

IN THE DISTRICT COURT OF SMITH COUNTY

T E X A S

1
**PLAINTIFF'S
EXHIBIT**

TPI-162

RAVIN GREEN, AND WIFE, X
R. V. GREEN; AND BILLY X
HAMPTON AND WIFE, RUBY X
LEE HAMPTON X

VS. X

NO. 90-968-A

ORIENTAL GASKET AND PACKING X
COMPANY; DALLAS GASKET AND X
PACKING COMPANY, INC.; AND X
LUFKIN RUBBER AND GASKET X
COMPANY X

DEPOSITION OF OLIN JACKSON

BE IT REMEMBERED THAT THE DEPOSITION OF OLIN JACKSON
taken on the 15th day of February, 1991, beginning at
10:05 a.m. in the offices of Ramey, Flock, Jeffus, Crawford,
Harper and Collins, Tyler, Texas, before Judy Murff, Certified
Shorthand Reporter, State of Texas, pursuant to the
stipulations and agreements stated on the record prior to the
taking of the deposition of Paul Lowry.

ORIGINAL

JUDY MURFF

Registered Professional Reporter

211 E. Tyler, Suite 513

Longview, Texas 75601 903/759-9534

NEG 0012196

EXHIBIT

Birkmy

11

7-9-99

I N D E X

	PAGE
Caption Page.	1
Index Page.	2
Appearance Page	3
Direct Examination by Mr. Negem	4
Cross Examination by Ms. Judin.	13
Redirect Examination by Mr. Negem	29
Recross Examination by Ms. Judin.	34
Redirect Examination by Mr. Negem	43
Signature Page.	48
Reporter's Certificate.	49

A P P E A R A N C E S:

MR. JIMMY M. NEGEM
BAILEY, NEGEM,
PATTERSON AND DROTT
440 S. VINE
TYLER, TEXAS 75702

FOR THE PLAINTIFFS

MR. JOHN R. DOLEZAL
MR. CHARLES KELLY
WELLER, WHEELUS AND GREEN
BOX 350
BEAUMONT, TEXAS 77704-0350

FOR THE DEFENDANT:
ORIENTAL GASKET AND PACKING CO.

MS. JENNIFER JUDIN
COX AND SMITH
WALNUT GLEN TOWER
8144 WALNUT HILL LANE, SUITE 500, LB 38
DALLAS, TEXAS 75231

FOR THE DEFENDANT:
DALLAS GASKET AND PACKING CO., INC.

MR. J. D. ROBINSON
GIESEL, STONE, BARKER AND LYMAN
2700 TWO HOUSTON CENTER
HOUSTON, TEXAS 77010-1063

FOR THE DEFENDANT:
LUFKIN RUBBER AND GASKET CO., INC.

MR. DENNIS G. BLACK
RAMEY, FLOCK, JEFFUS,
CRAWFORD, HARPER AND COLLINS
BOX 629
TYLER, TEXAS 75710

FOR TYLER PIPE INDUSTRIES, INC.

1 OLIN JACKSON

2 was called as a witness by the Defendant and after being
3 duly sworn testified as follows:

4 DIRECT EXAMINATION

5 BY MR. NEGEM:

6 Q Mr. Jackson, would you state your name for the
7 record, please, sir?

8 A Olin Jackson.

9 Q Mr. Jackson, we've met before. My name is Jimmy
10 Negem. I've taken your deposition on one other occasion,
11 haven't I?

12 A That is correct.

13 Q I'm going to try not to go through everything that
14 we went through before, for the sake of time. I just want
15 to get right to the meat of matters.

16 Would you tell me how long you've been working at
17 Tyler Pipe, first of all?

18 A Since 1951.

19 Q And you've worked your way up, and what is your
20 present position now, sir?

21 A I'm assistant vice-president in charge of research
22 and development.

23 Q Okay. I think that's a promotion since the last
24 time we talked in March of last year. What was your
25 position in March?

1 A I was formerly foundry manager.

2 Q Right.

3 A Until year before last.

4 Q And being foundry manager you were in charge of
5 both plants, I understand, the north and the south plants?

6 A That's correct.

7 Q How long did you hold that position?

8 A Since '72.

9 Q So you held that position for about 18 years,
10 then?

11 A That is correct.

12 Q Mr. Jackson, since you've worked at Tyler Pipe
13 since 1951, can you tell me what asbestos-containing
14 products you're aware of was used or worked with at Tyler
15 Pipe?

16 A We had some asbestos cloth that served as an
17 insulating material on some ductwork. We had asbestos
18 gloves and then we had asbestos sheeting that was used on
19 blowboards, core machines, in our shell core area.

20 And then, I think you reminded me in our last
21 deposition that I gave that we did at one time have some
22 asbestos coats or jackets, a very limited amount of those.

23 Q Okay. And generally when did Tyler Pipe to the
24 best of your recollection cease using products containing
25 asbestos?

1 A Between '80 and '82.

2 Q Now, for the sake of the other attorneys, so that
3 you can kind of educate them a little bit -- I've had an
4 inquiry from one of them, at least -- insofar as the
5 asbestos sheeting that was used with the blowboard
6 applications, could you describe how that was used?

7 A The asbestos sheeting was cut into segments that
8 were approximately 12 by 20 inches. And they were tacked
9 onto plyboard. And the plyboard served as an insulating or
10 a material between a sand chamber on a shell core machine
11 and the hot core box that the sand chamber came in contact
12 with.

13 The plyboard also had a small opening in it that
14 allowed sand to enter the core box, to enter the shell core
15 box.

16 Let me describe the process a little bit. The
17 sand chamber was on the bottom of the machine and it was
18 full of shell sand. Shell sand is a sand that's coated with
19 a resin that's a thermosetting resin. Once heat is applied
20 it hardens and it's an irreversible process.

21 The machine is inverted and air pressure is
22 applied to the sand chamber. And this forces sand into the
23 hot core box. The sand comes in contact with the hot core
24 box and the resin begins to set. And after the resin has
25 solidified or set then we -- the machine resumes its normal

1 position and any excess sand that's in the core drains back
2 into the sand chamber.

3 The core box is heated by gas and it's hot, around
4 500 degrees. And the asbestos provided insulation between
5 the core box and the sand chamber itself.

6 Q Okay. To protect the sand from the heat from the
7 core box?

8 A That's correct.

9 Q Because once the process -- once the sand was
10 heated it would harden and it was an irreversible process so
11 you had to protect it to that extent.

12 A That's correct.

13 Q Now, could you describe what the asbestos
14 sheeting, how it arrived at Tyler Pipe? Was it rolled up?
15 How would you --?

16 A It was in rolls.

17 Q I think it was on a spool, wasn't it? Or --?

18 A I believe so. But I remember it was in rolls.

19 Q Can you give me some general approximate
20 dimensions of the rolls?

21 A I couldn't hazard a guess as to how long they
22 were. They were about 4 feet -- the rolls were about 4 feet
23 high or 4 feet tall when they were sitting on the floor.

24 Q And how thick was the asbestos sheeting,
25 approximately?

1 A Approximately 1/8th of an inch, or maybe a little
2 thicker.

3 Q Okay. Now, are we talking about a material that's
4 kind of like a carpet? Or is it solid like a piece of
5 concrete?

6 A No, it's more like carpet. It's a heavy weave.

7 Q Would you describe for us, Mr. Jackson, how the
8 applicators would work, the workers at Tyler Pipe would work
9 with this product in applying it to the blowboards?

10 A First they would cut it into squares or into
11 rectangles. Then they just tacked it onto the plywood
12 boards.

13 Q And later would they trim holes in the --

14 A Yes, that's correct.

15 Q -- the asbestos sheeting?

16 A To allow the sand to -- or, to allow a blow port
17 for the sand to enter the core box.

18 Q In other words, the holes were what the sand could
19 go through into the core box?

20 A That's correct.

21 Q And when you arrived in 1951 was Tyler Pipe using
22 the asbestos sheeting that you've just described?

23 A No, we had no shell cores at that time.

24 Q When did Tyler Pipe to the best of your
25 recollection begin using the asbestos sheeting?

1 A I don't remember. I don't remember when we
2 purchased these particular type machines.

3 Q Okay. Can you give me a --. You arrived in 1951.
4 Can you give me a number of years after 1951 to the best of
5 your recollection that Tyler Pipe began using the core box
6 machines?

7 A The shell core process?

8 Q Shell core process.

9 A In the early sixties.

10 Q And, of course, I think you earlier testified that
11 it was used up until 1980 or 1982? The asbestos sheeting.

12 A That's right.

13 Q Now, they've replaced the asbestos sheeting with a
14 different material now, haven't they?

15 A That's correct.

16 Q Now, the machines that the asbestos sheeting is
17 used in connection with, what did you call those machines?

18 A They're Beardsley-Piper core machines. They have
19 a specific model number but I can't recall what the model
20 number is.

21 Q And you call them, shell core machines?

22 A That's right.

23 Q To the best of your recollection y'all began using
24 those machines in the 1960's?

25 A That particular model, I do not remember when we

1 purchased the first ones. We built some core machines of
2 our own design and used them for a number of years. And
3 then we began to purchase core machines from Beardsley and
4 Piper. And I don't -- I cannot remember when.

5 Q Okay. Now, when you built your own shell core
6 machines did y'all use the asbestos sheeting --

7 A No.

8 Q -- in connection with that?

9 A No.

10 Q It was when you purchased the shell core machines
11 you began using the asbestos sheeting?

12 A That's correct.

13 Q And that was sometime in the sixties?

14 A Sometime in the sixties.

15 Q Can you tell me whether it was early sixties, '65,
16 or late sixties?

17 A No, I can't.

18 Q Were the shell core machines used in both the
19 north and the south plants?

20 A That's correct.

21 Q When you arrived in 1951 was Tyler Pipe utilizing
22 the asbestos-containing gloves?

23 A Now, that I cannot answer. Those gloves were used
24 primarily in the melting area and I wasn't connected with
25 the melting area in my early employment.

1 Q To the best of your recollection when did you
2 recall seeing the asbestos-containing gloves on-site?

3 A I cannot really remember the first time.

4 Q Okay. How about the aprons or the coats that you
5 described?

6 A That I also can't remember the first encounter I
7 had with those.

8 Q And that's because you just simply did not work
9 with that early on?

10 A That's correct.

11 Q Did Tyler Pipe also use asbestos gasket material?

12 A In what fashion?

13 Q Have you ever heard of black asbestos?

14 A No.

15 Q Did Tyler Pipe to your knowledge use asbestos
16 gasket material that was anywhere between 7/16ths of an inch
17 wide or thick and 1/16th of an inch thick?

18 A Not to my knowledge.

19 Q You had used the asbestos gloves before, hadn't
20 you?

21 A Yes, sir.

22 Q And what department did you use them in?

23 A In our Melting Department.

24 Q Was this in the sixties and seventies?

25 A In the late sixties and early seventies.

1 Q You yourself worked with them?

2 A That's correct.

3 Q Did you use an apron or coat, as well?

4 A Never did, that I can remember.

5 Q Were the aprons or coats, were they around in the
6 Melting Department during the time that you used the gloves,
7 though?

8 A That's correct.

9 Q And did you ever see any warnings or instructions
10 regarding the hazards of asbestos products on the aprons or
11 the coats or the gloves?

12 A No.

13 Q To your knowledge have you ever seen any warnings
14 or instructions regarding the dangers or hazards of the
15 asbestos products while they were used out at Tyler Pipe?

16 A No.

17 Q Anywhere at all?

18 A No.

19 Q Thank you very much, Mr. Jackson. Appreciate it.

20 Oh, just to clarify this, you don't know who
21 supplied any of the asbestos-containing products that we've
22 discussed here today, do you?

23 A No.

24 Q You don't know the manufacturers or the
25 distributors, do you?

1 A No.

2 Q Okay. That will probably cut down on some of
3 their questions. Thank you very much.

4 CROSS EXAMINATION

5 BY MS. JUDIN:

6 Q Mr. Jackson, we've been introduced. My name is
7 Jennifer Judin and I represent Dallas Gasket and Packing
8 Company.

9 Can you just go through and list for us the job
10 you started out at with Tyler Pipe --

11 A Okay.

12 Q -- on through to today, and the dates.

13 A I originally started as a molder's helper and then
14 progressed on to a molder and then in the late fifties I
15 went into supervision and then into superintendent of the
16 south plant. And from there in '72 I was foundry manager,
17 from '72 until last year, which was -- '89.

18 Q Then beginning in 1990 you became --?

19 A The assistant vice-president of research and
20 development.

21 Q A molder and molder helper, is that the equivalent
22 of what today is a core maker?

23 A Well, there's really not any equivalent today.
24 Most of our molding processes are automated. And back when
25 I began work at Tyler Pipe they were pretty much hand-rammed

1 and it was a highly skilled job at the time.

2 Most of them are automated machines in today's
3 foundry processes. So there's really not a relation.

4 Q The position of molder no longer exists as it did
5 back in the fifties?

6 A I think we have three molders that work on short
7 run jobs, jobs that we sell very infrequently and we cannot
8 afford to make patterns and put them on an automated
9 machine. And so we continue to employ -- I think it is
10 three molders at the very most.

11 Q You know Billy Hampton?

12 A Yes.

13 Q What position did you have when Billy Hampton came
14 to work at Tyler Pipe?

15 A I cannot recall.

16 Q I believe he started at Tyler Pipe in -- when?
17 1952? What position did you have --?

18 A I was a molder.

19 Q Did Billy Hampton ever come under your
20 supervision?

21 A Yes.

22 Q Do you know approximately what year that was?

23 A No, I don't. Probably in the sixties.

24 Q What position did Mr. Hampton have?

25 A He was a molding machine operator at one time. He

1 was a core maker at one time. And worked with a molding
2 crew.

3 MR. DOLEZAL: Core --?

4 MS. JUDIN: Maker.

5 A Core maker. We have several different processes
6 to make cores, or we did at the time that Billy was employed
7 in that capacity.

8 Q For what period of time did you supervise
9 Mr. Hampton? From the 1960's to -- what?

10 A Until his retirement.

11 Q According to his testimony he retired in April of
12 1986. So you supervised him when you went into supervision
13 and were superintendent of the south plant and also when you
14 were foundry manager?

15 A That's correct.

16 Q When you were foundry manager were you actually
17 out on the floor of the plant working?

18 A To some extent. Maybe 10 to 15 percent, 20
19 percent of the time. The remainder of the time was devoted
20 to office duties -- meetings, planning sessions, things of
21 that nature.

22 Q As supervisor what percentage of your time was
23 actually out on the plant floor?

24 A About 90 percent of the time.

25 Q Is there any --. You mentioned supervision and

1 then superintendent of the south plant. Is there any
2 difference in those two jobs?

3 A Yes. A unit supervisor. I should have clarified
4 that a little better.

5 Q And then in the late fifties you became a unit
6 supervisor?

7 A That's correct.

8 Q Of what unit?

9 A Well, various units. I worked in the north and
10 the south plant, both. It was just a variety of units that
11 I worked on. Do you want me to try to --?

12 Q Well, let me ask it this way. Did you supervise
13 Billy Hampton when you were a unit supervisor?

14 A No.

15 Q Do you know the date that you became
16 superintendent of the south plant?

17 A No, I can't recall exactly. It was in the
18 sixties, late sixties.

19 Q And is that the period of time that you became
20 Billy Hampton's supervisor?

21 A That's correct.

22 Q Was that basically because he worked in the south
23 plant and you became superintendent of the south plant?

24 A That's correct.

25 Q Okay. So you were his supervisor to the same

1 extent you supervised everybody in the south plant?

2 A That is correct.

3 Q Do you know who was Billy Hampton's direct
4 supervisor, who he would report to, in the late 1960's?

5 A Billy Diviney.

6 Q Can you spell that last name for us?

7 A D-i-v-i-n-e-y.

8 Q Do you know if Mr. Diviney still works at Tyler
9 Pipe?

10 A No, he's retired.

11 Q Does he still live in the Tyler area?

12 A He does.

13 Q Did you ever work side-by-side with Billy Hampton?

14 A No.

15 Q Did you ever actually see Billy Hampton perform
16 any of his work?

17 A Yes.

18 Q What work have you seen Mr. Hampton do?

19 A Well, operating molding machines and actually
20 making cores and assisting in the molding crew operation.

21 Q Okay. What did you see Mr. Hampton do in the
22 assistance of the molding crew operation?

23 A I beg your pardon?

24 Q What did you see Mr. Hampton do in the assistance
25 of the molding crew operation?

1 A It's hard to describe all those duties. He helped
2 perform the actual making of the mold, setting cores in the
3 mold, loading the mold onto a conveyor where it was
4 transported to the pouring station. Just generally helped
5 in preparing and loading the molds onto the conveyor cars.

6 Q Did you ever see Mr. Hampton change out the
7 asbestos sheeting on the blowboards?

8 A He didn't work in that area.

9 Q What area were the blowboards in?

10 A They were in the core room or shell core room,
11 shell core area.

12 Q And as a core maker Mr. Hampton would not have
13 worked in the core room?

14 A No. Let me clarify a little about core making.
15 We had several different type cores. The shell core was the
16 only core that had any asbestos involved in it. We had some
17 other type cores -- we had green sand cores that were made
18 from molding sand, silica sand, on a metal arbor that were
19 placed in the mold. Then we had some chemically-bonded
20 cores that had a resin binder and that weren't -- there was
21 no heat involved and no asbestos involved in making those.

22 And he would have used all three type cores. He
23 would have used shell cores, green sand cores, and the
24 chemically-bonded cores. But the shell cores, he never took
25 part in producing those to my knowledge.

1 Q So he would never have been in the area of the
2 blowboards that had the asbestos sheeing on there, is that
3 correct?

4 A Well, what do you mean by, area.

5 Q Maybe you should explain that to me, how that is
6 set up.

7 A Okay. The shell core machines at one time were
8 part of the south plant, within the south plant. And he
9 worked approximately -- I would say, 50 yards distance from
10 the nearest shell core machine.

11 And then in the seventies we built a building and
12 moved all the shell core machines into this separate
13 building.

14 MR. DOLEZAL: In the seventies?

15 THE WITNESS: In the seventies. Exactly
16 when in the seventies, I cannot
17 remember. They were housed in a
18 separate building.

19 Q Was that called the shell core building?

20 A Shell core building. Shell core operations unit.

21 Q In the 1970's was the shell core operation
22 building the only building where asbestos sheeting was used
23 at Tyler Pipe?

24 A No. We had some as insulation in our melting
25 area, on the duct work in our melting area. And then --

1 well, the asbestos sheeting, that would be the only two
2 places.

3 Q Did Mr. Hampton ever work in the shell core
4 operation building?

5 A Not to my knowledge.

6 Q And to your knowledge Mr. Hampton never
7 participated in the making of shell cores, correct?

8 A That is correct.

9 Q To your knowledge he would never have had any
10 reason, then, to change out the insulation sheeting on the
11 blowboards?

12 A No reason whatsoever.

13 Q Now, where is the melting area that had the
14 insulation on the duct work?

15 A The melting area is centrally located in the
16 foundry, right in the center of the plant.

17 Q Of the south plant?

18 A Of the south plant. Or it was at the time that
19 we're referring to.

20 Q Are we talking about --. Well, when did it
21 change?

22 A It hasn't changed but the layout of the plant has.
23 It has continued to move north. We have added units on and
24 we've added them on the north end of the building.

25 Q Okay. So the location hasn't changed, you've just

1 added units so that it's not the central location?

2 A It's not centrally located any longer.

3 Q Okay. What are the --. Well, first of all, I may
4 have asked you this but I don't remember, did Mr. Hampton
5 ever work in the melting area?

6 A Not to my knowledge.

7 Q What process takes place in the melting area? If
8 you answer, melting, I'm going to look real stupid.

9 A Well, primarily the melting of metal. The makeup
10 of the charge, the fuel that goes into the melting operating
11 and the fluxes that remove the impurities from the metal are
12 all added to the furnace and the melting process actually
13 takes place.

14 And then, the metal is stored in a large holding
15 ladle or forehearth and is distributed by small transfer
16 ladels to the various molding units for pouring. And that's
17 essentially what takes place in the melting area.

18 Q Okay. Where is the duct work that you mentioned
19 that had asbestos insulation on it?

20 A The duct work ran between a heater that was used
21 to heat the air that was actually injected into the melting
22 furnace. The air oxidized the fuel that was in the furnace,
23 the fuel being coke. And we found over the years and
24 through experimentation that if you heated the air to 1200
25 degrees that you got a lot more efficiency out of your

1 melting and out of your coke. You got more tons melt per
2 coke charged. And so, we began to heat the air with a
3 heater, a gas-fired heater.

4 And the duct was about 36 inches in diameter and
5 about 50 feet in length and it was insulated to prevent the
6 heat loss from the heated air as it was transported from the
7 heater to the melting area itself.

8 Q Okay. So the duct was between the heater and --?

9 A The cupola or the melting unit.

10 Q Okay. And it actually blew hot air from the
11 heater into the cupola?

12 A Uh-huh.

13 Q Was this duct on the ground, up in the air, --?

14 A It was suspended in the air.

15 Q Do you know how high?

16 A Not over 20 feet. About 20 feet.

17 Q What did the insulation on the duct work look
18 like? What color was it, what was the texture of the
19 material?

20 A There was some block insulation adjacent to the
21 duct work that was secured by metal bands. And then the
22 asbestos cloth was wrapped around the block insulation to
23 help keep it in place.

24 Q When you say, adjacent to the duct work, you don't
25 mean actually on the duct work?

1 A The block material was, the block insulation.

2 Q These were pieces of block asbestos material that
3 would have been wrapped with asbestos cloth?

4 A The block material, I don't know what composition
5 it was. I have no idea. But I don't think it was asbestos
6 because it didn't -- it just didn't look like an asbestos
7 product to me.

8 Q Okay. What do you think was asbestos on the duct
9 work?

10 A The cloth that was wrapped around the block
11 insulation.

12 Q And what did this cloth look like?

13 A It was white and a large-weave material.

14 Q Like a gauze?

15 A Similar to gauze only a lot heavier, bigger
16 diameter thread that it would have been weaved from.

17 Q What color --. I'm sorry, you said it was white.
18 Was this different than the asbestos sheeting used on the
19 blowboards?

20 A It was similar.

21 Q Okay. How was it similar? What was similar about
22 it?

23 A Just in appearance. It came in rolls. And it was
24 a weave, heavy-weave material or a loosely-woven material;
25 it wasn't a tightly-woven material.

1 Q ~~Do you know if it was~~ the same material used on
2 the blowboards?

3 A No, ~~I~~ don't know.

4 Q Did you ever see any repairs made to that duct
5 work?

6 A Yes.

7 Q Can you pinpoint a time for us?

8 A Well, as we made alterations -- it was very
9 seldom, sometimes 10 to 15 years in between repairs,
10 alterations -- as we did alterations then it would have to
11 be reinsulated and would require new asbestos to be applied.
12 But it wasn't a common thing.

13 Q Okay. Maybe once every 10 or 15 years?

14 A That's correct.

15 Q Do you know if it was done in the 1950's, the duct
16 work was repaired in the 1950's?

17 A No, I cannot recall.

18 Q Do you know if it was repaired in the 1960's?

19 A No, I cannot recall that, either.

20 Q Do you know if it was repaired in the 1970's?

21 A In the seventies we made some alterations and did
22 do some repairs to the duct work or alterations and
23 reinsulation.

24 Q Did you participate in these alterations in the
25 1970's?

1 A Well, indirectly. What do you mean by,
2 participation?

3 Q Supervising? You didn't have hands-on --?

4 A No, no.

5 Q Do you know if Billy Hampton participated in the
6 alterations --

7 A No.

8 Q -- to the duct work in the 1970's?

9 A No.

10 Q No, he did not?

11 A No, he did not.

12 Q That was not his job?

13 A No.

14 Q Do you have any personal knowledge of Billy
15 Hampton ever being exposed to any asbestos products at Tyler
16 Pipe?

17 MR. NEGEM: I'm going to object to the
18 question's form. It's so vague. In
19 certain cases a person can be exposed to
20 microscopic fibers of asbestos that --

21 MS. JUDIN: I'm just asking for personal
22 knowledge.

23 MR. NEGEM: -- cannot be visually seen.

24 MR. DOLEZAL: I'm going to object to the
25 sidebar comments.

1 MR. NEGEM: And to that extent I object
2 to the question because it calls for
3 speculation.

4 A Would you repeat the question?

5 Q Sure. Do you have any personal knowledge of Billy
6 Hampton ever being exposed to asbestos products --

7 MR. NEGEM: Same objection.

8 Q -- at Tyler Pipe?

9 MR. NEGEM: Same objection.

10 A No.

11 Q Do you have any personal knowledge of Billy
12 Hampton ever having any hands-on work with any asbestos
13 products at Tyler Pipe?

14 A No.

15 Q Would you be in the position to know that, being
16 his supervisor or being a supervisor?

17 MR. NEGEM: I object to the form of the
18 question as vague. He indicated that he
19 was a supervisor for a certain period of
20 time; for another period of time he
21 wasn't. So I would ask that you restate
22 your question to the extent that it is
23 in the proper time frame.

24 Q During the period of time that you were Billy
25 Hampton's supervisor was it ever his job to work with any

1 asbestos products?

2 A No.

3 Q When was the last time you saw Mr. Hampton?

4 A When he retired. And you gave the date; I can't
5 remember the date.

6 Q April 1986. At that time were you aware of
7 Mr. Hampton having any health problems?

8 A No.

9 Q Did you yourself ever cut the asbestos sheeting
10 that was applied to the blowboards?

11 A No.

12 Q Did you ever see that done?

13 A Yes.

14 Q Was that a very dusty process?

15 A No. Not to my recollection.

16 Q How did the workers cut the asbestos sheeting?
17 What kind of tool did they use?

18 A Usually with a knife. Or a linoleum knife or a
19 hook-blade instrument.

20 Q And what were the names of -- what is the title of
21 the worker who was in charge of changing out the sheeting on
22 the blowboards?

23 A I don't know whether we had a title for that
24 person or not.

25 Q Which worker --?

1 A Probably a set-up man of some nature. What his
2 complete title would be -- he would probably be involved in
3 retrieving the core boxes from storage and getting them into
4 the area that they would be used on the core making machines
5 and preparing the blowboards.

6 The nearest description I could give you would be
7 a set-up person of some type, maybe a core box set-up
8 person.

9 Q Are you aware of any set-up men who have claimed
10 that they are suffering from any asbestos-related diseases?

11 A No.

12 Q Are you aware of any workers or ex-workers at
13 Tyler Pipe that worked in the shell core area claiming any
14 asbestos-related diseases?

15 A Would you repeat that, please?

16 Q Are you aware of any workers or ex-workers from
17 Tyler Pipe who would have had actual hands-on work with
18 these blowboards that had asbestos sheeting on them, are you
19 aware of any of those workers having any claims for
20 asbestos-related diseases?

21 A No.

22 Q That's all the questions I have. Thank you.

23 MR. ROBINSON: I have no questions at
24 this time.

25 MR. DOLEZAL: No questions.

REDIRECT EXAMINATION

1

2 BY MR. NEGEM:

3

Q You indicated that you observed the asbestos sheeting being cut from time to time. Ms. Judin asked you if it was a very dusty operation. My question is, is the cutting of the blowboard material asbestos sheeting, it did give off some dust, didn't it?

8

A Well, by dust, my interpretation of dust or a dusty condition and yours might be completely different.

10

Q Well, the fibers were cut and the cutting operation actually caused some dust to be disseminated into the air --?

13

MR. DOLEZAL: I object to a leading question.

14

Q Did it or did it not?

16

MR. DOLEZAL: Same objection.

17

A Well, there was some material released as you cut, sure.

18

Q And some of the material -- would it have been disseminated into the air to an extent?

21

A Yes.

22

Q Okay. And they used either one of those hooks or they used a knife or scissors or some type of mechanical device to do the cutting?

24

A Yes. I have seen people use snips or scissors.

25

1 Q Right. Now, what year did you say that you first
2 began to supervise Mr. Hampton? Was it in '72?

3 A In the late sixties.

4 Q In the late sixties. Prior to the late sixties
5 your testimony regarding where Mr. Hampton worked, you don't
6 have any knowledge of what area he worked in and what he did
7 then?

8 A Just from reviewing his employment records.

9 Q Okay. But your testimony today has not concerned
10 what he did prior to when you first began to supervise him?

11 A That's correct.

12 Q Now, I wanted to just ask you a few more questions
13 about the shell core areas. When you talk about shell core
14 machines, that is synonymous with core ovens, is that right?

15 A No.

16 Q Okay.

17 A No.

18 Q Was the asbestos sheeting used in connection with
19 both the shell core machines and the core ovens?

20 A No, not in the core ovens.

21 Q Okay. Just the shell core machines.

22 A During the last deposition that I gave before you
23 we -- I made mention of some asbestos that was in the core
24 oven area that we weren't aware of until 1987. It was some
25 insulation on some fire boxes, and the fire boxes had gotten

1 into such disrepair that we had to do something with them.
2 And then we discovered that there was some asbestos covering
3 over the fire boxes. They were small units about 3-by-5.

4 Q And that was in connection with the core ovens?

5 A Core ovens.

6 Q Now, let's talk about the shell core machines. In
7 the seventies, before a separate building was built in the
8 late seventies, you had shell core areas in both the north
9 and the south plants?

10 A That's correct.

11 Q Now, in the south plant how many different shell
12 core areas did you have before the separate building was
13 built?

14 A We had one shell core area.

15 Q And how many shell core machines did you have in
16 that one area?

17 A At that time I cannot remember. When we built the
18 shell core building that eventually housed the machines we
19 ended up with a total of twenty.

20 Q Okay. I got a figure in one of the depositions
21 that there were about 22 shell core machines in the south
22 plant before the separate building was built. Would that be
23 a good estimation?

24 A Ultimately we probably wound up with twenty or
25 twenty-two.

1 Q And that was before the separate building was
2 built?

3 A That is correct.

4 Q And generally where was this shell core area
5 located in the south plant?

6 A It was the northeast corner of the south plant.

7 Q Now, I've seen blueprints of both plants, and I
8 understand that for the most part there are no partitions
9 that would separate the shell core area from other areas of
10 the plant. Is that --?

11 A Before we built the shell core building, that's
12 correct.

13 Q In other words, it was open to the rest of the
14 plant?

15 A Correct.

16 Q And there are -- outside of the -- or, in and
17 around the shell core area there are other operations going
18 on?

19 A There were, until we confined them in a separate
20 building.

21 Q Right. What other operations would have gone on
22 around the shell core area in the seventies before the
23 separate building was built?

24 A I'm trying to recall. We had some floor molding
25 units that we have since discontinued. We also had some

1 chemically-bonded core making operations in that area. We
2 had some core making operations where we made cores and
3 baked them in an oven.

4 Q And there were probably some other areas going on
5 around the shell core area that you just can't think of
6 right now?

7 A That's correct.

8 Q Now, of course, I think the asbestos sheeting
9 would have to be replaced -- what, approximately two times
10 per day?

11 A Well, it was according to the investment time on
12 the particular core machine. If it was a large, heavy-wall
13 core with a long investment time, you would probably have to
14 replace it twice to three times a day.

15 Q What do you mean by, investment time?

16 A It's the time that the sand is actually -- that
17 the shell sand would actually be in contact with the hot
18 box. The longer it's in contact with the hot box, the
19 thicker the shell becomes.

20 Q And in the seventies and eighties I believe that
21 one of the ways that the men were allowed to keep cool was
22 to use fans, in the summer especially, to help them keep
23 cool.

24 A That's correct.

25 Q Floor fans and also fans that would sit up 4 or 5

1 feet high?

2 A That's correct.

3 MR. NEGEM: That's all I've got.

4 RECROSS EXAMINATION

5 BY MS. JUDIN:

6 Q When the asbestos sheeting was placed on the
7 blowboards, where was that done?

8 A In the shell core area.

9 Q So the sheeting was taken over to the shell core
10 area and the whole process was done right there?

11 A No. The person that did this had a work table
12 that he made the boards, cut the sheeting, tacked the
13 sheeting onto the blowboards. And then took the blowboard
14 with the sheeting attached to the individual machines. But
15 he had a central area that he did this type work.

16 Q So, the blowboard itself included a piece of
17 plywood with the sheeting on it? That's what a blowboard
18 is?

19 A That's right.

20 Q So, the plywood was not reused, is that correct?

21 A No. Very seldom.

22 Q The usual process was to create a whole new
23 blowboard with a new piece of plywood and a new piece of
24 sheeting on it?

25 A That is correct.

1 Q Where was the worker's table who would prepare
2 these blowboards?

3 A Various locations. I cannot recall -- it was
4 according to the space available and other production
5 requirements. And it was in various locations through the
6 years, but always in the area of the shell core machines.

7 Q Did these workers, which we'll call set-up men,
8 ever wear any kind of dust masks or any type of protective
9 breathing gear?

10 A Not to my knowledge.

11 Q Did you review Mr. Hampton's personnel records in
12 preparation for this deposition?

13 A Well, I briefly looked over them, to familiarize
14 myself with a little about his work record.

15 Q Were you able to determine all of the work
16 assignments that Mr. Hampton had, all his job duties, during
17 his employment at Tyler Pipe?

18 A Roughly.

19 Q Maybe his duties is not the right word, but did
20 his records contain all of his job titles through the years?

21 A Yes.

22 Q In reviewing those records which went from 1952 to
23 1986 -- is that correct? --

24 A That's correct.

25 Q -- would any of his job titles or any of the jobs

1 that he was assigned to do normally involve any hands-on
2 work with any asbestos products?

3 A No.

4 Q Would any of his jobs that he was assigned to do
5 take him into the shell core area?

6 A They could, conceivably.

7 Q Which jobs were those?

8 A Well, in a molding unit a person from time to time
9 has to serve in other capacities besides the job that he's
10 normally assigned to. If you're short-handed and you have
11 absenteeism or things of that nature, people are ordinarily
12 assigned jobs that they wouldn't ordinarily do. And he
13 could have maybe hauled cores from the shell core area with
14 a fork truck to the molding unit, but it wouldn't have been,
15 you know, maybe one or two days' duration that he would have
16 been required to do this. And it would have been very
17 seldom. But it could have conceivably happened. I have no
18 idea whether it did or didn't but it could conceivably have
19 happened.

20 Q Were the shell core makers a specialized,
21 specially-trained type of worker?

22 A Yes.

23 Q And Mr. Hampton was never a shell core maker,
24 correct?

25 A That's correct.

1 Q So, it would never have been his one- or two-day
2 assignment to go be a shell core maker?

3 A No. No.

4 Q You spent -- you have spent over 30 years in the
5 plant at Tyler Pipe and certainly, are aware of the working
6 conditions through the years. Did you consider the north
7 and south plant at Tyler Pipe to be a dirty and dusty plant?

8 MR. BLACK: Could you specify what time
9 frame you're talking about? Or are you
10 talking about the entire time?

11 Q Well, was it different through the years? Was
12 there one time that it was maybe worse than others?

13 A That's really a difficult question. A foundry
14 process is a dirty process.

15 Q Right.

16 A Now, it's not like taking depositions --.

17 Q Okay. It's going to be hard for us to explain to
18 the Jury if they've never been to a foundry what it is like.
19 Is there dust flying in the air throughout the plant?

20 A No, no.

21 Q Okay. It's not like that? There are certain
22 areas that are more dusty than others?

23 A Yes, that's correct.

24 Q Were there any areas of the plant that workers
25 were required to wear dust masks?

1 A No. Well, --.

2 Q At any time?

3 A At any time?

4 MR. BLACK: Up until the present?

5 Q Yeah, to the present.

6 A Yes.

7 Q When did they start wearing those masks?

8 MR. NEGEM: Do you use, mask, synonymous
9 with respirator, rubber respirators,
10 cartridge, things like that?

11 Q That's a good question; we need to clarify that.
12 I think maybe it was Mr. Lowry testified about respirators.
13 What did they -- what have they used at Tyler Pipe and what
14 do they use now? Do they use a paper mask or --?

15 A Respirators.

16 Q And this is an actual fresh-air device?

17 A No, it is not a fresh-air device.

18 Q Okay. It doesn't supply clean air, it just --

19 A No.

20 Q -- filters the air?

21 A Yes.

22 Q Have they ever used dust masks at Tyler Pipe?

23 A Now, you're referring to the small --?

24 Q I'm referring to what you can buy at, like, a
25 hardware store.

1 A Yes.

2 Q A little paper mask.

3 A Yes, we have used those.

4 Q What workers have used those?

5 A We would use them on clean-up operations. It
6 would be a more or less temporary thing, that a crew had to
7 get into maybe a duct work or something that had a lot of
8 dust. And they would use these disposable masks when they
9 were in there for a short period and come out and dispose of
10 them and throw them away.

11 Q And what workers wear respirators?

12 A Now?

13 Q Yes, sir.

14 A I have no idea. Charles Kuenemann would be more
15 qualified to answer that than I am at this time. He's our
16 safety director.

17 MR. BLACK: And he's here. He can
18 address that.

19 Q Okay. Why was the shell core operation separated
20 into a different area?

21 A For sand distribution. The sand has to be
22 specially prepared and we centralized it where we could
23 prepare the sand and distribute it to the core machine
24 without a lot of transportation problems and a lot of
25 handling problems. And that is primarily why they were

1 separated.

2 Q Did it have anything to do with the shell core
3 operation being a particularly hazardous operation?

4 A No, no.

5 Q Did it have anything to do with the shell core
6 operation being a dusty operation?

7 A No.

8 Q Would you consider the shell core operation to be
9 a dusty --

10 A No.

11 Q -- operation? Would you agree with me that there
12 are many -- and this holds true throughout the years at
13 Tyler Pipe -- there are many sources of dust out at Tyler
14 Pipe? You've got sand, --. Correct?

15 A That's correct. We make molds from silica sand.

16 Q What are some of the other sources of dust?

17 A Well, the shake-out operation. Once the mold has
18 been poured and the iron solidifies and you break the mold
19 down and remove the casting from the mold, is a dusty
20 operation. And we have those areas encapsulated with bag
21 houses or scrubbers, scrubbing units, on them.

22 Q That hasn't always been that way, has it?

23 A No.

24 Q When --?

25 A But we didn't make castings in the volume that we

1 make now.

2 Q When were those operations housed separately?

3 A Back in the sixties. Some of these operations
4 back in the fifties and early sixties weren't even in
5 existence. We weren't engaged in those operations at that
6 time.

7 Q Is Tyler Pipe's production greater now than it was
8 in the sixties?

9 A Yes.

10 Q Greater now than it was in the seventies?

11 A Unfortunately, no.

12 Q What type of pipe does Tyler Pipe manufacture?
13 For what uses?

14 A It's for soil pipe applications. Waste drain
15 vents.

16 Q Are these the big grey cement-looking pipes that
17 we see?

18 A No.

19 Q What do they look like?

20 A Those are -- you're referring to pipe that you see
21 along the side of highways?

22 Q Right.

23 A Those are water main pipe. We make the fittings
24 that go on the end of water main pipes -- the T's, and
25 elbows, and things of that nature, and the fittings that

1 allow fire hydrants to be hooked up.

2 The soil pipe that we make go into restroom
3 facilities, roof drains for buildings similar to this,
4 hotels, condominiums, high-rises.

5 And that's about the extent of it. It used to be
6 used extensively in housing but plastic has since replaced
7 the soil pipe use in housing.

8 Q What material have you -- and by, you, I mean,
9 Tyler Pipe -- what material did they replace the asbestos
10 sheeting with for use on the blowboards?

11 A I don't know. It's a heat-resistant material, is
12 all I know.

13 Q Do you know if it works as well?

14 A No.

15 Q It doesn't --?

16 A No, I don't know. I don't know if it does or not.

17 Q I have one more area to ask you about. Mr. Negem
18 brought up something about asbestos covering oven fire boxes
19 in core ovens.

20 A Yes. We weren't aware that we had this particular
21 installation until it became -- it got into disrepair and we
22 had to repair it. And as we were looking at it and getting
23 bids to repair it we found out it was covered with some
24 asbestos cloth. So we had to hire an outside concern to
25 come in and encapsulate it and remove it and bag it and

1 dispose of it for us.

2 Q Okay. And I think those records are all attached
3 to the previous -- somebody's, Mr. Kuenemann's, previous
4 deposition, --

5 MS. JUDIN: -- is that right, Mr. Negem?

6 MR. NEGEM: It is my understanding those
7 were produced before.

8 Q Was this just in one area, in one oven?

9 A Well, there were two ovens, but they were adjacent
10 to each other.

11 Q Okay.

12 A Two heaters or fire boxes mounted on the top side
13 of them.

14 Q And what did the material that was over the fire
15 boxes, the asbestos material, what did it look like?

16 A It was similar to what we had on our cupola or
17 melting furnace. It was some sort of a block insulation
18 with a cloth asbestos wrapping around the block insulation.

19 Q And do you know who manufactured or supplied the
20 asbestos material in the oven?

21 A No.

22 MS. JUDIN: I think that's all I have.

23 Thank you.

24 REDIRECT EXAMINATION

25 BY MR. NEGEM:

1 Q I apologize, I have a few more. I'll try to be
2 very brief.

3 We went through the south plant insofar as the
4 operation of the shell core area. You had a shell core area
5 in the north plant, also?

6 A That's correct.

7 Q And the operation was essentially the same?

8 A Essentially the same.

9 Q And until you had your separate building in 1979
10 it held true that there weren't any partitions that
11 separated the shell core area in the north plant from other
12 work areas?

13 A That's right.

14 Q Now, did the process of the shell core area, the
15 working going on there, did that process create some dust in
16 that area?

17 A Very little.

18 Q But some dust was created?

19 A Yes.

20 Q And did the fact that the men used fans to help
21 cool themselves, did that contribute to the nonsettling of
22 that dust in the plant?

23 A Well, I really couldn't answer that.

24 Q Now, -- you just don't know one way or the other,
25 then, on that?

1 A Well, I'm not that well-versed in physics and --

2 Q Okay. All right.

3 A -- what keeps it airborne and what doesn't.

4 MS. JUDIN: I'm going to object to the
5 form of the question, in that there's
6 been no testimony of unsettled dust and
7 that's assuming facts not in evidence.

8 MR. DOLEZAL: And it calls for
9 speculation.

10 MR. NEGEM: I don't know if there are
11 any facts in evidence now, but let me
12 ask my next question.

13 Q You're not going to sit here and say that there
14 are not dusty areas in the operation of Tyler Pipe, are you?

15 A Well, no.

16 Q That's the nature of a foundry. A lot of dust is
17 created from a lot of different operations.

18 A That's correct. But we have endeavored to capture
19 that dust, encapsulate it, and --.

20 Q I understand that.

21 A With vacuum systems and scrubbers --.

22 Q From your observation did the fact that in the
23 seventies and early sixties, that there were no partitions
24 separating one area from another area, did that contribute
25 to the nonsettling of the dust?

1 MR. DOLEZAL: I'm going to object. It
2 calls for speculation. And there has
3 not even been any testimony that there
4 is nonsettling of dust.

5 MR. BLACK: Answer what you know.

6 Q I'm asking you from your observation, what you saw
7 out there.

8 MR. BLACK: And also watch for the
9 assumption of unsettling dust or
10 nonsettling dust. Just testify to what
11 you know, is all I'm asking.

12 A Well, conditions now are pretty much what they
13 were back then. The only partitions that we have as far as
14 isolating machinery or things of that nature are the core
15 machines.

16 Now, the shake-out areas have been encapsulated
17 and those go back several years. I can't remember when we
18 installed them.

19 Q My question is, dust that was created in one area
20 didn't just confine itself to that area because of the lack
21 of partitions, did it?

22 A I can't answer that.

23 Q Okay. Men were allowed to use the fans. There
24 was no policy against that, was there?

25 A No.

1 Q And from your view of Mr. Hampton's file he was
2 not -- he didn't have any job classifications that required
3 him to use a respirator in the fifties, sixties or
4 seventies, did he?

5 A Not to my knowledge.

6 MS. JUDIN: What about the eighties?

7 Q He did not in the eighties, either, did he?

8 A Not to my knowledge.

9 MR. NEGEM: That's all I have. Thank
10 you very much.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I DO CERTIFY that I have read the foregoing transcript and that the same and accompanying correction sheets, if any constitute a true and correct record of my testimony.

Olin Jackson

OLIN JACKSON

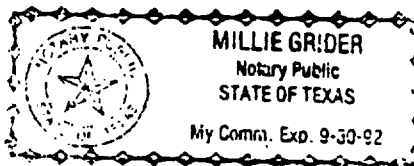
STATE OF TEXAS

SUBSCRIBED AND SWORN TO BEFORE ME by the said
OLIN JACKSON on this the 25th day of
March, 1991, to certify which witness my
hand and seal of office.

Millie Grider

NOTARY PUBLIC - STATE OF TEXAS

My Commission Expires 9-30-92



NO. 90-968-A

RAVIN GREEN, ET AL. X IN THE DISTRICT COURT
VS. X OF
ORIENTAL GASKET AND PACKING X
COMPANY, ET AL. X SMITH COUNTY, TEXAS

DEPOSITION OF OLIN JACKSON

I, JUDY MURFF, CERTIFIED SHORTHAND REPORTER, STATE OF TEXAS, DO HEREBY CERTIFY, pursuant to the Texas Rules of Civil Procedure, the following:

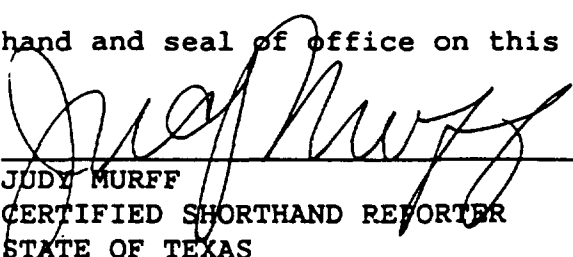
That the deposition transcript is a true and correct record of the testimony given by the witness named herein, after said witness was duly sworn by me;

That \$220.00 is the charge for the preparation of the completed deposition transcript charged to the counsel for the Plaintiffs;

That the original transcript was sent to the counsel for the Witness for the purpose of obtaining the signature of the Witness thereupon before any Notary Public, notifying all Counsel of any changes in the transcript, and custody until the time of trial;

That a copy thereof was provided to all Counsel present at the time of taking of the deposition who requested such;

Given under my hand and seal of office on this the 4th day of March, 1991.



JUDY MURFF
CERTIFIED SHORTHAND REPORTER
STATE OF TEXAS
CERTIFICATE NO. 253
EXPIRES 12-31-91
211 E. TYLER, SUITE 513
LONGVIEW, TX 75601
903/759-9534

NEG 0012244

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PAGE ____ OF ____

(Copy this page before
completing if additional
pages are needed.)

CORRECTION PAGE

THE WITNESS _____ states he/she
wishes to make the following corrections or changes in his/her
testimony as originally given:

PAGE ____ LINE ____ CHANGE _____
TO _____
REASON FOR CHANGE _____

PAGE ____ LINE ____ CHANGE _____
TO _____
REASON FOR CHANGE _____

PAGE ____ LINE ____ CHANGE _____
TO _____
REASON FOR CHANGE _____

PAGE ____ LINE ____ CHANGE _____
TO _____
REASON FOR CHANGE _____

PAGE ____ LINE ____ CHANGE _____
TO _____
REASON FOR CHANGE _____

PAGE ____ LINE ____ CHANGE _____
TO _____
REASON FOR CHANGE _____