

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

- - -

IN RE:
HAWAII STATE ASBESTOS CASES

Civil No. 10-1-ACM-001 (EEH)

ALAPASCO, JULIAN
BRISSON, BERNARD J.
CORDERO, ALAN
NERI, ERIC W.
OLSON, HARLAND C.
SANTOS, DANIEL JR.
UYEDA, GEORGE (D)

-----/

VIDEOTAPED DEPOSITION OF LESLIE CONTROLS, INC.

BY AND THROUGH MATTHEW WROBEL

SAN FRANCISCO, CALIFORNIA

TUESDAY, DECEMBER 1, 2009

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FILE NO.: A309C8E

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1 A P P E A R A N C E S: 2 3 FOR THE PLAINTIFFS: 4 GALIHER, DEROBERTIS, ONO 5 BY: GARY O. GALIHER, ESQ. 6 BY: L. RICHARD DEROBERTIS, ESQ. 7 BY: ILANA K. WAXMAN, ESQ. 8 610 Ward Avenue, Second Floor 9 Honolulu, Hawaii 96814-3308 10 (808) 597-1400 11 FOR THE DEFENDANT LESLIE CONTROLS, INC.: 12 BRYDON, HUGO & PARKER 13 BY: EDWARD HUGO, ESQ. 14 135 Main Street, 20th Floor 15 San Francisco, California 94105 16 (415) 808-0300 17 FOR THE DEFENDANT JOHN CRANE, INC.: 18 O'CONNELL, TIVIN, MILLER & BURNS 19 BY: DANIEL J. O'CONNELL, ESQ. 20 135 S. LaSalle Street, Suite 2300 21 Chicago, Illinois 60603 22 (312) 256-8800 23 FOR DEFENDANT LESLIE CONTROLS, INC.: 24 WORSFOLD, MACFARLANE & McDONALD 25 BY: EVAN L. MACFARLANE, ESQ. 26 1001 Monroe Avenue, N.W. 27 Grand Rapids, Michigan 49503 28 (616) 977-9200 29 FOR DEFENDANTS WARREN PUMPS, IMO INDUSTRIES, INC.: 30 KESSNER, UMEBAYASHI, BAIN & MATSUNAGA 31 BY: MARIE A. SHELDON, ESQ. (Via telephone) 32 1900 Central Pacific Plaza 33 220 South King Street 34 Honolulu, Hawaii 96813 35 (808) 536-1900 36 37 38 39 40 Page 3	1 I N D E X 2 WITNESS: MATTHEW WROBEL 3 Examination Page 4 By Mr. Galiher 10, 174 195 5 By Mr. Hugo 134, 192 6 EXHIBITS 7 PLAINTIFFS' 8 NUMBER DESCRIPTION PAGE 9 1- Document entitled "Plaintiffs' Notice 10 of Taking Deposition Upon Oral Examination 11 pursuant to Rule 30(b)(6) of the Hawaii 12 Rules of Civil Procedure of a Corporate 13 Representative of Defendant Leslie 14 Controls, Inc., a Division of Circor 15 International, Inc., to be Taken 16 Stenographically and by Videotape; 17 Exhibits 1-7; Certificate of Service" 26 18 2- Document entitled "Plaintiffs' First 19 Amended Notice of Taking Deposition Upon 20 Oral Examination Pursuant to Rule 30(b)(6) 21 of the Hawaii Rules of Civil Procedure of 22 a Corporate Representative of Defendant 23 Leslie Controls, Inc., a Division of 24 Circor International, Inc., to be Taken 25 Stenographically and by Videotape; 26 Certificate of Service" 26 27 3- Document entitled "Plaintiffs' Third 28 Amended Notice of Taking Deposition Upon 29 Oral Examination Pursuant to Rule 30(b)(6) 30 of the Hawaii Rules of Civil Procedure of 31 a Corporate Representative of Defendant 32 Leslie Controls, Inc., a Division of 33 Circor International, Inc., to be Taken 34 Stenographically and by Videotape; 35 Certificate of Service" 26 36 4- Document entitled "From Snow Plows to 37 Automation" 26 38 39 40 Page 5

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1 INDEX 2 (Continued): 3 EXHIBITS 4 PLAINTIFFS' 5 NUMBER DESCRIPTION PAGE 6 14- Document entitled "NAVSHIPS 0949-056-9010, Technical Manual Type - I for Air Priority 7 Valve, Department of the Navy, Naval Ships Systems Command" 104 8 15- Document entitled "Engineering Operating Maintenance Data" 106 9 16- Document entitled "Bulletin 467-A" entitled "Engineering Data and Reference Tables" 108 10 17- Photocopy of excerpts from Leslie entitled "Engineering Data Reference Tables, 11 Formulas for Valve Sizing, Computations and Formulas" 111 12 18- Document entitled "Installation, Operation 13 and Maintenance of Leslie Pressure Reducing Valves, S4866" 111 14 19- Document entitled "Defendant Leslie Controls 15 Inc.'s Response to Plaintiffs' Amended Master Set of Interrogatories" 120 16 20- Document entitled "Marine Engineering Log, 17 New Era for Marine Industries - The Evolution of Great Lakes Self-Unloaders, 18 1902-1957" 132 19 21- Document entitled "Military Specification, 20 Valves, Pressure Regulating, Steam Service, MIL-V-17848A (SHIPS), 17 October 1955" 174 21 22- Document entitled "Military Specification, 22 Valves, Pressure Regulating, Steam Service, MIL-V-17848 (SHIPS), 17 October 1955" 174 23 23- Document entitled "Military Specification 24 Manual, Technical, for Mechanical and Electrical Equipment (Less Electronics), 25 MIL-M-15071C (SHIPS), 16 August 1954" 184 Page 7	1 MATTHEW WROBEL, 2 having first been duly sworn, was 3 examined and testified as follows: 09:16:54 4 THE VIDEOGRAPHER: Good morning. We are now 09:16:54 5 going on the record. My name is Michael Mack, your 09:18:33 6 videographer, and I represent Atkinson-Baker, 09:18:36 7 Incorporated, in Glendale, California. I'm a notary 09:18:38 8 public. I'm not financially interested in this action, 09:18:41 9 nor am I a relative or employee of any of the parties. 09:18:44 10 Today's date is December 1st, 2009, and the 09:18:52 11 time on the video monitor is 9:18 a.m. This deposition 09:18:56 12 is taking place at Regus, 425 Market Street, Suite 2200, 09:19:00 13 in San Francisco, California. This is case number 10-1- 09:19:08 14 ACM-001 (EEH) entitled Hawaii State Asbestos Cases. The 09:19:13 15 deponent is Matthew Wrobel. This deposition is being 09:19:22 16 taken on behalf of the plaintiffs. Your court reporter 09:19:26 17 today is Joanne Balboni with Atkinson-Baker. 09:19:28 18 Counsel, now please introduce themselves for 09:19:31 19 the record. 09:19:36 20 MR. GALIHER: Good morning. My name is Gary 09:19:36 21 Galiher, and I'm present with Ilana Waxman and Richard 09:19:38 22 DeRobertis on behalf of the plaintiffs. 09:19:42 23 MR. HUGO: Edward Hugo for Leslie Controls, 09:19:45 24 Inc., a Delaware corporation. For the record, Leslie 09:19:48 25 Controls, Inc., is not a division of Circor. Circor 09:19:53 Page 9

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1	International is the parent company of Leslie Controls,	09:19:57	1	and nine months in the air force. Most of my service	09:22:13
2	Inc.	09:20:01	2	was on the Pacific Rim, Southeast Asia at that period of	09:22:17
3	MR. O'CONNELL: Daniel O'Connell on behalf of	09:20:03	3	time.	09:22:17
4	John Crane, Incorporated, and Cleaver Brooks.	09:20:04	4	My job in the air force -- I was in ordnance.	09:22:22
5	THE VIDEOGRAPHER: On the telephone?	09:20:12	5	So it had a lot to do with hardware and mechanical	09:22:25
6	MS. SHELDON: Marie Sheldon on behalf of Warren	09:20:13	6	things. And when I got out, I -- actually, my	09:22:30
7	Pumps, LLC, Imo Industries Inc., and Aurora Pump	09:20:16	7	brother-in-law was working for the company. I really	09:22:35
8	Company.	09:20:20	8	didn't know what I was going to do. I applied -- at	09:22:39
9	MS. KANG: Gail Kang for Bayer Cropscience,	09:20:22	9	that time they gave you a mechanical, I guess,	09:22:42
10	Inc., and Union Carbide Corporation.	09:20:25	10	adaptability test or something and said, "Would you like	09:22:46
11	THE VIDEOGRAPHER: If there are no	09:20:27	11	a job?" And I said, "Sure." "When can you start?" And	09:22:49
12	stipulations, the court reporter may now administer the	09:20:31	12	I think that was a Tuesday. And I said, "I can start	09:22:52
13	oath.	09:20:31	13	tomorrow or Thursday. I got out on a Tuesday and	09:22:55
14	(Whereupon the witness was sworn in.)	09:20:40	14	interviewed on a Thursday. And they said, "Well, why	09:22:59
15	EXAMINATION	09:20:40	15	don't you take the weekend off," and I started the	09:23:00
16	BY MR. GALIHER:	09:20:42	16	following week.	09:23:03
17	Q. Good morning, Mr. Wrobel.	09:20:42	17	Q. And so it was on-the-job training then at	09:23:05
18	A. Good morning, sir.	09:20:44	18	Leslie that you learned what they did in your position;	09:23:10
19	Q. Am I pronouncing your name right?	09:20:45	19	is that correct?	09:23:14
20	A. That is correct.	09:20:48	20	A. Well, once I started that job, I kind of liked	09:23:14
21	Q. W-r-o-b-e-l, but the W is silent?	09:20:48	21	what I was doing. So I went to Essex Tech at Newark and	09:23:18
22	A. That's correct.	09:20:50	22	studied metrology, and that was for a couple of years.	09:23:25
23	Q. Okay. Mr. Wrobel, can you tell us where you	09:20:50	23	That's the science of measurement. And then it was	09:23:26
24	live?	09:20:53	24	on-the-job training. I did some college later after the	09:23:29
25	A. I live in Wesley Chapel, Florida.	09:20:54	25	kids were born.	09:23:32
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1	Q. Are you currently employed?	09:20:58	1	Q. Back up a little bit.	09:23:34
2	A. Yes, sir.	09:21:00	2	You studied metrology?	09:23:36
3	Q. And who are you employed by?	09:21:00	3	A. Metrology, the science of measurement.	09:23:38
4	A. Leslie Controls.	09:21:03	4	Q. And where was that?	09:23:41
5	Q. And can you tell us what your current position	09:21:03	5	A. Essex Tech.	09:23:42
6	is at Leslie Controls?	09:21:06	6	Q. And did you get a degree from that, or you just	09:23:43
7	A. The current title is quality and legal liaison.	09:21:07	7	--	09:23:46
8	Q. And when did you start with Leslie Controls?	09:21:12	8	A. It wasn't a degree. It was like a tech school,	09:23:46
9	A. In May of 1966.	09:21:16	9	and I finished it.	09:23:48
10	Q. Okay. And what was your first position when	09:21:19	10	Q. Okay. And then later on, you went to college?	09:23:49
11	you started there?	09:21:22	11	A. Yes. I never completed it. I went for a year	09:23:51
12	A. I started there as a mechanical inspector or	09:21:22	12	or two on and off. I took -- well, some of the basic	09:23:55
13	trainee.	09:21:26	13	courses, but also I took courses in manufacturing	09:24:01
14	Q. And can you describe for us what those	09:21:28	14	engineering.	09:24:05
15	responsibilities entailed?	09:21:30	15	Q. Okay. You started as a mechanical inspector.	09:24:06
16	A. I was being trained to be a mechanical	09:21:32	16	What was your next position at Leslie?	09:24:13
17	inspector, which is doing dimensional inspections of	09:21:37	17	A. Well, from mechanical inspector -- and that was	09:24:15
18	components, both manufactured in the plant and	09:21:42	18	both in final inspection. These are components coming	09:24:19
19	purchased.	09:21:48	19	out of the machine shop. Also, I worked in the	09:24:24
20	Q. What was your background and training that	09:21:52	20	receiving inspection. That was kind of -- sometimes	09:24:27
21	enabled you to get that position with Leslie Controls	09:21:54	21	you'd work in final. Sometimes you'd work in receiving.	09:24:32
22	back in 1966?	09:21:58	22	We also did in-process inspection, and that was a roving	09:24:33
23	A. I took directing in high school. But when I	09:21:59	23	inspection within the machine shop going from machine to	09:24:37
24	got out of high school, I wasn't ready to go to college	09:22:05	24	machine doing spot checks and first piece inspection on	09:24:39
25	yet. So I joined the air force, and I spent four years	09:22:07	25	different components.	09:24:42
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1	Then I was asked to take the position of like	09:24:44	1	A. Yes, sir.	09:28:01
2	an inspection assembly troubleshooter. Basically, what	09:24:47	2	Q. Okay. But you, yourself, would physically go	09:28:02
3	that was was if assembly had to put a valve together and	09:24:51	3	there and inspect the equipment and make sure it was	09:28:05
4	put it on test, and it didn't pass the test, it was my	09:24:54	4	properly installed or operating or --	09:28:07
5	job to take that valve, disassemble it, do dimensional	09:24:57	5	A. Or, you know, if someone would call and say,	09:28:09
6	inspection, and try to determine why the valve didn't	09:25:05	6	"Hey, I'm having a problem with this piece of equipment.	09:28:12
7	work. And once I found out, then I would feed that	09:25:09	7	Can you send us over a person?"	09:28:16
8	information to quality control to take corrective action	09:25:12	8	Q. Was it in conjunction with that that you had an	09:28:18
9	to preclude reoccurrence.	09:25:17	9	opportunity actually to go aboard naval vessels and	09:28:21
10	Q. That inspection involving assembly	09:25:18	10	actually go in some sea trials?	09:28:25
11	troubleshooting, what year was that approximately?	09:25:23	11	A. Yes, sir.	09:28:28
12	A. It was prior to 1968. So it had to be	09:25:26	12	Q. Okay. And one of those experiences would have	09:28:28
13	somewhere in '67, '68. Because in '68, we moved from	09:25:33	13	been aboard a destroyer up at Bath Iron Works?	09:28:33
14	the original Lyndhurst plant to the Parsippany plant.	09:25:39	14	A. Yes, sir.	09:28:39
15	THE COURT REPORTER: I'm sorry. What was the	09:25:39	15	Q. I have some information, so I'll try to get it	09:28:41
16	name?	09:25:39	16	correct.	09:28:45
17	THE WITNESS: P-a-r-s-i-p-p-a-n-y, I believe.	09:25:51	17	A. It was like January or February in the North	09:28:45
18	BY MR. GALIHER:	09:25:54	18	Atlantic. It wasn't a pleasant experience.	09:28:49
19	Q. How far apart were those two locations? How	09:25:54	19	Q. This was a brand-new DLG, was it?	09:28:53
20	far --	09:25:57	20	A. I believe so, sir.	09:28:56
21	A. They were about 30 miles. 25, 30 miles.	09:25:57	21	Q. And that's a new, fancy -- at least at that	09:28:57
22	Q. Was it a bigger facility?	09:26:01	22	point in time, it was a new, fancy destroyer?	09:29:00
23	A. Yes, sir. The original plant was built around	09:26:04	23	A. Yes, sir.	09:29:02
24	1905 in Lyndhurst. It's a town that overlooks Giants	09:26:07	24	Q. And you got to ride on the new, fancy destroyer	09:29:04
25	Stadium. And the plant was getting larger and larger.	09:26:14	25	out in the North Atlantic?	09:29:06
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1	And John Leslie who -- it was a family-owned company at	09:26:18	1	A. I got to lay on a bunk a lot.	09:29:08
2	that time -- built 180,000-square-foot facility, I	09:26:20	2	Q. But basically your job was -- the Navy wanted	09:29:11
3	believe it was, in Parsippany.	09:26:25	3	you over there to monitor and repair or any ship-board	09:29:14
4	Q. After your position as an inspection assembly	09:26:30	4	repairs of their --	09:29:18
5	troubleshooter, what was your next position?	09:26:44	5	A. If there was a problem during the sea trial, it	09:29:19
6	A. I applied somewhere around '69 -- at least '68,	09:26:47	6	was our job to do what we could to correct it.	09:29:22
7	there was an opening for a field service technician, a	09:26:53	7	Q. Okay. And you had occasion at that point in	09:29:24
8	service rep -- I forgot the exact title -- and I got	09:27:00	8	time to actually be around or actually work in the	09:29:29
9	that position.	09:27:07	9	machinery spaces aboard ships; is that correct?	09:29:33
10	Q. And what did that involve in 1968 as a field	09:27:12	10	A. I was down in machinery spaces for a while.	09:29:36
11	service technician?	09:27:15	11	Yes, sir.	09:29:39
12	A. I would go out to the field, both land-based	09:27:17	12	Q. And that would include the engine rooms and the	09:29:39
13	and on ships, to basically make sure the equipment was	09:27:22	13	fire rooms and the boiler rooms?	09:29:41
14	working, or -- actually, I would be called out if a	09:27:30	14	A. I don't remember each machinery space I was in,	09:29:43
15	piece of equipment was not working to go out there and	09:27:33	15	but I was down there.	09:29:45
16	do service work on it.	09:27:35	16	Q. Have you testified in the past that the	09:30:00
17	Q. And that would be anywhere that Leslie sold	09:27:37	17	machinery spaces include engine rooms, fire rooms, and	09:30:06
18	their equipment?	09:27:46	18	boiler rooms?	09:30:09
19	A. It would be anywhere that -- anywhere that the	09:27:46	19	A. I could have.	09:30:10
20	equipment was at that particular time. Yes, sir.	09:27:50	20	Q. Okay. Does that refresh your memory, or are	09:30:11
21	Q. What I mean by that is: Some of it might be	09:27:52	21	you familiar with those general descriptions?	09:30:14
22	aboard a ship, and --	09:27:57	22	A. I'm familiar with the general descriptions.	09:30:15
23	A. Oh, yes, sir.	09:27:57	23	But if you ask me where they were on the ship when we	09:30:18
24	Q. -- some might be land-based or at some	09:27:58	24	are talking, you know, 30 something years ago, I really	09:30:20
25	industrial site?	09:27:58	25	don't remember.	09:30:23
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1	Q. Okay.	09:30:23	1	Q. Okay. In fact, they were insulated back then	09:34:17
2	A. I wasn't very well that day.	09:30:24	2	because it was good piping practice, wasn't it?	09:34:21
3	Q. If you testified before that -- "When you say	09:30:27	3	MR. HUGO: Same objections.	09:34:25
4	machinery spaces, do you include the fire rooms and	09:30:40	4	THE WITNESS: Insulation is good piping	09:34:27
5	boiler rooms," and your answer was, "Yes, I do," would	09:30:44	5	practice. Yes, sir.	09:34:28
6	that refresh your recollection?	09:30:47	6	BY MR. GALIHER:	09:34:29
7	A. Yes, sir.	09:30:48	7	Q. And when we say "piping," we are talking about	09:34:29
8	Q. Okay. Is that generally the type of places	09:30:48	8	steam piping that we are discussing; is that correct?	09:34:34
9	that Leslie Controls equipment was located?	09:30:51	9	A. That's where I saw the insulation. Yes, sir.	09:34:36
10	A. Pretty much.	09:30:55	10	Q. And the steam piping means in excess of	09:34:37
11	Q. Okay. And those would be the parts of the ship	09:30:56	11	212 degrees Fahrenheit; is that correct?	09:34:42
12	-- if it was steam-powered, that would be insulated; is	09:31:08	12	A. If that's -- water turns to steam. Yes, sir.	09:34:45
13	that correct?	09:31:11	13	Q. And sometimes that can exceed 600 degrees	09:34:49
14	A. I have seen insulations down in those areas.	09:31:11	14	Fahrenheit; is that correct?	09:34:53
15	Yes, sir.	09:31:16	15	A. I believe so.	09:34:54
16	Q. Okay. And besides that destroyer you	09:31:16	16	Q. And your understanding behind insulating those	09:34:55
17	described, you've also been aboard aircraft carriers; is	09:31:29	17	pipes was, for one, to protect the workers working	09:34:59
18	that correct?	09:31:33	18	around those pipes; is that correct?	09:35:01
19	A. Yes, sir. It was -- I can relate to the time	09:31:33	19	A. I'd have to say yes.	09:35:03
20	because my wife was eight and a half months pregnant.	09:31:39	20	Q. And did Leslie Controls understand that there	09:35:07
21	So it would have been sometime -- late '69, early '70,	09:31:43	21	would be workers working around those steam piping	09:35:17
22	maybe 1970, I think. I went aboard the USS America	09:31:51	22	systems and the pressure regulators in the machinery	09:35:20
23	after she was refitted. I think it was Norfolk Naval	09:31:55	23	spaces aboard US naval vessels?	09:35:23
24	Shipyard or Newport News. I forget. Because they were	09:31:58	24	A. I would have to say yes.	09:35:26
25	close together, I forgot which one.	09:32:01	25	Q. And when you visited aboard a ship to look at	09:35:28
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1	Q. And the aircraft carrier the USS America had a	09:32:03	1	the pressure regulator on the USS America, insulation	09:35:44
2	Leslie pressure regulator on it, didn't it?	09:32:06	2	had been taken off the Leslie pressure regulator, had it	09:35:51
3	A. Yes, sir.	09:32:09	3	not?	09:35:55
4	Q. And at that point it was good practice to	09:32:10	4	A. That is correct, sir.	09:35:55
5	insulate the steam piping -- wasn't it? -- to protect	09:32:17	5	Q. Okay. And you'd assume they had to put it back	09:35:56
6	the workers?	09:32:20	6	on after the work was done?	09:35:59
7	MR. HUGO: Objection; vague ambiguous, "good."	09:32:21	7	A. Yes, sir.	09:36:00
8	Whose practice?	09:32:24	8	Q. Okay. After your position as a Leslie service	09:36:01
9	THE WITNESS: When I went aboard, I saw	09:32:26	9	technician, did you become manager of quality assurance	09:36:07
10	insulation on the piping that I was working around.	09:32:28	10	for Leslie?	09:36:12
11	Yes, sir.	09:32:36	11	A. Oh, no, sir.	09:36:13
12	BY MR. GALIHER:	09:32:38	12	Q. I'm sorry?	09:36:14
13	Q. Back when you went aboard that ship, you in	09:33:39	13	A. No, sir.	09:36:15
14	fact knew that the piping and valves did get insulated	09:33:43	14	Q. What happened? Trace for me your career then.	09:36:16
15	because you saw them aboard the ship, did you not?	09:33:48	15	A. Well, what happened is, as a service	09:36:18
16	A. Yes.	09:33:52	16	technician, I kind of implied before -- I have a	09:36:21
17	MR. HUGO: Objection; compound, vague and	09:33:53	17	tendency to get seasick aboard the vessels. So it	09:36:25
18	ambiguous. Go ahead.	09:33:57	18	wasn't a pleasant experience. And I asked my boss if I	09:36:28
19	BY MR. GALIHER:	09:33:57	19	could do land-based duty, and he said no, that wasn't	09:36:31
20	Q. And do you know why they were insulated?	09:34:00	20	going to happen.	09:36:35
21	MR. HUGO: Same objection.	09:34:02	21	And I really didn't know what I was going to	09:36:36
22	THE WITNESS: My personal -- I assume they were	09:34:09	22	do. And in fact at one point in time, I said, "Well,	09:36:38
23	insulated because kind of the heat and, you know, kind	09:34:11	23	I'm going to have to go find other employment." They	09:36:40
24	of the Navy wanted it that way.	09:34:14	24	said no because you did inspection. Instead they	09:36:42
25	BY MR. GALIHER:	09:34:16	25	offered me like an entry-level job in quality control.	09:36:45
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1	And I kind of worked up the ladder in quality control as	09:36:50	1	Somewhere in the '90s, maybe, late '90s, I was	09:41:59
2	a technician, as a specialist. Ultimately, I became a	09:36:54	2	promoted to quality assurance director. I was director	09:42:10
3	supervisor in the inspection department -- I mean, in	09:36:58	3	of quality assurance, which ultimately led to the	09:42:18
4	quality control.	09:37:00	4	position of group director of quality assurance.	09:42:26
5	I stayed there until around -- it was 1979,	09:37:04	5	Q. About when was that, the group director of	09:42:31
6	1978, maybe. And then I was made supervisor of	09:37:13	6	quality assurance?	09:42:34
7	in-process inspection. I got a new boss. And he wanted	09:37:17	7	A. What's now? 2009. So 2001, 2002, maybe. I	09:42:35
8	me to be in charge of the in-process inspectors out at	09:37:20	8	don't actually remember.	09:42:49
9	the machine shop. And I did that for a while.	09:37:24	9	Q. Okay. Here today you are testifying as a	09:42:49
10	And then prior to moving to Tampa, the quality	09:37:26	10	corporate representative of Leslie; is that correct?	09:42:56
11	manager who was there elected to retire or not come to	09:37:35	11	A. Yes, sir.	09:42:58
12	Florida -- I don't remember which -- and I was offered	09:37:40	12	Q. And you understand that your testimony will	09:42:59
13	the job as a quality control manager. I'm sorry. Let	09:37:42	13	bind Leslie to what you say was a corporate position; is	09:43:02
14	me back up. I missed the part there. Hold on a second.	09:37:47	14	that correct?	09:43:07
15	What did I say? I kind of -- I think I missed	09:37:47	15	A. Yes, sir.	09:43:07
16	one in there somehow.	09:37:59	16	Q. And your testimony here today is based both on	09:43:08
17	Q. I didn't take --	09:37:59	17	your personal knowledge and any investigations you may	09:43:12
18	MR. HUGO: You can ask the court reporter to	09:38:01	18	have done; is that correct?	09:43:16
19	read back your answer and explain it.	09:38:01	19	A. Yes, sir.	09:43:17
20	(Record read.)	09:38:01	20	Q. As I understand it, Leslie has microfilm of	09:43:19
21	THE WITNESS: Okay. I missed one in there.	09:39:44	21	approximately six decades of sales orders; is that	09:43:31
22	Somewhere around 1975, I was asked to be test	09:39:45	22	correct?	09:43:36
23	supervisor. I did that for about a year and a half. I	09:39:50	23	A. That's about right. Yes, sir.	09:43:36
24	kind of would like -- I forgot the title on that one.	09:39:58	24	Q. And that would be some 7.5 million documents on	09:43:41
25	Then I came back as a quality control supervisor.	09:40:05	25	file?	09:43:44
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1	BY MR. GALIHER:	09:40:09	1	A. Close to that, sir. Yes, sir.	09:43:45
2	Q. Approximately what year was that?	09:40:10	2	Q. Okay. With respect to the history of Leslie,	09:43:47
3	A. This is all like between 1975 and '79, and then	09:40:12	3	as I understand it, Leslie Controls has sold valves for	09:43:53
4	I was, as I said before, in-process inspection	09:40:22	4	steam equipment to the United States Navy for about 100	09:44:00
5	supervisor. And then right around 1980-ish, I got	09:40:25	5	years; is that correct?	09:44:03
6	offered a job as assistant manager of manufacturing,	09:40:30	6	A. Yes, sir.	09:44:04
7	which entailed the entire machine shop, the welding	09:40:36	7	Q. Okay. And I believe I read that in 1903,	09:44:05
8	department, the deburring department reported to me.	09:40:40	8	Leslie reducing valves were first applied to ships in	09:44:13
9	Q. Approximately how many employees would have	09:40:49	9	the United States Navy; is that correct?	09:44:17
10	been under you at that point in time?	09:40:53	10	A. I think you are referring -- I think it was	09:44:19
11	A. I think I had -- best recollection: I think I	09:40:54	11	1905. I think it was the USS Georgia built in Bath,	09:44:23
12	had six supervisors, two shifts, and probably about 150	09:41:01	12	Maine, a battleship. It might have been 1905.	09:44:28
13	people.	09:41:05	13	Somewhere around there.	09:44:34
14	Q. And from 1980, as assistant manager of	09:41:06	14	(Discussion off the record.)	09:45:40
15	manufacturing, how long did you keep that position, or	09:41:12	15	MR. GALIHER: I apologize there. I'm going to	09:46:30
16	what was your next position?	09:41:15	16	mark four exhibits to this deposition to start out with.	09:46:33
17	A. I kept that until around 1985, I believe.	09:41:16	17	First I'll mark as Exhibit 1 the original notice for	09:47:15
18	That's when I was offered the position of quality	09:41:24	18	taking of deposition 30(b)(6) for defendant Leslie	09:47:28
19	control manager, and I kind of wore two hats for a	09:41:29	19	Controls that was filed October 15th, 2009, in the First	09:47:34
20	while. There was a transition period there. I think	09:41:37	20	Circuit State Court of Hawaii.	09:47:41
21	officially it was somewhere around '86. I may be off a	09:41:39	21	Exhibit 2 will be the first amended notice for	09:47:48
22	little bit, but somewhere around there that I got rid of	09:41:44	22	this same deposition.	09:47:54
23	all the manufacturing responsibilities and just had	09:41:47	23	And Exhibit Number 3 will be the third amended	09:48:02
24	quality. And then I kept that -- let's see. That's	09:41:49	24	notice for taking this 30(b)(6) deposition. I think	09:48:05
25	'86, '87.	09:41:56	25	that's a complete record to get us up to date as to what	09:48:14
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1	deposition we are taking, and then I'll get back to my	09:48:16	1	control equipment aboard naval and merchant marine	09:51:22
2	questions.	09:48:19	2	vessels during the war and its war record for	09:51:26
3	I'll mark as Exhibit 4 a document entitled	09:48:20	3	reliability of its equipment under war --	09:51:28
4	"From Snow Plows to Automation," a previous exhibit	09:48:28	4	A. I'm sorry. I'm trying to follow --	09:51:30
5	Number 18 to a deposition of Mr. Wrobel taken on	09:48:34	5	Q. I'm sorry.	09:51:33
6	8-1-2006. It has Bates numbers KR 001250 through KR	09:48:39	6	A. -- where you are.	09:51:34
7	001256. These are the notices as well. I'm not going	09:48:52	7	Q. It's the very next paragraph after -- not the	09:51:36
8	to ask any questions on those. I'm just making it part	09:49:03	8	one that says "1903," but --	09:51:38
9	of the record.	09:49:07	9	A. Okay. I'm just trying to follow you.	09:51:40
10	(Plaintiffs' Exhibits 1, 2, 3, 4 marked.)	09:49:29	10	Q. No. That's okay. I want you to catch up and	09:51:43
11	BY MR. GALIHER:	09:49:29	11	see where I'm reading from.	09:51:44
12	Q. Mr. Wrobel, have you seen that Exhibit 4	09:49:29	12	Basically, it indicates that Leslie was	09:51:50
13	before?	09:49:31	13	established as a leading supplier for steam controls	09:51:53
14	A. Yes, sir, I believe I have.	09:49:32	14	aboard ships; is that correct?	09:51:57
15	Q. Okay. And I'm going to direct your attention	09:49:33	15	A. That's what it says, sir, yes.	09:51:58
16	to page 2, the fourth paragraph that starts in 1903.	09:49:37	16	Q. Again, was that your understanding?	09:52:00
17	Can you read that to yourself?	09:49:48	17	A. Yes, sir.	09:52:03
18	A. Yes, sir.	09:49:51	18	Q. On page 5 of that article under a paragraph	09:52:03
19	Q. Okay. It indicates that "In 1903, Leslie	09:49:51	19	entitled -- the page number is up at the top.	09:52:21
20	reducing valves were first applied to ships of the US	09:49:55	20	A. I'm with you.	09:52:25
21	Navy and were included in the design of the battleship	09:49:59	21	Q. -- "Conversion to Peacetime Business," do you	09:52:25
22	Georgia built in 1905."	09:50:03	22	see that?	09:52:29
23	Do you see that?	09:50:04	23	A. Yes, sir.	09:52:29
24	A. Yes, sir.	09:50:05	24	Q. In February of 1946, Inglis Leslie was elected	09:52:30
25	Q. Does that refresh your recollection as to 1903	09:50:05	25	chairman of the board.	09:52:36
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1	being the first year that Leslie reducing valves were	09:50:10	1	Who was Inglis --	09:52:39
2	first applied to ships of the US Navy?	09:50:13	2	A. S. Inglis Leslie, everybody called him Pop. He	09:52:41
3	A. Yes, sir, in this context. You see where I got	09:50:16	3	was the son of the founder.	09:52:45
4	the 1905 from. So --	09:50:18	4	Q. Okay. Did you ever meet him?	09:52:50
5	Q. I understand that.	09:50:20	5	A. Yes, sir.	09:52:53
6	Your recollection was they were included in the	09:50:22	6	Q. So he was the second generation that was still	09:52:53
7	design of that battleship Georgia -- is that correct --	09:50:25	7	there when you came on board?	09:52:57
8	A. Yes.	09:50:25	8	A. He'd just retired, and in fact he passed away	09:53:00
9	Q. -- that was built in 1905?	09:50:28	9	about a year or two after I started.	09:53:05
10	A. Yes, sir.	09:50:30	10	Q. Okay. Was he an engineer?	09:53:07
11	Q. And is that the one you happen to have a	09:50:30	11	A. Off the top of my head, I don't know if Pop was	09:53:10
12	picture of in your office?	09:50:33	12	or not.	09:53:16
13	A. It used to be. It's outside of the office.	09:50:34	13	Q. How about the founder Leslie? Was he an	09:53:17
14	It's actually the original article from the newspaper,	09:50:36	14	engineer?	09:53:19
15	and it's outside of my old office when I was in quality	09:50:39	15	A. I don't believe so. I've never seen anything	09:53:20
16	assurance.	09:50:42	16	to it.	09:53:23
17	Q. Okay. And then it follows up and says, "Since	09:50:42	17	Q. How about John S. Leslie?	09:53:24
18	that time, Leslie regulators and controllers have been	09:50:50	18	A. Yes. John was an engineer.	09:53:28
19	used by the Navy for all kinds of services"; is that	09:50:53	19	Q. Okay. And here it goes on to say that John S.	09:53:30
20	correct?	09:50:59	20	Leslie was a graduate mechanical -- a graduate	09:53:35
21	A. Yes, sir.	09:50:59	21	mechanical engineer from Cornell University; is that	09:53:39
22	Q. And is that your understanding?	09:51:00	22	correct?	09:53:42
23	A. Yes, sir.	09:51:02	23	A. That's my understanding. Yes, sir.	09:53:42
24	Q. And it goes on then in the next paragraph to	09:51:03	24	Q. Okay. And he was a member of the Mechanical	09:53:44
25	say that Leslie was an important supplier of automatic	09:51:18	25	Engineering Society?	09:53:49
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1	A. I've seen things that John was a member of	09:53:50	1	designing steam controls for pressures more deadly than	09:56:56
2	ASME.	09:53:55	2	a machine gun if improperly controlled; is that correct?	09:57:00
3	Q. Okay. And you've seen publications of theirs?	09:53:56	3	A. That's what it says here, sir.	09:57:04
4	A. Oh, yes. I've seen publications from ASME.	09:53:58	4	Q. Okay. With respect to Leslie's efforts to	09:57:05
5	Q. Okay. That actually wouldn't be a surprise to	09:54:04	5	market their products to the United States Navy, they	09:57:20
6	you since Leslie was involved in the engineering and	09:54:07	6	were very successful, were they not?	09:57:24
7	design of valves; is that correct?	09:54:14	7	A. Yes, sir, I believe so.	09:57:25
8	MR. HUGO: Objection. It's vague and	09:54:16	8	Q. In fact, the United States Navy was the number	09:57:30
9	ambiguous.	09:54:16	9	one customer of Leslie Controls, was it not?	09:57:32
10	THE WITNESS: It's a mechanical thing that	09:54:20	10	A. It was the largest single customer. Yes, sir.	09:57:35
11	makes sense.	09:54:22	11	Q. And with respect to Leslie Controls aboard	09:57:38
12	BY MR. GALIHER:	09:54:23	12	ships, if they were steam powered, they were virtually	09:57:46
13	Q. Okay. It indicates that John S. Leslie was the	09:54:24	13	on every steam-powered ship the United States Navy had;	09:57:48
14	vice president and general manager during World War II	09:54:40	14	is that correct?	09:57:52
15	and became president; is that correct?	09:54:43	15	A. I would be surprised if there was a steamship	09:57:52
16	A. Yes, sir.	09:54:45	16	that the Leslie equipment was not aboard.	09:57:56
17	Q. And is that your understanding?	09:54:45	17	Q. Okay. And on those steamships the United	09:57:59
18	A. Yes, sir.	09:54:47	18	States Navy operated, you'd expect them to have Leslie	09:58:01
19	Q. And following the war, Leslie had efforts that	09:54:48	19	controls on board?	09:58:04
20	were directed towards developing products and markets	09:54:58	20	A. If it was a steamship, as I said, I would be	09:58:05
21	for industrial applications, in addition to meeting the	09:55:00	21	surprised if they were not on it.	09:58:08
22	company's obligation of leadership and designing	09:55:04	22	Q. Okay. And Leslie customers included the United	09:58:10
23	controls for marine and naval vessels in the post-war	09:55:07	23	States naval shipyards, did they not?	09:58:15
24	era; is that correct?	09:55:11	24	A. Yes, sir.	09:58:18
25	A. Yes, sir.	09:55:12	25	Q. They sold equipment to Bath Iron Works?	09:58:18
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1	Q. Besides its Navy work, "A prime effort was made	09:55:13	1	A. Yes, sir.	09:58:25
2	to develop controls for the steam-generating power	09:55:18	2	Q. Portsmouth's Naval Shipyard?	09:58:25
3	plants that light the nation"; is that correct?	09:55:21	3	A. Yes, sir.	09:58:28
4	A. Yes, sir.	09:55:26	4	Q. San Diego?	09:58:29
5	Q. And Leslie was aware, was it not, in the '40s	09:55:26	5	A. I believe so, sir.	09:58:30
6	and '50s, that as the boiler pressures reached new	09:55:34	6	Q. Okay. Newport News?	09:58:33
7	heights, that the steam controls were being designed for	09:55:38	7	A. Yes, sir.	09:58:35
8	pressures that were very deadly?	09:55:49	8	Q. Brooklyn?	09:58:35
9	A. They knew it was high pressure. Does it say	09:56:02	9	A. Yes, sir.	09:58:37
10	deadly here? I don't see that word. Oh, yes. It says	09:56:06	10	Q. Okay. In fact, anywhere where steam-powered	09:58:38
11	that there.	09:56:08	11	naval vessels were being constructed, Leslie valves	09:58:43
12	Q. In fact, they knew that they were designing	09:56:09	12	would be sold; is that correct?	09:58:46
13	equipment that was to be around steam lines and steam	09:56:12	13	A. I believe so, yes.	09:58:48
14	systems that could be extremely dangerous if they	09:56:17	14	Q. And along with those Leslie valves to the	09:58:49
15	weren't properly controlled; is that correct?	09:56:20	15	United States Navy, they would also supply replacement	09:58:52
16	A. Yes, sir.	09:56:22	16	parts; is that correct?	09:58:56
17	Q. And Leslie said that they keep abreast of	09:56:24	17	A. Yes, sir.	09:58:56
18	changes in technology and prior work they've learned at	09:56:28	18	Q. And the replacement parts for Leslie steam	09:58:58
19	their own manufacturing facilities, as well as the	09:56:31	19	equipment would generally include things like asbestos	09:59:01
20	products that they made for others; is that correct?	09:56:34	20	packing and asbestos gaskets; is that correct?	09:59:05
21	A. To my knowledge, sir, yes.	09:56:36	21	A. It would contain -- some of the spare parts	09:59:07
22	Q. In fact, they said that the upper boiler	09:56:38	22	were gaskets and packing that contained asbestos. Yes,	09:59:12
23	pressures in the '40s and '50s were going to new heights	09:56:42	23	sir.	09:59:15
24	which had never before been controlled other than the	09:56:46	24	Q. Okay.	09:59:15
25	laboratory basis, and Leslie Company soon found itself	09:56:52	25	THE WITNESS: Can we take five?	09:59:19
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1	MR. GALIHER: Sure, absolutely. Let's go off	09:59:21	1	A. Yes, sir.	10:15:08
2	the record. It's 10:00 o'clock, 8:00 o'clock in Hawaii.	09:59:23	2	Q. And then on the bottom, it has an additional	10:15:09
3	10:00 o'clock here.	09:59:27	3	four built by the Bethlehem Steel Company at Terminal	10:15:11
4	THE VIDEOGRAPHER: We are going off the record.	09:59:28	4	Island, California. Do you see that?	10:15:16
5	The time on the screen is 9:59.	09:59:30	5	A. Yes, sir.	10:15:18
6	(Recess.)	10:12:00	6	Q. So just on the front of that one page, it	10:15:18
7	THE VIDEOGRAPHER: We are now back on the	10:12:05	7	itemized 24 destroyers that had Leslie equipment; is	10:15:23
8	record. The time on the screen is 10:12.	10:12:20	8	that correct?	10:15:28
9	BY MR. GALIHER:	10:12:23	9	A. If that totals up to it, yes.	10:15:28
10	Q. Mr. Wrobel, Leslie designed and manufactured	10:12:30	10	Q. And then going to the next page, there are four	10:15:31
11	valves that went aboard United States Navy destroyers,	10:12:36	11	destroyers and their hull numbers that are built at Gulf	10:15:36
12	did it not?	10:12:42	12	Shipbuilding, Mobile, Alabama. Do you see that?	10:15:41
13	A. Yes, sir.	10:12:43	13	A. Yes, sir.	10:15:45
14	Q. And there were various classes of destroyers.	10:12:43	14	Q. And followed by another 14 that were built by	10:15:45
15	They just didn't build one. Often they would build them	10:12:48	15	Seattle-Tacoma Shipbuilding Company in Seattle,	10:15:49
16	in groups, and frequently those were entire classes of	10:12:52	16	Washington. Do you see that?	10:15:53
17	ships?	10:12:55	17	A. Yes, sir.	10:15:54
18	A. Yes, sir.	10:12:56	18	Q. And then on the bottom, it has an additional 12	10:15:55
19	Q. And one of those classes of ships was referred	10:12:57	19	that were built by Consolidated Steel Company, Orange,	10:15:59
20	to as Fletcher class. Do you recall that?	10:13:01	20	Texas. Do you see that?	10:16:03
21	A. I believe that's World War II destroyers.	10:13:05	21	A. Yes, sir.	10:16:04
22	Q. I'm going to hand you what I've marked as	10:13:08	22	Q. That second page says 30. That's my addition	10:16:05
23	Exhibit 5 entitled "Instructions for the Operation and	10:13:11	23	of 14, 4, and 12. And the 24 from the previous page,	10:16:10
24	Maintenance of Leslie Pump Governors for DD-445 Class	10:13:14	24	that would be 54 destroyers itemized there; is that	10:16:18
25	United States Destroyers." It has "Leslie Company,	10:13:20	25	correct?	10:16:22
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1	Lyndhurst, New Jersey," at the bottom.	10:13:29	1	A. Yes, sir.	10:16:22
2	(Plaintiffs' Exhibit 5 marked.)	10:14:07	2	Q. Okay. What was the purpose of these	10:16:23
3	BY MR. GALIHER:	10:14:07	3	instructions?	10:16:29
4	Q. Do you recognize that document?	10:14:07	4	A. They gave the principal operation of how the	10:16:30
5	A. I've seen documents like this before. Yes,	10:14:08	5	pump pressure or the pump governor worked. It gave	10:16:41
6	sir.	10:14:11	6	installation instructions.	10:16:46
7	Q. Okay. And that would be typical of the type of	10:14:11	7	Q. M-hm.	10:16:49
8	document that Leslie would prepare for use with their	10:14:13	8	A. And then it went into the operation of how to	10:16:50
9	equipment aboard the US naval ships?	10:14:18	9	start up the pump governor, and it also went into	10:16:56
10	A. For this period of time, I've seen these --	10:14:21	10	cleaning and repairing.	10:16:59
11	Q. Okay.	10:14:25	11	Q. Okay. And was that typical of the type of	10:17:00
12	A. -- of this format.	10:14:26	12	instruction Leslie would give the US Navy sailors who	10:17:04
13	Q. Okay. And as you open that up, on the second	10:14:27	13	are working on this equipment, instructions on how to	10:17:14
14	page and the third page, it has listings of various hull	10:14:31	14	maintain and operate this equipment?	10:17:16
15	numbers and the various shipyards where those hull	10:14:39	15	A. This is the format that I've seen for World War	10:17:18
16	numbers of the Fletcher class destroyers were built; is	10:14:42	16	II.	10:17:22
17	that correct?	10:14:46	17	Q. Okay. Do you know whether the Leslie equipment	10:17:22
18	A. Yes, sir.	10:14:46	18	that was aboard the Fletcher class made its way to Pearl	10:17:51
19	Q. And on page 2, for instance, it has six	10:14:47	19	Harbor Naval Shipyard?	10:17:59
20	destroyers that were built by Bethlehem Steel, Staten	10:14:54	20	A. I personally don't know. I assume if these	10:18:03
21	Island, New York; is that correct?	10:14:59	21	destroyers came to Pearl Harbor, the equipment came with	10:18:06
22	A. Yes, sir.	10:15:00	22	it.	10:18:10
23	Q. And then below that, it has an additional 16	10:15:00	23	Q. Okay. Are you aware that the Fletcher class	10:18:10
24	that were built by Bethlehem Steel here in San	10:15:04	24	that was named for the DD-445, the Fletcher itself, was	10:18:16
25	Francisco; is that correct?	10:15:08	25	stationed at Pearl Harbor Naval Shipyard?	10:18:21
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1	A. I don't know that for a fact, sir.	10:18:24	1	contains asbestos," did they?	10:22:03
2	Q. Okay. But the fact that if these	10:18:25	2	A. No. Sir, I have a question.	10:22:04
3	steam-powered naval destroyers were overhauled or	10:18:30	3	Q. Sure.	10:22:05
4	repaired at Pearl Harbor Naval Shipyard, the fact that	10:18:37	4	A. Are we talking about asbestos in general, or	10:22:06
5	they would have Leslie equipment on them would not	10:18:41	5	are we talking about the gaskets and packing that were	10:22:09
6	surprise you; is that correct?	10:18:44	6	included in the equipment that contained asbestos?	10:22:15
7	A. It would not surprise me.	10:18:45	7	Q. I'll ask my question first. Any kind of	10:22:18
8	Q. By the way, when you were the assistant manager	10:18:46	8	asbestos.	10:22:20
9	of manufacture, I believe that was in 1980?	10:18:59	9	A. Not to my knowledge, sir.	10:22:21
10	A. I believe so, sir, yes.	10:19:03	10	Q. Okay. With respect to asbestos insulation, you	10:22:24
11	Q. And prior to that, you were -- in your other	10:19:04	11	know what I'm describing when I talk about that?	10:22:31
12	positions, you were supervisor of process inspection.	10:19:10	12	A. I'm assuming you are talking about the lagging,	10:22:33
13	You were test supervisor. You were a quality control	10:19:16	13	what's on the ships?	10:22:37
14	supervisor.	10:19:19	14	Q. For instance, 85 percent mag, when I refer to	10:22:38
15	In all of that period during the 1970s, you	10:19:20	15	that, you understand that, what that is?	10:22:44
16	worked around the new shop -- is that correct? -- or in	10:19:27	16	A. No, I really don't, what the term is.	10:22:45
17	the shops where this equipment was being manufactured?	10:19:30	17	Q. Do you understand that the asbestos thermal	10:22:47
18	A. Oh, yes, sir.	10:19:33	18	insulation, in fact, contained asbestos, the lagging?	10:22:50
19	Q. During that period of time, no one from Leslie	10:19:34	19	A. I do currently. In fact, I didn't. When I	10:22:54
20	told you that asbestos was dangerous; is that correct?	10:19:41	20	went aboard the America or aboard the other one, when I	10:22:59
21	A. I don't remember, sir. I don't remember that.	10:19:45	21	went aboard, no one told me it was asbestos. In fact,	10:23:03
22	Q. And likewise, Leslie didn't tell any of those	10:19:48	22	the only thing -- we had like a safety thing before you	10:23:08
23	180 people under you that worked on that floor that	10:19:57	23	go in. The only thing they told us is to watch where we	10:23:12
24	asbestos was dangerous?	10:20:00	24	walked, and the only thing they asked me to bring, the	10:23:15
25	A. Not to my knowledge, sir.	10:20:01	25	shipyard itself, was a hard hat.	10:23:18
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1	Q. Okay. And OSHA came out in 1972. Are you	10:20:03	1	Q. Okay. Likewise, the steam-powered whistles	10:23:21
2	aware of that?	10:20:06	2	that Leslie Controls sold had asbestos insulation on	10:23:27
3	A. Okay. I'll take your word for it.	10:20:07	3	them, did they not?	10:23:32
4	Q. Okay. Have you seen documents that indicate	10:20:10	4	MR. HUGO: Objection --	10:23:35
5	that?	10:20:12	5	THE WITNESS: Not on them.	10:23:36
6	A. Possibly, I might have. I don't remember the	10:20:12	6	MR. HUGO: -- vague and ambiguous as to	10:23:36
7	exact date.	10:20:18	7	"insulation" and "on them." Go ahead.	10:23:37
8	MR. GALIHER: Next I'll mark as Exhibit 6 a	10:20:23	8	BY MR. GALIHER:	10:23:38
9	Federal Register dated Wednesday, June 7, 1972.	10:20:29	9	Q. As a component part?	10:23:39
10	(Plaintiffs' Exhibit 6 marked.)	10:21:10	10	A. They had insulation internally that was covered	10:23:40
11	BY MR. GALIHER:	10:21:10	11	by a shroud that was riveted to the body.	10:23:47
12	Q. Does that refresh your memory as to when OSHA	10:21:11	12	Q. And that was asbestos insulation?	10:23:49
13	came into existence?	10:21:13	13	A. Up until somewhere in the 1960s, I believe.	10:23:51
14	A. I guess.	10:21:14	14	Q. And Leslie Controls sold that asbestos	10:23:55
15	Q. Okay. In any event, Leslie Controls didn't	10:21:16	15	insulation as a component replacement part for those	10:24:00
16	inform their employees about the hazards of asbestos	10:21:22	16	steam-powered whistles, did they not?	10:24:04
17	between 1972 and 1980, did they?	10:21:26	17	A. It could be ordered.	10:24:07
18	A. Not to my knowledge.	10:21:30	18	Q. Okay.	10:24:12
19	Q. Okay. Likewise, Leslie Controls never told	10:21:30	19	A. In all the years I was with Leslie, I never saw	10:24:12
20	their customers about the hazards of asbestos, did they?	10:21:38	20	any ordered, to my knowledge, which would make sense	10:24:15
21	A. Not to my knowledge.	10:21:41	21	because it wasn't a wearing part, and you really	10:24:18
22	Q. Okay. And during the entire time that Leslie	10:21:44	22	couldn't take off the shroud. It was kind of like the	10:24:23
23	Controls supplied and sold asbestos-containing steam	10:21:50	23	old iron your grandmother had. You know, inside it had	10:24:25
24	control products to the United States Navy, they never	10:21:57	24	insulation, but it was completely sealed. On the	10:24:29
25	affixed a warning label on there, "Caution: This	10:22:00	25	whistles, it was like that.	10:24:33
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1	Q. Did you ever advise customers that they should	10:24:35	1	governors and their instructions for the operation and	10:27:29
2	not use compressed air to blow out packing glands and	10:24:46	2	maintenance of those, Leslie instructed the mechanics to	10:27:31
3	flanges where gaskets where Leslie gasket and packing	10:24:54	3	blow out steam lines thoroughly before installing Leslie	10:27:37
4	were being removed and replaced?	10:25:00	4	pump governors, did it not?	10:27:41
5	A. In all the documents that I've seen, I've never	10:25:02	5	A. Yes, sir. It's a common practice before	10:27:42
6	seen it said that way. In some of the tech manuals,	10:25:07	6	installing any type of a valve into the line. Because	10:27:44
7	there has been some instructions on how to do things.	10:25:10	7	as you know, when they weld lines together, there might	10:27:48
8	But I've never seen, you know, somebody say, "Don't do	10:25:14	8	be a little slag or lagging in there. So you really	10:27:51
9	that."	10:25:17	9	want -- I mean slag, not lagging.	10:27:54
10	Q. Okay. Leslie never warned the mechanics,	10:25:17	10	Weld slag, foreign materials, somebody dropped	10:27:57
11	whether they were in the United States Navy or outside	10:25:24	11	something in the pipe, you'd really want that out before	10:28:01
12	facilities, not to use compressed air when cleaning out	10:25:26	12	it's sold. It wouldn't get into the internal groove	10:28:03
13	their products; is that correct?	10:25:30	13	valve.	10:28:05
14	A. I've never seen anything like that, sir.	10:25:31	14	Q. And during World War II, the steam lines were	10:28:06
15	Q. In fact, Leslie told the mechanics just the	10:25:34	15	insulated with asbestos lagging, were they not?	10:28:08
16	opposite. They told them to blow the things out, didn't	10:25:39	16	A. I know that today, sir.	10:28:11
17	they?	10:25:41	17	Q. Okay. And would you consider it good practice	10:28:12
18	MR. HUGO: Objection; vague and ambiguous as to	10:25:43	18	to blow out steam lines that contained asbestos	10:28:15
19	"the things."	10:25:45	19	insulation on the outside before installing Leslie pump	10:28:21
20	THE WITNESS: Are we talking about during this	10:25:46	20	governors?	10:28:25
21	assembly, or are we talking about --	10:25:48	21	A. I don't know if a Leslie pump governor was	10:28:26
22	BY MR. GALIHER:	10:25:50	22	installed before or after the insulation, but really it	10:28:30
23	Q. Maintenance and repair.	10:25:51	23	shouldn't make any difference because we are talking	10:28:33
24	A. I don't believe in that context. I think in	10:25:52	24	about the internal part of the pipe, which is not	10:28:36
25	some of the manuals, it says prior to installation, the	10:26:00	25	insulated, and you are just trying to clear any debris	10:28:39
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1	line should be blown out to preclude any foreign matter	10:26:04	1	that might be in there.	10:28:43
2	from getting inside the valve. I don't remember seeing	10:26:08	2	Q. So it's your testimony here today it doesn't	10:28:43
3	it saying blow the valve out as a valve.	10:26:11	3	matter or you don't think it's good or bad practice to	10:28:48
4	Q. Okay. The point being is, in order to remove	10:26:12	4	use compressed air to clean out steam lines before	10:28:51
5	or get access to the Leslie control equipment that was	10:26:22	5	installing Leslie pump governors?	10:28:55
6	in the steam lines, insulation would frequently have to	10:26:28	6	A. Sir, I wasn't talking about the compressed air.	10:28:58
7	be removed; is that correct?	10:26:31	7	I believe the manual says, you know -- in other words,	10:29:00
8	A. I'm sorry. Can you repeat that?	10:26:32	8	what they are saying basically is, before you put the	10:29:03
9	Q. Sure.	10:26:35	9	valve in, there is usually stop valves before the valve.	10:29:05
10	With respect to Leslie valves and their steam	10:26:37	10	Before you put the Leslie valve in, open, correct the	10:29:09
11	control equipment, insulation would frequently have to	10:26:43	11	valve, let steam run through the valve. So if there is	10:29:13
12	be removed, would it not, in order to get access to that	10:26:46	12	any debris inside the pipe itself, the inside of the	10:29:16
13	equipment?	10:26:51	13	pipe, let it blow out before you install the valve, so	10:29:18
14	A. Depending on the type of valve and the amount	10:26:51	14	any of those contaminants do not get in the valve.	10:29:21
15	of insulation that the Navy had put on it, it's possible	10:26:56	15	Q. And that air that you are suggesting that it be	10:29:24
16	that you had to take some insulation off, like the	10:27:00	16	blown out, that steam that's being blown out, that's	10:29:28
17	reducing valve that I worked on on the USS America.	10:27:03	17	blown out under high pressure into the area where the	10:29:31
18	Q. Okay. That was a pressure regulator?	10:27:07	18	workmen are working?	10:29:35
19	A. Pressure reducing valve/pressure regulator.	10:27:09	19	A. I've seen it done -- actually, there's really	10:29:36
20	Q. And that was insulated and that insulation had	10:27:12	20	nobody working around. When they are doing this, they	10:29:41
21	to be removed before it could be worked on or repaired;	10:27:14	21	are installing it. The fitters are putting the valves	10:29:44
22	is that correct?	10:27:18	22	in, and it's, you know, common practice to open the stop	10:29:47
23	A. Before they could work on that valve, the way	10:27:18	23	valve, let some steam come through. And it may not, you	10:29:52
24	it was insulated, they have to take it off. Yes, sir.	10:27:21	24	know -- I don't know what the pressure is. Okay? It's	10:29:57
25	Q. Okay. And with respect to Leslie pump	10:27:23	25	not when they are underway. This is like when the ship	10:29:59
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1	is being built or partially built or in for repair. You	10:30:03	1	Q. And the packing?	10:32:50
2	crack the line to blow out anything that may be inside	10:30:06	2	A. If the valve had packing in it, yes.	10:32:51
3	the pipe.	10:30:10	3	Q. Okay. And Leslie, in fact, in their operating	10:32:57
4	Q. Okay. And as you sit here today, do you think	10:30:10	4	manual or their instruction manual for the operation and	10:33:41
5	it's good practice to blow out high pressure in the	10:30:16	5	maintenance of the -- I'm trying to read it upside down	10:33:44
6	closed air spaces of where the workers are working on	10:30:23	6	-- the pump governor that I've marked as Exhibit 5 told	10:33:50
7	the Leslie equipment that's been insulated?	10:30:27	7	the mechanics to use Leslie equipment and gaskets -- is	10:33:54
8	MR. HUGO: Objection; vague, overbroad,	10:30:30	8	that correct? -- replacement parts?	10:34:01
9	presumes facts.	10:30:33	9	A. Yes, sir. It says, "When renewing diaphragms	10:34:03
10	THE WITNESS: I'm sorry, sir. It's a	10:30:37	10	and gaskets, be sure to use standard parts made by	10:34:09
11	recommended practice to blow out steam lines prior to	10:30:39	11	Leslie Controls, Leslie Company."	10:34:10
12	putting new equipment in. This is -- in all the years	10:30:45	12	Q. So it's clear, Leslie sold replacement parts to	10:34:17
13	I've been -- when I was aboard a ship, it's something	10:30:51	13	the Navy; is that correct?	10:34:33
14	that's done.	10:30:54	14	A. Yes, sir.	10:34:34
15	BY MR. GALIHER:	10:30:54	15	Q. And, in fact, even though Leslie said in their	10:34:35
16	Q. And that's what Leslie recommended be done	10:30:54	16	instruction manual to the mechanics to use Leslie	10:34:43
17	before installing their Leslie governors; is that	10:30:57	17	replacement parts, Leslie actually bought asbestos	10:34:49
18	correct?	10:30:57	18	gaskets and packing from other manufacturers and sold	10:34:53
19	A. Leslie wanted to ensure that foreign matter did	10:31:00	19	them as replacement parts; is that correct?	10:34:56
20	not get into the pump governor.	10:31:03	20	A. Yes, sir. We didn't manufacture gaskets or	10:34:58
21	Q. And this was the same practice during repair?	10:31:05	21	packing. They were bought from manufacturers or	10:35:01
22	MR. HUGO: Objection; vague, ambiguous, and	10:31:14	22	distributors.	10:35:04
23	overbroad.	10:31:15	23	Q. Okay. Leslie had its own line of packing, did	10:35:05
24	THE WITNESS: Repair of the valve itself, or --	10:31:18	24	they not?	10:35:11
25	BY MR. GALIHER:	10:31:21	25	A. Leslie had a packing that was purchased that	10:35:11
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1	Q. Repair of the Leslie pump governors.	10:31:21	1	was labeled Leslie Lubrisoft.	10:35:20
2	A. Okay. I have a question. You are talking	10:31:24	2	Q. Okay. And that contained asbestos?	10:35:23
3	about the pump cutter has been taken out, repaired, and	10:31:27	3	A. It contained rings that contained asbestos.	10:35:25
4	put back in again?	10:31:29	4	Yes, sir.	10:35:29
5	Q. Or it's in the process of being repaired. As I	10:31:30	5	Q. And Leslie itself was not on the qualified	10:35:29
6	understand it, it can be repaired after it's been	10:31:32	6	products list; is that correct?	10:35:38
7	installed and insulated?	10:31:36	7	A. That is correct, sir.	10:35:39
8	A. Depending how much insulation is on it.	10:31:38	8	Q. So Leslie was not even on the QPL?	10:35:39
9	Example: When I worked on that pump pressure regulator	10:31:42	9	A. Not for gaskets and packing. No, sir.	10:35:48
10	-- excuse me -- the pressure reducing valve, it was	10:31:46	10	Q. But Leslie sold asbestos gaskets; is that	10:35:48
11	already in the line. And I only had to disturb certain	10:31:49	11	correct?	10:35:52
12	components. You don't take that out and blow the line	10:31:53	12	A. We sold gaskets that contained asbestos if	10:35:52
13	out again. It's like a first-shot deal.	10:31:56	13	somebody ordered them, yes.	10:35:57
14	Q. Is this the one that you break the joint at the	10:31:59	14	Q. And then Leslie bought gaskets from the gasket	10:35:58
15	top cap gasket?	10:32:01	15	manufacturer, marked them up, and sold them to the Navy	10:36:02
16	A. That particular valve, yes --	10:32:03	16	when the Navy asked it to supply gaskets and spare	10:36:05
17	Q. Okay.	10:32:14	17	parts; is that correct?	10:36:10
18	A. -- when I worked on that valve.	10:32:17	18	A. Yes, sir.	10:36:11
19	Q. And in renewing the diaphragms and gaskets,	10:32:18	19	Q. And this is because Leslie wanted to sell spare	10:36:12
20	Leslie told the mechanics to be sure they used standard	10:32:32	20	parts; is that correct?	10:36:22
21	parts made by Leslie Company, did they not?	10:32:35	21	A. Yes, sir.	10:36:23
22	A. Yes, sir. That's what said in there.	10:32:38	22	Q. And the Navy could order two, three, or four	10:36:23
23	Q. And those would include asbestos gaskets?	10:32:40	23	from Leslie instead of ordering a whole batch from the	10:36:26
24	A. They would include the gaskets that contained	10:32:43	24	original manufacturer; is that correct?	10:36:30
25	asbestos that were original to the equipment.	10:32:46	25	A. Yes. If they needed a few, they could order	10:36:31
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1	them from us.	10:36:35	1	correct?	10:39:38
2	Q. Okay. And Leslie instruction manuals never	10:36:35	2	A. We hoped so.	10:39:38
3	mentioned that the Navy could get replacement gaskets	10:36:40	3	Q. And that was the same on the outside? Meaning	10:39:39
4	and packing from the original manufacturers?	10:36:43	4	on the commercial, pressure reducing valve instructions,	10:39:49
5	A. I've never seen that in the manual, sir, no.	10:36:45	5	that says, "Play it safe. Use only genuine Leslie	10:39:53
6	Q. But you agree that the Navy could get the same	10:36:48	6	replacement parts"?	10:39:58
7	gaskets from another manufacturer cheaper than Leslie?	10:36:51	7	A. I've seen that. Yes, sir.	10:39:59
8	A. Yes, sir, and I know they have.	10:36:55	8	Q. And the only reason that Leslie advised the	10:40:00
9	Q. And Leslie recommended to the Navy that the	10:37:00	9	Navy to buy Leslie replacement gaskets and packing was	10:40:14
10	Navy purchase replacement packing from Leslie?	10:37:07	10	so Leslie could make money on the sale?	10:40:18
11	A. Yes, sir.	10:37:10	11	A. That was the intent, yes.	10:40:20
12	Q. And valves were Leslie's specialty?	10:37:11	12	Q. Is it your understanding from approximately	10:40:21
13	A. Yes, sir.	10:37:20	13	1900 until 1979 or 1980, Leslie was a family business?	10:41:11
14	Q. And Leslie designed and manufactured valves	10:37:20	14	A. '79 is a good year, I think. Right around	10:41:18
15	primarily?	10:37:23	15	there.	10:41:25
16	A. Primarily, sir, yes.	10:37:24	16	Q. Okay. And then --	10:41:25
17	Q. And you've never seen a control valve that said	10:37:26	17	A. That's when John sold the business.	10:41:26
18	designed by the Navy?	10:37:29	18	Q. Sold the stock or the business, and someone	10:41:28
19	A. I've never seen one, sir, no.	10:37:31	19	else took over?	10:41:30
20	Q. And you are not aware of the Navy designing a	10:37:36	20	A. Well, he actually sold it to the executive	10:41:31
21	control valve, you are not aware of the Navy designing	10:37:43	21	operating board. They actually bought it.	10:41:33
22	pressure regulators, and you are not aware of the Navy	10:37:47	22	Q. Did it go public at that point in time?	10:41:37
23	designing temperature regulators. In fact, Leslie did	10:37:49	23	A. No, sir, it did not.	10:41:40
24	the design for all these types of equipment?	10:37:52	24	Q. Did it ever go public?	10:41:42
25	A. For the Leslie type of equipment, yes, sir.	10:37:56	25	A. '79 -- I think -- some of these dates kind of	10:41:43
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1	Q. And one of the reasons you find Leslie	10:37:58	1	get -- okay. I think it was 1989, 1989-ish that Watts	10:41:48
2	equipment on all Navy steam-powered ships is because	10:38:07	2	Industries bought Leslie, and then it went public.	10:41:55
3	Leslie had expertise in steam-powered valves? That is,	10:38:11	3	Q. Are you familiar with the American Society of	10:42:02
4	valves that control steam; is that right?	10:38:14	4	Mechanical Engineers?	10:42:43
5	A. Yes, sir.	10:38:17	5	A. I'm familiar with them. Yes, sir.	10:42:45
6	Q. And Leslie sent tech representatives to service	10:38:17	6	Q. What is that?	10:42:48
7	people and was giving classes to the Navy on how to	10:38:27	7	A. It's a society of engineers, and they publish	10:42:49
8	repair valves; is that correct?	10:38:33	8	documents, standards.	10:42:55
9	A. Yes, sir.	10:38:34	9	Q. Did they have publications that were sent out	10:43:00
10	Q. In the 1946 book entitled "Naval Machinery,"	10:38:34	10	to the members?	10:43:02
11	Leslie is listed as being credited for supplying	10:38:48	11	A. I know they had publications. I don't know if	10:43:03
12	technical information to them. Are you aware of that?	10:38:51	12	they were sent to the members or members requested them.	10:43:09
13	A. I believe I've seen that document. Yes, sir.	10:38:55	13	I was never a member. So I really don't know.	10:43:13
14	Q. Okay. And do you agree that they supplied	10:38:57	14	Q. Mr. John Leslie was a member, was he not?	10:43:15
15	technical information for that book?	10:39:02	15	A. I've seen documents that said John was a	10:43:19
16	A. Yes. There was credit given for it. There	10:39:04	16	member, yes.	10:43:23
17	were some drawings in there.	10:39:08	17	Q. Okay. And in your capacity as a representative	10:43:23
18	Q. And you agree that Leslie supplied technical	10:39:09	18	of Leslie Controls, as far as giving this testimony,	10:43:35
19	advice and information to the Navy for the Navy's	10:39:13	19	have you done any investigation as to where these	10:43:41
20	authoring of training manuals?	10:39:17	20	publications from the American Society of Mechanical	10:43:47
21	A. I've seen credit in those also, sir --	10:39:18	21	Engineers would be stored?	10:43:51
22	Q. Okay.	10:39:21	22	A. The only ASME documents that I know of -- okay?	10:43:53
23	A. -- along with other manufacturers actually.	10:39:27	23	-- that I have ever seen at Leslie were like standards,	10:44:01
24	Q. And it was Leslie's intention that all	10:39:29	24	ASME 16.5. They are different standards that ASME wrote	10:44:14
25	replacement parts be ordered from Leslie; is that	10:39:35	25	for flange configurations, for design criteria. I was	10:44:19
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1	familiar with the ASME specifications for nuclear power	10:44:25	1	foundry -- we had a foundry department -- was in the	10:47:39
2	plants, and also like the ASME Section 3, which covered	10:44:29	2	back. So in Lyndhurst, it would have been located in	10:47:42
3	making components for nuclear power plants. Because	10:44:35	3	the office.	10:47:46
4	when I was in quality assurance, we had to get our N	10:44:38	4	I didn't work in the office in Lyndhurst, but I	10:47:46
5	stamp and worked exclusively with those -- mainly dealt	10:44:42	5	had occasion to go up there and see who was there.	10:47:49
6	with the quality system and their requirements.	10:44:46	6	Q. Who worked in the office in Lyndhurst?	10:47:51
7	Q. Was there a technical library at Leslie	10:44:54	7	A. Sales, marketing, accounting. Let's see. Who	10:47:54
8	Controls?	10:45:03	8	else?	10:48:03
9	A. Not per se a technical library. There were	10:45:03	9	Q. Where was --	10:48:03
10	books in engineering in the cabinet.	10:45:10	10	A. Production control. Quality control was in the	10:48:04
11	Q. Where were those kept?	10:45:12	11	office.	10:48:06
12	A. There was a rack, and there were different	10:45:14	12	Q. Where would Mr. Leslie and his father work?	10:48:06
13	books in there like, as I am saying, ASME Section 3.	10:45:22	13	A. I believe their office was in that office.	10:48:10
14	There were ASTM books in there. There were some ASME	10:45:28	14	Being only there a year and a half, I never got to get	10:48:14
15	books in QA when I was QA manager that had to do with	10:45:31	15	into their office, sir.	10:48:18
16	the quality systems. There were ASTM books in quality.	10:45:34	16	Q. You didn't inspect their personal library?	10:48:18
17	Q. Where were these books located?	10:45:39	17	A. No, sir.	10:48:26
18	A. Some were located in the engineering	10:45:42	18	Q. Okay. With respect to Leslie, are you aware	10:48:27
19	department. Some were located in quality assurance.	10:45:47	19	that they advertised in a publication called Southern	10:48:44
20	Q. Was there an advertising or a marketing	10:46:01	20	Power and Industry magazine?	10:48:49
21	department?	10:46:03	21	A. Yes, sir.	10:48:53
22	A. We had a marketing department, yes, sir.	10:46:03	22	Q. What are you aware of as to what kind of ads	10:48:53
23	Q. Where was that located?	10:46:07	23	they ran in that?	10:48:56
24	A. It was -- in which plant?	10:46:08	24	A. I've seen ads for pressure reducing valves.	10:48:57
25	Q. Well, you tell me. I am interested in all of	10:46:15	25	For valves generally.	10:49:00
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1	them. You can start with the first plant.	10:46:18	1	Q. Okay. And would that have included during the	10:49:01
2	Was there a marketing department back then?	10:46:20	2	1940s?	10:49:03
3	A. As far as I know, there was.	10:46:22	3	A. I've probably seen articles from that period of	10:49:09
4	Q. Okay. Where was it located?	10:46:23	4	time. Yes, sir.	10:49:13
5	A. In the office. In the office in Lyndhurst.	10:46:25	5	Q. Okay.	10:49:14
6	Q. I apologize. The first plant was located	10:46:30	6	A. Or --	10:49:16
7	where?	10:46:33	7	MR. GALIHER: I'm going to mark as Exhibit 7 an	10:49:23
8	A. Lyndhurst, New Jersey.	10:46:33	8	ad in Southern Power and Industry for December 1945.	10:49:30
9	Q. And that was from 1903 to when?	10:46:36	9	It's a three-page document. Authentication is on the	10:49:40
10	A. No. I think it was built in 1905.	10:46:41	10	first page, the ad is on the second, and the	10:49:43
11	Q. 1905 to when?	10:46:43	11	advertisers' index is on the third page.	10:49:45
12	A. To 1968.	10:46:44	12	(Plaintiffs' Exhibit 7 marked.)	10:51:08
13	Q. It had one office?	10:46:45	13	MR. GALIHER: I'll mark as Exhibit Number 8 an	10:51:08
14	A. Well, it was typical older type plants that	10:46:51	14	article that comes from the January addition of Southern	10:51:12
15	you've been aware of in the northeast, and it had one	10:46:58	15	Power and Industry for 1946, and Number 9 will be	10:51:23
16	building that housed like production control, sales and	10:47:01	16	another article that appears in Southern Power and	10:51:28
17	marketing, all the office functions, excluding	10:47:07	17	Industry for November 1946, and see if you've seen these	10:51:36
18	engineering. Engineering, when we were in Lyndhurst,	10:47:12	18	before.	10:51:44
19	actually was on the second floor. Part of it was on the	10:47:15	19	(Plaintiffs' Exhibits 8, 9 marked.)	10:51:44
20	second floor. There were some drafters on the first	10:47:24	20	(Brief pause in proceedings.)	10:53:21
21	floor. It was kind of like -- because it was being	10:47:26	21	BY MR. GALIHER:	10:53:22
22	added to -- a typical old-type company -- it just wasn't	10:47:28	22	Q. Going back to Exhibit 7, do you have that	10:53:24
23	one building. A lot of small buildings.	10:47:32	23	there? That's the one with the ad?	10:53:26
24	The machine shop was separate by itself.	10:47:34	24	A. Yes, sir.	10:53:29
25	Welding was adjacent to it. Assembly was there. The	10:47:37	25	Q. Have you seen that ad before?	10:53:29
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1	A. I believe I have, sir.	10:53:31	1	is just as toxic as free silica."	10:57:05
2	Q. Okay. And so it would come as no surprise to	10:53:32	2	Do you see that?	10:57:08
3	you that Leslie Controls advertised in that publication?	10:53:38	3	MR. HUGO: Same objections.	10:57:10
4	A. No surprise, sir.	10:53:41	4	THE WITNESS: I see that written here. Yes,	10:57:11
5	Q. Okay. And are you aware that that very same	10:53:43	5	sir.	10:57:11
6	publication published articles that talked about the	10:53:49	6	BY MR. GALIHER:	10:57:14
7	hazards of asbestos and asbestos dust?	10:53:54	7	Q. Okay. And then down there in the next	10:57:14
8	A. In here?	10:54:03	8	paragraph following that paragraph, it starts with,	10:57:24
9	Q. Not in that exhibit. That same publication. I	10:54:04	9	"Asbestos dust, although specifically toxic, does not	10:57:26
10	have Exhibit 8 and 9 coming next. You may look at	10:54:08	10	result in a numerically great number of exposures due to	10:57:30
11	those.	10:54:11	11	the infrequent industrial applications. However, in the	10:57:35
12	A. But may I see which article you are referring	10:54:11	12	production of asbestos cloth and other products, a	10:57:38
13	to?	10:54:14	13	serious problem of dust control is presented."	10:57:41
14	Q. Sure.	10:54:14	14	Do you see that?	10:57:43
15	MR. HUGO: Let him ask you a question so that	10:54:17	15	MR. HUGO: Same objections.	10:57:44
16	you know what he is asking you about.	10:54:20	16	THE WITNESS: That's what's written here. Yes,	10:57:45
17	MR. GALIHER: I'm sorry. 8, I only have one.	10:54:22	17	sir.	10:57:48
18	I apologize.	10:54:25	18	BY MR. GALIHER:	10:57:48
19	(Brief pause in proceedings.)	10:55:27	19	Q. Okay. And this article appears in the same	10:57:49
20	BY MR. GALIHER:	10:55:29	20	publication that many Leslie Controls had run ads; is	10:57:53
21	Q. I'm going to hand you Exhibit 8. On page 74 of	10:55:29	21	that correct?	10:57:53
22	that publication, in the first column, there is a	10:55:35	22	MR. HUGO: Objection; misstates facts. The	10:58:04
23	heading that says "Silica and dust."	10:55:48	23	documents speak for themselves.	10:58:06
24	Do you see that?	10:55:51	24	BY MR. GALIHER:	10:58:08
25	A. Yes, sir. May I see the whole document, the	10:55:52	25	Q. Not the same exact month, but the same	10:58:08
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1	whole article?	10:55:55	1	publication. Can you see the name of the publication,	10:58:10
2	Q. I just have the -- you might have the whole	10:55:56	2	the title of it?	10:58:13
3	one. Do you want to take a look at it?	10:56:00	3	A. I can see the name of the publication.	10:58:14
4	A. No, it's not. I just have excerpts, a couple	10:56:01	4	Q. And what is that?	10:58:16
5	of pages. I don't even have the title of the article.	10:56:06	5	A. It's Southern Power and Industry, sir.	10:58:18
6	Q. I apologize.	10:56:10	6	Q. And that's the one -- Exhibit 7 indicated that	10:58:19
7	MR. HUGO: This document has what appears to be	10:56:11	7	Leslie advertised in it; is that correct?	10:58:24
8	a cover page from January 1946, and then the next page	10:56:13	8	A. Was it the same -- it's the same publication,	10:58:27
9	numerically is 74. There is 75, 76, and 158.	10:56:18	9	but it's not the same date.	10:58:33
10	MR. GALIHER: I think we just have the pages	10:56:25	10	(Discussion off the record.)	10:58:39
11	referenced that talk about asbestos in that publication	10:56:29	11	BY MR. GALIHER:	10:58:41
12	for January 1946. I apologize.	10:56:32	12	Q. Okay. And then --	10:58:42
13	THE WITNESS: Well, I'd like to see the whole	10:56:38	13	(Discussion off the record.)	10:58:44
14	document to see what the title was.	10:56:39	14	BY MR. GALIHER:	10:58:46
15	BY MR. GALIHER:	10:56:41	15	Q. If you go back to Exhibit 7 -- I'm sorry --	10:58:46
16	Q. Well, just bear with me for this question.	10:56:41	16	Exhibit 8 -- I apologize. It has -- I don't have copies	10:58:53
17	Does it indicate there under the heading	10:56:46	17	of it. That's why I'm stumbling around a little bit.	10:58:58
18	"Silica and Dust: Exposures to free silica are more	10:56:47	18	On Exhibit 8 -- do you have that in front of	10:59:00
19	important from the standpoint of population exposed and	10:56:50	19	you? -- on the last page of Exhibit 8 -- can you turn to	10:59:02
20	deserve more consideration than those to asbestos dust"?	10:56:54	20	that? -- does it have an advertisers index?	10:59:05
21	Do you see that?	10:56:58	21	A. Yes, sir, it does.	10:59:09
22	MR. HUGO: Objection. The document speaks for	10:56:58	22	Q. And under the L's, do you see Leslie Company?	10:59:10
23	itself. It's hearsay.	10:57:00	23	A. Yes, sir, I do.	10:59:20
24	BY MR. GALIHER:	10:57:01	24	Q. Okay. And that is in the same month,	10:59:20
25	Q. And it goes on to say, "However, asbestos dust	10:57:02	25	January 1946, is it not?	10:59:26
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1	A. Yes, it is, sir.	10:59:27	1	Q. Leslie did not discuss with you the maximum	11:03:28
2	Q. Okay.	10:59:31	2	working concentration for asbestos, did they, in the	11:03:32
3	MR. HUGO: Just for the record, after Leslie	10:59:37	3	1960s?	11:03:35
4	Company, there is an asterisk or a black dot, which	10:59:40	4	A. Not to my knowledge sir.	11:03:37
5	indicates that there is no Leslie ad present in the	10:59:44	5	Q. Okay. And Leslie did not indicate to you that	11:03:39
6	January 1946 publication.	10:59:52	6	the only way of determining both the nature of the dust	11:03:42
7	MR. GALIHER: Your point is noted.	11:00:01	7	and the actual concentration is by direct sampling and	11:03:45
8	Q. Can I have you take a look at Exhibit 9? And	11:00:10	8	similar procedures for counting the dust, did they?	11:03:49
9	this is another article from that same publication,	11:00:47	9	A. Not to my knowledge, sir.	11:03:52
10	Southern Power and Industry, for November 1946.	11:00:50	10	Q. And with respect to the Southern Power and	11:03:53
11	Do you see that on the first page?	11:00:55	11	Industry magazine, you agree that Leslie probably got	11:04:11
12	A. Yes, sir.	11:00:57	12	this magazine, don't you?	11:04:14
13	Q. And in the first paragraph, do you see where	11:00:59	13	A. I don't know if they did or not, sir.	11:04:16
14	asbestos is identified as one of these dusts the article	11:01:13	14	MR. HUGO: Just for the record, Exhibit 9 also	11:04:18
15	is concerned with?	11:01:19	15	has an advertisers index. And across from the words	11:04:20
16	A. Where, sir?	11:01:20	16	"Leslie Company," there is a black dot or an asterisk	11:04:24
17	Q. About two-thirds of the way down, it says,	11:01:22	17	which indicates that there is no Leslie Company ad in	11:04:27
18	"This is especially true of dust containing a high	11:01:26	18	the November 1946 edition of Southern Power and	11:04:31
19	percentage of free silica, asbestos, and other toxic	11:01:29	19	Industry.	11:04:36
20	materials." Do you see that?	11:01:35	20	BY MR. GALIHER:	11:05:01
21	A. Yes, sir. I've read this article.	11:01:36	21	Q. Would you agree with me that Leslie Controls	11:05:01
22	Q. Okay.	11:01:39	22	would have gotten copies of a magazine in which it was	11:05:04
23	A. And this article, you know, it doesn't talk	11:01:40	23	listed as an advertiser?	11:05:07
24	about gaskets and packing. It just talks about asbestos	11:01:46	24	A. Probably, yes.	11:05:09
25	dust in general and other dusts in the industry.	11:01:49	25	Q. Okay. As of January of 1946, Leslie Controls	11:05:11
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1	MR. GALIHER: Move to strike as nonresponsive.	11:01:55	1	would have gotten a copy of that document; is that	11:05:40
2	Q. You are familiar with this article?	11:02:02	2	correct?	11:05:43
3	A. I've read it before, sir.	11:02:03	3	MR. HUGO: Objection; lacks foundation, calls	11:05:43
4	Q. Okay. And with respect to asbestos, by 1946,	11:02:05	4	for speculation.	11:05:44
5	the article indicates that there have been	11:02:19	5	THE WITNESS: As I say, if Leslie advertised in	11:05:45
6	concentrations established, that workers should stay	11:02:29	6	the document, it would make sense that Leslie would get	11:05:50
7	below established concentrations; is that correct?	11:02:34	7	a copy of that document.	11:05:53
8	A. In this article?	11:02:36	8	BY MR. GALIHER:	11:05:54
9	Q. Yes.	11:02:37	9	Q. Have you given sworn testimony under oath with	11:05:55
10	A. Can you point that out to me? I don't remember	11:02:38	10	respect to the January -- as of January 1946, Leslie	11:05:58
11	where it was.	11:02:40	11	would have gotten a copy of that document?	11:06:05
12	Q. Sure. There's two, three references. We'll	11:02:40	12	A. I could have said that. Yes, sir.	11:06:07
13	start on page 64 of the article on the third full	11:02:47	13	Q. Okay. With respect to the American Society of	11:06:09
14	paragraph that starts with "Permissible concentrations."	11:02:50	14	Mechanical Engineering articles, would you agree that if	11:06:27
15	A. Yes, I see that, sir.	11:03:02	15	John Leslie had read them, then he had known about	11:06:33
16	Q. And it says, "For both Silica and asbestos,	11:03:03	16	asbestos hazards?	11:06:37
17	five million particles per cubic foot is considered the	11:03:06	17	MR. HUGO: Objection; lacks foundation, calls	11:06:40
18	maximum working concentration." Do you see that?	11:03:09	18	for speculation.	11:06:42
19	A. Yes, sir.	11:03:12	19	THE WITNESS: I believe if John would have read	11:06:43
20	Q. Leslie did not tell you anything about this	11:03:13	20	an article about asbestos in general being hazardous, he	11:06:47
21	standard, did they, when you went to work for them in	11:03:16	21	would have known about it. Yes, sir.	11:06:51
22	the 1960s?	11:03:19	22	BY MR. GALIHER:	11:06:52
23	A. No, sir. The article has nothing to do with	11:03:20	23	Q. Okay.	11:06:52
24	us.	11:03:26	24	(Discussion off the record.)	11:07:23
25	MR. GALIHER: Move to strike as nonresponsive.	11:03:26	25	BY MR. GALIHER:	11:07:33
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1	Q. Next I'll show you what we'll mark as Exhibit	11:07:33	1	Q. Yes. On the right-hand column in the middle.	11:24:25
2	10, "Transactions of the American Society of Mechanical	11:07:37	2	A. I found it.	11:24:27
3	Engineers, 1940."	11:07:39	3	Q. Okay. And can you identify Mr. John S. Leslie?	11:24:28
4	(Plaintiffs' Exhibit 10 marked.)	11:08:45	4	A. Yes, sir. That's what it says here.	11:24:33
5	BY MR. GALIHER:	11:08:45	5	Q. And it indicates he is the president of Leslie	11:24:35
6	Q. Can I direct your attention to the last page,	11:08:46	6	Company?	11:24:40
7	and can you find on there where John Leslie is	11:08:48	7	A. Yes, sir.	11:24:40
8	identified as a member of the American Society of	11:08:53	8	Q. And that's located in Lyndhurst, New Jersey?	11:24:40
9	Mechanical Engineers?	11:08:56	9	A. Yes, sir.	11:24:43
10	A. Yes, sir, I have.	11:08:57	10	Q. And, again, he indicates that he first became a	11:24:43
11	Q. And he is a member of the Lyndhurst	11:08:59	11	member in 1935; is that correct?	11:24:46
12	Metropolitan Section?	11:09:07	12	A. Again, it looks like maybe 1945.	11:24:47
13	A. That's what it says here. Yes, sir.	11:09:09	13	Q. Well, we can go up to the front where I think	11:24:50
14	Q. And Lyndhurst is, in fact, where the Leslie	11:09:11	14	it explains that. I think somehow it's stated it's	11:24:53
15	manufacturing plant was located; is that correct?	11:09:13	15	changed, but we're happy to do that. I'm just	11:24:58
16	A. Yes, sir.	11:09:15	16	interested in the first date, but we'll go to the second	11:24:59
17	Q. And it indicates there that he was a member	11:09:16	17	one, too, if you want to explore that.	11:25:02
18	since 1935; is that correct?	11:09:20	18	A. I'm just saying I don't know what that means.	11:25:06
19	A. That's what it looks like, sir, yes. I can	11:09:23	19	Q. Okay. It indicates that --	11:25:08
20	partly read it, but yes.	11:09:27	20	A. Was that a break in -- I don't know.	11:25:12
21	MR. GALIHER: And then next I will mark as	11:09:44	21	Q. It says on page Roman numeral VII, Roman	11:25:15
22	Exhibit 11 --	11:09:47	22	numeral VII, alphabetical list. Did you find that?	11:25:25
23	THE WITNESS: Is this a good time to take --	11:09:48	23	A. Yes, sir.	11:25:31
24	MR. GALIHER: Good time. I'll take that back.	11:09:50	24	Q. It says, "Each entry of the alphabetical list	11:25:31
25	We'll take our recess. We went a little longer. I	11:09:53	25	covers the member's grade and year of membership. The	11:25:35
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1	apologize.	11:09:57	1	dates and symbols in parentheses immediately following	11:25:39
2	THE WITNESS: It's okay.	11:09:57	2	the name of a member indicate the grade of his	11:25:42
3	MR. GALIHER: We'll break for ten minutes.	11:09:59	3	membership and the year or election or promotion to each	11:25:45
4	THE VIDEOGRAPHER: This marks the end of	11:10:01	4	grade." Do you see that?	11:25:48
5	videotape number one in the deposition of Matthew Wrobel	11:10:03	5	A. Yes, sir. I don't know if I understand what	11:25:49
6	on December 1st, 2009. We are now off the record. The	11:10:08	6	that means, but I see it.	11:25:53
7	time on the screen is 11:10.	11:10:12	7	Q. And it would appear that he had some sort of	11:25:55
8	(Recess.)	11:22:14	8	different grade of membership as of --	11:25:59
9	THE VIDEOGRAPHER: We are now on the record.	11:22:14	9	A. 1946.	11:26:01
10	The time on the screen is 11:23 a.m. This marks the	11:23:16	10	Q. '45, but the original membership would have	11:26:02
11	beginning of tape two in the deposition of Matthew	11:23:20	11	been in 1935.	11:26:05
12	Wrobel on December 1st, 2009.	11:23:23	12	A. Okay.	11:26:06
13	(Plaintiffs' Exhibit 11 marked.)	11:23:26	13	MR. HUGO: It lacks foundation, calls for	11:26:06
14	BY MR. GALIHER:	11:23:26	14	speculation.	11:26:08
15	Q. Next I'll hand you what I've marked as	11:23:27	15	BY MR. GALIHER:	11:26:09
16	Exhibit 11, an American Society of Mechanical Engineers	11:23:30	16	Q. Do you interpret that meaning he first joined	11:26:11
17	membership list dated December 1948. Do you see that?	11:23:38	17	in 1935?	11:26:14
18	A. Yes, sir.	11:23:42	18	MR. HUGO: Same objections.	11:26:15
19	Q. You can take whatever time you want to review	11:23:44	19	THE WITNESS: Yes.	11:26:16
20	that, and then I'm going to direct your attention to the	11:23:47	20	BY MR. GALIHER:	11:26:16
21	last page, 140, and have you see if you can identify	11:23:51	21	Q. Okay. Thank you.	11:26:17
22	John S. Leslie as an ASME member on that page.	11:24:02	22	Did you know a Mr. Boettiger, Russell? William	11:26:36
23	MR. HUGO: Do you want to direct him to the	11:24:21	23	Boettiger?	11:26:43
24	column?	11:24:24	24	A. Boettiger I think was the right pronunciation.	11:26:43
25	BY MR. GALIHER:	11:24:24	25	Q. I apologize.	11:26:46
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1	A. That's okay.	11:26:48	1	Q. Okay. That's fine. I will show these to you.	11:29:16
2	Q. He was a sales manager?	11:26:49	2	I have them highlighted, those names, and you can just	11:29:20
3	A. I don't believe I ever met the man, but I heard	11:26:50	3	review those real quick and make sure we were talking	11:29:23
4	the name.	11:26:53	4	about the same people. Then I'll staple those two to	11:29:26
5	Q. Okay. You knew he was affiliated with the	11:26:53	5	Exhibit -- I think it was 11.	11:29:31
6	Leslie Company somehow?	11:26:55	6	MR. O'CONNELL: Yes.	11:29:33
7	A. Yes, sir.	11:26:56	7	THE WITNESS: The pronunciation was Scelba.	11:29:41
8	MR. GALIHER: This goes to that exhibit?	11:27:00	8	BY MR. GALIHER:	11:29:44
9	MS. WAXMAN: Yeah.	11:27:02	9	Q. Scelba?	11:29:44
10	MR. GALIHER: I apologize. I --	11:27:03	10	A. (Witness nods head.)	11:29:46
11	MR. HUGO: You want him to go back to 11?	11:27:03	11	MR. GALIHER: I don't have a staple, but I have	11:30:07
12	MR. GALIHER: 11, and I'm going to have to add	11:27:07	12	the paper clip. I'll affix those to Exhibit 11, and I	11:30:09
13	some pages to 11 that weren't there. I have them here	11:27:10	13	would ask the court reporter if you would kindly staple	11:30:18
14	in my hand. And I will staple them on, but I'm going to	11:27:13	14	those for me together so they don't get mixed up.	11:30:21
15	hand them to you.	11:27:17	15	THE COURT REPORTER: Sure.	11:30:43
16	Q. Boettiger, Russell, appears on page 22. On	11:27:20	16	MR. GALIHER: Next I'll mark as Plaintiffs'	11:30:47
17	page 79, there is a Fuhro, F-u-h --	11:27:24	17	Exhibit 12 a mechanical engineering publication entitled	11:32:11
18	A. Fuhro.	11:27:32	18	"Mechanical Engineering," published by the American	11:32:24
19	Q. Fuhro?	11:27:33	19	Society of Mechanical Engineers dated May 1939.	11:32:27
20	A. Yeah.	11:27:33	20	(Plaintiffs' Exhibit 12 marked.)	11:32:36
21	Q. Alfred?	11:27:35	21	BY MR. GALIHER:	11:33:12
22	A. Yeah.	11:27:35	22	Q. You can take a look at that for however long	11:33:13
23	Q. He was the plant manager?	11:27:37	23	you want. I'm going to direct your attention to the	11:33:16
24	A. Okay.	11:27:38	24	last page. I think it's 405. On the far right-hand	11:33:18
25	Q. Did you know him or know of him?	11:27:39	25	column, see if you find a textbook reviewed entitled	11:33:26
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1	A. I heard -- I don't remember if I ever met the	11:27:47	1	"Silicosis and Asbestosis."	11:33:34
2	man or not, but I heard his name.	11:27:50	2	A. This appears to be a list of books or articles.	11:33:45
3	Q. Okay. And on page 227, there is a Sten	11:27:52	3	Q. Okay. That were reviewed in that publication,	11:33:47
4	Soderberg, S-o-d --	11:28:10	4	"Mechanical Engineering"?	11:33:51
5	A. Sten Soderberg.	11:28:10	5	MR. HUGO: Lack of foundation, calls for	11:34:01
6	Q. -- Soderberg, chief engineer of Leslie Company,	11:28:14	6	speculation, hearsay.	11:34:03
7	Lyndhurst.	11:28:16	7	THE WITNESS: It says, "Reviews of Books and --	11:34:11
8	Did you know him or know of him?	11:28:17	8	Notes and Books Received in the Engineering Society's	11:34:13
9	A. I knew of him. He was not there when I -- I	11:28:18	9	Library." So I have to assume these are books that the	11:34:17
10	don't believe he was there.	11:28:21	10	ASME has.	11:34:20
11	THE COURT REPORTER: What's the spelling?	11:28:21	11	BY MR. GALIHER:	11:34:21
12	THE WITNESS: Soderberg. Spell it	11:28:28	12	Q. Okay. And that they reviewed in their	11:34:21
13	phonetically.	11:28:28	13	publication; is that correct?	11:34:23
14	MR. HUGO: Gary, can you spell it?	11:28:29	14	A. It says, "Reviews of Books and Books Received."	11:34:23
15	MR. GALIHER: I'm sorry. S-o-d-e-r-b-e-r-g	11:28:34	15	So I'm assuming that the ones on this page have been	11:34:29
16	first name Sten, S-t-e-n.	11:28:39	16	reviewed unless I'm reading it wrong.	11:34:35
17	Q. And last, Anthony Scelba, S-c-e-l-b-a, did you	11:28:45	17	Q. No. That's fine.	11:34:37
18	know Mr. Scelba or know of a Mr. Scelba?	11:28:55	18	A. This has been reviewed -- well, let me look	11:34:38
19	A. I've heard the name. I've never met the	11:28:59	19	what it says for the one you are pointing out to me.	11:34:41
20	gentleman.	11:29:02	20	Well, it gives a description of the book itself. So --	11:34:45
21	Q. Would it be common for these gentlemen we just	11:29:02	21	Q. Just so we are clear, the exhibit that you have	11:34:50
22	discussed also to be members of the American Society of	11:29:07	22	in front of you, Exhibit 12, is entitled "Mechanical	11:35:02
23	Mechanical Engineers?	11:29:11	23	Engineering," and it says it's published by the American	11:35:08
24	A. I don't know if the word "common" is. They	11:29:13	24	Society of Mechanical Engineers; is that correct?	11:35:10
25	are.	11:29:16	25	A. Yes, sir, it does.	11:35:12
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1	Q. It says, "Contents for May," what year?	11:35:15	1	(Brief pause in proceedings.)	11:37:22
2	A. May 1939.	11:35:18	2	THE WITNESS: Okay. I've read it, sir.	11:37:24
3	Q. Okay. And on that title page, on the front	11:35:20	3	BY MR. GALIHER:	11:37:31
4	page where the index is, what does it indicate appears	11:35:26	4	Q. What is the title of the book?	11:37:32
5	on page 402?	11:35:30	5	A. "Silicosis and Asbestosis." I believe that's	11:37:33
6	A. It says, "Reviews of Books."	11:35:31	6	what it says.	11:37:36
7	Q. Okay. And if we go to 402, is that, in fact,	11:35:35	7	Q. And who is the author?	11:37:37
8	what the page is entitled, "Review of Books"?	11:35:41	8	A. It says, "By various authors."	11:37:40
9	MR. HUGO: It says, "Reviews." There is an	11:35:44	9	Q. And who edited it?	11:37:45
10	"s."	11:35:46	10	A. Well, is that Lanza?	11:37:48
11	THE WITNESS: I'm trying to understand because	11:35:49	11	Q. A.J. Lanza?	11:37:49
12	--	11:35:51	12	A. That's what it says.	11:37:51
13	MR. HUGO: He just want you to look -- for now,	11:35:51	13	Q. And who published it?	11:37:52
14	this question, he just wants you to look at the title on	11:35:54	14	A. Oxford University Press. Is that what it is?	11:37:53
15	that page.	11:35:57	15	London?	11:38:04
16	THE WITNESS: It says, "Reviews of Books."	11:35:57	16	Q. That would be both in London and New York?	11:38:04
17	BY MR. GALIHER:	11:35:59	17	A. That's what it says here. Yes, sir.	11:38:06
18	Q. It's plural, "Reviews"?	11:36:00	18	Q. And what year was this book entitled "Silicosis	11:38:08
19	A. "Books," correct.	11:36:01	19	and Asbestosis" published both in New York and London?	11:38:12
20	Q. And if you would go to page 405 of those	11:36:02	20	MR. HUGO: It presumes facts, calls for	11:38:16
21	Reviews of Books.	11:36:08	21	speculation, lacks foundation.	11:38:18
22	A. Yes, sir. This is where I have a little	11:36:11	22	THE WITNESS: The date here is either 1936 or	11:38:19
23	hang-up if you don't mind me explaining.	11:36:14	23	1938. It's hard to read on this copy. Yeah, one or the	11:38:22
24	Q. Sure.	11:36:16	24	other.	11:38:27
25	A. If you look at that page where it says,	11:36:17	25	BY MR. GALIHER:	11:38:27
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1	"Reviews of Books," it says -- let's just take the	11:36:19	1	Q. And are the diseases asbestosis and silicosis	11:38:28
2	internal combustion engine. That's an article that	11:36:21	2	described as industrial dust diseases?	11:38:36
3	reviewed the book. The following, just says, "Books	11:36:25	3	A. It says it's "A comprehensive presentation of	11:38:40
4	Received in the Library." It doesn't necessarily say	11:36:28	4	the medical and public health aspects of these	11:38:44
5	they were reviewed. That's all I'm saying.	11:36:31	5	industrial dust diseases is provided in this book to	11:38:47
6	Q. Good point.	11:36:32	6	which several physicians have contributed. The history	11:38:52
7	So this was a book that was available -- in	11:36:32	7	of the disease, their symptoms, and diagnosis, their" --	11:38:55
8	fact, was actually received -- by the Society of	11:36:34	8	is that "pathology"? I can't read it -- "and their	11:39:01
9	Mechanical Engineers for their library, and this	11:36:40	9	prevalence in various occupations are discussed, as well	11:39:04
10	publication was informing their readership that this	11:36:42	10	as methods of prevention and control. This section has	11:39:08
11	book was available and giving them more details on it;	11:36:46	11	a bibliography."	11:39:12
12	is that correct?	11:36:50	12	Q. I will just ask you to keep that page open on	11:39:14
13	MR. HUGO: Lack of foundation, calls for	11:36:50	13	that exhibit, and then I'm going to hand you this book,	11:39:17
14	speculation, and hearsay.	11:36:52	14	and see if that appears to be the book that is reviewed,	11:39:20
15	THE WITNESS: I read it the same way, that they	11:36:53	15	or that is identified as what has been received by the	11:39:24
16	received a book. It's in their library.	11:36:55	16	mechanical engineering library.	11:39:27
17	BY MR. GALIHER:	11:36:57	17	MR. HUGO: Lacks foundation, calls for	11:39:30
18	Q. Okay. What did they share with their readers	11:36:58	18	speculation, and hearsay.	11:39:31
19	on page 405 about a book entitled "Silicosis and	11:37:00	19	THE WITNESS: It appears to be the book, sir.	11:39:58
20	Asbestosis"?	11:37:05	20	BY MR. GALIHER:	11:40:01
21	MR. HUGO: You just want him to read it?	11:37:11	21	Q. Okay. And it indicates that it's edited by	11:40:01
22	BY MR. GALIHER:	11:37:11	22	A.J. Lanza, M.D.; is that correct?	11:40:10
23	Q. Yeah. You can read it to yourself, and then	11:37:15	23	A. That's what it says here, sir.	11:40:13
24	I'll ask you some questions.	11:37:17	24	Q. I'm going to hand counsel what I've marked as	11:40:17
25	A. Okay.	11:37:19	25	Exhibit 13, and that will have the excerpts that I'm	11:40:22
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1	going to refer you to in that book.	11:40:25	1	Leslie started selling its products to the United States	11:43:04
2	(Plaintiffs' Exhibit 13 marked.)	11:40:25	2	Navy; is that correct?	11:43:08
3	BY MR. GALIHER:	11:40:25	3	A. Yes, sir.	11:43:08
4	Q. On the second page of that exhibit, does it	11:40:34	4	Q. And then it says, "A second case was reported	11:43:09
5	indicate the year that it was published?	11:40:44	5	by Cooke in 1924 and again in 1927"; is that correct?	11:43:13
6	A. There's no page number, but the second page	11:40:52	6	A. Yes, sir. But this is talking about asbestos	11:43:17
7	that I've turned to says, "Copyright 1938." And then	11:40:55	7	in general, not gasket or packing.	11:43:21
8	the other one, it has a date of February 24th, 1938.	11:41:00	8	MR. GALIHER: I move to strike as	11:43:24
9	Q. Does it appears to indicate that it was, in	11:41:05	9	nonresponsive.	11:43:26
10	fact, 1938 and not 1936?	11:41:08	10	Q. In the United States -- when were the first	11:43:31
11	MR. HUGO: Objection; lacks foundation, calls	11:41:10	11	cases reported in the United States? And I'll direct	11:43:41
12	for speculation, and hearsay.	11:41:12	12	your attention to the third paragraph?	11:43:44
13	THE WITNESS: Well, this reads 1938. The other	11:41:13	13	MR. HUGO: Objection; hearsay, lacks	11:43:46
14	one looks like 1938 also. So --	11:41:14	14	foundation.	11:43:46
15	BY MR. GALIHER:	11:41:18	15	THE WITNESS: It says first reported in 1930.	11:43:50
16	Q. Okay.	11:41:19	16	BY MR. GALIHER:	11:43:54
17	A. Okay.	11:41:19	17	Q. Okay. Going ahead to page 244 in the text, and	11:43:54
18	Q. On page 23 of the text, see if I have that --	11:41:19	18	I have copies in Exhibit 13 of those pages. Can you	11:44:07
19	hopefully, I have that copied in Exhibit 13.	11:41:29	19	find that, where it says 244 and 245 up at the top?	11:44:12
20	A. I'm sorry. What page again, sir?	11:41:34	20	A. Yes, sir. I believe it's last page of this	11:44:17
21	Q. Page 23.	11:41:37	21	exhibit.	11:44:22
22	MR. HUGO: On the upper right-hand corner.	11:41:43	22	Q. Okay. And in 1938, can you tell us what is	11:44:23
23	THE WITNESS: I'm looking. They are Roman	11:41:45	23	listed as a complication and sequela of the disease	11:44:28
24	numerals.	11:41:46	24	under subparagraph (f)?	11:44:33
25	BY MR. GALIHER:	11:41:46	25	MR. HUGO: Objection; calls for hearsay, lacks	11:44:35
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1	Q. The page numbers would be in the upper	11:41:47	1	foundation.	11:44:45
2	right-hand corner, I think.	11:41:49	2	THE WITNESS: How do you pronounce that?	11:44:45
3	A. You are talking about Roman numeral 23?	11:42:03	3	BY MR. GALIHER:	11:44:47
4	MR. HUGO: No. I think he is talking about --	11:42:05	4	Q. Carcinoma?	11:44:48
5	MR. GALIHER: Hold on. Let me get back here.	11:42:08	5	A. Okay. "Has been found in six cases examined by	11:44:49
6	Do we have --	11:42:11	6	the writer at autopsy." I'm sorry. And your question,	11:44:51
7	THE WITNESS: Oh, okay.	11:42:11	7	again, was, sir?	11:45:00
8	MR. HUGO: Page 23, right here.	11:42:13	8	Q. What was Dr. Lanza reporting in 1938 as a	11:45:01
9	BY MR. GALIHER:	11:42:18	9	complication and sequela of the disease under	11:45:06
10	Q. Yes, I do?	11:42:19	10	subparagraph (f)?	11:45:10
11	A. Okay.	11:42:19	11	MR. HUGO: Well, I object. That calls for	11:45:14
12	Q. See where it says, "History," and then it has	11:42:20	12	hearsay, and the question is misleading because the next	11:45:16
13	--	11:42:24	13	sentence is "Until more statistics are available, it is	11:45:20
14	A. It's on 22 and then goes over to 23.	11:42:24	14	impossible to draw any very definite conclusions as to	11:45:23
15	Q. Okay. On page 23 of this 1938 text on the	11:42:28	15	the relationship of the two diseases, et cetera."	11:45:28
16	second full paragraph, when does Dr. Lanza indicate that	11:42:37	16	BY MR. GALIHER:	11:45:32
17	the first reported death resulting from asbestos dust	11:42:44	17	Q. My question again: What does Dr. Lanza	11:45:32
18	was reported?	11:42:48	18	indicate is a complication and sequela under	11:45:36
19	MR. HUGO: Objection; calls for hearsay, lacks	11:42:49	19	subparagraph (f)?	11:45:41
20	foundation.	11:42:51	20	MR. HUGO: Same objections.	11:45:41
21	THE WITNESS: I'll read from this. It says,	11:42:51	21	THE WITNESS: Why don't I just read this?	11:45:42
22	"The first report of death resulting from asbestos dust	11:42:54	22	MR. GALIHER: Okay.	11:45:52
23	inhalation was presented by Murray in 1900."	11:42:57	23	(Brief pause in proceedings.)	11:45:54
24	BY MR. GALIHER:	11:43:02	24	THE WITNESS: "Has been found in six cases	11:45:56
25	Q. Okay. So that was actually three years before	11:43:03	25	examined" --	11:45:57
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1	BY MR. GALIHER:	11:45:58	1	Q. And Leslie never tested regarding the hazards	11:48:58
2	Q. Back up.	11:45:58	2	of asbestos?	11:49:01
3	MR. HUGO: "Carcinoma."	11:46:02	3	A. Not to my knowledge, sir.	11:49:02
4	MR. GALIHER: Carcinoma.	11:46:03	4	Q. And after OSHA, 1972, you have no idea if	11:49:03
5	THE WITNESS: "Carcinoma has been found in six	11:46:04	5	Leslie knew asbestos killed people?	11:49:08
6	cases examined by the writer at autopsy. Until more	11:46:07	6	A. I don't know that, sir, no.	11:49:11
7	statistics are available, it is impossible to draw any	11:46:10	7	Q. And Leslie does not know when it first learned	11:49:13
8	definite conclusions as to the relation of the two	11:46:13	8	that asbestos was hazardous?	11:49:19
9	diseases. The point noted up to the present are (1)	11:46:17	9	A. I know when I first learned. I believe it was	11:49:21
10	five out of six cases of carcinoma have been of the	11:46:22	10	mid-'80s -- somewhere around there -- through oral	11:49:29
11	squamous" --	11:46:26	11	conversation.	11:49:29
12	MR. HUGO: Squamous.	11:46:27	12	Q. My question to you is: Leslie Corporation does	11:49:32
13	THE WITNESS: -- "squamous variety, the sixth	11:46:28	13	not know when it first learned that asbestos was	11:49:35
14	being an oat cell carcinoma." Yeah. Okay. "Four out	11:46:29	14	hazardous?	11:49:38
15	of the six have been associated with asbestos (sic)	11:46:37	15	A. Not to my knowledge, sir.	11:49:39
16	which was fairly and long-standing" --	11:46:38	16	Q. And you don't know if Leslie had knowledge of	11:49:40
17	MR. HUGO: "Asbestosis."	11:46:42	17	asbestos hazards when OSHA came out?	11:49:47
18	THE WITNESS: -- "asbestosis -- in four cases"	11:46:45	18	A. Not to my knowledge, sir.	11:49:50
19	--	11:46:47	19	Q. And you would agree that -- with the American	11:49:51
20	MR. HUGO: "Carcinoma."	11:46:47	20	Society of Mechanical Engineers articles, you would	11:49:55
21	THE WITNESS: "the carcinoma consisted of an	11:46:48	21	agree if John Leslie had read them, then he would know	11:50:01
22	isolated nodule only; the nodules were in the portions	11:46:51	22	about asbestos hazards?	11:50:04
23	of the lung most affected by the asbestosis. I.e. --	11:46:56	23	A. Asbestos hazards in general, yes, sir.	11:50:05
24	MR. HUGO: "Basal or peripheral."	11:47:05	24	Q. With respect to -- Leslie sold to the Navy	11:50:07
25	THE WITNESS: -- "basal or peripheral; only	11:47:07	25	self-contained pressure regulators?	11:50:18
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1	showed secondary growths, one in" --	11:47:07	1	A. Yes, sir.	11:50:21
2	MR. HUGO: "Pericardium."	11:47:12	2	Q. Self-contained pump pressure regulators?	11:50:22
3	THE WITNESS: Thank you.	11:47:13	3	A. Yes, sir.	11:50:26
4	MR. HUGO: "Thoracic wall."	11:47:13	4	Q. Self-contained control valves?	11:50:26
5	THE WITNESS: "Thoracic wall, liver, and kidney	11:47:17	5	A. Does it say self-contained because control	11:50:28
6	and other in thoracic vertebrae. I'm not a doctor. So	11:47:18	6	valves weren't self-contained? By that, I mean it	11:50:37
7	--	11:47:42	7	doesn't work by itself.	11:50:40
8	BY MR. GALIHER:	11:47:42	8	Q. It sold control valves --	11:50:42
9	Q. Okay. In any event, no one from Leslie told	11:47:42	9	A. It sold control valves --	11:50:45
10	you about any hazards associated with asbestos prior to	11:47:46	10	Q. -- containers?	11:50:45
11	the 1980s; is that correct?	11:47:53	11	A. -- yes, sir.	11:50:46
12	A. Not to my knowledge, sir.	11:47:55	12	Q. How about air-reducing valves?	11:50:47
13	Q. In your capacity as a witness for Leslie	11:47:56	13	A. Yes, sir.	11:50:49
14	Corporation, have you investigated and spoken to former	11:48:05	14	Q. And catapult valves?	11:50:50
15	employees about the hazards of asbestos?	11:48:10	15	A. Yes, sir. Through what date, sir?	11:50:58
16	A. I've researched all -- you know, thousands of	11:48:16	16	Q. I'm sorry?	11:51:00
17	documents. I really haven't talked to anybody. There	11:48:19	17	A. What date?	11:51:01
18	is nobody older than me or with more longevity since I	11:48:27	18	MR. HUGO: He is asking ever at this point.	11:51:01
19	started doing this.	11:48:35	19	BY MR. GALIHER:	11:51:03
20	Q. Did you make any effort to contact former	11:48:36	20	Q. What dates are you aware of that Leslie sold	11:51:03
21	employees?	11:48:38	21	catapult --	11:51:07
22	A. On that subject, no, sir.	11:48:39	22	A. Catapult valves?	11:51:07
23	Q. And you have no idea of the knowledge of Leslie	11:48:46	23	Q. -- valves to the United States Navy?	11:51:07
24	regarding asbestos hazards between 1920 and 1970?	11:48:50	24	A. It was somewhere, I believe, in the '50s when	11:51:09
25	A. No, sir, I do not.	11:48:57	25	it started, sir.	11:51:12
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1	Q. Okay. And Leslie sold heaters to the Navy?	11:51:13	1	BY MR. GALIHER:	11:55:30
2	A. Yes, sir. That didn't start until somewhere in	11:51:25	2	Q. Okay. I think I got the picture. Thank you.	11:55:31
3	the '60s, I believe.	11:51:30	3	And with respect to the naval equipment that	11:55:42
4	Q. Okay. And they sold steam whistles to the	11:51:31	4	we've been describing here, they were generally	11:55:46
5	Navy; is that correct?	11:51:35	5	commercial equivalents to the Navy pump regulators, were	11:55:51
6	A. Yes, sir.	11:51:36	6	they not?	11:55:55
7	Q. And Leslie made whistles from the 1930s to the	11:51:37	7	A. Similar valves to the -- okay. When I say	11:55:56
8	1980s?	11:51:50	8	commercial equivalent, I mean the operation is the same.	11:56:03
9	A. Yes, sir.	11:51:50	9	There are things that are definitely different, but they	11:56:06
10	Q. And on the Fletcher class destroyers we	11:51:51	10	are similar in operation.	11:56:09
11	discussed, Leslie sold pump pressure regulators,	11:52:05	11	Q. You call it a commercial equivalent, do you	11:56:10
12	reducing-valve temperature regulators, and control	11:52:11	12	not?	11:56:15
13	valves, as well as whistles?	11:52:16	13	A. This is not a bad term, but there's	11:56:15
14	A. I know definitely that they sold pump pressure	11:52:18	14	differences.	11:56:18
15	regulators. I wouldn't be surprised if the other ones	11:52:25	15	Q. The materials of the commercial pump governor	11:56:19
16	are there, too. I just don't have any shipment	11:52:28	16	are basically the same as the Navy product; is that	11:56:23
17	equipment records on those, sir.	11:52:32	17	correct?	11:56:26
18	Q. Have you given sworn testimony as to what	11:53:14	18	A. Basically the same if the class is the same.	11:56:26
19	equipment was aboard Fletcher class destroyers as being	11:53:16	19	However, there could be some large differences in --	11:56:36
20	"Pump pressure regulators. It's also called pump	11:53:20	20	there may be a cast steel, especially for the earlier	11:56:46
21	governor on occasion, depending on who is using the	11:53:24	21	ones, where -- so we have a commercial version. I'm	11:56:49
22	term, reducing valves, temperature regulators. There	11:53:26	22	trying to give you an example. I'm trying to help as	11:56:53
23	may be control valves, I believe, a whistle"?	11:53:30	23	much as possible.	11:56:53
24	A. Yes, sir. That's true.	11:53:34	24	An example would be -- let's say it's a	11:56:57
25	Q. Leslie also acquired other valve companies,	11:53:38	25	commercial pump governor, and the body is made out of	11:56:59
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1	like Kelly Mueller; is that correct?	11:53:43	1	like ASTM 816 carbon steel. There is an equivalent that	11:57:03
2	A. Yes, sir. But that was after we moved to	11:53:45	2	could be a mil spec, too, for the military, but the	11:57:11
3	Tampa.	11:53:48	3	materials are similar. One would be carbon steel. The	11:57:14
4	Q. Leslie sold its whistles pre-insulated for	11:53:56	4	other one would be carbon steel.	11:57:19
5	steam application; is that correct?	11:54:01	5	Q. Have you testified before with respect to	11:57:21
6	A. Some of them, yes, sir.	11:54:02	6	specific valves that the commercial version set forth	11:57:34
7	Q. And with respect to Leslie drawings for	11:54:07	7	were the same as those used -- as the Navy version --	11:57:44
8	equipment that happened to go aboard LSD ships, those	11:54:13	8	MR. HUGO: I object --	11:57:44
9	drawings were not unique to any ship?	11:54:21	9	BY MR. GALIHER:	11:57:44
10	A. What kind of ship, sir?	11:54:26	10	Q. -- your answer, "Basically, the materials are	11:57:50
11	Q. I think it was LSD if I wrote it right.	11:54:27	11	the same"?	11:57:52
12	A. I'd have to see the drawing.	11:54:32	12	MR. HUGO: Objection. Just a second. Thank	11:57:52
13	Q. August 17th, 2006, page 39. There were some	11:54:38	13	you. Wait a second. Objection; vague and ambiguous as	11:57:54
14	drawings that were referenced.	11:54:54	14	to "specific valves" and hearsay as to the prior	11:57:56
15	"These drawings that are referenced for the	11:54:56	15	testimony. Go ahead.	11:58:00
16	LSD-28 through 35 ships, are they unique to the LSD	11:55:00	16	THE WITNESS: I think that's just what I said	11:58:01
17	ships, or are they just common pump pressure regulator	11:55:05	17	there. Basically, but there may be some differences.	11:58:05
18	drawings?	11:55:08	18	Okay? Similar to. I think I used the word "similar";	11:58:07
19	"A. They are not unique to any ship."	11:55:10	19	is that right?	11:58:10
20	MR. HUGO: Objection as to -- vague and	11:55:12	20	BY MR. GALIHER:	11:58:10
21	ambiguous as to what drawings are being discussed.	11:55:14	21	Q. The answer here was, "Basically, the materials	11:58:10
22	THE WITNESS: I don't honestly remember what	11:55:18	22	are the same." Did you give that testimony under oath?	11:58:14
23	drawings we are talking about. Okay? But drawings for	11:55:21	23	A. Yes, sir.	11:58:19
24	a pump pressure regulator, depending on the class of	11:55:23	24	Q. About 30 percent of Leslie valves were for Navy	11:58:20
25	size, could be used interchangeably on ships.	11:55:27	25	use and 70 percent were non-Navy?	11:58:34
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1	MR. HUGO: Vague as to time.	11:58:37	1	asbestos, yes, sir --	12:01:44
2	THE WITNESS: I may be a little confused on the	11:58:45	2	Q. Okay.	12:01:44
3	-- on how you are asking it.	11:58:48	3	A. -- except for the Navy who mandated it.	12:01:46
4	MR. HUGO: Just ask about his question, not	11:58:56	4	Q. With respect to your use of asbestos gaskets,	12:01:51
5	about something you think was done in the past. So if	11:58:58	5	you would have continued to purchase asbestos gaskets	12:02:03
6	you don't understand his question now, tell him and he	11:59:01	6	and use them if you could still have gotten them in the	12:02:06
7	can rephrase it or repeat it.	11:59:03	7	1980s; is that correct?	12:02:09
8	BY MR. GALIHER:	11:59:04	8	A. To the best of my knowledge, yes, sir.	12:02:10
9	Q. Let's say from 1960 to 1990.	11:59:05	9	Q. And Leslie continued to use asbestos gaskets or	12:02:11
10	MR. HUGO: That's a pretty good objection then.	11:59:09	10	packing after they were told in 1984, that the amount of	12:03:20
11	BY MR. GALIHER:	11:59:12	11	triple A asbestos left in the world is limited.	12:03:28
12	Q. "What percentage of Leslie valves were for	11:59:16	12	Insurance companies will no longer insure producers of	12:03:32
13	marine use, and what percentage of the valves were sold	11:59:19	13	asbestos yarn at any cost. It is only a matter of time	12:03:35
14	for non-marine use?" "Let's go with Navy and non-Navy."	11:59:22	14	until asbestos will simply not be available; is that	12:03:40
15	"Okay. Navy and non-Navy. Do you have a percentage as	11:59:27	15	correct?	12:03:43
16	to what percentage was Navy and what percentage was	11:59:31	16	A. I believe I've seen that letter.	12:03:43
17	non-Navy?"	11:59:36	17	Q. Okay. And that letter is dated August 23,	12:03:46
18	A. 30, 70 is not a bad number.	11:59:43	18	1984. Leslie continued to sell and market	12:03:56
19	Q. So 30 percent went to the United States Navy,	11:59:44	19	asbestos-containing products after that date, did it	12:04:00
20	and the other 70 percent went to non-Navy uses; is that	11:59:48	20	not?	12:04:01
21	correct?	11:59:51	21	A. That was what? 1984?	12:04:02
22	A. M-hm. This not a bad number, sir.	11:59:51	22	Q. Correct?	12:04:05
23	Q. Have you given that testimony under oath	11:59:53	23	A. Yes, sir.	12:04:06
24	before?	11:59:56	24	Q. Leslie incorporated Johns Manville gaskets in	12:04:06
25	A. Yes, I have, sir.	11:59:56	25	their products?	12:04:23
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1	Q. With respect to the non-Navy uses versus the	11:59:57	1	A. I remember receiving gaskets from Johns	12:04:24
2	Navy uses, the valves were similar, but there were	12:00:13	2	Manville. Yes, sir.	12:04:27
3	discrete differences. For instance, cast iron not	12:00:18	3	Q. And Leslie incorporated compressed asbestos	12:04:28
4	allowed for Navy valves. Navy uses steel and bronze.	12:00:22	4	gasket material from Raybestos Manhattan that it	12:04:33
5	Would that be correct?	12:00:25	5	incorporated in its products?	12:04:37
6	A. Yes, sir.	12:00:26	6	A. I remember as a receiving inspector seeing	12:04:39
7	Q. Regardless of who the customer is, the process	12:00:27	7	gaskets from that manufacturer, sir.	12:04:42
8	is the same for each type of valve that Leslie makes; is	12:00:32	8	Q. And likewise, Leslie incorporated asbestos	12:04:44
9	that correct?	12:00:37	9	gasket material from Garlock -- is that correct? -- in	12:04:54
10	MR. HUGO: Objection; vague as to "process."	12:00:37	10	their product?	12:04:59
11	THE WITNESS: The basic manufacturing process	12:00:41	11	A. I remember seeing gaskets coming in from	12:04:59
12	is the same, sir. That's what I'm referring to.	12:00:43	12	Garlock also, sir.	12:05:03
13	BY MR. GALIHER:	12:00:45	13	Q. In 1986, Leslie was still selling Lubrisoft,	12:05:04
14	Q. "And after the Navy though, Power Generation is	12:00:46	14	which was an asbestos-containing material; is that	12:06:08
15	the number two customer"; is that correct?	12:00:49	15	correct?	12:06:12
16	A. I believe at the time that question was asked.	12:00:51	16	A. To the best of my knowledge, yes, sir.	12:06:12
17	It isn't today.	12:00:55	17	Q. As late as November 1988, Leslie was still	12:06:15
18	Q. "Leslie also sold valves for use in chemical	12:01:01	18	using asbestos in product lines for steam packings, for	12:06:33
19	plants, refineries, steel mills, paper mills, commercial	12:01:06	19	flat sheet compressed gaskets, and for spiral round	12:06:40
20	buildings for heating systems, and for non-Navy	12:01:11	20	gaskets; is that correct?	12:06:45
21	commercial marine applications"; is that correct?	12:01:14	21	A. I believe so. Yes, sir.	12:06:45
22	A. That is correct, sir.	12:01:16	22	Q. That was in November of 1988.	12:06:58
23	Q. I believe you've indicated that sometime in the	12:01:17	23	Do you know when Leslie Controls finally purged	12:07:00
24	late '80s, Leslie stopped using asbestos gaskets?	12:01:34	24	their entire system in order to comply with California	12:07:05
25	A. We stopped using gaskets that contained	12:01:41	25	law to identify asbestos in all their commercial	12:07:08
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1	products?	12:07:13	1	(Record read.)	12:11:39
2	MR. HUGO: Objection; presumes facts, calls for	12:07:13	2	MR. HUGO: Objection. It's vague, ambiguous,	12:11:39
3	speculation and legal conclusion, lack of foundation.	12:07:15	3	compound. If you understand the question, you can	12:11:41
4	Go ahead.	12:07:18	4	answer it. If you don't, tell him.	12:11:46
5	THE WITNESS: No, I do not, sir.	12:07:18	5	THE WITNESS: May I read it off the screen?	12:11:49
6	BY MR. GALIHER:	12:07:19	6	MR. HUGO: Have her read it. It might be kind	12:12:19
7	Q. All you know is as of November 8th, 1988,	12:07:22	7	of coded.	12:12:19
8	Leslie was still currently using asbestos in steam	12:07:28	8	(Record read.)	12:12:19
9	packings, flat sheet gaskets, and spiral round gaskets?	12:07:31	9	MR. HUGO: Same objection.	12:12:19
10	A. I know we were supplying them to the Navy, sir.	12:07:35	10	THE WITNESS: Are you asking me if we were	12:12:20
11	Q. With respect to Leslie's customers, on the	12:07:38	11	selling it in the mid- to late '80s?	12:12:22
12	Lubrisoft product, that essentially had an indefinite	12:07:56	12	BY MR. GALIHER:	12:12:24
13	shelf life, does it not?	12:08:02	13	Q. Yes.	12:12:24
14	A. I really don't know, sir.	12:08:04	14	A. We were still selling it to the Navy, to the	12:12:25
15	Q. Have you indicated or have you given sworn	12:08:09	15	best of my knowledge, sir.	12:12:27
16	testimony before to the question, "And, again, that	12:10:02	16	Q. Okay. And there has never been -- that product	12:12:28
17	packing had an indefinite shelf life. Would you agree	12:10:05	17	had also been sold to commercial customers; is that	12:12:33
18	with that statement?" Your answer was, "That's what it	12:10:09	18	correct?	12:12:35
19	says on there, yes"?	12:10:12	19	A. That is correct, sir.	12:12:35
20	MR. HUGO: Objection; vague and ambiguous as to	12:10:13	20	Q. And to this date, in 2009, there has never been	12:12:36
21	"that packing," calls for hearsay as to, "That's what it	12:10:15	21	any recall of that product?	12:12:41
22	says on there, yes." Go ahead. Answer that question if	12:10:19	22	A. Not to my knowledge, sir.	12:12:42
23	you understand it.	12:10:24	23	Q. And there is no recall even though it has an	12:12:44
24	THE WITNESS: That kind of refreshes my memory.	12:10:24	24	indefinite shelf life?	12:12:48
25	I think there was a document that was handed to me that	12:10:28	25	A. There is no recall. Not to my knowledge, sir.	12:12:50
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1	said that on it, and that's why I answered it that way,	12:10:31	1	Q. Okay. Has there ever been any effort by Leslie	12:12:52
2	sir.	12:10:35	2	to warn their users or consumers about the hazards of	12:12:58
3	BY MR. GALIHER:	12:10:35	3	asbestos products that were already in service?	12:13:03
4	Q. Okay. It was a Leslie document?	12:10:36	4	A. I've never seen anything like that, sir.	12:13:06
5	A. I believe it was. I'm --	12:10:38	5	Q. Okay. Leslie never warned about asbestos; is	12:13:08
6	Q. Okay. And it indicated --	12:10:40	6	that correct?	12:13:18
7	MR. HUGO: Hold on a second. Sorry.	12:10:42	7	A. You are talking about asbestos or asbestos --	12:13:18
8	Objection; lacks foundation, calls for speculation. Go	12:10:43	8	well, asbestos gaskets and --	12:13:23
9	ahead.	12:10:45	9	Q. Asbestos in any shape or form.	12:13:25
10	BY MR. GALIHER:	12:10:45	10	A. Not to my knowledge, sir.	12:13:27
11	Q. And the document indicated that the Lubrisoft,	12:10:46	11	Q. Leslie never recalled any asbestos-containing	12:13:28
12	that Leslie brand-name, had an indefinite shelf life?	12:10:50	12	product, did they?	12:13:34
13	MR. HUGO: Objection -- same objections. Go	12:10:54	13	A. Not to my knowledge, sir.	12:13:35
14	ahead.	12:10:55	14	Q. Leslie never recalled, never advised customers,	12:13:36
15	THE WITNESS: As I remember -- now, that's a	12:10:55	15	or never warned customers about products containing	12:13:43
16	lot of years ago. Okay?	12:10:58	16	asbestos?	12:13:48
17	BY MR. GALIHER:	12:10:58	17	MR. HUGO: Objection; asked and answered. At	12:13:49
18	Q. Sure.	12:10:59	18	this point harassing. Go ahead one more time.	12:13:51
19	A. I think it was some sort of Leslie document	12:10:59	19	THE WITNESS: Not to my knowledge, sir.	12:13:53
20	that might have said that on it. That's why I agreed.	12:11:02	20	BY MR. GALIHER:	12:13:55
21	Q. Okay. And as of today, 2009, Leslie was still	12:11:05	21	Q. Okay. And after Leslie was aware of asbestos	12:13:56
22	selling that asbestos-containing Lubrisoft containing	12:11:13	22	hazards -- at least you were aware by the late 1980s --	12:13:59
23	packing in the mid- to late '80s; is that correct?	12:11:16	23	no action was taken to advise customers; is that	12:14:06
24	MR. HUGO: Hold on a second, please.	12:11:20	24	correct?	12:14:09
25	Can you read that question back?	12:11:20	25	MR. HUGO: Objection; vague and ambiguous as to	12:14:09
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1	"asbestos hazards" compared to the customers of Leslie's	12:14:11	1	general medicine and industrial community, literature	12:17:20
2	products, argumentative, misstates facts. Go ahead.	12:14:14	2	and trade magazines and other sources that	12:17:24
3	THE WITNESS: I'd like to explain that we --	12:14:16	3	asbestos-containing material, such as gaskets and	12:17:26
4	BY MR. GALIHER:	12:14:19	4	packing was potentially hazardous or a carcinogen to	12:17:30
5	Q. Answer my question and then you can explain.	12:14:19	5	humans, wouldn't you want to have all that information	12:17:34
6	A. To your question, not to my knowledge, sir.	12:14:24	6	available before including that in your product?	12:17:38
7	Q. Thank you.	12:14:27	7	A. Yes, sir.	12:17:45
8	A. Now may I explain?	12:14:28	8	MR. GALIHER: Thank you. It's 12:15 or 16 or	12:17:46
9	Q. Sure. Go ahead. You wait for your lawyer.	12:14:29	9	17 by my watch. We'll take a break.	12:17:57
10	He'll have you explain. You can answer my question	12:14:32	10	THE VIDEOGRAPHER: We are going off the record.	12:17:59
11	that's part of this proceeding.	12:14:36	11	The time on the screen is 12:18.	12:18:00
12	At no time did Leslie put any kind of warnings	12:14:38	12	(Recess.)	12:36:29
13	on service bulletins, instructions to any customer	12:14:41	13	THE VIDEOGRAPHER: We are now back on the	12:36:29
14	regarding asbestos hazards; is that correct?	12:14:45	14	record. The time on the screen is 12:37.	12:37:33
15	A. I've never seen any, sir.	12:14:47	15	BY MR. GALIHER:	12:37:33
16	Q. Leslie never tested any of its products for	12:14:50	16	Q. You indicated that Leslie supplied insulated	12:37:46
17	asbestos fiber release during normal maintenance or	12:14:53	17	whistles for steam-powered vessels; is that correct?	12:37:54
18	repair; is that correct?	12:14:58	18	A. We supplied whistles that had internal	12:37:59
19	A. Not to my knowledge, sir.	12:14:59	19	insulation. Yes, sir.	12:38:03
20	Q. And you knew that asbestos gaskets had to be	12:15:00	20	Q. Okay. And that was asbestos-containing	12:38:04
21	replaced, as well as asbestos packing had to be	12:15:05	21	insulation, was it not?	12:38:06
22	replaced, in the normal course of maintenance or	12:15:10	22	A. Up to around the '60s, yes, sir.	12:38:08
23	repairs; is that correct?	12:15:12	23	Q. What happened in about the 1960s when you claim	12:38:10
24	A. Yes, sir.	12:15:17	24	they quit producing or supplying that	12:38:14
25	Q. Do you agree that it's important to know if a	12:15:18	25	asbestos-containing insulation with the whistles? What	12:38:17
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1	particular component sold can have a potentially	12:15:44	1	caused that to happen?	12:38:21
2	hazardous effect on the user?	12:15:47	2	A. I really don't know, sir.	12:38:22
3	A. I agree.	12:15:49	3	Q. Do you have any documents to support that	12:38:23
4	Q. You don't want to hurt anyone who works around	12:15:49	4	suggestion?	12:38:25
5	or with your product; is that correct?	12:15:57	5	MR. HUGO: Vague and ambiguous as to "that	12:38:26
6	A. That's correct.	12:15:59	6	suggestion." Go ahead.	12:38:29
7	Q. And it's important to test component parts if	12:15:59	7	THE WITNESS: I recall seeing a drawing for	12:38:31
8	you knew or should have known it's hazardous?	12:16:04	8	that particular component and a change block that said	12:38:34
9	A. If those parts were considered harmful, yes,	12:16:07	9	they went from asbestos-containing material to	12:38:40
10	sir.	12:16:13	10	fiberglass, I believe.	12:38:44
11	Q. And if known in an industrial community, in	12:16:13	11	BY MR. GALIHER:	12:38:45
12	trade magazines, et cetera, that asbestos materials,	12:16:18	12	Q. What was the reason for that?	12:38:46
13	such as gaskets and packing, was carcinogenic, you'd	12:16:21	13	A. I could not locate a reason for it, sir.	12:38:47
14	want all information available before including that in	12:16:25	14	Q. And when was it that you saw this document?	12:38:53
15	your product; is that correct?	12:16:30	15	A. Three years ago, maybe.	12:39:03
16	A. I don't understand the question, sir. Sorry.	12:16:32	16	Q. Was it in a deposition in this litigation?	12:39:05
17	MR. HUGO: Do you need a break at this point?	12:16:56	17	A. I don't believe so, sir.	12:39:09
18	THE WITNESS: It wouldn't be a bad point.	12:16:58	18	Q. Who showed you that document?	12:39:16
19	MR. GALIHER: Oh, wait. There is a question	12:17:03	19	A. I was asked about it by counsel.	12:39:17
20	pending.	12:17:04	20	Q. Did you search and find it, or did counsel	12:39:25
21	MR. HUGO: That's fine. Let him finish this	12:17:06	21	search and find it?	12:39:28
22	question, and then we'll take a break.	12:17:08	22	A. I was -- I found it.	12:39:29
23	THE WITNESS: Okay.	12:17:16	23	Q. Were there any documents that discussed the	12:39:32
24	BY MR. GALIHER:	12:17:16	24	reason for not using asbestos insulation and going to	12:39:36
25	Q. Question: If in fact it was known in the	12:17:18	25	fiberglass?	12:39:41
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1	A. No, sir. I even went so far as to look for the	12:39:42	1	A. Not that I can recall, sir.	12:43:03
2	change notice or any documents like that, and I couldn't	12:39:45	2	(Discussion off the record.)	12:43:27
3	find them.	12:39:51	3	MR. GALIHER: Next, I'll mark as Plaintiffs'	12:43:28
4	Q. Are you aware that -- you are not aware that --	12:39:52	4	Exhibit 14 excerpts from a "Technical Manual, Type I,	12:43:30
5	I withdraw the question.	12:39:59	5	for Air Priority Valve" by Leslie for the Department of	12:43:36
6	You are not aware of the Navy prohibiting	12:40:06	6	Navy, Naval Ships Systems Command.	12:43:42
7	Leslie from putting any materials in your manuals, are	12:40:09	7	THE WITNESS: I remember that now, sir.	12:44:03
8	you?	12:40:13	8	(Plaintiffs' Exhibit 14 marked.)	12:44:05
9	A. I'm sorry, sir?	12:40:13	9	BY MR. GALIHER:	12:44:05
10	MR. HUGO: I think you misspoke. You said put	12:40:14	10	Q. Leslie wrote in its technical manual here	12:44:10
11	materials in the manuals.	12:40:17	11	giving a warning to the mechanics or the sailors that	12:44:14
12	MR. GALIHER: I withdraw the question.	12:40:18	12	were cleaning certain Leslie equipment; is that correct?	12:44:17
13	Q. You are not aware of the Navy prohibiting	12:40:19	13	A. Yes, sir.	12:44:22
14	Leslie from including any information in its technical	12:40:24	14	Q. And what did it warn them for?	12:44:23
15	manuals?	12:40:29	15	A. It says, "Flammable and toxic solvents should	12:44:25
16	A. Including any materials? I haven't read the	12:40:29	16	be only used in a well-ventilated area. Avoid breathing	12:44:30
17	entire manual on how to make technical manuals.	12:40:46	17	solvent vapors." I remember that now.	12:44:36
18	Personally, I'm not aware of any. No, sir.	12:40:51	18	Q. Okay. And a warning was supposed to be given	12:44:36
19	Q. So we are clear, you are not aware of any	12:40:54	19	when someone can be personally injured or death could	12:44:39
20	prohibition that has ever been placed by the government	12:40:56	20	result; is that correct?	12:44:44
21	or the United States Navy on Leslie controls including	12:40:59	21	A. That's my understanding, sir.	12:44:44
22	certain material in manuals; is that correct?	12:41:03	22	Q. Okay. And no such warning was given for	12:44:46
23	A. Yes. I'm not aware of any, sir.	12:41:05	23	asbestos at any time ever by Leslie; is that correct?	12:44:49
24	Q. Okay. Nothing precluded Leslie from placing	12:41:10	24	A. Not to my knowledge.	12:44:52
25	cautions re asbestos?	12:41:17	25	Q. Who at Leslie decided to put that warning in	12:44:53
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1	MR. HUGO: Vague. Where? Are you talking	12:41:22	1	there and why?	12:45:06
2	about manuals still?	12:41:25	2	A. I have no idea. I don't know who wrote it,	12:45:07
3	BY MR. GALIHER:	12:41:29	3	sir.	12:45:12
4	Q. In technical manuals.	12:41:30	4	Q. And the intent by Leslie was that the Navy	12:45:12
5	A. Not that I'm aware of, sir.	12:41:32	5	would follow its maintenance manuals when it performed	12:45:30
6	Q. Okay. The Navy never precluded Leslie from	12:41:35	6	repairs; is that correct?	12:45:34
7	including caution or a warning label in their technical	12:41:45	7	A. That's my understanding, sir.	12:45:34
8	manuals; is that correct?	12:41:50	8	Q. And all statements in the manual were by	12:45:36
9	A. Not to my knowledge, sir.	12:41:51	9	Leslie?	12:45:38
10	Q. And you are not aware of the Navy ever	12:41:52	10	A. The manuals are drafted -- well, it depends on	12:45:42
11	prohibiting Leslie from placing warnings in tech	12:42:00	11	-- the manuals were drafted by Leslie and sent to the	12:45:45
12	manuals?	12:42:04	12	Navy for approval. They could have been edited, I	12:45:48
13	A. Not to my knowledge, sir.	12:42:04	13	believe.	12:45:53
14	Q. Are you aware of Leslie issuing any warning	12:42:05	14	Q. My question to you: Leslie Controls wrote the	12:45:53
15	regarding anything in these technical manuals?	12:42:34	15	manuals that it supplied to the Navy for the maintenance	12:46:19
16	A. I've seen caution notices in technical manuals,	12:42:38	16	of its products. Is that true?	12:46:21
17	yes, sir, for mechanical purposes and stuff like that.	12:42:42	17	A. Yes, sir.	12:46:23
18	Q. How about a warning for personal injury	12:42:44	18	Q. And all of the statements made in the manuals	12:46:23
19	purposes?	12:42:46	19	were made by Leslie; is that correct?	12:46:26
20	A. Well, if you mean -- there could be like --	12:42:47	20	A. Yes, sir. We wrote the manual.	12:46:29
21	example: If you are taking a valve apart, a warning to	12:42:52	21	Q. And Leslie knew the manual would be used by the	12:46:31
22	take the tension off the spring before you take it	12:42:56	22	Navy for the maintenance of the equipment Leslie sold to	12:46:45
23	apart. That type of thing.	12:42:58	23	the Navy; is that correct?	12:46:48
24	Q. How about a warning for breathing hazardous	12:42:58	24	A. That's my understanding. Yes, sir.	12:46:49
25	fumes?	12:43:02	25	Q. And Leslie intended the Navy to follow the	12:46:51
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1	manuals?	12:46:54	1	maintainers of the steam equipment, actually how much	12:52:46
2	A. That's my understanding, sir.	12:46:54	2	insulation should be installed, did they not?	12:52:51
3	Q. And you know of no one who said the Navy barred	12:46:55	3	A. Not to my knowledge, sir, as far as how much.	12:52:55
4	warnings?	12:46:59	4	Q. Okay. I direct your attention to page 000784	12:52:58
5	A. Not to my knowledge, sir.	12:47:00	5	entitled "Leslie" -- letterhead -- the trademark at the	12:53:08
6	Q. In fact, we just saw a warning that Leslie	12:47:01	6	top saying, "Engineering Data, Steam Flow and Pipes."	12:53:15
7	issued; is that correct?	12:47:05	7	Do you see that?	12:53:19
8	A. Yes, sir.	12:47:06	8	A. Yes, I do.	12:53:20
9	MR. HUGO: Go ahead.	12:47:06	9	Q. And with respect to condensation pounds per	12:53:24
10	BY MR. GALIHER:	12:47:10	10	hour per 100 feet of pipe, what does it indicate how	12:53:33
11	Q. Leslie manuals recommended piping from valves	12:47:43	11	much insulation should be used?	12:53:36
12	be insulated to prevent condensation, did they not?	12:47:49	12	A. It states here, "2-inch-thick 85 percent	12:53:38
13	A. For reducing valves, I believe it is, sir, yes.	12:47:53	13	magnesia insulation."	12:53:43
14	Q. But Leslie manuals recommended that?	12:47:56	14	Q. Okay. Didn't Leslie supply that same	12:53:45
15	A. That statement is on -- I've seen it on the	12:47:58	15	engineering and reference tables in many of their	12:54:07
16	reducing valve manuals. Yes, sir.	12:48:00	16	product bulletins?	12:54:11
17	Q. How about pump pressure regulators?	12:48:02	17	A. I don't know, sir. This is the first time I've	12:54:14
18	A. I don't believe so.	12:48:06	18	ever seen it.	12:54:16
19	MR. GALIHER: Next, I'm going to mark	12:48:40	19	MR. GALIHER: Okay. We'll mark as Plaintiffs'	12:54:21
20	Plaintiffs' Exhibit 16 --	12:48:42	20	Exhibit 16 an excerpt, and I'm going to direct your	12:54:25
21	MS. WAXMAN: 15.	12:48:47	21	attention to the reference tables again that indicate	12:54:33
22	MR. GALIHER: I'm going to mark it as 15, not	12:48:47	22	how much 85 percent magnesia insulation should be used	12:54:40
23	16, a document by Leslie entitled "Engineering Operating	12:48:50	23	for condensation.	12:54:48
24	Maintenance Data."	12:49:08	24	(Plaintiffs' Exhibit 16 marked.)	12:55:01
25	(Plaintiffs' Exhibit 15 marked.)	12:49:31	25	MR. HUGO: Do you have a date for this?	12:55:01
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1	BY MR. GALIHER:	12:49:31	1	MR. GALIHER: I don't. That's all I have.	12:55:02
2	Q. There is a Bates number down on the lower	12:49:45	2	Q. Do you see that again where Leslie's supplying	12:55:24
3	right-hand side of the manual. It's superimposed on	12:49:50	3	engineering data and reference tables for their users,	12:55:27
4	something on here, but the three last digits are 683,	12:49:55	4	consumers, and maintainers of how much asbestos	12:55:30
5	000683. Up at the top, it says, "Instructions for Pump	12:49:58	5	insulation should be used in conjunction with prevention	12:55:34
6	Pressure Regulators." It starts on manual for IBIW	12:50:04	6	of condensation on lines?	12:55:38
7	000682 and goes to 000683. I'm going to direct your	12:50:18	7	MR. HUGO: Objection; misstates the document,	12:55:40
8	attention to paragraph number 7 that's on 000683.	12:50:32	8	calls for hearsay, argumentative.	12:55:42
9	A. Okay.	12:50:42	9	THE WITNESS: It says, "Condensation per	12:55:48
10	Q. Do these Leslie instructions for pump pressure	12:50:52	10	100 feet of covered pipe, inch, pound per hour figured	12:55:50
11	regulators indicate that they should insulate all steam	12:50:56	11	for 2-inch thickness of 85 percent magnesia insulation."	12:55:56
12	lines to minimize condensation losses?	12:51:04	12	BY MR. GALIHER:	12:56:01
13	A. Yes, sir, it does. I never saw it before.	12:51:07	13	Q. What does that indicate to you?	12:56:02
14	Q. And directing your attention to Bates number	12:51:19	14	A. It's a recommendation for the insulation to be	12:56:03
15	000761, "Instructions for Air and Steam Whistles" --	12:51:28	15	used.	12:56:25
16	A. I'm at 000761, sir.	12:52:03	16	Q. Okay. And who is giving that recommendation?	12:56:27
17	Q. Where it says, "steam whistles" --	12:52:04	17	A. Well, this appears to be a Leslie document,	12:56:30
18	A. Yes, sir.	12:52:07	18	sir.	12:56:33
19	Q. -- does it advise users for the installation	12:52:08	19	Q. And who are they giving it to?	12:56:34
20	and operation and maintenance on whether piping should	12:52:13	20	A. The document doesn't state who it's going to.	12:56:36
21	be insulated, paragraph 1, under steam whistles?	12:52:18	21	It's a Leslie document.	12:56:50
22	A. It says, "All piping must be well insulated and	12:52:28	22	Q. Okay. And what is 85 percent magnesia	12:56:52
23	where exposed to outside conditions, doubly insulated."	12:52:30	23	insulation?	12:56:58
24	Q. Okay. And Leslie engineering supplied	12:52:33	24	A. I have no idea, sir.	12:56:58
25	engineering data for the users, the installers, and the	12:52:41	25	Q. You have no idea?	12:56:59
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1	A. No, sir. I don't know.	12:57:00	1	Q. With respect to -- this appears to be a Leslie	13:01:10
2	Q. You've worked for Leslie since the '60s, and	12:57:02	2	Navy instruction manual for Operating Engineers.	13:01:12
3	you do not know what 85 magnesia is?	12:57:07	3	Do you see that?	13:01:16
4	A. No, sir.	12:57:11	4	A. Yes, sir, I do.	13:01:17
5	Q. And they recommended that the steam lines	12:57:11	5	Q. And with respect to the principles of operation	13:01:18
6	around their products be insulated with it, and you do	12:57:14	6	and maintenance of the Leslie devices, they are the same	13:01:21
7	not know what it is?	12:57:17	7	whether the design is for the Navy or commercial; is	13:01:30
8	MR. HUGO: Objection. It's argumentative,	12:57:18	8	that correct?	13:01:36
9	asked and answered.	12:57:19	9	A. That's what it says here. "Of similar design,	13:01:36
10	THE WITNESS: No, sir. I don't know.	12:57:20	10	whether Navy or commercial."	13:01:39
11	BY MR. GALIHER:	12:57:21	11	Q. It says, "The principles of operation and	13:01:41
12	Q. If it was common knowledge that 85 percent	12:57:21	12	maintenance apply to all Leslie devices of similar	13:01:43
13	magnesia was asbestos-containing thermal insulation that	12:57:25	13	design, whether Navy or commercial"; is that correct?	13:01:47
14	had 15 percent asbestos and 85 percent magnesia, that	12:57:30	14	A. Yes, sir.	13:01:50
15	would be brand-new news to you today?	12:57:35	15	Q. And with respect to the principles of operation	13:01:50
16	MR. HUGO: Objection; argumentative.	12:57:37	16	and maintenance, Leslie is recommending that the users	13:01:57
17	THE WITNESS: It's the first time I ever saw	12:57:38	17	insulate all pipes and before and after reducing the	13:02:08
18	that statement, sir.	12:57:40	18	valve to minimize condensation; is that correct?	13:02:11
19	BY MR. GALIHER:	12:57:41	19	A. That's what is stated here. Yes, sir.	13:02:14
20	Q. You've never seen a reference to 85 percent	12:57:41	20	Q. Okay. And in the previous three documents,	13:02:16
21	magnesia before?	12:57:45	21	Leslie identified 85 percent magnesia, the exact size of	13:02:19
22	A. This is the first time I've ever read it.	12:57:45	22	that asbestos-containing insulation, that should be used	13:02:26
23	Q. Okay. That's fine. 2009. That's fine.	12:57:48	23	to reduce condensation, did it not?	13:02:30
24	MR. HUGO: Move to strike the comments of	12:57:52	24	MR. HUGO: Objection; assumes facts, calls for	13:02:33
25	counsel.	12:57:54	25	speculation, lacks foundation, calls for hearsay.	13:02:34
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1	MR. GALIHER: Next, I'll mark as a plaintiffs'	12:57:57	1	THE WITNESS: Those previous documents there	13:02:37
2	exhibit excerpts of engineering data and reference	12:58:04	2	made that statement, yes.	13:02:42
3	tables for steam flow in pipes engineering data with a	12:58:09	3	BY MR. GALIHER:	13:02:43
4	Leslie logo and in the middle reference tables. And on	12:58:15	4	Q. Okay. It was general knowledge by Leslie that	13:02:43
5	the second page of this excerpt, it says, "Leslie	12:58:22	5	the Navy insulated with asbestos, was it not?	13:03:02
6	Company, 1963."	12:58:24	6	MR. HUGO: Objection; vague and ambiguous as to	13:03:06
7	MR. HUGO: Thanks.	12:58:28	7	what was insulated. Go ahead.	13:03:08
8	(Plaintiffs' Exhibit 17 marked.)	12:59:02	8	THE WITNESS: Based on what I see on those	13:03:10
9	BY MR. GALIHER:	12:59:02	9	documents, and I've gone through thousands of documents	13:03:36
10	Q. Do you see on the last page of that Exhibit 17	12:59:02	10	in the last couple of years, and I've never seen any	13:03:45
11	a recommendation by Leslie on how much 85 percent	12:59:06	11	reference to asbestos insulation. Those are the first	13:03:48
12	magnesia should be applied?	12:59:11	12	documents that I've seen, when you presented them to me	13:03:54
13	A. Yes, sir, I do.	12:59:15	13	today. There is knowledge, you know, they are there.	13:03:58
14	Q. And what is that? Can you read that into the	12:59:15	14	That's all I can say, sir.	13:04:03
15	record?	12:59:17	15	BY MR. GALIHER:	13:04:04
16	A. It says, "Condensation pounds per hour per 100	12:59:18	16	Q. You knew previously though that steam piping on	13:04:05
17	feet of pipe with 2 inches thick 85 percent magnesia	12:59:21	17	Navy ships got insulated, and Leslie knew the piping and	13:04:09
18	insulation."	12:59:25	18	valves were going to be get insulated; is that correct?	13:04:12
19	MR. GALIHER: Okay.	12:59:25	19	A. I will say, yes, sir, we knew they were	13:04:16
20	(Discussion off the record.)	13:00:19	20	insulated.	13:04:21
21	MR. GALIHER: Next, I'll mark as Exhibit 18	13:00:24	21	Q. And Leslie knew at the time they sold the	13:04:21
22	instructions for installation, operation, and	13:00:30	22	Leslie valves, that the United States -- they knew that	13:04:24
23	maintenance of Leslie pressure reducing valves.	13:00:33	23	at the time they sold the Leslie valves to the United	13:04:27
24	(Plaintiffs' Exhibit 18 marked.)	13:01:09	24	States Navy; is that correct?	13:04:29
25	BY MR. GALIHER:	13:01:09	25	A. To the best of my knowledge, yes, sir.	13:04:30
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1	Q. And the tech manuals Leslie put together for the Navy, they outlined how to repair and properly maintain the product that they were selling; is that correct?	13:04:32	1	MR. GALIHER: I'll put a time reference. I'll back up a little bit here.	13:08:07
2		13:04:38	2		13:08:09
3		13:04:42	3	Q. Leslie first began using asbestos gaskets in 1900?	13:08:11
4		13:04:44	4		13:08:14
5	A. I would say, yes, sir.	13:04:44	5	A. I thought the valves back then were solid --	13:08:15
6	Q. You know the Navy insulated steam piping with asbestos insulation and the valves with asbestos; is that correct?	13:04:46	6	the gaskets were solid copper and soft iron. That's what I thought were the old original classes.	13:08:54
7		13:05:24	7		13:09:01
8		13:05:27	8	Q. Have you testified before that, "From the records and, you know, documents, all the documents that I've seen that it had to be sometime in the early 1900s. Early 1900s I would say," yes?	13:09:04
9	A. I know that now, sir.	13:05:27	9		13:09:07
10	Q. It was general knowledge that the Navy insulated piping systems with asbestos?	13:05:28	10		13:09:10
11		13:05:40	11		13:09:14
12	MR. HUGO: Objection; vague as to time, asked and answered.	13:05:44	12	MR. HUGO: Objection; hearsay, vague and ambiguous, overbroad. It's not the same question that was originally asked. It's argumentative.	13:09:18
13		13:05:44	13		13:09:21
14	THE WITNESS: I know it now. I mean, when I learned it -- when I went aboard a ship, I didn't know that.	13:05:51	14		13:09:24
15		13:05:54	15	BY MR. GALIHER:	13:09:28
16		13:05:58	16	Q. "Question: When did Leslie Controls, Incorporated, first begin purchasing asbestos-containing gaskets for their product manufactured"?	13:09:29
17	BY MR. GALIHER:	13:06:00	17		13:09:31
18	Q. Leslie Controls knew and understood that the valves they were selling to the United States Navy for the installation on board steam-powered vessels between 1944 and 1976 would indeed be insulated with asbestos, correct?	13:06:01	18		13:09:35
19		13:06:04	19	A. Now that you ask it that way, it was -- it was somewhere in the early 1900s. It could be 1920, 1930, somewhere in there. What threw me was the 1900 because I've looked at some drawings in 1900, and I don't remember seeing it. Like 1901, 1902. That type of thing.	13:09:39
20		13:06:06	20		13:09:46
21		13:06:10	21		13:09:51
22		13:06:15	22		13:09:54
23	A. Yes, sir.	13:06:16	23		13:09:58
24	Q. And your answer is, "Based on what I stated in the past -- okay -- it was general knowledge that the	13:06:17	24		13:10:05
25		13:06:24	25	Q. Is it true that all Leslie Control valves in	13:10:09
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1	Navy insulated piping and piping systems with asbestos." Have you testified to that under oath?	13:06:27	1	Navy ships contained asbestos components if in steam service?	13:10:25
2		13:06:31	2		13:10:29
3	A. Yes, I have, sir.	13:06:33	3	A. To the best of my knowledge, yes, sir.	13:10:32
4	Q. And that's your testimony here today?	13:06:34	4	Q. And Leslie tested their gaskets before incorporating them into a valve design; is that correct?	13:10:37
5	A. Yes, sir.	13:06:35	5		13:10:48
6	Q. You know that the exterior insulation for valves was asbestos in the 1960s and '70s?	13:06:36	6	A. I believe so, sir, yes.	13:10:50
7		13:06:48	7	Q. They just didn't test them for any health and safety aspect of asbestos use; is that correct?	13:10:53
8	A. I know that it was used. Yes, sir.	13:06:59	8		13:10:55
9	Q. Leslie knew valves sold to the Navy for steam service would be insulated with asbestos between 1944 and 1976?	13:07:01	9	A. I just know that I've seen records that they tested for functional use, sir.	13:10:58
10		13:07:10	10		13:11:02
11		13:07:13	11	Q. Leslie designed control valves with Leslie's own unique design; is that correct?	13:11:06
12	A. I'd have to say yes, sir.	13:07:17	12		13:11:24
13	Q. In the 1940s, it was common to insulate with asbestos?	13:07:19	13	A. Yes, sir. There are similar other products, but it was Leslie's design. Yes, sir.	13:11:26
14		13:07:22	14		13:11:38
15	A. To my knowledge, yes, sir.	13:07:23	15	Q. Was it their own unique design?	13:11:40
16	Q. Leslie valves used on steam lines had asbestos packing; is that correct?	13:07:25	16	A. Can you define "unique," please? I guess it's unique. Yes, sir.	13:11:43
17		13:07:41	17		13:11:47
18	MR. HUGO: Objection; asked and answered. Go ahead.	13:07:42	18	Q. Detailed engineering drawings were not sent to the Navy. Leslie only sent the United States Navy a master plan; is that correct?	13:11:48
19		13:07:47	19		13:12:12
20	THE WITNESS: I'm sorry, sir. One more time.	13:07:47	20		13:12:16
21	BY MR. GALIHER:	13:07:49	21	A. Yes, sir. And a master plan and a lot of the old ones included the individual components on that drawing.	13:12:19
22	Q. Leslie valves used on steam lines used asbestos packing?	13:07:49	22		13:12:23
23		13:07:54	23		13:12:25
24	MR. HUGO: Objection. Again, asked and answered and vague and ambiguous as to time and valve.	13:07:58	24	Q. The Navy did not design pressure temperature regulators; is that correct?	13:12:25
25		13:07:59	25		13:12:39
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1	A. I've never seen any, sir.	13:12:40	1	(Plaintiffs' Exhibit 19 marked.)	13:16:09
2	Q. Okay. Leslie had expertise in steam-powered	13:12:44	2	MR. HUGO: Which interrogatory are you going to	13:16:09
3	valves; isn't that correct?	13:12:47	3	refer to?	13:16:11
4	A. Yes, sir.	13:12:48	4	MR. GALIHER: Question or -- answer 7(b) on	13:16:12
5	Q. And Leslie believes its valves are the best	13:12:49	5	page 8 at the bottom.	13:16:19
6	because of their superior design and manufacture; is	13:12:55	6	MR. HUGO: Thanks.	13:16:21
7	that correct?	13:12:58	7	MR. GALIHER: I take it back. My last question	13:16:33
8	A. Yes, sir.	13:12:58	8	was on page 9. It was at the end of answer 8. I	13:16:35
9	Q. And Leslie sent tech reps and has given a class	13:12:58	9	misspoke. I'll ask the last sentence.	13:16:40
10	to the Navy on repair of valves; is that correct?	13:13:04	10	MR. HUGO: Just for the record, it is an answer	13:17:15
11	A. Yes, sir, we did.	13:13:08	11	based upon information and belief. Interrogatories are	13:17:19
12	Q. Leslie taught courses for sailors on how to	13:13:09	12	prepared with the assistance of counsel. You can just	13:17:22
13	repair their valves; is that correct?	13:13:14	13	read 8 there.	13:17:24
14	A. Yes, sir, we did.	13:13:15	14	BY MR. GALIHER:	13:17:24
15	Q. Earlier we talked about other manufacturers of	13:13:17	15	Q. You can read the whole question and answer.	13:17:29
16	gasket materials that were installed in Leslie products.	13:13:34	16	I'm going to renew my question, which is going to focus	13:17:31
17	I recall discussing Johns Manville and Raybestos	13:13:42	17	on the last full sentence in that paragraph of answer.	13:17:34
18	Manhattan.	13:13:46	18	(Brief pause in proceedings.)	13:17:42
19	Do you recall that?	13:13:48	19	THE WITNESS: Yes, sir.	13:17:44
20	A. Yes, sir.	13:13:49	20	MR. GALIHER: I will object to counsel's	13:18:02
21	Q. Are you aware of what percentage of asbestos	13:13:50	21	speaking objection trying to coach his witness.	13:18:03
22	was contained in those gaskets or packing that Leslie	13:13:53	22	Q. What was the basis for your answering this	13:18:07
23	incorporated into their products?	13:13:58	23	question having to do with the amounts of asbestos in	13:18:09
24	A. No, I am not, sir.	13:14:00	24	the gaskets and packing as small and insignificant?	13:18:13
25	Q. Would it surprise you if they were 70 or 80 or	13:14:01	25	A. Small because the components are very, very	13:18:17
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1	85 percent asbestos?	13:14:06	1	tiny, and we are not talking about large components, and	13:18:25
2	MR. HUGO: Objection; irrelevant, calls for	13:14:09	2	part of it is asbestos. Okay?	13:18:29
3	speculation, lacks foundation. Go ahead.	13:14:11	3	Q. And when you gave this answer, you had no clue	13:18:34
4	THE WITNESS: I wouldn't be surprised or not	13:14:13	4	as to how much asbestos was in that packing, or how much	13:18:36
5	surprised. I don't know.	13:14:17	5	asbestos was in that gasket; is that correct?	13:18:41
6	BY MR. GALIHER:	13:14:18	6	A. Percentagewise, no, sir. I'm saying the size	13:18:43
7	Q. You incorporated that -- Leslie incorporated	13:14:19	7	of the component itself.	13:18:45
8	those materials into their products, and as you sit here	13:14:21	8	Q. That allowed you to say insignificant amount?	13:18:46
9	today, you don't know what percentage of asbestos those	13:14:25	9	A. Well, if I'm talking about packing like this in	13:18:55
10	gaskets and packing had; is that correct?	13:14:27	10	comparison to, you know, 50 tons of asbestos on a	13:18:59
11	MR. HUGO: Objection; argumentative, asked and	13:14:29	11	destroyer or something like that, to me, that seemed to	13:19:03
12	answered.	13:14:32	12	be insignificant.	13:19:06
13	THE WITNESS: I do not know, sir.	13:14:32	13	Q. With respect to how much asbestos it takes to	13:19:07
14	BY MR. GALIHER:	13:14:34	14	cause mesothelioma, do you know what is significant and	13:19:11
15	Q. Okay. But you signed interrogatories in Hawaii	13:14:34	15	what is not?	13:19:15
16	that said that Leslie incorporated component parts, such	13:14:39	16	A. No, sir, I do not.	13:19:15
17	as in gaskets and packing, that contained small,	13:14:44	17	Q. Okay. Yet, in your answer you said this was an	13:19:17
18	insignificant amounts of asbestos; is that correct?	13:14:49	18	insignificant amount that was in a component part that	13:19:20
19	MR. HUGO: Objection; calls for speculation,	13:14:53	19	Leslie had in its product; is that correct?	13:19:22
20	lacks foundation. If you want to see whatever he is	13:14:56	20	MR. HUGO: Objection; argumentative, asked and	13:19:24
21	referring to, you can ask for it.	13:15:02	21	answered.	13:19:25
22	THE WITNESS: May I see it?	13:15:03	22	THE WITNESS: That's what it says here, sir,	13:19:25
23	BY MR. GALIHER:	13:15:05	23	yes.	13:19:28
24	Q. Sure. I'm directing your attention to what	13:15:05	24	BY MR. GALIHER:	13:19:28
25	we'll mark as 19.	13:15:16	25	Q. Did you believe that?	13:19:29
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1	A. When I signed this, in my thinking pattern,	13:19:30	1	BY MR. GALIHER:	13:21:55
2	yes, sir.	13:19:34	2	Q. Yes.	13:21:55
3	Q. Did you come up with those words?	13:19:34	3	A. -- to their health?	13:21:56
4	A. No, sir. I assisted counsel.	13:19:39	4	Q. Yes.	13:21:56
5	Q. So the word "insignificant" is not your word?	13:19:42	5	A. I don't know if those products were hazardous	13:21:56
6	A. No, sir, it is not.	13:19:45	6	to their health, sir.	13:21:58
7	Q. Is that your signature on the last page of this	13:19:47	7	Q. Did you tell them there was any particular	13:21:58
8	document that was filed in Hawaii?	13:19:51	8	significance associated at all with asbestos that was	13:22:00
9	A. Yes, it is.	13:19:53	9	going into your products?	13:22:03
10	Q. Going on to page 11, question 10, the answer	13:19:58	10	A. Did I personally tell them?	13:22:04
11	appears at the bottom of this page discussing OSHA.	13:20:12	11	Q. Yes.	13:22:07
12	Do you see that?	13:20:20	12	A. No, sir. I didn't know that.	13:22:07
13	A. Oh, yes, sir.	13:20:20	13	MR. HUGO: It's 1:20. At some point, we are	13:22:14
14	Q. As far as Leslie complied with all applicable	13:20:23	14	going to need to take another break and probably do a	13:22:16
15	state and federal statutes, including OSHA, did you	13:20:27	15	lunch break.	13:22:18
16	supply that information?	13:20:31	16	BY MR. GALIHER:	13:22:46
17	A. Is that my verbiage? No, sir.	13:20:32	17	Q. Were there any special precautions around the	13:22:46
18	Q. In fact, in your earlier testimony today, you	13:20:38	18	areas where gaskets were installed in the Leslie	13:22:49
19	said you had no idea when OSHA came into being; is that	13:20:40	19	equipment in the 1960s and the 1970s?	13:22:55
20	correct?	13:20:44	20	A. Not to my knowledge, sir.	13:22:58
21	A. I didn't know the exact date. No, sir.	13:20:44	21	Q. Okay. So as far as the Leslie employees were	13:22:59
22	Q. 1972. As you sit here today, do you know OSHA	13:20:46	22	concerned, manufacturing their product, including	13:23:07
23	came into being in 1972?	13:20:52	23	yourself, or inspecting those products, working with	13:23:11
24	A. Yes, sir. From that document you showed me, I	13:20:53	24	asbestos-containing gaskets and packing was no different	13:23:15
25	do.	13:20:56	25	than working with anything innocuous just like paper or	13:23:19
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1	Q. Do you know that OSHA had standards that came	13:20:56	1	flour or something like that?	13:23:25
2	into existence in 1972 dealing with asbestos?	13:21:00	2	A. When I inspected the gaskets, I inspected them	13:23:27
3	A. If it was part of that document, I'll answer	13:21:03	3	like any other component part. There was no warnings on	13:23:29
4	yes.	13:21:10	4	them from anybody.	13:23:32
5	Q. Okay.	13:21:11	5	Q. Okay. Did you ever have to cut them or shape	13:23:33
6	A. Okay.	13:21:12	6	them, the gaskets?	13:23:37
7	Q. I think you testified earlier that when you	13:21:12	7	A. No, sir. The gasket, when they come in, they	13:23:39
8	were working on the floor at the factory in the 1970s,	13:21:15	8	are complete. You don't have to do anything to them	13:23:43
9	you had no clue -- you had no idea that asbestos was	13:21:20	9	except inserting them in the valve.	13:23:46
10	hazardous; is that correct?	13:21:22	10	Q. After your products were tested and you took	13:23:48
11	A. That is correct, sir.	13:21:23	11	them apart, did you actually disassemble them?	13:23:50
12	Q. Nor did the 180 other people that worked under	13:21:25	12	A. Yes, sir, I did.	13:23:52
13	you; is that correct?	13:21:30	13	Q. Okay. Did you ever have to use wire brushes or	13:23:52
14	MR. HUGO: Objection; argumentative, lacks	13:21:31	14	scrape gaskets?	13:23:56
15	foundation, calls for speculation.	13:21:33	15	A. No, sir, I haven't.	13:23:57
16	THE WITNESS: Not to my knowledge, sir.	13:21:34	16	Q. Did you have any older valves of Leslie	13:23:58
17	BY MR. GALIHER:	13:21:35	17	products that had been used on steam lines for a long	13:24:02
18	Q. Okay. You certainly didn't tell them that the	13:21:35	18	time where it required the use of wire brushes or	13:24:05
19	products that contained asbestos were hazardous to their	13:21:38	19	scraping to get gaskets or packing out?	13:24:08
20	health, that were incorporated into the Leslie products;	13:21:43	20	A. I've never used a wire brush to scrape gaskets.	13:24:10
21	is that correct?	13:21:46	21	Q. How about gasket hooks? Have you ever used	13:24:14
22	MR. HUGO: Objection; argumentative, assumes	13:21:46	22	those to get -- I mean packing hooks to get packing out	13:24:16
23	facts. Go ahead.	13:21:48	23	of gaskets or valve systems?	13:24:20
24	THE WITNESS: You are saying, did I tell them	13:21:49	24	A. When I was working in service, when we were in	13:24:22
25	that the products we put in were hazardous --	13:21:52	25	Parsippany, if you went on the road, a lot of times you	13:24:30
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1	were taking valves apart, if you were on the road doing	13:24:34	1	that correct?	13:43:10
2	something. And I've used a packing puller after the	13:24:37	2	A. It could be, yes, sir.	13:43:10
3	valve had been disassembled, and I've removed packing	13:24:40	3	Q. Okay. Can you tell me why that was not listed	13:43:12
4	with those.	13:24:43	4	in the Hawaii interrogatories as an answer to products	13:43:17
5	Q. Have you been actually there working with	13:24:43	5	that Leslie manufactured and/or sold that contained	13:43:21
6	mechanics when they pulled steam equipment off the steam	13:24:45	6	asbestos?	13:43:25
7	lines that had been in use?	13:24:50	7	MR. HUGO: Vague and ambiguous as to what	13:43:27
8	A. No, sir, I don't believe I have.	13:24:51	8	interrogatory response you are referring to.	13:43:28
9	Q. Okay. So you weren't there when they actually	13:24:55	9	BY MR. GALIHER:	13:43:31
10	removed the asbestos insulation over the Leslie	13:24:58	10	Q. The question is question 7 and number 16,	13:43:31
11	products, the pads and things like that?	13:25:00	11	question 16. We can start out actually with 16. It's	13:44:04
12	MR. HUGO: Objection; assumes facts.	13:25:02	12	probably shorter and easier to trace, but they were all	13:44:07
13	THE WITNESS: I was never there when they were	13:25:04	13	the questions that asked for a complete listing	13:44:11
14	being taken off, sir, no.	13:25:06	14	enumeration of any product that contained asbestos	13:44:14
15	MR. GALIHER: Why don't we take a short break	13:25:17	15	fiber, including for the inclusion of the component part	13:44:16
16	and I'll see how much -- I might be finished.	13:25:20	16	and sold by you.	13:44:22
17	THE VIDEOGRAPHER: This marks the end of tape	13:25:22	17	MR. HUGO: Number 16.	13:44:38
18	two in the deposition of Matthew Wrobel on December 1st,	13:25:24	18	BY MR. GALIHER:	13:44:40
19	2009. We are now off the record. The time on the	13:25:28	19	Q. You can take your time and review that, 16,	13:44:40
20	screen is 1:25.	13:25:30	20	16(a).	13:44:40
21	(Recess.)	13:40:11	21	A. All right. Which one? Over here?	13:44:50
22	THE VIDEOGRAPHER: We are now on the record.	13:40:11	22	MR. HUGO: 16, I think, there.	13:44:52
23	The time on the screen is 1:40. This marks the	13:40:44	23	(Brief pause in proceedings.)	13:44:57
24	beginning of tape three in the deposition of Matthew	13:40:46	24	THE WITNESS: And 7?	13:44:58
25	Wrobel on December 1st, 2009.	13:40:49	25	BY MR. GALIHER:	13:44:58
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1	BY MR. GALIHER:	13:40:53	1	Q. 7 actually starts on 6. Questions 6, 7, and 16	13:45:48
2	Q. Mr. Wrobel, can I direct your attention to	13:41:00	2	are all asking for a complete listing of all products	13:45:52
3	Exhibit 15, and I'm going to have you find the Bates	13:41:05	3	containing asbestos or a component part that contained	13:45:57
4	page that ends up with 000770. Is that the one that has	13:41:10	4	asbestos.	13:46:00
5	parts names and parts reference numbers on it for the	13:41:31	5	And my question to you: Is there a reason why	13:46:02
6	Leslie steam whistle?	13:41:35	6	the Leslie steam whistle was not listed on any of the	13:46:11
7	A. Yes, sir.	13:41:38	7	interrogatories in Hawaii?	13:46:16
8	Q. And if I can direct your attention to item 27,	13:41:38	8	A. It is, sir.	13:46:18
9	can you read that to us?	13:41:43	9	Q. It is? Where is it at? I don't see it.	13:46:19
10	A. Item 27, it says, "Insulation."	13:41:44	10	A. It's 7(a).	13:46:22
11	Q. And what is the material that insulation is	13:41:50	11	Q. 7(a)?	13:46:23
12	made off for that Leslie steam whistle?	13:41:52	12	A. Yes, sir.	13:46:24
13	A. It says asbestos, sir.	13:41:56	13	Q. I apologize.	13:46:24
14	Q. Okay. And moving back to 000769, is that a	13:41:57	14	A. You see, "In various times in the past, Leslie	13:46:29
15	drawing of that Leslie steam whistle?	13:42:09	15	marketed and sold products" --	13:46:29
16	A. I'm sorry. Yes, sir, it is.	13:42:13	16	MR. HUGO: Slow down.	13:46:29
17	Q. And does it depict that Leslie Part number 27	13:42:34	17	THE WITNESS: Oh, I'm sorry.	13:46:29
18	that's made of asbestos?	13:42:41	18	"In various times in the past, Leslie marketed	13:46:37
19	A. Yes, sir. That's Part 27, and it's supposed to	13:42:42	19	and sold products under the name Leslie, Leslie	13:46:39
20	show the Part 31 that encapsulates it.	13:42:49	20	Eventemp, Leslie Tyfon." Tyfon is the name of the	13:46:43
21	Q. Okay. This was an asbestos-containing	13:42:53	21	whistle.	13:46:49
22	component part that came with the Leslie steam whistles	13:42:57	22	BY MR. GALIHER:	13:46:49
23	in the '40s and '50s and the '60s; is that correct?	13:43:02	23	Q. I see. The Leslie Tyfon is the whistle that we	13:46:51
24	A. To the best of my knowledge, yes, sir.	13:43:05	24	are describing. It's not a generic steam whistle. It's	13:46:54
25	Q. And it was also sold as a replacement part; is	13:43:07	25	a specific type of whistle?	13:46:56
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1	A. If you look at that drawing and look at the	13:46:58	1	right after we moved to Parsippany. I remember two of	13:49:16
2	name plate that we are referring, it says, "Leslie	13:47:01	2	those large horn bodies up on a vertical tower lathe.	13:49:20
3	Tyfon."	13:47:05	3	The main reason for it is the Navy went away from	13:49:24
4	Q. Okay. Let me go back. Okay. I understand now	13:47:05	4	steam-powered service vessels except for -- the only	13:49:30
5	what you are saying. I understand that. I just was	13:47:07	5	ones left, I think, are carriers.	13:49:34
6	looking for something broader that had to do with steam	13:47:09	6	Q. The last document, Exhibit 20, "December 1957,"	13:49:38
7	whistles. I didn't realize it was -- is it a brand	13:47:13	7	a publication, "Marine Engineering Log." On page 126 --	13:49:49
8	name? How would you identify that?	13:47:16	8	I just have the cover page. On 126, I'm going to direct	13:49:55
9	A. The story that I get -- okay -- through history	13:47:19	9	your attention to the photograph in the lower right-hand	13:50:00
10	is that somewhere in the 1930s, there was -- I believe	13:47:24	10	corner and see if you can identify those gentlemen for	13:50:03
11	the company name was Kockum in Sweden. Leslie bought	13:47:30	11	us.	13:50:07
12	that product line, and they called it Tyfon.	13:47:35	12	(Plaintiffs' Exhibit 20 marked.)	13:50:07
13	Q. Tyfon?	13:47:35	13	THE WITNESS: Yes, I can, sir.	13:50:29
14	A. Yeah. T-y-f-o-n. It was Kockum/Tyfon, if I	13:47:42	14	BY MR. GALIHER:	13:50:31
15	remember correctly. So when Leslie bought the product	13:47:43	15	Q. Okay. Can you identify those two people for	13:50:31
16	line and started making the steam whistle, it turned	13:47:46	16	us?	13:50:33
17	into a Leslie Tyfon.	13:47:49	17	A. The younger gentleman on the left is John S.	13:50:33
18	Q. Okay. That's fine.	13:47:49	18	Leslie, grandson of the founder. The gentleman on the	13:50:37
19	A. What does Tyfon mean? I have no idea, sir.	13:47:53	19	right, which kind of looks like me, is S. Inglis Leslie,	13:50:43
20	Q. There is no other type of whistle named Tyfon?	13:47:54	20	which we called Pop Leslie.	13:50:48
21	If it's a Tyfon, it's a Leslie? I don't understand that	13:47:59	21	Q. John S., he is the one we previously identified	13:50:50
22	part.	13:48:01	22	in the American Society of Mechanical Engineers?	13:50:53
23	A. Yeah. When you talk about a Tyfon whistle, I	13:48:01	23	A. Yes, sir.	13:50:58
24	think if you go way back to maybe early, early, before	13:48:05	24	MR. GALIHER: Okay. Subject to an agreement on	13:51:02
25	Leslie bought it, there may be some literature. If you	13:48:07	25	stipulation on the foundation of documents, that's all	13:51:05
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1	look in history somewhere, there might a Kockum/Tyfon.	13:48:09	1	the questions I have, and -- I'm sorry?	13:51:06
2	THE COURT REPORTER: How do you spell Kockum?	13:48:09	2	(Discussion off the record.)	13:51:24
3	THE WITNESS: With a K.	13:48:18	3	MR. GALIHER: I apologize.	13:51:24
4	BY MR. GALIHER:	13:48:18	4	Q. On the Leslie Lubrisoft asbestos packing, what	13:51:30
5	Q. Where did it come from, Kockum?	13:48:20	5	were the years that it was first sold, and when was it	13:51:34
6	A. Sweden.	13:48:21	6	last sold when it contained asbestos, and how much	13:51:37
7	Q. Sweden. Okay.	13:48:21	7	asbestos did it contain?	13:51:40
8	A. And so the story --	13:48:21	8	A. It's a three-part question.	13:51:44
9	Q. They liked the sound of that whistle, so they	13:48:24	9	Q. All having to do with Leslie Lubrisoft asbestos	13:51:45
10	bought it.	13:48:26	10	packing.	13:51:49
11	A. The story that I got -- and this is just	13:48:26	11	A. I believe it was sometime in the early '50s or	13:51:50
12	hearsay over 40 years -- is that the Navy came to Leslie	13:48:27	12	maybe late '40s through late '80s, somewhere, maybe	13:51:54
13	and said, "Hey, you know, we need a steam whistle. Why	13:48:30	13	early '90s for the Navy.	13:52:05
14	don't you buy the product line," or something.	13:48:32	14	Q. So somewhere 35, 40 years?	13:52:08
15	Q. Oh, okay.	13:48:34	15	A. Whatever that math works out to.	13:52:11
16	A. Something like that.	13:48:35	16	Q. And what was the asbestos percentage?	13:52:15
17	Q. And you don't know the year of that?	13:48:36	17	A. I have no idea, sir.	13:52:17
18	A. I believe it was sometime in the '30s.	13:48:38	18	MR. GALIHER: That's all the questions I have,	13:52:23
19	Q. Okay. And do they still sell that whistle	13:48:41	19	but for what might be in the six-inch pile of documents	13:52:24
20	line?	13:48:45	20	that my colleague has down there that we've offered a	13:52:29
21	A. No, sir, we don't. We don't make the whistle	13:48:45	21	stipulation to the foundation for. Although if I have	13:52:33
22	anymore.	13:48:50	22	to go into the foundation, I want to do everything else.	13:52:36
23	Q. When did they quit making that whistle?	13:48:50	23	MR. HUGO: I have some questions. While he is	13:52:40
24	A. The last time I remember seeing one of those	13:48:54	24	looking at these documents, let me ask mine, and then	13:52:42
25	whistles was maybe -- it was in the mid- to late '80s,	13:48:58	25	hopefully we'll come to an agreement with regard to	13:52:43
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1	those documents.	13:52:47	1	A. Yes, sir. I was in the area.	13:59:35
2	THE VIDEOGRAPHER: You can either switch	13:52:49	2	Q. To your knowledge, has Leslie ever been cited	13:59:38
3	positions or Mr. Wrobel looks forward, if that's all	13:52:50	3	by OSHA for any violation with regard to	13:59:42
4	right.	13:52:55	4	asbestos-containing gaskets, packing, valves, or other	13:59:47
5	MR. HUGO: Yes. Thank you.	13:52:55	5	Leslie products?	13:59:51
6	EXAMINATION	13:52:56	6	A. Not to my knowledge, sir.	13:59:52
7	BY MR. HUGO:	13:52:56	7	Q. To your knowledge, has OSHA ever instructed	13:59:53
8	Q. Mr. Wrobel, I want to follow up on a couple of	13:52:57	8	Leslie not to use either asbestos-containing gaskets or	13:59:56
9	the areas here that you were asked about.	13:52:59	9	packing in any of its products?	14:00:01
10	First of all, you've worked for Leslie for	13:53:03	10	A. Not to my knowledge.	14:00:03
11	approximately 44 years; is that correct?	13:53:05	11	Q. You were also asked about Leslie products,	14:00:04
12	A. It will be 44 years next May, sir.	13:53:06	12	which contained either asbestos-containing gaskets or	14:00:12
13	Q. And you spoke about the Parsippany plant.	13:53:10	13	packing in the small and insignificant amount of the	14:00:16
14	When was that plant in operation?	13:53:14	14	asbestos material within them.	14:00:21
15	A. We moved into that plant in 1968.	13:53:16	15	Do you remember those questions?	14:00:25
16	Q. And how long did you stay in that plant before	13:53:21	16	A. Yes, sir.	14:00:25
17	moving to Tampa?	13:53:26	17	Q. Have you undertaken, yourself, any attempt to	14:00:26
18	A. Until 1986.	13:53:26	18	quantify the amount of the asbestos-containing gasket or	14:00:29
19	Q. Between 1968 and 1986, were you present in the	13:53:29	19	packing which would be encapsulated in a Leslie product,	14:00:36
20	plant on a regular basis?	13:53:36	20	like a valve?	14:00:40
21	A. Yes, sir.	13:53:38	21	A. Yes, I have.	14:00:41
22	Q. Did you come to know whether or not OSHA	13:53:40	22	Q. What have you done to determine the amount	14:00:42
23	inspected that plant?	13:53:45	23	either by weight or volume of the actual	14:00:45
24	MR. GALIHER: I object to the form of the	13:53:47	24	asbestos-containing portion of, for example, a	14:00:49
25	question as leading.	13:53:49	25	copper-jacketed gasket or other type of gasket or	14:00:53
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1	THE WITNESS: Yes, sir. I was in the plant and	13:53:55	1	packing?	14:00:58
2	knew that OSHA was doing inspections in the plant.	13:53:58	2	MR. GALIHER: I object to the form of the	14:00:58
3	Excuse me for a second. I'm really uncomfortable with	13:54:03	3	question; foundation.	14:01:00
4	you over here. Could you maybe sit over or somewhere	13:54:05	4	THE WITNESS: What I've done is taken -- an	14:01:01
5	where I can look at you?	13:54:12	5	example would be a spiral round gasket. Okay? And I	14:01:05
6	MR. HUGO: Yes. Let's take a break for a	13:54:12	6	took apart numerous -- several of them and actually	14:01:13
7	second so we can rewire.	13:54:14	7	weighed the difference between the two, which comes to	14:01:20
8	THE VIDEOGRAPHER: Off the record. The time on	13:54:16	8	about roughly -- of the spiral round gasket -- about 15	14:01:24
9	the screen is 1:54.	13:54:17	9	-- if my memory serves me right, it's about 15 percent	14:01:29
10	(Brief pause in proceedings.)	13:58:30	10	of the total weight of the gasket, and then I calculated	14:01:32
11	THE VIDEOGRAPHER: We are now back on the	13:58:30	11	--	14:01:32
12	record. The time on the screen is 1:59.	13:59:00	12	THE VIDEOGRAPHER: Whoever is on the phone, can	14:01:42
13	BY MR. HUGO:	13:59:04	13	they mute?	14:01:45
14	Q. Thank you, Mr. Wrobel. When we took a short	13:59:05	14	MS. SHELDON: I am mute.	14:01:49
15	break, I was asking you about OSHA and specifically the	13:59:06	15	BY MR. HUGO:	14:01:49
16	Parsippany plant.	13:59:11	16	Q. Your answer was interrupted, but let me follow	14:01:50
17	Were you physically present when you could	13:59:12	17	up. You were talking about disassembling a spiral round	14:01:52
18	actually observe OSHA inspectors present in the Leslie	13:59:14	18	gasket.	14:01:57
19	plant?	13:59:19	19	For the benefit of the jury who may have not	14:01:58
20	A. I've seen OSHA inspectors in the Parsippany	13:59:19	20	seen or heard a description of it yet, other than the	14:02:01
21	plant. Yes, sir.	13:59:22	21	asbestos portion of the gasket, what is that gasket	14:02:02
22	Q. Have you seen them actually present during the	13:59:23	22	comprised of in terms of materials?	14:02:05
23	time when valve assembly was in progress, which included	13:59:25	23	A. It's a metallic -- common stainless steel is	14:02:07
24	the installation or use of asbestos-containing gaskets	13:59:29	24	one of them. There's some others, but most of the time	14:02:13
25	and packing?	13:59:34	25	it's stainless steel. And it's like a stainless steel	14:02:17
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1	ribbon, and also the fillers is like a ribbon. And it's	14:02:20	1	the portion of the gasket which can contain some	14:05:09
2	wrapped and then it's spot welded on the inside to keep	14:02:24	2	percentage of asbestos, chrysotile asbestos, correct?	14:05:13
3	it together. And I've taken those apart and weighed	14:02:28	3	A. Yes, sir.	14:05:17
4	them. I've taken a copper-jacketed gasket completely	14:02:32	4	MR. GALIHER: I object to the form of the	14:05:18
5	apart and weighed it and calculated what the weight of	14:02:36	5	question; leading.	14:05:19
6	the filler material is inside the encapsulated copper,	14:02:42	6	THE WITNESS: And proportionally, as they got	14:05:20
7	what it is per square inch. And I actually worked up a	14:02:46	7	bigger, it would go up.	14:05:22
8	formula where I could calculate -- take a gasket, plug	14:02:52	8	BY MR. HUGO:	14:05:25
9	in the outer diameter, the inner diameter and would give	14:02:58	9	Q. So -- and I understand --	14:05:25
10	me the weight of the gasket complete, and then it would	14:03:03	10	A. That's just one.	14:05:26
11	give me the weight of the filler by itself.	14:03:07	11	Q. It's an estimate. But if you are going to now,	14:05:28
12	Q. You referred to the fact that a destroyer from	14:03:10	12	based on your 44 years of training and experience with	14:05:30
13	the United States Navy may have 50 tons of asbestos on	14:03:18	13	Leslie, and the familiarity of its products, going to	14:05:33
14	it.	14:03:18	14	give it your rough estimate -- you can give me a range	14:05:36
15	How many Leslie products would be on a typical	14:03:22	15	of the total weight of the asbestos-containing	14:05:39
16	destroyer, if you can give me a rough average.	14:03:25	16	components of all of the Leslie valves that could be	14:05:42
17	A. This is ballpark.	14:03:35	17	present on a typical destroyer -- what would the range	14:05:46
18	Q. Yes, ballpark.	14:03:36	18	be?	14:05:50
19	A. 80.	14:03:39	19	MR. GALIHER: I object to the form of the	14:05:50
20	Q. And --	14:03:39	20	question; foundation.	14:05:52
21	A. That's total products.	14:03:43	21	THE WITNESS: The lower range for that would be	14:05:55
22	Q. Are all of those products asbestos-containing?	14:03:43	22	point 01, and my estimate of the higher one would be --	14:05:57
23	By that, I mean do all of those products have some sort	14:03:46	23	for a fairly large, it might be 1.2, 1.5 ounces. This	14:06:10
24	of an asbestos material inside of them, such as packing	14:03:49	24	is by memory. And it varies depending on -- the	14:06:18
25	or gaskets?	14:03:53	25	copper-jacketed gaskets have a higher ID. The spiral	14:06:25
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1	A. Not everything.	14:03:54	1	round gaskets have less.	14:06:32
2	Q. Okay. So out of the -- and I understand it's	14:03:55	2	BY MR. HUGO:	14:06:32
3	an estimate, but out of those products that would have	14:03:59	3	Q. But compared to the 50 tons of asbestos, you	14:06:34
4	contained some asbestos component, such as packing or	14:04:04	4	are talking about point 01 ounce present in that	14:06:36
5	gaskets, how much total weight of asbestos would be	14:04:08	5	particular gasket?	14:06:43
6	present in those Leslie products?	14:04:13	6	A. For that particular gasket.	14:06:44
7	MR. GALIHER: I object to the form of the	14:04:15	7	MR. GALIHER: I object to the form of the	14:06:46
8	question; foundation.	14:04:16	8	question. It's leading.	14:06:47
9	THE WITNESS: It depends on the size of the	14:04:17	9	THE WITNESS: For the smaller gasket, that's	14:06:48
10	gasket. A gasket -- that's just from memory. You know,	14:04:19	10	the numbers I remember.	14:06:50
11	I'm trying to remember.	14:04:28	11	BY MR. HUGO:	14:06:51
12	BY MR. HUGO:	14:04:30	12	Q. So in total for perhaps 80 Leslie products, we	14:06:52
13	Q. I understand.	14:04:30	13	are talking less than a pound or a pound or two of	14:06:56
14	A. Okay. One gasket, a very small one that was	14:04:30	14	asbestos --	14:06:59
15	used on a strainer attached to a small reducing valve,	14:04:35	15	MR. GALIHER: I object to the form of the	14:06:59
16	the diameter being roughly one inch in diameter with	14:04:41	16	question as leading, lacks foundation.	14:07:01
17	probably a three-quarter-inch hole. The ID was to	14:04:46	17	BY MR. HUGO:	14:07:03
18	record it.	14:04:46	18	Q. -- containing filler, correct?	14:07:04
19	Q. ID is inner diameter?	14:04:46	19	MR. GALIHER: I object to the form of the	14:07:08
20	A. Inner diameter.	14:04:54	20	question. It's leading.	14:07:10
21	Q. So outside diameter about an inch?	14:04:54	21	THE WITNESS: It's really hard to give you an	14:07:11
22	A. The weight of the total gasket was point one	14:04:58	22	answer. I really have to do some math because you can't	14:07:12
23	ounce -- I'm sorry -- point one ounce. The weight of	14:05:03	23	just take the one small one. You'd have to take a	14:07:20
24	the filler was point 01 ounce.	14:05:04	24	range, an average. Okay? But even if you said the	14:07:24
25	Q. And when you talk about filler, that would be	14:05:07	25	filler -- if you just struck point 5 ounces as an	14:07:28
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1	average for the filler of gaskets and material, and on	14:07:36	1	A. You know, when I first started with Leslie,	14:10:05
2	an average two gaskets per valve, you can do the math.	14:07:40	2	everybody was very proud of it, that we supplied valves	14:10:19
3	And I'm really doing a lot of averages.	14:07:44	3	to the United States Navy. And when I got involved in	14:10:22
4	BY MR. HUGO:	14:07:48	4	the inspection part of it, there were a lot of times	14:10:25
5	Q. Understood. But we are not talking about tons	14:07:48	5	that I was told, because I was the young kid on the	14:10:27
6	--	14:07:51	6	block, "This goes in that kind of valve. Make sure it's	14:10:30
7	A. Oh, no, sir.	14:07:51	7	right."	14:10:33
8	Q. You were asked some questions about piping and	14:07:52	8	Q. Did you become personally involved in such	14:10:33
9	good piping practice.	14:07:58	9	contracts at various stages of development, including	14:10:37
10	Do you agree that avoiding condensation is good	14:07:59	10	production, testing, and acceptance by the United States	14:10:40
11	piping practice?	14:08:03	11	Navy?	14:10:43
12	A. Yes, sir, I do.	14:08:04	12	A. Yes, sir. When I was in quality assurance, I	14:10:44
13	Q. And you were shown some documents indicating	14:08:05	13	worked with the Navy inspector when a valve was being	14:10:47
14	that the piping to and from a product, such as a valve,	14:08:08	14	developed. And I went through, you know, from knowing	14:10:54
15	should be insulated, correct?	14:08:14	15	that we got the contract, that I actually contacted the	14:11:00
16	A. Yes.	14:08:15	16	Navy inspector, and I had to sit with him, go through	14:11:03
17	Q. Let's talk about the valve itself.	14:08:19	17	the process. He established hold and witness points	14:11:08
18	Did Leslie ever recommend that its product, the	14:08:22	18	through the processes.	14:11:12
19	valve, be externally insulated with asbestos insulation	14:08:25	19	Q. Would you describe -- first of all, what is a	14:11:13
20	or any other type of insulation?	14:08:29	20	Navy inspector?	14:11:15
21	A. I've never seen any documents that said that.	14:08:31	21	A. We called him a Navy inspector. It was a	14:11:16
22	Q. With regard to a strainer, has Leslie ever	14:08:34	22	carry-over from, I guess, World War II. In fact, the	14:11:21
23	recommended a strainer be externally insulated with	14:08:39	23	first guy that I knew when I first started there that I	14:11:23
24	asbestos-containing insulation?	14:08:43	24	worked with -- because I was young and I could pick up	14:11:26
25	A. I've never seen any documents that stated that.	14:08:45	25	things and he couldn't.	14:11:30
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1	Q. With regard to the whistle, did Leslie ever	14:08:47	1	It's a government representative that ensures	14:11:32
2	recommend that a whistle should be externally insulated	14:08:51	2	that Leslie meets the contract requirements, that they	14:11:36
3	with asbestos-containing insulation?	14:08:55	3	get to produce equipment for the Navy.	14:11:41
4	A. I've never seen a document that said that.	14:08:57	4	Q. Where would that government inspector be	14:11:43
5	Q. You were aboard a ship called the America where	14:09:00	5	located?	14:11:45
6	you observed a Leslie pressure regulator that had been	14:09:06	6	A. He is in an office at Leslie.	14:11:46
7	externally insulated, correct?	14:09:11	7	Q. Explain for the members of the jury what it	14:11:48
8	A. Yes, sir.	14:09:13	8	means a government inspector has an office at Leslie?	14:11:50
9	Q. Did you instruct the Navy to externally	14:09:13	9	How did that come about?	14:11:54
10	insulate the Leslie pressure regulator?	14:09:16	10	A. We are mandated to provide him an office so he	14:11:55
11	A. No, sir.	14:09:18	11	can perform his function.	14:12:00
12	Q. Did the Navy do that on their own?	14:09:19	12	Q. A physical office?	14:12:01
13	MR. GALIHER: I object to the form of the	14:09:24	13	A. A physical office.	14:12:02
14	question. It calls for speculation.	14:09:26	14	Q. And he actually works out of that office at	14:12:03
15	THE WITNESS: Maybe the shipyard did it.	14:09:28	15	Leslie's facility?	14:12:05
16	BY MR. HUGO:	14:09:36	16	A. Yeah. He comes to Leslie every day, and he	14:12:06
17	Q. During the course of your 44 years at Leslie,	14:09:36	17	works at Leslie. On occasion, they also -- that's where	14:12:09
18	did you become aware of whether Leslie furnished and	14:09:40	18	he is stationed, in Leslie. Depending on the period of	14:12:14
19	fabricated valves and related equipment specifically for	14:09:46	19	time, I've known him to do Leslie only, and I've known	14:12:22
20	United States Navy vessels under contract between Leslie	14:09:50	20	him to have Leslie, plus they might do other contracts	14:12:25
21	and the United States Navy Department?	14:09:53	21	in plants that are similar. But kind of a resident or	14:12:29
22	A. Yes, we did.	14:09:56	22	semi-resident.	14:12:33
23	Q. And how did you become aware that that existed?	14:09:57	23	Q. You used the term "hold/witness points"; is	14:12:34
24	A. That we made valves for the Navy?	14:10:02	24	that correct?	14:12:37
25	Q. Yes.	14:10:04	25	A. Yes, sir.	14:12:37
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1	Q. What is a hold/witness point or points?	14 : 12 : 38	1	A. But there is a valve. It's made of steel.	14 : 15 : 30
2	A. Well, let's say we were making this glass for	14 : 12 : 40	2	Okay? And initially, you have to put it in a form that	14 : 15 : 32
3	the Navy, to Navy specifications. Okay? And in the	14 : 12 : 47	3	conforms to a drawing. And then when that casting comes	14 : 15 : 36
4	contract, it says it would be source inspected by the	14 : 12 : 53	4	in, it's inspected to make sure it meets the casting	14 : 15 : 41
5	Navy inspector. You contact the Navy inspector, and you	14 : 12 : 58	5	drawing, and then it's machined into a finished machine	14 : 15 : 44
6	show him the process, especially on newer products that	14 : 13 : 03	6	component.	14 : 15 : 48
7	you are developing. And you show him the actual process	14 : 13 : 07	7	Q. So the inspection can actually begin at the	14 : 15 : 48
8	from procurement of each component through machining of	14 : 13 : 10	8	sourcing of the very materials to make the finished	14 : 15 : 50
9	each component, any testing that has to be done, any	14 : 13 : 16	9	product. In this case, we are talking about a valve,	14 : 15 : 54
10	nondestructive examination, like liquid penetrant	14 : 13 : 17	10	correct?	14 : 15 : 56
11	examination.	14 : 13 : 27	11	A. Yes, sir.	14 : 15 : 57
12	Q. Slow down a little bit and say that one more	14 : 13 : 27	12	Q. And would that inspection and sourcing of	14 : 15 : 58
13	time for us.	14 : 13 : 27	13	materials include component parts, such as packing and	14 : 16 : 00
14	THE COURT REPORTER: Liquid what?	14 : 13 : 27	14	gaskets?	14 : 16 : 03
15	THE WITNESS: Liquid penetrant examination.	14 : 13 : 27	15	A. Normally, source inspection by our resident was	14 : 16 : 06
16	BY MR. HUGO:	14 : 13 : 27	16	not -- especially if you are getting somebody who is	14 : 16 : 15
17	Q. What does that mean?	14 : 13 : 28	17	buying it from a QPL, I would assume, if they were	14 : 16 : 19
18	A. It's a nondestructive test that you perform on	14 : 13 : 29	18	making packing and gaskets to no specs, that they had a	14 : 16 : 23
19	certain surfaces that are required by mil spec to see if	14 : 13 : 32	19	similar individual there just because of the fact they	14 : 16 : 27
20	there's any cracks or discontinuities on a particular	14 : 13 : 37	20	are on a QPL.	14 : 16 : 30
21	surface of an area. Mandatory inspection, very, very	14 : 13 : 40	21	Q. Okay. So we got two more terms we need to	14 : 16 : 31
22	common on almost every one that he gets involved in. He	14 : 13 : 45	22	define. One is mil spec. Is that shorthand for another	14 : 16 : 33
23	has to witness test of the valves.	14 : 13 : 49	23	term?	14 : 16 : 36
24	So in the process that's set up by	14 : 13 : 52	24	A. It's a military specification.	14 : 16 : 37
25	manufacturing engineering, quality would actually go to	14 : 13 : 55	25	Q. Tell the members of the jury what a military	14 : 16 : 40
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1	them and say, "Okay. This is the process for this	14 : 13 : 57	1	specification is.	14 : 16 : 42
2	particular job. The inspector wants to witness	14 : 14 : 00	2	A. It's a document which defines a particular	14 : 16 : 42
3	dimensional inspection at this point." He might be	14 : 14 : 05	3	product. It could be in various stages. It could be in	14 : 16 : 46
4	going out for a heat treat operation. It would be a	14 : 14 : 09	4	a component. There can be a military specification for	14 : 16 : 50
5	mechanical type part. Coming back, he might want to	14 : 14 : 12	5	glasses. There can be a military specification -- if	14 : 16 : 54
6	witness hardness testing or any tests that were done. A	14 : 14 : 15	6	the government wrote them for castings. There is a	14 : 16 : 57
7	very good example would be for procuring castings for	14 : 14 : 20	7	military specification for valves, and how to build that	14 : 17 : 02
8	part of the valve body, and the mil spec requires that	14 : 14 : 23	8	particular valve, and what's required if you are going	14 : 17 : 05
9	they be magnetic particle tested and X-rayed. He	14 : 14 : 26	9	to get that valve and sell it and stipulate that it is	14 : 17 : 08
10	actually sends a letter of delegation to the government	14 : 14 : 29	10	in accordance with that military specification.	14 : 17 : 12
11	inspector at the foundry, and that guy actually is there	14 : 14 : 32	11	Q. Was Leslie obligated to comply with military	14 : 17 : 14
12	at the foundry when the casting gets poured. Now, if	14 : 14 : 36	12	specifications, which covered all specific components of	14 : 17 : 19
13	there's cleaning when it gets X-rayed, he has to sign	14 : 14 : 39	13	the valves and related equipment, including the	14 : 17 : 22
14	off on the film that comes into us. He reviews the film	14 : 14 : 41	14	accessories, the subcomponents, such as packing and	14 : 17 : 25
15	against the components. He can set a point anywhere in	14 : 14 : 46	15	gaskets, and other materials which were necessary to	14 : 17 : 28
16	the production process to witness or inspect.	14 : 14 : 49	16	produce a Leslie product?	14 : 17 : 32
17	Q. I'm going to define a few terms. Casting,	14 : 14 : 51	17	A. Yes, sir. It's called out right in the	14 : 17 : 34
18	explain for the members the jury what a casting is.	14 : 14 : 54	18	contract.	14 : 17 : 37
19	A. A casting is a form of molding metal, for	14 : 14 : 57	19	Q. Could Leslie deviate from that and choose, for	14 : 17 : 38
20	example. The best example I can give you for a layman	14 : 15 : 10	20	example, a type of packing that was not approved by	14 : 17 : 42
21	is, if you've ever seen anybody mold lead into sinkers,	14 : 15 : 16	21	military specification?	14 : 17 : 46
22	you have a mold. You heat the lead. It turns molten.	14 : 15 : 24	22	A. You have to comply with the requirements and	14 : 17 : 46
23	The term is molding. You pour it in the mold. It	14 : 15 : 25	23	the materials that are listed in that specification.	14 : 17 : 51
24	cools. You open it up. You got a fish and sinker.	14 : 15 : 26	24	Q. Now, you also mentioned a term called, or at	14 : 17 : 53
25	Q. Okay. So --	14 : 15 : 26	25	least an abbreviation, QPL. Can you tell the members of	14 : 17 : 57
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1	the jury what a QPL is?	14:18:03	1	documents and ANSI. It can vary, depending on the	14:21:26
2	A. It's qualified products list.	14:18:04	2	product.	14:21:33
3	Q. And what does that mean in lay terms?	14:18:09	3	Q. As a specific example, it lists gaskets,	14:21:33
4	A. There is a government list if you were looking	14:18:11	4	metallic asbestos spiral round MILG 21032, correct?	14:21:37
5	for products, and today it's on the internet. Let's say	14:18:20	5	A. Yes, sir. That's under "Specifications,"	14:21:43
6	you wanted a gasket, in accordance with MILG 1W05, or	14:18:27	6	Military.	14:21:52
7	whatever that number is, because for some reason, you	14:18:36	7	Q. And that's what you referred to by example as a	14:21:53
8	need one. You can go online -- and back then, it was	14:18:39	8	Flexitallic gasket?	14:21:56
9	just a book -- and look for that, and it would give you	14:18:43	9	A. Yes. That's a spiral round gasket.	14:21:58
10	manufacturers that supplied that gasket and were on that	14:18:50	10	Q. So the Navy, through the use of the military	14:22:00
11	list. In other words, the government had ordered it or	14:18:55	11	specifications, required Leslie to use the metallic	14:22:03
12	whatever at their facility, and they are saying that,	14:19:00	12	asbestos spiral round gasket in the pressure reducing	14:22:08
13	yes, their gaskets comply to those requirements. Then	14:19:04	13	valve, correct?	14:22:11
14	you can order them from them.	14:19:09	14	A. Yes, sir. It's required. In fact, if you go	14:22:12
15	Q. Could you source component parts that were not	14:19:10	15	to the next page, you'll see a list of materials --	14:22:17
16	on a QPL or mil spec for inclusion in your finished	14:19:15	16	Q. Yes.	14:22:20
17	products?	14:19:20	17	A. -- that are mandated to be used in these	14:22:21
18	A. If the specification required a mil spec	14:19:22	18	valves. And if you go under "Gaskets, spiral round	14:22:25
19	component, you had to order a mil spec component.	14:19:27	19	materials instructions in accordance with MILG point	14:22:32
20	Q. I would like to run through an example with	14:19:32	20	21032," et cetera.	14:22:33
21	you, and I've marked as Exhibit A a copy of valves	14:19:35	21	Q. Now, you just mentioned two other terms. I	14:22:36
22	pressure reducing steam service military specification	14:19:39	22	want to go back. ANSI and ASTM?	14:22:39
23	MIL-V-17848V. It appears to be 1968. That has been	14:19:52	23	A. Yes. If you go to the top of page 2, it lists	14:22:42
24	marked as Exhibit A for identification.	14:19:58	24	different specifications. It says, "American Society	14:22:48
25	(Defendant's Exhibit A marked.)	14:19:58	25	for Testing and Materials."	14:22:51
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1	BY MR. HUGO:	14:19:58	1	Q. Right.	14:22:55
2	Q. Mr. Wrobel, take a moment and take a look at	14:20:00	2	A. And you see below it "A105," that happens to be	14:22:56
3	that document and tell me whether you are familiar with	14:20:03	3	a forging specification. The casting I was talking	14:22:59
4	it.	14:20:03	4	about before, if you look down farther, it says, "A216,	14:23:05
5	(Brief pause in proceedings.)	14:20:08	5	carbon steel castings." "A217, alloy steel castings."	14:23:10
6	THE WITNESS: I've seen this before.	14:20:14	6	Q. In fact, when you were asked earlier about the	14:23:18
7	BY MR. HUGO:	14:20:16	7	American Society of Testing and Materials, ASTM, Mr.	14:23:21
8	Q. How are you familiar with it? What is it?	14:20:16	8	Galiher didn't ask you whether they, in fact, specified	14:23:25
9	A. It's a mil spec for a -- it says, "Military	14:20:17	9	the use of asbestos-containing materials or engineered	14:23:30
10	specification valves, pressure reducing steam service."	14:20:24	10	them?	14:23:33
11	Q. Is that a product that Leslie manufactured?	14:20:30	11	A. I don't remember talking about ASTM.	14:23:33
12	A. Yes, it is.	14:20:33	12	Q. Okay. What was the other one that he asked you	14:23:36
13	Q. Does that specification, in turn, incorporate	14:20:34	13	about, if you remember?	14:23:38
14	additional specifications for gaskets, for example?	14:20:39	14	A. ASME.	14:23:39
15	A. Yes, sir. If you look at paragraph 2.2, it	14:20:43	15	Q. Okay. And what's the --	14:23:42
16	says, "Other publications." And also, under 2, it says,	14:20:47	16	A. American Society of Mechanical Engineers.	14:23:43
17	"Applicable documents." All those documents listed	14:20:51	17	Q. Are you aware whether they specified use of	14:23:45
18	there become part of this. So if you are looking for a	14:20:54	18	asbestos-containing materials?	14:23:48
19	gasket, and it mentions it in there, you have to order	14:20:57	19	A. Actually -- and I can't remember the actual	14:23:50
20	the gasket to that particular specification.	14:21:01	20	specification number, but there is an ASME/ANSI spec. I	14:23:59
21	And once they list that document in there --	14:21:04	21	can get the actual number.	14:24:10
22	and if you go to page 2, even for raw materials, it	14:21:10	22	Q. I'm not concerned about the number. Just the	14:24:12
23	says, all their publications, the following documents	14:21:13	23	content.	14:24:14
24	form part of the specification. So they are specified	14:21:17	24	A. Well, there is a table in that specification	14:24:14
25	herein, and it lists other documents, like the ASTM	14:21:22	25	that had a list of different gaskets that were suggested	14:24:21
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1	to be used in valves, and one of them was spiral round	14:24:25	1	Q. That's part of the Navy shipyard?	14:27:02
2	asbestos containing, and I think that was in there up	14:24:30	2	A. Yes.	14:27:04
3	until the end of 1990.	14:24:32	3	Q. Okay.	14:27:04
4	Q. Okay. And while we are talking about dates and	14:24:35	4	A. Part of the documentation that was required by	14:27:05
5	times -- I believe that you made reference to this, but	14:24:38	5	contract, and there were other things. But this is a	14:27:08
6	is it true that after Leslie made the decision to not	14:24:41	6	certificate of conformance and test basically that	14:27:11
7	use asbestos-containing gaskets and packing in some of	14:24:46	7	Leslie certified we met all the contract requirements.	14:27:15
8	their valves, the Navy required the continued use of	14:24:50	8	And if you look, there's boxes that are X'd, which is	14:27:25
9	asbestos-containing gaskets and packing in its valves?	14:24:53	9	saying that this particular valve had a visual	14:27:31
10	That is, the valves that Leslie produced under military	14:24:56	10	inspection, a dimensional inspection, material	14:27:33
11	specification?	14:25:00	11	inspection, material in accordance with the Navy drawing	14:27:36
12	A. When they would order a valve, they'd order it	14:25:00	12	and/or specifications. Chemical composition and	14:27:39
13	-- say, "I want a Leslie valve" -- in accordance with	14:25:04	13	mechanical properties test, that was actually of the	14:27:44
14	approved Navy drawing 23032M REV 2. I'm just picking a	14:25:07	14	castings and pressure containing material. You actually	14:27:47
15	number. And you could not deviate from that. Until	14:25:12	15	get certified material test report from the foundry.	14:27:51
16	that drawing was reapproved with a different component,	14:25:16	16	This required a class one radiographic	14:27:55
17	you had to supply it that way.	14:25:19	17	examination. This required magnetic particle testing.	14:27:59
18	Q. And in materials of the chronology of Leslie's	14:25:21	18	This required particle liquid penetrant test in the	14:28:00
19	production of various products, was Leslie producing	14:25:23	19	seats and the welds, which is common on Navy valves.	14:28:03
20	valves for the military that contained	14:25:27	20	Preservation and packing, we are certifying	14:28:07
21	asbestos-containing component parts after Leslie	14:25:30	21	that we are doing it in accordance with the mil spec.	14:28:10
22	discontinued the use of those asbestos-containing	14:25:34	22	The hydrostatic test pressure that was required by	14:28:13
23	component parts for commercial application valves?	14:25:36	23	contract or mil spec was 3,250. We did a seat tightness	14:28:16
24	A. Yes, we did.	14:25:39	24	of the valve at 1090, and we did a performance test on	14:28:22
25	Q. Now, you also talked about this inspection	14:25:42	25	water at 1090.	14:28:26
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1	process, and I'm going to show you what I've marked as	14:25:45	1	There were also other tests that were done.	14:28:29
2	Exhibit B for identification.	14:25:48	2	Post-shock vibration inspection tests were done, and it	14:28:32
3	(Defendant's Exhibit B marked.)	14:25:48	3	was inspected by Angelo Lavecki. He was an individual	14:28:37
4	BY MR. HUGO:	14:26:08	4	that worked in the test department.	14:28:42
5	Q. Take a minute and look at that document. If	14:26:08	5	Q. That's of Leslie, right?	14:28:44
6	you are familiar with it, tells us what it is, and how	14:26:11	6	A. That's Leslie.	14:28:45
7	you recognize it.	14:26:13	7	Q. And is that it for the jury? Only Leslie did	14:28:48
8	MR. GALIHER: I object to the form of this	14:26:13	8	these tests?	14:28:51
9	exhibit. I can't read the top of it. I don't know what	14:26:15	9	A. Leslie performed the tests.	14:28:51
10	it is.	14:26:17	10	Q. And then what happened?	14:28:53
11	THE WITNESS: This doc is a Leslie document,	14:26:24	11	A. The QAR witnessed and/or he could inspect also.	14:28:54
12	and I believe what it says on top, because I made out a	14:26:27	12	The QAR wouldn't run the test press to run it, but he	14:29:00
13	lot of these, is "Inspection and test report,	14:26:30	13	would be there to witness it. And if you notice, to the	14:29:02
14	certificate of conformance" or "compliance." I forgot	14:26:38	14	right of where it says "Shock and vibration," it's	14:29:05
15	which one it was.	14:26:38	15	signed J.J. Raymond. That was Jules Raymond. He was	14:29:09
16	BY MR. HUGO:	14:26:40	16	the Navy inspector QAR. They called it a QAS. They've	14:29:14
17	Q. Is that a document that you actually had	14:26:40	17	changed names. And actually, that box that's right	14:29:19
18	obtained at your direction from records kept in the	14:26:43	18	there that you see, he has a rubber stamp that has an	14:29:22
19	ordinary course of business by Leslie?	14:26:46	19	American eagle on it with his number that he's assigned.	14:29:26
20	A. Yes.	14:26:48	20	He is stamping this document saying that he verified all	14:29:28
21	MR. GALIHER: I object to the form of the	14:26:49	21	that we did on this, and you need this prior to	14:29:34
22	question. It's leading.	14:26:52	22	shipment.	14:29:37
23	THE WITNESS: This is for a control valve that	14:26:53	23	Q. Now, I don't want to go into too much detail,	14:29:37
24	we were making for Newport News, and --	14:26:56	24	but the members of the jury may never see a Leslie	14:29:43
25	BY MR. HUGO:	14:27:01	25	valve.	14:29:43
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1	Can you go buy one, for example, at Sears off	14:29:46	1	the scope and establishes the requirements for	14:32:36
2	the rack?	14:29:48	2	contractor's inspection system.	14:32:39
3	A. No. These are specialty valves.	14:29:49	3	Q. What is that?	14:32:41
4	Q. What does that mean? What is a specialty	14:29:50	4	A. All quality -- it defines the Leslie quality	14:32:42
5	valve?	14:29:54	5	system or anybody else's who they -- what must be in	14:32:45
6	A. You can't buy this at the Home Depot or a	14:29:55	6	that quality system, and it's quite detailed. Okay? It	14:32:48
7	supply outlet. This valve is made to a particular	14:29:57	7	talks about inspection and testing documentation. It	14:32:57
8	specification. Normally, we don't stock this type of	14:30:00	8	talks about retention of records. It talks about	14:33:00
9	valves. They are made by contract only.	14:30:05	9	corrective action if there is something that happens.	14:33:03
10	Q. And you used some terms that I want you to	14:30:07	10	If you get a corrective action request from someone, how	14:33:07
11	define here.	14:30:11	11	you have to answer it, what actions you have to take to	14:33:10
12	You said it was hydrostatic pressure tested to	14:30:11	12	prevent reoccurrence. It talks about drawing and change	14:33:13
13	30 to 50. 30 to 50 what?	14:30:16	13	control. It talks about measuring and test equipment.	14:33:15
14	A. Okay. Hydrostatic testing is filling something	14:30:18	14	Measuring and test equipment must be calibrated and	14:33:19
15	with water, and then you pressurize it. Okay? And the	14:30:21	15	traceable to a national standard.	14:33:22
16	different specifications, based on the pressure rating	14:30:25	16	And it even further goes into the calibration.	14:33:24
17	of the valve, there is a rule of thumb one and one half	14:30:28	17	If you were to read the measuring and testing part, it	14:33:27
18	times the rated pressure of the valve. It's actually	14:30:31	18	calls out MIL-C-15662, which says, "The equipment that	14:33:30
19	higher than that because it's on a pressure temperature.	14:30:33	19	you use to measure, inspect, and test must be calibrated	14:33:34
20	But this valve was rated at 900 PSI.	14:30:38	20	to that specification," and also process controls and a	14:33:38
21	If you look in the upper-right column -- upper	14:30:43	21	whole gamut of things.	14:33:44
22	right hand under "Description," I think it says --	14:30:46	22	Q. Okay. We've talked about inspection from the	14:33:45
23	Q. That's 900 and then the pound sign?	14:30:50	23	time that the raw materials are procured through the	14:33:47
24	A. 900 and then the pound sign. It's a 900-pound	14:30:51	24	production at the Leslie facility.	14:33:51
25	rated valve. For a 900-pound rated valve of this	14:30:55	25	Was there US Navy inspection and testing after	14:33:53
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1	material, the specification -- we did a pressure test	14:30:58	1	the products left Leslie's possession based on your	14:33:56
2	for integrity of 3,250 PSI.	14:31:03	2	years with Leslie?	14:34:02
3	Q. And PSI means?	14:31:09	3	A. Yes. It was done at the shipyards also. The	14:34:04
4	A. Times per square inch.	14:31:12	4	shipyards -- in some cases, we actually had -- remember	14:34:08
5	Q. All right. Now, in addition, I'm going to show	14:31:14	5	when I was talking about the X-rays?	14:34:12
6	you what I'm going to mark as Exhibit C, which is mil	14:31:21	6	Q. Yes.	14:34:14
7	spec number MIL-I-45208A. This one is 1961 and an	14:31:39	7	A. Actually, X-ray film on some of the contracts	14:34:14
8	appendix -- it looks like 1968.	14:31:57	8	was required to be sent even before we can start cutting	14:34:18
9	(Defendant's Exhibit C marked.)	14:31:57	9	into chips. Before we can actually have a casting	14:34:18
10	BY MR. HUGO:	14:31:57	10	shipped to us, we might have to send it to Electric Boat	14:34:22
11	Q. Take a moment and take a look at that document	14:31:59	11	or Newport News or somebody like that. And in some	14:34:24
12	and let me know if you recognize it.	14:32:01	12	cases, they would have to approve the film --	14:34:27
13	A. Yes, I do.	14:32:03	13	Q. Okay. Who --	14:34:27
14	Q. Was that document obtained at your direction	14:32:04	14	A. -- before we could do that.	14:34:30
15	from the records of Leslie?	14:32:08	15	Q. I want to clarify. You just used the term	14:34:31
16	A. Yes, sir.	14:32:10	16	"X-ray." Earlier, when we were talking about Exhibit B	14:34:33
17	Q. And kept in the normal and ordinary course of	14:32:11	17	and going through the checklist, you used the term	14:34:40
18	Leslie's business?	14:32:14	18	"radiographic examination." Is that --	14:34:45
19	A. Yes, sir.	14:32:15	19	A. That's X-ray.	14:34:46
20	Q. Can you tell the members of the jury what that	14:32:16	20	Q. -- the same?	14:34:47
21	is?	14:32:18	21	A. That's X-ray, yes.	14:34:49
22	A. It's a military inspection for the inspection	14:32:18	22	Q. And the shipyards are the ones that had the	14:34:49
23	requirements that Leslie must meet as a prerequisite to	14:32:21	23	machinery -- and I'm specifically talking about the US	14:34:52
24	be nationally offered and doing any Navy work at all.	14:32:27	24	Navy shipyards -- the machinery necessary to conduct the	14:34:55
25	This MIL-I-45208, if you go through it, it goes through	14:32:30	25	radiographic examinations or X-rays?	14:35:00
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1	MR. GALIHER: I object to the form of the	14:35:03	1	A. Yes. Prior to a ship being accepted by the	14:37:27
2	question. It's leading.	14:35:03	2	Navy, it goes on sea trials, and --	14:37:30
3	THE WITNESS: Our castings would be	14:35:05	3	Q. Tell the members of the jury what a sea trial	14:37:33
4	radiographed by a foundry or a lab close to that foundry	14:35:07	4	is.	14:37:33
5	that was certified. But, yes, the shipyards do have	14:35:10	5	A. The ship goes out. The Navy is running the	14:37:36
6	facilities to verify your results. As a matter of fact,	14:35:13	6	ship, along with people from the shipyard. And they	14:37:38
7	there was many an occasion over a period of, you know,	14:35:18	7	have basically a test that they have to run. For	14:37:41
8	counting everything, 20 years, I would get a call from	14:35:21	8	example, full speed ahead, full speed reverse. All	14:37:44
9	Electric Boat, and they would say, "We have this	14:35:24	9	equipment is being operated. You know, the valves are	14:37:48
10	casting. We are going to X-ray it. Can you send me the	14:35:27	10	run up to pressure. Because to go full speed ahead or	14:37:51
11	film? We want to verify what you did." They have	14:35:30	11	full speed in reverse or whatever, all the equipment has	14:37:54
12	random inspections that they have to do, too.	14:35:34	12	to be working. And that's when usually -- when they go	14:37:57
13	BY MR. HUGO:	14:35:37	13	on sea trial, there is a technical representative from	14:38:00
14	Q. So they'd be comparing the film that was done,	14:35:37	14	the companies that supplied the equipment. And if the	14:38:03
15	for example, at the foundry with the film taken of the	14:35:41	15	equipment fails, you know, or doesn't work, you have the	14:38:06
16	finished product to make sure that they were of the same	14:35:43	16	opportunity to fix it. I mean, if it can be fixed, I	14:38:13
17	component, which became a valve?	14:35:46	17	mean -- if the ship doesn't pass the test, the Navy	14:38:15
18	A. What they were trying to do is verify that the	14:35:48	18	doesn't accept the ship --	14:38:19
19	X-ray that you did and the acceptance of that, that it	14:35:51	19	Q. Okay. Who directed and controlled those	14:38:19
20	was a good X-ray, and they would periodically do this.	14:35:59	20	testing procedures?	14:38:21
21	Q. Based on your 44 years at Leslie and your time	14:36:03	21	A. That's the Navy.	14:38:22
22	at shipyards and aboard Navy ships, did the inspectors	14:36:06	22	Q. Are you familiar with the Naval Engineering	14:38:29
23	not only have the authority to inspect, but did they	14:36:11	23	Station or the Navy Boiler and Turbine Laboratory?	14:38:32
24	have the authority to either accept or reject products	14:36:14	24	A. It's a lab that I know had been used for shock	14:38:36
25	manufactured by Leslie?	14:36:17	25	and vibration testing of valves.	14:38:43
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1	MR. GALIHER: I object to the form of the	14:36:18	1	Q. Was Leslie required or obligated to send	14:38:45
2	question. It's leading.	14:36:20	2	samples of its product to those facilities for testing	14:38:48
3	THE WITNESS: The shipyards and the procuring	14:36:21	3	and inspection?	14:38:50
4	activities. Not necessarily the shipyards, but	14:36:24	4	A. You had to send it to an approved laboratory.	14:38:51
5	Mechanicburg and other depots that ordered parts. You	14:36:27	5	In some cases, in the contracts, it was quite specific.	14:38:55
6	know, some contracts came in where there were inspection	14:36:31	6	In other cases, you just send it to a lab that had been	14:38:58
7	source, acceptance destination. They should reinspect	14:36:35	7	approved by the Navy.	14:39:02
8	at any point in time, and the shipyards -- the shipyards	14:36:37	8	MR. HUGO: I'm going to mark now another	14:39:03
9	normally inspected everything that came in.	14:36:40	9	document, and it's going to be marked as Exhibit D for	14:39:07
10	BY MR. HUGO:	14:36:44	10	identification --	
11	Q. And did you personally interface with	14:36:45	11	MR. GALIHER: I have to go to the bathroom.	
12	government and shipyard quality control personnel	14:36:46	12	MR. HUGO: -- after this break so the	
13	concerning the equipment supplied by Leslie pursuant to	14:36:50	13	videographer can make the time adjustments, and we'll	
14	these specifications?	14:36:55	14	take a break.	
15	A. Oh, yes, sir. I worked with them.	14:36:57	15	(Defendant's Exhibit D marked.)	14:39:26
16	Q. Now, you also used --	14:36:58	16	THE VIDEOGRAPHER: We are going off the record.	14:39:26
17	A. A lot -- a lot of different of government	14:36:59	17	The time on the screen is 2:39.	14:39:28
18	inspectors, a lot of different quality people at	14:37:01	18	(Recess.)	14:39:31
19	different shipyards. Bath Iron Works, Newport News	14:37:06	19	THE VIDEOGRAPHER: We are now back on the	14:54:09
20	especially, Electric Boat.	14:37:10	20	record. The time on the screen is 2:55.	14:55:06
21	Q. Okay. You told us about being seasick, so I	14:37:13	21	BY MR. HUGO:	14:55:14
22	don't want to spend a lot of time with this.	14:37:17	22	Q. Mr. Wrobel, when we took a break, we were	14:55:15
23	But after a product made its way from Leslie to	14:37:20	23	talking about testing by the United States Navy	14:55:19
24	a shipyard, was there something called a sea trial which	14:37:23	24	laboratories. I've marked for identification Leslie	14:55:22
25	occurred?	14:37:26	25	Exhibit D. Take a moment and take a look at that	14:55:25
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1	document. And if you recognize it, tell us what it is.	14:55:28	1	the reading and then have the drawing. And he'd say,	14:58:55
2	A. Give me a minute.	14:55:31	2	"Do this one," or "I want to do that." Whatever he	14:58:59
3	(Brief pause in proceedings.)	14:55:48	3	wanted to do, I had to do it.	14:59:02
4	THE WITNESS: It's hard to read the -- I'm	14:55:49	4	Q. Based on your time working with or for him at	14:59:03
5	sorry -- request. Okay. It's a request to the United	14:55:52	5	Leslie, what was the purpose of him sending this product	14:59:08
6	States Naval Engineering Laboratory in Annapolis, and it	14:56:17	6	out for testing and requesting a report back from the	14:59:11
7	looks like we had an order. We were a subcontractor,	14:56:25	7	Marine Engineering Laboratory in Annapolis, Maryland?	14:59:15
8	but we had an order for a Warren pump, it looks like,	14:56:31	8	A. The contract that we got as a sub, because it	14:59:19
9	and --	14:56:36	9	looks like here Warren -- Warren is the prime, and we	14:59:23
10	BY MR. HUGO:	14:56:37	10	were going to put one of our governors on one of their	14:59:27
11	Q. When you said Annapolis, you are talking about	14:56:37	11	pumps, I guess. That's what I'm getting from this.	14:59:30
12	Annapolis, Maryland, correct?	14:56:39	12	They delegated down the requirements that were imposed	14:59:32
13	A. Yes. Annapolis, Maryland.	14:56:40	13	on them as a direct contractor, as the prime contractor.	14:59:34
14	Q. And this is a performance test, correct?	14:56:42	14	They subdelegated down to us to reclaim that	14:59:38
15	A. It says -- this was a cover document to send a	14:56:44	15	piece of equipment that we were making for them. And	14:59:42
16	pump governor, pump pressure regulator -- okay? -- to	14:56:52	16	also, on -- the QAR, the Navy inspector at Warren Pumps,	14:59:45
17	that lab, that Navy lab because it says here, "Submitted	14:56:57	17	because there was a requirement that the valve be	14:59:50
18	for performance test to meet in accordance with	14:57:01	18	inspected and tested in accordance with the	14:59:52
19	paragraph" -- I don't know if that's 413 or number 13 --	14:57:05	19	specifications, send what they call a letter of	14:59:55
20	"a one-inch Leslie PLNS-5 Type CPQ class 1, Series 600	14:57:10	20	delegation to Mr. Mishnekoff, giving him instructions.	14:59:57
21	service -- standby lube pump." And they are asking to	14:57:16	21	And actually, the guy who was at Warren Pump	15:00:00
22	do a test in accordance with that.	14:57:21	22	got a letter of delegation from the Navy as a prime of	15:00:03
23	And if you noticed, it's got the Navy	14:57:24	23	what he has to inspect and check on the piece of	15:00:08
24	inspector, Frank Mishnekoff. That's the guy I worked	14:57:27	24	equipment.	15:00:11
25	with when I first started. And, again, his eagle.	14:57:32	25	Q. And if it fails the inspection, what's the	15:00:12
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1	Okay? And it says, "send a report of the test to Mr.	14:57:35	1	result?	15:00:16
2	Frank Mishnekoff, QAR, DCASD - Newark." Care of Leslie	14:57:38	2	A. Number one, the equipment is stopped at	15:00:21
3	Controls. That's where Mr. Mishnekoff --	14:57:46	3	whatever point it is. Okay? And depending on the	15:00:24
4	Q. Okay. Mishnekoff, for the record, is	14:57:47	4	severity. Okay? Example: Let's say the valve was	15:00:29
5	M-i-s-h-n-e-k-o-f-f, correct?	14:57:51	5	painted and it had some drips on it. You know what I'm	15:00:33
6	A. Yes, sir.	14:57:54	6	talking? When you spray paint, you got little beads	15:00:42
7	Q. And he was actually -- when you said stationed,	14:57:55	7	left on paint?	15:00:44
8	he was the inspector who was physically present at	14:57:58	8	Q. Right.	15:00:44
9	Leslie Company assigned there by the United States Navy,	14:58:00	9	A. He could say, "For quality purposes, I don't	15:00:45
10	correct?	14:58:06	10	like that." Okay? "Fix it." And if it was something	15:00:51
11	A. Assigned there by the government or the United	14:58:06	11	minor, he might do it like that. If he found they used	15:00:55
12	States Navy. One of them, yeah.	14:58:09	12	the wrong component -- okay? -- it could be a lengthy	15:00:59
13	Q. And were you personally familiar with Mr.	14:58:10	13	process. Okay? He would issue a corrective action	15:01:04
14	Mishnekoff?	14:58:13	14	report, which takes you into a whole different ball	15:01:08
15	A. When I first started there being an inspector	14:58:14	15	game, back to that 45208 where they have to do it.	15:01:13
16	trainee, as anybody who is an interim, first-start	14:58:17	16	And until you resolve the problem, until you	15:01:13
17	position, you get to do all the jobs that nobody else	14:58:21	17	can prove you've taken action to preclude recurrence,	15:01:17
18	wants to do. So I had to assist him in his inspections.	14:58:24	18	the product sits there. And, you know, if somebody	15:01:20
19	When he was doing dimensional inspections, I would get	14:58:32	19	falsified something, you go to jail.	15:01:29
20	the tools for him. I would take them to where the	14:58:35	20	Q. Now, you talked about the fact that one	15:01:31
21	equipment was.	14:58:38	21	particular individual, Mr. Mishnekoff, was physically	15:01:36
22	He would tell me in a lot of cases, "Okay, take	14:58:38	22	present at Leslie Company when you started.	15:01:41
23	the dimension for me of -- this dimension on the valve	14:58:43	23	How long between the start of your employment	15:01:43
24	or whatever." And I would kneel down, take the	14:58:50	24	with Leslie and today has there been a US Navy inspector	15:01:46
25	dimension of a piece of inspection equipment, and read	14:58:52	25	at Leslie?	15:01:52
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1	A. The entire time.	15:01:53	1	Q. Did the Navy ever ask Leslie to recall any	15:04:14
2	Q. Up until today --	15:01:54	2	products that Leslie manufactured that may have	15:04:18
3	A. Up until today.	15:01:56	3	contained an asbestos-containing component part?	15:04:21
4	Q. -- literally, which is December the 1st of	15:01:57	4	A. Not to my knowledge.	15:04:25
5	2009, correct?	15:01:59	5	Q. At any time in time, did the Navy ask or	15:04:25
6	A. Yes.	15:02:00	6	instruct Leslie to affix a warning or caution statement	15:04:33
7	Q. You also talked about technical manuals.	15:02:00	7	to any of its products? The products themselves now as	15:04:36
8	Are technical manuals covered by military	15:02:10	8	opposed to the technical manual?	15:04:41
9	specifications as well?	15:02:14	9	A. Concerning asbestos?	15:04:43
10	A. Yes, they are.	15:02:16	10	Q. Yes.	15:04:44
11	Q. And what is the process -- actually, let me go	15:02:17	11	A. Not that I'm aware of.	15:04:45
12	back before I skip over something.	15:02:18	12	Q. You talked a little bit in response to Mr.	15:04:47
13	Exhibit D is actually a document that was	15:02:21	13	Galiher's question about a Tyfon, T-y-f-o-n, whistle,	15:04:54
14	obtained at your direction from records kept in the	15:02:24	14	which contained some asbestos insulation inside the	15:04:59
15	ordinary course of business by Leslie, correct?	15:02:27	15	product, correct?	15:05:05
16	A. Yes, sir.	15:02:29	16	A. Yes, sir.	15:05:06
17	Q. Okay. With that aside, what is the process by	15:02:30	17	Q. To your knowledge, did anybody ever order a	15:05:07
18	which a Leslie technical manual is drafted and reviewed	15:02:37	18	replacement piece of insulation for a Tyfon whistle from	15:05:11
19	by the United States Navy?	15:02:42	19	Leslie?	15:05:17
20	A. To my knowledge, engineering or part of	15:02:45	20	MR. GALIHER: I object to the form of the	15:05:18
21	engineering writes a manual in accordance with the	15:02:47	21	question as leading.	15:05:19
22	requirements of the mil spec. I've never read in	15:02:51	22	THE WITNESS: I have never seen any document	15:05:20
23	entirety. I never wrote one. But it tells what has to	15:02:55	23	where somebody ordered that.	15:05:24
24	be in it. It tells the size. They are very, very --	15:02:59	24	BY MR. HUGO:	15:05:26
25	like any military specification, it's very defined. And	15:03:08	25	Q. Have you ever seen any document which indicates	15:05:27
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1	once it's written, it's submitted to whoever asked you	15:03:11	1	that somebody repaired a Leslie Tyfon whistle which	15:05:30
2	to do that for review and approval.	15:03:14	2	caused them to disturb or replace that asbestos	15:05:34
3	Q. And that would be the Navy; is that correct?	15:03:17	3	insulation?	15:05:38
4	A. The Navy. Or the shipyard could have done it,	15:03:19	4	A. No, sir. There is no reason to disturb that at	15:05:40
5	and then the shipyard would give it to the ship building	15:03:22	5	all.	15:05:43
6	or Navy or whoever required it from Navships.	15:03:25	6	Q. Why is that?	15:05:43
7	Q. Based on your 44 years of employment with	15:03:28	7	A. Because it's a closure, and all the components,	15:05:43
8	Leslie and your involvement in the manufacturing process	15:03:33	8	if you look at that drawing, can be accessed without	15:05:48
9	that you've discussed, do you have any doubt in your	15:03:37	9	even touching it.	15:05:51
10	mind that the United States Navy knew which	15:03:41	10	Q. You were shown some documents from Southern	15:05:52
11	asbestos-containing products, if any, were contained	15:03:43	11	Power and Industry dated in the 1940s from the American	15:05:59
12	within Leslie's products --	15:03:47	12	Society of Mechanical Engineers from the 1940s as well.	15:06:07
13	MR. GALIHER: I object to the form of the --	15:03:53	13	Do you remember that?	15:06:11
14	BY MR. HUGO:	15:03:53	14	A. Yes, sir.	15:06:11
15	Q. -- at every point in time in production?	15:03:53	15	Q. Have you ever reviewed any documents from	15:06:12
16	MR. GALIHER: I object to the form of the	15:03:55	16	either of those organizations that concluded or	15:06:16
17	question as leading.	15:03:55	17	suggested that asbestos-containing gaskets or packing	15:06:19
18	THE WITNESS: The government knew exactly what	15:03:56	18	posed a health hazard to people who worked with or	15:06:24
19	everything was in that valve. It's called out on the	15:03:58	19	around them in Leslie's products?	15:06:27
20	approved Navy drawing or master plan that we called it	15:04:01	20	MR. GALIHER: I object to the form of the	15:06:29
21	before.	15:04:04	21	question.	15:06:31
22	BY MR. HUGO:	15:04:04	22	THE WITNESS: No, sir, I have not.	15:06:31
23	Q. Did the Navy ever ask Leslie to put a warning	15:04:05	23	MR. HUGO: And that is the extent of my	15:06:40
24	regarding asbestos in any of Leslie's technical manuals?	15:04:09	24	examination at this point.	15:06:42
25	A. Not to my knowledge.	15:04:13	25	Anybody else have any questions? I'm hearing	15:06:47
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1	none.	15:06:52	1	document, however. It's A you are talking about?	15:11:13
2	MS. SHELDON: Marie Sheldon. I don't have any	15:06:53	2	THE WITNESS: I believe so.	15:11:16
3	questions. Thanks.	15:06:54	3	MR. HUGO: Mr. Wrobel, I know you have a lot of	15:11:17
4	MR. HUGO: I believe that the deposition is	15:06:59	4	documents here, but just look at that one and compare it	15:11:21
5	concluded. We should go off the record, and --	15:07:01	5	to Exhibit A and make sure it's the military	15:11:23
6	MR. GALIHER: No. I need to ask some	15:07:02	6	specification for the same thing.	15:11:28
7	follow-up.	15:07:03	7	THE WITNESS: 12 November of '68, superseding	15:11:29
8	MR. HUGO: Okay.	15:07:03	8	--	15:11:29
9	MR. GALIHER: I was just waiting for the round	15:07:04	9	MR. HUGO: Not the one --	15:11:33
10	Robin to roll in, if the co-defendants are all finished.	15:07:06	10	THE WITNESS: When I looked here, I looked at	15:11:33
11	MR. HUGO: You want to do one at a time?	15:08:46	11	the wrong --	15:11:35
12	MR. GALIHER: No. Both, the same.	15:08:48	12	MR. HUGO: No. That's fine. We'll get clear.	15:11:36
13	(Plaintiffs' Exhibits 21, 22 marked.)	15:08:48	13	Not the date, but just the right product. Is it the	15:11:37
14	FURTHER EXAMINATION	15:08:57	14	exact same type of valve, or is it a different --	15:11:40
15	BY MR. GALIHER:	15:08:57	15	THE WITNESS: No. It's the same specification.	15:11:43
16	Q. Mr. Wrobel, counsel asked you some questions on	15:08:58	16	MR. HUGO: Okay.	15:11:44
17	Exhibit A having to do with the military specification	15:09:03	17	BY MR. GALIHER:	15:11:45
18	for valves pressure reducing steam service.	15:09:06	18	Q. So --	15:11:48
19	Do you recall?	15:09:12	19	A. And this document, Exhibit A, says it	15:11:48
20	A. Yes.	15:09:12	20	superseded MIL-V-17848 (ships,) November 1958. And this	15:11:54
21	Q. I believe that was a mil spec dated 12 November	15:09:13	21	one is the document that this supersedes.	15:12:02
22	-- is that 1966?	15:09:24	22	MR. HUGO: Okay.	15:12:07
23	A. 12 or 19 November.	15:09:33	23	BY MR. GALIHER:	15:12:10
24	Q. It's '66 or '68?	15:09:34	24	Q. And that's the same, and that '58, in fact,	15:12:11
25	A. 12 November 1966.	15:09:35	25	superseded the original, which was 17 October 1955; is	15:12:14
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1	MR. GALIHER: Okay. Do we have a better date	15:09:38	1	that correct?	15:12:23
2	than that?	15:09:48	2	A. Yes, sir.	15:12:23
3	MR. DEROBERTIS: No.	15:09:49	3	Q. Okay. And just so we are clear, the military	15:12:26
4	BY MR. GALIHER:	15:09:52	4	specification is a description of a product; is that	15:12:33
5	Q. Okay. That mil spec that was marked as Exhibit	15:09:52	5	correct?	15:12:36
6	A actually supersedes the previous mil spec that covered	15:09:56	6	A. I guess the word "description" -- it's the	15:12:36
7	that valve; is that correct? And I've just showed you	15:10:01	7	specification that covers regulating valves for steam	15:12:49
8	Exhibit 22 and 21. See if those are the preceding	15:10:07	8	service.	15:12:49
9	military specifications, if that's the one your counsel	15:10:12	9	Q. Okay. You used the example of that glass	15:12:54
10	directed your attention to?	15:10:16	10	sitting next to you.	15:12:54
11	A. No. I think this is superseding -- that's	15:10:26	11	If there was a military specification of that,	15:12:57
12	superseding. Oh, it says, "superseding." The document	15:10:30	12	it would say, umpety-ump kind of glass and this height	15:13:00
13	that this replaced, it looks like is dated 19 November.	15:10:34	13	and that width and whatever, that's clear to see	15:13:03
14	And this is 17 October, and this is 17 October.	15:10:39	14	through, whatever, rather than say, "A Leslie water	15:13:05
15	MR. DEROBERTIS: That's B.	15:10:55	15	glass." It's a description of what the product is, or	15:13:10
16	BY MR. GALIHER:	15:10:56	16	what the end product here is supposed to be built	15:13:13
17	Q. I have a cleaner copy here. And up at the top,	15:10:57	17	according to specification; is that correct?	15:13:16
18	it says, "12 November 1968." Do you want to just take a	15:11:01	18	A. Yes. It's how to build that product.	15:13:17
19	look at that and make sure I'm talking about the right	15:11:05	19	Q. Okay. It might not be a Halliburton glass, but	15:13:21
20	date?	15:11:05	20	Halliburton could make a specification that would	15:13:26
21	A. Oh, wait a minute. Maybe I'm reading it wrong.	15:11:05	21	describe it that would meet a military specification?	15:13:28
22	MR. HUGO: I think that's the correct --	15:11:06	22	A. As long as the configuration met all the	15:13:31
23	MR. GALIHER: 1968. I just don't want to	15:11:08	23	requirements of this.	15:13:31
24	create any confusion.	15:11:10	24	Q. Okay. So it's basically how to avoid a	15:13:33
25	MR. HUGO: I don't know that this is the same	15:11:11	25	brand-name so that other people can bid on it at least	15:13:35
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1	in theory if you are going to produce it?	15:13:38	1	A. No, sir. But those specifications become part	15:18:42
2	A. No. I think it's putting requirements in so	15:13:41	2	of this specification.	15:18:45
3	the valve performs the way it's supposed to perform.	15:13:45	3	Q. No. But I'm saying, in the later iteration,	15:18:46
4	Q. Okay. So if the military was going to make a	15:13:47	4	the one your counsel brought to your attention, it	15:18:48
5	specification to buy Drano to clean their toilets, they	15:13:52	5	specifically says asbestos -- metallic asbestos spiral	15:18:52
6	don't say, "Military specification for Drano." They'll	15:13:57	6	round -- is that correct -- and that's not specifically	15:19:04
7	describe what it can do, little pellets that are made	15:14:01	7	listed in the previous iteration?	15:19:07
8	out of X, Y, and Z and clean your toilet," is what I'm	15:14:04	8	A. That's correct. The previous iteration does	15:19:11
9	saying. It's a description of a product?	15:14:08	9	not have a table -- well, it has a table, but in the	15:19:14
10	A. And probably if it was Drano, it would say,	15:14:09	10	table it doesn't list gasketing. However, what I'm	15:19:17
11	"The pellets should consist of so much percent of this,	15:14:12	11	saying, these other specifications, which become part	15:19:21
12	so much percent of this, so much percent of this," or	15:14:12	12	of, could call out the requirements for the gasketing.	15:19:24
13	"This be the diameter," or "This be the color of this,"	15:14:15	13	Q. And both A and 21 and 22 list specifications as	15:19:31
14	et cetera, et cetera.	15:14:18	14	a second applicable document, and only in the one that	15:19:40
15	Q. But the idea is to have an objective	15:14:18	15	your counsel selected to show you does it spell out our	15:19:45
16	description of it that would meet some sort of	15:14:21	16	ad (phonetic) gaskets metallic asbestos; is that	15:19:51
17	performance specification, work like it's supposed to,	15:14:24	17	correct?	15:19:55
18	but somebody else could make it besides the Drano	15:14:25	18	A. The earlier document does not call for spiral	15:19:55
19	company?	15:14:28	19	round gaskets. The later document does, and --	15:20:00
20	A. Somebody else could make a valve to this	15:14:29	20	Q. And likewise -- go ahead.	15:20:03
21	specification.	15:14:33	21	A. And basically, I'm assuming that's when we went	15:20:04
22	Q. Okay. That's all I'm asking.	15:14:33	22	to the later reducing valve where we went from the	15:20:08
23	A. If they went through all that they had to do.	15:14:35	23	copper jacketed to the spiral round.	15:20:13
24	Q. Okay. Now, your counsel showed you his Exhibit	15:14:37	24	Q. So that change in the gasketing was specified	15:20:16
25	B -- or was that A? That was A -- and that was a	15:14:43	25	by this specification that came out in 1968, that	15:20:24
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1	specification for this valve you described, and he	15:14:46	1	superseded the 1958 specification; is that correct?	15:20:30
2	walked you through the part where it said gaskets,	15:14:50	2	A. That's what I'm saying from these documents,	15:20:33
3	metallic asbestos spiral round.	15:14:59	3	that the later one is the spiral round.	15:20:35
4	Do you recall that?	15:15:01	4	Q. And with respect to the three specifications in	15:20:39
5	A. Yes, sir.	15:15:02	5	front of you, the three iterations of the same	15:20:45
6	Q. That military specification superseded the one	15:15:02	6	specification, the '55, the '58, and the '68, they are	15:20:50
7	that was developed in November, 19 November 1968, which	15:15:10	7	absolutely silent on the type of packing that should be	15:20:55
8	in fact superseded the one before that was developed in	15:15:17	8	incorporated; is that correct?	15:20:58
9	October, October 17th, 1955; is that correct?	15:15:27	9	A. That's correct because pressure reducing valves	15:21:00
10	A. Yes, sir, in that sequence.	15:15:30	10	don't have packing.	15:21:17
11	Q. And the two iterations before that, for the	15:15:32	11	Q. With respect to your weight calculations that	15:21:17
12	decade and a half or the 13 years before that, there is	15:15:35	12	you made for Mr. Hugo, you are not a marine engineer,	15:21:19
13	no such description of the gasketing material; is that	15:15:39	13	are you?	15:21:24
14	correct?	15:15:45	14	A. No, sir.	15:21:25
15	A. I don't know. I don't think I've ever seen	15:15:45	15	Q. And you don't have any notes for those	15:21:25
16	that.	15:15:48	16	calculations, do you?	15:21:27
17	Q. Well, why don't you take your time and go	15:15:49	17	A. No, sir, I do not.	15:21:29
18	through it?	15:15:51	18	Q. And did you work that out with counsel	15:21:30
19	A. I don't see it listed in the table as in the	15:18:21	19	beforehand, those calculations?	15:21:37
20	later. However, these bureaus' drawings, without having	15:18:25	20	A. I did that maybe -- because when I was asked or	15:21:45
21	them in front of me, I can't tell if they reference	15:18:31	21	tearing gaskets apart, and I said, "This is very time	15:21:53
22	gasket and the type to be used. They could be listed in	15:18:34	22	consuming." So I took it on my own -- I actually did it	15:21:55
23	these other documents.	15:18:38	23	on an Excel spreadsheet.	15:21:59
24	Q. But it's not listed on the specification as	15:18:40	24	Q. When was this?	15:22:00
25	a --	15:18:42	25	A. A year and a half ago.	15:22:01
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1	Q. Okay. It was after the litigation. While you	15:22:05	1	stamp that also back then they used to stamp every	15:25:14
2	were testifying in this litigation, you did this little	15:22:08	2	valve.	15:25:18
3	experiment?	15:22:12	3	(Plaintiffs' Exhibit 23 marked.)	15:26:51
4	A. When I was testifying in this litigation?	15:22:12	4	BY MR. GALIHER:	15:26:51
5	Q. Yes. The asbestos litigation generally.	15:22:14	5	Q. I marked as Exhibit 23 military specification	15:26:52
6	A. Oh, yes, sir.	15:22:16	6	form manual, technical, for mechanical and electrical	15:27:01
7	Q. And the weight that you calculated didn't	15:22:20	7	equipment dated 10 September 1957.	15:27:05
8	include any asbestos insulation that Leslie recommended	15:22:27	8	You can take your time to review that, and I'm	15:27:14
9	be installed around the valves for condensation, does	15:22:31	9	going to ask you a question about paragraph 3.4.3.2 (c)	15:27:17
10	it?	15:22:38	10	on page 17 that deals with warning.	15:27:28
11	MR. HUGO: Objection; misstates the prior	15:22:38	11	A. I'll just read the scope of the document --	15:27:50
12	testimony.	15:22:39	12	Q. Sure.	15:27:50
13	THE WITNESS: No, sir. This was just -- if you	15:22:40	13	MR. HUGO: Take your time and read the whole	15:27:52
14	had a gasket here, basically what it would weigh. And	15:22:42	14	thing if you need to, if you are not familiar with that	15:27:54
15	if you took off the metal and just had the filler, what	15:22:46	15	document.	15:27:56
16	the filler would weigh. That's all it was.	15:22:49	16	BY MR. GALIHER:	15:28:09
17	BY MR. GALIHER:	15:22:51	17	Q. This is in response to questions counsel put to	15:28:10
18	Q. This had nothing to do with sheet gaskets, huh?	15:22:51	18	you having to do with specifications for writing manuals	15:28:12
19	A. I did calculate the sheet gaskets, too -- also.	15:22:54	19	and technical publications for equipment.	15:28:17
20	Q. Exhibit D, this was a Warren Pumps exhibit, or	15:23:11	20	(Brief pause in proceedings.)	15:29:24
21	the prime contractor on this was Warren Pumps?	15:23:27	21	THE WITNESS: I'm trying to read all the	15:30:29
22	A. Which one?	15:23:30	22	sections to see --	15:30:29
23	Q. D.	15:23:31	23	MR. GALIHER: No. You go ahead and take all	15:30:31
24	A. Yes, sir. If you look at block 3, it says,	15:23:35	24	the time you need. That's fine.	15:30:33
25	"Prime contractor: Warren Pump."	15:23:38	25	(Pause in proceedings.)	15:33:19
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1	Q. Okay. Is that someone that Leslie frequently	15:23:40	1	THE WITNESS: Okay. I've got a general idea of	15:36:12
2	teamed up with as far as equipment going aboard naval	15:23:50	2	what it's about.	15:36:14
3	vessels?	15:23:55	3	BY MR. GALIHER:	15:36:16
4	MS. SHELDON: Objection; misstates the	15:24:04	4	Q. Do you recognize this specification?	15:36:17
5	testimony as far as Leslie and Warren were specifically	15:24:08	5	A. I don't believe I've ever read this.	15:36:19
6	teaming up.	15:24:08	6	Q. Okay. This specification as referred to, is it	15:36:21
7	THE WITNESS: I'm just saying what this was.	15:24:10	7	not in our Exhibit 22?	15:36:31
8	BY MR. GALIHER:	15:24:14	8	MR. HUGO: Objection; lack of foundation, calls	15:36:37
9	Q. Sure. I'm asking you --	15:24:14	9	for hearsay.	15:36:41
10	A. I never saw a Warren pump at Leslie. But	15:24:15	10	BY MR. GALIHER:	15:36:41
11	Leslie made pressure regulators, and Warren Pump ordered	15:24:19	11	Q. Do you recall those questions where your	15:36:48
12	a pump pressure regulator from us. They were the prime.	15:24:22	12	counsel was asking you about how -- was it their	15:36:49
13	We were the sub. We complied with the contract.	15:24:25	13	specifications that told you how to write these manuals,	15:36:52
14	Q. From reviewing documents and your own	15:24:27	14	technical manuals? Do you remember that?	15:36:56
15	experience at Leslie, was Warren Pumps a frequent	15:24:30	15	A. Yes, sir.	15:36:57
16	contractor that you worked with or Leslie worked with in	15:24:34	16	Q. Okay. Is that what this specification deals	15:36:58
17	conjunction with equipment going aboard naval vessels?	15:24:38	17	with?	15:37:01
18	A. I have -- "frequent," I don't know how to	15:24:42	18	MR. HUGO: Objection; vague, ambiguous,	15:37:02
19	define that. I have seen documents as I've gone through	15:24:49	19	overbroad, lack of foundation, calls for hearsay.	15:37:04
20	things, kind of microfilm, where I have seen Leslie ship	15:24:52	20	BY MR. GALIHER:	15:37:07
21	valves to Warren Pump.	15:24:58	21	Q. Just so I'm referencing this correctly, mil	15:37:08
22	Q. Okay. This stamp that's on D, is that one of	15:25:00	22	spec M15071, "Military Specification Manual, Technical,	15:37:12
23	those rubber stamps you were describing?	15:25:03	23	For Mechanical and Electrical Equipment, Less	15:37:21
24	A. Yes, sir. That's what they called the Navy	15:25:05	24	Electronics."	15:37:26
25	inspector's eagle. He also had a high-impact metal	15:25:08	25	Do you see that?	15:37:27
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1	A. Yes, sir. That's what it says.	15:37:28	1	the original iteration of this military specification	15:39:57
2	Q. Okay. And this is basically telling you how to	15:37:30	2	for the Leslie valve that you were building that counsel	15:40:03
3	write a manual; is that correct?	15:37:32	3	pointed out to you that's dated 17 October 1955; is that	15:40:06
4	MR. HUGO: Objection; lack of foundation, calls	15:37:33	4	correct?	15:40:13
5	for hearsay.	15:37:37	5	A. Yes, sir.	15:40:13
6	THE WITNESS: To me, it looks like it gives the	15:37:37	6	Q. And if you turn to the second page there, about	15:40:13
7	minimum requirements of how a manual should be prepared.	15:37:41	7	two-thirds or three-quarters of the way down that list,	15:40:17
8	BY MR. GALIHER:	15:37:44	8	it says, "MIL-T-15071 technical manuals for mechanical	15:40:20
9	Q. Okay. And just so we are clear, this	15:37:44	9	and electrical equipment." Is that this very same	15:40:26
10	specification is called for and must be complied with	15:37:49	10	specification?	15:40:29
11	for the manufacturer of the valves that you are	15:37:54	11	A. Yes, sir.	15:40:30
12	manufacturing; is that correct?	15:37:57	12	Q. So it would seem to apply to that one as well?	15:40:30
13	MR. HUGO: Objection; calls for hearsay, lacks	15:37:58	13	MR. HUGO: Same objections.	15:40:33
14	foundation.	15:38:03	14	BY MR. GALIHER:	15:40:35
15	THE WITNESS: If this manual is called out in	15:38:03	15	Q. Then on Exhibit A, which was the 1958 -- pardon	15:40:35
16	the specification as the technical manual specification,	15:38:06	16	me -- 1968 revision, November 12, 1968, if you go to the	15:40:48
17	this is the manual that I would say you'd have to write	15:38:08	17	eighth page, page 8 at the bottom, middle, and the	15:40:59
18	the manual to.	15:38:13	18	second paragraph says, "Manuals."	15:41:12
19	BY MR. GALIHER:	15:38:14	19	Do you see that?	15:41:13
20	Q. Okay. We are on the same page. No pun	15:38:15	20	A. Yes, sir.	15:41:15
21	intended. We'll get there.	15:38:17	21	Q. It says, "Manuals shall be furnished in	15:41:16
22	So our Exhibits 21 and 22, can you take a look	15:38:19	22	accordance with type 1 of MIL-M-15071."	15:41:19
23	at those? Are those still in front of you? Those were	15:38:25	23	Again, is that this very specification we are	15:41:25
24	the earlier specifications for the valves.	15:38:28	24	talking about?	15:41:27
25	A. I got a little blurry for a minute.	15:38:36	25	MR. HUGO: Objection; calls for hearsay, lacks	15:41:28
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1	Q. That's fine. That's fine. Let's look at	15:38:39	1	foundation, calls for speculation.	15:41:31
2	Exhibit 21 first.	15:38:51	2	THE WITNESS: It's calling for this	15:41:33
3	Is that the first one? Well, 21, this is	15:38:53	3	specification.	15:41:34
4	November 19, 1958. And if you go to the second page,	15:39:02	4	BY MR. GALIHER:	15:41:36
5	page 2, about three-quarters of the way down where it	15:39:06	5	Q. To be adhered to or applied in making the	15:41:36
6	says "MIL-M-15071 manual" -- do you see that?	15:39:15	6	valve?	15:41:39
7	A. Yes, sir I do.	15:39:20	7	A. Adhered to or applied, but not necessarily that	15:41:39
8	Q. -- does that appear to be this very	15:39:21	8	particular revision. I don't --	15:41:40
9	specification?	15:39:24	9	Q. I understand that. I understand, but we are	15:41:41
10	MR. HUGO: Objection; lacks foundation and	15:39:25	10	still talking there was a specification that dealt with	15:41:44
11	calls for speculation.	15:39:26	11	this that Leslie was required to comply with; is that	15:41:47
12	THE WITNESS: Yes, sir, it does.	15:39:27	12	correct?	15:41:50
13	BY MR. GALIHER:	15:39:28	13	A. Yes, sir. Required to write a manual.	15:41:50
14	Q. Okay. So your interpretation of that as	15:39:29	14	Q. Now, I want to direct your attention to our	15:41:52
15	building the valves at Leslie, you would be required to	15:39:32	15	Exhibit -- I believe it's 23 -- I just had marked.	15:41:56
16	comply with this -- is that correct? -- as part of this	15:39:36	16	That is that specification that was issued 10	15:41:58
17	specification?	15:39:38	17	September 1957 that superseded the 16 August 1954.	15:42:05
18	MR. HUGO: Same objections.	15:39:39	18	Do you see that?	15:42:11
19	THE WITNESS: If we were asked to write a	15:39:40	19	A. Yes, sir.	15:42:12
20	manual. Sometimes they do, sometimes they don't.	15:39:41	20	Q. And I want to direct your attention to page 17	15:42:14
21	BY MR. GALIHER:	15:39:44	21	of that. I have 17 in the lower right-hand corner of	15:42:16
22	Q. Sure. We've looked at earlier manuals today	15:39:45	22	mine. And up at the top, it says, "Wording."	15:42:46
23	that Leslie wrote; is that correct?	15:39:47	23	A. Yes, sir. I see that.	15:42:50
24	A. Yes, sir.	15:39:49	24	Q. And this is describing the wording that should	15:42:51
25	Q. And likewise, if we go to Exhibit 22, that is	15:39:49	25	be followed to comply with this specification, and it	15:42:55
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1	indicates that it should be concise and readily	15:43:02	1	warning there as it appears on the specification, that	15:45:20
2	understandable to relatively inexperienced personnel	15:43:05	2	that's exactly what it was trying to impart, that kind	15:45:23
3	involved in the operation and maintenance of their	15:43:08	3	of important information to a technician that was doing	15:45:26
4	equipment; is that correct?	15:43:11	4	maintenance on Leslie equipment; is that correct?	15:45:29
5	A. That's what it says, sir.	15:43:13	5	A. Yes, sir.	15:45:32
6	Q. So it would supply technicians with sufficient	15:43:15	6	Q. With respect to asbestos, Leslie never issued a	15:45:33
7	information to install, operate, service, and maintain	15:43:19	7	warning like this about asbestos, did it?	15:45:39
8	the equipment at peak performance; is that correct?	15:43:24	8	A. I've never seen a warning about asbestos in any	15:45:42
9	A. That's what it states, sir.	15:43:27	9	manual.	15:45:50
10	Q. And then going down to the next paragraph	15:43:28	10	Q. And Leslie never told the technicians that were	15:45:51
11	towards the end that says "WARNING," in capitals saying	15:43:32	11	working on their Leslie valves or any of their Leslie	15:45:58
12	"Operating procedures, practices, etc, which will result	15:43:36	12	steam equipment to avoid breathing asbestos dust; is	15:46:05
13	in personal injury or loss of life if not correctly	15:43:41	13	that correct?	15:46:08
14	followed."	15:43:46	14	A. I've never seen that in any manual.	15:46:08
15	Do you see that?	15:43:46	15	MR. GALIHER: That's all the questions we have.	15:46:14
16	A. Yes, sir.	15:43:47	16	Thank you.	15:46:15
17	Q. So that was a requirement by the specification	15:43:47	17	MR. HUGO: Hold on. Sorry. I've got a few	15:46:15
18	when Leslie was manufacturing these valves, when they	15:43:50	18	more. If you pass that back to me. Picking up on	15:46:18
19	were writing these technical manuals; is that correct?	15:43:55	19	Exhibit 14, it had a -- the document in front of you,	15:46:21
20	MR. HUGO: Objection; calls for hearsay, lacks	15:43:57	20	pass that back to me. Thank you.	15:46:28
21	foundation.	15:44:02	21	FURTHER EXAMINATION	15:46:28
22	THE WITNESS: It's a requirement -- I'm sorry.	15:44:02	22	BY MR. HUGO:	15:46:28
23	MR. HUGO: Go ahead.	15:44:04	23	Q. Exhibit 14, it had a warning regarding a	15:46:29
24	THE WITNESS: It's a requirement that's imposed	15:44:04	24	flammable solvent.	15:46:32
25	by this specification. "If operating procedures,	15:44:10	25	Do you know if Leslie or the Navy included that	15:46:33
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1	practices, et cetera" -- they'd have to put a warning	15:44:14	1	language, put that language into the manual?	15:46:37
2	there -- "which would result in personal injury or loss	15:44:18	2	MR. GALIHER: Just so the record is clear, I	15:46:43
3	of life."	15:44:21	3	was referring to the -- the page that that appears on is	15:46:45
4	BY MR. GALIHER:	15:44:22	4	Bates number 000850.	15:46:48
5	Q. Okay. So with respect to our earlier exhibits	15:44:22	5	MR. HUGO: All right. Let's find that	15:46:54
6	today, we had a technical manual that Leslie prepared	15:44:25	6	document.	15:46:56
7	for air priority valve -- I believe it was Exhibit 14,	15:44:30	7	MS. WAXMAN: I think it's that one.	15:47:04
8	I'll see if you recall this -- that indicated in	15:44:36	8	MR. GALIHER: Which one?	15:47:04
9	cleaning -- it said "WARNING," in capital letters,	15:44:39	9	MS. WAXMAN: Oh, no. Sorry.	15:47:07
10	W-A-R-N-I-N-G, "Flammable and toxic solvents should be	15:44:42	10	MR. O'CONNELL: I don't know if I have a	15:47:09
11	used only in well-ventilated areas. Avoid breathing	15:44:49	11	truncated version. Mine looks like this.	15:47:11
12	solvent vapors."	15:44:52	12	MR. GALIHER: Is there a number on it?	15:47:22
13	Do you recall that?	15:44:54	13	THE WITNESS: 14.	15:47:22
14	A. Yes, sir, I do.	15:44:54	14	BY MR. HUGO:	15:47:39
15	Q. Would you agree that Leslie probably complied	15:44:54	15	Q. 14. Okay. So I've got Exhibit 14, and it	15:47:39
16	with warning the technicians here about using flammable	15:44:57	16	indicates on the back of the first page "Department of	15:47:46
17	and toxic solvents should only be done in	15:45:01	17	the Navy, Naval Ships Systems Command"; is that correct?	15:47:52
18	well-ventilated areas?	15:45:05	18	A. Yes, sir.	15:47:55
19	A. That's what that says, though I don't know if	15:45:05	19	Q. Do you know whether or not, and there is --	15:47:56
20	that document was written in accordance with this	15:45:08	20	before I get to that other question, there is an	15:47:58
21	document.	15:45:10	21	approval and procurement page, and there's some contract	15:48:01
22	Q. Okay. But it would appear that it was giving	15:45:10	22	numbers and NAVSEA, numbers.	15:48:07
23	such a warning; is that correct?	15:45:13	23	Do you know with regard to this particular	15:48:12
24	A. It appears that way, sir.	15:45:16	24	document whether Leslie or the Navy inserted this	15:48:15
25	Q. And it would appear from the definition of	15:45:17	25	wording/language under 5.2 for cleaning?	15:48:19
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1	A. I have no idea, sir. I wasn't around when that	15:48:22	1	Q. Exhibit 23, that was the specification that had	15:51:10
2	was written.	15:48:25	2	to be complied with when Leslie manufactured these	15:51:16
3	Q. Okay. With regard to this document, which	15:48:25	3	valves; is that correct --	15:51:20
4	you've never seen before, which is mil spec M-15071,	15:48:27	4	MR. HUGO: Same objections.	15:51:21
5	this one dated September 9, 1957, which is Exhibit 23,	15:48:34	5	BY MR. GALIHER:	15:51:22
6	the language counsel referred to was, "Warning:	15:48:41	6	Q. -- in that period of time?	15:51:22
7	Operating procedures, practices, et cetera, which will	15:48:46	7	A. I'm sorry, sir. Where are we? I'm a little	15:51:23
8	result in personal injury or loss of life if not	15:48:49	8	lost here. I'm getting a little foggy.	15:51:26
9	correctly followed."	15:48:53	9	Q. With respect to the specifications -- I believe	15:51:31
10	Sir, do you have an opinion as to whether any	15:48:54	10	we walked through that -- this specification of 15071	15:51:33
11	operating procedures around a Leslie valve, which	15:48:57	11	was the military specification that dictated how a	15:51:44
12	contains either a gasket with an asbestos component or	15:49:03	12	technical manual should be written?	15:51:48
13	packing, will result in injury or loss of life if not	15:49:05	13	A. Oh, yes, sir. Okay.	15:51:50
14	correctly followed?	15:49:10	14	Q. And that, in fact, is what controlled Leslie	15:51:52
15	MR. GALIHER: I object to the form of the	15:49:10	15	valves when they manufactured these valves; is that	15:51:57
16	question, calling for an opinion.	15:49:12	16	correct --	15:51:59
17	THE WITNESS: I know of no harmful effects of	15:49:13	17	MR. HUGO: Same objections.	15:51:59
18	working with gaskets and packing.	15:49:19	18	BY MR. GALIHER:	15:52:00
19	BY MR. HUGO:	15:49:21	19	Q. -- when they were writing the manuals?	15:52:01
20	Q. And finally, you were asked a question earlier	15:49:21	20	MR. HUGO: Same objections.	15:52:02
21	where the preamble indicated Leslie recommended	15:49:24	21	THE WITNESS: If that particular specification	15:52:03
22	insulation around the valves. That was Mr. Galiher's	15:49:27	22	was called out in the valve specification.	15:52:06
23	phrase.	15:49:33	23	BY MR. GALIHER:	15:52:09
24	Did Leslie ever recommend that the valves --	15:49:34	24	Q. Okay. And we went through all three iterations	15:52:10
25	that is, the body of the valves -- be insulated on its	15:49:37	25	of the valve specification, did we not?	15:52:13
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1	exterior?	15:49:41	1	A. We did in these, yes.	15:52:14
2	A. I've never seen that in any manual.	15:49:42	2	Q. And they all refer to the same technical manual	15:52:15
3	MR. HUGO: Thank you.	15:49:45	3	specification?	15:52:18
4	FURTHER EXAMINATION	15:49:46	4	MR. HUGO: Same objections.	15:52:18
5	BY MR. GALIHER:	15:49:46	5	THE WITNESS: Yes, sir.	15:52:19
6	Q. With respect to the technical manuals that were	15:49:48	6	BY MR. GALIHER:	15:52:19
7	-- can I have that exhibit back?	15:49:55	7	Q. Okay. And with respect to this mil spec, what	15:52:20
8	The technical manual that was referred to as	15:49:59	8	does it say with respect to warning? What should the	15:52:28
9	Exhibit 14 was prepared by Leslie, was it not?	15:50:02	9	manufacturer warn about?	15:52:31
10	A. Yes, sir, it was.	15:50:07	10	MR. HUGO: Objection; lack of foundation, calls	15:52:32
11	Q. And you've testified before that all statements	15:50:08	11	for speculation, and hearsay.	15:52:34
12	in these technical manuals were by Leslie; is that	15:50:12	12	THE WITNESS: I believe I read that before, but	15:52:36
13	correct?	15:50:17	13	--	15:52:38
14	A. Yes, sir. We drafted them that way, but they	15:50:17	14	BY MR. GALIHER:	15:52:38
15	could have been revised.	15:50:20	15	Q. Can you read it again?	15:52:39
16	Q. And the mil specs themselves on writing manuals	15:50:26	16	A. "Warning: Operating procedures, practices, et	15:52:39
17	did in fact say that the manufacturers or suppliers	15:50:51	17	cetera, which will result in personal injury or loss of	15:52:43
18	should address maintenance-type warnings; is that	15:50:55	18	life if not followed correctly."	15:52:45
19	correct?	15:50:58	19	Q. Okay. And Leslie never warned in their manuals	15:52:47
20	MR. HUGO: Same objections as earlier asserted;	15:50:58	20	about their products to have technicians not breathe	15:52:53
21	lack of foundation, calls for speculation, hearsay.	15:51:01	21	asbestos dust or expose themselves to asbestos products;	15:52:59
22	THE WITNESS: What are we reading?	15:51:03	22	is that correct?	15:53:03
23	MR. HUGO: He is directing you back to Exhibit	15:51:07	23	MR. HUGO: Objection; asked and answered.	15:53:04
24	23.	15:51:10	24	THE WITNESS: I've never seen that listed in	15:53:06
25	BY MR. GALIHER:	15:51:10	25	the manuals.	15:53:08
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1	MR. GALIHER: Okay. Thank you. With the	15:53:09	1	_____)
2	exception of our stipulation, I'm done as far as oral	15:53:12	2	_____)
3	examination. But if we don't have a stipulation, I will	15:53:15	3	
4	have to do something.	15:53:18	4	
5	MR. HUGO: Right. So we should take a break at	15:53:21	5	
6	this point and get that ironed out.	15:53:23	6	
7	MR. O'CONNELL: So are we closed with --	15:53:23	7	I, the undersigned, declare under penalty of
8	MR. GALIHER: No. It depends. If they don't	15:53:23	8	perjury that I have read the foregoing transcript, and I
9	stipulate, no. We'll have to ask more questions on the	15:53:38	9	have made any corrections, additions or deletions that I
10	documents, but I'm hoping we won't have to.	15:53:39	10	was desirous of making; that the foregoing is a true and
11	THE VIDEOGRAPHER: Should I end this? Is there	15:53:39	11	correct transcript of my testimony contained therein.
12	another one?	15:53:39	12	EXECUTED this _____ day of _____,
13	MR. GALIHER: Yes. I think that would be a	15:53:39	13	_____, at _____, _____.
14	safe way to proceed. We are either going to be done, or	15:53:39	14	(City) (State)
15	you are going to need a disk.	15:53:42	15	
16	THE VIDEOGRAPHER: This marks the end of video	15:53:42	16	_____
17	number three in the deposition of Matthew Wrobel on	15:53:45	17	MATTHEW WROBEL
18	December 1st, 2009. We are now going off the record.	15:53:53	18	
19	The time on the screen is 3:54.	15:53:56	19	
20	(Recess.)	16:01:51	20	
21	MR. GALIHER: The plaintiffs have agreed with	16:01:51	21	
22	Leslie that our next two exhibits will be Exhibit 24,	16:01:56	22	
23	which is a listing of the exhibits to the deposition of	16:02:01	23	
24	Mr. Wrobel that was taken on August 1st, 2006, and it	16:02:05	24	
25	lists Exhibits 1 through 94.	16:02:14	25	
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1	Exhibit Number 25 is selected exhibits from	16:02:19	1	REPORTER'S CERTIFICATE
2	Exhibit 24, and the ones that are in bold print on 24	16:02:25	2	
3	are actually printed out and tabbed as Exhibits 7	16:02:31	3	I, JOANNE BALBONI, CSR No. 10206, Certified
4	through 94 on Exhibit 25. They are not complete. They	16:02:36	4	Shorthand Reporter, certify:
5	are just the ones that are bold type. We have agreed	16:02:41	5	That the foregoing proceedings were taken before
6	that those are authentic, and there's no foundational	16:02:44	6	me at the time and place therein set forth, at which
7	issues with respect to those exhibits.	16:02:50	7	time the witness was put under oath by me;
8	MR. HUGO: So agreed.	16:02:53	8	That the testimony of the witness, the questions
9	(Plaintiffs' Exhibits 24, 25 marked.)	16:02:55	9	propounded, and all objections and statements made at
10	MR. GALIHER: Thank you. Let's take lunch.	16:02:55	10	the time of the examination were recorded
11	THE VIDEOGRAPHER: Should something else be put	16:03:08	11	stenographically by me and were thereafter transcribed;
12	on the record about how we did not close up the video	16:03:08	12	That the foregoing is a true and correct
13	formally?	16:03:08	13	transcript of my shorthand notes so taken.
14	MR. GALIHER: Oh, whatever you want to make you	16:03:08	14	I further certify that I am not a relative or
15	happy. Sure.	16:03:08	15	employee of any attorney of the parties, nor financially
16	THE VIDEOGRAPHER: We finished the videotaped	16:03:09	16	interested in the action.
17	deposition without formally closing out the videotaped	16:03:10	17	I declare under penalty of perjury under the
18	deposition after three disks.	16:03:13	18	laws of California that the foregoing is true and
19	THE COURT REPORTER: Mr. Hugo, do you want a	16:03:13	19	correct.
20	copy?	16:03:13	20	Dated this 11th day of December, 2009.
21	MR. HUGO: Yes.	16:03:13	21	<i>Joanne Balboni</i>
22	THE COURT REPORTER: Okay.	16:03:16	22	_____
23	(Time noted: 4:03 p.m.)		23	JOANNE BALBONI, CSR No. 10206
24			24	
25			25	
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