

1 IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY

2 COMMONWEALTH OF PENNSYLVANIA

3 CIVIL DIVISION

4 - - -

5 IN RE:

6 ALL PENDING ASBESTOS CASES

7 ESTATE OF LLOYD KOONS,
8 ESTATE OF DONALD KOTAY,

9 Plaintiffs,)

10 vs.)

11) No. GD 99-122131

12) No. GD 99-10029

13 UNION CARBIDE CORPORATION, et al.,)

14 Defendants.)

15 - - -

16 Deposition of FRANCIS A. KING

17 Friday, December 14, 2001

18 - - -

19 The deposition of FRANCIS A. KING, called as a
20 witness by the Plaintiffs, pursuant to notice and the
21 Pennsylvania Rules of Civil Procedure pertaining to
22 the taking of depositions, taken before me, the
23 undersigned, Colleen O'Brien Adams, a Notary Public in
24 and for the Commonwealth of Pennsylvania, at the
25 offices Goldberg, Persky, Jennings & White, 1030 Fifth
Avenue, Pittsburgh, Pennsylvania 15219, commencing at
10:00 o'clock a.m., the day and date above set forth.

- - -

22 COMPUTER-AIDED TRANSCRIPTION BY

23 MORSE, GANTVERG & HODGE, INC.

24 PITTSBURGH, PENNSYLVANIA

25 412-281-0189

- - -

ORIGINAL

1 APPEARANCES:

2 On behalf of the Plaintiffs:

3 Goldberg, Persky, Jennings & White
4 Aaron J. DeLuca, Esquire
5 1030 Fifth Avenue
6 Pittsburgh, Pennsylvania 15219

7 On behalf of the Witness:

8 Eckert Seamans:
9 Dale Hershey, Esquire
10 USX Tower, 44th Floor
11 600 Grant Street
12 Pittsburgh, Pennsylvania 15219

13 On behalf of the Defendant UNC:

14 Wilbraham, Lawler & Buba:
15 Alba A. Romano, Esquire
16 First and Market Building
17 100 First Avenue
18 Pittsburgh, Pennsylvania 15222

19 On behalf of the Defendant Klinger:

20 Riley, McNulty, Hewitt & Sweitzer:
21 Sandra L. Alven, Esquire
22 650 Washington Road, Suite 300
23 Pittsburgh, Pennsylvania 15228

24 - - -

25 ALSO PRESENT:

26 Dr. David Egilman (via telephone)

27 - - -

28

29

30

31

32

1 FRANCIS A. KING

2 called as a witness by the Plaintiffs, having been
3 first duly sworn, as hereinafter certified, was
4 deposed and said as follows:

5 EXAMINATION

6 BY MR. DELUCA:

7 Q Mr. King, good morning.

8 A Good morning.

9 Q My name is Aaron DeLuca and I represent a
10 number of individuals who have claims against Union
11 Carbide Corporation in asbestos cases. I appreciate
12 you coming in this morning. I don't think I am going
13 to take very much of your time. I understand that you
14 are a lawyer?

15 A Correct.

16 Q And you are presently general counsel to
17 Elkem Metals Company?

18 A Yes.

19 Q That being said, I am sure you are very
20 familiar with the deposition process, just let me
21 remind you if you don't understand one of my
22 questions, I would ask that you tell me that and I
23 will attempt to repeat it or rephrase it. Fair
24 enough?

25 A Fair enough.

1 Q I have issued a subpoena dated December 7,
2 2001 along with a notice of deposition, which I am
3 going to ask be marked as Deposition Exhibit No. 1.
4 And you have that in front of you right now; correct?

5 A I do.

6 (Thereupon, Deposition Exhibit No. 1 was
7 marked for identification.)

8 Q And you have had a chance to review that?

9 A Yes.

10 MR. HERSHEY: I would like just to have one
11 point of clarification and that is that the
12 subpoena was issued on behalf of the plaintiffs
13 in the cases that are pending against Union
14 Carbide.

15 MR. DELUCA: Yes, sir.

16 MR. HERSHEY: And I would like it noted
17 that Mr. King is here under subpoena and he is
18 not testifying in cooperation with plaintiffs but
19 going to respond to questions put to him under
20 subpoena.

21 MR. DELUCA: I agree to that.

22 Q Mr. King, do you recall our initial contact
23 on December 6 when I contacted the law department of
24 Elkem Metals?

25 A I remember a phone call, yes.

1 Q Sure. And at that time your secretary or
2 paralegal answered the phone. And I identified myself
3 to her as being a plaintiff's attorney. Following
4 that, she connected me with you, do you remember that?

5 A I remember being connected with you, yes.

6 Q What was the name of the lady who forwarded
7 that call to you?

8 A Her name is Kathleen spelled with a K,
9 Kantor, also spelled K-a-n-t-o-r.

10 Q Is she a paralegal with the law department
11 at Elkem Metals?

12 A She is kind of a girl Friday, she does
13 everything. She is my secretary, she's a paralegal,
14 we have a very small department.

15 Q Would you describe to me your employment
16 history with Elkem Metals as far as when you started
17 and the positions you have held?

18 A I started in February, 1985 in the same
19 position I hold today.

20 Q As vice president and general counsel?

21 A Correct.

22 Q You have had a chance to review the
23 documents which were attached to the subpoena that I
24 issued on December 7?

25 A Correct.

1 Q Can you provide me with any information as
2 to what, if any, business entities Elkem Metals
3 purchased from Union Carbide in the early '80's?

4 A The transaction was completed in 1981. I
5 believe the actual closing date was June 30, 1981.
6 And by virtue of that agreement, Elkem purchased the,
7 what was then known as the metals division of Union
8 Carbide Corporation. It was an asset purchase and the
9 assets -- I may miss something here -- but the assets,
10 as I recall, consisted of a plant in Marietta, Ohio, a
11 plant in Ashtabula, Ohio, a plant in Alloy, West
12 Virginia, a plant in Alabama, I think it was
13 Birmingham but I am not certain, and a plant in
14 Portland, Oregon.

15 The transaction also consisted of a lease
16 of facilities in Niagara Falls, New York and I'm
17 sorry, when I said Birmingham, Alabama, it was really
18 Sheffield, Alabama, I recall it now. There was also a
19 transaction agreed to at that time whereby Elkem would
20 purchase two plants in Canada at a later date. And
21 those two plants were actually purchased in 1984.

22 Q Can you tell me how Hawks Nest or Glen
23 Ferris fits into these transactions that Elkem entered
24 into with Union Carbide in 1981?

25 A Hawks Nest and Glen Ferris are

1 hydroelectric facilities that are located in proximity
2 to the Alloy, West Virginia plant and they were part
3 of assets of the purchase that were purchased.

4 Q Do I understand these to be hydroelectric
5 power plants?

6 A Correct.

7 Q And is there one plant or are there two
8 plants?

9 A There is two plants.

10 Q And they are known as Hawks Nest and Glen
11 Ferris?

12 A Correct.

13 MR. DELUCA: Off the record, please.

14 (Discussion off the record.)

15 MR. DELUCA: We are going back on the
16 record.

17 BY MR. DELUCA:

18 Q Mr. King, before we went off the record we
19 were just talking about the Hawks Nest plant and the
20 Glen Ferris plant which were hydroelectric power
21 plants, which were part of the purchase by Elkem of
22 the metals division of Union Carbide and I believe
23 that you told me that these two power plants were
24 associated with the facility in Alloy, West Virginia;
25 is that correct?

1 A That's correct.

2 Q With regard to the documents which I am
3 seeking by the subpoena which are enumerated in the
4 letter with enclosures dated August 17, 1981 from Mr.
5 DeBor to Mr. Fawcett, have you undertaken a search to
6 determine whether Elkem presently possesses those
7 documents?

8 A I have done as much as I thought I could to
9 attempt to determine if they exist.

10 Q And would you describe for me fully the
11 steps that you have taken on behalf of Elkem to
12 determine whether those documents are in existence and
13 if so where they would be located?

14 A Well, the starting point was to contact the
15 person to whom the letter of August 17 was addressed,
16 Mr. Harry W. Fawcett. I called his home, I talked to
17 him briefly to describe what was in the letter. I
18 read him the letter, and then I asked him if he had
19 any recollection at all of having received the 39
20 cartons of documents that are identified in the
21 letter. And the short answer is he had no
22 recollection at all. In fact, he didn't even remember
23 who I was, so, that was a dead end. That produced
24 nothing.

25 Then I went, I looked at our records

1 retention policy to see if there was any category of
2 documents in that policy that might have -- that these
3 boxes might have fit into. I really didn't find
4 anything that was relevant, in my mind, at least, as
5 to a category that might have picked up these
6 documents.

7 Then I had my legal assistant, Mrs. Kantor,
8 check our database, that is our own law department
9 database, which includes all of our departmental
10 records by category, and she didn't find anything in
11 there that was applicable.

12 And the last step was to check the manifest
13 of retired documents that we have. We store retired
14 documents in a mine north of Butler, Pennsylvania and
15 the manifest categorizes those records both by the
16 name of the person who delivers them for the storage
17 and also by category in very broad categories. An
18 example of the latter would be accounts receivable,
19 for example, and under documents that I have sent for
20 storage it comes under the heading FK, Frank King.
21 And we looked through that and we didn't find anything
22 that looked applicable. Those are the steps I took.

23 Q I would like to ask you about each one of
24 those, if you don't mind.

25 A Sure.

1 Q When you talked to Mr. Fawcett and you read
2 him this letter, am I correct that he said he just
3 didn't remember receiving these documents as opposed
4 to telling you that he did not receive these
5 documents?

6 A He said he didn't remember.

7 Q He couldn't tell you one way or the other?

8 A That's right.

9 Q And did Mr. Fawcett cite to you any other
10 individuals that he thought perhaps could address your
11 inquiry?

12 A No.

13 Q Do you know when Mr. Fawcett retired from
14 Elkem Metals?

15 A Actually, I don't think he ever worked for
16 Elkem Metals. Harry Fawcett was -- I only know this
17 by what predated my being employed by Elkem in 1985,
18 Harry Fawcett, originally was a fairly high ranking
19 executive at Alcoa. At the time that I knew him after
20 I started in 1985, he was retired, and he was working,
21 I believe, as a consultant for a sister company of
22 Elkem called Elkem Chemicals. They were located at
23 Building No. 1 on Cliff Mine Road in Pittsburgh. And
24 he worked there. I met him a few times. He left the
25 company about a year after I started.

1 Q Mr. King, I note that your business card
2 indicates that you are employed by Elkem Metals
3 Company, LP.

4 A That's an old card. It's no longer true.
5 It's now called Elkem Metals Chem, Inc. I just
6 haven't had the cards updated.

7 Q I would note that both of those entities
8 differ from the entity that's listed in this letter
9 dated August 17, 1981.

10 A That's correct.

11 Q That was addressed to Mr. Fawcett of Elkem
12 Management, Incorporated?

13 A Right.

14 Q Is that a different company than the Elkem
15 Metals?

16 A It is. They are sister/daughter type
17 companies. It's all one umbrella of companies under
18 the same ultimate management ownership.

19 Q I am not seeking any confidential or
20 proprietary information about the operations of Elkem,
21 but can you tell me what relationship Elkem Management
22 has or had with Elkem Metals?

23 A Well, at the time this letter was written,
24 August 17, it would have post dated the closing on the
25 purchase arrangement and Elkem Management, Inc. would

1 have been the managing partner of Elkem Metals
2 Company. I can tell you what the structure was at
3 that time. There were four partners, they were all
4 ultimately owned by a Norwegian corporation called
5 Elkem Metal Chem a/s, small a, small s, and those four
6 partners, in turn, owned -- I'm sorry, Elkem
7 Management, Inc. is a corporation. Those four
8 corporations that I just mentioned, owned the
9 partnership, Elkem Metals Company.

10 Q Is there an entity in existence today known
11 as Elkem Management, Incorporated?

12 A No.

13 Q Can you tell me when Elkem Management,
14 Incorporated -- well, strike that. Is there -- do you
15 know whether Elkem Management, Incorporated ceased to
16 do business or whether it changed its name?

17 A Changed its name. And then it ceased to do
18 business subsequent to that.

19 Q Can you tell me the name of the entity that
20 Elkem Management, Incorporated became known as before
21 it ceased to do business?

22 A Well, today, what was Elkem Management,
23 Inc., along with several other companies are now
24 merged together in a single company known as Elkem
25 Investment Holdings, Inc.

1 Q Where is that entity headquartered today?

2 A In Pittsburgh.

3 Q You are not employed by that company;
4 correct?

5 A No.

6 Q You don't serve as general counsel to them?

7 A I do in the sense that it's a -- yes, I do
8 serve as general counsel to them.

9 Q Do they maintain records separate and apart
10 from Elkem Metals?

11 A No.

12 Q Did you contact anyone at Elkem Investment?

13 A Could I correct that?

14 Q Yes, sir.

15 A They do maintain separate records in the
16 sense of corporate identity type records like minute
17 books and all the corporate documents. But as far as
18 correspondence and that type of thing, they are all
19 held at our offices pretty much together.

20 Q Did you contact anyone associated with
21 Elkem Investment Holdings, Incorporated to determine
22 whether or not they possessed the records which are
23 listed in this letter of August 17, 1981?

24 A No.

25 Q Are you able to tell me -- withdraw that

1 question.

2 When you spoke to Mr. Fawcett, you said
3 that he was here in the Pittsburgh area?

4 A Yes.

5 Q Does he presently live in Sewickley,
6 Pennsylvania?

7 A Yes.

8 Q Does he work in any capacity with Elkem
9 today, for instance, as a consultant?

10 A No.

11 Q Getting back to the four steps that you
12 listed for me, I think the second one is that you
13 checked your records retention policy?

14 A Correct.

15 Q You wouldn't have a copy of that with you
16 today would you?

17 A I do.

18 Q May I mark that as Deposition Exhibit 2?
19 (Thereupon, Deposition Exhibit No. 2 was
20 marked for identification.)

21 Q Did I understand you to say that when you
22 reviewed the records retention policy today, you
23 didn't see any categories of documents in here which
24 would suggest to you that the documents that I am
25 seeking have been destroyed subject to this policy?

1 A I didn't see any category of documents
2 listed in that policy that I thought would pick up the
3 types of documents that were in the letter that was
4 addressed to Mr. Fawcett.

5 Q Okay. And then you indicated that your
6 assistant, Ms. Kantor, checked the database that your
7 law department maintains which covered departmental
8 records?

9 A Correct.

10 Q Can you tell me when that database came
11 into existence?

12 A Only roughly. I would say probably about
13 1996 or 7, I am not sure which.

14 Q And that was after the point in time you
15 joined Elkem?

16 A Yes.

17 Q Is this something that was done pursuant to
18 your instruction?

19 A Yes.

20 Q And can you tell me what efforts were made
21 in -- I'm sorry, did you say '86?

22 A What are you asking me, when --

23 Q When did the database come into existence?

24 A Round '96 or '97.

25 Q '96 or '97?

1 A Right.

2 Q Can you tell me what efforts were made in
3 '96 or '97, to look to see what documents were in
4 existence for inclusion in the database?

5 A That would be all the legal department
6 records, all of our files.

7 Q If there were files which were not
8 generated or used by your legal department, they would
9 not be in your database; is that correct?

10 A That's correct.

11 Q And then, finally, you indicated that you
12 checked a manifest of retired documents?

13 A That's right.

14 Q Could you just tell me what that means so
15 that we are clear?

16 A Well, when documents reach a certain point
17 in the records retention policy that they are due to
18 be retired, then they are cartoned up and sent off to
19 this storage point, which is north of Butler,
20 Pennsylvania. And then they are manifested; that is,
21 they are marked in a certain way as to what they are.
22 And then after they have been there for a period of
23 time, they are supposed to be -- when they reached the
24 destruction point, they are supposed to be destroyed.
25 And that's basically it.

1 Q Is that the Iron Mountain facility?

2 A I don't know the name of it. I have been
3 there but I forgot the name of it.

4 Q It's an old mine?

5 A It's an old mine, yes.

6 Q Just generally, can you tell me the volume
7 of boxes that Elkem stores at that location?

8 A I can't tell you specifically. I know that
9 I have been out there searching for documents on one
10 occasion in particular, and I spent the better part of
11 three days out there going through a definitive
12 category of documents. I knew what I was looking for.

13 Q Are there thousands of boxes there?

14 A I think so, yes.

15 Q And there is some sort of index that you
16 have created either for your own purpose or for the
17 benefit of this facility that would tell you what is
18 generally found in each box?

19 A That's the manifest that I referred to.

20 Q And can you just give me an example of the
21 type of information or the quantity of information
22 that would be located on this manifest as it would
23 relate to describing the contents of any given box?

24 A It's pretty basic. It's just like I said,
25 it's categorized by either the name of the person who

1 sent it or the initials of the person who sent it or a
2 general subject matter like "accounts receivable,"
3 that type of thing.

4 Q By chance, did you bring a copy of your
5 manifest with you today?

6 A That, I didn't, no.

7 Q Is that something that you would be willing
8 to provide?

9 A Sure.

10 Q There was no effort made to look into any
11 boxes that are housed in that storage facility north
12 of Pittsburgh to see whether the documents I am
13 seeking would be located therein?

14 A No.

15 Q There was just a general effort to see who
16 sent the boxes or whether there was any description
17 which might match what I was looking for?

18 A Correct.

19 Q Did you look for documents that Harry
20 Fawcett would have transferred to this facility or
21 possibly transferred to this facility?

22 A Well, I looked through the manifest and
23 Mrs. Kantor did, as well, under my direction, to see
24 if there was anything in there that might indicate
25 that these documents in this letter of 1981 were there

1 and there was no indication. There was nothing under
2 the name, Fawcett, for example, HWF, or anything like
3 that.

4 Q Were there any documents that would have
5 pertained to Hawks Nest or Glen Ferris among these
6 documents that are stored there based on your review
7 of this manifest?

8 A There were general categories of what we
9 call plant documents, also of boxes of what we call
10 plant documents, okay? There were also, for example,
11 my database, there are lots and lots of files that
12 relate to Hawks Nest, that relate to Glen Ferris, that
13 relate to the Alloy plant, that type of thing, but
14 nothing that would correlate between those general
15 categories and the documents described in the letter.

16 Q Mr. King, did you or anyone at your
17 direction review the documents which you possess that
18 pertain to Hawks Nest or Glen Ferris to see whether
19 any of the documents that I am seeking were mixed in
20 with them?

21 A Well, as far as the documents that were in
22 storage, no, because we didn't go out to the mine. As
23 far as the documents that are in my database, I looked
24 at the file headings, I looked at -- I mean I know
25 these documents, and I can tell you that there's

1 nothing you are looking for that was in that, that
2 were in those documents, I am sure of that.

3 Q You had described a certain category of
4 documents as being plant documents. Let me ask you
5 about the status of Elkem in regard to the Hawks Nest
6 and the Glen Ferris plant. Does Elkem have any
7 interest in those plants at present?

8 A We own them.

9 Q You still own them today?

10 A Yes.

11 Q Was there any effort made in response to my
12 subpoena to contact those plants to determine whether
13 or not they possess any of these 39 cartons of
14 documents which I am seeking?

15 A No, I thought about that but then I thought
16 "Why bother," because these documents were sent
17 specifically to Harry Fawcett according to the letter,
18 they weren't sent to the plant, so there is no way
19 that I can think of that those documents would have
20 wound up at the plant.

21 Q That involves an assumption on your part
22 that Mr. Fawcett did not send them to the plants that
23 these documents pertain to; correct?

24 A I guess that's right. Yes.

25 Q When I first spoke with Mrs. Kantor before

1 she transferred me to you, she had indicated that she
2 had received a request three or four weeks earlier
3 than the conversation I had with her on December 6, a
4 request for these documents from someone from Texas.
5 And she believed that that person was acting on behalf
6 of Union Carbide.

7 A I don't think it was three to four weeks.
8 Very shortly before I talked with you, I received a
9 phone call from a law firm in Texas that represented
10 themselves as representing Union Carbide, inquiring
11 about the same matter. Unfortunately, I didn't write
12 the fellow's name down. And I don't know who it was
13 that contacted me but he did indicate that there was a
14 trial that was imminent, and I don't remember the
15 court in Texas, and he asked me about these documents
16 and I said I didn't have a clue as to where they might
17 be, and if they even existed, and that was pretty much
18 it, the conversation.

19 Q Did you summarize your conversation with
20 this person in the form of memo or did you take any
21 notes about it?

22 A No.

23 Q Do you have any information as to the
24 identity of the person that called you?

25 A I don't. I didn't go back and look at my

1 yellow pad or white pad that I had in front of me at
2 the time. There may be a name there that I would
3 recognize but I didn't look for that.

4 Q Did that individual ask you to make any
5 search for these documents?

6 A No.

7 Q Is there anything else that you can recall
8 about that conversation?

9 A Just what I have told you.

10 Q The conversation that we had on the 6th,
11 which was before you were served with the subpoena in
12 this matter, during that conversation, it appeared to
13 me that I was on speakerphone and that Mrs. Kantor was
14 in the room with you. Was that the circumstances?

15 A No, you were on the speakerphone but she
16 wasn't there.

17 Q I heard someone talking in the background.
18 Would that have been Mrs. Kantor?

19 A She might have appeared in the doorway and
20 said something or whatever, I don't know.

21 Q I thought that during our conversation the
22 name, DeBor, was raised by you as the name of somebody
23 who may have contacted you about these documents.

24 A Yes. You are right. You are right. And
25 the reason I know that is because that's a name of a

1 person I know here in Pittsburgh, that was
2 coincidental. I believe his name was DeBor.

3 Q Was this a different conversation than the
4 one you described to me?

5 A No, I think he was the -- he was probably
6 the fellow that called me representing Union Carbide.

7 Q Do you know whether you received more than
8 one call from either Union Carbide or someone acting
9 on their behalf?

10 A I believe just him.

11 Q So Mr. DeBor was the one that called you,
12 asked you whether you knew where these documents were
13 and Mr. DeBor was the person who did not ask you to
14 search for them?

15 A I believe so, yes.

16 Q Do you know or did he disclose to you, Mr.
17 DeBor, that he was the DeBor that had signed this
18 letter addressed to Mr. Fawcett dated August 17, 1981?

19 A Wait a minute. Now, I am getting a little
20 confused. DeBor is the name of the person on the
21 letter; correct?

22 Q That's true.

23 A Maybe that's where I picked the name up.
24 I am going to rescind my testimony that that was the
25 name of the fellow that called me. I am not sure

1 about that now.

2 Q Did Mr. DeBor indicate to you that he was a
3 potential witness in the Union Carbide trial which
4 just occurred in Texas?

5 MR. HERSHEY: You are now attributing an
6 understanding that he has testified he doesn't
7 have, that is he no longer --

8 Q Let me rephrase get. Did Mr. DeBor
9 disclose to you that?

10 A I am going to back up. And now it's coming
11 a little bit back to me. I wasn't paying a whole lot
12 of attention to this at the time that it happened
13 because I was working on a project when these calls
14 came in. I do now believe there were two calls. I
15 think there was a call from possibly a Mr. DeBor who
16 indicated that he was calling on behalf of Union
17 Carbide and inquiring about these documents and then I
18 think there was a second call from a lawyer, because I
19 asked Mr. DeBor could I speak with the counsel and
20 then I the got a phone call from the counsel. That's
21 the way it happened, I recall it now. Okay.

22 Q I didn't mean to interrupt you.

23 A I recall now that there were two calls; one
24 was from a Mr. DeBor, I believe, and the second call
25 was from a lawyer who identified himself as

1 representing Union Carbide in an asbestos litigation
2 in Texas.

3 Q So the first call that you received about
4 these documents was from Mr. DeBor?

5 A That's my recollection. Yes.

6 Q And then you --

7 A I know it was a layman; it was not a
8 lawyer. I think his name was DeBor.

9 Q Is it your recollection that following or
10 during the conversation with DeBor, you requested to
11 speak with an attorney?

12 A That's correct.

13 Q Can you tell me -- and then later, did you,
14 in fact, speak with an attorney representing Union
15 Carbide?

16 A That's correct.

17 Q Can you tell me how much time elapsed
18 between the two conversations?

19 A Not really. I think it was the same day.
20 Probably a couple of hours.

21 Q For purposes of this record, I don't want
22 to confuse the conversations or what statements were
23 made by what party, so I apologize but can we just get
24 your recollection as to exactly what Mr. DeBor said to
25 you and then we can get your recollection of what

1 transpired during the conversation with counsel?

2 A Well, I have told you just about everything
3 I recall. But I believe Mr. DeBor identified himself
4 said he was representing or he was working on asbestos
5 litigation for Union Carbide, and asked about old
6 records. I didn't have a copy of this letter
7 obviously, in front of me at the time, asked me if we
8 had any old records from Union Carbide relating to
9 Hawks Nest and I said, "None that I am aware of." And
10 then as we talked for a few minutes, I said, "Look,
11 why don't you have your counsel call me and let's find
12 out specifically what you are after. And if we can
13 help you, we will. If we can't, well, we can't."

14 Q And then you were contacted by counsel?

15 A Correct.

16 Q And could you, as best you recall, describe
17 the contents of that conversation?

18 A I believe he asked me the same question,
19 "Do you have any of these records? We are starting an
20 asbestos trial, Union Carbide is a defendant, do you
21 have any knowledge of these kinds of records at all?"
22 I said, "I don't have a clue. I wouldn't even know
23 where to begin looking for them."

24 Q And am I correct, Mr. King, that neither
25 Mr. DeBor nor Union Carbide counsel asked you to

1 search for them?

2 A I don't believe so. I don't recall them
3 asking me to conduct any kind of search.

4 Q Did Mr. DeBor disclose to you his potential
5 involvement as a witness in the Texas litigation?

6 A No.

7 Q Do you have any knowledge as to whether
8 there was any federal laws which would have required
9 Union Carbide to transfer these documents to Elkem in
10 association with the purchase of the Hawks Nest and
11 Glen Ferris facilities?

12 A Do I know if there were any federal laws
13 that require that? No, I don't.

14 Q Do you know whether there are any federal
15 laws that would require the retention of these
16 records?

17 A No.

18 Q Can we go off the record, please?

19 (Recess taken.)

20 BY MR. DELUCA:

21 Q Mr. King, I do have some more questions for
22 you. I am just looking for some general information
23 because I am having a hard time within my own mind
24 understanding this Hawks Nest plant and Union Carbide
25 and Elkem's interest in it. When Elkem purchased the

1 Hawks Nest plant from Union Carbide, do you know
2 whether that was a transaction that was negotiated by
3 Elkem's legal department or whether there was outside
4 counsel involved?

5 A It was outside counsel.

6 Q Do you possess a file on that asset
7 purchase?

8 A Yes. We have -- I am reasonably certain
9 that there are files that were retired that would be
10 out at the mine but we also have a complete set of
11 documents in my office which are bound, all the basic
12 documentation of the transaction was bound. I think
13 there is like nine or ten volumes of that transaction.

14 Q Okay. And would that contain the purchase
15 and sale agreement?

16 A Yes.

17 Q And the deeds, title instruments, things
18 like that?

19 A Yes.

20 Q And I would assume that prior to Elkem
21 purchasing that, they conducted some sort of title
22 search to determine the legitimacy of the deed that
23 Union Carbide was prepared to convey?

24 A Correct.

25 Q Would you have information relating to the

1 title search in your possession in those volumes of
2 documents that you maintained?

3 A It would be in there, yes.

4 Q Do you know whether the Hawks Nest tunnel
5 was part of the purchase by Elkem of assets owned by
6 Union Carbide?

7 A Yes.

8 Q Does Elkem currently own the Hawks Nest
9 tunnel?

10 A Yes.

11 Q And that was something that they purchased
12 from Union Carbide?

13 A Yes.

14 Q And you have documents relating to that?

15 A Yes.

16 Q And would there be a title search for that,
17 as well?

18 A I assume so.

19 Q Can you tell me what you know about the
20 Hawks Nest plant and the construction of Hawks Nest
21 tunnel, just generally?

22 MR. HERSHEY: This goes pretty far beyond
23 the subjects covered in the request for documents
24 and Mr. King's search for the documents requested
25 in the subpoena. He was asked to search and look

1 for documents in Exhibit A and he has done that
2 and his familiarity with Elkem's affairs began in
3 1985, so he can answer your questions as fully as
4 he is able but his understanding of the facts
5 regarding Elkem and its properties really begins
6 in 1985.

7 MR. DELUCA: Let me see if I can lay a
8 foundation. I am not trying to expand the scope
9 of this. I think it relates to my ability to try
10 to find documents.

11 Q I don't know if there are any other
12 documents that Elkem may have which would be relevant
13 to my cases, but upon your employment with Elkem
14 Metals, in preparation for undertaking your job, did
15 you have the occasion to review historical information
16 about the Hawks Nest plant and the Hawks Nest tunnel?

17 A Before being employed, no.

18 Q From the time that you have been employed
19 by Elkem, have you undertaken any review of documents
20 which would give you some insight into the
21 construction of the plant or the construction of the
22 tunnel?

23 A I would answer it this way. I have learned
24 about the asset, I would call it, the hydro facility
25 simply by virtue of my work with the Federal Energy

1 Regulatory Commission, for example, FERC, that plant
2 and that facility are licensed by FERC, so there is a
3 great deal of information that you have to review and
4 provide when you are relicensing, we relicensed that
5 facility in 1987, so, I know a fair amount about it.

6 Q Let me see if I understand, and if I am
7 incorrect in any regard, please let me know that.
8 I am sure you would.

9 A Okay.

10 Q This plant, Hawks Nest plant, was regulated
11 by the FERC?

12 A Correct.

13 Q And when Elkem purchased this plant from
14 Union Carbide, the transaction had -- the transaction
15 was also regulated by FERC?

16 A Well, it was regulated in the sense that
17 it's a licensed facility, it was a licensed facility
18 by FERC in 1981 and that license had to be transferred
19 from Union Carbide to Elkem. And that was done. And
20 then -- but the licence ran out in 1987, and it was
21 relicensed in 1987 for 30 years.

22 Q By Elkem?

23 A By Elkem.

24 Q I apologize for asking this but licensed
25 for what, sir?

1 A Well, any hydroelectric facility in the
2 United States that's on a navigable body of water has
3 to be licensed by the Federal Energy Regulatory
4 Commission and it's a very cumbersome process, it's a
5 very time consuming process and it involves a whole
6 lot of input from various federal agencies and it goes
7 onto a docket for comment by the public, for comment
8 by interested parties, for protests, for example, by
9 interested parties, and FERC is required to conduct,
10 do an investigation of the need for the project, the
11 continuing need for the project, and to field input
12 by, for example, the Fish and Natural Wildlife Agency,
13 and all other interested parties, and conduct, really,
14 a very, very sophisticated investigation as to the
15 need for the project.

16 If they are satisfied that the project
17 represents the best and highest use for the navigable
18 water, in this case the New River in West Virginia,
19 then they will grant the licence for a hydro project.
20 If they are not convinced, they will turn it down.

21 Q If I wanted to learn more about the
22 obligations of the license holder, there would be a
23 statute on point that would address that?

24 A Yes. There would be. There is a large
25 body of statutory law and regulations, primarily

1 regulations that govern how you license a
2 hydroelectric project. The licence, itself, that's
3 granted by FERC is usually the document that contains
4 all the restrictions on the use of the project.

5 Q Okay. And once a license has been granted,
6 it's generally valid for 30 years?

7 A It depends. Ours went for 30 years. I
8 think the norm right now for FERC is 30 years.

9 Q Are there ongoing inspections or
10 responsibilities under that statute?

11 A Under the licence, itself?

12 Q Under the licence.

13 A Yes.

14 Q May I ask, sir, whether Elkem Metals
15 currently does business with Union Carbide in any way?

16 A That's a good question. It's not Union
17 Carbide anymore it's now Dow Chemical. Union Carbide
18 was merged with Dow Chemical.

19 Q Yes, sir.

20 A But, I am sure we do. We have done
21 business with Union Carbide over the years buying and
22 selling different materials. I am currently in a
23 project with Union Carbide, a legal project, involving
24 the former Portland, Oregon facility where we share
25 responsibility on an environmental issue. Yes. I

1 would have to safely say we do business with them.

2 Q I apologize if I covered any part of this
3 question earlier but you had referenced that you
4 possess files pertaining to Hawks Nest, your own
5 personal files?

6 A Correct.

7 Q What types of documents would be contained
8 within your Hawks Nest file?

9 A Mostly the licensing files with FERC, and
10 the ongoing responsibility or compliance with that
11 license would be in those files. We have had a couple
12 of incidents involving the project. There was a
13 drowning a couple years ago that resulted in a
14 lawsuit. There would be files relating to updating
15 the facility, itself, by you know, spending projects
16 to refurbish turbines and that type of thing, just a
17 whole host of different typical business projects that
18 surround a project like that.

19 Q How long has Elkem been in business, sir?

20 MR. HERSHEY: Which Elkem?

21 Q Well, that's a bad question.

22 A In the U.S. Elkem was in business in a
23 small way prior to 1981. The main business started
24 with the purchase of the metals division from Union
25 Carbide in 1981.

1 Q And this is a Norwegian entity, the parent
2 company?

3 A Yes.

4 Q The parent company is from Norway?

5 A Correct.

6 Q And they have been in business for a long
7 time?

8 A I think they go back to the early 1900's.

9 MS. ROMANO: I didn't hear that.

10 A I think they go back to the early 1900's.

11 Q Would you happen to know whether Elkem has
12 a company historian or anything like that?

13 A I don't know the answer. But I am certain
14 that there is a lot of history of the company that's
15 recorded.

16 Q Where would it be recorded?

17 A In Norway.

18 Q In Norway. Do you know whether Elkem has
19 put out a brochure, commemorating an anniversary or
20 something like that that would show its corporate
21 history?

22 A I don't know.

23 Q Do you know whether Elkem ever published
24 any materials such as a brochure or anything else, for
25 that matter, specifically with regard to its purchase

1 of Hawks Nest from Union Carbide?

2 A I doubt that there is anything specifically
3 related to Hawks Nest. I am not aware of any.

4 Q Finally, sir, I would like to just look at
5 some of the different categories of documents which
6 are described in the attachment to Mr. DeBor's letter
7 of August 17, 1981 which is part of the subpoena which
8 is Deposition Exhibit 1. There are some -- and you
9 have had a chance to review this, so, I think we can
10 go through this quickly.

11 There are some references to licenses,
12 there are some references to land and water rights,
13 there are some references to -- I believe there were
14 some references to deeds. Would those typically be,
15 documents, licenses, deeds, would those be the types
16 of documents that you would retain based upon your
17 records retention policy?

18 MR. HERSHEY: Can you point to any specific
19 item on the list that you are referring to?

20 Q Well, sure. For instance, these documents
21 itemize the 39 cartons referenced in Mr. DeBor's
22 letter and then the last few pages appear to be a more
23 in depth description of documents that were contained
24 in carton 30 and 31. Just looking at the box No. 1,
25 carton No. 1, it says, "Project 2512, West Virginia,

1 Hawks Nest, two folders." Then it says in parens,
2 "(Federal Power Commission License.)" Would a Federal
3 Power Commission license be the sort of document that
4 Elkem would retain?

5 A Yes.

6 Q And there wouldn't be any set time for the
7 disposal of those types of documents like licenses?

8 A I doubt it.

9 Q And then carton 2 says, "Application,
10 licenses, & workpapers" and it gives a range from 1940
11 to 1952. Again, based on your understanding, those
12 were the types of documents that Elkem would want to
13 retain?

14 A Probably, yes.

15 Q And that's your understanding as general
16 counsel?

17 MR. HERSHEY: Your question refers to the
18 licences as opposed to the workpapers and so
19 forth?

20 MR. DELUCA: That's true.

21 A Probably, yes. Yes. But let me state
22 this, if I can. I would guess, that at least the
23 documents that are described in paragraph No. 1 there
24 are probably in the binders that I am talking about
25 that are in my office.

1 Q Old licenses and things like that?

2 A Uh-huh.

3 Q That would show the history of --

4 A Well, simply because that license was in
5 existence when the transfer took place in 1981, so
6 obviously, it would be part of the turned over or
7 turned over papers to us.

8 Q And sir, as far as documents like in carton
9 14, blueprints, and I understand that that is somewhat
10 vague but also references to land and water rights and
11 engineering specifications, those would also be
12 documents that would be useful for Elkem to retain
13 being that they purchased this power plant?

14 MR. HERSHEY: Are you asking whether they
15 were retained or whether in the abstract it would
16 be advisable to retain them.

17 MR. DELUCA: I think my question is in the
18 abstract whether it would be advisable.

19 A Well, to the extent that these general
20 descriptions would relate to dimensions of a project,
21 for example, the size of the tunnel, the depth of
22 concrete in the dam, that type of thing, certainly
23 they are the kinds of records that Elkem would need to
24 have in order to know what it had received and whether
25 there were any problems with what it had received in

1 the way of assets. Whether those documents exist
2 separately from this list here, I would expect that
3 information of that type does exist separately from
4 the 39 cartons that are described in this letter.

5 Q Would I be correct, sir, that to the extent
6 there were any laws or regulations which would require
7 Elkem to maintain such documents, that Elkem would in
8 fact, comply with those laws?

9 A Sure.

10 Q Sure. Okay. And finally, sir, may I
11 request from you that you just make a call or check at
12 the plant level at Hawks Nest or the Glen Ferris plant
13 for these documents, as you told me earlier that's
14 something that you didn't do.

15 MR. HERSHEY: And you are talking
16 specifically about the 39 cartons? That's what
17 we were asked to do.

18 MR. DELUCA: Yes, sir, the 39 cartons
19 and/or the contents thereof.

20 MR. HERSHEY: Yes, well, the question is
21 whether Mr. Fawcett might have sent any of the
22 cartons to the plant, as opposed to disposing of
23 them either in his office or later having them
24 disposed of in the mine. We are looking for the
25 39 cartons.

1 MR. DELUCA: Are you representing your
2 search is ongoing?

3 MR. HERSHEY: No, we have made a search and
4 the only area of search that you have suggested
5 that Mr. King might pursue further is to check
6 with the plants, right?

7 MR. DELUCA: Yes, sir. And also to the
8 extent that any of the documents here may have
9 wound up in those binders, I would request those
10 also.

11 MR. HERSHEY: You want the binders? Well,
12 the binders weren't in the cartons.

13 A The binders that I referred to, they are
14 bound volumes of all the documents that represented
15 the transaction between Elkem and Union Carbide that
16 took place in 1981.

17 MR. HERSHEY: They don't fall within your
18 subpoena.

19 MR. DELUCA: The reason I said that is that
20 he earlier said as to one particular category of
21 documents that "that's something that might be in
22 my binders."

23 MR. HERSHEY: That kind of a copy of that
24 document might be in the binders but the binders
25 were not in the 39 cartons which were the

1 documents that are the subject of your subpoena.
2 You want the 39 cartons.

3 MR. DELUCA: We can talk about the binders
4 at a later date. I understand that he is here
5 only in response to the subpoena.

6 MR. HERSHEY: I want to make it clear that
7 Mr. King has complied with the subpoena.

8 MR. DELUCA: I don't suggest that he
9 didn't. I am only requesting that as a final
10 step in searching for these documents that he
11 contact the plant level because he indicated he
12 didn't do that.

13 THE WITNESS: Right. I can do that

14 MR. DELUCA: And you will agree to that?

15 MR. HERSHEY: Yes. I just want to make it
16 clear as to what he is supposed to ask when he
17 contacts the plant. And the question he will
18 ask, in order to comply with the subpoena, is
19 whether to the knowledge of anybody at the plant,
20 any of the 39 cartons wound up at the plant and
21 if so, the documents in those cartons will be
22 produced.

23 MR. DELUCA: You know, I think that's fair
24 but I don't want to get bogged down in a matter
25 where due to semantics something isn't done that

1 I would have expected to be done. So I am simply
2 asking that a search be made by Elkem to
3 determine whether any of the these 39 cartons or
4 the documents thereof might be located at the
5 plant level. Is that fair?

6 MR. HERSHEY: Yes.

7 MR. DELUCA: Off the record.

8 (Discussion off the record.)

9 BY MR. DELUCA:

10 Q Just a few more questions. Mr. King. As
11 general counsel to Elkem Metal, I am sure that one of
12 your responsibilities is to ensure that Elkem complies
13 with any federal or state laws that affect their
14 business?

15 A Hopefully.

16 Q Hopefully. Certainly that would be your
17 goal. And I would just like to turn you to the last
18 several pages of this -- actually, it's the last three
19 pages which purports to be an itemized listing by
20 carton of documents shipped to Elkem by Union Carbide
21 pertaining to Hawks Nest and Glen Ferris and that
22 would be the itemization of carton 30 and 31, the last
23 two pages. And --

24 A Okay.

25 Q And my question to you would be, as general

1 counsel of Elkem Metal, are you aware of any federal
2 or state laws that would require you to keep these
3 specific documents, and I want to go through them
4 category by category, very briefly.

5 A Okay.

6 Q And if there wasn't a federal requirement,
7 then whether you would expect to have those in your
8 files or not. The first one is 3.61, "Incorporation -
9 Committee on New Kanawha Power Company. Affair
10 Dissolution - Reorganization of Power Department."
11 Are you aware of any federal or state law which would
12 require Elkem to main those documents?

13 A No, I am not.

14 Q In the absence of such a law, those would
15 be documents that you wouldn't necessarily keep?

16 A No. I don't know what the New Kanawha
17 Power Company was, to be honest with you.

18 Q 3.612, "Financial estimates - 1927 through
19 1937. Yearly and monthly research projects. Retarded
20 construction program. Construction budgets." Am I
21 correct, sir, that you are not aware of any federal or
22 state legal requirement to keep those types of
23 records?

24 A No, I am not.

25 Q And accordingly, you wouldn't necessarily

1 expect to have those in your files?

2 A That's right.

3 Q 3.6120, "Invoices and Requisitions," to the
4 extent that that identifies anything, you would be
5 unaware of federal or state law on point that would
6 require you to keep those?

7 A That's correct.

8 Q And again, it would appear looking at the
9 top of this page that anything in the 3.6 range would
10 pertain to the New Kanawha Power Company now Electro
11 Metallurgical Company?

12 A That's correct.

13 Q As to 3.6121, "Payroll - Expense Accounts -
14 Employment Personnel, 3.61210, Work Orders," again,
15 you would be aware of no federal or state law which
16 would require you to maintain those documents?

17 A No.

18 Q 3.62, "Applications for Positions.
19 Positions in other Companies, 3.63, Weekly Reports -
20 Construction, etc. See Book, 3.64, Plant Balance
21 Sheet and Summary of Charges to Operation,
22 Miscellaneous Financial. Cost of West Virginia
23 plant. Accounting instructions. Property
24 accounting." Again, sir, you would be unaware of any
25 federal or state law which would require you to

1 maintain those documents?

2 A I don't know of any such law, no

3 Q In the absence of any such law, you would
4 not expect to find these in your files?

5 A That's correct.

6 Q 3.69, "General - Medical Services -
7 Sanitation. For housing see 3.90," 3.690, "Insurance
8 - Surety Bonds, etc." Sir, are you aware of any
9 federal or state law which would require you to
10 maintain these documents?

11 A No.

12 Q 3.691, "Rates - Public Service Commission -
13 Typical Rates in West Virginia - Sales of Power - Sale
14 of Boomer Electric to Appalachian E.P. Company. (See
15 also 3.702, 1930-34." Again, sir, you would be
16 unaware of any federal or state law which would
17 require you to maintain these documents?

18 A I don't know of any.

19 MR. HERSHEY: Can I ask whether in this
20 matter, it's the position of the plaintiff or any
21 party that Elkem had an obligation to retain any
22 category of document here? And then we can focus
23 on that and see whether those documents have been
24 retained.

25 MR. DELUCA: I can't address that question

1 at this time, Mr. Hershey, but just to let you
2 know, I am just going to go through the rest of
3 these documents and as we get a little bit
4 further on here, that's where my major interest
5 lies, and then I will be finished. I am not
6 suggesting anything at this point. I am just
7 trying to --

8 MR. HERSHEY: So it's not your position
9 that there is a federal law that requires the
10 retention of these documents?

11 MR. DELUCA: I don't have a position on
12 that matter. I don't have a statute to hand you
13 right now, either.

14 MR. HERSHEY: Well, your questions have
15 that premise and --

16 MR. DELUCA: I would tell you that, and I
17 don't have the pages to give you for now, but
18 it's my understanding that it was suggested by
19 Union Carbide that such a statute existed. And
20 that's all I can say at this time on the matter.
21 I am not suggesting that that's true or false at
22 this point. I am just trying to discover what
23 the facts may or may not be.

24 BY MR. DELUCA:

25 Q Picking right up where we left off,

1 3.692, "SILICOSIS," 3.6921, "Industrial Hygiene in
2 Tunnel Work. Mortality statistics 1936 study." Mr.
3 King, as general counsel to Elkem Metals, are you
4 aware of any federal or state laws or regulations
5 which would require Elkem to maintain those documents?

6 A No, I am not.

7 Q 3.69211, "Tunnel Ventilation - Carbon
8 Monoxide - Landis," 3.69212, "Rinehart and Dennis
9 Fatal Accidents," 3.69213, "Non-Fatal Accidents -
10 McClintic Marshall." Mr. King, as general counsel of
11 Elkem Metals, are you aware of any federal or state
12 laws or regulations which would require the
13 maintenance of those documents?

14 A No, I am not.

15 Q 3.69214, "Insurance - Compensation,"
16 3.69218, "Silicosis Literature - Discussions -
17 Addresses - Committee Societies," 3.6922, "Suits."
18 Mr. King, as general counsel to Elkem Metals, are you
19 aware of any federal or state laws or regulations
20 which would require the retention or maintenance of
21 those types of documents?

22 A No, I am not.

23 Q 3.6922), "Summons - Silicosis Suits,"
24 3.69221, "Attachments, Silicosis Suits," 3.69222,
25 "Trials, Silicosis Suits - Testimony- Briefs -

1 Experts." Mr. King, as general counsel of Elkem
2 Metals, are you aware of any federal or state laws or
3 regulations which would require the retention of
4 maintenance of those types of documents?

5 A No, I am not.

6 Q 3.62222, "Lilly & Lilly," 3.692227,
7 "Records of Plaintiff's, Silicosis Suits. Work
8 Records," 3.692228, "Mr. Davis' notes on Silicosis
9 Suits." Mr. King, as general counsel of Elkem Metals,
10 are you aware of any federal or state laws or
11 regulations that would require the maintenance or
12 retention of these documents?

13 A No, I am not.

14 Q We are almost done, sir. 3.692229,
15 "General Material Under Trial of Silicosis Suits.
16 List of Suits," 3.6928, "Insurance in Connection with
17 Silicosis Suits. Accounting," 3.69281, "Fees, Expert
18 Testimony, Silicosis Suits." Mr. King, as general
19 counsel to Elkem Metals, are you aware of any federal
20 or state laws or regulations which would require the
21 retention or maintenance of these types of documents?

22 A No, I am not.

23 Q 3.6929, "General - Rocks Samples," 3.69291,
24 "Newspaper Clippings, Silicosis Suits. 1936 magazine
25 and Newspaper Publicity." Sir, as general counsel to

1 Elkem Metals, are you aware of any federal or state
2 laws or regulations that would require the maintenance
3 or retention of these types of documents?

4 A No, I am not.

5 Q Sir, those are all the questions I have for
6 you. Thank you.

7 MS. ROMANO: To the extent that any
8 documents are produced by Elkem entities or any
9 other source we assert an attorney-client
10 privilege on behalf of Union Carbide as
11 applicable to the documents.

12 MR. DELUCA: I will respond to that
13 objection or claim of privilege at the time any
14 such documents are produced. And I would just
15 simply state that if these documents were truly
16 privileged you wouldn't have been giving them to
17 other folks.

18 MS. ROMANO: And secondly --

19 MR. DELUCA: Excuse me, and that the
20 production of these documents to other parties is
21 a waiver of any privilege that attaches to them
22 or had attached to them.

23 MS. ROMANO: I also am assuming that the
24 standard reservation of objections as to form are
25 declared -- any objections other than as to form

1 are reserved for time of trial?

2 MR. DELUCA: That's an assumption that you
3 made at your peril at the outset.

4 MS. ROMANO: At this time I would object to
5 any line of questioning that had to do with
6 obtaining hearsay evidence, inadmissible hearsay
7 evidence.

8 MR. DELUCA: Anyone else? Mr. King, Mr.
9 Hershey, thank you for coming here today.

10 MR. HERSHEY: We'll waive signature.

11 MS. ROMANO: I would also cite the Rules of
12 Civil Procedure on format for depositions with
13 regard to objections.

14 MR. DELUCA: Which rule of civil
15 procedure?

16 MS. ROMANO: I don't have that with me
17 right now. I will provide it.

18 (Thereupon, at 11:17 o'clock a.m., the
19 deposition was concluded and signature was
20 waived.)

21

22

23

24

25

1 CERTIFICATE

2 COMMONWEALTH OF PENNSYLVANIA,)
) SS:
 3 COUNTY OF ALLEGHENY.)

4 I, Colleen O'Brien Adams, do hereby certify that
 5 before me, a Notary Public in and for the Commonwealth
 6 aforesaid, personally appeared FRANCIS A.KING, who
 7 then was by me first duly cautioned and sworn to
 8 testify the truth, the whole truth, and nothing but
 9 the truth in the taking of his oral deposition in the
 10 cause aforesaid; that the testimony then given by
 11 him as above set forth was by me reduced to stenotypy
 12 in the presence of said witness, and afterwards
 13 transcribed by means of computer-aided transcription.

14 I do further certify that this deposition was
 15 taken at the time and place in the foregoing caption
 16 specified, and was completed without adjournment.

17 I do further certify that I am not a relative,
 18 counsel or attorney of either party, or otherwise
 19 interested in the event of this action.

20 IN WITNESS WHEREOF, I have hereunto set my hand
 21 and affixed my seal of office at Pittsburgh,
 22 Pennsylvania, on this 17th day of December,
 23 2001.

24 *Colleen O'Brien Adams*

25 Colleen O'Brien Adams, Notary Public
 In and for the Commonwealth of Pennsylvania
 My commission expires November 19, 2003.

[illegible]

1

1 4:3, 6; 10:23; 36:8, 24,
25; 37:23
11:17 50:18
14 38:9
17 8:4, 15; 11:9, 24;
13:23; 23:18; 36:7
1900's 35:8, 10
1927 43:18
1930-34 45:15
1936 47:2; 48:24
1937 43:19
1940 37:10
1952 37:11
1981 6:4, 5, 24; 8:4; 11:9;
13:23; 18:25; 23:18;
31:18; 34:23, 25; 36:7;
38:5; 40:16
1984 6:21
1985 5:18; 10:17, 20;
30:3, 6
1987 31:5, 20, 21
1996 15:13

2

2 14:18, 19; 37:9
2001 4:2
2512 36:25

3

3.6 44:9
3.81 43:8
3.612 43:18
3.6120 44:3
3.6121 44:13
3.61210 44:14
3.62 44:18
3.62222 48:6
3.63 44:19
3.64 44:20
3.68 45:6
3.690 45:7
3.691 45:12
3.692 47:1
3.6921 47:1
3.69211 47:7
3.69212 47:8
3.69213 47:9
3.69214 47:15
3.69218 47:16
3.6922 47:17, 23
3.69221 47:24
3.69222 47:24
3.692227 48:6
3.692228 48:8
3.692229 48:14
3.6928 48:16

3.69281 48:17
3.6929 48:23
3.69291 48:23
3.702 45:15
3.90 45:7
30 6:5; 31:21; 33:6, 7, 8;
36:24; 42:22
31 36:24; 42:22
39 8:19; 20:13; 36:21;
39:4, 16, 18, 25; 40:25;
41:2, 20; 42:3

6

6 4:23; 21:3
6th 22:10

7

7 4:1; 5:24; 15:13

8

80's 6:3
86 15:21

9

96 15:24, 25; 16:3
97 15:24, 25; 16:3

A

a.m 50:18
a/s 12:5
Aaron 3:9
ability 30:9
able 13:25; 30:4
absence 43:14; 45:3
abstract 38:15, 18
Accidents 47:9, 9
according 20:17
accordingly 43:25
Accounting 44:23, 24;
48:17
accounts 9:18; 18:2;
44:13
acting 21:5; 23:8
actual 6:5
actually 6:21; 10:15;
42:18
address 10:10; 32:23;
45:25
addressed 8:15; 11:11;
15:4; 23:18
Addresses 47:17
advisable 38:16, 18
Affair 43:9
affairs 30:2
affect 42:13

Again 37:11; 44:8, 14, 24;
45:15
against 3:10; 4:13
agencies 32:6
Agency 32:12
ago 34:13
agree 4:21; 41:14
agreed 6:19
agreement 6:6; 28:15
Alabama 6:12, 17, 18
Alcoa 10:19
Alloy 6:11; 7:2, 24; 19:13
almost 48:14
along 4:2; 12:23
among 19:5
amount 31:5
and/or 39:19
anniversary 35:19
answered 5:2
anymore 33:17
apart 13:9
apologize 25:23; 31:24;
34:2
Appalachian 45:14
appear 36:22; 44:8
appeared 22:12, 19
applicable 9:11, 22;
49:11
Application 37:9
Applications 44:18
appreciate 3:11
area 14:3; 40:4
arrangement 11:25
asbestos 3:11; 25:1;
26:4, 20
Ashtabula 6:11
assert 49:9
asset 6:8; 28:6; 30:24
assets 6:9, 9; 7:3; 29:5;
39:1
assistant 9:7; 15:6
associated 7:24; 13:20
association 27:10
assume 28:20; 29:18
assuming 49:23
assumption 20:21; 50:2
attached 5:23; 49:22
attaches 49:21
attachment 36:6
Attachments 47:24
attempt 3:23; 8:9
attention 24:12
attorney 5:3; 25:11, 14
attorney-client 49:9
attributing 24:5
August 8:4, 15; 11:9, 24;
13:23; 23:18; 36:7
aware 26:9; 36:3; 43:1,
11, 21; 44:15; 45:8; 47:4,
11, 19; 48:2, 10, 19; 49:1

B

back 7:15; 14:11; 21:25;
24:10, 11; 35:8, 10
background 22:17
bad 34:21
Balance 44:20
based 19:6; 36:16; 37:11
basic 17:24; 28:11
basically 16:25
became 12:20
began 30:2
begin 26:23
begins 30:5
behalf 4:12; 8:11; 21:5;
23:9; 24:16; 49:10
benefit 17:17
best 26:16; 32:17
better 17:10
beyond 29:22
binders 37:24; 40:9, 11,
12, 13, 22, 24, 24; 41:3
Birmingham 6:13, 17
bit 24:11; 46:3
blueprints 38:9
body 32:2, 25
bogged 41:24
Bonds 45:8
Book 44:20
books 13:17
Boomer 45:14
both 9:15; 11:7
bother 20:16
bound 28:11, 12; 40:14
box 17:18, 23; 36:24
boxes 9:3; 17:7, 13;
18:11, 16; 19:9
briefly 8:17; 43:4
Briefs 47:25
bring 18:4
broad 9:17
brochure 35:19, 24
budgets 43:20
Building 10:23
business 6:2; 11:1;
12:16, 18, 21; 33:15, 21;
34:1, 17, 19, 22, 23; 35:6;
42:14
Butler 9:14; 16:19
buying 33:21

C

call 4:25; 5:7; 19:9, 9;
21:9; 23:8; 24:15, 18, 20,
24; 25:3; 26:11; 30:24;
39:11
called 3:2; 8:16; 10:22;
11:5; 12:4; 21:24; 23:6, 11,
25
calling 24:16

calls 24:13, 14, 23
came 15:10; 24:14
Can 6:1, 22; 11:21; 12:2,
13, 19; 15:10, 20; 16:2;
17:6, 20; 19:25; 20:19;
22:7; 25:13, 17, 23, 25;
26:12; 27:18; 29:19; 30:3,
7; 36:9, 18; 37:22; 41:3,
13; 45:19, 22; 46:20
Canada 6:20
capacity 14:8
Carbide 3:11; 4:14; 6:3,
8, 24; 7:22; 21:6, 10; 23:6,
8; 24:3, 17; 25:1, 15; 26:5,
8, 20, 25; 27:9, 24; 28:1,
23; 29:6, 12; 31:14, 19;
33:15, 17, 17, 21, 23;
34:25; 36:1; 40:15; 42:20;
46:19; 49:10
Carbon 47:7
card 11:1, 4
cards 11:6
carton 36:24, 25; 37:9;
38:8; 42:20, 22
cartoned 16:18
cartons 8:20; 20:13;
36:21; 39:4, 16, 18, 22, 25;
40:12, 25; 41:2, 20, 21;
42:3
case 32:18
cases 3:11; 4:13; 30:13
categories 9:17; 14:23;
19:8, 15; 36:5
categorized 17:25
categorizes 9:15
category 9:1, 5, 10, 17;
15:1; 17:12; 20:3; 40:20;
43:4, 4; 45:22
ceased 12:15, 17, 21
certain 6:13; 16:16, 21;
20:3; 28:8; 35:13
certainly 38:22; 42:16
certified 3:3
chance 4:8; 5:22; 18:4;
36:9
changed 12:16, 17
Charges 44:21
check 9:8, 12; 39:11; 40:5
checked 14:13; 15:6;
16:12
Chem 11:5; 12:5
Chemical 33:17, 18
Chemicals 10:22
circumstances 22:14
cite 10:9; 50:11
Civil 50:12, 14
claim 49:13
claims 3:10
clarification 4:11
clear 16:15; 41:6, 16
Cliff 10:23
Clippings 48:24
closing 6:5; 11:24
clue 21:16; 26:22

coincidental 23:2
coming 3:12; 24:10; 50:9
commemorating 35:19
comment 32:7, 7
Commission 31:1; 32:4;
37:2, 3; 45:12
Committee 43:9; 47:17
companies 11:17, 17;
12:23; 44:19
Company 3:17; 10:21,
25; 11:3, 14; 12:2, 9, 24;
13:3; 35:2, 4, 12, 14; 43:9,
17; 44:10, 11; 45:14
Compensation 47:15
complete 28:10
completed 6:4
compliance 34:10
compiled 41:7
compiles 42:12
comply 39:8; 41:18
concluded 50:19
concrete 38:22
conduct 27:3; 32:9, 13
conducted 28:21
confidential 11:19
confuse 25:22
confused 23:20
connected 5:4, 5
Connection 48:16
consisted 6:10, 15
construction 29:20;
30:21, 21; 43:20, 20; 44:20
consultant 10:21; 14:9
consuming 32:5
contact 4:22; 8:14; 13:12,
20; 20:12; 41:11
contacted 4:23; 21:13;
22:23; 26:14
contacts 41:17
contain 28:14
contained 34:7; 36:23
contains 33:3
contents 17:23; 26:17;
39:19
continuing 32:11
conversation 21:3, 18,
19; 22:8, 10, 12, 21; 23:3;
25:10; 26:1, 17
conversations 25:18, 22
convey 28:23
convinced 32:20
cooperation 4:18
copy 14:15; 18:4; 26:6;
40:23
corporate 13:16, 17;
35:20
Corporation 3:11; 6:8;
12:4, 7
corporations 12:8
correlate 19:14
correspondence 13:18
Cost 44:22
counsel 3:16; 5:20; 13:6,

8; 24:19, 20; 26:1, 11, 14,
25; 28:4, 5; 37:16; 42:11;
43:1; 47:3, 10, 18; 48:1, 9,
19, 25
couple 25:20; 34:11, 13
court 21:15
covered 15:7; 29:23;
34:2
created 17:16
cumbersome 32:4
currently 29:8; 33:15, 22

D

dam 38:22
database 9:8, 9; 15:6, 10,
23; 16:4, 9; 19:11, 23
date 6:5, 20; 41:4
dated 4:1; 8:4; 11:9, 24;
23:18
Davis 48:8
day 25:19
days 17:11
dead 8:23
deal 31:3
DeBor 8:5; 22:22; 23:2,
11, 13, 17, 17, 20; 24:2, 8,
15, 19, 24; 25:4, 8, 10, 24;
26:3, 25; 27:4
DeBor's 36:6, 21
December 4:1, 23; 5:24;
21:3
declared 49:25
deed 28:22
deeds 28:17; 36:14, 15
defendant 26:20
definitive 17:11
delivers 9:16
DELUCA 3:6, 9; 4:15, 21;
7:13, 15, 17; 27:20; 30:7;
37:20; 38:17; 39:18; 40:1,
7, 19; 41:3, 8, 14, 23; 42:7,
9; 45:25; 46:11, 16, 24;
49:12, 19; 50:2, 8, 14
Dennis 47:8
department 4:23; 5:10,
14; 9:8; 15:7; 16:5, 8; 28:3;
43:10
departmental 9:9; 15:7
depends 33:7
deposed 3:4
deposition 3:20; 4:2, 3,
6; 14:18, 19; 36:8; 50:19
depositions 50:12
depth 36:23; 38:21
describe 5:15; 8:10, 17;
26:16
described 19:15; 20:3;
23:4; 36:6; 37:23; 39:4
describing 17:23
description 18:16; 36:23
descriptions 38:20
destroyed 14:25; 16:24

destruction 16:24
determine 8:6, 9, 12;
13:21; 20:12; 28:22; 42:3
differ 11:8
different 11:14; 23:3;
33:22; 34:17; 36:5
dimensions 38:20
direction 18:23; 19:17
disclose 23:16; 24:9;
27:4
discover 46:22
Discussion 7:14; 42:8
Discussions 47:16
disposal 37:7
disposed 39:24
disposing 39:22
Dissolution 43:10
division 6:7; 7:22; 34:24
docket 32:7
document 33:3; 37:3;
40:24; 45:22
documentation 28:12
documents 5:23; 8:2, 7,
12, 20; 9:2, 6, 13, 14, 19;
10:3, 5; 13:17; 14:23, 24;
15:1, 3; 16:3, 12, 16; 17:9,
12; 18:12, 19, 25; 19:4, 6,
9, 10, 15, 17, 19, 21, 23,
25; 20:2, 4, 4, 14, 16, 19,
23; 21:4, 15; 22:5, 23;
23:12; 24:17; 25:4; 27:9;
28:11; 29:2, 14, 23, 24;
30:1, 10, 12, 19; 34:7;
36:5, 15, 16, 20, 23; 37:7,
12, 23; 23, 24; 30:1, 10,
12, 19; 34:7; 36:5, 38:8,
12; 39:1, 7, 13; 40:8, 14,
21; 41:1, 10, 21; 42:4, 20;
43:3, 12, 15; 44:16; 45:1,
10, 17, 23; 46:3, 10; 47:5,
13, 21; 48:4, 12, 21; 49:3,
8, 11, 14, 15, 20
done 8:8; 15:17; 30:1;
31:19; 33:20; 41:25; 42:1;
48:14
doorway 22:19
doubt 36:2; 37:8
Dow 33:17, 18
down 21:12; 32:20; 41:24
drowning 34:13
due 16:17; 41:25
duly 3:3
during 22:12, 21; 25:10;
26:1

E

E.P 45:14
earlier 21:2; 34:3; 39:13;
40:20
early 6:3; 35:8, 10
effort 18:10, 15; 20:11
efforts 15:20; 16:2
either 17:16, 25; 23:8;

39:23; 46:13
elapsed 25:17
Electric 45:14
Electro 44:10
Elkem 3:17; 4:24; 5:11,
16; 6:2, 6, 19, 23; 7:21;
8:6, 11; 10:14, 16, 17, 22,
22; 11:2, 5, 11, 14, 20, 21,
22, 25; 12:1, 5, 6, 9, 11, 13,
15, 20, 22, 24; 13:10, 12,
21; 14:8; 15:15; 17:7; 20:5,
6; 27:9, 25; 28:20; 29:5, 8;
30:5, 12, 13, 19; 31:13, 19,
22, 23; 33:14; 34:19, 20,
22; 35:11, 18, 23; 37:4, 12;
38:12, 23; 19, 22, 23;
33:14; 34:19, 20, 22;
35:11, 39:7, 7; 40:15; 42:2,
11, 12, 20; 43:1, 12; 45:21;
47:3, 5, 11, 18; 48:1, 9, 19;
49:1, 8
Elkem's 27:25; 28:3; 30:2
else 22:7; 35:24; 50:8
employed 10:17; 11:2;
13:3; 30:17, 18
employment 5:15;
30:13; 44:14
enclosures 8:4
end 8:23
Energy 30:25; 32:3
engineering 38:11
enough 3:24, 25
ensure 42:12
entered 6:23
entitles 6:2; 11:7; 49:8
entity 11:8; 12:10, 19;
13:1; 35:1
enumerated 8:3
environmental 33:25
estimates 43:18
etc 44:20; 45:8
even 8:22; 21:17; 26:22
evidence 50:6, 7
exactly 25:24
EXAMINATION 3:5
example 9:18, 19; 17:20;
19:2, 10; 31:1; 32:8, 12;
38:21
Excuse 49:19
executive 10:19
Exhibit 4:3, 6; 14:18, 19;
30:1; 36:8
exist 8:9; 39:1, 3
existed 21:17; 46:19
existence 8:12; 12:10;
15:11, 23; 16:4; 38:5
expand 30:8
expect 39:2; 43:7; 44:1;
45:4
expected 42:1
Expense 44:13
Expert 48:17
Experts 48:1
extent 38:19; 39:5; 40:8;

44:4; 49:7

F

facilities 6:16; 7:1; 27:11
facility 7:24; 17:1, 17;
18:11, 20, 21; 30:24; 31:2,
5, 17, 17; 32:1; 33:24;
34:15
fact 8:22; 25:14; 39:8
facts 30:4; 46:23
Fair 3:23, 25; 31:5; 41:23;
42:5
fairly 10:18
fell 40:17
Falls 6:16
false 46:21
familiar 3:20
familiarity 30:2
far 5:16; 13:17; 19:21, 23;
29:22; 38:8
Fatal 47:9
Fawcett 8:5, 16; 10:1, 9,
13, 16, 18; 11:11; 14:2;
15:4; 18:20; 19:2; 20:17,
22; 23:18; 39:21
February 5:18
federal 27:8, 12, 14;
30:25; 32:3, 6; 37:2, 2;
42:13; 43:1, 6, 11, 21;
44:5, 15, 25; 45:9, 16;
46:9; 47:4, 11, 19; 48:2,
10, 19; 49:1
Fees 48:17
fellow 23:6, 25
fellow's 21:12
FERC 31:1, 2, 11, 15, 18;
32:9; 33:3, 8; 34:9
Ferris 6:23, 25; 7:11, 20;
19:5, 12, 18; 20:6; 27:11;
39:12; 42:21
few 10:24; 26:10; 36:22;
42:10
field 32:11
file 19:24; 28:6; 34:8
files 16:6, 7; 19:11; 28:9;
34:4, 5, 9, 11, 14; 43:8;
44:1; 45:4
final 41:9
finally 16:11; 36:4; 39:10
Financial 43:18; 44:22
find 9:3, 10, 21; 26:11;
30:10; 45:4
finished 46:5
firm 21:9
first 3:3; 20:25; 25:3; 43:8
Fish 32:12
fit 9:3
fits 6:23
FK 9:20
focus 45:22
folders 37:1
folks 49:17

Following 5:3; 25:9
follows 3:4
forgot 17:3
form 21:20; 49:24, 25
format 50:12
former 33:24
forth 37:19
forwarded 5:6
found 17:18
foundation 30:8
four 12:3, 5, 7; 14:11;
21:2, 7
FRANCIS 3:1
Frank 9:20
Friday 5:12
front 4:4; 22:1; 26:7
fully 8:10; 30:3
further 40:5; 46:4

G

general 3:16; 5:20; 13:6;
8; 18:2, 15; 19:8, 14;
27:22; 37:15; 38:19;
42:11, 25; 45:6; 47:3, 10,
18; 48:1, 9, 15, 18, 23, 25
generally 17:6, 18;
29:21; 33:6
generated 16:8
girl 5:12
given 17:23
gives 37:10
giving 49:16
Glen 6:22, 25; 7:10, 20;
19:5, 12, 18; 20:6; 27:11;
39:12; 42:21
goal 42:17
goes 29:22; 32:6
good 3:7, 8; 33:16
govern 33:1
grant 32:19
granted 33:3, 5
great 31:3
guess 20:24; 37:22

H

hand 46:12
happen 35:11
happened 24:12, 21
hard 27:23
Harry 8:16; 10:16, 18;
18:19; 20:17
Hawks 6:22, 25; 7:10, 19;
19:5, 12, 18; 20:5; 26:9;
27:10, 24; 28:1; 29:4, 8,
20, 20; 30:16, 16; 31:10;
34:4, 8; 36:1, 3; 37:1;
39:12; 42:21
heading 9:20
headings 19:24
headquartered 13:1

hear 35:9
heard 22:17
hearsay 50:6, 6
held 5:17; 13:19
help 26:13
hereinafter 3:3
HERSHEY 4:10, 16; 24:5;
29:22; 34:20; 36:18;
37:17; 38:14; 39:15, 20;
40:3, 11, 17, 23; 41:6, 15;
42:6; 45:19; 46:1, 8, 14;
50:9, 10
high 10:18
highest 32:17
himself 24:25; 26:3
historian 35:12
historical 30:15
history 5:16; 35:14, 21;
38:3
hold 5:19
holder 32:22
Holdings 12:25; 13:21
home 8:16
honest 43:17
Hopefully 42:15, 16
host 34:17
hours 25:20
housed 18:11
housing 45:7
HWF 19:2
hydro 30:24; 32:19
hydroelectric 7:1, 4, 20;
32:1; 33:2
Hygiene 47:1

I

identification 4:7; 14:20
identified 5:2; 8:20;
24:25; 26:3
identifies 44:4
identity 13:16; 21:24
imminent 21:14
inadmissible 50:6
Inc 11:5, 25; 12:7, 23, 25
incidents 34:12
includes 9:9
inclusion 16:4
Incorporated 11:12;
12:11, 14, 15, 20; 13:21
Incorporation 43:8
Incorrect 31:7
Index 17:15
indicate 18:24; 21:13;
24:2
indicated 15:5; 16:11;
21:1; 24:16; 41:11
indicates 11:2
indication 19:1
individual 22:4
Individuals 3:10; 10:10
Industrial 47:1

information 6:1; 11:20;
17:21, 21; 21:23; 27:22;
28:25; 30:15; 31:3; 39:3
initial 4:22
initials 18:1
input 32:6, 11
inquiring 21:10; 24:17
inquiry 10:11
insight 30:20
inspections 33:9
instance 14:9; 36:20
instruction 15:18
instructions 44:23
instruments 28:17
Insurance 45:7; 47:15;
48:16
interest 20:7; 27:25; 46:4
interested 32:8, 9, 13
interrupt 24:22
into 6:23, 24; 9:3; 15:11,
23; 18:10; 30:20
Investigation 32:10, 14
Investment 12:25; 13:12,
21
Invoices 44:3
involved 28:4
involvement 27:5
involves 20:21; 32:5
involving 33:23; 34:12
Iron 17:1
issue 33:25
issued 4:1, 12; 5:24
Item 36:19
itemization 42:22
itemize 36:21
itemized 42:19

J

job 30:14
joined 15:15
June 6:5

K

K 5:8
K-a-n-t-o-r 5:9
Kanawha 43:9, 16; 44:10
Kantor 5:9; 9:7; 15:6;
18:23; 20:25; 22:13, 18
Kathleen 5:8
keep 43:2, 15, 22; 44:6
kind 5:12; 27:3; 40:23
kinds 26:21; 38:23
KING 3:1, 7; 4:17, 22;
7:18; 9:20; 11:1; 19:16;
26:24; 27:21; 40:5; 41:7;
42:10; 47:3, 10, 18; 48:1,
9, 18; 50:8
King's 29:24
knew 10:19; 17:12; 23:12

knowledge 26:21; 27:7;
41:19
known 6:7; 7:10; 12:10,
20, 24

L

lady 5:6
land 36:12; 38:10
Landis 47:8
large 32:24
last 9:12; 36:22; 42:17,
18, 22
later 6:20; 25:13; 39:23;
41:4
latter 9:18
law 4:23; 5:10; 9:8; 15:7;
21:9; 32:25; 43:11, 14;
44:5, 15, 25; 45:2, 3, 9, 16;
46:9
laws 27:8, 12, 15; 39:6, 8;
42:13; 43:2; 47:4, 12, 19;
48:2, 10, 20; 49:2
lawsuit 34:14
lawyer 3:14; 24:18, 25;
25:8
lay 30:7
layman 25:7
learn 32:21
learned 30:23
lease 6:15
least 9:4; 37:22
left 10:24; 46:25
legal 9:7; 16:5, 8; 28:3;
33:23; 43:22
legitimacy 28:22
letter 8:4, 15, 17, 18, 21;
10:2; 11:8, 23; 13:23; 15:3;
18:25; 19:15; 20:17;
23:18, 21; 26:6; 36:6, 22;
39:4
level 39:12; 41:11; 42:5
licence 31:20; 32:19;
33:2, 11, 12
licences 37:18
license 31:18; 32:22;
33:1, 5; 34:11; 37:2, 3;
38:4
licensed 31:2, 17, 17, 24;
32:3
licenses 36:11, 15; 37:7,
10; 38:1
licensing 34:9
lies 46:5
Lilly 48:6, 6
line 50:5
list 36:19; 39:2; 48:16
listed 11:8; 13:23; 14:12;
15:2
listing 42:19
Literature 47:16
litigation 25:1; 26:5; 27:5
little 23:19; 24:11; 46:3

live 14:5
located 7:1; 8:13; 10:22;
17:22; 18:13; 42:4
location 17:7
long 34:19; 35:6
longer 11:4; 24:7
look 16:3; 18:10, 19;
21:25; 22:3; 26:10; 29:25;
36:4
looked 8:25; 9:21, 22;
18:22; 19:23, 24
looking 17:12; 18:17;
20:1; 26:23; 27:22; 36:24;
39:24; 44:8
lot 24:11; 32:6; 35:14
lots 19:11, 11
LP 11:3

M

magazine 48:24
main 34:23; 43:12
maintain 13:9, 15; 39:7;
44:16; 45:1, 10, 17; 47:5
maintained 29:2
maintains 15:7
maintenance 47:13, 20;
48:4, 11, 21; 49:2
major 46:4
Management 11:12, 18,
21, 25; 12:7, 11, 13, 15,
20, 22
managing 12:1
manifest 9:12, 15; 16:12;
17:19, 22; 18:5, 22; 19:7
manifested 16:20
Marietta 6:10
mark 14:18
marked 4:3, 7; 14:20;
16:21
Marshall 47:10
match 18:17
Material 48:15
materials 33:22; 35:24
matter 18:2; 21:11;
22:12; 35:25; 41:24;
45:20; 46:12, 20
may 6:9; 14:18; 22:2, 23;
30:12; 33:14; 39:10; 40:8;
46:23, 23
Maybe 23:23
McClintic 47:10
mean 19:24; 24:22
means 16:14
Medical 45:6
memo 21:20
mentioned 12:8
merged 12:24; 33:18
met 10:24
Metal 12:5; 42:11; 43:1
Metallurgical 44:11
Metals 3:17; 4:24; 5:11,
16; 6:2, 7; 7:22; 10:14, 16;

11:2, 5, 15, 22; 12:1, 9;
13:10; 30:14; 33:14;
34:24; 47:3, 11, 18; 48:2,
9, 19; 49:1
might 9:2, 3, 5; 18:17, 24;
21:16; 22:19; 39:21; 40:5,
21, 24; 42:4
mind 9:4, 24; 27:23
mine 9:14; 10:23; 17:4, 5;
19:22; 28:10; 39:24
minute 13:16; 23:19
minutes 26:10
Miscellaneous 44:22
miss 6:9
mixed 19:19
Monoxide 47:8
monthly 43:19
more 23:7; 27:21; 32:21;
36:22; 42:10
morning 3:7, 8, 12
Mortality 47:2
Mostly 34:9
Mountain 17:1
Mrs 9:7; 18:23; 20:25;
22:13, 18
much 3:13; 8:8; 13:19;
21:17; 25:17
myself 5:2

N

name 3:9; 5:6, 8; 9:16;
12:16, 17, 19; 17:2, 3, 25;
19:2; 21:12; 22:2, 22, 22,
25; 23:2, 20, 23, 25; 25:8
Natural 32:12
navigable 32:2, 17
necessarily 43:15, 25
need 32:10, 11, 15; 38:23
negotiated 28:2
neither 26:24
Nest 6:22, 25; 7:10, 19;
19:5, 12, 18; 20:5; 26:9;
27:10, 24; 28:1; 29:4, 8,
20, 20; 30:16, 16; 31:10;
34:4, 8; 36:1, 3; 37:1;
39:12; 42:21
New 6:16; 32:18; 43:9, 16;
44:10
Newspaper 48:24, 25
Niagara 6:16
nine 28:13
Non-Fatal 47:9
None 26:9
nor 26:25
norm 33:8
north 9:14; 16:19; 18:11
Norway 35:4, 17, 18
Norwegian 12:4; 35:1
note 11:1, 7
noted 4:16
notes 21:21; 48:8
notice 4:2

number 3:10
O
o'clock 50:18
object 50:4
objection 49:13
objections 49:24, 25;
50:13
obligation 45:21
obligations 32:22
obtaining 50:6
obviously 26:7; 38:6
occasion 17:10; 30:15
occurred 24:4
Off 7:13, 14, 18; 16:18;
27:18; 42:7, 8; 46:25
office 28:11; 37:25; 39:23
offices 13:19
Ohio 6:10, 11
old 11:4; 17:4, 5; 26:5, 8;
38:1
once 33:5
one 3:21; 4:10; 7:7; 9:23;
10:7; 11:17; 14:12; 17:9;
23:4, 8, 11; 24:23; 40:20;
42:11; 43:8
ongoing 33:9; 34:10;
40:2
only 10:16; 15:12; 40:4;
41:5, 9
onto 32:7
Operation 44:21
operations 11:20
opposed 10:3; 37:18;
39:22
order 38:24; 41:18
Orders 44:14
Oregon 6:14; 33:24
originally 10:18
Ours 33:7
out 17:9, 11; 19:22;
26:12; 28:10; 31:20; 35:19
outset 50:3
outside 28:3, 5
over 33:21; 38:6, 7
own 9:8; 17:16; 20:8, 9;
27:23; 29:8; 34:4
owned 12:4, 6, 8; 29:5
ownership 11:18

P

pad 22:1, 1
page 44:9
pages 36:22; 42:18, 19,
23; 46:17
papers 38:7
paragraph 37:23
paralegal 5:2, 10, 13
parens 37:1
parent 35:1, 4

part 7:2, 21; 17:10; 20:21;
29:5; 34:2; 36:7; 38:6
particular 17:10; 40:20
parties 32:8, 9, 13; 49:20
partner 12:1
partners 12:3, 6
partnership 12:9
party 25:23; 45:21
paying 24:11
Payroll 44:13
pending 4:13
Pennsylvania 9:14;
14:6; 16:20
perhaps 10:10
peril 50:3
period 16:22
person 8:15; 9:16; 17:25;
18:1; 21:5, 20, 24; 23:1,
13, 20
personal 34:5
Personnel 44:14
pertain 19:18; 20:23;
44:10
pertained 19:5
pertaining 34:4; 42:21
phone 4:25; 5:2; 21:9;
24:20
pick 15:2
picked 9:5; 23:23
Picking 46:25
Pittsburgh 10:23; 13:2;
14:3; 18:12; 23:1
place 38:5; 40:16
plaintiff 45:20
plaintiff's 5:3; 48:7
Plaintiffs 3:2; 4:12, 18
plant 6:10, 11, 11, 12, 13;
7:2, 7, 19, 20; 19:9, 10, 13;
20:4, 6, 18, 20; 27:24;
28:1; 29:20; 30:16, 21;
31:1, 10, 10, 13; 38:13;
39:12, 12, 22; 41:11, 17,
19, 20; 42:5; 44:20, 23
plants 6:20, 21; 7:5, 8, 9,
21, 23; 20:7, 12, 22; 40:6
please 7:13; 27:18; 31:7
point 4:11; 8:14; 15:14;
16:16, 19, 24; 32:23;
36:18; 44:5; 46:6, 22
policy 9:1, 2; 14:13, 22,
25; 15:2; 16:17; 36:17
Portland 6:14; 33:24
position 5:19; 45:20;
46:8, 11
positions 5:17; 44:18, 19
possess 19:17; 20:13;
28:6; 34:4
possessed 13:22
possesses 8:6
possession 29:1
possibly 18:21; 24:15
post 11:24
potential 24:3; 27:4

power 7:5, 20, 23; 37:2, 3;
38:13; 43:9, 10, 17; 44:10;
45:13
predated 10:17
premise 46:15
preparation 30:14
prepared 28:23
present 20:7
presently 3:16; 8:6; 14:5
president 5:20
pretty 13:19; 17:24;
21:17; 29:22
primarily 32:25
prior 28:20; 34:23
privilege 49:10, 13, 21
privileged 49:16
probably 15:12; 23:5;
25:20; 37:14, 21, 24
problems 38:25
Procedure 50:12, 15
process 3:20; 32:4, 5
produced 8:23; 41:22;
49:8, 14
production 49:20
program 43:20
project 24:13; 32:10, 11,
15, 16, 19; 33:2, 4, 23, 23;
34:12, 18; 36:25; 38:20
projects 34:15, 17; 43:19
properties 30:5
Property 44:23
proprietary 11:20
protests 32:8
provide 6:1; 18:8; 31:4;
50:17
proximity 7:1
public 32:7; 45:12
Publicity 48:25
published 35:23
purchase 6:8, 20; 7:3,
21; 11:25; 27:10; 28:7, 14;
29:5; 34:24; 35:25
purchased 6:3, 6, 21;
7:3; 27:25; 29:11; 31:13;
38:13
purchasing 28:21
purports 42:19
purpose 17:16
purposes 25:21
pursuant 15:17
pursue 40:5
put 4:19; 35:19

Q

quantity 17:21
quickly 36:10

R

raised 22:22
ran 31:20

range 37:10; 44:9
ranking 10:18
Rates 45:12, 13
reach 16:16
reached 16:23
read 8:18; 10:1
really 6:17; 9:3; 25:19;
30:5; 32:13
reason 22:25; 40:19
reasonably 28:8
recall 4:22; 6:10, 18;
22:7; 24:21, 23; 26:3, 16;
27:2
receivable 9:18; 18:2
receive 10:4
received 8:19; 21:2, 8;
23:7; 25:3; 38:24, 25
receiving 10:3
Recess 27:19
recognize 22:3
recollection 8:19, 22;
25:5, 9, 24, 25
record 7:13, 14, 16, 18;
25:21; 27:18; 42:7, 8
recorded 35:15, 16
records 8:25; 9:10, 15;
13:9, 15, 16, 22; 14:13, 22;
15:8; 16:6, 17; 26:6, 8, 19,
21; 27:16; 36:17; 38:23;
43:23; 48:7, 8
referenced 34:3; 36:21
references 36:11, 12, 13,
14; 38:10
referred 17:19; 40:13
referring 36:19
refers 37:17
refurbish 34:16
regard 8:2; 20:5; 31:7;
35:25; 50:13
regarding 30:5
regulated 31:10, 15, 16
regulations 32:25; 33:1;
39:6; 47:4, 12, 19; 48:3,
11, 20; 49:2
Regulatory 31:1; 32:3
relate 17:23; 19:12, 12,
13; 38:20
related 36:3
relates 30:9
relating 26:8; 28:25;
29:14; 34:14
relationship 11:21
relevant 9:4; 30:12
relicensed 31:4, 21
relicensing 31:4
remember 4:25; 5:4, 5;
8:22; 10:3, 6; 21:14
remind 3:21
Reorganization 43:10
repeat 3:23
rephrase 3:23; 24:8
Reports 44:19
represent 3:9

represented 21:9; 40:14
representing 21:10;
23:6; 25:1, 14; 26:4; 40:1
represents 32:17
request 21:2, 4; 29:23;
39:11; 40:9
requested 25:10; 29:24
requesting 41:9
require 27:13, 15; 39:6;
43:2, 12; 44:6, 16, 25;
45:9, 17; 47:5, 12, 20;
48:3, 11, 20; 49:2
required 27:8; 32:9
requirement 43:6, 22
requires 46:9
Requisitions 44:3
rescind 23:24
research 43:19
reservation 49:24
reserved 50:1
respond 4:19; 49:12
response 20:11; 41:5
responsibilities 33:10;
42:12
responsibility 33:25;
34:10
rest 46:2
restrictions 33:4
resulted 34:13
retain 36:16; 37:4, 13;
38:12, 16; 45:21
retained 38:15; 45:24
Retarded 43:19
retention 9:1; 14:13, 22;
16:17; 27:15; 36:17;
46:10; 47:20; 48:3, 12, 21;
49:3
retired 9:13, 13; 10:13,
20; 16:12, 18; 28:9
review 4:8; 5:22; 19:6, 17;
30:15, 19; 31:3; 36:9
reviewed 14:22
right 4:4; 10:8; 11:13;
16:1, 13; 20:24; 22:24, 24;
33:8; 40:6; 41:13; 44:2;
46:13, 25; 50:17
rights 36:12; 38:10
Rinehart 47:8
River 32:18
Road 10:23
Rocks 48:23
ROMANO 35:9; 49:7, 18,
23; 50:4, 11, 16
room 22:14
roughly 15:12
Round 15:24
rule 50:14
Rules 50:11

S

s 12:5
safely 34:1

sale 28:15; 45:13
Sales 45:13
same 5:18; 11:18; 21:11;
25:19; 26:18
Samples 48:23
Sanitation 45:7
satisfied 32:16
scope 30:8
search 8:5; 22:5; 23:14;
27:1, 3; 28:22; 29:1, 16,
24, 25; 40:2, 3, 4; 42:2
searching 17:9; 41:10
second 14:12; 24:18, 24
secondly 49:18
secretary 5:1, 13
seeking 8:3; 11:19;
14:25; 18:13; 19:19; 20:14
selling 33:22
semantics 41:25
send 20:22
sense 13:7, 16; 31:16
sent 9:19; 16:18; 18:1, 1,
16; 20:16, 18; 39:21
separate 13:9, 15
separately 39:2, 3
serve 13:6, 8
served 22:11
Service 45:12
Services 45:6
set 28:10; 37:6
several 12:23; 42:18
Sewickley 14:5
share 33:24
Sheet 44:21
Sheffield 6:18
shipped 42:20
short 8:21
shortly 21:8
show 35:20; 38:3
signature 50:10, 19
signed 23:17
SILICOSIS 47:1, 16, 23,
24, 25; 48:7, 8, 15, 17, 18,
24
simply 30:25; 38:4; 42:1;
49:15
single 12:24
sister 10:21
sister/daughter 11:16
size 38:21
small 5:14; 12:5, 5; 34:23
Societies 47:17
somebody 22:22
someone 21:4; 22:17;
23:8
somewhat 38:9
sophisticated 32:14
sorry 6:17; 12:6; 15:21
sort 17:15; 28:21; 37:3
source 49:9
speak 24:19; 25:11, 14
speakerphone 22:13, 15

specific 36:18; 43:3
specifically 17:8; 20:17;
26:12; 35:25; 36:2; 39:16
specifications 38:11
spelled 5:8, 9
spending 34:15
spent 17:10
spoke 14:2; 20:25
standard 49:24
started 5:16, 18; 10:20,
25; 34:23
starting 8:14; 26:19
state 37:21; 42:13; 43:2,
11, 22; 44:5, 15, 25; 45:9,
16; 47:4, 11, 19; 48:2, 10,
20; 49:1, 15
statements 25:22
States 32:2
statistics 47:2
status 20:5
statute 32:23; 33:10;
46:12, 19
statutory 32:25
step 9:12; 41:10
steps 8:11; 9:22; 14:11
still 20:9
storage 9:16, 20; 16:19;
18:11; 19:22
store 9:13
stored 19:6
stores 17:7
strike 12:14
structure 12:2
study 47:2
subject 14:25; 18:2; 41:1
subjects 29:23
subpoena 4:1, 12, 17,
20; 5:23; 8:3; 20:12; 22:11;
29:25; 36:7; 40:18; 41:1, 5,
7, 18
subsequent 12:18
suggest 14:24; 41:8
suggested 40:4; 46:18
suggesting 46:6, 21
Suits 47:17, 23, 24, 25;
48:7, 9, 15, 16, 17, 18, 24
summarize 21:19
Summary 44:21
Summons 47:23
supposed 16:23, 24;
41:16
sure 3:19; 5:1; 9:25;
15:13; 18:9; 20:2; 23:25;
31:8; 33:20; 36:20; 39:9,
10; 42:11
Surety 45:8
surround 34:18
sworn 3:3

T

talk 41:3

talked 8:16; 10:1; 21:8;
26:10
talking 7:19; 22:17;
37:24; 39:15
telling 10:4
ten 28:13
testified 24:6
testifying 4:18
testimony 23:24; 47:25;
48:18
Texas 21:4, 9, 15; 24:4;
25:2; 27:5
therein 18:13
thereof 39:19; 42:4
Thereupon 4:6; 14:19;
50:18
thought 8:8; 10:10; 15:2;
20:15, 15; 22:21
thousands 17:13
three 17:11; 21:2, 7;
42:18
times 10:24
title 28:17, 21; 29:1, 16
today 5:19; 12:10, 22;
13:1; 14:9, 16, 22; 18:5;
20:9; 50:9
together 12:24; 13:19
told 7:23; 22:9; 26:2;
39:13
took 9:22; 38:5; 40:16
top 44:9
transaction 6:4, 15, 19;
28:2, 12, 13; 31:14, 14;
40:15
transactions 6:23
transfer 27:9; 38:5
transferred 18:20, 21;
21:1; 31:18
transpired 26:1
trial 21:14; 24:3; 26:20;
48:15; 50:1
Trials 47:25
true 11:4; 23:22; 37:20;
46:21
truly 49:15
try 30:9
trying 30:8; 46:7, 22
tunnel 29:4, 9, 21; 30:16,
22; 38:21; 47:2, 7
turbines 34:16
turn 12:6; 32:20; 42:17
turned 38:6, 7
two 6:20, 21; 7:7, 9, 23;
24:14, 23; 25:18; 37:1;
42:23
type 11:16; 13:16, 18;
17:21; 18:3; 19:13; 34:16;
38:22; 39:3
types 15:3; 34:7; 36:15;
37:7, 12; 43:22; 47:21;
48:4, 21; 49:3
typical 34:17; 45:13
typically 36:14

U

U.S 34:22
ultimate 11:18
ultimately 12:4
umbrella 11:17
unaware 44:5, 24; 45:16
under 4:17, 19; 9:19, 20;
11:17; 18:23; 19:1; 33:10,
11, 12; 48:15
undertaken 8:5; 30:19
undertaking 30:14
Unfortunately 21:11
Union 3:10; 4:13; 6:3, 7,
24; 7:22; 21:6, 10; 23:6, 8;
24:3, 16; 25:1, 14; 26:5, 8,
20, 25; 27:9, 24; 28:1, 23;
29:6, 12; 31:14, 19; 33:15,
16, 17, 21, 23; 34:24; 36:1;
40:15; 42:20; 46:19; 49:10
United 32:2
up 9:5; 15:2; 16:18; 20:20;
23:23; 24:10; 40:9; 41:20;
46:25
updated 11:6
updating 34:14
upon 30:13; 36:16
use 32:17; 33:4
used 16:8
useful 38:12
usually 33:3

V

vague 38:10
valid 33:6
various 32:6
Ventilation 47:7
vice 5:20
Virginia 6:12; 7:2, 24;
32:18; 36:25; 44:22; 45:13
virtue 6:6; 30:25
volume 17:6
volumes 28:13; 29:1;
40:14

W

W 8:16
Wait 23:19
waive 50:10
waived 50:20
waiver 49:21
water 32:2, 18; 36:12;
38:10
way 10:7; 16:21; 20:18;
24:21; 30:23; 33:15;
34:23; 39:1
Weekly 44:19
weeks 21:2, 7
weren't 20:18; 40:12

West 6:11; 7:2, 24; 32:18;
36:25; 44:22; 45:13
whereby 6:19
white 22:1
whole 24:11; 32:5; 34:17
Wildlife 32:12
willing 18:7
withdraw 13:25
within 27:23; 34:8; 40:17
witness 3:2; 24:3; 27:5;
41:13
work 14:8; 30:25; 44:14;
47:2; 48:7
worked 10:15, 24
working 10:20; 24:13;
26:4
workpapers 37:10, 18
wound 20:20; 40:9; 41:20
write 21:11
written 11:23

Y

year 10:25
Yearly 43:19
years 31:21; 33:6, 7, 8,
21; 34:13
yellow 22:1
York 6:16

Lawyer's Notes

GOLDBERG, PERSKY, JENNINGS & WHITE, P.C.

ATTORNEYS AT LAW

1030 FIFTH AVENUE, THIRD FLOOR
PITTSBURGH, PENNSYLVANIA 15219-6295

FACSIMILE (412) 471-8308
TELEPHONE (412) 471-3980
EMAIL ADDRESS: gpjw@gpjw.com
WEB SITE: www.gpjw.com

THEODORE GOLDBERG (PA, WV, MI & DC)	CARLA GUTTILLA (PA)
JOEL PERSKY (PA & MI)	CHARLES J. McLEIGH (PA & WV)
ROBERT L. JENNINGS, JR. (PA & DC)	CINDY STINE (PA & WV)
THOMAS W. WHITE (PA)	DIANA N. JACOBS (PA)
CRAIG L. VANDERGRIFT (PA & WV)	ANTHONY J. D'AMICO (PA)
PETER T. PALADINO, JR. (PA, MI & NY)	BRIAN ALAN PRIM (WV)
DAVID F. CHERVENICK (PA & WV)	LEE W. DAVIS (PA & MI)
TERRENCE M. O'BRIEN (PA, MI & WV)	AARON J. DeLUCA (PA)
JANICE M. SAVINIS (PA)	JOHN T. TIERNEY III (PA, DC & AZ)
MARK C. MEYER (PA & MI)	JOHN N. KELSEY (MI)
JAMES J. BEDORTHA (PA & MI)	DARREN K. FARR (PA & IN)
LANE A. CLACK (PA & MI)	ROBIN M. GRAZIANO (PA)
BRUCE E. MATTOCK (PA & WV)	JOHN R. KANE (PA)
DAVID B. RODES (PA)	JOHN R. POMERVILLE (MI)
JOSEPH J. CIRILANO (PA & MI)	JASON E. LUCKASEVIC (PA)
CHRISTINE L. SALON (PA)	JASON T. SHIFF (PA)

December 7, 2001

Via Process Server

Francis King, Esquire
Elkem Metals
Airport Office Park, Building 2
400 Rouser Road
Moon Township, PA 15108-2749

Re: Union Carbide Hawks Nest Documents

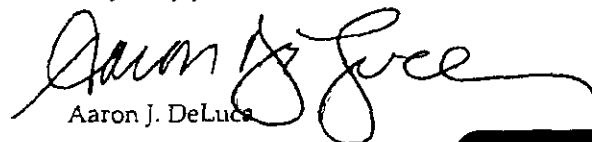
Dear Mr. King:

Thank you for taking the time to speak with me yesterday about the Union Carbide Hawks Nest documents. I have reviewed this matter with my clients and they have instructed me to issue the Subpoena we discussed. Enclosed is a Subpoena, Notice of Deposition Duces Tecum, and statutory witness fee.

You indicated yesterday that you would be filing a Motion to Quash. Although I oppose such a Motion and do not believe there is a basis for one, I want to advise you that the Judge presiding over these cases is Judge Robert P. Horgos, 816 City County Building, Pittsburgh, PA 15219. Judge Horgos hears all asbestos cases in Allegheny County and hears all pre-trial motions associated with asbestos cases.

Thank you for your attention to this matter.

Very truly yours,


Aaron J. DeLuca

Enclosures

cc: All Counsel of Record (via fax and U.S. Mail)
Morse, Gantverg & Hodge



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In re: ALL PENDING ASBESTOS CASES,

Estate of Lloyd Koons,
Estate of Donald Kotay,

Plaintiffs,

vs.

UNION CARBIDE CORPORATION, et al.,

Defendants.

CIVIL DIVISION - ASBESTOS

G.D. No. 99-12131
G.D. No. 99-10029

PLAINTIFFS'
NOTICE OF DEPOSITION DUCES TECUM

JURY TRIAL DEMANDED

Filed on behalf of Plaintiffs.

Counsel of Record for this party:

Aaron J. DeLuca, Esquire
PA S.C.T. ID# 76044

GOLDBERG, PERSKY, JENNINGS & WHITE, P.C.
1030 Fifth Avenue
Third Floor
Pittsburgh, PA 15219

Phone: (412) 471-3980
Fax: (412) 471-8308

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In re: ALL PENDING ASBESTOS CASES,

Estate of Lloyd Koons,
Estate of Donald Kotay,

Plaintiffs,

vs.

UNION CARBIDE CORPORATION, et al.,

Defendants.

* CIVIL DIVISION - ASBESTOS

* G.D. No. 99-12131

* G.D. No. 99-10029

* PLAINTIFFS'

* NOTICE OF DEPOSITION DUCES TECUM

NOTICE OF DEPOSITION DUCES TECUM

TO: Francis King, Esquire
Elkem Metals
Airport Office Park, Building 2
400 Rouser Road
Moon Township, PA 15108-2749

and

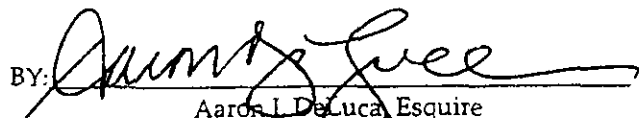
ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that, pursuant to the Pennsylvania Rules of Civil Procedure and pursuant to the Pennsylvania Rules of Evidence, the deposition duces tecum of Francis King, Esquire, General Counsel of Elkem Metals, will be conducted on December 14, 2001 at GOLDBERG, PERSKY, JENNINGS & WHITE, P.C., 1030 Fifth Avenue, Pittsburgh, PA 15219. The Court Reporting service for the deposition will be provided by Morse, Gantverg & Hodgé, Suite 719, One Bigelow Boulevard, Pittsburgh, PA 15219.

All counsel are invited to attend and participate in this deposition.

Respectfully Submitted,

GOLDBERG, PERSKY, JENNINGS & WHITE, P.C.

BY: 
Aaron J. DeLuca, Esquire
Attorney for Plaintiffs

O:\2001\Deposition\elkem metals notice of deposition.011206.wpd

JANUARY 2002 TRIAL LIST

COUNSEL LIST

LAST REVISED: DECEMBER 4, 2001

DEFENDANT:	COUNSEL:	FAX:
A W Chesterton	John J. Repcheck, Esquire MARKS, O'NEILL, ET AL. 3200 Gulf Tower 707 Grant Street Pittsburgh, PA 15219	412-391-8804
A.P. Green Industries	John J. Repcheck, Esquire MARKS, O'NEILL, ET AL. 3200 Gulf Tower 707 Grant Street Pittsburgh, PA 15219	412-391-8804
A-Best Products Company, Inc.	Concetta A. Silvaggio, Esquire WILLMAN & ARNOLD 705 McKnight Park Drive Pittsburgh, PA 15237	412-366-3462
AC&S	John Vitsas, Esquire REED, SMITH, SHAW & McCLAY 435 Sixth Avenue, Mellon Square Pittsburgh, PA 15219	412-288-3063
Allied Glove	Stephen Mlinac, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
Allied Signal	Matthew Wimer, Esquire WIMER LAW OFFICES, P.C. 655 Allegheny Avenue Oakmont, PA 15139	412-820-9470
American Biltrite	Concetta A. Silvaggio, Esquire WILLMAN & ARNOLD 705 McKnight Park Drive Pittsburgh, PA 15237	412-366-3462
AO Smith	Leo Gerard Daly, Esquire Grogan Graffam McGinley Three Gateway Center 22 nd Floor Pittsburgh, PA 15222-1009	412-553-6703
Aqua-Chem	Norman Haase, Esquire Swartz Campbell & Detwiler 115 North Jackson Street Media, PA 19063	610-566-9222
Argo Packing Company	Matthew Wimer, Esquire WIMER LAW OFFICES, P.C. 655 Allegheny Avenue Oakmont, PA 15139	412-820-9470

Atlas Industries	Ed Olszewski, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
Beazer East	C. James Zeszutek/ Michael Bucci THORP REED & ARMSTRONG One Riverfront Center Pittsburgh, PA 15222	412-394-2555
Bigelow Liptak	Patrick Mechas, Esquire BURNS, WHITE & HICKTON 120 Fifth Avenue Suite 2500 Fifth Avenue Place Pittsburgh, PA 15222-3001	412-359-7378
BMI (Adience)	Concetta A. Silvaggio, Esquire WILLMAN & ARNOLD 705 McKnight Park Drive Pittsburgh, PA 15237	412-366-3462
Borg Warner	Hunter McGeary, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
Burnham Industrial	Paul K. Vey, Esquire PIETRAGALLO, BOSICK & GORDON 38th Floor, One Oxford Centre 301 Grant Street Pittsburgh, PA 15219	412-261-5295
Cashco	David F. Ryan, Esquire Marshall Dennehey et al. USX Tower, Suite 2900 600 Grant Street Pittsburgh, PA 15219	412-803-1188
Certainteed	Alba A. Romano, Esquire Wilbraham Lawler & Buba First & Market Building 100 First Avenue, Suite 325 Pittsburgh, PA 15222	412-255-0505
Clark Industrial	Matthew Reber, Esquire Kelley, Jasons, McGuire & Spinelli, LLP Centre Square West, Suite 1500 1500 Market Street Philadelphia, PA 19102	215-854-8434
Claud Gordon	Keith Whitson, Esquire Schnader Harrison Segal & Lewis Suite 2700, Fifth Avenue Place 120 5 th Avenue Pittsburgh, PA 15222	412-765-3858
Congoleum	Edward Chiodo, Esquire McKenna & Chiodo, PC 436 Boulevard of the Allies Suite 500 Pittsburgh, PA 15219	412-471-6658

Consolidated Rail	David D'Amico, Esquire BURNS, WHITE & HICKTON 120 Fifth Avenue Suite 2500 Fifth Avenue Place Pittsburgh, PA 15222-3001	412-359-7378
Cooper Industries	L. John Argento, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
Copes Vulcan	Leo Gerard Daly, Esquire Grogan Graffam McGinley Three Gateway Center 22 nd Floor Pittsburgh, PA 15222-1009	412-553-6703
Coppus Turbines	Kathy Condo, Esquire REED, SMITH, SHAW & McCLAY 435 Sixth Avenue, Mellon Square Pittsburgh, PA 15219	412-288-3063
Corhart Refractories	John J. Repcheck, Esquire MARKS, O'NEILL, ET AL. 3200 Gulf Tower 707 Grant Street Pittsburgh, PA 15219	412-391-8804
Crane Valve	Nick Vari, Esquire Kirkpatrick Lockhart LLP 535 Smithfield Street Pittsburgh, PA 15222	412-355-6501
Crown Cork & Seal	Richard E. Rush, Esquire THOMSON, RHODES & COWIE, P.C. Two Chatham Center, Tenth Floor Pittsburgh, PA 15219-3499	412-232-3498
Davis-Fetch	George M. Schumann, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
DeZurik	John J. Repcheck, Esquire MARKS, O'NEILL, ET AL. 3200 Gulf Tower 707 Grant Street Pittsburgh, PA 15219	412-391-8804
Dick Corporation	Ken Klanica, Esquire HEINTZMAN, WARREN, WISE & FORNELLA 35th Floor, Gulf Tower 707 Grant Street Pittsburgh, PA 15219	412-263-5222
Dravo Corporation	David F. Ryan, Esquire Marshall Dennehey et al. USX Tower, Suite 2900 600 Grant Street Pittsburgh, PA 15219	412-803-1188
Durabla Manufacturing Company	Monica Maghrak, Esquire MURPHY TAYLOR, PC 326 Third Ave., Suite 100 Pittsburgh, PA 15222	412-255-6062

Durametallic	John J. Repcheck, Esquire MARKS, O'NEILL, ET AL. 3200 Gulf Tower 707 Grant Street Pittsburgh, PA 15219	412-391-8804
Eaton	Cy Goldberg, Esquire Suite 1500 The North American Building 121 South Broad Street Philadelphia, PA 19107	215-735-1133
EE Zimmerman	Keith Whitson, Esquire Schnader Harrison Segal & Lewis Suite 2700, Fifth Avenue Place 120 5 th Avenue Pittsburgh, PA 15222	412-765-3858
Eichleay	Daniel Krauth, Esquire Zimmer Kurz, P.C. 3300 USX Tower Pittsburgh, PA 15219	412-281-1765
Elliot Turbomachinery	David Singley, Esquire THORP REED & ARMSTRONG One Riverfront Center Pittsburgh, PA 15222	412-394-2555
FabriValve	Concetta A. Silvaggio, Esquire WILLMAN & ARNOLD 705 McKnight Park Drive Pittsburgh, PA 15237	412-366-3462
FB Wright	Leo Gerard Daly, Esquire Grogan Graffam McGinley Three Gateway Center 22 nd Floor Pittsburgh, PA 15222-1009	412-553-6703
Ferro	Kevin Tierney, Esquire Law Offices of Kevin Tierney 100 South Broad Street 1175 Land Title Building Philadelphia, PA 19110	215-790-2409
Flintkote	Ken Mroz, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
Foseco	Alba A. Romano, Esquire Wilbraham Lawler & Buba First & Market Building 100 First Avenue, Suite 325 Pittsburgh, PA 15222	412-255-0505
Foster Wheeler	Dennis F. Wolford, Esquire Reed, Luce, Tosh, Wolford & Douglass 804 Turnpike Street Beaver, PA 15009-2114	724-774-1363
Ford Motor	Stephen Mlinac, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367

Gardner Denver	Nora Barry Fischer, Esquire PIETRAGALLO, BOSICK & GORDON 38th Floor, One Oxford Centre 301 Grant Street Pittsburgh, PA 15219	412-261-5295
Garlock	William Haushalter, Esquire MARGOLIS EDELSTEIN 1500 Grant Building 301 Grant Street Pittsburgh, PA 15219	412-642-2380
General Electric	Nora Barry Fischer, Esquire PIETRAGALLO, BOSICK & GORDON 38th Floor, One Oxford Centre 301 Grant Street Pittsburgh, PA 15219	412-261-5295
General Motors	Eric K. Falk, Esquire DAVIES, McFARLAND & CARROLL, P.C. One Gateway Center, 10 th Floor Pittsburgh, PA 15222-1416	412-261-7251
General Refractories	James Israel, Esquire ISRAEL, WOOD & PUNTIL, PC 501 Grant Building 301 Grant Street Pittsburgh, PA 15219	412-391-3017
George E. Ransom	Concetta A. Silvaggio, Esquire WILLMAN & ARNOLD 705 McKnight Park Drive Pittsburgh, PA 15237	412-366-3462
George V. Hamilton, Inc.	Concetta A. Silvaggio, Esquire WILLMAN & ARNOLD 705 McKnight Park Drive Pittsburgh, PA 15237	412-366-3462
Gilbert Associates	Mary Drake Korsmeyer, Esquire Peacock Keller East Beau Building 70 East Beau Street Washington, PA 15301	724-222-3318
Goodyear	William Geiger, Esquire DAVIES, McFARLAND & CARROLL, P.C. One Gateway Center, 10 th Floor Pittsburgh, PA 15222-1416	412-261-7251
Gould Pumps	Michael P. Creedon, Esquire Creedon & Feliciani, P.C. 29 East Marshall Street Norristown, PA 19401	610-239-1599
GM McCrossin	Leo Gerard Daly, Esquire Grogan Graffam McGinley Three Gateway Center 22 nd Floor Pittsburgh, PA 15222-1009	412-553-6703
H.H. Robertson	David F. Ryan, Esquire Marshall Dennehey et al. USX Tower, Suite 2900 600 Grant Street Pittsburgh, PA 15219	412-803-1188

Harbison Walker	John J. Repcheck, Esquire MARKS, O'NEILL, ET AL. 3200 Gulf Tower 707 Grant Street Pittsburgh, PA 15219	412-391-8804
Harbison Walker	Arthur H. Baker, Esquire 225 Ross Street 2 nd Floor Pittsburgh, PA 15219	412-434-7932
Hedman Mines	Kenneth Robb, Esquire 1080 Long Run Road McKeesport, PA 15132	412-751-8534
Hinchliffe & Keener	L. John Argento, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
Hinkel Hoffman	Kevin Tierney, Esquire Law Offices of Kevin Tierney 100 South Broad Street 1175 Land Title Building Philadelphia, PA 19110	215-790-2409
Honeywell	Robert W. Hastings, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
Hunter Sales	Andrew Adomitis, Esquire Grogan Graffam McGinley Three Gateway Center 22 nd Floor Pittsburgh, PA 15222-1009	412-553-6703
Industrial Holdings/Unifrax	Robert W. Hastings, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
Industrial Rubber	Miles Kirschner, Esquire MARGOLIS EDELSTEIN 1500 Grant Building 301 Grant Street Pittsburgh, PA 15219	412-642-2380
Ingersoll-Rand	William Fynes, Esquire Marks, O'Neill, O'Brien & Courtney Suite 1200 1880 JFK Boulevard Philadelphia, PA 19103	215-564-2526
Insul	Joni Mangino, Esquire Zimmer Kunz, P.C. 3300 USX Tower Pittsburgh, PA 15219	412-281-1765
JM Foster	Richard Polley, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367

John Crane	James Ehrman, Esquire Tighe, Evan, Ehrman, Schenck & Paras 500 Four PPG Place Pittsburgh, PA 15222-5404	412-391-9972
Lehigh Valley Refractories	Miles Kirschner, Esquire MARGOLIS EDELSTEIN 1500 Grant Building 301 Grant Street Pittsburgh, PA 15219	412-642-2380
Limbach	Donald McCormick, Esquire Gorr, Moser, Dell & Loughney 1300 Frick Building 437 Grant Street Pittsburgh, PA 15219	412-471-9012
Lochinvar Corp.	Concetta A. Silvaggio, Esquire WILLMAN & ARNOLD 705 McKnight Park Drive Pittsburgh, PA 15237	412-366-3462
M&S Erection	L. John Argento, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
Magnetek	C. James Zeszutek / Michael Bucci THORP REED & ARMSTRONG One Riverfront Center Pittsburgh, PA 15222	412-394-2555
Mallinckrodt	Paul K. Vey, Esquire PIETRACALLO, BOSICK & GORDON 38th Floor, One Oxford Centre 301 Grant Street Pittsburgh, PA 15219	412-261-5295
Mannington Mills	Alba A. Romano, Esquire Wilbraham Lawler & Buba First & Market Building 100 First Avenue, Suite 325 Pittsburgh, PA 15222	412-255-0505
Martin Marietta	Richard Polley, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
McCarls	John J. Repcheck, Esquire MARKS, O'NEILL, ET AL. 3200 Gulf Tower 707 Grant Street Pittsburgh, PA 15219	412-391-8804
Melrath Gasket	Kevin Tierney, Esquire Law Offices of Kevin Tierney 100 South Broad Street 1175 Land Title Building Philadelphia, PA 19110	215-790-2409
Metropolitan Life	Stewart Singer, Esquire RAWLE & HENDERSON, LLP The Widener Building One South Penn Square Philadelphia, PA 19107	215-563-2583

Mine Safety Appliance	Ralph Davies, Esquire DAVIES, McFARLAND & CARROLL, P.C. One Gateway Center, 10 th Floor Pittsburgh, PA 15222-1416	412-261-7251
Minnotte	Joseph Selep, Esquire Zimmer Kunz, P.C. 3300 USX Tower Pittsburgh, PA 15219	412-281-1765
Mobil Oil	Patrick Riley, Esquire RILEY, McNULTY, HEWITT & SWEITZER, P.C. 650 Washington Road, Suite 300 Pittsburgh, PA 15228	412-341-9177
MS Jacobs	Alex Bicket, Esquire Zimmer Kunz, P.C. 3300 USX Tower Pittsburgh, PA 15219	412-281-1765
Nagle Pumps	Richard Polley, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
NARCO	Joseph Schaper, Esquire HEINTZMAN, WARREN, WISE & FORNELLA, PC 35th Floor, Gulf Tower 707 Grant Street Pittsburgh, PA 15219	412-263-5222
Norfolk Southern	David D'Amico, Esquire BURNS, WHITE & HICKTON 120 Fifth Avenue Suite 2500 Fifth Avenue Place Pittsburgh, PA 15222-3001	412-359-7378
Osram Sylvania	Leo Gerard Daly, Esquire Grogan Graffam McGinley Three Gateway Center 22 nd Floor Pittsburgh, PA 15222-1009	412-553-6703
Owens Illinois	Kathy Condo, Esquire REED, SMITH, SHAW & McCLAY 435 Sixth Avenue, Mellon Square Pittsburgh, PA 15219	412-288-3063
Penn Central	David D'Amico, Esquire BURNS, WHITE & HICKTON 120 Fifth Avenue Suite 2500 Fifth Avenue Place Pittsburgh, PA 15222-3001	412-359-7378
Pennsylvania Railroad	David D'Amico, Esquire BURNS, WHITE & HICKTON 120 Fifth Avenue Suite 2500 Fifth Avenue Place Pittsburgh, PA 15222-3001	412-359-7378
Peterson Canvas	George Stewart, Esquire Zimmer Kunz, P.C. 3300 USX Tower Pittsburgh, PA 15219	412-281-1765

Pfizer	C. James Zeszutek/ Michael Bucci THORP REED & ARMSTRONG One Riverfront Center Pittsburgh, PA 15222	412-394-2555
Pillar Industries	Lori Ann Gala, Esquire Grogan Graffam McGinley Three Gateway Center 22 nd Floor Pittsburgh, PA 15222-1009	412-553-6703
Pittsburgh Gage and Supply	Daniel Sinclair, Esquire SWENSEN & PERER Suite 2710, Two Oliver Plaza Pittsburgh, PA 15222	412-281-2808
Pittsburgh Metals	Leo Gerard Daly, Esquire Grogan Graffam McGinley Three Gateway Center 22 nd Floor Pittsburgh, PA 15222-1009	412-553-6703
Plibrico	Dennis F. Wolford, Esquire Reed, Luce, Tosh, Wolford & Douglass 804 Turnpike Street Beaver, PA 15009-2114	724-774-1363
Plotkin Bros	Richard Polley, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
Pneumo Abex	William Haushalter, Esquire MARGOLIS EDELSTEIN 1500 Grant Building 301 Grant Street Pittsburgh, PA 15219	412-642-2380
Power Piping	Anne D. Harman, Esquire Bailey, Riley, Buch & Harman 900 Riley Building P.O. Box 631 Wheeling, WV 26003	304-232-9897
Pressed Steel Tank	Kathryn M. Kenyon, Esquire Marshall Dennehey et al. USX Tower, Suite 2900 600 Grant Street Pittsburgh, PA 15219	412-803-1188
Quigley	C. James Zeszutek/ Michael Bucci THORP REED & ARMSTRONG One Riverfront Center Pittsburgh, PA 15222	412-394-2555
Rapid American	Robert W. Hastings, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
Rhone Poulenc/Amchem	Alba A. Romano, Esquire Wilbraham Lawler & Buba First & Market Building 100 First Avenue, Suite 325 Pittsburgh, PA 15222	412-255-0505

Richard Klinger	Sibyl McNulty, Esquire RILEY, McNULTY, HEWITT & SWEITZER, P.C. 650 Washington Road, Suite 300 Pittsburgh, PA 15228	412-341-9177
Riley Stoker	John J. Repcheck, Esquire MARKS, O'NEILL, ET AL. 3200 Gulf Tower 707 Grant Street Pittsburgh, PA 15219	412-391-8804
Rome Cable	Richard Bliss, Esquire MARGOLIS EDELSTEIN 1500 Grant Building 301 Grant Street Pittsburgh, PA 15219	412-642-2380
Rust	P. Brennan Hart, Esquire Marshall Dennehey et al. USX Tower, Suite 2900 600 Grant Street Pittsburgh, PA 15219	412-803-1188
Safety First	Joseph Schaper, Esquire HEINTZMAN, WARREN, WISE & FORNELLA, PC 35th Floor, Gulf Tower 707 Grant Street Pittsburgh, PA 15219	412-263-5222
Sager	Richard Polley, Esquire DICKIE, McCAMEY & CHILCOTE, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222	412-392-5367
Sealite	Anne D. Harman, Esquire Bailey, Riley, Buch & Harman 900 Riley Building P.O. Box 631 Wheeling, WV 26003	304-232-9897
Sears & Roebuck	Eric K. Falk, Esquire DAVIES, McFARLAND & CARROLL, P.C. One Gateway Center, 10 th Floor Pittsburgh, PA 15222-1416	412-261-7251
Sepco	Anne D. Harman, Esquire Bailey, Riley, Buch & Harman 900 Riley Building P.O. Box 631 Wheeling, WV 26003	304-232-9897
Stockham Valve	M. Kathleen Canty, Esquire Malone, Larchuk & Middleman Northridge Office Plaza, Suite 310 117 VIP Drive Wexford, PA 15090	724-934-6866
Swindell-Dressler	Margaret Houston, Esquire Houston Harbaugh 12 th Floor Two Chatham Center Pittsburgh, PA 15219-3463	412-281-4499

Taylor Industries	Matthew Wimer, Esquire WIMER LAW OFFICES, P.C. 655 Allegheny Avenue Oakmont, PA 15139	412-820-9470
Triangle Wire	Leo Gerard Daly, Esquire Grogan Graffam McGinley Three Gateway Center 22 nd Floor Pittsburgh, PA 15222-1009	412-553-6703
Union Carbide	Alba A. Romano, Esquire Wilbraham Lawler & Buba First & Market Building 100 First Avenue, Suite 325 Pittsburgh, PA 15222	412-255-0505
Uniroyal	Bruce S. Haines, Esquire HANGLEY ARONCHICK SEGAL & PUDLIN, PC One Logan Square 12 th Floor Philadelphia, PA 19103-6933	215-568-0300
Uniroyal	James Israel, Esquire ISRAEL, WOOD & PUNTIL, PC 501 Grant Building 301 Grant Street Pittsburgh, PA 15219	412-391-3017
Universal Refractories	C. James Zeszutek/ Michael Bucci THORP REED & ARMSTRONG One Riverfront Center Pittsburgh, PA 15222	412-394-2555
US Steel	Richard Taylor, Esquire USX CORPORATION 1515 USX Tower 600 Grant Street Pittsburgh, PA 15219	412-433-2811
Viking Pumps Inc	David F. Ryan, Esquire Marshall Dennehey et al. USX Tower, Suite 2900 600 Grant Street Pittsburgh, PA 15219	412-803-1188
Westinghouse	Eric Horne, Esq. ECKERT, SEAMANS, CHERIN & MELLOTT, LLC USX Tower, 42nd Floor 600 Grant Street Pittsburgh, PA 15219	412-566-6099
Wheeler	P. Brennan Hart, Esquire Marshall Dennehey et al. USX Tower, Suite 2900 600 Grant Street Pittsburgh, PA 15219	412-803-1188
Zurn Industries	David F. Ryan, Esquire Marshall Dennehey et al. USX Tower, Suite 2900 600 Grant Street Pittsburgh, PA 15219	412-803-1188

Court of Common Pleas of Allegheny County, Pennsylvania

THE COMMONWEALTH OF PENNSYLVANIA
ALLEGHENY COUNTY, ss:

Estate of Lloyd Koons
Estate of Donald Kotay

vs.

Union Carbide Corporation, et al.

GD No. 99-12131
GD No. 99-10029
No. _____

SUBPOENA

TO:

Francis King, Esquire, General Counsel of Elkem Metals
(Name(s) of Witness(es))

1. You are ordered by the court to come to

Goldberg, Persky, Jennings & White, P.C. at 1030 Fifth Avenue, Pittsburgh
(Specify Courtroom or other place)

Pennsylvania, on December 14, 2001 at 10:00 o'clock, A M.,

to testify on behalf of Plaintiffs

in the above case, and to remain until excused.

2. And bring with you the following: All documents described in Exhibit A, attached hereto

and made a part hereof.

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

Issued By: Aaron J. DeLuca, Esq., (Attorney #76044), Goldberg, Persky, Jennings & White, P.C.

(State attorney's name, address, telephone number and identification number)

1030 Fifth Avenue, Pittsburgh, PA 15219

Phone: (412) 471-3980 Fax (412) 471-8308

BY THE COURT

No 95185

Michael E. Lamb
Prothonotary

Date 12/7/01
(Seal)

By Michael E. Lamb
Deputy

UNION CARBIDE CORPORATION

UCC

MORRISVILLE, VERMONT

H. W. Fawcett
Elkem Management, Inc.
Park West Office Center
Building One
Cliff Mine Road
Pittsburgh, PA 15275

August 17, 1981

Re: Hawks Nest - Glen Ferris
Transfer of Records

Dear Mr. Fawcett:

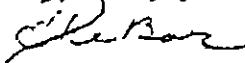
Per Mr. G. L. Triplett's instructions by letter dated August 12th, we are forwarding to your attention under separate cover thirty-nine (39) carton of Hawks Nest - Glen Ferris records. These files have been sent to the UCC Records Center over the years by various UCC components, primarily the Law Department and Metals Division.

We have attached a Records Transfer Memo (pgs. 1-3) which provides a general overview of the contents of each carton. Further detail is shown, where possible, on an enclosed itemized list.

These files represent the sum total of all records held at the UCC Records Center relating to the Hawks Nest - Glen Ferris Hydroelectric Project. We hope the Transfer Memo and detail will provide adequate indexing of these old and voluminous files.

Please acknowledge receipt of these files by signing and returning a copy of this letter.

Very truly yours,


E. W. DeBor

EWD/s

Encl.

cc: Messrs. P. J. Fournier
F. A. Smith
G. J. Triplett





UNION CARBIDE CORPORATION
RECORDS ADMINISTRATION DEPARTMENT

UC 381-41N REV

RECORDS TRANSFER MEMORANDUM — DOCUMENTS AND REPORTS

DATE	SHEET
8-17-81	1 of 2

USE THIS FORM TO TRANSFER RECORDS TO THE UNION CARBIDE RECORDS CENTER AT MORRISVILLE, VERMONT (see instructions over)

TRANSFERRED FROM:	DIVISION-DEPARTMENT	ADDRESS
	UCC Records Center	LaPorte Rd. Morrisville, VT 05661
RECORDS RETENTION & PROTECTION MANUAL REFERENCE	GIVE SECTION NUMBER AND SECTION TITLE APPLYING TO THE RECORDS TRANSFERRED	
	SECTION NUMBER	SECTION TITLE
		Hawks Nest-Glen Ferris Records

DESCRIBE EACH CARTON OF RECORDS TRANSFERRED BELOW

CARTON NO.	RECORD NAME (As it Appears in Records Retention and Protection Manual)	ALPHABETIC OR NUMERIC CONTENTS OF EACH CARTON	EARLIEST AND LATEST DATES IN EACH CARTON	RECORDS CENTER USE		
				Row	Stack	No.
	Thirty-nine (39) cartons records sent to Morrisville, VT by various components of Union Carbide Corp. all relating to Hawks Nest-Glen Ferris W.V. General description follows - specifics attached.					
1.	Project 2512 West Virginia - Hawks Nest (Federal Power Commission License)	2 folders	1-1-38			
2.	Application, licenses, & workpapers		1940 - 1952			
3.	" "		" "			
4.	Electro Metallurgical Co. - detail		1933 - 1940			
5.	New Kanawha Power Co. - detail		" "			
6.	Application to Federal Power Comm.		1919 - 1962			
7.	" "		" "			
8.	" "		" "			
9.	Law Records - Project 1856 - detail		1930 - 1964			
10.	" "		" "			
11.	" "		" "			
12.	" "		" "			
13.	" "		" "			
14.	Applications, blueprints, corresp. engineering reports and technical reports		" "			

SIGNATURES REQUIRED ON FIRST SHEET IN SERIES ONLY

TRANSFER AUTHORIZED BY (SIGNATURE AND TYPED NAME)	APPROVAL BY RECORDS ADMINISTRATION DEPARTMENT

THE PERSON SIGNING ABOVE OR HIS SUCCESSOR WILL BE NOTIFIED

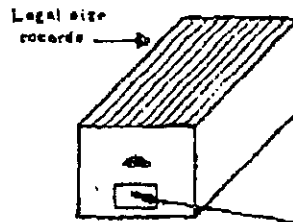
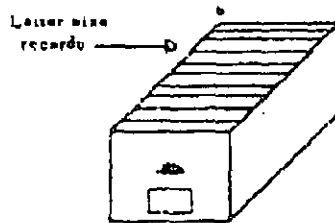
P.03

DEC-05-2001 13:19

CORPORATE RECORDS CENTER — The Corporate Records Center in Morrisville, Vermont is a Union Carbide Facility for the economical and safe storage of inactive records and a safe depository for vital and archival records. The Center offers its storage space and reference services to locations of the Corporation. Documents and reports stored in Morrisville will be kept until their retention periods expire, when they will be destroyed. The Center also maintains special facilities for processing and storing microfilm.

HOW TO SHIP RECORDS TO THE CORPORATE RECORDS CENTER

- a Refer to the Records Retention and Protection Manual and obtain the Section Number and Title which applies to the records you wish to send to Morrisville. Record them on the front of this form in the blocks provided.
- b Order Records Cartons from the stockroom on a stationery requisition form. You will need 1-1/2 cartons for a letter size file drawer and 2 cartons for a legal size drawer. The cartons and covers will arrive flat. You can assemble them by folding. Pack the records in the same order in which they were filed including file folders and file guides.



VC 381-270			
TO UNION CARBIDE CORPORATION MORRISVILLE, VERMONT			
RECORDS SHIPPED BY	DIVISION OR COMPANY	DEPARTMENT	
ADDRESS	FLOOR	CARTON NO.	CARTONS
OF			
(Please do not use this space)			

- c Order Shipping Labels from the stockroom on a stationery requisition. Prepare one label for each carton and identify them with consecutive numbers. Place one label on the unstapled end of each carton under the handgrip.
 - d Prepare a Records Transfer Memorandum in 4 copies, sign, and send them to the Records Administration Dept., 270 Park Ave., New York, New York 10017. Copy 2 will be returned to you for your files. If the records to be transferred are vital, do not use this form. See "Vital Records" below.
 - e Prepare a Building Service Work Order and send it with the cartons to the loading platform where the cartons will be sealed and shipped to Morrisville.
- IF YOU ARE OUTSIDE NEW YORK, order cartons, labels, and forms by letter to Union Carbide Corporation, Morrisville, Vermont 05661. Tape the covers to the cartons, enclose copy 4 as a packing list and ship them prepaid to Union Carbide Corporation, Morrisville, Vermont 05661. When shipping by truck, the bill of lading should read "Old Office Records - value N/X 3-1/2¢ per lb."

HOW TO BORROW RECORDS FROM THE CORPORATE RECORDS CENTER

- a Contact the Center by letter to Union Carbide Corporation, Morrisville, Vermont 05661 or by Telephone — 802-888-3174.
- b Identify Yourself by name, division, or department, and address.
- c Describe the Records you Wish to Borrow by referring to your copy of the Records Transfer Memorandum form on which the shipment to Morrisville was recorded. Give the date on the form, carton number the record was shipped in, and the record name shown on the form. Then describe the specific record you want.
- d You Will Receive the Records Requested within 30-48 hours.

HOW TO RETURN BORROWED RECORDS

- a Return Full Cartons just as you received them. Print "RETURN" on the label under the address. Send the cartons to the loading platform where they will be re-sealed and shipped to Morrisville.
- b Return Less than Full Cartons by enclosing the records in an envelope or package which is marked "RECORDS RETURNED TO MORRISVILLE, VT." Send the envelope or package by First Class mail to Union Carbide Corporation, Morrisville, Vermont 05661.

VITAL RECORDS — Documents and reports necessary for the continued existence of the Corporation are considered vital and, when not protected by natural dispersion, are protected by sending copies to Morrisville. These copies may be the original record, a duplicate, a microfilm, or any other kind of copy, whichever is the most practical and economical. Records protected in this manner are assigned a Vital Record Number for reference and control purposes. THIS FORM SHOULD NOT BE USED TO SHIP VITAL RECORDS TO MORRISVILLE. Vital Records must be sent directly to Morrisville as soon as possible after their creation or completion. No cover letter or form is needed if the Vital Record Number, location identification, and date or inclusive dates of the record are clearly marked on each copy or batch of copies.



UNION CARBIDE CORPORATION
RECORDS ADMINISTRATION DEPARTMENT

UC 351-4TH REV.
RECORDS TRANSFER MEMORANDUM — DOCUMENTS AND REPORTS

DATE	8-17-81
SHEET	2 OF

USE THIS FORM TO TRANSFER RECORDS TO THE UNION CARBIDE RECORDS CENTER AT MORRISVILLE, VERMONT (SEE INSTRUCTIONS PAGE)

TRANSFERRED FROM:	DIVISION-DEPARTMENT UCC Records Center	ADDRESS LaPorte Rd. Morrisville, VT 05661
RECORDS RETENTION & PROTECTION MANUAL REFERENCE	GIVE SECTION NUMBER AND SECTION TITLE APPLYING TO THE RECORDS TRANSFERRED SECTION NUMBER SECTION TITLE Hawks Nest - Glen Ferris	

DESCRIBE EACH CARTON OF RECORDS TRANSFERRED BELOW

CARTON NO.	RECORD NAME (As It Appears In Records Retention and Protection Manual)	ALPHABETIC OR NUMERIC CONTENTS OF EACH CARTON	EARLIEST AND LATEST DATES IN EACH CARTON			RECORDS CENTER USE					
			From	-	Thru	From	-	Thru	Row	Stack	No.
15.	Applications, blueprints, corresp. engineering reports and technical reports					1930	-	1964			
16.	" "					"		"			
17.	" "					"		"			
18.	" "					"		"			
19.	" "					"		"			
20.	" "					"		"			
21.	" "					"		"			
22.	" "					"		"			
23.	" "					"		"			
24.	" "					"		"			
25.	" "					"		"			
26.	Misc. records - Laws, legislation FPC, WVPSC, land & water rights technical and engineering, equipment					1931	-	1951			
27.	" "					"		"			
28.	" "					"		"			
29.	" "					"		"			

SIGNATURES REQUIRED ON FIRST SHEET IN SERIES ONLY

TRANSFER AUTHORIZED BY (SIGNATURE AND TYPED NAME)	APPROVAL BY RECORDS ADMINISTRATION DEPARTMENT
---	---

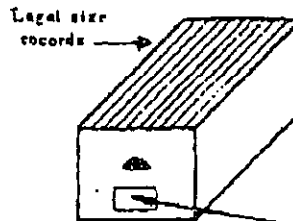
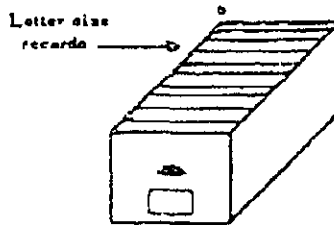
THE PERSON SIGNING ABOVE OR HIS SUCCESSOR WILL BE NOTIFIED
CR 14

REC-02-007-00-000

CORPORATE RECORDS CENTER — The Corporate Records Center in Morrisville, Vermont is a Union Carbide Facility for the economical and safe storage of inactive records and a safe depository for vital and archival records. The Center offers its storage space and reference services to locations of the Corporation. Documents and reports stored in Morrisville will be kept until their retention periods expire, when they will be destroyed. The Center also maintains special facilities for processing and storing microfilm.

HOW TO SHIP RECORDS TO THE CORPORATE RECORDS CENTER

- Refer to the Records Retention and Protection Manual and obtain the Section Number and Title which applies to the records you wish to send to Morrisville. Record them on the front of this form in the blocks provided.
- Order Records Cartons from the stockroom on a stationery requisition form. You will need 1-1/2 cartons for a letter size file drawer and 2 cartons for a legal size drawer. The cartons and covers will arrive flat. You can assemble them by folding. Pack the records in the same order in which they were filed including file folders and file guides.



UC 381.878				
 TO UNION CARBIDE CORPORATION MORRISVILLE, VERMONT				
RECORDS SHIPPED BY	DIVISION OR COMPANY		DEPARTMENT	
ADDRESS	FLOOR	CARTON NO.	CARTONS OF	
(Please do not use this space)				

- Order Shipping Labels from the stockroom on a stationery requisition. Prepare one label for each carton and identify them with consecutive numbers. Place one label on the unstapled end of each carton under the handgrip.
- Prepare a Records Transfer Memorandum in 4 copies, sign, and send them to the Records Administration Dept., 270 Park Ave., New York, New York 10017. Copy 2 will be returned to you for your files. If the records to be transferred are vital, do not use this form. See "Vital Records" below.
- Prepare a Building Service Work Order and send it with the cartons to the loading platform where the cartons will be sealed and shipped to Morrisville.

IF YOU ARE OUTSIDE NEW YORK, order cartons, labels, and forms by letter to Union Carbide Corporation, Morrisville, Vermont 05661. Tape the covers to the cartons, enclose copy 4 as a packing list and ship them prepaid to Union Carbide Corporation, Morrisville, Vermont 05661. When shipping by truck, the bill of lading should read "Old Office Records - value N/X 3-1/2¢ per lb."

HOW TO BORROW RECORDS FROM THE CORPORATE RECORDS CENTER

- Contact the Center by letter to Union Carbide Corporation, Morrisville, Vermont 05661 or by Telephone — 802-888-3174.
- Identify Yourself by name, division, or department, and address.
- Describe the Records you Wish to Borrow by referring to your copy of the Records Transfer Memorandum form on which the shipment to Morrisville was recorded. Give the date on the form, carton number the record was shipped in, and the record name shown on the form. Then describe the specific record you want.
- You Will Receive the Records Requested within 30-48 hours.

HOW TO RETURN BORROWED RECORDS

- Return Full Cartons just as you received them. Print "RETURN" on the label under the address. Send the cartons to the loading platform where they will be re-sealed and shipped to Morrisville.
- Return Less than Full Cartons by enclosing the records in an envelope or package which is marked "RECORDS RETURNED TO MORRISVILLE, VT." Send the envelope or package by First Class mail to Union Carbide Corporation, Morrisville, Vermont 05661.

VITAL RECORDS — Documents and reports necessary for the continued existence of the Corporation are considered vital and, when not protected by natural dispersion, are protected by sending copies to Morrisville. These copies may be the original record, a duplicate, a microfilm, or any other kind of copy, whichever is the most practical and economical. Records protected in this manner are assigned a Vital Record Number for reference and control purposes. THIS FORM SHOULD NOT BE USED TO SHIP VITAL RECORDS TO MORRISVILLE. Vital Records must be sent directly to Morrisville as soon as possible after their creation or completion. No cover letter or form is needed if the Vital Record Number, location identification, and date or inclusive dates of the record are clearly marked on each copy or batch of copies.



UNION CARBIDE CORPORATION
RECORDS ADMINISTRATION DEPARTMENT

UC 331-411H REV.

RECORDS TRANSFER MEMORANDUM — DOCUMENTS AND REPORTS

DATE	SHEET
8-17-81	3 of 3

USE THIS FORM TO TRANSFER RECORDS TO THE UNION CARBIDE RECORDS CENTER AT MORRISVILLE, VERMONT (see instructions over)

TRANSFERRED FROM:	DIVISION-DEPARTMENT	ADDRESS
UCC RECORDS CENTER		LaPorte Rd. Morrisville, VT 05661
RECORDS RETENTION & PROTECTION MANUAL REFERENCE	GIVE SECTION NUMBER AND SECTION TITLE APPLYING TO THE RECORDS TRANSFERRED	
	SECTION NUMBER	SECTION TITLE
		Hawks Nest - Glen Ferris

DESCRIBE EACH CARTON OF RECORDS TRANSFERRED BELOW

CARTON NO.	RECORD NAME (As It Appears In Records Retention and Protection Manual)	ALPHABETIC OR NUMERIC CONTENTS OF EACH CARTON	EARLIEST AND LATEST DATES IN EACH CARTON	RECORDS CENTER USE		
		From — Thru	From — Thru	Row	Stack	No.
30.	Misc. records - Laws, legislation FPC, WVPSC, land & water rights technical and engineering, equipment		1931 - 1951			
31.	" "		" "			
32.	" "		" "			
33.	Folders from WV file containing letters of past negotiations on acquisition of land & property		1917 - 1948			
34.	" "		" "			
35.	Construction, engineering, & equipment correspondence		" "			
36.	Construction - bids, proposals, specs		" "			
37.	Misc. - Federal Power Act, cost schedules etc.		" "			
38/ 39	Ledgers - Large carton - accounting, cost schedules, construction		" "			

SIGNATURES REQUIRED ON FIRST SHEET IN SERIES ONLY

TRANSFER AUTHORIZED BY (SIGNATURE AND TYPED NAME)

APPROVAL BY RECORDS ADMINISTRATION DEPARTMENT

THE PERSON SIGNING ABOVE OR HIS SUCCESSOR WILL BE NOTIFIED
30 DAYS BEFORE THESE RECORDS ARE DESTROYED

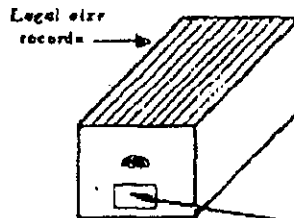
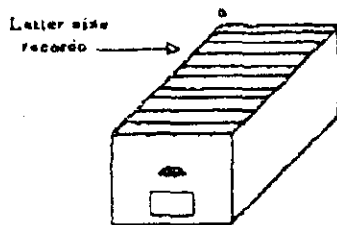
10/1/81

02:51 1002-92-030

CORPORATE RECORDS CENTER — The Corporate Records Center in Morrisville, Vermont is a Union Carbide Facility for the economical and safe storage of inactive records and a safe depository for vital and archival records. The Center offers its storage space and reference services to locations of the Corporation. Documents and reports stored in Morrisville will be kept until their retention periods expire, when they will be destroyed. The Center also maintains special facilities for processing and storing microfilm.

HOW TO SHIP RECORDS TO THE CORPORATE RECORDS CENTER

- Refer to the Records Retention and Protection Manual and obtain the Section Number and Title which applies to the records you wish to send to Morrisville. Record them on the front of this form in the blocks provided.
- Order Records Cartons from the stockroom on a stationery requisition form. You will need 1-1/2 cartons for a letter size file drawer and 2 cartons for a legal size drawer. The cartons and covers will arrive flat. You can assemble them by folding. Pack the records in the same order in which they were filed including file folders and file guides.



VC 387-576			
TO UNION CARBIDE CORPORATION MORRISVILLE, VERMONT			
RECORDS SHIPPED BY	DIVISION OR COMPANY	DEPARTMENT	
ADDRESS	FLOOR	CARTON NO.	CARTONS
OF			
(Please do not use this space)			

- Order Shipping Labels from the stockroom on a stationery requisition. Prepare one label for each carton and identify them with consecutive numbers. Place one label on the unstapled end of each carton under the handgrip.
 - Prepare a Records Transfer Memorandum in 4 copies, sign, and send them to the Records Administration Dept., 270 Park Ave., New York, New York 10017. Copy 2 will be returned to you for your files. If the records to be transferred are vital, do not use this form. See "Vital Records" below.
 - Prepare a Building Service Work Order and send it with the cartons to the loading platform where the cartons will be sealed and shipped to Morrisville.
- IF YOU ARE OUTSIDE NEW YORK, order cartons, labels, and forms by letter to Union Carbide Corporation, Morrisville, Vermont 05661. Tape the covers to the cartons, enclose copy 4 as a packing list and ship them prepaid to Union Carbide Corporation, Morrisville, Vermont 05661. When shipping by truck, the bill of lading should read "Old Office Records - value N/X 3-1/2¢ per lb."

HOW TO BORROW RECORDS FROM THE CORPORATE RECORDS CENTER

- Contact the Center by letter to Union Carbide Corporation, Morrisville, Vermont 05661 or by Telephone — 802-888-3174.
- Identify Yourself by name, division, or department, and address.
- Describe the Records you Wish to Borrow by referring to your copy of the Records Transfer Memorandum form on which the shipment to Morrisville was recorded. Give the date on the form, carton number the record was shipped in, and the record name shown on the form. Then describe the specific record you want.
- You Will Receive the Records Requested within 30-48 hours.

HOW TO RETURN BORROWED RECORDS

- Return Full Cartons just as you received them. Print "RETURN" on the label under the address. Send the cartons to the loading platform where they will be re-sealed and shipped to Morrisville.
- Return Less than Full Cartons by enclosing the records in an envelope or package which is marked "RECORDS RETURNED TO MORRISVILLE, VT." Send the envelope or package by First Class mail to Union Carbide Corporation, Morrisville, Vermont 05661.

VITAL RECORDS — Documents and reports necessary for the continued existence of the Corporation are considered vital and, when not protected by natural dispersion, are protected by sending copies to Morrisville. These copies may be the original record, a duplicate, a microfilm, or any other kind of copy, whichever is the most practical and economical. Records protected in this manner are assigned a Vital Record Number for reference and control purposes. THIS FORM SHOULD NOT BE USED TO SHIP VITAL RECORDS TO MORRISVILLE. Vital Records must be sent directly to Morrisville as soon as possible after their creation or completion. No cover letter or form is needed if the Vital Record Number, location identification, and date or inclusive dates of the record are clearly marked on each copy or batch of copies.

HAWKS NEST - GLEN FERRIS

shipment to Elkem

ITEMIZED LISTING

by carton

Carton # 30

- 3.6 NEW-KANAWHA POWER COMPANY (Now Electro Metallurgical Co.)
- ✓ .61 Incorporation - Committee on New Kanawha Power Co. Affairs
Dissolution - Reorganization of Power Department.
 - ✓ .612 Financial Estimates - 1927 through 1937. Yearly & Monthly
Research Projects. Retarded Construction Program.
Construction Budgets.
 - ✓ .6120 Invoices - Requisitions.
 - ✓ .6121 Payroll - Expense Accounts - Employment Personnel.
 - ✓ .61210 Work Orders.
 - ✓ .62 Applications for Positions. Positions in other companies.
 - .63 Weekly Reports - Construction, etc. See Book.
 - ✓ .64 Plant Balance Sheet and Summary of Charges to Operation.
Miscellaneous Financial. Cost of West Virginia Plant.
Accounting Instructions. Property Accounting.
 - ✓ .69 General - Medical Services - Sanitation. For Housing
see 3.90.
 - ✓ .690 Insurance - Surety Bonds, etc.
 - ✓ .691 Rates - Public Service Commission - Typical Rates in
West Virginia - Sales of Power - Sale of Boomer Elec.
to Appalachian E.P. Co. (See also 3.702, 1930-34)
 - ✓ .692 SILICOSIS
 - ✓ .6921 Industrial Hygiene in Tunnel Work. Mortality Statistics
1936 Study.
 - ✓ .69211 Tunnel Ventilation - Carbon Monoxide - Landis.
 - ✓ .69212 Rinehart and Dennis Fatal Accidents.
 - .69213 Non-Fatal Accidents - McClintic Marshall.
 - ✓ .69214 Insurance - Compensation.
 - ✓ .69218 Silicosis Literature - Discussions - Addresses - Committee
Societies.
 - ✓ .6922 Suits.
 - .69220 Summons - Silicosis Suits.

✓ Transferred to Vermont

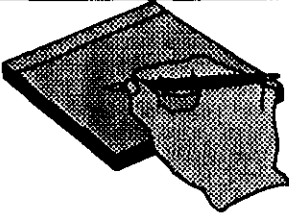
Content # 31

- 3.69221 Attachments, Silicosis Suits.
- ✓ .69222 Trials, Silicosis Suits - Testimony - Briefs - Experts.
- .692222 Lilly & Lilly
- ✓ .692227 Records of Plaintiffs, Silicosis Suits. Work Records.
- ✓ .692228 Mr. Davis' Notes on Silicosis Suits.
- ✓ .692229 General Material Under Trial of Silicosis Suits. List of Suits.
- ✓ .6928 Insurance in Connection with Silicosis Suits. Accounting.
- ✓ .69281 Fees, Expert Testimony, Silicosis Suits.
- ✓ .6929 General - Rock Samples.
- ✓ .69291 Newspaper Clippings, Silicosis Suits. 1936 Magazine and Newspaper publicity.

3.7 TECHNICAL AND ENGINEERING SIDE OF WEST VIRGINIA POWER DEVELOPMENT

- .70 Electro Metallurgical Company
- ✓ .701 Power Output at Glen Ferris, Discharge through Turbines, Gauge Readings, Water Elevations, etc. Equipment at Glen Ferris Plant, Dam. (Turbines - See 3.761 also.)
- ✓ .702 Industrial Plant at Alloy. Utilization of Power, Cost Estimates, etc. Cabin Creek Assessment. Dock - Dike. Advertising Signs. Boncar.
- ~~.763 Huntington Plant.~~
- ✓ .709 General - Electro Metallurgical Company. Watchman. A.T.&T. Co. (For Housing see 3.90) (See also 3.7688 March 7 to September 16, 1932 for A.T.&T. Co.)
- .72 Companies Other Than Electro Metallurgical Company
- .721 Willson Aluminum Company - Great Kanawha River Dam. Permission of Sec'y. of War 2-27-99 to build Dam.
- ~~.722 Carbide & Carbon Chemical Company.~~

✓ Transferred to Vermont

	POLICY <i>Records Management</i> <i>Page 2 of 2</i>		Section IX - Administration Subsection 2. Record Retention Policy
Date: 03/01/98 Rev. Date:	Prepared by: Legal	Approved by: A. C. LaRusso <i>ALZ</i>	Doc. No.: 2.1 Rev. No.: 0

Duplicate and Electronic Copies

This policy applies to all copies of Company records, including photocopies, microfiche or microfilm, computer floppy or hard discs, and tape drives or other electronic media, whether located in individual offices or employees' homes. No physical or electronic copies shall be retained in excess of the prescribed retention period.

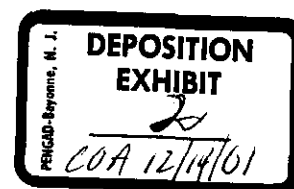
Personal Records

Employees frequently maintain various forms of personal records, such as electronic or desk calendars, phone lists and the like. No specific retention schedules are established for such records, but a good rule of thumb is to destroy these records after a two-year retention period. As noted above, however, all copies of records subject to the attached retention Schedules are themselves subject to the Schedules, whether maintained in formal Company files, "personal" desk files, or otherwise.

Administrative Procedures

Each operating unit shall, under the direction of its controller, develop and implement written procedures to comply with this policy. Such procedures shall ensure the identifiability and retrievability of records and shall properly protect their security and confidentiality. Procedures shall provide for periodic audits as appropriate to ensure compliance with this policy.

Schedule Attached



SCHEDULE 1

A.	CORPORATE RECORDS	RETENTION PERIOD
1.	Records of incorporation, by-laws and amendments thereto for the Company and subsidiaries and affiliates	(P)
2.	Qualification to do business in states and related records	(P)
3.	Corporate seals	(P)
4.	Canceled stock certificates	(20 plus review by General Counsel)
5.	Stock transfer and stockholder records	(P)
6.	Dividend records	(P)
7.	Minute books of Corporate and Subsidiary Boards, Board committees and stockholder meetings	(P)
8.	Annual reports, quarterly reports and proxy material	(P)
9.	Shareholder proxies except for those related solely to the election of directors	(P)
10.	Proxies for election of directors	(10)
11.	All financing documents, credit agreements, loan agreements, commitments, etc.	(10 after satisfaction or termination)
12.	Acquisition files	(P)
13.	Divestiture files	(20 plus review by General Counsel)
B.	LEGAL FILES AND PAPERS	RETENTION PERIOD
1.	Requests for departure from records retention plan	(P)
2.	Litigation files including correspondence, depositions, discovery, responses and pleadings: a) Major litigation b) Other litigation	(as determined by General Counsel on a case by case basis) (1 after expiration of appeals or time for filing appeals)

SCHEDULE 1 (continued)

Page 2

B.	LEGAL FILES AND PAPERS (continued)	RETENTION PERIOD
3.	Legal memoranda and opinions subject matter files	(5 after close of matter. Thereafter, review for utility and historic value.)
C.	CONTRACTS	RETENTION PERIOD
1.	Contracts and related correspondence and documents - commercial	(7 after expiration or termination plus written approval of General Counsel)
2.	Contracts -- government	(3 after completion)
3.	Licensing and distribution agreements including production and royalty data	(6 after expiration or termination plus written approval of General Counsel)

SCHEDULE 2

PAGE 3

ACCOUNTING AND FINANCE		RETENTION PERIOD
A.		
1.	Annual audited financial statements	(P)
2.	General ledgers	(10*)
3.	General journals and other posting & control media subsidiary to the General Ledgers	(7*) ¹
4.	Annual audit workpaper package	(7*)
5.	Monthly financial statements	(7*)
6.	Bank statements and canceled checks	(7*)
7.	Original copies of accounts payable invoices and employee expense reports:	
	a) Normal trade payables	(7*)
	b) Freight bills	(3*)
8.	Accounts receivable invoices	(4*)
9.	Accounts receivable cash receipts files	(4*)
10.	Annual plans and budgets	(2)
11.	Strategic plans	(2 after termination of plan period)
12.	Census bureau and other government surveys	(7)
13.	Physical inventory records	(7*)
14.	Appropriation requests	(1 after post completion review)
B.	Tax Records	Retention Period
1.	Tax returns (income, franchise, property)	(P)
2.	Tax bills, receipts and statements	(P)

*The Corporate Controller will annually issue a directive outlining the specific years to be destroyed.

SCHEDULE 2 (continued)**Page 4**

B.	TAX RECORDS (continued)	RETENTION PERIOD
3.	Tax workpaper packages - originals	(P, Operating division copies to be retained for 7 years)
4.	Payroll tax records	(7*)
5.	Sales and use tax records	(7*)
6.	Excise tax records	(7*)

SCHEDULE 3

Page 5

A.	PERSONNEL RECORDS	RETENTION PERIOD
1.	Original union agreements	(P)
2.	Invention assignment forms	(P)
3.	Records showing employee exposure to potentially hazardous substances	(P, except documents may be discarded after 30 years after termination of all affected employees)
4.	Medical histories or health data	(P)
5.	Earnings records (general)	(P)
6.	Employees' personnel records, including individual attendance records, application forms, performance evaluations, termination papers, exit interview records, withholding information, garnishments, test results (individual), etc.	(4 after termination)
7.	Individual contracts of employment	(7 after termination)
8.	Commissions/bonuses, incentives, awards, etc.	(7)
9.	Attendance records (general)	(3)
10.	Job descriptions	(3 after superseded)
11.	Safety or injury frequency reports	(10)
12.	Affirmative action programs	(5 after superseded)
13.	EEO-1 and EEO-2 Employer information reports	(2 after superseded or filing, whichever is longer)
14.	Applications, resumes, results of pre-employment physicals, and related correspondence (non-hired applicants) a) Advertised job openings b) Unsolicited applications and resumes	(2 from date of non-hire decision) (1)
15.	Correspondence with employment agencies and advertisements for job openings	(1 from date of hiring decision)

SCHEDULE 3 (continued)

Page 6

A.		PERSONNEL RECORDS	RETENTION PERIOD
16.	Wage and salary surveys		(3)
17.	Census reports and headcount comparisons		(3)
18.	Employee handbooks		(P)
B.		PAYROLL DOCUMENTS	RETENTION PERIOD
1.	Employee earnings records		(P)
2.	Labor distribution cost records		(7)
3.	Payroll registers (gross and net)		(7)
4.	Unclaimed wage records		(6)
5.	Employee deduction authorizations		(4 after termination)
6.	Assignments, attachments and garnishments		(3 after payment or settlement)
7.	Time cards and sheets		(2)
C.		PENSION RECORDS	RETENTION PERIOD
1.	Pension plans and all amendments thereto		(P)
2.	Pension plan determination letters		(P)
3.	Records of employee service and eligibility for pension (including hours worked and any breaks in service)		(P)
4.	Required personal information on employees and former employees. (Name, address, social security number, period of employment, pay: hourly or salary)		(P)
5.	Records of plan administrator setting forth authority to pay		(P)
6.	Records of pension paid to employees or their beneficiaries		(6 after final payment)

SCHEDULE 3 (continued)

[illegible]

SCHEDULE 4

Page 8

A.	INSURANCE POLICIES	RETENTION PERIOD
1.	Workers compensation	(P)
2.	Product liability	(P)
3.	Umbrella	(P)
4.	Property	(P)
5.	Fidelity & crime	(P)
6.	General liability	(P)
7.	Other 3rd party	(P)
B.	CERTIFICATES	RETENTION PERIOD
1.	Issued on behalf of Company	(3)
2.	Issued To Company	(P)
C.	GROUP INSURANCE PLANS	RETENTION PERIOD
1.	Active employees	(until plan is amended or terminated)
2.	Retirees	(P or until 6 years after death of last eligible participant)
D.	AUDITS OR ADJUSTMENTS	(2 after final adjustment)
E.	CLAIMS FILES (including correspondence, medical records, injury documentation, etc.)	RETENTION PERIOD
1.	Workers compensation	(10 after close)
2.	Product liability	(open - no litigation, 5 after last correspondence or contact with claimant)

SCHEDULE 4 (continued)**Page 9**

E.	AUDITS OR ADJUSTMENTS	RETENTION PERIOD
3.	1st party	(5 after last correspondence or contact with insurer)
4.	Other 3rd party	(5 after last correspondence or contact with 3rd party)
5.	Long term disability	(10 after return to work, retirement or death)
6.	Group life	(5 after close)
F.	RELEASE/SETTLEMENTS	(25)
6.	INSPECTIONS	(3)
H.	LOSS RUMS	(10)
I.	ANNUAL LOSS SUMMARIES	(10)
J.	JOURNAL ENTRY SUPPORT DATA	(7)

SCHEDULE 5

Page 10

PLANT AND PROPERTY RECORDS		RETENTION PERIOD
A.		
1.	Original purchase, sale or lease agreement of plant facility	(P)
2.	Correspondence, property deeds, easements, licenses, rights of way and miscellaneous documents pertaining to sold plant facilities	(10 plus approval of General Counsel)
3.	Property insurance policies	(P)
4.	Fixed asset ledgers (year-end run)	(7 plus written approval of Corporate Controller)
5.	Mortgages	(10 after satisfaction)
6.	Records relating to disposal of plant waste	(3)
7.	Plant inspection and safety audit reports	(3)
B.	RESEARCH AND DEVELOPMENT	RETENTION PERIOD
1.	Original patents, trademarks and copyrights	(Life of patent, trademark or copyright plus 3)
2.	Minutes of all technical meetings	(20 plus written approval of General Counsel)
3.	Invention notebooks and invention records	(20 plus written approval of General Counsel)
4.	Laboratory notebooks, supporting data and test data	(20 plus written approval of General Counsel)
5.	Outside submissions of new product ideas	(20 plus written approval of General Counsel)
6.	Quality control data	(20 plus written approval of General Counsel)
7.	Production batch data	(20 plus written approval of General Counsel)

SCHEDULE 5 (continued)

Page 11

B.	RESEARCH AND DEVELOPMENT	RETENTION PERIOD
8.	Pilot run data and related research	(20 plus written approval of General Counsel)
9.	Inspection and test reports on new or proposed products	(3)
C.	SAFETY AND ENVIRONMENTAL DOCUMENTS	RETENTION PERIOD
1.	Records relating to each occupational injury or illness, including the annual summary of other OSHA Forms	(5)
2.	Companies subject to asbestos standards: a) Personnel or environmental monitoring b) Employee medical examinations	(P) (30)
3.	Companies subject to ionized radiation standard: a) Employee radiation exposure tests	(P)
4.	Companies subject to vinyl chloride standard: a) Monitoring and measuring records and authorized personal rosters b) Medical records c) Monitoring and inspection reports	(30) (Longer of employment plus 20 or 30) (P)
5.	Companies subject to mechanical power press standard: a) Records of periodic regulation inspection	(P)
6.	Companies subject to industrial slings standards: a) Inspection records and repair records	(1)

SCHEDULE 5 (continued)

Page 12

C.	SAFETY AND ENVIRONMENTAL DOCUMENTS	RETENTION PERIOD
7.	Companies subject to carcinogen standards: a) Authorized personnel rosters b) Medical records c) Monitoring or inspection reports	(20) (30) (P)
8.	Companies subject to ground fault standards: a) Testing records	(P or until superseded)
9.	Companies subject to ethylene oxide standard 29 CFR 1910.1047 a) Testing records	(P)
10.	Environmental site files including insurance claims	(P)
11.	Records relating to disposal of hazardous waste	(3)
D.	MANUFACTURING	RETENTION PERIOD
1.	Lab test reports	(20 plus written approval of General Counsel)
2.	Product tooling, design, specifications and research data	(20)
3.	Engineering change requests	(10)
4.	Engineering change notices	(10)
5.	Work orders	(3)
6.	Bills of material	(2)
7.	Safety related tests and inspection reports for existing products	(5)
8.	Records showing quantities, sources, costs, shipment dates and related information for products assembled abroad with U.S. components	(5 from date of re-entry)

SCHEDULE 5 (continued)

[illegible]

SCHEDULE 6

Page 14

A.		SALES AND MARKETING	RETENTION PERIOD
1.	Catalogs and price lists		(P)
2.	Advertising copy and marketing programs		(5)
3.	Copies of packaging materials and instructions		(5)
4.	Customer order files		(4)
5.	Customer correspondence files		(4)
6.	Salesmen's reports		(2)
7.	Sales department copies of invoices		(1)
8.	Rebate and co-op advertising payments		(6)
9.	Exporter's certificate of origin and information necessary to prepare certificate for exports to or imports from Canada		(5)
10.	Records relating to duty drawbacks on exports		(4)
B.		CREDIT RELATING TO CUSTOMERS	RETENTION PERIOD
1.	Application for credit, approval forms, qualification reports		(1 after account becomes inactive)
2.	Collection litigation files		(3 after legal settlement and satisfaction of judgment)
3.	Correspondence - collection		(2)
4.	Customer financial statements		(until superseded)
5.	Guarantees and subordination agreements		(3 after termination and settlement of account)
6.	Security agreements & financing statements		(3 after satisfaction)

SCHEDULE 7

Page 16

A.	LETTERS TO BE DESTROYED WITHIN ONE YEAR	RETENTION PERIOD
1.	Routine letters and notes which require no acknowledgment or follow-up, such as notes of appreciation, congratulations, letters of transmittal and plans for meetings	(1)
2.	Form letters which require no follow-up	(1)
3.	Copies of interdepartmental or other company correspondence where a copy of same will be in the originating department's file	(1)
4.	Letters of general inquiry and replies which complete a cycle of correspondence	(1)
5.	Letters or complaints requesting specific action which have no further value after changes are made or action taken (such as name or address change)	(1)
6.	Other letters of inconsequential subject matter or which definitely close correspondence to which no further reference will be necessary	(1)
7.	Chronological correspondence files	(1)
B.	LETTERS TO BE KEPT FROM 1 TO 5 YEARS	RETENTION PERIOD
1.	Letters explaining but not establishing company policy	(1 - 5)
2.	Letters relating to establishing credit	(1 - 5)
3.	Collection letters after the account is paid	(1 - 5)
4.	Quotation letters where no contract results	(1 - 5)
C.	LETTERS TO KEEP INDEFINITELY OR FOR THE LIFE OF THE PRINCIPAL DOCUMENT WHICH IT SUPPORTS	
1.	Letters pertaining to patents, copyrights, bills of sale, permits, etc.	
2.	Letters which constitute all or a part of a contract or which are important in the clarification of certain points in a contract	
3.	Letters denying liability of the company	

SCHEDULE 7 (continued)

Page 17

D.	MISCELLANEOUS	RETENTION PERIOD
1.	Books, professional periodicals, published reports, etc.	(review annually for usefulness and discard obsolete material)
2.	Charitable contribution records	(7)
3.	Consultants reports	(2)
4.	Departmental budgets and related work sheets	(2)
5.	Major corporate and division policy and procedure manuals	(Originating department permanent-receiving department retain only current version)
6.	Major speeches by corporate officers	(4 thereafter, review for historical value)
7.	Material of historical value (pictures, publications, etc)	(P, in custody of archives or public relations department)
8.	Project files not otherwise classified	(review at close of project)
9.	Trade association materials	(review annually for usefulness)