

FILE NAME: General Motors (GM)

DATE: 1998 Jan 28

DOC#: GM053

DOCUMENT DESCRIPTION: Legal - Deposition of William Krebs, Vol I

In The Matter Of:

*FULLER v.
RAYMARK INDUSTRIES, INC.*

*William Krebs, Ph.D.
Vol. 1, January 28, 1998*

*Hamilton-Legato Deposition Centers
Detroit - Troy - Grand Rapids - Ann Arbor
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*Original File AMKREBS.ASC, 104 Pages
Min-U-Script® File ID: 2160251445*

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[1] IN THE CIRCUIT COURT OF THE FOURTH
[2] JUDICIAL CIRCUIT, IN AND FOR
[3] DUVAL COUNTY, FLORIDA
[4]
[5] CASE NO.: 97-03539-CA
[6] DIVISION: CJ
[7]
[8] ALLEN GEORGE FULLER and MARY
[9] ANN FULLER, his wife,
[10] Plaintiffs,
[11] -vs-
[12] RAYMARK INDUSTRIES, INC., a
[13] Connecticut corporation, et al.,
[14] Defendants.
[15]
[16]
[17]
[18]
[19] DEPONENT: WILLIAM H. KREBS, PH.D.
[20] DATE: Wednesday, January 28, 1998
[21] TIME: 2:00 p.m.
[22] LOCATION: One Detroit Center, Suite 1530
[23] Detroit, Michigan
[24] REPORTER: Angela R. Mitchell, CSR-2151
[25]

[1] DAVID M. LIPMAN, P.A.
[2] BY: MR. DAVID M. LIPMAN (via speakerphone)
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[5] (305) 662-2600
[6]
[7] and
[8] BROWN, TERRELL, HOGAN, ELLIS,
[9] McCLAMMA & YEGELWEL, P.A.
[10] BY MR. EVAN YEGELWEL (via speakerphone)
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[23] Appearing on behalf of General Motors
[24] Corporation
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[1] COLE, STONE, STOUDEMIRE & MORGAN, P.A.
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[1] Detroit, Michigan
[2] Wednesday, January 28, 1998
[3] 2:15 p.m.
[4]
[5] (Marked for identification:
[6] Deposition Exhibit Nos. 1 and 2.)
[7] WILLIAM H. K REBS, P H. D.
[8] was thereupon called as a witness herein, and after
[9] having first been duly sworn to tell the truth, the
[10] whole truth, and nothing but the truth, was examined
[11] and testified as follows:

[12] EXAMINATION
[13] BY MR. LIPMAN:

[14] Q: Dr. Krebs, good afternoon. My name is
[15] David Lipman and, along with Evan Yegelwel, we
[16] represent the plaintiff in this case, Allen George
[17] Fuller.
[18] I have a series of questions I'd
[19] like to ask you. And obviously we're doing this by
[20] telephone conference call. If you have any trouble
[21] hearing me, please tell me so I can restate the
[22] question and ensure that you hear what I've asked you.
[23] Would you do that for me, sir?
[24] A: I'd be delighted to, sir.
[25] Q: Thank you. I assume you've had your

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[1] of the session, do exactly as you're doing and I'll
[2] restate.
[3] A: Thank you.
[4] Q: The question was, can you tell us, Dr.
[5] Krebs, or identify for us the documents that you have
[6] brought to the deposition session in compliance with
[7] the notice and duces tecum request?
[8] A: Sure. Let me get myself a little
[9] ordered here. I have a current copy of my curriculum
[10] vitae dated October 1997.
[11] Q: Okay. Maybe we can take these in order.
[12] What I would like you to do is hand that document to
[13] the Court Reporter. And I request, Madam Court
[14] Reporter, that you mark that for identification
[15] purposes as Plaintiff's Exhibit 3.
[16] COURT REPORTER: Okay. Just one
[17] second. I'm marking it right now. That is 3.
[18] (Marked for identification:
[19] Deposition Exhibit No. 3.)
[20] Q: Okay. And since I can't see you, Ms.
[21] Mitchell, just tell me when I can proceed so I don't
[22] interfere with your marking these exhibits.
[23] COURT REPORTER: That's fine. You
[24] can proceed.
[25] Q: All right.

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[1] deposition taken previously?
[2] A: That's correct, sir.
[3] Q: And you know the general rules that if I
[4] ask you a question that you find ambiguous or difficult
[5] to answer because of the way I've asked the question,
[6] will you tell me so that we can have a dialogue?
[7] A: I'll do my best, sir.
[8] Q: Thank you, Dr. Krebs.
[9] Dr. Krebs, have you seen what's
[10] been marked as Exhibit 1, Plaintiff's Notice of Taking
[11] Telephone Deposition Duces Tecum?
[12] A: Yes, I have received a copy of that.
[13] Q: And were you able to review the attached
[14] Schedule A, which lists a series of documents which we
[15] requested that you bring to the session?
[16] A: Yes. I have looked at Schedule A and
[17] have tried to comply with it as best — to the best of
[18] my ability.
[19] Q: Thank you, sir. Could you tell us what
[20] you have brought to the deposition in compliance with
[21] the duces tecum notice?
[22] A: I'm sorry, your voice broke, Mr. Lipman,
[23] just as you were talking. Could you repeat that again,
[24] please?
[25] Q: I said if that happens during the course

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[1] A: Okay. With respect to a complete copy
[2] of my file in this matter, should I read off what I
[3] have in the file?
[4] Q: Yes, sir, please.
[5] A: I have first the Complaint for Allen
[6] George Fuller and Mary Ann Fuller, his wife, versus
[7] Raymark Industries, et al. I have the Amended
[8] Complaint and I have the Second Amended Complaint for
[9] those matters.
[10] I have a — what appears to be a
[11] resume' for A. George Fuller. It is undated, but it
[12] lists his experience and qualifications.
[13] I have two deposition transcripts
[14] of George Fuller, one which was the video tape
[15] deposition, I guess, and the other was the deposition
[16] taken later that afternoon, and that was the deposition
[17] of Allen George Fuller.
[18] I have an excerpt or I presume it's
[19] an expert — or an excerpt of medical records. And
[20] they were put in a booklet and I can tell you what the
[21] headings are, but I do not have voluminous medical
[22] files.
[23] The first tab are records from the
[24] Associates in Family Medicine. The second tab are
[25] selected records from the Florida Cancer Specialists.

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[1] The third is from the Illinois Regional Cancer Center
[2] in DeKalb, Illinois. The fourth is some records or,
[3] I'm sorry, a letter and records from Karan Ann O'Malia.
[4] (Voices in background.)
[5] THE WITNESS: I'm sorry, somebody
[6] is over talking and I —
[7] Q: That's not me and this is David Lipman.
[8] If we could, it's very difficult when we have other
[9] speakers on the phone. So if we could either hold that
[10] to a minimum or not do it at all.
[11] I missed the last comment. I
[12] heard, Dr. Krebs, I heard Tab 4, a letter, and then you
[13] were interrupted.
[14] A: Okay. It was from Karan, that's K-a-r-
[15] a-n, Ann O'Malia, O-apostrophe-M-a-i-l-i-a (sic),
[16] Gastroenterology Consultants.
[17] And then I have excerpts of records
[18] from the Kishwaukee Community Hospital for the
[19] following dates: June 20, 1997; June 23rd, 1997; July
[20] 17, 1997; August 8th, 1997, August 12, 1997.
[21] And then for Tab 6, I have excerpts
[22] of records from Lee Memorial, that's the Lee Memorial
[23] Health System, for the following dates: April 30,
[24] 1997; May 8th, 1997; for an in-hospital stay of May 9
[25] through 10, 1997.

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[1] And then Tab 7 are some lab reports
[2] and other information from the University of Chicago
[3] hospitals for the following dates, or for the following
[4] periods really: September 1997, October 1997, November
[5] 1997, and December 1997.
[6] Okay. Now let's see. I'm certain
[7] I've overlooked something. In that file also was a
[8] cover letter from Chris Kolos to me, which was a letter
[9] of transmittal, dated November 11, 1997.
[10] And I have — I have just received
[11] as of today a fax of the itemized statement of earnings
[12] for Allen G. Fuller for the period January '59 through
[13] December of 1980.
[14] I also have as a fax, and I must
[15] say that this was resent as of this morning as I
[16] misplaced the original, but it was identical to one I
[17] have. And that is the fax for the Plaintiff's notice
[18] of taking the telephone deposition today.
[19] In addition to that, I have one
[20] other — excuse me while I flip back to the page — one
[21] other piece of information that I have produced. It is
[22] in draft form and not finished. But it is a re-sort of
[23] the social security itemized statement of earnings
[24] putting Mr. Fuller's work history in chronological
[25] order, in sort of a rough form right at the moment.

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[1] And to that, I've added some other
[2] information that came out of his two depositions. And
[3] that, I believe, covers the information for Item 2.
[4] MR. LIPMAN: All right. Let me do
[5] this before we move to any additional documents. Maybe
[6] we can take this sequentially.
[7] Madam Court Reporter, what I'd like
[8] you to do is take the Complaint, Amended Complaint and
[9] the Second Amended Complaint that the witness has
[10] referred to and tag that as a composite exhibit, which
[11] would be Exhibit 4.
[12] COURT REPORTER: Okay. Just one
[13] second.
[14] (Marked for identification:
[15] Deposition Exhibit No. 4.)
[16] MR. LIPMAN: Madam Court Reporter,
[17] there should be three complaints: the Complaint, the
[18] Amended Complaint and the Second Amended Complaint.
[19] COURT REPORTER: Yes, that's what
[20] it is. It's three different stapled documents tagged
[21] under one.
[22] MR. LIPMAN: I'd like you to mark
[23] those three documents as a composite exhibit, Exhibit 4
[24] for identification purposes.
[25] COURT REPORTER: Okay. I have done

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[1] that.
[2] MR. LIPMAN: As I do this, Madam
[3] Court Reporter, I realize we need to make a record of
[4] what I'm requesting and then I need to give you some
[5] time to do it.
[6] COURT REPORTER: Yes.
[7] MR. LIPMAN: We'll do it slow. You
[8] tell me when you're ready. I'd like you to mark Mr.
[9] Fuller's resume' as Exhibit 5.
[10] COURT REPORTER: Okay. Just one
[11] second.
[12] (Marked for identification:
[13] Deposition Exhibit No. 5.)
[14] COURT REPORTER: Okay. That is
[15] marked.
[16] Q: Okay. Now Dr. Krebs, with regard to the
[17] two deposition transcripts that you have in your
[18] possession, you indicated that you had a video
[19] transcript deposition as well as a deposition that
[20] followed thereafter?
[21] A: That's correct, sir.
[22] Q: Those depositions were taken on August
[23] 1st, 1997?
[24] A: That's correct, sir.
[25] Q: Have you marked in any of the pages? Do

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[1] you have any markings in the deposition?
[2] A: No, I do not, sir.
[3] Q: Do you have any yellow tabs in the
[4] deposition?
[5] A: No, I do not, sir.
[6] MR. LIPMAN: All right. Madam
[7] Court Reporter, for purposes of the record, I think all
[8] we need you to do is at the completion of the
[9] deposition, copy the first page, the front page of the
[10] deposition and the first page when questions are asked
[11] of Mr. Fuller for both depositions.
[12] And unless there's any objection, I
[13] think all parties will know what those exhibits are and
[14] we don't need to copy the full deposition volumes. Is
[15] that fair to everybody?
[16] MR. KOLOS: That's fine.
[17] MR. LIPMAN: Anybody have an
[18] objection to that?
[19] (No response.)
[20] MR. LIPMAN: Okay. So you'll do
[21] that, Madam Court Reporter, following the completion of
[22] the deposition and we won't take Dr. Krebs nor
[23] counsel's time for you to do that now. That'll become
[24] Exhibit 5, a composite exhibit.
[25] COURT REPORTER: No, that will

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[1] volumes.
[2] MR. LIPMAN: Yes.
[3] COURT REPORTER: You wanted both of
[4] those volumes marked or is it a composite exhibit?
[5] MR. LIPMAN: No, I want the front
[6] page of the deposition and then the first page where
[7] the initial inquiry begins.
[8] COURT REPORTER: Okay. But what
[9] I'm saying, there's two volumes.
[10] MR. LIPMAN: Correct, on both
[11] volumes.
[12] COURT REPORTER: So you want the
[13] whole thing to be Exhibit 6 or do you want 6 and 7?
[14] MR. LIPMAN: I want those pages,
[15] they can be a composite Exhibit 6.
[16] COURT REPORTER: 6. Okay. And I'm
[17] marking Exhibit 7, which is?
[18] MR. LIPMAN: Composite medical
[19] records.
[20] COURT REPORTER: Composite medical
[21] records. Okay. I'm marking that now. Okay. That is
[22] marked as Exhibit 7. You can continue.
[23] MR. LIPMAN: I want you to then
[24] mark Exhibit 8, Mr. Kolos' transmittal letter of
[25] November 11th, 1997.

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[1] become Exhibit 6. His curriculum is Exhibit 5.
[2] MR. KOLOS: No, Mr. Fuller's
[3] resume'.
[4] COURT REPORTER: Mr. Fuller's
[5] resume', I'm sorry.
[6] MR. LIPMAN: That's right. This is
[7] now Exhibit 6.
[8] (Marked for identification:
[9] Deposition Exhibit No. 6.)
[10] COURT REPORTER: Yes. Okay.
[11] MR. LIPMAN: Now the next series of
[12] exhibits, Madam Court Reporter, are a series of medical
[13] reports, medical records that Dr. Krebs identified from
[14] Tab 1 to Tab 7. I assume that's in some kind of
[15] composite order or a notebook or such?
[16] THE WITNESS: Yes, that's correct,
[17] sir.
[18] MR. LIPMAN: Could we have that
[19] then marked as Exhibit 7?
[20] COURT REPORTER: Okay. I'm marking
[21] it now. Give me a second.
[22] (Marked for identification:
[23] Deposition Exhibit No. 7.)
[24] COURT REPORTER: Excuse me, Mr.
[25] Lipman. On the deposition transcripts, there are two

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[1] THE WITNESS: I just had it here.
[2] What I'd do with it? Here it is.
[3] (Marked for identification:
[4] Deposition Exhibit No. 8.)
[5] COURT REPORTER: Okay. That is
[6] Exhibit 8.
[7] Q: Madam Court Reporter, can you hand
[8] Exhibit 8 to Dr. Krebs?
[9] COURT REPORTER: Yes, he has it.
[10] Q: Dr. Krebs, could you read the
[11] transmittal record for me out loud?
[12] A: Certainly. November 11, 1997.
[13] Addressed to William H. Krebs, Industrial Health
[14] Sciences, Inc., 1014 Bishop Road, Grosse Pointe Park,
[15] Michigan 48230 Re: Allen George Fuller and Mary Ann
[16] Fuller versus GMC, et al.
[17] "Dear Dr. Krebs:
[18] "Thank you for agreeing to consult
[19] with General Motors in the above-captioned case.
[20] Enclosed you'll find a copy of the Complaint, the
[21] Amended Complaint and the Second Amended Complaint,
[22] plaintiff's discovery and trial deposition, all medical
[23] records in our possession, as well as the plaintiff's
[24] resume', which was produced by his last employer.
[25] "Please be advised that this

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(1) consultation is on behalf of General Motors, as well as
(2) the other defendants in this case which consist of
(3) Raymark Industries, Inc., Allied Signal, Chrysler,
(4) Ford, Moog, Grace and Dana. The products at issue
(5) among these defendants are brakes, clutches and
(6) gaskets.

(7) "If you have any questions, please
(8) do not hesitate to contact me. Sincerely, Chris N.
(9) Kolos, Enclosure."

(10) Q: Dr. Krebs, is that your understanding
(11) that insofar as this case project, you are consulting
(12) for all the concerns that are outlined in Mr. Kolos'
(13) letter of November 11th, 1997?

(14) A: Yes, that's my understanding, sir.

(15) Q: And did you request of Mr. Kolos the
(16) documents that were sent to you that are outlined in
(17) his letter of November 11th, 1997?

(18) A: I'm trying to recall the substance of
(19) our telephone conversation, which took place on that
(20) same day. It would not have been unusual for me to
(21) request the kinds of information that I was sent.

(22) Q: I understand the response. Are you not
(23) able to indicate whether or not you requested the
(24) specific documents that Mr. Kolos sent to you?

(25) A: I do not recall specifically exactly the

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(1) tell you what they are.

(2) But first is the Notice of Taking
(3) Deposition of Dr. William Edward Longo. The second is
(4) Chrysler Corporation's Answer to Plaintiff's
(5) Interrogatories to Defendant Chrysler Corporation. The
(6) third is the curriculum vitae for Dr. Longo.

(7) Then I have a series of memoranda -
(8) - excuse me, let me keep this in some order. Then I
(9) have defendant Chrysler Corporation's Responses to
(10) Plaintiff's Standard Interrogatories to Defendant
(11) Pursuant to General Order 30.00.

(12) Now, I have several memoranda, all
(13) of which have been marked as exhibits to his
(14) deposition, I guess. But in any case, a memo to file
(15) from W. Longo dated January 16, 1998.

(16) Q: Dr. Krebs, I don't want to interrupt
(17) you, but it might facilitate the session if I do from
(18) time to time. Can you describe or read to me the title
(19) of the memoranda that you just referred to?

(20) A: Well, I can title two ways here. It's
(21) Defendant's Exhibit Longo 5.

(22) Q: And what is the title of that memoranda?

(23) A: "Telephone Conversation with Leon Silke
(24) of Automobilia."

(25) Q: All right. All right.

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(1) substance of our conversation or whether I specifically
(2) requested information to be sent.

(3) Q: All right. But it would be your general
(4) practice to obtain the kinds of materials that Mr.
(5) Kolos sent you?

(6) A: Yes, that's correct. And I must say,
(7) I've said that I had completed all the information in
(8) my file. I do have some other information that I'd
(9) forgotten about that I've just received.

(10) Q: All right. We'll get to that
(11) momentarily.

(12) A: I was sent —

(13) Q: Yes, can you proceed and tell me what
(14) additional materials were sent for the file?

(15) A: Yes. I don't know how best to do this
(16) other than to say I have received information that was
(17) apparently the subject of a deposition of Mr. or Dr.
(18) William Edward Longo. And I was sent a reasonably
(19) complete file. If you'd like, I'll be happy to read it
(20) to you.

(21) Q: Would you, please?

(22) A: If you'll let me just try to order it
(23) for a second so it'll make a little more sense. Okay.
(24) What I have are the defendant's exhibits and the
(25) photocopy blocked off some of the numbers so I can't

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(1) A: The second is a memorandum from Longo to
(2) file regarding Chrysler Bendix brakes, and that was
(3) dated January 9. Here is a memo from Longo to file
(4) dated January 16 captioned "Telephone Conversation with
(5) Gill Laycock of the Friction Material Standards
(6) Institute in Connecticut."

(7) I then have photocopies of a Ford
(8) label with a listing of Ford authorized remanufacturers
(9) and a directory of Ford authorized remanufacturers,
(10) Ford Parts and Service Division.

(11) I have another photocopy of Disc
(12) Pads and Brake Shoes from Bendix. And this appears to
(13) be an excerpt from a catalog with — well, I guess it's
(14) an expert of a catalog.

(15) I also have four articles that —
(16) oops, I'm sorry. Let me continue on here. I have
(17) another Bendix catalog which appears to be a copy of
(18) the same catalog I just gave you.

(19) I then have pictures or a photocopy
(20) of a Chrysler label, or it looks like a Mopar label
(21) here, with installation instructions, brake shoe and
(22) lining assembly from the Service and Parts Division or
(23) Sales Division from Chrysler Corporation and it gives
(24) the instructions for that operation.

(25) I have eight video tapes. And let

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[1] me ask you, do you want me to read the titles of them
[2] to you?
[3] Q: Please.
[4] A: Okay. "Workplace Simulation, Clean-up
[5] of Bendix Brake Shoes for Chrysler Vehicles." The next
[6] is Workplace Simulation, Clean-up of Bendix Brake Shoes
[7] for Ford Vehicles." "Workplace Simulation, Hand Filing
[8] and Clean-up of Bendix Brake Shoes for Ford Vehicles,
[9] Front." "Workplace Simulation, Hand Filing and Clean-
[10] up of Bendix Brake Shoes for Ford Vehicles, Side."
[11] The next is "Workplace Simulation, Hand
[12] Filing of Bendix Brake Shoes for Ford Vehicles." The
[13] next is "Workplace Simulation, Hand Filing and Clean-up
[14] of Bendix Brake Shoes for, excuse me, for Chrysler
[15] Vehicles, Front." "Workplace Simulation, Hand Filing
[16] of Bendix Brake Shoes for Chrysler Vehicles."
[17] And the last is "Workplace
[18] Simulation, Hand Filing and Clean-up of Bendix Brake
[19] Shoes or Bendix Brakes Shoes," that's B-r-a-k-e-s Shoes
[20] "for Chrysler Vehicles, Side". Those are the eight
[21] video tapes that I was sent several days ago.
[22] Q: Does that complete the — those
[23] documents, video tapes and other materials relating to
[24] Dr. Longo's work?
[25] A: No. There are still some additional

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[1] articles that were included in the bundle. The first
[2] was an article titled, well, let's see. It's Rohl,
[3] Arthur N., Art Langer, et al. from Environmental — I'm
[4] sorry, the article is titled "Asbestos Exposure during
[5] Brake Lining Maintenance and Repair," appearing in
[6] Environmental Research, Volume 12, 110 through 128.
[7] The next is an article by
[8] Kauppinen, and for the Court Reporter, I'll spell that,
[9] K-a-u-p-p-i-n-e-n. His first name is Timo, and Kari
[10] Korhonen, that appeared in the American Industrial
[11] Hygiene Association Journal, Volume 5 — I'm sorry,
[12] Volume 48, Issue 5, Pages 499 through 504. The article
[13] is titled "Exposure to Asbestos During Brake
[14] Maintenance of Automotive Vehicles by Different
[15] Methods."
[16] The third is an article by Lorimer,
[17] William V., Lorimer being his last name, Arthur N.
[18] Rohl, et al. It appeared in the Mount Sinai Journal of
[19] Medicine, Volume 43, No. 3, the May-June Issue 1976.
[20] Article titled "Asbestos Exposure of Brake Repair
[21] Workers in the United States."
[22] And the last is an article from or
[23] authored by Huncharek, H-u-n-c-h-a-r-e-k, first initial
[24] M.; J. Muscat, M-u-s-c-a-t and J. V. Capotorto, C-a-p-
[25] o-t-o-r-t-o, titled "Pleural mesothelioma in a brake

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[1] mechanic" from the British Journal of Industrial
[2] Medicine 1989, Volume 46, Pages 69 through 71.
[3] I believe, sir, that is a listing
[4] of the total contents of the package.
[5] MR. KOLOS: Do you have the
[6] transcript?
[7] THE WITNESS: No, there was no
[8] transcript included with the stuff that was sent to me.
[9] MR. YEGELWEL: David, it's Evan. I
[10] think we need to give a warning concerning, since Chris
[11] Kolos is the only lawyer there —
[12] MR. LIPMAN: I understand. Chris,
[13] I just heard you. Would you please extend us the
[14] courtesy of not communicating to the witness during the
[15] course of the deposition. --
[16] MR. KOLOS: Okay. I just thought
[17] he had the transcript. I was just trying to help.
[18] Sorry.
[19] MR. LIPMAN: I understand your
[20] intention. I just prefer that you not speak to the —
[21] MR. KOLOS: I appreciate that.
[22] I'll abide by that and —
[23] MR. LIPMAN: Thank you very much.
[24] Q: And Dr. Krebs, you've heard my comment
[25] to Mr. Kolos. I request that you not communicate with

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[1] Mr. Kolos during the session, either by asking him a
[2] question, listening to him, passing materials back and
[3] forth, et cetera. Is that agreeable?
[4] A: I certainly understand that, sir.
[5] Q: Thank you, sir. As if we were in court,
[6] in other words.
[7] MR. KOLOS: David, excuse me.
[8] COURT REPORTER: Excuse me. Is
[9] this Mr. Lipman talking all the time or is someone else
[10] saying something?
[11] MR. LIPMAN: No, this is Mr. Lipman
[12] speaking.
[13] MR. KOLOS: Mr. Yegelwel earlier
[14] and I'll try to help the Court Reporter with names. If
[15] you could identify yourselves, it would help the Court
[16] Reporter.
[17] Q: Okay. Now Dr. Krebs, do I understand
[18] that in fact you do not have Dr. Longo's deposition
[19] testimony?
[20] A: That is correct. And I did forget two
[21] other things, I'm sorry. I just happened to see them
[22] here.
[23] I have two books prepared by
[24] Richard L. Hatfield and William E. Longo, which
[25] apparently are the data for the video tapes that I've

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(1) just read to you.

(2) The first is titled "Bendix Brakes
(3) for Ford Vehicles, Workplace Simulation Demonstration."
(4) And since this has been a defendant's exhibit already,
(5) I trust you know which one I have.

(6) The second is "Bendix Brakes for
(7) Chrysler Vehicles, Workplace Simulation Demonstration."
(8) And again, as I said earlier, prepared by Hatfield and
(9) Longo.

(10) Q: Yes, sir, I'm familiar with those
(11) documents. Dr. Krebs, does that complete your review
(12) of all of what we've been referring to as the Longo
(13) materials that were provided to you?

(14) A: Yes, that is the listing of the
(15) materials that I have, as I said, just received a few
(16) days ago. I have not looked at them extensively, but
(17) they are what I have received.

(18) Q: All right. Have you underlined or
(19) yellowed any of the pages of any of the documents that
(20) you've just described?

(21) A: No. As I had just said, I have just
(22) received these over the weekend. I have given them a
(23) cursory examination and have not underlined, marked or
(24) flagged in any way anything in the printed documents.
(25) And of course with the video tapes, I've done nothing

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(1) with them either.

(2) Q: You've not seen the videos?

(3) A: I have looked at, quickly looked at
(4) several of the videos, but I've not looked at them and
(5) studied them in careful detail.

(6) Q: All right. If we can, just so we can
(7) continue with our housekeeping system, if you could
(8) take all these materials, all the Longo materials that
(9) you referred to and kind of place them on another side
(10) of the desk. It is not necessary for those materials
(11) to be marked as exhibits. I think you've identified
(12) all of them for us.

(13) A: (Witness complies.)

(14) Q: May I proceed? This is David Lipman
(15) continuing. Are we ready?

(16) MR. KOLOS: Not just yet. He's
(17) still trying to sort out the Longo stuff and put it
(18) away.

(19) MR. LIPMAN: Okay.

(20) THE WITNESS: Okay. Moving onward.
(21) I'm done.

(22) Q: All right. I omitted a question which
(23) may require you to go back to the Longo materials. Did
(24) you indicate that a transmittal letter was sent to you
(25) with that information?

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(1) A: No, I did not indicate that a letter of
(2) transmittal was sent. And if indeed one was, I do not
(3) have it.

(4) Q: All right. Thank you, sir. Did you
(5) request that material to be provided to you?

(6) A: No, I did not, sir.

(7) Q: Have you discussed with any counsel in
(8) this case the materials that we're talking about
(9) relative to Dr. Longo's testimony?

(10) A: Other than conversation indicating that
(11) I was beginning to review it, that is probably the sum
(12) and substance of the conversation to this point.

(13) Q: And who did you have that conversation
(14) with?

(15) A: I spoke with Chris Kolos.

(16) Q: And what was requested of you with
(17) regard to the Longo materials?

(18) A: They were sent for my review.

(19) Q: Do you intend to offer opinions
(20) regarding Dr. Longo's work and testimony in this case?

(21) A: I have no idea whether I'll be asked to
(22) render any opinions in the case. With respect to
(23) opinions about Dr. Longo's work, I don't know what I
(24) would be giving an opinion about at this point.

(25) Q: All right. Because it would be

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(1) premature for you to know what opinion to offer because
(2) you haven't reviewed the materials?

(3) A: That is true.

(4) Q: All right. I just want to make sure,
(5) Dr. Krebs, that before you testify at trial, should you
(6) have an opinion with regard to Dr. Longo's studies, and
(7) if you intend to advance that opinion at trial, we
(8) would request the opportunity to take a short
(9) deposition in order to explore those matters with you.
(10) Is that fair?

(11) A: That's fine with me, but that's a matter
(12) between you and Mr. Kolos, I believe.

(13) Q: All right. I will discuss that with Mr.
(14) Kolos. Have you formed any opinion at all with regard
(15) to Dr. Longo's work based upon, and I realize the
(16) fairly perfunctory review of the video or videos that
(17) you've seen?

(18) A: I have not formulated an opinion at this
(19) time about his work. As I've said earlier, I've only
(20) given a brief review of what has been sent. And I'm
(21) trying to determine from the information that's been
(22) provided precisely what it is that Dr. Longo was trying
(23) to demonstrate.

(24) Q: Thank you, Dr. Krebs. Dr. Krebs, are
(25) you familiar with Dr. Longo's work professionally?

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[1] A: No, I am not.
[2] Q: Have you ever heard of him before?
[3] A: I've heard his name in passing, but I am
[4] not aware of him nor have I met him.
[5] Q: Have you ever read any of the
[6] professional publications that he has either authored
[7] or co-authored?
[8] A: I do not believe that I have, but I
[9] really don't recall specifically today if I have seen
[10] anything from him. If I have, I don't recall it.
[11] Q: Same questions with regard to Richard
[12] Hatfield, are you familiar with Mr. Hatfield's work?
[13] A: No, I am not familiar with Mr. Hatfield.
[14] Q: All right. Let's go back then. We had
[15] left with Exhibit 8, which was Mr. Kolos' cover letter
[16] transmittal of November 11th, 1997. You then
[17] indicated, and I'm kind of going in sequence, that you
[18] had been faxed today an itemized earnings statement of
[19] Mr. Fuller with references beginning on January 1959
[20] through December 1980?
[21] A: I'm sorry, I missed the first part of
[22] your statement, sir.
[23] MR. LIPMAN: Madam Court Reporter,
[24] I'm hearing — can you hear me?
[25] COURT REPORTER: I can hear you.

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[1] MR. LIPMAN: All right. I'll
[2] re-ask the question.
[3] Q: You had indicated that you had been
[4] furnished today, and I believe it was by fax, an
[5] itemized statement of Mr. Fuller's earnings dated from
[6] January 1959 through December 1980, is that correct?
[7] A: That's correct, sir.
[8] Q: You received that today?
[9] A: That's correct, sir.
[10] Q: And did you request that document?
[11] A: When I learned that it was available,
[12] yes, I requested it.
[13] Q: Who did you request it from?
[14] A: I requested it from Mr. Kolos' office,
[15] as he and I had had a conversation as he was en route
[16] to Detroit. And I then called to ask that his
[17] secretary send it to me, per his instructions.
[18] Q: Why did you request that document from
[19] Mr. Kolos?
[20] A: Once I knew that it was available, I
[21] requested it for several reasons. One, I was trying to
[22] sort out the work history information that was
[23] disclosed in Mr. Fuller's two depositions.
[24] And I was always interested in
[25] knowing where else he may have been employed. And of

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[1] course, the itemized statement of earnings does list
[2] places where compensation was received from people and
[3] the times and for the length of time that the person
[4] was employed there. One can make a rough estimate of
[5] the length — of the kinds of exposures and length of
[6] employment from looking at this particular statement.
[7] Q: Have you formed any opinions with regard
[8] to any matters which are delineated in the itemized
[9] statement of earnings that we're discussing?
[10] A: Well, having received it at about noon
[11] today, I've not really had a chance to look at it,
[12] other than I did put it in the draft form so I could
[13] take a little better look at the sequence of jobs that
[14] he held prior to working for the City of DeKalb.
[15] Q: Did you prepare the draft form relating
[16] to the itemized statement of earnings?
[17] A: Yes, I did, sir.
[18] Q: And you did that this morning after you
[19] received the fax?
[20] A: Yes, I received the fax at about, oh,
[21] 11:15, 11:30 and then I put it into a form where I
[22] could better understand it.
[23] Q: All right. What I'd like you to do is
[24] hand both the itemized statement of earnings, as well
[25] as the draft that you prepared this morning, to the

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[1] Court Reporter. And Madam Court Reporter, I request
[2] that you mark those two documents as a composite
[3] exhibit as Plaintiff's Exhibit No. 9.
[4] (Marked for identification:
[5] Deposition Exhibit No. 9.)
[6] THE WITNESS: And again, let me
[7] mention —
[8] COURT REPORTER: Wait. You're not
[9] on the record.
[10] MR. LIPMAN: Mr. Kolos, if you can
[11] facilitate our deposition today, and if it can, you can
[12] converse —
[13] COURT REPORTER: You're not on the
[14] record. Okay. I was marking the exhibit, so we kind
[15] of lost track of you there.
[16] MR. LIPMAN: I know. Mr. Kolos had
[17] begun to speak.
[18] COURT REPORTER: Okay.
[19] MR. KOLOS: No, I had not begun to
[20] speak.
[21] COURT REPORTER: No. The witness
[22] was beginning to say something as I got up to mark the
[23] exhibit and I informed him he wasn't on the record. So
[24] I motioned to him no, because I can't do two things at
[25] once.

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[1] I've marked the Exhibit 9. Now we
[2] may continue.
[3] Q: Dr. Krebs, did have something to add to
[4] your last response?
[5] A: I was just again restating that these
[6] are clearly in rough draft form, as you will see when -
[7]
[8] Q: Thank you for that information. Dr.
[9] Krebs, as we take your deposition at this time, do you
[10] have any knowledge as to whether or not Mr. Fuller was
[11] occupationally exposed to asbestos materials prior to
[12] 1971?
[13] A: With respect to the review of his places
[14] of employment, and from the job descriptions given
[15] during his deposition, there were — or there is a
[16] possibility of an exposure, but there was no definite
[17] statement made by Mr. Fuller that he was exposed to
[18] asbestos prior to working for the City of DeKalb.
[19] Q: And that would be your opinion as you've
[20] just indicated?
[21] A: From a very rough look at the
[22] information received several hours ago, and without
[23] recognizing some of the names of the companies that he
[24] was employed at, that is, in part, my view. As I said,
[25] that — there were some potential exposures that or

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[1] some places of employment where there may have been
[2] some potential exposures, based on what I'm looking at
[3] here, that would possibly be of importance.
[4] Q: Do you intend to do any further study
[5] with regard to this matter?
[6] A: I don't know whether I will or not.
[7] Q: I have the same question for you. If
[8] you do additional work with regard to what we're
[9] discussing, that being any possible occupational
[10] exposure prior to 1971, I'd like you to share that with
[11] us and we'll take your telephone deposition during
[12] these proceedings.
[13] A: Certainly. That would be fine.
[14] Q: All right. You're an industrial
[15] hygienist, are you not?
[16] A: I'm an industrial hygienist, as I am
[17] some other things as well.
[18] Q: All right. What else are you?
[19] A: My training is in industrial health.
[20] And over the years, I have occupied several job titles.
[21] My primary training is in the field of industrial
[22] hygiene, but I've also been trained in air pollution
[23] control, industrial toxicology and I have served as one
[24] who has organized occupational epidemiologic
[25] investigations within General Motors Corporation.

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[1] And of course my current company
[2] also performs epidemiologic investigations, although I
[3] primarily work in the industrial health area as opposed
[4] to epidemiology.
[5] Q: Dr. Krebs, would you agree that an
[6] important tool utilized by industrial hygienists in
[7] order to ascertain an employee's occupational exposure
[8] would be to have that employee articulate his or her
[9] exposure from their own personal source of information?
[10] A: I'm sorry, I missed a word right at the
[11] beginning. Did you say tool or was it something else?
[12] Q: Tool, t-o-o-l.
[13] A: Okay. I'm sorry, we couldn't hear that.
[14] Q: Yes.
[15] A: With respect to your question, an
[16] employee evaluation of that employee's exposure may be
[17] of value. On the other hand, it may not. Most people
[18] are not trained in matters related to industrial
[19] hygiene.
[20] And other than to indicate perhaps
[21] some discomfort with a work setting, most people are
[22] not properly trained to be able to quantitatively
[23] determine whether they are being exposed or not to a
[24] particular chemical and, if so, as to what those levels
[25] might be.

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[1] Q: Well, let me ask you it from a different
[2] point of view. If you wanted to know whether Mr.
[3] Fuller ever worked with asbestos materials prior to
[4] 1971, prior to his employment with the City of DeKalb,
[5] would you agree that asking Mr. Fuller whether that
[6] occurred would be a likely source of information?
[7] A: Well, that would certainly be a source
[8] of information. It might not necessarily be complete
[9] or accurate however.
[10] Q: Okay. Have you read Mr. Fuller's
[11] deposition taken on Sunday of this week with regard to
[12] his work history prior to working with the City of
[13] DeKalb in 1971?
[14] A: No, I was unaware that there was a
[15] deposition on Sunday but I'd be delighted to see it.
[16] Q: Have you conferred with anyone with
[17] regard to the fact that Mr. Fuller has been deposed a
[18] second time?
[19] A: I don't believe that I was advised of
[20] that.
[21] Q: Do you wish to see the contents of that
[22] deposition to ascertain Mr. Fuller's responses to
[23] questions concerning whether or not he was exposed to
[24] asbestos prior to 1971?
[25] A: I would be interested in seeing the

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[1] deposition to see what he had to say about his prior
[2] exposures and what his guesses were as to what he
[3] thought he was exposed to.

[4] Q: Dr. Krebs, do you have any additional
[5] materials in front of you that you've brought to the
[6] deposition in order to comply with the Notice of the
[7] Deposition and the Subpoena Duces Tecum?

[8] A: Yes, I do have some additional
[9] information.

[10] Q: And could you share that with us?

[11] A: I'd be delighted to. I have a list of
[12] testimony that I have given. And if you'll excuse me
[13] for a minute, I've lost your notice here so I can know
[14] what I have to do. Here we go. I've got it.

[15] I do have a list of files that I
[16] have worked on going back for several years. I do not
[17] have a complete list. And I do not have the attorneys'
[18] names for the respective parties in the matters, but I
[19] do have the titles of the cases and the courts in which
[20] they appeared.

[21] Q: Approximately how many cases have you
[22] outlined in that list?

[23] A: If you'll wait just a minute, I will
[24] count them.

[25] Q: Thank you, sir.

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[1] A: I have 17 matters from 1993 to the
[2] present time that were the subject of deposition
[3] testimony. And I might — I should tell you that one
[4] of these was a group deposition where there were four
[5] plaintiffs. Another was a deposition of two
[6] plaintiffs. So these were not individual depositions.

[7] And then I have one, two, three,
[8] four, five citations for trial testimony, again from
[9] 1993 to the present time. And these are all matters
[10] related to asbestos as opposed to other things that I
[11] may have been involved in.

[12] Q: Do you recall, Dr. Krebs, in these 17
[13] cases on whose behalf did you testify?

[14] A: In a number of these cases, I was
[15] representing a — I was testifying on behalf of
[16] defendants in the transportation industry, General
[17] Motors, Ford, Chrysler and so on.

[18] Q: Would that be all 17 cases?

[19] A: With respect to the 17 cases that I have
[20] here, I'm often retained by multiple defendants, and
[21] all I have listed here is the first of the — or is,
[22] you know, one of the defendants, and probably — or I
[23] can't tell you today who the rest of the defendants
[24] might have been. But generally speaking in the past,
[25] they have been the representatives of the

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[1] transportation industry.

[2] Q: And in terms of representatives of the
[3] transportation industry, would General Motors
[4] Corporation have been a defendant in every case, if you
[5] know?

[6] A: At the time that I was participating,
[7] they may or may not have been.

[8] Q: All right. Were they a defendant in
[9] most of those cases?

[10] A: In the ones that I have listed here, for
[11] several years, yes, they were involved. And more
[12] recently they have not been, as far as I know.

[13] Q: Dr. Krebs, have you ever testified or
[14] consulted in an asbestos-related case on behalf of a
[15] victim of an asbestos-related disease?

[16] A: With respect to testifying or consulting
[17] on behalf of a plaintiff, I have not been asked to.

[18] Q: And I would then assume that your answer
[19] is no, you never have?

[20] A: That is correct. But again with the
[21] proviso, I've never been asked.

[22] Q: Aside from the 17 cases identified in
[23] this document, have you testified in any other case or
[24] cases in asbestos-related diseases, involving
[25] asbestos-related diseases?

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[1] A: I'm not sure I understand your question,
[2] sir.

[3] Q: Let me ask a different way. Is the list
[4] that you have in front of you a comprehensive list of
[5] all cases in which you have testified in matters
[6] relating to asbestos-related diseases?

[7] A: This list that I have before me is
[8] comprehensive from January of 1993 to the present time.
[9] I do not have a listing of matters that I was involved
[10] in prior to that time.

[11] Q: And are you able to quantify or give us
[12] a general estimate of the number of cases that you
[13] consulted in prior to January 1, 1993 involving
[14] asbestos-related illnesses?

[15] A: It would be a guess, but the guess would
[16] be in the order of, say, three quarters of a dozen to a
[17] dozen matters.

[18] Q: All right.

[19] A: I really don't know.

[20] Q: Okay. Then I won't hold you to an exact
[21] number. In terms of those subset of cases prior to
[22] January 1993, did you testify in those instances on
[23] behalf of concerns or companies that manufactured or
[24] distributed asbestos products?

[25] A: In those instances, I was a General

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[1] Motors employee and was testifying on behalf of General
[2] Motors and I presume other defendants who may have been
[3] involved with those actions at that time, but I was a
[4] General Motors employee at that time.

[5] Q: All right. Thank you, sir. I assume
[6] then you left General Motors at approximately January
[7] 1993?

[8] A: I left General Motors at the end of June
[9] in 1993.

[10] Q: All right. If you can hand that
[11] document to our Court Reporter. Madam Court Reporter,
[12] I'd like you to mark that document that we're
[13] discussing Plaintiff's Exhibit No. 10.

[14] COURT REPORTER: Okay. I'm marking
[15] it now. This is a two-page document.

[16] (Marked for identification:
[17] Deposition Exhibit No. 10.)

[18] COURT REPORTER: I'm done marking
[19] it.

[20] Q: All right. Dr. Krebs, any additional
[21] documents that you brought to today's deposition in
[22] compliance with the deposition notice?

[23] A: I have brought a number of articles with
[24] me that I believe comply with the Notice of Deposition,
[25] as well as just general review articles for questions

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[1] that I anticipated might come up.

[2] Q: And how many articles have you brought?

[3] A: You'll have to wait while I count them.

[4] I'd say that there's probably some 20, 25 or so. I
[5] have 28. I am missing something that probably will
[6] bring the number closer to 30.

[7] Q: Dr. Krebs, rather than have you take the
[8] time now to indicate the title and author of each
[9] article, are you able to tell me the general topics
[10] that those articles address? Refer to Schedule A on
[11] the Notice of your Deposition.

[12] A: Let me see if I can get them grouped
[13] here for you and I think I can do that for you.

[14] First off, I have two general
[15] articles on the topic of asbestos, the Dreessen study
[16] and the Vorwald study, which covers a wide variety of
[17] general information about the area of asbestos.

[18] I then have a series of industrial
[19] hygiene studies that I have conducted, and one of which
[20] was conducted under my direction, that were done at
[21] General Motors facilities and another that includes an
[22] industrial hygiene study conducted by the Michigan
[23] Department of Public Health at a City of Detroit
[24] Department of Public Works vehicle maintenance station.

[25] Q: How many of that, of those articles,

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[1] industrial hygiene articles involving testing that you
[2] conducted, are there?

[3] A: I have — I just want to make sure I
[4] have all of them with me here before I answer your
[5] question. I have four studies that were done, three of
[6] which were done at dealerships during brake inspection
[7] or brake servicing.

[8] The fourth was an industrial
[9] hygiene investigation at a facility to determine the
[10] nature and extent of operator exposures to airborne
[11] asbestos while performing brake lining resurfacing
[12] operations, namely, they were using a brake doctor.

[13] The next — I'm sorry, I missed
[14] one. The next is a sample sheet which gives some brief
[15] information to one of our plant or one of General
[16] Motors plant industrial hygienists about the changing
[17] of brake linings of an Olds Omega in 1975 with a result
[18] of air test, and some comments about how the operation
[19] was done. It was a very cryptic series of notes for
[20] the air sample that was conducted.

[21] Q: And are those notes part of the four
[22] articles or is this in addition to the four studies?

[23] A: Mr. Lipman, that's an additional study
[24] or it's an additional sheet of paper.

[25] Q: The four studies and then these notes?

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[1] A: That's correct.

[2] Q: Okay.

[3] A: And then the sixth is a letter report
[4] dated June 19, 1986, again from the Michigan Department
[5] of Public Health to the City of Detroit, talking about
[6] personal air samples collected during brake
[7] maintenance.

[8] Q: Dr. Krebs, I don't have these articles
[9] obviously in front of me, but let me ask you this. As
[10] to the four industrial hygiene studies that you
[11] conducted while you were employed with General Motors,
[12] are you generally familiar with those studies?

[13] A: I'm not sure I understand the question,
[14] sir.

[15] Q: Are you familiar with those studies?

[16] A: Am I familiar? I'm aware of them, yes.

[17] Q: You authored those studies, did you not?

[18] A: I'm sorry, I guess I don't understand.

[19] Q: Well —

[20] A: Let's start again.

[21] Q: Okay. As to the four studies, the
[22] industrial hygiene studies, did I understand correctly
[23] that you personally conducted those studies and those
[24] are your reports?

[25] A: That's correct, sir.

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[1] Q: That's all I asked.
[2] A: Okay. I'm sorry.
[3] Q: And that occurred while you were an
[4] employee of General Motors?
[5] A: That is correct, sir.
[6] Q: Are you — I would assume that you're
[7] familiar then with your work?
[8] A: Generally speaking.
[9] Q: Do you recall whether those studies
[10] addressed only dust levels regarding the blow-out of
[11] wear dust, of old brake assemblies?
[12] A: These studies, in general — I'm trying
[13] to find a good way to answer your question.
[14] These studies concerned themselves
[15] with the handling of brakes during a required New York
[16] State vehicle inspection, and resulted in measurements
[17] of the dust and debris that was released as a result of
[18] those operations.
[19] The studies also concerned
[20] exposures to other contaminants in the dealerships.
[21] But primarily these air tests were made while replacing
[22] brake linings or by checking brake linings at the GM
[23] dealerships where these studies were conducted for the
[24] — and the studies were conducted while the brake
[25] inspection was under way.

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[1] Q: I understand that. Do you know whether
[2] those air tests that were conducted involved air tests
[3] of used brake equipment as opposed to air tests
[4] involving the filing, rasping or beveling of new brake
[5] equipment?
[6] A: These studies covered not only the
[7] inspection of linings that were already on the vehicles
[8] as they came in for servicing or for the brake check.
[9] They also included the installation of new linings.
[10] With respect to the various
[11] operations that you were talking about of filing,
[12] rasping and whatever, those were not conducted as they
[13] are not a part of the suggested brake servicing or
[14] installation process.
[15] Q: At what point in time were the filing,
[16] beveling and rasping of new brake linings not the
[17] suggested procedure utilized by mechanics as directed
[18] by General Motors?
[19] A: I don't know that General Motors or
[20] anyone else ever suggested that linings be filed,
[21] sanded or rasped or being rasped, as I understand your
[22]
[23] Q: It's your testimony that General Motors
[24] was never aware of the fact that mechanics indeed
[25] rasped, filed and beveled new brake linings in their

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[1] mechanical work?
[2] MR. KOLOS: Object to the form of
[3] the question. Go ahead.
[4] THE WITNESS: With respect to
[5] General Motors being aware of operations, excuse me,
[6] the service manuals addressed the proper installation
[7] procedures for new materials.
[8] And as to what kinds of operations
[9] that they may have been aware of, I really can't say,
[10] other than to say that the linings that were
[11] manufactured, sold, and distributed by General Motors
[12] were covered by the brake service manual that had the
[13] required installation procedures in them.
[14] Q: Are you aware, Dr. Krebs, of whether or
[15] not mechanics have beveled, rasped or filed new brake
[16] linings during the course of their career?
[17] A: With respect to surface treatment of new
[18] linings, I am aware that in an earlier day, some brake
[19] mechanics or some service technicians would treat the
[20] brake or would, yes, treat the brake surface with the
[21] use of a brake doctor.
[22] And in some instances, mention has
[23] been made of very occasionally using a very light
[24] application of sandpaper to receive or to reduce, I'm
[25] sorry, to remove perhaps some grease marks.

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[1] But with respect to vigorously
[2] sanding, rasping or filing a brake lining, frankly I've
[3] never seen that, nor have I heard of it.
[4] Q: Are you able to date the period of time
[5] that you just indicated when you stated that at an
[6] earlier day mechanics worked on brake surfaces, as you
[7] indicated, as a brake doctor and did certain
[8] applications to the new lining?
[9] A: Excuse me, Mr. Lipman, your voice broke
[10] just as you started off and I —
[11] Q: I'm sorry, let me re-ask and I
[12] appreciate if you, as you're doing, if there is any
[13] problem in our telephone communication, to tell me so I
[14] can re-ask the question. It'll facilitate our session
[15] today.
[16] A: And likewise for me.
[17] Q: Thank you, sir. You had indicated in
[18] your last response, Dr. Krebs, that in an earlier day,
[19] you were aware that mechanics would perform certain
[20] applications on brake linings. You used the term as a
[21] brake doctor.
[22] And my question is, are you able to
[23] date that period of time?
[24] MR. KOLOS: Object to the form.
[25] THE WITNESS: Well, and let me just

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(1) clarify one piece. That I am aware that some mechanics
(2) may have performed the operations that you have just
(3) listed. And that occurred, to the best of my
(4) knowledge, and I may be incorrect on this, but that
(5) occurred, to the best of my knowledge, in the decade of
(6) the '60s and previous to that.

(7) For the decade of the '70s when
(8) linings were — at least when General Motors linings
(9) were sold fully finished, there was no need to perform
(10) those kinds of operations, albeit it's a big world out
(11) there. I couldn't say that everybody out there wasn't
(12) still doing something. But at least the linings, as
(13) they were sold, were fully ready for installation
(14) requiring no additional processing.

(15) Q: I gather then with regard to my earlier
(16) question, the four studies that you conducted did not
(17) involve or address any air measurements caused from the
(18) filing, beveling or rasping of new brake linings?

(19) A: With respect to filing, rasping,
(20) beveling of new brake linings, the study that I had
(21) made mention of with a brake doctor is the only study
(22) that would approximate the kind of conditions that
(23) you're making reference to.

(24) Q: And what is the title of that particular
(25) study, Dr. Krebs?

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(1) how did that line — how did that occur, the
(2) reprocessing work?

(3) A: I'm sorry, I don't understand your
(4) question, sir.

(5) Q: How is the study conducted insofar as
(6) the processing that occurred on the outside radius of
(7) the new brake lining?

(8) A: Well, of course, the report speaks for
(9) itself. But in summary, what was done, a brake lining
(10) was put in the fixture, and the brake was arced or was
(11) placed against the cylinder grinder and arced for a
(12) number of minutes. Definitely an excessive condition
(13) compared to what is usually done for such things.

(14) And air measurements were made from
(15) the operator and in the general areas by using two air
(16) sampling techniques.

(17) Q: And the May 30, 1984 study is the only
(18) study which analyzes that type of mechanical work?

(19) A: With respect to the studies that I have
(20) conducted outside of General Motors settings, that is
(21) true. This is the only study that I have and that I
(22) have with me today that shows the results of air tests
(23) conducted with a brake being put through that
(24) procedure.

(25) Q: And aside from the studies that you've

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(1) A: There is no particular title for the
(2) study. It is dated May 30, 1984. And the first
(3) paragraph reads, "An industrial hygiene survey was
(4) conducted at Pekin Machine and Parts Company, Pekin,
(5) Illinois on February 13, 1984. The purpose of the
(6) visit was to evaluate the nature and extent of operator
(7) exposures to airborne asbestos while performing brake
(8) lining resurfacing operations."

(9) Q: And the brake doctor work referred to in
(10) that report, is that an application that you just
(11) described involving the sanding through sandpaper of a
(12) light application of sanding of the new brake linings?

(13) A: No, it is not. This was a worse case
(14) test conducted to reprocess the outside radius of a
(15) drum brake shoe using the AMMCO brake doctor, which is
(16) a cylinder.

(17) Q: AMMCO brake doctor?

(18) A: Yes, a cylinder grinder.

(19) Q: And that would be grinding on new — a
(20) new brake assembly?

(21) MR. KOLOS: Object to the form of
(22) the question.

(23) THE WITNESS: Yes, this was a
(24) processing of a new brake shoe and lining.

(25) Q: And how did that lining in that study,

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(1) brought with you today, are you familiar with any other
(2) literature in the field which addresses what we're
(3) discussing, that is, the grinding, filing or rasping of
(4) new brake lining and the measurement of dust that's
(5) created from that processing?

(6) A: Well, as I said earlier, the filing,
(7) beveling and rasping, as you're talking about, is a
(8) procedure that I'm certainly not familiar with as being
(9) a part of a standard way of processing a brake, whether
(10) it be in a new installation or in an old assembly.

(11) But there — I certainly have
(12) literature that talks about the servicing and relining
(13) of brakes and motor vehicles.

(14) Q: Literature that you have not brought
(15) with you today?

(16) A: Literature that I have brought with me
(17) today, yes.

(18) Q: That addresses what we're discussing?

(19) A: Yes, that's correct.

(20) Q: All right. You were walking me through
(21) the various topics.

(22) A: Oh, I'm sorry. I lost my train of
(23) thought.

(24) Q: Let's go back to kind of the context of
(25) what we're discussing. You have these 28 articles in

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[1] front of you. You described two general articles and
[2] described the four industrial hygiene articles
[3] involving your studies, some notes and a letter report
[4] of June 1980. I think that's where we were.

[5] Could you take us to the next
[6] topic, assuming you've completed the second topic?

[7] A: Yes, let me sort the desk top out here
[8] so I can find everything for you.

[9] The next collection of materials
[10] are a series of industrial hygiene reports that were
[11] conducted by the National Institute for Occupational
[12] Safety and Health as a part of their health hazard
[13] evaluation program.

[14] And the studies that I have brought
[15] with me are a sample of those that are available, but
[16] they address exposures of brake mechanics at various
[17] brake facilities in the United States.

[18] Q: And the next topic?

[19] A: There we are. The next topic would be
[20] the emissions from brakes. It's a series of studies
[21] that were published by the Society for Automotive
[22] Engineers. And one is an article that appeared in
[23] "Environmental Research," titled "Asbestos Brake
[24] Emissions."

[25] Q: All right. The next topic?

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[1] A: The next is a series of articles,
[2] several articles, there's two here, dealing with the
[3] toxicology of asbestos. One dealing with automobile
[4] brake lining dust injected into the body cavities of
[5] mice; another having to deal with, "The pathogenicity
[6] of long versus short fiber samples of amosite asbestos
[7] administered to rats by inhalation" — I'm going to
[8] start the title over again. "The pathogenicity of long
[9] versus short fiber samples of amosite asbestos
[10] administered to rats by inhalation and intraperitoneal
[11] injection," authored by J.M.G. Davis, et al. in the
[12] British Journal of Experimental Pathology 1986.

[13] The next is an article titled,
[14] "Mesothelioma Among Car Mechanics," authored by
[15] Woitowitz, and I'll spell that, W-o-i-t-o-w-i-t-z, and
[16] K. Rodelsperger, that's R-o-d-e-l-s-p-e-r-g-e-r that
[17] appeared in the Annals of Occupational Hygiene, Volume
[18] 38, No. 4 of 1994.

[19] Then two papers dealing with a
[20] mortality study of workers manufacturing friction
[21] materials with chrysotile asbestos, authored by
[22] Newhouse and Berry or Newhouse, Berry and Skidmore and
[23] a follow-up article by Berry and Newhouse. I think I
[24] have those in the right order. Perhaps it was the
[25] other way around.

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[1] Q: Does that complete our review of the 28
[2] articles?

[3] A: No, I still have some more here, sir.

[4] Q: All right. And again, can you kind of
[5] keep them in subject matter, if that's possible?

[6] A: Well, I'm doing the best I can for you.

[7] Q: Thank you, Dr. Krebs.

[8] A: I have several articles dealing with —
[9] several published articles dealing with exposure to
[10] asbestos during brake maintenance. There are five of
[11] those.

[12] And then I have — I have an
[13] excerpt from the Federal Register, which was the
[14] preamble for the Asbestos Standard. I did not — I
[15] don't have the full preamble. It's on a CD rom, but I
[16] did print off one portion of it. That deals with —
[17] I'm trying to find some good key words here for you,
[18] Mr. Lipman. That deals with peritoneal mesothelioma
[19] and fiber type. I think that's the simple way of
[20] putting it. And —

[21] Q: What is the date of those regulations?

[22] A: Okay. I'll give you the — okay. This
[23] is Federal Register, Volume 48, No. 215, Friday,
[24] November 4, 1983, Page 51111. And —
[25] (Voices in background.)

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[1] MR. KOLOS: I'd request the person
[2] who's not —

[3] MR. LIPMAN: Yes, please. We're
[4] hearing — we're picking up — Evan —

[5] MR. KOLOS: Evan — off the record.
[6] (Discussion held off the record.)

[7] THE WITNESS: Okay. And then the
[8] last article that I have, I thought I might have
[9] something else here along with it. But perhaps at some
[10] point if we go off the record, I can take a little more
[11] time and find it.

[12] Q: All right. Either we'll probably have a
[13] break and maybe you can do that and maybe we'll get
[14] back to it.

[15] A: Okay.

[16] Q: Is that — other than the last article
[17] or the last documents that you have, does that complete
[18] your review topically of the literature that you
[19] brought with you?

[20] A: Well, I have one last article that I was
[21] going to mention. And that is I have an article
[22] authored by Mort Lippmann on asbestos exposure indices.
[23] And then I have another excerpt from the Federal
[24] Register, which is among the missing right at the
[25] moment, but I'll give you that cite when I locate it.

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[1] Q: Thank you, Doctor. What I'd like you to
[2] do, Dr. Krebs, is hand that literature to Madam Court
[3] Reporter and have — Madam Court Reporter, I'd like the
[4] documents that we just discussed marked for
[5] identification purposes as a composite exhibit and I
[6] think we are at No. 11.

[7] COURT REPORTER: Yes, we are at 11.
[8] You would like all of the 28 articles, is that what
[9] you're saying?

[10] MR. LIPMAN: I'd like them put in a
[11] file with a rubber band and on the first article, the
[12] tab —

[13] COURT REPORTER: Okay.

[14] MR. LIPMAN: — mark that Exhibit
[15] 11.

[16] THE WITNESS: Could I ask this,
[17] that we keep them available for the rest of the
[18] deposition and then I'll provide them to the Court
[19] Reporter at the end?

[20] MR. LIPMAN: Absolutely.

[21] THE WITNESS: Because these are out
[22] of my file and I would like to be able to go home with
[23] them, if at all possible.

[24] MR. LIPMAN: Absolutely.

[25] COURT REPORTER: Is there a top

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[1] various literature that you provided?

[2] A: Well, with respect to the literature
[3] that I have reviewed, I have brought with me articles
[4] that support, and I think are responsive, to the Notice
[5] of Deposition taking. Of course, there are many other
[6] articles that are out there as well, as I'm sure you
[7] know. But these articles do summarize my general views
[8] about the situation at hand.

[9] Q: Thank you, sir. Does that complete a
[10] review of all the documents that you brought to the
[11] deposition?

[12] A: I think I've summarized the articles
[13] that I have brought with me, yes.

[14] Q: And that completes all documents that
[15] you brought with you?

[16] A: I do have a copy of several Federal
[17] Registers just to jog my memory should you ask
[18] questions about things at certain points in time so I
[19] can give you a quick, precise and accurate answer.

[20] Q: All right. Do you have the dates of
[21] those — the dates and identification of those Federal
[22] Registers?

[23] A: Well, sorry to take so much time, but
[24] I'm looking at an article that is in a nonstandard form
[25] and I'm trying to be sure I have the right date for

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[1] article that I could mark or you want me to just
[2] reserve this number?

[3] THE WITNESS: Why don't you just
[4] hold it and we'll go from there. And I would like to
[5] respond to —

[6] COURT REPORTER: Okay. I didn't
[7] mark it. I'm holding the No. 11 aside for the
[8] composite articles when he groups them together.

[9] MR. LIPMAN: Thank you very much.

[10] COURT REPORTER: Okay. So we can
[11] continue now.

[12] (Not marked but reserved.)

[13] Q: Dr. Krebs, you were explaining something
[14] and I think you were interrupted?

[15] A: Well, I guess I was interrupting someone
[16] else.

[17] MR. KOLOS: The Court Reporter
[18] wasn't ready, that's why I stopped him.

[19] Q: All right.

[20] A: I was trying to respond to your last
[21] statement and perhaps you could restate what you were
[22] saying about the articles so then I can respond.

[23] Q: I think I asked you whether or not that
[24] completes all of the articles that are the subject of
[25] the subpoena duces tecum request relating to the

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[1] you. Here we go. November 17, 1986 is what I have.
[2] I'm sorry. The document that I have in my hand has as
[3] its last entry Volume 51 of the Federal Register for
[4] November 17, 1986. I don't see any other date on this
[5] particular document, other than I believe it to be the
[6] 1986 Asbestos Standard.

[7] I also have the Wednesday,
[8] September 14, 1988 Asbestos Standard, 29 CFR Parts 1910
[9] and 1926.

[10] Q: Dr. Krebs, that's 11/14/1988?

[11] A: I'm sorry?

[12] Q: I missed the date. I heard static on
[13] the telephone.

[14] A: Oh, September 14, 9/14/1988.

[15] Q: Thank you.

[16] A: And then I have the Wednesday, August
[17] 10, 1994 Asbestos Standard with me as well.

[18] Q: We don't need those marked. Does that
[19] complete everything you brought with you?

[20] A: I believe so.

[21] Q: Let me move on, Dr. Krebs. Do you
[22] recall when you were retained for your consultation in
[23] this case?

[24] A: I believe it was the same day as — or
[25] same day and date as was mentioned on the cover letter

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[1] of November 11th of last year.

[2] Q: And how were you retained?

[3] A: I'm not sure I understand your question.

[4] Q: Well, who communicated to you an
[5] interest to retain you for this case?

[6] A: I believe that — my recollection is
[7] that Mr. Kolos called me on the telephone and asked
[8] whether I would be willing to work with him.

[9] Q: All right. I imagine Mr. Kolos
[10] generally explained the nature of the case?

[11] A: I don't recall precisely what all was
[12] said. Undoubtedly he gave me a general summary. But I
[13] think, as I recall, his bigger question was, would I be
[14] available to work for him and then he would send me
[15] some materials.

[16] Q: Have you consulted with Mr. Kolos since
[17] that date?

[18] A: If you mean have I had telephone
[19] conversations with him, I've had occasional telephone
[20] conversations with him, yes, sir.

[21] Q: Are you able to quantify the number of
[22] conversations that you've had with Mr. Kolos?

[23] A: Well, there certainly haven't been very
[24] many. Certainly fewer than half a dozen. Perhaps
[25] three or four. I really don't know.

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[1] Q: All right. Have you had any
[2] conversations with anybody else relating to this case,
[3] other than Mr. Kolos and of course this deposition
[4] today?

[5] A: I believe that one of his partners was
[6] in the office during one of the telephone conversations
[7] I held with him. But other than that, no, I've had no
[8] other, you know, special or what do I want to say, no
[9] other conversations about the substance of this case.
[10] I'm not including in that a call to his secretary to
[11] send some information to me.

[12] Q: Do you know the identity of Mr. Kolos'
[13] partner that was in the room during your conversation
[14] with Mr. Kolos?

[15] A: I believe it was Tom Burke.

[16] Q: In the series of conversations that you
[17] had with Mr. Kolos, has he informed you of any
[18] developments in this case in terms of what other
[19] witnesses have testified to?

[20] A: No, he really hasn't.

[21] Q: What has been the nature of those
[22] conversations?

[23] A: I beg your pardon? I didn't hear you.

[24] Q: Yes, sir. What is the nature — what
[25] was the nature of the conversations you've had with Mr.

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[1] Kolos, other than the initial conversation that you
[2] explained to me?

[3] A: Well, the sum and substance of the
[4] conversations were more related to the mechanics of
[5] this deposition than they were with respect to the
[6] content of the information that was sent. There have
[7] been —

[8] Q: The matters, did you discuss this
[9] deposition yesterday with Mr. Kolos?

[10] A: I held — I had a telephone conversation
[11] with him yesterday, yes, that's correct.

[12] Q: And what did you discuss with Mr. Kolos
[13] in that conversation?

[14] A: I really asked a question of whether he
[15] was going to be present during the deposition.

[16] Q: That's the sum and total of that entire
[17] conversation?

[18] A: There was a discussion of whether I had
[19] an opportunity to review the Longo materials that had
[20] been sent. And I had remarked at that time, as I was
[21] out of the country for part of last week, that I had
[22] not yet had a chance to spend much time with them.

[23] Q: Were you contacted by Mr. Kolos last
[24] week regarding Dr. Longo's testimony?

[25] A: No, I was not.

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[1] Q: Were you contacted by anyone else
[2] regarding Mr. Longo's testimony?

[3] A: I was called, I might say, on a cruise
[4] ship last week and asked whether I would have time to
[5] review some materials that had just been acquired.

[6] Q: Who called you?

[7] A: I believe it was a paralegal or a legal
[8] assistant within Mr. Kolos' office.

[9] Q: Did you work with Mr. Kolos — converse
[10] with Mr. Kolos this morning prior to the deposition?

[11] A: Yes, I did, sir.

[12] Q: For what period of time?

[13] A: Well, it was a brief conversation as Mr.
[14] Kolos was stuck in traffic and missed his flight this
[15] morning, he was allowing that — as how he really was
[16] coming to Detroit.

[17] Q: Did any attorney or did anybody tell you
[18] what not to bring to the deposition so far as any
[19] documents or materials?

[20] A: No, no one gave me any instructions not
[21] to bring any, you know, certain — any materials. I
[22] have a complete file that I've given — or the complete
[23] file that I have related to you is what I have.

[24] Q: Dr. Krebs, when you were an employee
[25] with General Motors, do you recall reviewing any

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[1] documents, digests or materials that were provided by
[2] the Industrial Hygiene Foundation?

[3] A: I have seen documents from the
[4] Industrial Hygiene Foundation, primarily while I was a
[5] graduate student at the University of Michigan.

[6] There were or there was the
[7] isolated instance of information from the Industrial
[8] Hygiene Foundation while I was at General Motors, but
[9] that was really an organization that we had or that I
[10] personally and my group had very little contact with.
[11] In fact, I really didn't have any contact with them
[12] other than maybe seeing the occasional publication of
[13] theirs.

[14] Q: Dr. Krebs, the Court Reporter has
[15] brought a document entitled, "General Motors
[16] Corporation's Expert Witness Disclosure." And Madam
[17] Court Reporter, I'd like you to mark that as exhibit —

[18] MR. KOLOS: That's already marked,
[19] David.

[20] MR. LIPMAN: Right. It's already
[21] marked as Exhibit 2, is it not?

[22] MR. KOLOS: Yes, it is.

[23] Q: Dr. Krebs, I'd like you to refer to this
[24] document. Do you have it before you?

[25] A: I do not, but I will have momentarily.

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[1] any — are there any additional opinions that you
[2] intend to offer at the trial in this case?

[3] A: I really don't know, Mr. Lipman, what
[4] I'm going to be asked, as to what other opinions I
[5] might render.

[6] Q: Have you been asked, as you sit here
[7] today, whether or not you — have you been asked to
[8] render any additional opinions, other than the opinions
[9] delineated in this document?

[10] A: With respect — with respect to
[11] opinions, I've not really discussed what more I would
[12] be — what more I might say if I were asked, as we have
[13] not discussed nor have I been asked.

[14] Q: All right. Let's review this — the
[15] opinions that are outlined in this document together.
[16] I want to ask several questions, and let's begin at the
[17] last paragraph at Page 5.

[18] It indicates that Dr. Krebs is
[19] expected to offer opinion evidence concerning the
[20] various types of sizes, the various types and sizes of
[21] asbestos and their properties. What opinions do you
[22] intend to offer with regard to that matter?

[23] A: I really don't know what opinions I
[24] would offer as I don't know what questions I would be
[25] asked.

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[1] MR. KOLOS: Do you mind if I give
[2] him my copy or do you want the official one?

[3] MR. LIPMAN: You can give him your
[4] copy, Mr. Kolos.

[5] MR. KOLOS: Thank you, sir.

[6] Q: Dr. Krebs, do you have a copy of what's
[7] been marked as Exhibit 2?

[8] A: Yes, I do, sir.

[9] Q: Would you read at Page 5, and you can
[10] read to yourself, the summary of expert witness
[11] testimony that's been indicated for you?

[12] A: Yes, I have read the —

[13] Q: Dr. Krebs, did you prepare this summary
[14] of your testimony?

[15] A: No, I did not, sir.

[16] Q: Have you ever seen this before?

[17] A: No, I have not.

[18] Q: In fact, is this an accurate summary of
[19] the opinions that you will advance and express in this
[20] case?

[21] A: With respect to the opinions, yes,
[22] that's a reasonable disclosure of what I expect I might
[23] say if I'm asked.

[24] Q: All right. Aside from the various
[25] opinions that are outlined in this document, is there

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[1] Q: What opinions do you have with regard to
[2] the various types and sizes of asbestos and their
[3] properties?

[4] A: With respect to the question that you've
[5] just asked, which of course is very broad, just in
[6] general summary, the type of opinion that I would have
[7] about that would be that the pathogenicity of the
[8] various asbestos minerals varies and that the sizes of
[9] the various asbestos minerals, when present in various
[10] concentrations, would give rise to different kinds of
[11] health outcomes.

[12] Q: Those would be the two opinions that you
[13] would —

[14] A: I said in a very general way, those are
[15] the kinds of opinions that I would be talking about.

[16] Q: All right.

[17] A: Without knowing what the question is,
[18] it's hard to tell you what the answer is going to be.

[19] Q: I beg your pardon?

[20] A: Without knowing what the questions are
[21] going to be, it's hard to tell you what my answers are
[22] going to be.

[23] Q: Well, I think we're entitled to know
[24] what your opinions will be before you testify. That's
[25] the purpose of the session. And so I need to know what

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[1] opinions you intend to offer. Tell me your opinion
[2] with regard to the pathogenicity of asbestos materials
[3] and how they vary.
[4] A: With respect to chrysotile asbestos that
[5] is used in friction materials and in most or — and in
[6] gaskets and clutches, when in fact there is any
[7] asbestos in those products, it is my belief that
[8] excessive exposure will not give rise to mesothelioma,
[9] whether it be pleural or peritoneal.
[10] Q: Do you have an opinion whether those
[11] materials, chrysotile asbestos, when used in friction
[12] materials, as you just described, can cause asbestosis?
[13] A: Excessive exposure to chrysotile
[14] asbestos will give rise to asbestosis, that's correct,
[15] sir.
[16] Q: Will it give rise to pleural
[17] abnormalities or pleural disease?
[18] A: With respect to pleural abnormalities
[19] and pleural disease, that is a condition that is more
[20] generally attributed to the amphibole asbestos
[21] minerals.
[22] Q: And do I understand correctly that then
[23] it is your opinion that chrysotile asbestos, when used
[24] in the manner that we're discussing, cannot cause
[25] pleural abnormalities or pleural disease?

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[1] MR. KOLOS: I think we should,
[2] David.
[3] MR. LIPMAN: Let's do it.
[4] MR. KOLOS: Okay. Five minutes.
[5] Thank you.
[6] (Brief Recess.)
[7] COURT REPORTER: This is the Court
[8] Reporter and we are all ready at this end.
[9] MR. KOLOS: On the record, David?
[10] MR. LIPMAN: Yes.
[11] MR. KOLOS: Mr., I'm sorry, Dr.
[12] Krebs has some handwritten notes that are part of his
[13] file —
[14] MR. LIPMAN: Yes.
[15] MR. KOLOS: — that, you know, he
[16] was answering your question precisely about documents
[17] he brought with him.
[18] MR. LIPMAN: Right.
[19] MR. KOLOS: So I want to disclose
[20] that. And if you want to mark them.
[21] MR. LIPMAN: I do.
[22] MR. KOLOS: Okay.
[23] MS. MORGAN: Evan?
[24] MR. YEGELWEL: Yes.
[25] MS. MORGAN: Mary Morgan, that was

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[1] MR. KOLOS: Object to the form of
[2] the question. I think it's overly broad. And David, I
[3] want you to — if you're talking about chrysotile in
[4] general or chrysotile in brake products. I think it's
[5] important to make that distinction.
[6] MR. LIPMAN: Dr. Krebs has made
[7] that distinction for me. We're talking about
[8] chrysotile asbestos when used in friction materials,
[9] brakes, clutches or gaskets.
[10] MR. KOLOS: Okay. But then earlier
[11] you asked him about chrysotile in general and whether
[12] excessive exposure can cause asbestosis, so I think we
[13] need to —
[14] MR. LIPMAN: I didn't make myself
[15] clear and I'm glad you objected and I'm glad you
[16] interrupted me. So let's go back.
[17] MR. KOLOS: Okay. He's getting a
[18] cup of coffee. Can we take a two-minute break?
[19] MR. LIPMAN: Absolutely.
[20] Absolutely.
[21] MR. KOLOS: We've been going for
[22] two hours. Do you want to take a break now or —
[23] MR. LIPMAN: Do you want to take a
[24] five-minute break?
[25] THE WITNESS: It sounds good to me.

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[1] sent to your office.
[2] MR. YEGELWEL: Okay. Thanks.
[3] Q: Dr. Krebs?
[4] A: Yes, sir.
[5] Q: Resume? Okay. Dr. Krebs, we were
[6] speaking of — or I had asked you whether or not you
[7] have an opinion as to whether chrysotile asbestos, when
[8] used in friction materials, brake assemblies, clutches
[9] or gaskets can cause various diseases when mechanics
[10] are exposed to those materials, you had indicated that
[11] they would not cause mesothelioma, is that correct?
[12] A: Chrysotile asbestos, as used in friction
[13] materials, in my view does not give rise to
[14] mesothelioma.
[15] Q: All right. Does it give rise to the
[16] disease asbestosis?
[17] A: Excessive exposures to chrysotile
[18] asbestos will result in asbestosis, that's correct,
[19] sir.
[20] Q: Well, will it result in pleural
[21] abnormalities or pleural diseases?
[22] MR. KOLOS: Object to the form of
[23] the question, unless the question is defined chrysotile
[24] generally or chrysotile as used in friction products.
[25] MR. LIPMAN: You defined the

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[1] context, Dr. Krebs. I asked you and you indicated
[2] whether — I asked you whether or not chrysotile
[3] asbestos, when used in friction materials such as brake
[4] assemblies, clutches or gaskets, can cause these
[5] diseases. So that's the question and you've indicated
[6] that they do not cause — cannot cause mesothelioma, it
[7] can cause asbestosis, is that correct?

[8] A: That's correct, sir.

[9] Q: All right. Chrysotile asbestos used in
[10] these friction products, these friction products
[11] referring to brake assemblies, clutches or gaskets, is
[12] that correct?

[13] A: I'm sorry, I thought you were making a
[14] statement as opposed to asking a question.

[15] Q: No, I'm trying to make sure that what
[16] I'm asking and what you're answering are one and the
[17] same.

[18] A: Okay. As long as we are —

[19] MR. KOLOS: I was going to object
[20] to the form. Go ahead, Doctor.

[21] THE WITNESS: As long as we are
[22] discussing the use of chrysotile in friction materials
[23] or gasketing, I think that we can — I think that's
[24] reasonably clear.

[25] Q: Okay. That's exactly what we're

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[1] operations that we have just discussed, no, I do not
[2] believe that they would be exposed.

[3] If they are individuals who have
[4] heavy smoking histories, the smoking in itself might
[5] give rise to a carcinoma of the lung or perhaps other
[6] materials. But I do not believe that chrysotile
[7] asbestos, as present in those products, would be
[8] present in a form to be sufficient to give rise to a
[9] carcinoma of the lung.

[10] Q: Are they at risk of contracting other
[11] cancers in other organs other than in the lung
[12] parenchyma?

[13] MR. KOLOS: Object to the form.

[14] THE WITNESS: Well, with respect to
[15] chrysotile asbestos, dust and debris, if there is any
[16] being present in the work place, that is an airborne
[17] hazard and the primary site of deposition would be
[18] where the first evidence of an adverse outcome would
[19] occur.

[20] With respect to asbestos giving
[21] rise to diseases in other organs, thereby suggesting
[22] that the fiber is translocating from the lung to other
[23] tissues, my own research did not show that that
[24] occurred.

[25] There are reports in the literature

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[1] discussing. And I asked you, and I haven't heard a
[2] response, as to whether or not chrysotile asbestos in
[3] those types of friction materials would or could cause
[4] pleural abnormalities or pleural disease?

[5] A: Well, with respect to pleural
[6] abnormalities, if one was excessively exposed to
[7] chrysotile asbestos in the manufacturing setting, there
[8] is a potential for a pleural abnormality if you're
[9] talking about a pleural plaque.

[10] With respect to pleural diseases,
[11] I'm not sure I know precisely what you're talking
[12] about.

[13] Q: Okay. Are mechanics who work with
[14] chrysotile asbestos, brakes, clutches or gaskets at
[15] risk of contracting pleural abnormalities?

[16] A: With respect to the use of chrysotile
[17] asbestos containing friction materials and gasketing,
[18] as typically found within a service center as compared
[19] with a manufacturing center, I do not believe that they
[20] are at risk.

[21] Q: Are they at risk of contracting lung
[22] cancer?

[23] A: With respect to having a lung cancer or,
[24] I'm sorry, of contracting a lung cancer solely from
[25] exposure to asbestos, dust and debris from the

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[1] that have said that some fibers can — or can
[2] translocate, but my experience or my recollection is
[3] they're primarily making reference to amphibole
[4] asbestos minerals, not chrysotile.

[5] Q: And it's your opinion that chrysotile
[6] asbestos when — chrysotile asbestos contained in
[7] friction materials cannot — not cause other cancers,
[8] other asbestos-related cancers, is that correct?

[9] A: I'm not sure I understand your question,
[10] sir.

[11] Q: Okay. Can the use of chrysotile
[12] asbestos containing friction materials in brakes,
[13] clutches or gaskets cause cancer?

[14] MR. KOLOS: Object to the form of
[15] the question, overly broad.

[16] Q: Any cancer in any organs in a human
[17] being?

[18] A: If the cancer or, I'm sorry, if
[19] chrysotile asbestos is present in sufficient quantity
[20] and of sufficient size, then there is a potential for
[21] developing a carcinoma of the lung.

[22] Q: All right. Do you believe that
[23] chrysotile asbestos, when used in friction materials,
[24] brakes, clutches and gaskets, whether that asbestos can
[25] translocate into the peritoneal cavity?

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[1] A: With respect — I believe I answered
[2] that a question or two before. With respect to my own
[3] research where I specifically tried to study just that
[4] phenomenon, my experience was that the fiber moved to
[5] the first lymph node and was stopped there, as opposed
[6] to being distributed throughout the rest of the
[7] organism.

[8] Q: All right. And does that — is that
[9] finding — does that comport with your review of the
[10] literature with regard to that matter?

[11] A: The literature, as I recall, has a mixed
[12] review on that subject. Some saying that what I have
[13] found was in fact the case, others saying that they
[14] thought that there was some translocation.

[15] Nonetheless, if in fact this is an
[16] inhaled material, the first site of action would be
[17] within pulmonary tissue before you'd expect to see it
[18] in other tissues. That's where the concentration would
[19] be the greatest.

[20] Q: I'm not sure where that leaves us.
[21] Aside from your search that you've done, do I
[22] understand that you are aware of literature which
[23] indicates that chrysotile asbestos, the type used in
[24] friction materials, can translocate in the peritoneal
[25] cavity?

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[1] MR. KOLOS: Objection, asked and
[2] answered.

[3] THE WITNESS: With respect to
[4] chrysotile asbestos, which is used in a wide variety of
[5] products, not only friction material, I am aware of —
[6] although I cannot give you a specific article, at least
[7] I can't give you a specific article today that would
[8] say that chrysotile does on some occasion, according to
[9] some researchers, translocate from the lung to other
[10] tissue.

[11] Q: All right.

[12] A: My own experience was the contrary of
[13] that.

[14] Q: Do you believe that chrysotile that's
[15] contaminated with tremolite can cause mesothelioma in
[16] human beings?

[17] A: In the exposure levels typically
[18] encountered within the setting where brakes, clutches
[19] and gaskets are being serviced, I do not believe that
[20] tremolite would be a causative agent.

[21] Q: Why is that?

[22] A: The concentration — the standards that
[23] we employ to evaluate the potential of adverse outcome
[24] or excessive exposures is, as you know, an indirect
[25] method. That is, all fibers having a length-to-breath

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[1] ratio and longer than five — I'm sorry, a length-to-
[2] breath ratio equal to or greater than three, and longer
[3] than five micrometers in length, are counted and
[4] reported to be asbestos, even though particles may be
[5] present that are not asbestos.

[6] So if in fact the dust that have
[7] been evaluated around brake mechanics or clutch
[8] mechanics or people doing gasket work have levels that
[9] are very low, if there was any tremolite present, that
[10] is being counted, too.

[11] And the standards that we all
[12] employ rely on those total levels and the methods are
[13] not discriminatory to count only chrysotile and ignore
[14] another asbestos mineral that may be present.
[15] Everything is counted having a length-to-breath ratio
[16] equal to or greater than three and greater than five
[17] micrometers in length.

[18] Q: Are you aware of whether or not in the
[19] finished product in brake, clutch and gasket materials,
[20] chrysotile asbestos contains tremolite contaminants?

[21] A: My experience and information that I
[22] have gathered over the years has shown that in the
[23] finished product, there is very little, if any,
[24] tremolite. And that is based on the separation process
[25] that is used to grade asbestos or to grade chrysotile

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[1] asbestos in the mills.

[2] Q: And can you quantify the very little
[3] tremolite that has been found?

[4] A: I don't understand your question, Mr.
[5] Lipman.

[6] Q: You indicated that in the finished
[7] product there is very little or no tremolite that has
[8] been found, is that correct, in the finished product?

[9] A: That is true. My experience has been, I
[10] have never seen a result, nor in the stuff that I have
[11] done anecdotally when I was with General Motors, I have
[12] never seen a fiber that was attributed or that was
[13] identified as tremolite. And others who have looked, I
[14] am told, have been told — or have found the same
[15] thing; namely, that they have not seen any tremolite.

[16] Q: Okay. Are you aware of any tremolite
[17] contamination in finished friction products?

[18] A: I am unaware in finished products of
[19] tremolite being present. As I said, I have looked at
[20] brake — or I have evaluated brake drum, I'm sorry,
[21] brake drum dust and have never had tremolite identified
[22] as being present.

[23] Q: Do you know of any literature which
[24] would suggest that tremolite is a contaminant in
[25] finished friction products?

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[1] A: I do not know of any literature that
[2] attributes tremolite being present in finished friction
[3] materials.
[4] Q: All right. You indicated that the
[5] second phase of your opinion would address the size of
[6] asbestos materials when present in various products?
[7] A: I'm sorry, I missed the first part of
[8] your question, sir.
[9] Q: You'd indicated that you were — that
[10] you also had an opinion with regard to the size of
[11] asbestos materials when present in various products,
[12] that that had some significance to you?
[13] A: Yes, that is correct.
[14] Q: And could you explain or tell us what
[15] your opinion is with regard to that matter?
[16] A: With respect to the size of all of the
[17] asbestos fibers, the size parameters are important with
[18] respect to determining whether there will be potential
[19] disease outcome. Namely, fibers less than five
[20] micrometers in length have generally been classified as
[21] non disease producing.
[22] With respect to fibers in excess of
[23] five to eight micrometers, depending upon the length
[24] and the diameter, would determine what the most likely
[25] outcome would be. And this is reviewed in the Lippmann

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[1] article on asbestos exposure indices, as well as even
[2] the government has made reference to the Stanton
[3] hypothesis and has supported it in one of the preambles
[4] to the Asbestos Standard.
[5] Q: All right. I'm referring back to
[6] Exhibit No. 2, the expert disclosure document that
[7] we've been discussing?
[8] A: Yes, sir.
[9] Q: The second opinion is, reading
[10] sequentially, the bottom of Paragraph 5 indicates that
[11] you are expected to offer opinions concerning the
[12] composition of various friction products. Tell me what
[13] opinions you intend to offer.
[14] A: The only opinion that I would have about
[15] to the composition of various friction products would
[16] be the general disclosure that friction materials
[17] contain, generally speaking, 50 percent chrysotile
[18] asbestos on a weight basis.
[19] Q: Would you expect that the same amount of
[20] dust be released from the grinding, rasping, filing or
[21] beveling of new brake lining from manufacturer to
[22] manufacturer?
[23] A: If in fact a new brake lining were
[24] processed by filing, rasping or beveling, which would
[25] be an unapproved procedure, then the content of that

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[1] dust would be — would still show the same composition
[2] of 50 percent by weight.
[3] Q: You expect the same amount of dust to be
[4] emitted from those activities with regard to various
[5] manufactured products from manufacturer to
[6] manufacturer?
[7] MR. KOLOS: Object to the form of
[8] the question. Go ahead.
[9] THE WITNESS: That's a question
[10] that's much better put to a brake mechanic. My
[11] experience has been that the materials that are
[12] employed in the manufacture of friction materials would
[13] give rise to the same general amounts of dust.
[14] I've never had that question asked
[15] of me before, but the — my response is that it would -
[16] those operations would, generally speaking, produce
[17] the same levels of dust, irrespective of manufacturer.
[18] The finished product has to comply
[19] with the same Federal Standard, so I would presume that
[20] the — that the amount of dust that would be released
[21] by those operations that you're talking about would
[22] have the same composition.
[23] Q: Does that finish — have you completed
[24] all the opinions that you intend to offer with regard
[25] to the second matter in your expert disclosure that

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[1] we're discussing, the composition of various friction
[2] products?
[3] A: Well, with respect to — again, we need
[4] to say that without knowing what questions I'm going to
[5] be asked, the answer that I've given you is one that
[6] comes to my mind
[7] Q: I don't know what questions you're going
[8] to be asked either, but I certainly want to know what
[9] you intend to testify to at this trial that begins next
[10] week.
[11] A: Well, as I said, with respect to not
[12] knowing what I'm going to be asked, the answer that I
[13] have given you is the answer that I would generally
[14] think of giving when given a topic of composition, such
[15] as you've done to me.
[16] Q: Sir, the third opinion you are expected
[17] to offer evidence concerns the effects of wear on
[18] friction products, i.e. the creation of forsterite, the
[19] presence of those products in the workplace environment
[20] of workers. Could you explain what opinions you intend
[21] to offer?
[22] A: I'm just reading the statement, Mr.
[23] Lipman, because your voice broke as you were reading
[24] it.
[25] Q: I'm sorry.

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[1] A: It's certainly not your fault. It's the
[2] phone company.

[3] Well, with respect to that portion,
[4] my opinion would be that the effect of or that the use
[5] of friction products, whether it be clutches or with
[6] brakes or in brake linings, would result in heat being
[7] generated which thermally decomposes the chrysotile
[8] asbestos that is present in the product, thereby
[9] converting it to a non asbestos material. Some call
[10] that material forsterite.

[11] And then continuing on with the
[12] statement, I'm not sure — you've already established I
[13] didn't write this and I'm not really sure I know what
[14] the last part of this means.

[15] Q: All right.

[16] A: With respect to the presence of the
[17] products in the workplace environment of workers, if
[18] this means the presence of brake drum dust and debris
[19] and clutch dust and debris in the workplace
[20] environment, then the composition of that dust would
[21] have, if any chrysotile asbestos content, the fibers
[22] would be submicroscopic and in very small — I'm sorry,
[23] very low concentrations and thereby would not give rise
[24] to any adverse effect as a result of exposure to that
[25] chrysotile.

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[1] Q: Does that complete your — all the
[2] opinions that you have with regard to that issue?

[3] A: As I look at this statement today, and
[4] again, not knowing what questions I'm going to be
[5] asked, that is the general sort of thing that I think
[6] that I would respond.

[7] Q: Thank you, sir. Next reference
[8] indicates that you will offer opinions with regard to
[9] the applicable Federal and State laws and standards
[10] governing exposure to asbestos. Can you tell me a
[11] little bit about those opinions that you intend to
[12] offer at trial?

[13] A: I don't know that I'll offer any opinion
[14] about applicable Federal and State laws or standards,
[15] other than to cite what the various Federal and/or
[16] State laws, if any.

[17] Like I say, I don't recall whether
[18] Florida has a law for asbestos, as to what they might
[19] be. But I have no opinion about those standards, at
[20] least not as I look at the question — as I look at the
[21] statement, I don't have any opinions about it.

[22] Q: Would the same hold true to the next
[23] opinion that is listed that you're expected to offer,
[24] that is, permissible exposure limits and threshold
[25] limit values?

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[1] A: With respect to permissible exposure
[2] limits and threshold limit values, it really would
[3] determine on what the nature of the question was with
[4] respect to how I might answer that.

[5] Q: The next item, warning labels. What
[6] opinions do you expect to offer with regard to warning
[7] labels?

[8] A: With respect to opinions regarding
[9] warning labels, I don't know that I have opinions
[10] regarding that topic. If in fact I were to be asked
[11] about warning labels, then I would respond to those
[12] questions.

[13] But I'm not sure, when we talk
[14] about opinions about warning labels, exactly what might
[15] be said. I mean, the whole subject of warning and
[16] labels is a very large subject and it covers a wide
[17] variety of topics and situations. And it would really
[18] depend on what I was asked as to how I might respond to
[19] that.

[20] Q: All right. Can you hold one second?

[21] A: Certainly.

[22] Q: The next opinion indicates the
[23] characteristics and epidemiology associated with
[24] asbestos-related diseases and other relevant medical
[25] and scientific literature on these subjects. Tell me

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[1] what opinions you intend to offer at trial with regard
[2] to these issues.

[3] A: Well, again, with the same caveat that I
[4] don't know that I'll be asked anything about this, with
[5] respect to epidemiology associated with
[6] asbestos-related diseases as they apply to employees
[7] working with friction products and gasketing materials,
[8] my opinion would be that these do not result in
[9] exposures that would give rise to mesothelioma, whether
[10] it be pleural or peritoneal.

[11] Q: And is the basis of that opinion based
[12] on the opinions that you've already indicated, that is,
[13] that you do not believe that chrysotile induces
[14] mesothelioma in human beings?

[15] A: That is my belief. But the epidemiology
[16] also is — appears in the literature. The articles
[17] speak for themselves. And they, the articles
[18] themselves say the same thing.

[19] Q: Are you aware of any literature, any
[20] articles in the literature which provide conclusions to
[21] the contrary?

[22] A: I'm aware of several articles that
[23] provide conclusions to the contrary, and one of those I
[24] know clearly to be wrong. The other, I'm not — I
[25] don't know enough about.

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[1] Q: Tell me which article that you believe
[2] is wrong?

[3] A: Well, there's one article that is often
[4] referred to that was authored by, I believe, Langer and
[5] McCulhey. And the description was that that particular
[6] case study that they were reporting on was a
[7] mesothelioma from a brake mechanic.

[8] Indeed, that particular patient had
[9] as its name, Clyde Hughes, who was a plaintiff in a
[10] lawsuit which I was a part of a number of years ago.
[11] And he not only was not a brake mechanic, he was
[12] working with talc contaminated with asbestos, as I
[13] subsequently learned.

[14] Q: The second article that you're aware of
[15] which provides —

[16] A: Well, I believe I read that to you
[17] earlier. That is an article by Huncharek. And I
[18] really have not relied on that article. I don't know
[19] enough about it to be able to comment about it at this
[20] time.

[21] Q: Are you aware of any case reports where
[22] brake mechanics — where vehicle mechanics, automobile
[23] or truck mechanics have contracted mesothelioma from
[24] friction products?

[25] A: Well, I believe the one case report that

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[1] you expect to offer at trial states medical and
[2] scientific literature pertaining to asbestos dust
[3] levels in various occupations.

[4] A: Well, that's a fairly broad —

[5] Q: It is. Do you intend to offer opinions
[6] contrasting asbestos dust levels of mechanics in
[7] contrast to other tradesmen?

[8] A: I don't know what kind of question I'd
[9] be asked on that subject. I would plan today to talk
[10] about the levels that are reported in the literature
[11] that we have discussed already today and to contrast
[12] them with the permissible exposure limits that are in
[13] force today, as well as in prior times.

[14] If someone were to ask how these
[15] levels were to compare with chrysotile or other
[16] asbestos mineral dust levels in other occupations, then
[17] I would do my best to give an answer to that, too,
[18] depending on, you know, whatever I was asked.

[19] Q: All right. I think we've covered — you
[20] have covered the remaining areas in this summary. And
[21] if you haven't, tell me. I'd like to talk to you about
[22] them.

[23] A: Well, in the next paragraph, this again
[24] goes back to the epidemiologic — goes back to the
[25] phrase, the characteristics and epidemiology associated

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[1] I was talking about was the Langer-McCulhey study which
[2] we just discussed.

[3] Q: Are you aware of any other case reports?
[4] A: With respect to case reports that
[5] precisely and accurately identify exposures only to
[6] friction materials in the servicing technique, I am
[7] unaware of any today. I don't recall any today,
[8] although, you know, there may be some out there. I
[9] just don't recall today what they might be.

[10] Q: The next entry indicates that you intend
[11] to offer or expect to offer opinions regarding the
[12] health studies of mechanics working with friction
[13] products.

[14] A: I believe that really would refer back
[15] to the topic that we just discussed, Mr. Lipman.

[16] Q: I understand. It overlaps?

[17] A: It looks like it does to me, but maybe
[18] the author of this had something else in mind that I'm
[19] not aware of.

[20] Q: Do you know who the author was of this
[21] document?

[22] A: No. As I said, I've not seen it before.
[23] Other than to say that I wasn't the author, I don't
[24] know who did author it.

[25] Q: The next opinion that it indicates that

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[1] with asbestos-related diseases.

[2] In particular, the Berry and
[3] Newhouse studies address mesothelioma in a chrysotile
[4] using friction material plant, where at one occasion
[5] crocidolite was used. I would talk about that.

[6] Q: That's all the opinions that you expect
[7] to offer that either are contained in the summary or
[8] otherwise?

[9] A: Well, again, given that I don't know
[10] what the questions are going to be, as I think about it
[11] today, those are the kinds of things that I would
[12] generally incorporate in my answers, albeit the
[13] questioning may cause me to say some other things, if I
[14] should, you know, and I could tell you what they were
[15] if I knew what the questions were going to be.

[16] Q: End of problem, right?

[17] A: I'm sorry. Your voice was breaking.
[18] I'm not sure that —

[19] Q: I'm just listening and thinking.

[20] A: Okay.

[21] Q: As I understand it, you do not intend to
[22] offer an opinion as to Mr. Fuller's diagnosis?

[23] A: No. I am not a physician and I'm not
[24] trained to specifically address any diagnostic
[25] information.

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[1] Q: Dr. Krebs, are you aware of the — or do
[2] you have an opinion — strike that.
[3] Do you have an opinion as to the
[4] recognized causes of peritoneal mesothelioma in human
[5] beings?
[6] A: I'm not sure I understand your question,
[7] Mr. Lipman.
[8] Q: Do you have an opinion as to what causes
[9] peritoneal mesothelioma in human beings? What the
[10] causes of peritoneal mesothelioma is in human beings?
[11] A: Well, with respect to the general
[12] recognized causes of mesothelioma, that being amphibole
[13] minerals or nonbiodegradable particles having the same
[14] sizes as the amphibole asbestos minerals, one might
[15] conclude that a peritoneal mesothelioma might arise in
[16] a human if an employee were working in a heavily
[17] contaminated atmosphere.
[18] And one would normally expect that
[19] with an inhaled contaminant, that the first site of
[20] action would be at the first point of contact within
[21] the worker; namely, the respiratory tree.
[22] Now if the person is working with
[23] an amphibole material, I understand there have been
[24] reports where amphibole minerals may appear in other
[25] parts of the human organism without having expressed

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[1] their effect within the respiratory tree.
[2] Q: What other materials, other than
[3] amphibole asbestos, can induce peritoneal mesothelioma?
[4] A: Well, I believe that a number of
[5] mesotheliomas are idiopathic, that is, of unknown
[6] origin or unknown causation. And as you know, there
[7] are reports of other materials possibly giving rise to
[8] mesothelioma, whether it be the monkey virus
[9] contamination of polio vaccine or what — I mean, there
[10] are a number of things that are being talked about.
[11] Q: Do you have an opinion as to what
[12] percentage of all mesotheliomas are idiopathic?
[13] A: My general feeling from reading
[14] literature about mesothelioma registers is, in general
[15] terms, that one third of the mesotheliomas can be
[16] directly attributed to employee exposures to amphibole
[17] asbestos. Another third are possible exposures to
[18] asbestos. And the third are unknown.
[19] Q: And in terms of those — in terms of
[20] those opinions that you just rendered, do you
[21] distinguish between pleural and peritoneal
[22] mesotheliomas?
[23] A: Mesothelioma in itself has a very rare
[24] or appears very rarely. Peritoneal mesotheliomas are
[25] extraordinarily rare in themselves. And as to be

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[1] directly and causally associated with exposure to
[2] airborne concentrations of asbestos, without effects
[3] elsewhere, that's an extraordinarily rare situation, if
[4] indeed it even is a direct cause and effect
[5] relationship.
[6] Q: Are you — is it your opinion that
[7] peritoneal mesotheliomas are not caused in any
[8] circumstances by the inhalation of amphibole asbestos
[9] fibers?
[10] A: With respect to inhalation of amphibole
[11] asbestos minerals and the causation of a peritoneal
[12] mesothelioma, I do not know of peritoneal mesotheliomas
[13] arising solely from exposure to airborne
[14] concentrations, without having an effect in other
[15] materials. I'm aware that there are some people who
[16] say that that's possible. I have not seen that myself.
[17] Q: I'm not sure I understand. I can't
[18] distinguish from your opinion and what you've seen.
[19] Are you telling me that it is your opinion that
[20] peritoneal mesotheliomas are not induced or caused by
[21] the inhalation of amphibole asbestos fibers?
[22] A: With respect to the — well, first off.
[23] Since we're talking about chrysotile asbestos as used
[24] in friction materials, I do not believe that there is
[25] any increased incidence of peritoneal mesothelioma with

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[1] exposure to chrysotile asbestos as used in clutches,
[2] brakes and gasketing.
[3] Q: But you've indicated that and I
[4] specifically asked you your opinion with regard to the
[5] inhalation of amphibole asbestos fibers and the
[6] incidence of — incident of peritoneal mesothelioma?
[7] A: With respect to amphibole materials and
[8] peritoneal mesotheliomas, this is a circumstance that
[9] would not arise in brake mechanics insofar as amphibole
[10] minerals are not present.
[11] But assuming that they were
[12] present, then the development of peritoneal
[13] mesothelioma could arise, particularly with exposure to
[14] amosite.
[15] Q: Dr. Krebs, do you believe that there's a
[16] level of exposure to asbestos, amphibole asbestos below
[17] which an individual is not at risk of developing a
[18] mesothelioma?
[19] A: Yes, I do, sir.
[20] Q: And what is your opinion with that
[21] regard, on that regard?
[22] A: With respect to mesothelioma or other
[23] asbestos-related diseases arising from exposure to
[24] asbestos, I believe that there is a threshold effect.
[25] And that the levels that we are presently using within

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(1) the United States are more than protective with respect
(2) to providing atmospheres in which employees can work
(3) safely.

(4) Q: Can you quantify that threshold?

(5) A: With respect to — with respect to
(6) chrysotile asbestos, it's my opinion that levels on the
(7) order of two to five fibers per cubic centimeter of air
(8) are more than protective.

(9) With respect to the amphibole
(10) minerals, I believe that the present levels of one
(11) tenth of a fiber per cubic centimeter of air is
(12) protective for crocidolite and probably something a
(13) little higher than a tenth of a fiber for amosite.

(14) But I should add, as a matter of
(15) public health practice, it is an approach within my
(16) field that says employee exposures to all materials
(17) should be kept to the lowest level practicable.
(18) However, that is not necessary — the lowest level
(19) practicable does not necessarily mean that diseases
(20) occur at those low levels, if I'm clear on that.

(21) Q: You are.

(22) MR. LIPMAN: Evan, I think we need
(23) to take a break now. Evan, are you with me?

(24) MR. YEGELWEL: Yes, I'm still
(25) awake.

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(1) MR. LIPMAN: All right. What's the
(2) number I can call you at?

(3) MR. YEGELWEL: I'll give you a
(4) holler.

(5) MR. LIPMAN: Okay. Call me. Dr.
(6) Krebs, I'll be about five minutes.

(7) THE WITNESS: Take your time.
(8) (Brief Recess.)

(9) COURT REPORTER: I will mark the
(10) notes as Exhibit 12. Okay.

(11) (Marked for identification:
(12) Deposition Exhibit No. 12.)

(13) COURT REPORTER: Okay. We're back
(14) on the record, for formalities.

(15) MR. LIPMAN: We're back on the
(16) record and you have a set of handwritten notes to be
(17) marked for identification purposes as Exhibit 12?

(18) COURT REPORTER: Yes.

(19) MR. LIPMAN: And finally, there was
(20) one document that Dr. Krebs had a problem locating
(21) which I understand he has located?

(22) THE WITNESS: I have now found it.
(23) That's correct, sir.

(24) Q: And is that in response to which
(25) request?

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(1) A: One of the earlier ones.

(2) Q: Right.

(3) A: I've lost my list here. This is
(4) probably responsive or most responsive to Schedule A,
(5) Bullet 4.

(6) Q: All right. I see that. I think you're
(7) correct. Want to just include that as Exhibit No. 13?

(8) A: That would be fine.

(9) Q: We'll have it so marked.

(10) A: And if it meets with all of your
(11) approval, I would be happy to respond to any spelling
(12) problems that the shorthand writer might have or
(13) whatever else that might come up, if it's okay with all
(14) the parties.

(15) MR. KOLOS: Sure.

(16) MR. LIPMAN: It is.

(17) MR. KOLOS: You'd like to read the
(18) deposition?

(19) THE WITNESS: Yes, I'd like to read
(20) the deposition.

(21) MR. KOLOS: The witness reserves
(22) the right to read.

(23) MR. LIPMAN: The deposition is
(24) over. Madam Court Reporter, can you call me in the
(25) morning regarding transcribing the deposition?

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(1) COURT REPORTER: Yes, I can.

(2) MR. LIPMAN: Do you have my phone
(3) number?

(4) (Discussion held off the record.)

(5) MR. LIPMAN: Dr. Krebs, thank you
(6) for your time.

(7) THE WITNESS: My pleasure, sir.

(8) (Marked for identification.

(9) Deposition Exhibit Nos. 11 and 13.)

(10) (Deposition concluded at 5:20 p.m.)

(11)

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WILLIAM H. KREBS, PH.D.

DATE

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[1] State of Michigan)
[2] County of Oakland)
[3] Certificate of Notary Public
[4] I do hereby certify that the witness, whose
[5] attached testimony was taken in the above-entitled
[6] matter, was first duly sworn to tell the truth; the
[7] testimony contained herein was reduced to writing in
[8] the presence of the witness by means of stenography;
[9] afterwards transcribed; and is a true and complete
[10] transcript of the testimony given by the witness.
[11] I further certify that I am not connected by
[12] blood or marriage with any of the parties; their
[13] attorneys or agents; and that I am not interested,
[14] directly or indirectly, in the matter of controversy.
[15] In witness whereof, I have hereunto set my
[16] hand this day at Troy, Michigan, County of Oakland,
[17] State of Michigan
[18]
[19]
[20]
[21]
[22] Angela R. Mitchell, CSR-2151
[23] Certified Shorthand Reporter
[24] Notary Public, Oakland County, Michigan
[25] My Commission Expires: October 21, 1999

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[1]
[2] WITNESS CERTIFICATION
[3] I hereby certify that I have read the
[4] foregoing transcript of my deposition consisting of
[5] pages 1 through 100, inclusive. Subject to the changes
[6] set forth on the preceding pages, the foregoing is a
[7] true and correct transcript of my deposition taken on
[8] Wednesday, January 28, 1998
[9]
[10] (signed) _____
[11] WILLIAM H. KREBS, PH.D.
[12]
[13] SUBSCRIBED AND SWORN TO
[14] before me this ____ day
[15] of _____
[16] A.D. 1998.
[17]
[18] Notary Public
[19]
[20]
[21]
[22]
[23]
[24]
[25]

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Lawyer's Notes

Left Ben in 1993, testified in 17 depts, 5 trials
for auto mfgs. in auto cases

52 he did 1984 tests w/ brake doctor grinding