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December 14, 1982

McKinley Wise & Associates
Court Reporters
1211 Chestnut Street
Philadelphia, Pennsylvania

Re: FMSI Documents

Dear Mac:

As you know, I reviewed the exhibits to the FMSI deposition on Tuesday, December 7, 1982. After a review of those documents, I have determined that I would like the following exhibits:

One copy of FMSI history.

- Exhibits A2 -15.
- Exhibits B1-3.
- Exhibits C2, C12.
- Exhibits D4, 6, 7 - 9.
- Exhibits E2, 4, 8.
- Exhibits F2, 7 - 9, 12-13, 15-17, 19-20.
- Exhibits G1-2, 4-8, 13-15, 18, 28, 35.
- Exhibit H2.
- Exhibits I2, 7.
- Exhibit L.
- Exhibit M.
- Exhibit T.
- Exhibits U1-2, 6, 12, 15.

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McKinley Wise & Associates

December 14, 1982

- ✓ Exhibits V1, 3-4, 6, 13.
- ✓ Exhibits Y1, 6-8, 10-11, 15-16, 20, 22(pages 59-104), 23, 26-27, 33.
- ✓ Exhibits Z8.
- ✓ Exhibits AA21, 36-37.

I would also appreciate a copy of the deposition transcript taken of the Friction Material Standards Institute.

I realize that this will entail some effort, so please feel free to take a reasonable amount of time in order to produce these documents. I would appreciate their production within the next three or four weeks, if that is possible. Of course, please bill me for any costs involved.

Very truly yours,

SWEENEY, SHEEHAN & SPENCER

By: Walter S. Jenkins
Walter S. Jenkins

WSJ:fk

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IN THE COURT OF COMMON PLEAS
FOR PHILADELPHIA COUNTY

ROBERT A. HUGHES, SR., : OCTOBER TERM, 1981
Plaintiff :
vs. : CIVIL TRIAL DIVISION
JOHNS-MANVILLE CORPORATION, : JURY TRIAL DEMANDED
ET AL, :
Defendants : NO. 4530(811)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JANET M. RICE, Administratrix : CIVIL ACTION
of the Estate of PAUL S. RICE,
Deceased :
Plaintiff :
vs. : JURY TRIAL DEMANDED
JOHNS-MANVILLE CORPORATION, :
et al, :
Defendants : NO. 80-0662

NANCY W. REES, Executrix of : CIVIL ACTION
the Estate of KERMIT M. REES
and NANCY W. REES, in her own
right, :
Plaintiffs : JURY TRIAL DEMANDED
vs. :
JOHNS-MANVILLE CORPORATION, :
et al, :
Defendants : NO. 80-4034

McKinley Wise & Associates, Inc.
Registered Professional Reporters
1211 Chestnut St., Suite 901
Philadelphia, Pa. 19107
(215) 564-2181

Paramus, New Jersey
August 23, 1982

Deposition of EDWARD DRISLANE, held at
FRICTION MATERIALS STANDARDS INSTITUTE, E-210, Route 4,
at 10:00 a.m., on the above date, before McKinley Wise,
a Registered Professional Reporter, Notary Public and
Approved Reporter for the United States District
Court.

APPEARANCES:

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IN THE COURT OF COMMON PLEAS
FOR PHILADELPHIA COUNTY

ROBERT A. HUGHES, SR., : OCTOBER TERM, 1981
Plaintiff
vs.

JOHNS-MANVILLE CORP., et al
Defendants : NO. 4530(811)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JANET M. RICE, Admr. : CIVIL ACTION
vs.

JOHNS-MANVILLE CORP., et al
Defendants : NO. 80-0662
And related case No.
80-4034

E X H I B I T S

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FMSI-1	Pamphlet about History of FMSI	9
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1 MR. AHERNE: Richard Aherne, for
2 Pittsburgh Corning.

3 On July 29, 1982 UNR Industries
4 Corporation filed a petition in the United
5 States Bankruptcy Court for the Northern
6 District of Illinois, Eastern Division seeking
7 reorganization treatment pursuant to Chapter XI
8 of the Bankruptcy Code. As a result of this
9 filing, Pittsburgh Corning Corporation takes the
10 position that all litigation in which UNR or
11 UNARCO was a party at that time or the filing is
12 automatically stayed. That would include this
13 case.

14 On behalf of Pittsburgh Corning
15 Corporation, we respectfully request this
16 discovery be postponed and that stay be
17 respected.

18 If this request is denied, we shall
19 remain and participate; however, it will be the
20 position of Pittsburgh Corning Corporation that
21 first, this discovery will be taken in violation
22 of the automatic stay under title 11 U.S.C.
23 Section 362 and therefore, will be without
24 effect; and second, our participation herein

1 shall not in any way be deemed a waiver of our
2 position as previously stated.

3 MS. BERNER: I think it's
4 appropriate that I respond to the statement,
5 especially to the extent that the request for
6 postponing this discovery is directed to me.

7 First, that request is respectfully
8 denied and we intend to proceed. We have made
9 our position quite clear in other depositions
10 taken last week in which the identical statement
11 was read on behalf of Pittsburgh Corning. We do
12 not believe that any automatic stay connected
13 with UNARCO's bankruptcy has any effect on
14 litigation with other co-defendants and on that
15 basis we're proceeding.

16 EDWARD W. DRISLANE, having been
17 first duly sworn, was examined and testified as
18 follows:

19 EXAMINATION

20 BY MS. BERNER:

21 Q. Mr. Drislane, what is your position with
22 the Friction Materials Standards Institute?

23 A. Secretary.

24 Q. Do you hold any other position with the

1 Institute?

2 A. Executive Director.

3 Q. How long have you been associated with the
4 institute?

5 A. October 1970 I started.

6 Q. Is it a full-time position?

7 A. Yes.

8 Q. What was your employment immediately
9 before your position with FMSI?

10 A. Haskins & Sells, a certified public
11 accountant.

12 Q. We're in an office on Route 4 in Paramus,
13 New Jersey.

14 Is that the only office of FMSI?

15 A. Yes.

16 Q. How long has it been at this address?

17 A. January 1, 1972.

18 Q. As Secretary or Executive Director of the
19 Institute, do you have particular responsibility
20 for organizing and maintaining files and other
21 documents?

22 A. Yes.

23 Q. What is that responsibility?

24 A. Repeat your full question before that then.

1 It is maintaining files.

2 Q. You have chief responsibility for
3 maintaining the files of the Institute?

4 A. Yes.

5 Q. Where are those files physically located?

6 A. At this office.

7 Q. Are all FMSI files in this office?

8 A. Yes.

9 Q. How long has FMSI been in existence?

10 A. Since about 1948.

11 Q. Did it exist in any other form, by any
12 other name before that date?

13 A. Yes.

14 Q. What was it's prior existence?

15 A. I don't understand the question.

16 Q. In what form did it exist before 1948; did
17 it have a different name?

18 A. Yes.

19 Q. What was its name then?

20 A. Brake Lining Manufacturers Association.

21 Q. And how long had that organization existed?

22 A. I don't know.

23 Q. As far as you know, is the Brake Lining
24 Manufacturers Association the only predecessor

1 to FMSI?

2 A. No.

3 Q. What are the others?

4 A. I don't know.

5 Q. Mr. Drislane, when we were waiting for
6 this deposition to begin I couldn't help but
7 notice a brochure in the front office, perhaps
8 entitled history of Friction Materials Standards
9 Institute or at least indicating the history of
10 this organization.

11 Are you familiar with the pamphlet?

12 A. Yes.

13 Q. Is that pamphlet among the documents that
14 you are producing today in response to a
15 subpoena?

16 A. Yes.

17 Q. To the best of your knowledge, does that
18 pamphlet depict a true and accurate history of
19 this organization?

20 A. Yes.

21 Q. So that the questions I have just asked
22 you and that you are not aware of, I should be
23 be able to find the answer in that pamphlet?

24 A. I think so.

1 Q. Where is that pamphlet.

2 MS. BERNER: let's have that marked
3 as the first exhibit.

4 We'll do the others quickly.

5 A. Here it is.

6 MS. BERNER: I would just like one
7 copy for the Court Reporter to mark. We're
8 going to mark all the exhibits generated by
9 today's deposition as FMSI Exhibit 1 and forward.
10 So this one will be FMSI Exhibit 1.

11 (Exhibit FMSI-1 marked for
12 identification.)

13 Q. Mr. Drislane, are you familiar with the
14 Notice of Deposition I caused to be served on
15 you within the last several weeks?

16 A. I don't understand the question. I
17 received a subpoena.

18 Q. All right.

19 That subpoena listed certain items,
20 certain documents that I wanted to inspect, is
21 that correct?

22 A. Yes.

23 Q. The first category of items I am reading
24 from the Notice of Deposition is membership list

24 MR. GORMAN: They are within

11. $\frac{1}{2} \log \frac{1}{2} = -1$...

1 another group which he can tell you of. They
2 are not pulled by themselves but they are part
3 of another group which is also called for here.

4 THE WITNESS: They don't exist by
5 themselves the way you asked for it.

6 MS. BERNER: All right.

7 Q. How about the second category, membership
8 list of the Asbestos Study Committee of the
9 Institute from the beginning of that committee
10 to the present.

11 Is there a separate file containing
12 those membership lists?

13 A. In the Asbestos Study Committee minutes
14 there is a list of the roster of people on the
15 committee at the time. That provides the
16 information you are asking for in that area.
17 That's in the Asbestos Study Committee minutes.
18 That's the only place they exist.

19 Q. Thank you.

20 Where will I find the membership
21 list of the entire Institute?

22 A. In the minutes of the membership meetings
23 which are available to you.

24 Q. That is the third category on the subpoena,

1 that category I am reading from is the subpoena:
2 Minutes of all meetings of the
3 Institute's Board of Directors, general
4 membership, Asbestos Study Committee or any
5 other committee or subdivision of the Institute
6 in which the use of asbestos in brakes and or
7 friction materials was discussed.

8 Have you made available today
9 minutes of the Board of Directors of the
10 Institute?

11 A. Yes.

12 Q. Which files are those?

13 MR. GORMAN: Can I go off the
14 record.

15 (Discussion held off the record.)

16 A. They're identified as Board of Directors
17 Minutes.

18 THE WITNESS: To answer your
19 question, there is a Board of Directors Minutes
20 that is in one book from 1970 on to the present
21 and back further there are blue files up there
22 called Board of Directors and in there you would
23 find everything related to the Board of
24 Directors from 1969 which abuts the other one

1 came with the Institute which are organized a
2 little bit better than the earlier ones.

3 Q. Mr. Drislane, to the best of your
4 knowledge are the minutes contained in each of
5 the blue folders you have just described and the
6 black binders true and correct copies of minute
7 of meeting held by the board of this Institute?

8 A. Yes.

9 Q. Do you have any reason to believe that the
10 minutes as they appear in those folders or in
11 the black binder have been altered in any way or
12 materially changed?

13 A. No.

14 Q. In your opinion, therefore, they are the
15 official record of those Board meetings, is that
16 correct?

17 A. Yes.

18 Q. Mr. Drislane, the third category of the
19 Notice of Deposition also refers to minutes of
20 meeting of the general membership?

21 A. Yes.

22 Q. Are there minutes of the general
23 membership in this room?

24 A. Yes.

11. Minutes of the Board of Directors

1 Q. Would you again identify them in the same
2 manner?

3 A. This book here, black book without a label
4 is the committee's minutes from about 1970 up to
5 the present. It's the membership.

6 And around six files here that
7 might possibly be an overlap which start in 1948
8 and go up through 1973. So that would overlap
9 of what you have there because that started in
10 1970. So there is six folders:

11 Annual Minutes 1948-'49.

12 Annual Minutes 1950-'55; Annual
13 Minutes, 1956-'59, Annual Minutes 1960-'65;
14 Annual Minutes 1966-'69, and the one which may
15 be an overlap, Annual Minutes 1970-'73.

16 Q. Again, Mr. Drislane, to the best of your
17 information are the minutes contained in those
18 folders and in the binders a true and correct
19 copy of the minutes of the general membership of
20 FMSI?

21 A. Yes.

22 Q. Again, do you have any reason to believe
23 that they have been altered in any fashion?

24 A. No.

1 Q. So these are the official records of the
2 general membership of the Institute, is that
3 correct?

4 A. Yes.

5 Q. Category three of the subpoena also refers
6 to minutes of meetings of the Asbestos Study
7 Committee.

8 Am I correct in understanding that
9 those minutes have already been isolated and
10 shown to me earlier this morning?

11 A. That's correct.

12 Q. Would you just look through these, please.

13 Mr. Drislane, the minutes that you
14 are looking at right now are for the following
15 dates and each one indicates that it is a minute
16 of meetings of the Asbestos Study Committee or
17 of that same committee under its new name.
18 Would you remind me please what its new name is?

19 A. The Health and Environmental Affairs
20 Committee.

21 Q. Now the dates of those minute are:

22 September 15, 1971; February 10,
23 1972; August 17, 1972; February 16, 1973; June 1,
24 1973; June 14, 1974; April 28, 1975; October 24,

McHale & Co. Inc.

1 There are no 1980 minutes. There
2 were no minutes.

3 Q. To the best of your knowledge, are the
4 minutes, the dates for which I have just read
5 the complete set of minutes of the Asbestos
6 Study Committee?

7 A. Yes.

8 Q. Do you have any reason to believe that the
9 contents of any of those minutes have been
10 changed in any fashion?

11 A. No.

12 Q. Therefore, is it safe to assume that they
13 are accurate reflections of the meetings of that
14 committee?

15 A. Yes.

16 Q. I do want each of the minutes marked.

17 They can be marked FMSI exhibits 2
18 through 15.

19 (Exhibit FMSI-2 through 15 marked
20 for identification.)

21 Q. Mr. Drislane, the fourth category on the
22 subpoena asks for reports, bulletins and/or any
23 other communication about the health hazards
24 associated with asbestos exposure which were

Mr. Karl W. W. Drislane, Inc.

1 prepared by and/or distributed by the Institute
2 or any of its subdivisions to all or part of the
3 general Institute and/or to the public?

4 Have you brought any documents or
5 segregated any documents for our review under
6 that category?

7 A. Yes.

8 Q. And where are those documents?

9 A. There were three miscellaneous folders
10 which may relate to what you asked for. I
11 really don't know what you are asking for.

12 This is called Asbestos Articles,
13 this folder here.

14 Q. Where did you get that particular folder
15 called Asbestos Articles?

16 A. I bought the folder from a stationary
17 store. I stuffed it with things that came in
18 here. They seemed to relate to some of the
19 questions on asbestos during the years.

20 Q. Is this a folder that you have kept in
21 your capacity as Secretary or Executive Director
22 of the Institute?

23 A. Yes.

24 Q. Was such a folder maintained before your

1 arrival at the Institute?

2 A. No.

3 Q. When you came to the Institute in 1970, I
4 believe you said, do you know if there were
5 files or a file on asbestos health hazards?

6 A. Yes. I know.

7 Q. You know that there was such a file?

8 A. I know there wasn't.

9 Q. How do you know that?

10 A. Because simply I went over files when I
11 came on board and there wasn't any.

12 Q. The file that you have shown me marked
13 Asbestos Articles then is a folder that you have
14 generated since 1970?

15 A. Correct.

16 Q. Glancing through this, Mr. Drislane, it
17 appears to be memorandum reprints of magazine
18 articles or other sorts of articles from other
19 Institutes not written by or produced under the
20 auspices of your Institute, is that correct?

21 A. That's correct.

22 Q. The second of these folders is another
23 manilla folder marked asbestos papers. What is
24 this folder?

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1 A. That's correct.

2 Q. Have you made any or all of the articles
3 in any of those three files available to the
4 members of FMSI or members of any subcommittee?

5 A. Could you state that question again,
6 please?

7 MS. BERNER: Why don't you read it
8 back, Mac.

9 (Pending question was read)

10 MR. GORMAN: What do you mean by
11 available: sent them to them or told them about
12 them or kept them in the office so as somebody
13 came by here they could see them or what?

14 MS. BERNER: Any of those things.

15 THE WITNESS: Yes.

16 Q. Which of those things?

17 A. I don't know.

18 Q. Have you sent some of these articles to
19 members of the Institute?

20 A. Yes.

21 Q. Have you told the members about any of the
22 articles without sending copies?

23 A. I don't recall.

24 I don't believe so.

Mr. Herbert W. ...

1 Q. Have you made them available to members
2 who may come into the Institute to review
3 information about asbestos?

4 A. In direct answer to your question, no.
5 Nobody has come in, though.

6 Q. So of those three ways of designating this
7 information it is most likely that if any of the
8 members have received these articles, it has
9 been because you have mailed copies, is that
10 correct?

11 A. Yes.

12 Q. Do you know if that dissemination was
13 limited to the members of the Asbestos Study
14 Committee as opposed to the members at large?

15 A. I don't know.

16 Q. If you had disseminated any of this
17 information to the members, whether the members
18 at large or the members of the Asbestos Study
19 Committee, would there be documentation of that
20 in the folders that you have provided today?

21 A. Yes.

22 Q. Mr. Drislane, how many employees does the
23 Institute have?

24 A. That's a sweet heart.

Mr. Drislane, Vice President, Inc.

1 Right now, one.

2 Q. I consider that must be you?

3 A. Yes, right. There is a gentlemen who is
4 out front helping me for a few days. I am
5 trying to get help. Right now there is two of
6 us, he and myself.

7 Q. Generally, how many employees does the
8 Institute have?

9 A. Two.

10 Q. You and a clerical receptionist type
11 person?

12 A. Yes.

13 Q. Mr. Drislane, the first and last category
14 on the subpoena asks you to provide reports,
15 bulletins and/or other communication about the
16 health hazards associated with asbestos exposure
17 which were received by the Institute from any of
18 its members, any government agency, any trade
19 Association and/or any other person or entity.

20 Do you have separate files to be
21 produced today with that file?

22 A. No.

23 Q. Is that included in the three files we
24 have just discussed?

He. Hinkle W. & Associates, Inc.

1 folder is red but I am not sure.

2 Q. While we're on that point, we haven't
3 discussed these folders yet.

4 Before this deposition began, we
5 started reviewing certain documents that are in
6 expandable folders, each is marked Asbestos
7 Study Committee with dates after that name.

8 What are those documents?

9 A. They generally include what you just asked
10 about, in other words, general correspondence
11 that came in, went out, and stuff like that
12 involving asbestos.

13 Q. Involving asbestos or involving Asbestos
14 Study Committee.

15 I am talking about those particular
16 folders now marked Asbestos Study Committee?

17 A. Well, yes that could have been any kind of
18 bulletin to the membership alerting them to some
19 particular problem or things like.

20 Q. Bulletins from you?

21 A. Bulletins from the office out to them, yes,
22 stuff like that.

23 I believe the information you were
24 just asking for.

Mr. Kipler, Vice President, Inc.

1 Q. To the best of your knowledge, are the
2 contents of the Asbestos Study Committee folders
3 true and correct copies of all correspondence
4 sent to or received from the members of that
5 Committee?

6 A. Yes.

7 Q. Again, do you have any reason to believe
8 that the contents of any of those folders have
9 been altered in any way?

10 A. No.

11 Q. So that as we look through those today and
12 the marked copies, we can be assured that those
13 are the official records of the Asbestos Study
14 Committee as kept by you, is that correct?

15 A. Yes, but they are correspondence to them
16 not the records of the Committee. They include
17 other things.

18 The answer to your question, yes.

19 Q. Other than the folders we have discussed
20 today, are there other records of the Asbestos
21 Study Committee?

22 A. No.

23 Q. You have produced, then, today, for our
24 inspection, every piece of paper that has to do

Mr. Drislane, Mr. & Mrs. Drislane, Inc.

1 with the Asbestos Study Committee?

2 A. I believe so.

3 Q. Who has access to all of the records or
4 any of the records that we have been discussing
5 this morning, other than yourself, Mr. Drislane?

6 A. No one.

7 Q. You are the only person?

8 A. Yes.

9 MR. GORMAN: Outside of a session
10 such as this?

11 MS. BERNER: Well, of course.

12 Off the record for a minute.

13 (Discussion held off the record.)

14 MS. BERNER: Let's go back and mark
15 this folders, folders A so that all categories
16 of documents have a folder.

17 We have previously marked FMSI
18 Exhibit 1 through 15.

19 Exhibit 1 will stay the same. That
20 is a pamphlet about the history of FMSI.

21 Exhibits 2 through 15, however,
22 will now have a subcategory.

23 This will be A-2 through 16.

24 That is because we are marking the

Mr. Drislane, Mr. Gorman, Mr. Berner

1 temporary folders in which those documents were
2 contained as Folder A.

3 We'll in turn go through each of the
4 folders Mr. Drislane has already discussed and
5 give them a letter designation.

6 So we'll do all that off the record
7 to make ultimate identification of these
8 documents easier.

9 (Folders were marked A through Z
10 and AA for identification.)

11 MS. BERNER: Every folder in every
12 binder now has a letter assigned to it.

13 The only letter FMSI which is the
14 pamphlet on the history on this organization.

15 Each folder has a letter. The
16 first folder letter A is the Asbestos Study
17 Committee minutes, 1971 to 1982.

18 This is the list I previously read
19 into the record. It is certain specific minutes.

20 MR. JOHNS: That was Exhibit 2
21 through 15 before.

22 MS. BERNER: Yes, it is now
23 Exhibit 1.

24 The next series of folders are all

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1 folders marked Asbestos Study Committee.
2 Folder B is 1971.
3 Folder C is 1971 through '72.
4 Folder D is 1973.
5 Folder E is 1974 through '75.
6 Folder F is 1975 through '76.
7 Folder G is 1977 through '79.
8 Folder H is 1980 through '81.
9 Folder I is undated but contains
10 1982 documents.
11 The next group of folders are all
12 those marked annual meeting.
13 Folder J is 1948 through '49.
14 Folder K is 1950 through '55.
15 Folder L is 1956 through '59.
16 Folder M is 1960 through '65.
17 Folder N is 1966 through '69.
18 Folder O is 1970 through '73.
19 The next group of folders are all
20 all marked Board of Directors.
21 Folder P is 1949.
22 Folder Q is 1950 through '55.
23 Folder R is 1956 through '59.
24 Folder S is 1960 through '65.

McKinley Wise & Associates, Inc

1 Folder T is 1966 through '69.
2 Folder U is undated.
3 Folder V is undated.
4 Folder W is a binder.
5 And X is a binder.
6 The last three folders are the
7 manila folders that Mr. Drislane described that
8 he keeps himself with various articles and
9 documents in them.
10 Folder Y is entitled Asbestos
11 Exposure Levels, Brake Shops.
12 Folder Z is entitled Asbestos
13 Papers.
14 Folder AA is entitled Asbestos
15 Articles.
16 All of the folders have been marked
17 on their covers.
18 The binders have been marked on
19 their cover sheet. The marking is FMSI and then
20 the letter that I have read for identification.
21 And today's date, August 23, 1982.
22 MS. BERNER: Off the record.
23 (Discussion is held off the
24 record.)

McKinley Wise & Associates, Inc.

1 MS. BERNER: In the folders and
2 binders that were marked a binder was marked
3 binder X erroneously categorized with the other
4 Board of Directors materials.

5 In reality binder X was annual
6 minutes. I will not reletter it.

7 MR. GORMAN: Of the general
8 membership as opposed to the Board of Directors.

9 MS. BERNER: Did I misspeak?
10 Thank you for correcting me.

11 MS. BERNER: Mr. Drislane, I have
12 no more questions for you and I thank you for
13 your cooperation. MR. GORMAN:
14 And there are no other questions from defense
15 counsel, correct?

16 MR. AHERNE: Correct.

17 (Deposition concluded at 12:50
18 p.m.)

19

20

21

22

23

24

Mr. Herbert W. H. Associates, Inc.

Page Line

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