: I assume you mean 1960 to '72 for
 8 electrical?
 9 MR. BERGMARK: Yeah, made by Union Carbide.
 10 Q. Go ahead.
 11 A. Yes. No, I did not.
 12 Q. Did you ever see any information from a
 13 manufacturer suggesting using the Union Carbide
 14 asbestos-containing molding compound for use in boxes?
 15 A. By "manufacturer," who are you referring to,
 16 the molder or to Union Carbide?
 17 Q. I'm talking about by either the molder or a
 18 customer of the molder.
 19 A. No, I did not.
 20 Q. So only box-shaped?
 21 A. Right.
 22 Q. Strike that. I'm sorry.
 23 Did you say that you never received any
 24 information as to a manufacturer's suggested use for the
 25 molding compound which contained asbestos between 1960

123

1 and 1972?
 2 A. The information we were provided by our
 3 customer were the performance requirements that he
 4 wanted for his product. They didn't specify the
 5 particular shape or size.
 6 Q. Did you have an understanding -- by you, I
 7 mean did Union Carbide have an understanding as to who
 8 the end using companies were that would purchase these
 9 molded materials from those molding manufacturers during
 10 the 1960 to 1972 time period for uses in electrical
 11 equipment?
 12 A. I did not, no.
 13 Q. Did anybody at Union Carbide have an
 14 understanding as to who those end users would be or end
 15 purchasers, as the case may be?
 16 MS. OBERG: Objection. Calls for speculation.
 17 MR. BERGMARK: Q. Go ahead.
 18 A. I doubt it.
 19 Q. Why?
 20 A. Because the parts went into a distribution
 21 system to various distributors, and it was not the kind
 22 of information we really needed.
 23 Q. Did Union Carbide ever create documents that
 24 it supplied to its customers that would advertise the
 25 properties and uses of its asbestos-containing

124

1 compounds?

2 A. Our data sheet showed the properties.

3 Q. Aside from the data sheet, any other marketing

4 type materials?

5 A. None that I'm aware of.

6 Q. During the 1960's and 1972 time period at

7 Union Carbide, was there a marketing department related

8 to phenolic resins or Bakelite products?

9 A. Yes.

10 Q. What were the names of the top people at Union

11 Carbide in the marketing department?

12 MS. OBERG: I'm sorry, I'm going to object to that

13 question as being overly broad. I think I missed part

14 of it because there was an interruption in the

15 transmission, I guess, of the question. But I've got to

16 object that it's overly broad, not restricted to the

17 part of the deposition notice, the part I heard.

18 MR. BERGMARK: Q. Go ahead, sir.

19 MS. OBERG: We have to restrict it before I'll

20 allow him to proceed. Did you ask him the names of

21 everybody in the marketing department?

22 MR. BERGMARK: Just the head of the marketing

23 department during the 1960 to 1972 time period for sales

24 of Bakelite or molding compounds which contained

25 asbestos.

125

1 A. We had a marketing manager and his name was

2 Peter Potter. No, he was market manager for the whole

3 business.

4 Q. And is Peter Potter still alive?

5 A. Yes.

6 Q. Is he still working for Union Carbide?

7 A. No.

8 Q. Do you know who he is working for now, last

9 you heard?

10 A. I think he's retired.

11 Q. Where did he retire to?

12 A. Last I heard, he was in Connecticut, but I

13 don't know where. It's been quite some time ago.

14 Q. Did he have an assistant manager during that

15 time period?

16 A. No.

17 Q. Did he have a person that reported to him

18 during that time period?

19 A. Let me back off on that. He did have for a

20 short period of time someone helping him.

21 Q. Who was that?

22 A. Ed Vail.

23 Q. Ed Vail?

24 A. Right.

25 Q. V-a-i-l?

126

1 A. V-a-i-l.

2 Q. Is he still alive?

3 A. No, he's not.

4 Q. Anybody else that reported or assisted

5 Mr. Potter and in his marketing duties during the time

6 period limited to the marketing of compounds that

7 contained asbestos?

8 Go ahead.

9 A. I don't know of any others.

10 Q. What was the role of Peter Potter, as a market

11 manager?

12 A. He recommended prices. He recommended

13 marketing strategies. He would give us guidance on new

14 markets to look at.

15 Q. Did he keep track of end users, to your

16 knowledge?

17 A. Did he what?

18 Q. Keep track of information on end users?

19 A. His information was primarily focused on

20 customers.

21 MS. OBERG: I'm going to make a belated objection.

22 It calls for speculation.

23 Go ahead.

24 A. Yeah, I can't answer the other. I don't know

25 what his relationship with any end users was.

127

1 MR. BERGMARK: Q. It seems to me that if you're

2 going to be marketing your compounds to these molding

3 companies, that you'd have an understanding as to who

4 would buy the molded material?

5 MS. OBERG: There's no question pending.

6 MR. BERGMARK: Q. Do you have an understanding as

7 to who, if anybody, tracked that information during that

8 time period?

9 A. I don't know why you should have to know who

10 bought the molded part. But I don't know who would have

11 that kind of information except the molder himself.

12 Q. Do you know if Union Carbide ever supplied

13 molding compounds that were to be used in electrical

14 components parts for General Electric?

15 MS. OBERG: Objection. Asked and answered.

16 A. I don't know of any sale to General Electric.

17 As I mentioned before, General Electric made its own

18 molding material and was a supplier of phenolic molding

19 materials.

20 MR. BERGMARK: Q. Did any of their molding

21 materials --

22 MS. OBERG: He's not done.

23 MR. BERGMARK: Q. Go ahead.

24 A. They used their own molding materials in their

25 own operation and sold it to them and competed with us

128

1 in the market place.
 2 Q. Did they have any asbestos-containing molding
 3 materials?
 4 MS. OBERG: Objection. Calls for speculation.
 5 MR. BERGMARK: Q. To your knowledge? Were they
 6 competing in that arena?
 7 A. Yes, they were.
 8 Q. What was their asbestos-containing molding
 9 material called?
 10 A. I don't know what their designations were.
 11 Q. Did it differ in any way to the molding
 12 material that Union Carbide was manufacturing during the
 13 1960 to 1972 time period?
 14 MS. OBERG: Calls for speculation.
 15 MR. BERGMARK: Q. Go ahead.
 16 A. We were competing for the same applications, I
 17 mean the same business.
 18 Q. Which was what?
 19 A. Well, the entire industry, whatever
 20 applications were out there. So some, you know,
 21 products -- I don't know what their composition was, so
 22 I can't say, you know, if it was exactly the same as
 23 ours or not.
 24 Q. Did their molding compounds look in any way
 25 different from Union Carbide's?

129

1 Q. Did Union Carbide ever trademark the name
 2 Bakelite?
 3 A. There is an R after the Bakelite designation,
 4 so I assume that it's registered, based on that.
 5 Q. Did Union Carbide patent its
 6 asbestos-containing molding compound which contained
 7 asbestos during the years 1960 to 1972?
 8 A. No.
 9 Q. Did Union Carbide do anything to try to
 10 protect its compound from being replicated by other
 11 companies?
 12 A. Only by maintaining secrecy as to what we were
 13 doing, which wasn't that helpful.
 14 Q. Did Union Carbide ever make an agreement
 15 between General Electric and itself to share information
 16 on the manufacturing of compounds which contained
 17 asbestos that would be used in finished phenolic resin
 18 products?
 19 A. None -- no agreement that I am aware of.
 20 Q. Did Union Carbide make such an agreement with
 21 any other company?
 22 A. None that I'm aware of.
 23 Q. You indicated that one of the products, the
 24 molding compound that is, contains as much as 15 percent
 25 asbestos, correct?

131

1 A. No, they did not.
 2 Q. You've seen their molding compounds which
 3 contained asbestos, correct?
 4 A. I saw their molded -- the molded parts, yes,
 5 but not the -- and then we did obtain samples and mold
 6 them ourselves.
 7 Q. Did you ever see their molding compounds
 8 before it was molded into a part?
 9 MR. MULLEN: Excuse me. This his Bob Mullen
 10 defending for Viacom. I stepped out of the room to get
 11 some coffee. I heard a few questions where you referred
 12 to "their." Who were you referring to?
 13 MR. BERGMARK: General Electric.
 14 Go ahead.
 15 A. Would you repeat the question, please?
 16 MR. BERGMARK: Ma'am Reporter.
 17 (record read)
 18 A. Yes, I did.
 19 MR. BERGMARK: Q. What did that look like to you?
 20 A. Granular, just like ours, and black.
 21 Q. When you saw it in its molded form -- do you
 22 ever see that?
 23 A. When we molded samples for tests, yes.
 24 Q. What did that look like?
 25 A. Just like ours, black, shiny.

130

1 A. That was a rough estimate. Again --
 2 Q. Give or take?
 3 A. Give or take about 3 or 4 percent.
 4 Q. Give or take 3 or 4 percent, so we'll say?
 5 A. I'm talking about products that would fall
 6 into that category.
 7 Q. Exactly. What products were those which were
 8 related to electrical components as an intended finished
 9 product?
 10 A. The one I recall is BMG 5303.
 11 Q. Can you spell that again?
 12 A. BMG 5303.
 13 Q. 5303?
 14 A. Yes.
 15 Q. BMG. B as in boy; M as in Mary; G as in --
 16 A. Granular.
 17 Q. -- granular. Got it.
 18 During what years was Union Carbide
 19 manufacturing BMG 5303?
 20 MS. OBERG: I'm going to object. You mean within
 21 the years 1960 to '72?
 22 MR. BERGMARK: Yes.
 23 Q. Did it manufacture that product throughout
 24 those years?
 25 A. It was, I think, introduced in the mid '60's

132

1 and was being sold when I left in '74.
 2 Q. What was the -- what was the end product that
 3 would be created which related to electrical components?
 4 A. Some of those boxes we described earlier.
 5 Q. What else?
 6 A. That's the automotive parts, under the hood.
 7 Q. Any other application aside from the boxes for
 8 electrical?
 9 A. None other than I'm aware of.
 10 Q. What about the high-frequency insulators, were
 11 those boxes?
 12 A. No.
 13 Q. What were those?
 14 A. I never saw the part. I don't know what it
 15 looked like.
 16 Q. Were there some Union Carbide molding
 17 compounds that were between 19 percent and 23 percent
 18 asbestos?
 19 MS. OBERG: I'm going to object to the question.
 20 Are you talking about a time frame of 1960 to '72, or
 21 are you talking about for use in electrical components?
 22 MR. BERGMARK: Yes.
 23 A. If there were, I'm not aware of them or
 24 remember any numbers.
 25 MR. BERGMARK: Q. So it jumped from approximately

133

1 MR. BERGMARK: Q. Was it sold to more than one
 2 company?
 3 A. I don't know.
 4 Q. Do you know if it was sold to Westinghouse?
 5 MS. OBERG: This has been discovered.
 6 MR. MULLEN: Objection. Calls for speculation,
 7 lacks foundation, assumes facts not in evidence.
 8 MR. BERGMARK: Q. Go ahead, sir.
 9 A. As I said before, we did not sell any molding
 10 materials to Westinghouse.
 11 Q. That you're aware of?
 12 A. That's right.
 13 Q. Is that correct?
 14 A. That's correct.
 15 Q. When you say molding materials that you're
 16 aware of being sold to Westinghouse, you're talking
 17 about molding materials in the unmolded form, right?
 18 A. That's right. If there was any sale, I am not
 19 aware of it.
 20 Q. Were there any other products that had the 12
 21 to 18 percent asbestos aside from this BMG 5303?
 22 A. 2035, BMG 2035.
 23 Q. What years were that product within this '60
 24 to '72 time frame?
 25 A. It was available most of the time, most of the

135

1 18 percent asbestos to 25 percent asbestos --
 2 A. Well, 25 -- give me a range on that. 25 to
 3 35, somewhere in there.
 4 Q. Okay. So 25 to 35?
 5 A. Right.
 6 Q. There was a jump --
 7 A. Again, it's a rough estimate, because I
 8 don't -- that was not a large-volume product. So I'm
 9 not as familiar with that as I was with the others.
 10 Q. What was the intended use of this
 11 high-frequency insulator?
 12 MS. OBERG: Asked and answered.
 13 A. The only thing I've seen with high-frequency
 14 insulator -- I don't know what it looked like and what
 15 function it performed, other than insulation against the
 16 high frequency.
 17 MR. BERGMARK: Q. What years was this produced
 18 during the 1960 to 1972 time period?
 19 A. I don't know when it was introduced. I don't
 20 recall that. It was being sold in the early '70's.
 21 Q. Early '70's?
 22 A. Yes.
 23 Q. To what company was it sold in?
 24 MS. OBERG: Objection. That goes beyond the scope
 25 of the deposition.

134

1 time during that period.
 2 Q. What was the end use intended?
 3 A. It was intended for iron handles, steam iron
 4 handles.
 5 Q. What other uses were you aware of in terms of
 6 electrical equipment and components?
 7 A. I never heard of it being used in any
 8 electrical component.
 9 Q. Aside from the 5303 and the 2035, what other
 10 12 to 18 percent asbestos molding compounds did Union
 11 Carbide produce during the 1960 to '72 time period?
 12 MS. OBERG: Intended for electrical usage?
 13 MR. BERGMARK: Q. Intended for electrical usage.
 14 A. Those are the main ones I recall.
 15 Q. There were others, but you don't recall the
 16 others?
 17 A. There was a 53 -- 5333 that looks very similar
 18 to 5303, but I don't recall what it was used for.
 19 Q. Were there any others?
 20 A. No, other than in that category, no.
 21 Q. Going back to the 4 to 8 percent asbestos,
 22 what were the different names of the 4 to 8 percent
 23 asbestos molding compounds that were intended for
 24 electrical equipment usage?
 25 MS. OBERG: From the 1960 to '72 time frame?

136

1 A. There was a 5440.
 2 MR. BERGMARK: Q. Anything else?
 3 A. I think there was one closely related to it,
 4 5441.
 5 Q. Anything else?
 6 A. At one time there was a 5138, but I think that
 7 was replaced by 5440.
 8 Q. Anything else?
 9 A. That's all I can recall right now.
 10 Q. And the intended use for all these were for
 11 boxes?
 12 A. Well, no. The intended use was for many
 13 applications, not just for boxes.
 14 Q. With regard to just the electrical equipment,
 15 was the only use electrical applications --
 16 A. Yeah, that --
 17 Q. -- boxes?
 18 A. That's right. That's about the only place I
 19 saw them used in the electrical parts business. But
 20 they had many other applications.
 21 Q. Who determined those applications? The
 22 molders?
 23 A. Oh, the molders.
 24 Q. With regard to the appearance of the boxes
 25 that were created with the 4 to 8 percent asbestos,

1 what you're really asking is: Did we sell product to
 2 ourselves, which, you know, doesn't make sense to me.
 3 Q. Were you working during the 1960 to 1972 time
 4 period for the Bakelite division of Union Carbide?
 5 A. I think it was still being called the Bakelite
 6 division of Union Carbide at that time.
 7 Q. I'm sorry?
 8 A. I think it was still being called the Bakelite
 9 division of Union Carbide at that time.
 10 Q. Was it a separate corporation from Union
 11 Carbide at that time?
 12 MR. GLASSER: Objection.
 13 MS. OBERG: I'm going to object on the grounds that
 14 is well beyond the scope of the testimony. You're
 15 entitled to understand why your question regarding
 16 Bakelite, sales to Bakelite doesn't make sense.
 17 MR. BERGMARK: That's what I'm trying to get to.
 18 MS. OBERG: This witness is not offered for
 19 purposes of corporate history and there's nothing in
 20 your deposition notice regarding that --
 21 MR. BERGMARK: Well, with regard to the sales or
 22 distribution to the Bakelite Corporation or Bakelite
 23 Company, I'm entitled to know.
 24 MS. OBERG: Then you can restrict it to that, but
 25 you're asking all sorts of corporate relationships, and

137

139

1 Union Carbide products, was that a shiny product?
 2 A. Yes. Well, it -- most of the time it was. If
 3 the mold was dull, then you would get a dull surface.
 4 Q. If the mold was dull?
 5 A. Yes. In other words, the part reproduced
 6 whatever the mold surface was. If it was shiny mold
 7 surface, it was a shiny part. If it was a sandblasted
 8 mold or not very highly polished, you got that surface.
 9 Q. Did Union Carbide ever distribute or supply
 10 the Bakelite company with any of this molded compound
 11 that contained asbestos?
 12 MS. OBERG: Objection based on the absurdity of the
 13 question because Union Carbide owned Bakelite.
 14 Go ahead if you can answer.
 15 MR. BERGMARK: Q. They were a separate division,
 16 weren't they?
 17 A. Bakelite Corporation was the name of the
 18 company before Union Carbide bought it.
 19 Q. Right. And when Union Carbide bought it, that
 20 division kept its name, Bakelite, correct?
 21 A. No, sir. It became the Bakelite division of
 22 Union Carbide.
 23 Q. Right. Bakelite division of Union Carbide?
 24 A. Yeah.
 25 That happened in the late '30's. So you know,

1 they didn't sell to themselves is the bottom line here.
 2 MR. BERGMARK: Let's just find out if he knows
 3 whether they are a separate corporation from Union
 4 Carbide during that time frame, 1960 to 1972.
 5 MS. OBERG: All right.
 6 MR. BERGMARK: Q. Do you know one way or the
 7 another?
 8 MS. OBERG: It is the same objection.
 9 MR. BERGMARK: Q. Go ahead. If you know.
 10 He might not.
 11 A. I don't.
 12 Q. Are you aware of more Union Carbide
 13 asbestos-containing products used in electrical
 14 applications aside from the 5440, 5441, 5138 that
 15 contained 4 to 8 percent asbestos?
 16 A. That contained how much?
 17 Q. 4 to 8 percent?
 18 A. 4 to 8 percent. No, at this point I don't
 19 remember any other products.
 20 Q. There could be more?
 21 A. There could be one or two more.
 22 Q. With regard to the uses of each of these --
 23 these are all end use of boxes, to your understanding,
 24 correct?
 25 A. Yes.

138

140

1 Q. And all the boxes that you ever saw that were
2 created from this material, they were all black in
3 color, correct?

4 A. That's correct.

5 Q. Was it impossible to create a different color
6 for any of these boxes such as gray or white from the
7 black compound that was created by Union Carbide?

8 A. It is possible to make another color, but it's
9 not a very good color.

10 Q. What color does it come out as?

11 A. The basic material with no color is a dirty
12 brown, so you have to put in a lot of white and you
13 still get a color that's not --

14 Q. Have you ever seen a manufacture --

15 MS. OBERG: You're interrupting the witness.

16 MR. BERGMARK: Q. Oh, I'm sorry, I thought you
17 were done.

18 A. You still get a color that is not a real
19 white, and it's not color stable either.

20 Q. Have you seen that done before by
21 manufacturers?

22 A. Well, we made our own -- we made color molding
23 materials up until the mid '60's and then that was
24 eliminated.

25 Q. And those molding materials, were they used

1 that product was eliminated or whether it was given a
2 new number on the new system, I don't know. I don't
3 know anything about that.

4 Q. So when you I say BM 261, you're not aware of
5 what that product is?

6 A. No, I don't.

7 Q. With regard to the 5440, does that have a
8 letter designation in front of it?

9 A. Yes.

10 Q. What was that letter designation?

11 A. BMG -- it would be BMM and it could be BMRS,
12 depending on the type of equipment that it was going to
13 be used in.

14 Q. GMRS?

15 A. Yes.

16 Q. How about for the electrical equipment?

17 MS. OBERG: You just said B as in boy.

18 MR. BERGMARK: Oh, BMRS.

19 A. I thought I heard "B."

20 Q. That's fine.

21 A. Just think B as in Bakelite.

22 Q. Is that what the "B" stood for?

23 A. Yes.

24 Q. What did the "M" stand for?

25 A. Molding.

141

143

1 for electrical equipment?

2 A. Some colors could have been used for some of
3 the components. Like a red could have been used for a
4 knob on electrical equipment. But that's about the only
5 use I would think of.

6 Q. Were some of these red knobs
7 asbestos-containing depending on what the heat
8 requirement was, temperature requirement?

9 A. No, I don't think any of them contained -- I
10 don't know. I don't think any of them contained
11 asbestos.

12 Q. If you don't know, then I don't want you to
13 speculate.

14 A. Yes, I am on that.

15 Q. Okay.

16 Have you ever heard of a BM 261?

17 MS. OBERG: I'm sorry, I just had a beep while you
18 were saying that. What's the designation again?

19 MR. BERGMARK: BM 261.

20 MS. OBERG: BM 261?

21 MR. BERGMARK: Right.

22 A. That sounds a lot like the nomenclature system
23 we had in the late '40's and early '50's. And in the
24 mid '50's, we changed to the new nomenclature system,
25 which we have just been discussing. Whether those --

1 Q. What did the "R" stand for?

2 A. That was the coarse of granulation. The
3 products were all the same, but that was a coarser
4 granulation for injection molding.

5 Q. And the "S"?

6 A. Pardon?

7 Q. What was the "S" designation for?

8 A. The fourth -- in that particular case, it
9 didn't mean anything. Usually the fourth -- in that
10 particular case, the -- I don't know why it was picked.

11 Q. During that 1960 to '72 time period, each of
12 these, the BMRS 5138, 5441, 5440, were being produced by
13 Union Carbide with asbestos, correct?

14 A. The 5440 and 5441, I think were introduced in
15 the latter part of the '60's.

16 Q. When you say "latter part," what time period?

17 A. Probably around '67.

18 Q. Rough estimate?

19 A. You know, I have to give you a rough guess on
20 that. But it was in the latter half of the '60's.

21 Q. So sometime after 1965 --

22 A. Right.

23 Q. -- is your best recollection?

24 A. That's right.

25 Q. How about for the 5138?

1 A. Again, I have to give you a rough estimate.
 2 Q. Go ahead.
 3 A. I'd say probably the same time period, but it
 4 was in the '70's. 5440 I think replaced it.
 5 Q. 1974?
 6 A. I don't know when. Probably earlier than
 7 that.
 8 Q. '72?
 9 A. I don't know the exact date.
 10 Q. Sometime in the early '70's?
 11 A. Right.
 12 Q. How about with regard to the 5441, early
 13 '70's, late '70's, in the '80's?
 14 A. That probably was introduced a little later
 15 than the 5440. It was actually like 5440, it just
 16 needed more testing. That's why the different number.
 17 Q. What was the last year that was produced by
 18 Union Carbide?
 19 A. It was -- I saw it on the list in '73.
 20 Q. Taken off in '73?
 21 A. No, no. I saw it was still being offered for
 22 sale in '73.
 23 Q. And you lost track of it after that?
 24 A. Well, of course we went out of business in
 25 '75, so --

145

1 Q. Did Union Carbide -- never mind. I'm not
 2 going to get into the objection there.
 3 The 5440, what was the last year you recall
 4 that product being made with asbestos?
 5 A. It was available in '73. We started removing
 6 asbestos from our products in '74, so I don't -- and
 7 then I left in '74. So I don't know how far they got
 8 with that program.
 9 Q. Have you heard of a product called BMMA 5138?
 10 A. BMMA what?
 11 Q. 5138.
 12 A. Well, that's just a variation of the 5138 we
 13 talked about earlier.
 14 Q. What's the BMMA stand for?
 15 A. It's a granulation that has less fines in it.
 16 Q. When you say "fines," what are you talking
 17 about?
 18 A. The very fine particles that looks like smoke
 19 when you pour the granulation.
 20 Q. Is there more or less asbestos in the BMMA as
 21 opposed to the BMRS?
 22 MS. OBERG: You cut off the witness yet again,
 23 Rett.
 24 MR. BERGMARK: Q. I didn't hear. Go ahead.
 25 A. It's intended to be a cleaner material to

146

1 handle, and the BMRS was also as clean. The BMG product
 2 contained a few more fines than the other two.
 3 Q. The BMMA 5138, that also contained asbestos?
 4 A. Yes.
 5 Q. How about the -- strike that.
 6 You've talked about many of these products
 7 that had the 4 to 8 percent asbestos commencing in
 8 production in 1965. Were there any molding compounds
 9 that Union Carbide made between the years 1960 and 1965
 10 that had asbestos?
 11 A. There were some. I don't remember the numbers
 12 though.
 13 Q. Do you remember the asbestos content of those?
 14 A. No, I don't.
 15 Q. I'm sorry?
 16 A. No, I don't.
 17 Q. Do you know what percentage they were? Were
 18 they as high as 25 percent?
 19 A. I don't know. I don't remember having -- I
 20 don't remember the product line that detailed that far
 21 back.
 22 Q. Is there anybody at Union Carbide with whom
 23 you worked that you think might recall?
 24 Go ahead.
 25 A. I can't think of anybody else. Well, there's

147

1 only one person that went back beyond that that worked
 2 for me, and his name was Fred Ducca.
 3 Q. How do you spell his last name?
 4 A. Ducca, D-u-c-c-a.
 5 Q. Is he still alive?
 6 A. I don't know.
 7 Q. Where does he live last you heard?
 8 A. He was living at the Jersey shore.
 9 Q. Did he ever become a manager at Union Carbide?
 10 A. No.
 11 Q. Did you ever become an officer?
 12 A. No.
 13 Q. When did he leave Union Carbide?
 14 A. I think he retired after we went out of the
 15 phenolic molding material business.
 16 Q. What year was that?
 17 A. 1975.
 18 Q. Have you ever heard of BMRS 5314?
 19 A. I'm not familiar with that product.
 20 Q. How about BMMA 5440?
 21 MS. OBERG: Other than what we have already talked
 22 about?
 23 MR. BERGMARK: Q. Is that one? I don't have it
 24 down.
 25 A. What was the number again? BMMA 5440?

148

1 Q. Right.

2 A. That's the same as we talked about before.

3 Q. Okay, when we say 5440, I know we talked about

4 the BMRS. You're just saying that this was a cleaner

5 product?

6 A. That's right. Well, they were both clean, but

7 the granulation wasn't as coarse as the BMRS.

8 Q. What's the difference in having coarse

9 granulation in terms of the end product?

10 A. In the case of BRMS, you're feeding it into an

11 injection machine and a screw is used to preheat the

12 material and melt it.

13 Q. I'm sorry, is somebody talking to you?

14 A. What's that again?

15 Q. Was somebody talking to you?

16 A. No.

17 Q. I heard voices. Okay, please continue.

18 A. No. Maybe it was an echo.

19 Q. Okay.

20 A. In an injection machine you have a screw that

21 rotates and melts the material so you can go to a

22 coarser granulation and the customers prefer it because

23 it is easier to handle.

24 Q. In terms of molded material that is an outcome

25 of the product, is there a difference in appearance?

149

1 A. No.

2 Q. Is there a difference in tensile strength?

3 A. No.

4 Q. Have you tested these two products for tensile

5 strength in a molded form?

6 A. Oh, yes.

7 Q. Are these products in a molded form brittle,

8 meaning can be broken?

9 A. If you bend the part enough, it can be broken.

10 Q. Have you ever shaved or sanded these parts in

11 testing after it came out in its molded form?

12 A. There was no need to.

13 Q. So it was never tested that way?

14 A. No. It was molded to the shape we wanted it.

15 Q. Right, but in terms of attempting to sand

16 these products, that was never something Union Carbide

17 did in its testing process?

18 A. In the testing process? No.

19 Q. The testing process at any time?

20 A. No. No. The only time that was ever done is

21 if you had to cut the specimen out of a molded plaque

22 and that was --

23 Q. Why would that be done?

24 A. If you didn't have enough material to run a

25 test, you know, molding the specimens in an injection

150

1 machine would take a lot of product. But if you only

2 had a small sample, you would use it and make a plaque.

3 Q. We have talked about the product that had the

4 BMG designation?

5 A. Yes.

6 Q. What did the "G" stand for?

7 A. Granular.

8 Q. And the granular, that had a higher asbestos

9 content, correct?

10 A. No.

11 Q. No.

12 I'm sorry. When I asked you the questions as

13 to the -- I'll withdraw the question. Let me make it

14 more intelligible.

15 When we talked about the product that had 12

16 to 18 percent asbestos, you identified BMG 5303, BMG

17 2035 and BMG 5333, correct?

18 A. Right.

19 Q. And it seems to me that each of those has the

20 designation of BMG in front of them which distinguishes

21 themselves from the BMRS product. And therefore I

22 assumed that the BMG asbestos-containing product always

23 had a higher level of asbestos than those that were

24 designated as BMRS. That is incorrect?

25 A. No. That's not correct.

151

1 Q. Why did some of the products such as the BMG

2 5303, the BMG 2035 and the BMG 5333 have more asbestos

3 content than the BMRS 5440, 5441 or 5138?

4 A. Because the customer wanted more heat

5 resistance.

6 Q. Do you know what the -- what kind of testing

7 did you do to determine that that asbestos -- that added

8 asbestos would give greater heat resistancy to the

9 product?

10 A. We were involved in a qualification program

11 with Underwriters, oh, in the late '60's, where they

12 determined maximum long-term temperature for a better --

13 that a product could be used at. And the higher

14 asbestos materials come out a little higher --

15 Q. What was the --

16 MS. OBERG: Excuse me, I wanted to object when he

17 finished and I'm not sure that he had finished.

18 A. Yeah. The higher level of asbestos gave us

19 about 20 degree higher use temperature.

20 MS. CROCHET: Okay, this is Carla Crochet on behalf

21 of Underwriters Lab.

22 I'm objecting as nonresponsive and lacking

23 foundation and calling for speculation. I'm also moving

24 to strike on the same ground.

25 MR. BERGMARK: Q. Were you involved with the

152

1 qualification program?

2 A. Yes.

3 Q. In what way?

4 A. In having the tests run and data submitted.

5 Q. Who required the test to be run?

6 A. It was a decision our marketing manager made.

7 He wanted that information.

8 Q. How is it that you, Underwriters Limited,

9 became involved?

10 MS. CROCHET: Objection, I think you mean

11 Underwriters Lab?

12 MR. BERGMARK: Q. I'm sorry, Underwriters Lab

13 become involved?

14 MS. CROCHET: I am still going to object on the

15 basis of calls for speculation, lacks foundation.

16 MS. OBERG: I'll join on the grounds that it's

17 overly broad, goes beyond the scope of the depo notice.

18 MS. CROCHET: Join.

19 MR. BERGMARK: Q. No, I believe that 20 -- go

20 ahead, sir.

21 A. It was a service that was offered. We had

22 something to pay for it.

23 Q. Offered by who?

24 A. By Underwriters Lab.

25 Q. What was their role? I'll strike that.

153

1 What time frame did this qualification program

2 take place within the 1960 to 1972 time period?

3 A. The latter part of the '60's.

4 Q. What was Underwriter Lab's role in this

5 qualification program?

6 MS. CROCHET: Objection. Calls for speculation,

7 lacks foundation.

8 MS. OBERG: Overly broad.

9 MR. BERGMARK: Q. Go ahead.

10 A. Their role was taking the data that we

11 developed, according to the procedures that were set up

12 and evaluating it and giving us a rating on the product

13 based on the data.

14 MR. BERGMARK: Q. What type of rating?

15 A. As I mentioned before, the maximum use

16 temperature at which the product could be exposed over a

17 long period of time. An arc-resistance rating.

18 Q. A safety rating?

19 A. An arc-resistance rating.

20 Q. A hard resistance rating?

21 A. Arc, arc. A-r-c.

22 Q. Oh, arc-resistance rating?

23 A. Right.

24 Q. Did they give you a safety rating?

25 MS. OBERG: Object to the terms of -- it's vague

154

1 and ambiguous respect to the term "safety" and --

2 MR. BERGMARK: Go ahead.

3 MS. OBERG: Excuse me. And I object to it on the

4 grounds that it may lead to a legal conclusion.

5 MS. CROCHET: I'd also object that it lacks

6 foundation and calls for speculation.

7 MR. BERGMARK: Q. Go ahead.

8 A. There was no safety rating, no.

9 Q. Did Underwriters Laboratory provide you with

10 some type of approval for these products?

11 MS. CROCHET: Objection. Vague and ambiguous as to

12 approval. Lacks foundation. Calls for speculation.

13 Overbroad.

14 MR. BERGMARK: Q. Go ahead.

15 A. They did not provide approval. They just gave

16 a rating.

17 Q. And their rating indicated that a certain

18 maximum temperature was allowable for use of this

19 particular product in its finished form as it relates to

20 the asbestos-containing BMG 5303, 2035 and 5333

21 products, correct?

22 A. That's correct.

23 MS. CROCHET: Objection. Lacks foundation, calls

24 for speculation and is overbroad.

25 MR. BERGMARK: Q. Okay, go ahead.

155

1 A. My interpretation of that rating was it was a

2 temperature at which the product could be used for a

3 long period of time and it would retain its physical

4 property, and that was based on long-term aging tests in

5 our ovens over a period of almost two years.

6 MR. BERGMARK: Madam reporter, can you read that

7 back for me, please? I kept fading out.

8 (record read)

9 MR. BERGMARK: Q. With regard to those products

10 that had the 4 to 8 percent asbestos that were used in

11 electrical equipment, what was the heat range that these

12 products were suitable for?

13 A. I think the rating was 150 degrees centigrade.

14 Q. Were there any nonasbestos products at that

15 time produced by Union Carbide that were usable at

16 150 degrees centigrade?

17 MS. OBERG: I'm going to object. That goes beyond

18 the scope of the deposition notice, and instruct the

19 witness not to answer.

20 MR. BERGMARK: It's not beyond the scope of the

21 deposition notice.

22 MS. OBERG: Where does it fall in?

23 MR. BERGMARK: It falls under No. 20.

24 MS. OBERG: Which concerns --

25 MR. BERGMARK: "All the information pertaining to

156

1 any and all passing, registration, and/or approval by
2 Underwriters Laboratories of your asbestos-containing
3 products, including Bakelite and phenolic resin products
4 limited to the '60's to '72."

5 MS. OBERG: And you just asked about
6 nonasbestos-containing products.

7 MR. BERGMARK: Well, I'm trying to find out if this
8 was the only application for these products or if there
9 were other available nonasbestos products that met the
10 temperature requirements, and I'm entitled to that.

11 MS. OBERG: Why?

12 MR. BERGMARK: Why?

13 MS. OBERG: Yes.

14 MR. BERGMARK: Because it tends to lead to the
15 discovery of admissible evidence as to the extent and
16 use of the asbestos-containing product, therefore the
17 distribution of these products, during the time frame
18 given to any of those companies that Union Carbide
19 asbestos-containing products were distributed to,
20 whether it's directly from Union Carbide or after being
21 molded by some manufacturer into a product.

22 And so it's all relevant, and if you preclude
23 me from going into that, you are going to be in
24 violation of this order, and I will seek sanctions and
25 request further depositions to commence which will

1 completed the tests on.

2 Q. Which two?

3 A. The 5440 and the 5303.

4 As I recall, we had plans to test more, but
5 the program was very expensive.

6 Q. Were there ever any -- and this is with regard
7 to -- without regard to the Underwriter Lab testing or
8 program. What I want to find out is whether Union
9 Carbide made products that withstood 150 Celsius?

10 MS. OBERG: Are you done?

11 MR. BERGMARK: Yes.

12 MS. OBERG: That contained asbestos?

13 MR. BERGMARK: Sure. That contained asbestos.

14 MS. OBERG: Between 1960 --

15 MR. BERGMARK: Between 1960 to 1972 for use in
16 electrical equipment.

17 Q. Did they meet that requirement?

18 A. All of the phenolic compounds, whether they
19 contain asbestos or not, will withstand temperatures of
20 150 degrees centigrade.

21 Q. And that was the case in 1960 to 1972?

22 A. Yes. Now what this U.L. testing showed was
23 what would happen over a long period of time. And we
24 tested those two products to find out. How any other
25 products would stack up against those two, we don't know

157

159

1 already happen because you still need to produce the
2 documents.

3 MS. OBERG: Okay, okay, okay, Rett.

4 MR. BERGMARK: Okay, good.

5 MS. OBERG: I don't need threat of sanctions. I'm
6 trying to sort through with why you think this is
7 relevant. I'll tell you right now this is supposed to
8 be about asbestos-containing products.

9 MR. BERGMARK: Right.

10 MS. OBERG: You just asked about
11 nonasbestos-containing products.

12 MR. BERGMARK: It's not directly outside the scope.
13 I'm trying to find out if there's a possibility if there
14 were other nonasbestos products that met that
15 temperature requirement or if all these Bakelite
16 products were asbestos-containing, because they met that
17 temperature requirement.

18 MS. OBERG: It's a different question.

19 MR. BERGMARK: Okay.

20 MS. OBERG: You can probably formulate a question
21 here, but the one you have pending is objectionable.

22 MR. BERGMARK: Q. Sir, were all of the molding
23 compounds that met the 150 Celsius limit
24 asbestos-containing?

25 A. The two I gave you are the only two that we

1 because we did not decide to spend the money for the
2 additional tests.

3 MS. CROCHET: I'm going to object for U.L. again on
4 the basis and strike as nonresponsive and lacks
5 foundation and calls for speculation.

6 MR. BERGMARK: Q. Did U.L. share concern that you
7 were not going to continue that particular testing?

8 MS. CROCHET: Objection. Go ahead. I'll be after
9 you.

10 MS. OBERG: No, you start.

11 MS. CROCHET: Objection. Calls for speculation,
12 lacks foundation. Go ahead.

13 MR. BERGMARK: Do you want to the join, there?
14 Lisa.

15 MS. OBERG: I just joined to add on that it assumes
16 facts not in evidence.

17 MR. BERGMARK: Q. Go ahead, sir.

18 A. I'm not aware of any objections. You know,
19 the tests were requested and -- I mean the data was
20 requested and the evaluation was requested and we
21 decided not to do more. I'm not aware of any objection
22 whatsoever.

23 Q. But you still got U.L. ratings for each of
24 those products, correct?

25 A. The ones we completed, yes. I'm sure they

158

160

1 would have objected if we wanted them to give a rating
2 on the ones we didn't complete.

3 MS. CROCHET: Objection. Calls for speculation,
4 lacks foundation. It's nonresponsive.

5 Okay, now.

6 MS. OBERG: And you might want to move to strike.

7 MS. CROCHET: Oh, and move to strike, sorry. So
8 much, it's easy.

9 MS. OBERG: I'd just like to mention, Jonathan, we
10 are just after 3:00 and that's the time we need to stop.

11 MR. BERGMARK: Okay. And I thank you for the
12 latitude of five additional minutes.

13 MS. OBERG: I do need to clear up one thing that
14 I'd like to ask the witness, because there was a
15 misunderstanding earlier. And in order that we have a
16 clean transcript earlier, if I may, I'd like to pose a
17 question to the witness when he was asked about whether
18 he was being paid.

19 EXAMINATION BY MS. OBERG

20 MS. OBERG: Q. Mr. Martino, you were asked if you
21 were being paid by Union Carbide. Do you have anything
22 that you'd like to add to the answer that you gave us?

23 A. Yes. And I -- any pay I get, because as a
24 consultant to Kelly, Drye & Warren, I just wanted to

161

1 Drye & Warren?

2 MS. OBERG: I'm going to definitely object to the
3 use of that term. I'm hoping you're using it with
4 levity because that's not funny.

5 FURTHER EXAMINATION BY MR. BERGMARK

6 MR. BERGMARK: Q. The money that you're receiving
7 from Kelly, Drye & Warren, did you receive money to
8 testify at any deposition?

9 MS. OBERG: I'm going to object to the question.
10 You can ask him whether or not today's proceedings are
11 going to be charged, but the way the question's phrased,
12 I object.

13 MR. BERGMARK: It goes to bias.

14 MS. OBERG: With regard to today's deposition?

15 MR. BERGMARK: No. My question with regard to any
16 of his payments from Kelly, Drye & Warren.

17 MS. OBERG: What is the question?

18 MR. BERGMARK: Q. At any time that you have given
19 testimony, have you received a check from Kelly, Drye &
20 Warren?

21 A. I only gave testimony once, and I did send a
22 bill and I guess it did get paid.

23 Q. How much did you get paid?

24 A. Deposition and trial, appearing as a witness

163

1 make clear that the payment wasn't coming from Dow or
2 Union Carbide.

3 Q. So when you were --

4 A. Eventually, I guess they do end up footing the
5 bill.

6 Q. But just to clarify, when you were asked
7 earlier whether Union Carbide was paying you as a
8 consultant, you construed that as being asked whether
9 Union Carbide directly sent you a check, correct?

10 A. That Union Carbide what?

11 Q. Directly sent you a check?

12 A. Union Carbide did not. I got a check from
13 Kelly, Drye & Warren.

14 MS. OBERG: Okay.

15 MR. BERGMARK: What is --

16 A. This is on previous work I did. There was no
17 arranged -- at this point, there's no billing for this
18 one.

19 MS. OBERG: Q. Okay.

20 And Kelly, Drye & Warren, to your
21 understanding, is national counsel for Union Carbide; is
22 that correct?

23 A. Yes.

24 MS. OBERG: Okay.

25 MR. BERGMARK: So it's laundered through Kelly,

162

1 at a trial, \$200 an hour.

2 Q. How much time did you spend billable?

3 A. Billable when?

4 MS. OBERG: Yeah, are you talking about this
5 particular deposition or what?

6 MR. BERGMARK: Q. No, the last time that you got
7 paid by Kelly, Drye & Warren for a Union Carbide case.

8 MS. OBERG: If you recall.

9 A. Do I recall the amount or what?

10 MR. BERGMARK: Q. Yeah, what the final total was.

11 A. It included travel time to San Francisco and
12 back plus the deposition there, so -- there are other
13 charges that were included in that, so again I can give
14 it to you all lumped together. It probably came to 3-
15 or \$4,000, but I'd have to check my records if you want
16 an exact number.

17 Q. Are you going to bill Kelly, Drye & Warren for
18 your testimony on behalf of Union Carbide here today at
19 \$200 an hour?

20 A. If I do a good job.

21 Q. What if you don't do a good job?

22 A. I probably won't charge them as much or -- I
23 won't charge them as much. I'll see how it turns out.

24 Q. When you say a "good job," what do you mean?

25 A. I can't -- I really can't answer that, I don't

164

1 know.
 2 Q. I understand.
 3 MR. GLASSER: Objection. You know, it was clear he
 4 was joking. Come on.
 5 MR. BERGMARK: It didn't sound that way from my
 6 perspective.
 7 A. Yes, I was joking.
 8 Q. Was that your counsel that spoke up for you
 9 there?
 10 MS. OBERG: Well --
 11 MR. BERGMARK: He didn't identify himself. I just
 12 need to make sure that the court reporter identifies who
 13 interjected there.
 14 MR. GLASSER: This is Glasser, yes.
 15 MR. BERGMARK: Thank you, Mr. Glasser. It's always
 16 appreciated.
 17 MS. OBERG: I have one final question for the
 18 witness.
 19 MR. BERGMARK: Okay, but you're still going to let
 20 me have my five, aren't you?
 21 MS. OBERG: Pardon me?
 22 MR. BERGMARK: You're still going to let me have my
 23 five minutes.
 24 MS. OBERG: We are overtime --
 25 MR. BERGMARK: You're asking the questions.

165

1 MS. OBERG: Rett, Rett. Time has been called. The
 2 deposition has to cease right now. Time has been
 3 called. No more questions.
 4 MR. BERGMARK: I reserve the right to continue to
 5 depose this witness based on all the prior statements
 6 that have been made throughout the course of this
 7 deposition and due to the fact that no documents were
 8 produced prior to the taking of this deposition. And
 9 it's my understanding that some of that -- some of those
 10 statements have been made in front of the commissioner,
 11 and I just want to reassert my position on that.
 12 MS. OBERG: Your position's duly noted.
 13 MR. BERGMARK: I believe that counsel for defense
 14 has been obstructive and has delayed much of this
 15 deposition.
 16 MS. OBERG: I'm just going to make a quick
 17 statement that we have now been going five hours. We
 18 have taken two 10-minute breaks -- one 15-minute break
 19 and one 10-minute break. We have been going straight
 20 through.
 21 I do not concur with counsel's
 22 characterizations of what's occurred here today, and we
 23 have agreed that following production of documents,
 24 there will be a additional deposition session.
 25 I do sincerely hope the time we spend then

167

1 MS. OBERG: I'm done. Let's go off the record.
 2 Let's be done.
 3 MR. BERGMARK: Let me do my five minutes.
 4 MS. OBERG: No, no.
 5 MR. BERGMARK: You took longer on a break. You
 6 took a five-minute break and when we came back, you said
 7 I could have that additional five.
 8 MS. OBERG: It's now almost --
 9 MR. BERGMARK: You have been asking questions.
 10 MS. OBERG: It's almost ten minutes after right
 11 now. No.
 12 MR. BERGMARK: Don't be difficult. Come on.
 13 MS. OBERG: No. Right now we need to be done. We
 14 are past time. And you got your additional five.
 15 MR. BERGMARK: No, I didn't. You asked questions
 16 for that time.
 17 MS. OBERG: No.
 18 MR. BERGMARK: Okay.
 19 MS. OBERG: If you really think it's worth arguing
 20 about five minutes for five minutes. It's an
 21 interesting approach, but I think there's a lot better
 22 use of our time here.
 23 MR. BERGMARK: Q. Sir, with regard to how to
 24 compounds were packaged when they went to manufacturers
 25 during that 1960 to 1972 time period --

166

1 will be better used than it was today.
 2 THE WITNESS: Can I sign off on this end?
 3 MS. OBERG: Yes. Thank you, Mr. Martino, that's
 4 fine.
 5 MR. BERGMARK: We are still on the record without
 6 Mr. Martino.
 7 I will state that, first of all, there's a
 8 mischaracterization in terms of time that was spent on
 9 the break. The first 15-minute break was, in fact, a
 10 15-minute break. The second break, which was only
 11 supposed to be for 10 minutes was 15 minutes. And
 12 that's why I asked and I assumed received from Ms. Oberg
 13 from her statements on the record, an additional five
 14 minutes, but she spent that time, you know, sneakily
 15 getting in her questions with regard to the payment of
 16 Mr. --
 17 MS. OBERG: Martino.
 18 MR. BERGMARK: -- Martino.
 19 MS. OBERG: And Rett, I'll tell you I did not want
 20 this record to be unclear and mislead you with respect
 21 to his being paid as an consultant. And that's the full
 22 sum total of why that occurred.
 23 So anyway, are we still arguing about five
 24 minutes or are we done?
 25 MR. BERGMARK: Well, with him gone, it doesn't make

168

1 much sense to argue my more.
 2 MS. OBERG: Sounds good. Thank you all very much.
 3 (Whereupon the deposition concluded at 3:19 p.m.)

4
 5 (Exhibit A was marked for
 6 court reporter.)

1 DECLARATION OF WITNESS
 2
 3 I, CARLO MARTINO, hereby declare that I have
 4 read the foregoing testimony recorded on pages 5 to 170,
 5 upon inclusive, and the same is a true and correct
 6 transcription of my testimony, except as I have
 7 indicated on the errata sheet attached hereto.

8
 9
 10 CARLO MARTINO

11
 12 1. () The Deponent failed to appear to read,
 13 correct or sign his/her deposition.

14
 15 2. () The Deponent refused to read, review or sign
 16 his/her deposition for the following reason:
 17
 18

19
 20 3. () The Deponent approved his/her deposition by
 21 letter (with) or (without) corrections
 22 attached hereto and made a part of this
 23 deposition herein.
 24
 25

169

171

REPORTER'S CERTIFICATE

1 STATE OF CALIFORNIA)
 2
 3 COUNTY OF SONOMA)
 4
 5 I, Deborah E. Jilka, Certified Shorthand
 6 Reporter in and for the State of California, do certify:

7 That the witness in the foregoing deposition
 8 was by me first duly sworn to testify to the truth in
 9 said cause;

10 That said deposition was reported at the time
 11 and place therein stated by me, CSR No. 5942, and
 12 thereafter transcribed under my direction; after which,
 13 the witness was afforded the opportunity to read,
 14 correct, and sign the deposition;

15 That if unsigned by the witness, the witness
 16 shall not have availed himself of the opportunity to
 17 sign, or signature has been waived.

18 I further certify that I am not interested in
 19 the outcome of said action, nor connected with, nor
 20 related to any of the parties in said action, or to
 21 their respective counsel.

22 IN WITNESS WHEREOF, I hereunto set my
 23 hand this 12th day of February, 2002.

24
 25 DEBORAH E. JILKA, CSR No. 5942

DEPONENT'S CHANGES OR CORRECTIONS

1 Note: If you are adding to your testimony, print the words you want
 2 from your testimony, print the exact words you want to delete. Specify with
 3 form.

4 DEPOSITION OF: CARLO MARTINO

5 NAME OF CASE: TODAK vs. ASBESTOS DEFENDANTS (BHC) DATE OF DEPOSITION: Thu
 6 I, _____, have the following

7 corrections to make to my deposition:

8 PAGE LINE CHANGE/ADD/DELETE

9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 Re: TODAK vs. ASBESTOS DEFENDANTS
2 Dear Mr. Martino
3 The original deposition transcript taken in the above
4 matter on February 7, 2002 is now available for reading
5 and signing at our office.
6 For 35 days following this notice, the deponent, either
7 in person or by a signed letter, may change the form or
8 the substance of the answer to any question, and may
9 either approve the transcript of the deposition by
10 signing it, or refuse to approve the transcript by not
11 signing it.
12 We do not release the original transcript from this
13 office.
14 You may read and correct your testimony from a certified
15 copy of the original transcript which may be purchased
16 at CalNorth Reporting Service.
17 Please telephone this office for an appointment if you
18 desire to review the original deposition transcript.
19 Sincerely,
20 Deborah E. Jilka, CSR # 5942
21 Cc: Counsel of record.
22
23
24
25

173

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SAN FRANCISCO
3 ---oOo---
4
5 ALFRED TODAK and STEPHANIE TODAK,
6 Plaintiffs,
7 vs. No. 320621
8 ASBESTOS DEFENDANTS (BHC),
9 Defendants.
10 _____/
11
12
13

14 E X H I B I T S

15
16 DEPOSITION OF CARLO MARTINO
17 Thursday, February 7, 2002
18
19
20
21
22

23 Reported by: DEBORAH E. JILKA
24 CSR. No. 5942
25

174