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DOCUMENT DESCRIPTION: Legal - Deposition of Edward C. Rabon

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

JOHN E. DIXEY, III and	)	Plaintiff Dixey Only
NANCY A. DIXEY, his wife,	)	
Plaintiffs,	)	
	)	
vs.	)	C.A. No. 88-612
	)	(Asbestos)
A.C. & S., et al,	)	
Defendants.	)	

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Telephone deposition of EDWARD RAEON taken
before Sandra J. Sherr, Registered Professional Reporter,
duly authorized to administer oaths, on Monday, November
13, 1989, at the offices of Jacobs & Crumplar, 2 East 7th
Street, Wilmington, Delaware, beginning at 10:25 a.m.

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1 A To the best of my knowledge. Some may have been
2 destroyed. I couldn't tell you, but basically answering
3 your question, what type of records, they are the type of
4 records. Essentially we have most of them.

5 Q And as I understand from your affidavit you
6 looked in the sales records that you have and those are
7 these 3 by 5 cards?

8 A Right.

9 Q For any records of sales from Charles Yarnier to
10 the DuPont Repauno plant in New Jersey between 1950 and
11 1974, is that correct?

12 A That's correct.

13 Q And as a result of that search you came up with
14 11, 3 by 5 cards or 3 by 6 cards?

15 A Yes, that's right.

16 Q And I am going to, we have marked them as Exhibit
17 2 and just for the record, let me read to you what each
18 card is by its first and last date and just see whether
19 you agree to that, okay?

20 A You mean you are going to read all the dates?

21 Q Well, I am going read the first and the last date
22 on each card.

23 A What am I supposed to go to?

1 once it got to the DuPont Seaford plant, do you?

2 A No.

3 Q And you wouldn't be able to say yes or no whether
4 that asbestos could have been shipped from DuPont Seaford
5 to Repauno, could you?

6 A No.

7 Q In your sales invoices you show --

8 MS. YOUNG: You mean the sales records.

9 MR. CRUMPLAR: Yes, excuse me. Sales records.

10 BY MR. CRUMPLAR:

11 Q Exhibit No. 2, if you could turn to the second
12 card, sir?

13 A Second card?

14 Q Yes. It refers to Extra Fine Silica. Do you
15 know where that was purchased by you? Where that came
16 from?

17 A Yes. It came from Pennsylvania Pulverizing
18 Company, which had several names, but I believe at that
19 time it was Pennsylvania Pulverizing Company.

20 That's what the PA in brackets, PA period.
21 That's Pennsylvania and moon was the grade that they
22 designated that particular product.

23 Q Do you know for a fact whether that ever

1 A No. Sold them as we received them.

2 Q Fine. Let's go to the first sales record card,
3 January 16, 1951. This Industrial Floor Dry #85, can you
4 tell me what that was?

5 A It was a diatomaceous silica.

6 Q Have you seen a chemical analysis of that
7 product?

8 A I'd have to say I don't know.

9 Q I didn't hear that?

10 A I have to say I don't know. I don't remember
11 whether Eagle-Picher, who made that product, furnished it
12 on the basis of the chemical analysis. I don't seem to
13 have a bearing on it.

14 Q You know that was an Eagle-Picher product?

15 A Yes.

16 Q And you know that it was basically diatomaceous
17 silica product?

18 A That's correct.

19 Q But you are not certain as to what all the
20 ingredients are besides diatomaceous earth and silica, is
21 that correct?

22 A That's correct.

23 Q So you don't know whether or not there might have

1 it appears your last shipment of this Eagle-Picher
2 Industrial Floor Dry was on February 18, 1955, is that
3 correct?

4 A Yes.

5 Q Do you know why you stopped selling it to Fepauno
6 in 1955?

7 A At this date I can't swear to the exact reason,
8 except in all probability it's because we discontinued
9 handling the product.

10 Q You say in 1955 you discontinued handling the
11 Eagle-Picher Industrial Floor Dry?

12 A Yes, it's my recollection.

13 Q Do you recall why you discontinued handling it?

14 A Yes. For economic reasons. Do you want an
15 explanation?

16 Q Sure.

17 A Very briefly, that product is sold to industries
18 which were somewhat foreign to our industries to which we
19 were selling our full line of products.

20 In other words, it went to metal working
21 industries prior to a separate -- Requiring a separate
22 call by our sales personnel. In fact, we employed one or
23 two salesmen solely for the selling of Industrial Floor

1 talc was used at the DuPont Repauno Works?

2 A No, I do not.

3 Q Do you ever re-bag or relabel any of the Floor
4 Dry, the Industrial Floor Dry?

5 A No, we do not.

6 Q Do you know whether there was any health risk in
7 connection using that product, the Industrial Floor Dry?

8 A No. Only for normal precautions of any dusty
9 product.

10 Q Did you use, in your shipments to the DuPont
11 plants, a particular carrier? Did you use your own trucks
12 or did you have a common carrier?

13 A Common carrier, but I can't tell you which one.

14 Q You don't recall which common carrier you used,
15 is that correct?

16 A No, I don't know that.

17 Q Does the name Jones ring any bells? Jones Motor
18 Freight?

19 A Jones is a carrier that I know we have used for
20 years. I couldn't tell you specifically where they go.

21 Q Where are they located?

22 A I don't know. I guess in Philadelphia. They
23 have a terminal, at least.