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10 Monday, March 17, 2006

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19 NETWORK DEPOSITION SERVICES
20 2936 MCNEAL ROAD
 ALLISON PARK, PENNSYLVANIA 15219
 724-443-5730

NETWORK DEPOSITION SERVICES
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ALLISON PARK, PENNSYLVANIA 15219
724-443-5730

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15 Also Present:

16 Charles S. Bishop, Esquire
17 - - -

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23 2 - 1/23/06 letter to Ms. Gleason from
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25 3 - 11/30/37 member list of Air Hygiene
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1 MR. LAMM: This is David Lamm on behalf of
2 Mine Safety Appliances Company. I would request
3 that all those in the room followed by all of us
4 on the phone identify themselves and who they
5 represent in this case.

6 MS. SAVINIS: My name is Janice Savinis
7 and I represent the plaintiff, Mr. and Mrs.
8 Hanks, in this case.

9 MR. MILANOVICH: George Milanovich. I
10 represent IUNA, Union Carbide, St. Gobain and
11 Robertson Ceco.

12 MR. COHEN: Michael Cohen appearing on
13 behalf of Flowserve, although we may no longer be
14 of counsel of record, so I'm here to cover our
15 interests.

16 MR. ANDERSON: Adam Anderson for J.H.
17 Frantz, Ingersoll-Rand, Dezurik, Durametallic,
18 and Zimmerman.

19 MS. NOE: Shannon Noe for Fabri-Valve,
20 Copes-Vulcan, Sager Corporation, Martin-Marietta,
21 Plotkin Brothers, Fairmont Supply, Nagle Pumps,
22 J. M. Foster, and Atlas Industries.

23 MS. ALLAN: Paula Allan for CBS Corp.

24 MR. DOZ: Matt Doz, Argo Packing Company,
25 Taylored Industries, Inc.

1 MR. GEIS: Dennis Geis for Sepco Corp.,
2 Garlock Sealing Technologies, formerly known as
3 Garlock, Inc., and Washington Group International
4 formerly known as Badger Company.

5 MR. RICHARD: Ron Richert for George
6 V. Hamilton Inc., Stockham Valves & Fittings, and
7 Premier Refractories, Inc.

8 MR. WISE: Roger Wise for Safety First
9 Industries, Inc.

10 MR. BISHOP: Charles Bishop, observing.

11 MR. BARTHOLOMAEI: This is Mark
12 Bartholomaei for B.M. Kramer & Company, Inc.

13 MS. SHEEHAN: Kerry A. Sheehan for Crane
14 Co.

15 MR. ZIDIK: Nicholas Zidik, Honeywell,
16 Inc. and Allied Glove.

17 MR. GAILEY: Matthew Gailey for Rust and
18 Brand.

19 MR. LARRIMER: Marilyn Larrimer Oglebay
20 Norton.

21 MR. GAILEY: Universal Rust, I apologize,
22 I'm sorry.

23 MS. PRIMIS: Michelle Primis, Cashco and
24 Flowserve.

25 MS. SIMMONS: Janette Simmons Claud S.

1 Gordon.

2 MR. LAMM: Would those on the phone kindly
3 identify themselves, please.

4 MR. TURLIK: My name is John Turlik for
5 BW/IP, Inc.

6 MR. WALKER: This is Richard Walker
7 representing Hedman Resources Limited.

8 MR. WEHRLE: Jason Wehrle, W-E-H-R-L-E,
9 representing F.B. Wright of Pittsburgh, Hunter
10 Sales Corporation, and A.O. Smith.

11 MS. REENOCK: Jessica Reenock,
12 R-E-E-N-O-C-K, for Eaton Corporation.

13 MS. GORUM: Luciana Gorum, G-O-R-U-M, for
14 Pittsburgh Metals Purifying.

15 MR. LAMM: Is there anyone else on the
16 phone who hasn't identified themself?

17 MR. WOLFORD: Dennis Wolford on behalf of
18 Riley Stoker and Green Tweed.

19 MS. SAVINIS: Dave, would you be so kind
20 as to state your name and who you represent?

21 MR. RYAN: Dave Ryan, list me as also
22 present for now, please.

23 MR. LAMM: Who do you represent, Mr. Ryan?

24 MR. RYAN: I'll be also present. I have
25 to check on the exact client.

1 MR. LAMM: Okay. Before we begin, Janice,
2 we are going to limit this deposition to heat
3 protective clothing, in as much as Mr. Hanks
4 claims exposure to protective coats and spats.

5 Mr. Seibel has prepared himself on those
6 issues and has conducted some research and I have
7 asked him to bring some documents with him today
8 that we will give to you now so that you have
9 them for this deposition.

10 Mr. Seibel --

11 MS. SAVINIS: Wait a second. Did you say
12 he is limiting -- you are limiting his testimony
13 to protective clothing?

14 MR. LAMM: To heat protective clothing.

15 MS. SAVINIS: What did you say then about
16 spats?

17 MR. LAMM: Mr. Hanks has testified in his
18 deposition that he claims exposure to spats and
19 to coats.

20 MS. SAVINIS: So you are limiting his
21 testimony to spats and coats?

22 MR. LAMM: No, we are not limiting to
23 spats and coats, but we are limiting his
24 testimony to heat protective clothing.

25 MS. SAVINIS: You know, Dave, I'm offended

1 by this because we were before the court, you
2 were before the court with Mike Gallucci from our
3 office and at that time you had never disclosed
4 your intention of limiting the scope of this
5 deposition in any way, shape, or form. Had you
6 advised me of that, and that you were going to be
7 producing documents today, we could have dealt
8 with that beforehand with the Judge.

9 It may not be necessary, but I want to
10 preserve my right to object to you conducting
11 this deposition in this fashion and then I raise
12 the issue that at a future date we may have to
13 bring back Mr. Seibel.

14 MR. LAMM: Let me clarify this, Janice.

15 MS. SAVINIS: Okay.

16 MR. LAMM: When I indicated limitation to
17 heat protective clothing, that addresses your
18 item A out of your five items in your notice.
19 Mr. Seibel is prepared to address your items B,
20 C, D, and E that are part of the notice, but with
21 respect to item A, because of the claimed
22 exposure of Mr. Hanks in this case, we are
23 limiting this deposition to heat protective
24 clothing.

25 MS. SAVINIS: Well, we are going to have

1 to deal with that because the notice asked, hold
2 on one second, the notice letter that was sent on
3 January 23rd, 2006 requests that "Mine Safety
4 Appliance produce a witness or witnesses that
5 could discuss the following: A, outline any and
6 all asbestos-containing products manufactured,
7 supplied, and distributed by Mine Safety
8 Appliance."

9 Based on your comments, Dave, it leaves
10 me with the impression that there are other
11 asbestos-containing products that Mine Safety may
12 have manufactured that contained asbestos or
13 supplied a product that contained asbestos, but
14 you are limiting him here today to protective
15 clothing.

16 MR. LAMM: Mr. Seibel undertook some
17 research to be able to address the issues in this
18 case. He is not prepared today to talk about
19 other issues, whatever they may be, and that is
20 why we are limiting this, and we were trying to
21 be helpful by having Mr. Seibel research this
22 issue and provide you with some information.

23 MS. SAVINIS: Well, research the issue, I
24 served discovery on Mine Safety Appliance and
25 they answered that discovery and no documents

1 were produced at that specific point in time, but
2 I'm not going to delay this, I'm going to
3 preserve my right to bring back Mr. Seibel if it
4 is necessary, and we will go -- I think we should
5 move forward.

6 MR. LAMM: I think we should move forward,
7 as well, Janice, but the discovery that you had
8 served earlier just had to do with sales to job
9 sites. You recently served a request for
10 production just this past week on us and we are
11 working to address the areas in your request for
12 production, but that was just served, I believe,
13 on March 13, I may be off by a day, but that was
14 just recently served on us.

15 MS. SAVINIS: But David, you have to
16 understand, and in all fairness, to start now to
17 start reviewing documents when I'm here today to
18 conduct the deposition, I obviously would have
19 spent time reviewing these documents and would be
20 prepared to discuss those documents. Now, I'm
21 not prepared to discuss those documents. I have
22 no idea what these documents are and I am
23 prejudiced by that.

24 I certainly wouldn't expect to come to a
25 plaintiffs depo and hand you a large stack of

1 documents and say, "Dave, do your thing." It is
2 very unfair.

3 MR. LAMM: Janice, first of all, you
4 didn't ask for any documents to be produced. We
5 undertook the production of these documents. You
6 can ask him questions about heat protective
7 clothing, you can ask him questions about the
8 documents if you wish. Again, we were trying to
9 be helpful by having him look for these
10 documents. These were never requested by you.

11 MS. SAVINIS: Well, helpful is when you
12 give it to me in advance, but I want to move on.

13 MR. LAMM: Okay.

14 MS. SAVINIS: Dave, or Mr. Seibel, are
15 these my copies right here?

16 MR. LAMM: Yes.

17 MS. SAVINIS: And you have your own today,
18 Mr. Seibel, to testify from, or do I need to make
19 copies of these?

20 MR. LAMM: He has his own.

21 THE WITNESS: I have my own.

22 MS. SAVINIS: With you here today?

23 THE WITNESS: Yes.

24 MR. LAMM: And part of these documents,
25 Janice, do relate to your request for production

1 that you recently served on us because you had
2 asked for catalogs for a period of time, so what
3 we provided you with was catalogs, bulletins,
4 data sheets, specifications with respect to spats
5 and specifications with respect to coats.

6 MS. SAVINIS: For the record, we will have
7 marked as Plaintiff's Exhibit No. 1 the documents
8 that Attorney Lamm and Mr. Seibel produced this
9 morning.

10 I think we should just move forward, and
11 if I need to go to the Court at a later time, so
12 be it.

13 (Thereupon, Plaintiff's Deposition Exhibit
14 No. 1 was marked for identification.)

15 MR. LAMM: That's fine.

16 VIDEO OPERATOR: This is the video
17 deposition of Charles Seibel taken by the
18 plaintiff in the matter of Hanks versus American
19 Optic Corporation, et al., filed in the Court of
20 Common Pleas Pennsylvania, case number 0527730.

21 This deposition is being held at the law
22 offices of Savinis, D'Amico & Kane located in the
23 Gulf Tower, 707 Grant Street, Suite 3626, on
24 Friday, March 17th, 2006.

25 My name is Dax Parise, the video

1 specialist, and the court reporter is Terri
2 Urbash. We are going on the record. The time is
3 10:13 a.m. The court reporter will now swear in
4 the witness.

5 CHARLES J. SEIBEL
6 called as a witness by the Plaintiffs, having been
7 first duly sworn, as hereinafter certified, was
8 examined and testified as follows:

9 EXAMINATION

10 BY MS. SAVINIS:

11 Q Mr. Seibel, will you be so kind and state
12 your name and your business address for the record.

13 A My name is Charles J. Seibel, Jr. The
14 business address is Mine Safety Appliances Company,
15 121 Gamma Drive, Pittsburgh, Pennsylvania, 15238.

16 Q And what community is Gamma Drive?

17 A It is in O'Hara Township.

18 Q Would you be so kind and also provide us
19 with your home address.

20 A My home address is 504 Rywood Court, that
21 is R-Y-W-O-O-D, Cranberry Township, Pennsylvania,
22 16066.

23 Q How old are you today?

24 A I'm 52.

25 Q And are you currently employed by Mine

1 Safety Appliance?

2 A Yes, I am.

3 Q Mr. Seibel, prior to your deposition
4 today, Dave Lamm, who represents Mine Safety here in
5 our community, provided me with some deposition
6 transcripts that I had an opportunity to review, and
7 hopefully that will speed this process along.

8 I understand that you have testified on a
9 number of occasions in this type of setting, but I
10 want to tell you that if you at any time during the
11 course of this deposition want to take a break, please
12 let me know and I will certainly accommodate you.

13 If you don't understand a question, please
14 let me know and I will rephrase it so that you
15 understand my question.

16 I will wait until you finish answering my
17 question and I will ask that -- strike that.

18 I will extend a courtesy to you, I will
19 wait until you complete your answer before I begin my
20 next question, and I would ask that you extend the
21 same courtesy to me, wait until the question is
22 complete before you begin your answer; fair enough?

23 A That sounds fine.

24 Q Can you tell us approximately if you know
25 on how many occasions you have been deposed as a

1 representative of Mine Safety Appliance?

2 MR. LAMM: With respect to protective
3 clothing?

4 MS. SAVINIS: Just generally as a
5 representative of Mine Safety Appliance.

6 A Approximately 20 times.

7 Q And out of those approximately 20
8 occasions, do you know how many of those depositions
9 were in regard to asbestos litigation?

10 MR. LAMM: Again, Janice, we are limiting
11 this deposition to protective clothing and we
12 provided you with the deposition transcripts in
13 that regard.

14 MS. SAVINIS: So you are not going to let
15 him answer that question?

16 MR. LAMM: We are limiting this deposition
17 today to protective clothing.

18 MS. SAVINIS: My question is very
19 specific. You are instructing this gentleman who
20 you produced today not to answer that question,
21 out of 20, approximately 20 occasions that he
22 testified, how many times was it in regard to
23 asbestos litigation, are you instructing him not
24 to answer?

25 MR. LAMM: Yes.

1 MS. SAVINIS: Okay.

2 Q Can you tell us out of those 20 occasions,
3 Mr. Seibel, how many of those depositions involved
4 asbestos protective clothing?

5 A I believe there were three depositions.

6 Q And did you review those transcripts prior
7 to today?

8 A To some degree, yes.

9 Q And when you say "to some degree," what do
10 you mean?

11 A I mean I didn't read them word for word,
12 but I reviewed them partially or to some degree.

13 Q And when did you do that, this week, last
14 week, could you just approximate for me?

15 A Within the past couple weeks.

16 Q And today you produced some documents that
17 I had marked as Plaintiff's Exhibit No. 1, did you
18 gather these documents?

19 A They were gathered under my direction.

20 Q And when did you do that?

21 A Over the past few weeks they were
22 gathered.

23 Q Are these business records of Mine Safety
24 Appliance?

25 A Yes, they are.

1 Q And can you tell me what these documents
2 are?

3 A Basically, they are excerpts of our
4 catalog and they are bulletins and data sheets
5 pertaining to asbestos-containing spats and coats for
6 various years. There is also drawings, engineering
7 drawings, and specifications for coats and spats.

8 Q And am I to understand that the documents
9 that you produced are limited to coats and spats?

10 A They were gathered for that purpose.
11 There may be other products that are depicted in the
12 same brochures and day sheets and catalog pages.

13 Q Are you representing today, Mr. Seibel,
14 that these are all the documents that Mine Safety
15 Appliance has that deal with asbestos spats and coats?

16 A I'm saying that these are engineering
17 drawings and data sheets and catalog pages from the
18 various years that, first of all, it was limited, this
19 was limited to years 1954 through 1984, so over those
20 years these are the catalog pages that contained
21 asbestos-containing coats and spats.

22 Q So the request to produce documents was
23 limited in time from '54 to '84?

24 A Yes.

25 MR. LAMM: That was the working history of

1 Mr. Hanks.

2 Q Was the request to produce documents
3 limited in any other way, or are you representing that
4 these are all the documents Mine Safety Appliance has
5 in their possession for asbestos coats and spats
6 during that time period that you have identified?

7 A I can't say that. I know that some of the
8 drawings were not -- were inadvertently omitted, they
9 were requested by myself, but my associate who
10 prepared this information inadvertently omitted some
11 coats over some different lengths, there are three
12 lengths that weren't provided.

13 Q Okay. Any other limitation in regard to
14 these documents?

15 A These cover the latest revision of the
16 products that are identified and these are the top
17 assembly drawings for those items.

18 Q Other than the drawings that were
19 inadvertently omitted, are there other documents on
20 asbestos coats and spats during that time period that
21 you had identified?

22 A I don't know. These are the documents
23 that we undertook to collect.

24 Q Okay. But you can't make a representation
25 that these are all the documents for that limited time

1 frame?

2 A We collected catalog pages and brochures
3 and data sheets and engineering drawings, top assembly
4 drawings, for those years.

5 Q Okay. But you are not representing that
6 you can say, "This is it, Janice. This is all
7 Mine Safety Appliance has"?

8 MR. LAMM: I think he already told you
9 that some items had been omitted.

10 Q Other than those items that were
11 inadvertently omitted?

12 A I don't know.

13 Q Okay. Fair enough.

14 Who was your assistant that pulled these?

15 A We have a paralegal that pulled the
16 information.

17 Q And who was that paralegal?

18 A Kimberly Knox.

19 Q Would you spell her last name.

20 A K-N-O-X.

21 Q Was Kimberly the only individual that was
22 involved in pulling these documents?

23 A No.

24 Q Who else was involved?

25 A We had an individual who actually made the

1 copies off of microfilm for these old engineering
2 drawings and specifications.

3 Q And who was that?

4 A His name was George Barabes.

5 Q And can you spell his last name?

6 A I believe it is B-A-R-A-B-E-S.

7 Q Both employees of Mine Safety?

8 A Yes.

9 Q Anyone else involved in producing these
10 documents?

11 A No, there wasn't.

12 Q And it is my understanding that you have a
13 mechanical engineering degree from Penn State?

14 A Yes.

15 Q And prior to that you had gone to
16 Community College?

17 A Community College of Allegheny County,
18 yes.

19 Q You began your employment with Mine Safety
20 Appliances, my understanding, in March of 1977?

21 A That's correct.

22 Q And prior to March of 1977 you were not
23 affiliated in any way with Mine Safety Appliance?

24 A That's correct.

25 Q The only reason why I ask you that, you

1 had mentioned some part-time jobs and there was no
2 follow-up in previous transcripts whether those
3 part-time jobs were with Mine Safety Appliance, so
4 that's why I asked it, so your very first employment
5 with MSA was March 1977?

6 A Yes, it was.

7 Q And I understand that from March of 1977
8 up until 1991 you were essentially a design engineer?

9 A Design engineer or senior design engineer.

10 Q And then from 1991 on you became part of
11 the legal department within MSA?

12 A I became part of the law department in
13 1991, yes.

14 Q And in the prior transcripts you were
15 identified as the manager of product safety; is that
16 your title today?

17 A Yes, it is.

18 Q And you have held that title within the
19 law or legal department since 1991?

20 A Yes.

21 Q Are there other individuals that hold that
22 same job title, manager of product safety, or are you
23 the only individual?

24 A I'm the only individual that has that
25 title.

1 Q And you, after you finished your education
2 experience at Penn State as an engineer, you did take
3 some litigation courses at Robert Morris?

4 A That's correct.

5 Q And one of your functions is to, as the
6 manager of product safety, is to assist counsel, such
7 as Mr. Lamm and Mr. Bishop, in legal matters that MSA
8 may be confronted with?

9 A Yes, that's part of my responsibilities.

10 Q And in the past when I have served
11 requests for information, discovery materials to Mine
12 Safety Appliance, at times I would see that you would
13 execute the verification that would be attached to
14 interrogatories; is that part of your function as the
15 manager of product safety?

16 A Yes, it is.

17 Q Are you the only individual that verifies
18 discovery in Pennsylvania or are there other
19 individuals that sign a verification for discovery
20 responses?

21 A I think I'm the only one who does that.

22 Q Okay. And have you done that since 1991?

23 A Yes.

24 Q And would this be accurate, it doesn't
25 matter the type of case, it is not as though your

1 authority or your ability to sign verification goes
2 beyond asbestos cases?

3 A Are you asking if I verified responses?

4 Q To discovery and litigation that has
5 nothing to do with asbestos?

6 A Yes, I signed verifications for other
7 products.

8 (Thereupon, Plaintiff's Deposition Exhibit
9 No. 2 was marked for identification.)

10 Q Okay. I'm going to have marked as Exhibit
11 No. 2 to this deposition a letter that I had
12 referenced while we were off the record, and I will
13 hand you a copy and then I will hand Mr. Bishop and
14 Mr. Lamm also copies, and it is a letter that I
15 authored on January 23rd, 2006, and I sent it to
16 Attorney Jocelyn Gleason, who is affiliated with the
17 same law firm as Mr. Lamm, Davies McFarland & Carroll,
18 and I requested that Ms. Gleason on behalf of Mine
19 Safety Appliance produce a witness or witnesses that
20 could answer the following: "A, outline any and all
21 asbestos-containing products manufactured, supplied
22 and distributed by Mine Safety Appliance; B, outline
23 sales of said products to U.S. Steel," where Mr. Hanks
24 had worked, "C outline the trade associations to which
25 the defendant was a member; D, outline the record

1 retention policy of the defendant; E, outline when the
2 defendant became aware of the health hazards linked
3 with asbestos."

4 Mr. Seibel, did you ever see this letter?

5 A Yes, I have.

6 Q And can you tell us what you feel that you
7 are in a position to testify about today, that you
8 have knowledge of?

9 MR. LAMM: As I indicated earlier, Janice,
10 Mr. Seibel is prepared to address each of these
11 areas in your letter with the limitations set
12 forth with respect to item A earlier in the
13 deposition.

14 MS. SAVINIS: And what is that limitation
15 so it is on the video?

16 MR. LAMM: The limitation is that
17 Mr. Seibel has researched and is prepared to talk
18 about heat protective clothing because that is
19 the type of product that your client, Mr. Hanks,
20 claims he was exposed to.

21 Q And Mr. Seibel, just so I have your
22 testimony, you believe you are competent to address
23 not only asbestos protective clothing, which is A, you
24 can outline and testify to my request as to B, C, D,
25 and E?

1 A Yes, I am prepared to discuss the other
2 items in this letter.

3 Q Are there any other current employees that
4 may be in a better position than you, Mr. Seibel, to
5 answer these questions, that you are aware of?

6 MR. LAMM: Object to the form. I don't
7 know what you mean by "better position."

8 MS. SAVINIS: Have more knowledge.

9 A I don't believe so.

10 Q Can you tell me what -- or excuse me, when
11 Mine Safety Appliance became aware of the health
12 hazards linked with asbestos?

13 MR. LAMM: I would object to the form of
14 that question in as much as it is not clear as to
15 the types of products, it is not clear as to the
16 types of asbestos, it is not clear as to the
17 levels of exposure, it is not clear as to the
18 working conditions, and therefore, I would just
19 object to the form.

20 If you could clarify it, Janice, perhaps
21 Mr. Seibel would be able to answer.

22 MS. SAVINIS: Are you directing him not to
23 answer that question?

24 MR. LAMM: No, I'm not. The question is
25 very vague, that's all.

1 MS. SAVINIS: I think it is pretty clear,
2 in my view.

3 Q You understand the question, you have
4 answered it before. So my question is: Mr. Seibel,
5 if you know, can you tell us when Mine Safety
6 Appliance became aware of the health hazards linked
7 with asbestos?

8 MR. LAMM: I would just assert the same
9 objection because that question is very vague.
10 If you can understand it or clarify it, that is
11 fine, Mr. Seibel.

12 A I think the knowledge of the health
13 hazards of asbestos evolved over time. Certainly
14 with the establishment of OSHA and the exposure
15 limits there was a knowledge of those exposure limits,
16 and it evolved over time and it is continuing to
17 evolve, and I can't say that there was one particular
18 date when we didn't know of hazards and the next day
19 we did.

20 Q So it is something that just took some
21 time, it just didn't happen on one day?

22 A It took some time, it evolved over time,
23 the knowledge of asbestos and health hazards.

24 Q I'm going to hand you a document that we
25 will have marked as Plaintiff's Exhibit No. 3.

1 (Thereupon, Plaintiff's Deposition Exhibit
2 No. 3 was marked for identification.)

3 Q It was a document --

4 MR. LAMM: May I see that, please?

5 MS. SAVINIS: Absolutely. I'm going to
6 give you a copy.

7 MR. LAMM: That's okay, Janice. Thank
8 you.

9 MS. SAVINIS: Gentleman, if you could
10 share those.

11 Q Mr. Seibel, this document was a document
12 that was produced pursuant to a request for documents
13 to the IHF, the Industrial Hygiene -- or Industrial
14 Health Foundation, and they produced these documents,
15 they are membership lists.

16 And on the first page it says, "Members of
17 the Air Hygiene Foundation as of November 30, 1937,"
18 and if you look, and I highlighted, "Mine Safety
19 Appliance."

20 And then if you look at the next page, it
21 is the membership list, if you look at the top, for
22 1981, "4-29-81," and if you flip to the second page,
23 you will see Mine Safety Appliance and it tells you
24 the year that Mine Safety Appliance joined the IHF,
25 and that was -- which at that point in time was known

1 as the Air Hygiene Foundation, the date is listed as
2 1936; do you see that?

3 A Yes, I do.

4 Q And were you aware prior to today that
5 Mine Safety Appliance was a member of the Air Hygiene
6 Foundation and/or IHF since 1936?

7 A I was aware that Mine Safety Appliance as
8 a company was a member of the Air Hygiene Foundation.
9 I wasn't certain of the exact year.

10 Q I'm going to show you a document that I am
11 going to mark as Exhibit No. 4.

12 (Thereupon, Plaintiff's Deposition Exhibit
13 No. 4 was marked for identification.)

14 Q Once again, this is a document that was
15 produced by the IHF, and if you look at the top it is
16 dated "May 1945" and it is entitled, "Foundation
17 Trustees Hold Spring Meeting."

18 If you look at the photograph, Mr. Seibel,
19 you will see it is noted, "The board of trustees of
20 Industrial Hygiene Foundation held their spring
21 meeting in the boardroom of the Johns-Manville
22 Corporation in New York on May 10th. Trustees present
23 are pictured below." And I direct your attention to
24 the last person at the boardroom table at Johns-
25 Manville and his name is "W.P. Yant," Y-A-N-T, and he

1 is listed as a representative of Mine Safety
2 Appliance. Do you see that?

3 A Yes.

4 Q Did you ever hear of Mr. W.P. Yant?

5 A Yes.

6 Q And can you tell us what position Mr. Yant
7 held?

8 A I don't know his exact position at Mine
9 Safety Appliances Company.

10 Q Was he an owner of the business?

11 A No, I don't believe so.

12 Q Do you know what years Mr. Yant was
13 employed by Mine Safety Appliance?

14 A I don't recall.

15 Q Were you aware, prior to today and being
16 shown this photograph, that Mr. Yant was a trustee
17 back in 1944 of the Industrial Hygiene Foundation?

18 A I don't know whether he was a trustee. I
19 didn't know that prior to this document.

20 Q Okay. Did you ever hear of a gentleman by
21 the name of Eugene --

22 MR. LAMM: Maybe we should go off the
23 record.

24 MS. SAVINIS: One moment.

25 VIDEO OPERATOR: We are going off the

1 record. The time is so 10:36.

2 (Recess taken.)

3 VIDEO OPERATOR: We are going back on the
4 record. The time is 10:39.

5 BY MS. SAVINIS:

6 Q Sorry for the interruption. I was ready
7 to ask you about a gentleman by the name of Eugene
8 Merry, his last name would be spelled M-E-R-R-Y, and
9 my question is, do you know Mr. Merry or did you know
10 Mr. Merry?

11 A Yes, I knew of Mr. Merry.

12 Q You knew of him?

13 A Yes.

14 Q You personally didn't know him?

15 A Not on a personal level, no.

16 Q Okay. And how was Mr. Merry employed?

17 A He was president of Mine Safety Appliances
18 Company.

19 Q Do you know what years Mr. Merry served as
20 president of Mine Safety Appliance?

21 A I don't know offhand, no.

22 Q Do you know if Mr. Merry is alive today?

23 A No, he is deceased.

24 Q And do you know just generally when he
25 passed away?

1 A I believe it was last spring.

2 Q Did he always -- did he pass on, was he a
3 resident of the community here, Pittsburgh community?

4 A Yes, he lived in the Pittsburgh area.

5 (Thereupon, Plaintiff's Deposition Exhibit
6 No. 5 was marked for identification.)

7 Q I'm going to show you a document that I'm
8 going to mark as Plaintiff's Exhibit No. 5. I will
9 pass one on to Dave Lamm. It is another document that
10 was produced by the Industrial Hygiene Foundation.

11 If you could flip to the first tab.

12 MR. LAMM: Wait a second. I don't have a
13 tab on mine. What is that page?

14 Q As we noted, this document is dated "The
15 1967 Annual Report of the Industrial Hygiene
16 Foundation," and on this page under the heading
17 "Research Laboratory," there is reference to Dr. Paul
18 Gross and "asbestos bioeffects"; do you see that?

19 A Yes.

20 Q Did you ever see this document before?

21 A No, I haven't.

22 Q And then if we go to the next tabbed
23 section -- and let's give Mr. Lamm a chance to get
24 there.

25 MR. LAMM: Okay.

1 Q There is reference at the top of the page,
2 "officers and members of the board of trustees," and
3 if you go down you will see that E.W. Merry of Mine
4 Safety Appliance is on the board of trustees; do you
5 see that?

6 A Yes, I do.

7 Q And actually, if you flip to the
8 final section, there is a photograph of Mr. Merry,
9 it says "New members of the board of trustees,
10 Eugene W. Merry."

11 Now, did you know that Mr. Merry was
12 serving as a trustee at some point in time for the
13 IHF?

14 A No, I didn't.

15 Q Do you have a general idea, Mr. Seibel,
16 when Mr. Merry would have served as the president of
17 Mine Safety Appliance, like the years?

18 A I think you asked that question and I -- I
19 know that when I was hired in 1977 he was president.

20 Q He was president then?

21 A Yes.

22 Q And do you know when he retired or left
23 Mine Safety Appliance?

24 A He retired and then came back to serve
25 another period of time as president, but I don't

1 recall the years that that occurred.

2 Q If I asked Mine Safety in an interrogatory
3 about the years Mr. Merry served as the president, do
4 you know if there were documents that would allow you
5 to provide that information?

6 A I believe there are documents that would
7 indicate when Mr. Merry was president.

8 Q Okay. Fair enough. Then I will just go
9 that road.

10 I am going to show you now a document that
11 we will have marked as Exhibit No. -- I think it is,
12 let's see, we are going to mark it as Exhibit No. 6,
13 and it is a document from the Industrial Hygiene
14 Foundation. It is their 1969 annual report.

15 (Thereupon, Plaintiff's Deposition Exhibit
16 No. 6 was marked for identification.)

17 Q Once again, you have never seen this
18 document before?

19 A I don't recall seeing it before.

20 Q Do you know if Mine Safety Appliance has
21 any Industrial Hygiene Foundation documents in their
22 possession as a record, a business record?

23 A I don't know.

24 Q Do you know if you have ever made a search
25 for such records?

1 A I don't recall.

2 Q If you would be so kind to flip to the
3 first section, which is entitled at the top of the
4 page "IHF Programs, Experimental Research, Fibrous
5 Dust," do you see that?

6 A Yes.

7 Q And do you know, sir, if asbestos is a
8 fibrous dust?

9 A I don't know.

10 Q Okay. And if you flip to the second page
11 there is a section entitled "Asbestos"; do you see
12 that?

13 A Okay. Page 3. Yes.

14 Q Sir, did you know that the IHF looked at
15 asbestos and asbestos-related issues, like how to
16 prevent disease, did you know that?

17 A I wasn't familiar with that, no.

18 Q Okay. And finally, the last tabbed
19 section, once again, board of trustees, Mr. Merry is
20 listed again as a Mine Safety Appliance representative
21 sitting on the board of trustees for the IHF.

22 Sir, do you know of any employees that you
23 recall that served on any board or panel for the IHF?

24 A No, not to my knowledge.

25 Q Do you know if you ever researched that

1 issue?

2 A I don't recall researching that issue.

3 Q Okay. Sir, I'm going to hand you Exhibit
4 No. 7.

5 (Thereupon, Plaintiff's Deposition Exhibit
6 No. 7 was marked for identification.)

7 MS. SAVINIS: I will hand one to Dave
8 Lamm.

9 Q I am representing to you that every month
10 the Industrial Hygiene Foundation would issue a
11 digest, and that's what the cover of the digest looked
12 like, and in the digest there would be summaries of
13 medical articles that were published in the
14 literature, medical articles, engineering articles,
15 and I have provided you with some of those summaries
16 that would have been received in the digest by every
17 member because it was the digest -- because the digest
18 was sent out once a month.

19 MR. LAMM: That doesn't necessarily mean
20 that every member received it.

21 MS. SAVINIS: That's the representation of
22 the IHF, and I understand that.

23 Q Did you ever -- in looking at business
24 documents of Mine Safety Appliance, did you ever see
25 any Industrial Hygiene digests?

1 A I don't recall seeing Industrial Hygiene
2 digests.

3 Q That was produced by the IHF?

4 A No, I haven't seen this document before.

5 Q Okay. Now, the first document or medical
6 article that was summarized in the digest is entitled,
7 "The Occurrence of Pulmonary Fibrosis and Other
8 Pulmonary Affections in Asbestos Workers," and that
9 was published for the members back in 1930. You have
10 never seen this summary before?

11 A No, I haven't.

12 Q The next article, this "JIH" stands for
13 "Journal of Industrial Hygiene." Are you familiar
14 with that journal?

15 A I'm familiar with the Industrial Hygiene
16 Journal.

17 Q Okay. Did you see this article ever, it
18 is entitled -- it was published in 1930, "Further
19 Observation on Pulmonary Asbestosis with Special
20 Reference to Asbestos Dust and Curious Bodies Found in
21 Lungs"?

22 A I have never seen this before.

23 Q Let's flip to the third page. The article
24 that was published was dated 1931. It is entitled,
25 "Asbestos Dust and Asbestos Bodies From Lungs of

1 Asbestos Workers." Did you ever see that article?

2 A Not that I recall.

3 Q Did you ever see this summary in the
4 business records of Mine Safety Appliance?

5 MR. LAMM: There doesn't appear to be any
6 summary on that page, just a title of the
7 document.

8 MS. SAVINIS: Fair enough.

9 MR. LAMM: Okay.

10 Q Did you ever see this index card that has
11 "Mellon Institute Industrial Research" on there?

12 A No, I never saw it.

13 Q Next article is from 1932 entitled,
14 "Asbestosis." Did you ever see this index card from
15 the IHF?

16 A No, I haven't seen it.

17 Q And if you go on you will start to see
18 that there are documents, one is entitled, "Asbestosis
19 as an Industrial Disease," that was published in 1934,
20 and as you go on, these are -- you are going to start
21 to see an article that is published in 1936 entitled,
22 "Pulmonary Asbestosis and Carcinoma," did you ever
23 hear of that word, "Carcinoma"?

24 A I may have heard that.

25 Q Do you know if that means cancer?

1 A I don't know.

2 Q The next article is entitled, "Two Cases
3 of Squamous Carcinoma of the Lung Occurring in
4 Asbestosis" published in October of 1935, sent to the
5 IHF members in 1936. Did you ever see that index
6 card?

7 A No, I never saw this index card. I don't
8 know how you know that it is sent to the members.

9 Q In 1936 by the date in the far right. You
10 have never seen these cards, so you are not familiar
11 with those?

12 A I have never seen these cards.

13 MR. LAMM: Janice, before your next
14 question, I would just object to the relevancy of
15 all of this since you have indicated or shown
16 Mr. Seibel a document which shows that Mine
17 Safety didn't become a member until 1936 and all
18 of these articles predate their membership.

19 MS. SAVINIS: We were going to go through
20 some more of these.

21 MR. LAMM: But with respect to ones that
22 you talked about so far.

23 Q In February of 1938 there is an article
24 that is sent entitled "Pathological: Anatomy of
25 Asbestosis," do you see that? That was sent to

1 members in February of 1938.

2 Next article, "The Prevention of
3 Asbestosis in Industry" sent to members April 1938.

4 Sir, did you know that there were medical
5 articles published in the -- after 1936 but still in
6 the 1930s that talked about the disease asbestosis and
7 asbestos being a cancer-causing agent; did you know
8 that?

9 A I'm not familiar with that.

10 Q Sir, if Mine Safety Appliance was a member
11 of the IHF since 1936, and Mine Safety Appliance
12 employees such as the president, or Mr. Yant, the
13 gentleman who was in the board room of Johns-Manville,
14 had this information that asbestos caused -- could
15 cause a disease known as asbestosis and could be
16 linked with cancer, is it reasonable to infer based on
17 Mine Safety Appliance's involvement and participation
18 with the IHF that Mine Safety Appliance knew back then
19 -- let me finish, Dave -- that asbestos caused
20 asbestosis and lung cancer, or cancer, back in the
21 '30s?

22 MR. LAMM: I would object to the form of
23 that question in as much as it assumes many
24 things. It assumes that a particular article was
25 sent to MSA, it assumes that, you know, they

1 received these things, and it is also a compound
2 question, so I would object.

3 If you could clarify it, Janice, maybe
4 Mr. Seibel could answer it.

5 Q Real simple, if MSA employees,
6 high-ranking employees were members of the IHF and
7 received these medical articles, did MSA have
8 knowledge that asbestos caused disease back in the
9 '30s?

10 MR. LAMM: I would object again on the
11 same basis. You are assuming that they had it
12 and you are asking a hypothetical question. I
13 don't know how this witness is in the position to
14 answer this one way or the other.

15 MS. SAVINIS: Let him assume that they
16 received these articles for purposes of my
17 question.

18 MR. LAMM: That is not a proper question.

19 MS. SAVINIS: Are you instructing him not
20 to answer, Dave?

21 MR. LAMM: I'm not instructing him not to
22 answer, I'm noting my objection for the record.
23 I don't know how a witness can answer a question
24 in the vacuum in which you ask him to assume that
25 somebody had some information and knowledge when

1 he may or may not know. Maybe the better
2 question is whether he knows whether they had
3 this information.

4 MS. SAVINIS: You can ask your questions
5 when I'm done. I'm asking my questions now.

6 A Well, it is a hypothetical question. I
7 don't know for certain that we received these
8 documents in the years indicated on the cards. I can
9 say that the knowledge of the hazards of asbestos has
10 evolved over time and I can't put any specific date to
11 it because I don't know that we actually saw this
12 information.

13 Q Now, you had mentioned, you talked about
14 the knowledge of the hazards of asbestos evolved over
15 time and you had mentioned OSHA in answering your
16 question; do you recall that?

17 A Yes.

18 Q And do you know when OSHA came into
19 existence?

20 A In the early '70s.

21 Q And do you believe prior to OSHA coming
22 into existence in the early 1970s, there were medical
23 articles out there linking asbestos with cancer?

24 A As I mentioned, the knowledge evolved over
25 time. I don't know today what specific articles were

1 available and when they were available and whether we
2 saw them or not, but MSA's knowledge of the hazards of
3 asbestos evolved over a period of time.

4 Q How do you know that?

5 A Because it is continuing to evolve today.
6 We are continuing to learn more and more about
7 hazardous substances, including asbestos.

8 Q When you started in March of 1977, did you
9 as an engineer for MSA know that -- believe that there
10 were hazards linked with asbestos?

11 MR. LAMM: Again, I would object to the
12 form of the question in as much as we don't know
13 the type of asbestos, we don't know the quantity
14 of asbestos, we don't know the type of product at
15 issue. It is just a very broad question when you
16 ask about hazards of asbestos. You may answer.

17 A I can't say, in 1977 I was not familiar
18 with a lot of things that the company was involved
19 with so I can't say whether -- what I knew at that
20 time.

21 Q Putting aside what, you know, what the
22 company was involved in, at that point in time, as an
23 engineer, did you know that there were health hazards
24 linked with asbestos?

25 A I don't recall.

1 Q Did there come a point in time when you as
2 an MSA employee learned that there were hazards linked
3 with asbestos?

4 A I think in the '70s when OSHA established
5 a PEL, there was a knowledge of that asbestos was a
6 hazardous substance at that point in time.

7 Q And when was that?

8 A I don't know the date exactly. I mean, we
9 can get that information for you or you can get it
10 yourself, but -- the history of the PEL as it changed
11 over the years and when it was first established.

12 Q Do you believe that there were standards
13 for asbestos exposure prior to OSHA?

14 A I'm not familiar with any other standards,
15 other than the OSHA standard.

16 Q Before you moved to the legal department
17 in 1991, did you have knowledge that Mine Safety
18 Appliance manufactured any asbestos-containing
19 products?

20 A I don't know that I did.

21 Q Would this be an accurate statement,
22 Mr. Seibel, that you personally never were involved
23 in, as an engineer, in designing any asbestos-
24 containing product for Mine Safety Appliance?

25 A That's correct, I was not involved in any

1 asbestos-containing product and design of such.

2 Q And Mr. Seibel, you were not involved in
3 any way in designing asbestos protective clothing?

4 A I did not work on or design protective
5 clothing.

6 Q And you were never involved in selling
7 asbestos-containing clothing to any customer for Mine
8 Safety Appliance; would that be true?

9 A That's true, I was not in sales so I did
10 not sell any product to any customer.

11 Q Okay. Now, can you tell us today, and we
12 will divide this up, first of all, what asbestos-
13 containing products that you believe -- strike that.

14 Do you believe that Mine Safety Appliance
15 manufactured asbestos-containing products beyond
16 protective clothing?

17 MR. LAMM: I would object to the form of
18 that question in as much as we have already
19 indicated that given your client's allegations
20 with respect to spats and with respect to coats,
21 that this deposition is about spats and coats
22 today.

23 MS. SAVINIS: So you are instructing him
24 not to answer that?

25 MR. LAMM: Yes.

1 Q Can you list for us the asbestos-
2 containing protective clothing that Mine Safety
3 Appliance manufactured?

4 A Well, I have conducted a search and I
5 provided some documents today that indicate the
6 asbestos-containing heat protective coats and spats
7 that MSA sold in the years 1954 through 1984.

8 Q Did Mine Safety Appliance sell or supply
9 asbestos-containing protective clothing beyond spats
10 and coats?

11 A There are other products in our catalog
12 and maybe depicted in the documents that I have
13 provided.

14 Q But you can't give us a list of those
15 products here today on your own?

16 A No, no, I can't.

17 Q Okay. I'm going to tell you what I did,
18 Mr. Seibel. One of the deposition transcripts that I
19 was provided of you, attached to it were a number of
20 exhibits with protective clothing, asbestos protective
21 clothing, and I went through those and leafed through
22 those and came up with a list, and I want to ask you
23 about if you have a recollection of looking at similar
24 documents; okay?

25 Did Mine Safety Appliance sell asbestos

1 gloves?

2 A MSA sold asbestos-containing gloves up to
3 1984.

4 Q Okay. And did MSA sell
5 asbestos-containing mitts or mittens?

6 A I think included in that product line was
7 asbestos-containing mittens.

8 Q And did they sell asbestos-containing
9 sleeves?

10 A I think there were asbestos-containing
11 sleeves.

12 Q Sometimes they are called even like, they
13 were called arm protectors, sleeves, I'm assuming it
14 is the same thing, did you see arm protectors, also?

15 A I think so, I'm not certain.

16 Q Okay. How about asbestos-containing
17 finger guards, did you see those?

18 A I don't know.

19 Q How about asbestos-containing hand pads,
20 did MSA sell asbestos-containing hand pads?

21 A I don't know.

22 Q How about asbestos-containing -- did they
23 sell asbestos-containing leggings?

24 A We sold leggings, I don't recall whether
25 they are asbestos containing or not.

1 Q How about aprons, did MSA sell asbestos-
2 containing aprons?

3 A Again, I believe we sold aprons, I don't
4 know whether they contained asbestos.

5 Q But if attached to one of your transcripts
6 was a Mine Safety Appliance catalog that showed
7 asbestos-containing aprons, you wouldn't dispute that?

8 A If I saw a document, if I saw a catalog
9 that indicated it, I likely wouldn't dispute it.

10 Q Okay. And coats, Mine Safety Appliance
11 sold asbestos-containing coats?

12 A As indicated in the documents I provided.

13 Q And you already told us about spats. Do
14 you know if Mine Safety Appliance sold asbestos-
15 containing hoods?

16 A I don't know.

17 Q But if it would be depicted in the
18 catalog, you wouldn't dispute it?

19 A I don't believe so.

20 Q Do you know if Mine Safety Appliance
21 manufactured any asbestos-containing protective
22 clothing?

23 A I think I indicated previously we had a
24 cut and sew department where we cut fabric and
25 manufactured clothing.

1 Q And when you say "clothing," what articles
2 are you talking about?

3 A Heat protective asbestos-containing
4 clothing.

5 Q But we went through some articles, what
6 articles are you talking about now? Are you talking
7 about did Mine Safety Appliance, you know, cut and sew
8 gloves or what specific articles?

9 A What specific products you mean?

10 Q Right.

11 A We never manufactured asbestos-containing
12 gloves.

13 Q What products did Mine Safety Appliance
14 manufacture in the protective clothing line?

15 A I'm not certain specifically. You can
16 look at some of the documents that I provided, which
17 indicate that some of the coats were manufactured by
18 MSA.

19 Q Okay. I don't want to confuse you,
20 Mr. Seibel. When I looked at your previous testimony,
21 it was your testimony that Mine Safety Appliance
22 manufactured some asbestos-containing, they were
23 called suits, I'm going to use the word that you use
24 and these lawyers use, everybody said, "asbestos-
25 containing suits," and then gloves, you testified Mine

1 Safety Appliance only sold asbestos gloves, would that
2 be your testimony today?

3 A Yes, we only sold the gloves.

4 Q Mine Safety only sold asbestos mittens,
5 they didn't manufacture them?

6 A That's correct.

7 Q Okay. Now, you are telling me in regard
8 to coats that Mine Safety Appliance may have
9 manufactured some asbestos-containing coats?

10 A Yes, that's correct.

11 Q Okay. It is hard because when they use
12 this term "suit," I don't know if that means, you
13 know, that you sold it as one piece, so it was
14 unclear.

15 Beyond the coats, are there any other
16 products that Mine Safety manufactured that contained
17 asbestos in the protective clothing line?

18 A I'd have to research that. My research
19 today I'm providing is on coats and spats.

20 Q Did Mine Safety manufacture asbestos-
21 containing spats?

22 A I think all of those spats identified
23 there were purchased.

24 Q Not manufactured by MSA?

25 A Not manufactured, that's correct.

1 Q When Mine Safety Appliance -- did you
2 agree with my statement that you previously said Mine
3 Safety Appliance manufactured asbestos suits?

4 A It sounds familiar. I don't recall
5 reading that.

6 Q Okay. Do you know where
7 Mine Safety Appliance secured the cloth to make
8 asbestos-containing suits?

9 A Not specifically, no, I don't.

10 Q Do you know where Mine Safety Appliance
11 secured material, asbestos material, to manufacture
12 asbestos-containing coats?

13 A Offhand, I don't know.

14 Q Are there documents back at Mine Safety
15 Appliance that would answer that question?

16 A There may be. I can't be certain of that.

17 Q In the past you said in the Hart case,
18 that was one of the transcripts that was provided to
19 me, that the Mine Safety Appliance purchased asbestos
20 gloves from Aljay Company, A-L-J-A-Y Company, Racine,
21 R-A-C-I-N-E, and Steel Grip; do you recall those
22 manufacturers of asbestos gloves that Mine Safety
23 Appliance sold?

24 A That sounds familiar, yes.

25 Q Are you aware of any other manufacturers

1 of asbestos gloves that Mine Safety Appliance sold?

2 A Not that I recall today.

3 Q For example, did Mine Safety Appliance
4 ever sell Wheeler protective asbestos-containing
5 gloves?

6 A I don't recall.

7 Q Do you know if Mine Safety Appliance sold
8 American Optical asbestos-containing gloves?

9 A I don't recognize that name as a glove
10 supplier.

11 Q Do you know if MSA sold A-Best asbestos-
12 containing gloves?

13 A I don't recognize that name as an asbestos
14 glove supplier.

15 Q How about Advance Glove Manufacturing
16 Company?

17 A I don't recall that.

18 Q Genco, G-E-N-C-O, or Genter, G-E-N-T-E-R?

19 A I don't recognize that name.

20 Q Keasley & Mattison?

21 A I don't recognize that name.

22 Q Olympic Glove?

23 A I recognize that name but I don't know
24 whether we ever bought anything from them.

25 Q How about OKI, three capital letters,

1 Supply Company?

2 A I don't recognize the name.

3 Q How about Safety First?

4 A I don't know.

5 Q But the three names that I had mentioned,
6 you recall those three, Aljay, Racine, and Steel Grip
7 as Mine Safety Appliance purchasing those gloves to
8 sell?

9 A I believe so, yes.

10 MR. LAMM: Janice, when it is appropriate,
11 we have been going for over an hour, if it would
12 be a good time to take a short break, if you are
13 done with that line of questioning. If it is
14 convenient to stop at this point.

15 MS. SAVINIS: If you want to take a break,
16 Mr. Seibel, you let me know. Do you want to take
17 a break?

18 MR. LAMM: I want to take a break.

19 MS. SAVINIS: That's fine, then we'll take
20 a break.

21 VIDEO OPERATOR: We are going off the
22 record. The time is 11:13.

23 (Recess taken.)

24 VIDEO OPERATOR: We are going back on the
25 record. The time is 11:24.

1 BY MS. SAVINIS:

2 Q Sir, if we could, I'd like to direct your
3 attention to Exhibit No. 1, which are the documents
4 that you were so kind to bring to me today, and the
5 first, which is over here, I'd like to refer you to
6 the 1957 bulletin. Is this 1957 bulletin a catalog of
7 MSA? Does bulletin mean catalog or is that something
8 different?

9 A It is more or less a brochure.

10 Q So in 1957, if you look at page 3, Mine
11 Safety was advertising aluminized asbestos coats,
12 aluminized asbestos aprons, aluminized asbestos
13 trousers, aluminized asbestos coveralls; correct?

14 A Yes.

15 Q And if you flip over to the next page they
16 were also advertising aluminum asbestos spats,
17 asbestos leggings, and asbestos gloves; correct?

18 A Yes, that's correct.

19 Q Do you know what on the page that you are
20 on, under "catalog number," what "CF" refers to? Do
21 you know?

22 A I don't know what that means.

23 Q Okay. Reading your prior depositions,
24 would this statement be accurate, for example, if we
25 are looking at MSA aluminized asbestos gloves in the

1 1957 bulletin, the first glove that is listed,
2 asbestos glove listed, has a catalog number of
3 CF 36464, that Mine Safety would have a document that
4 would coincide with that number, that would be a
5 drawing?

6 A We may have an engineering spec on it, I
7 don't know.

8 Q Even though you, MSA, sold asbestos
9 gloves, they may have an engineering spec?

10 A We may have an engineering spec to
11 purchase -- that would have been used to purchase.

12 Q That glove?

13 A That glove, yes.

14 Q Would that spec identify who you purchased
15 the glove -- who MSA purchased the asbestos gloves
16 from?

17 A I don't know.

18 Q Do you know that which has been marked as
19 Exhibit No. 1, when did any of these documents
20 coincide with the aluminized asbestos glove I just
21 read?

22 A When you say "coincide," these documents
23 relate to coats and spats.

24 Q These drawings, even though the catalogs
25 refer to other products?

1 A Yes, the engineering drawings and
2 specifications are only coats and spats.

3 Q Would every catalog number have an
4 engineering spec?

5 A The intention was to have an engineering
6 spec, but that is not necessarily -- it may not be
7 available.

8 Q Okay. But you are saying that was the
9 plan, that for the catalog number there would be an
10 engineering spec?

11 A Well, today it is. The company has
12 changed its documentation procedures over the years
13 and early on it is possible that there was no
14 engineering specification for certain part numbers
15 that were sold.

16 Q Where are the engineering drawings
17 maintained today?

18 A They are maintained in our engineering
19 facility.

20 Q And where is that?

21 A Cranberry Township.

22 Q Where you are or somewhere else?

23 A No, that is not where I'm located.

24 Q Okay. The engineering department is in
25 Cranberry, or just the records are maintained there?

1 A Both.

2 Q And are there any business records, other
3 business records maintained in Cranberry, or is it
4 just engineering documents?

5 MR. LAMM: When you say "other business
6 records," again, it sounds very broad. Maybe you
7 could narrow it down to types of business
8 records.

9 Q Like sales records?

10 A Not for protective clothing sales records.

11 Q Are there any kind of sales records in
12 Cranberry?

13 A We have an instrument group with a sales
14 department in Cranberry in another building.

15 Q Okay. Okay.

16 A There may be sales records of instruments.

17 Q Understood. Would this be a fair
18 statement, Mr. Seibel, that you personally in the work
19 that you performed at MSA had no direct knowledge of
20 asbestos-containing protective clothing, the knowledge
21 you have today is a result of looking at documents
22 after a search is completed?

23 A I can say I had no knowledge as an
24 engineer. My knowledge was gained when I moved to the
25 law department and researched information.

1 Q And even as being a member of the law
2 department, when I would bring up certain articles of
3 clothing, you weren't sure because you need to look at
4 the catalogs or drawings that were available; would
5 that be fair?

6 A Yes, I would need to refer to the
7 documents that existed at that time.

8 Q So if I asked you, you know, "list the
9 types of asbestos gloves MSA sold," you couldn't do
10 that just sitting here today?

11 A I'd have to refer to catalogs.

12 Q You'd have to read the catalog to me?

13 A Yes.

14 Q Are you aware of someone who could talk
15 about asbestos protective clothing without referring
16 to a catalog, that they would have such a working
17 knowledge of the asbestos-containing protective
18 clothing that MSA manufactured or sold that they
19 wouldn't need to look at a catalog, they could talk
20 about it?

21 A No, I don't think so.

22 Q You are not familiar with anybody who
23 could do that?

24 A No.

25 Q You had mentioned the cut and sew

1 department, and there was a brief comment about the
2 cut and sew department, and that is where they, MSA,
3 made or assembled asbestos-containing protective
4 clothing?

5 A Yes.

6 Q Which they manufactured?

7 A Some clothing, yes.

8 Q And where was the cut and sew department,
9 what plant or what facility?

10 A It was at our Braddock Avenue plant, which
11 we don't use anymore, we have sold that plant.

12 Q Okay. And I'm going to show you, and we
13 will mark it as the next exhibit -- what is the next
14 exhibit?

15 MR. LAMM: I believe it is 8.

16 Q Let's mark it as Exhibit No. 8 and No. 9

17 (Thereupon, Plaintiff's Deposition Exhibit
18 Nos. 8 and 9 were marked for identification.)

19 A These are the Yellow Pages, the Pittsburgh
20 Yellow Pages for the year 1951 and 1965. I'm going to
21 hand a copy, also, to Dave Lamm, so he has those.

22 MR. LAMM: Thank you.

23 MS. SAVINIS: Sure.

24 Q On those documents both on 8 and 9, do you
25 see the reference to Mine Safety Appliance? Just take

1 a moment. There is reference to, on both the 1951
2 Yellow Page ad and 1965, to a facility at 201 North
3 Braddock Avenue, and that is the plant you are talking
4 about?

5 A Yes.

6 Q That was the plant that had the cut and
7 sew department that manufactured asbestos-containing
8 protective clothing?

9 A Yes, 201 North Braddock Avenue.

10 Q And today that plant no longer exists?

11 A Well, it is not MSA property anymore.

12 Q And when did MSA sell that property, if
13 you know?

14 A I don't recall exactly.

15 Q When did the plant cease to exist where
16 they were producing asbestos-containing protective
17 clothing?

18 A When did we stop selling asbestos-
19 containing --

20 Q Manufacturing it at this North Braddock
21 plant.

22 A Well, in the years leading up to 1984
23 there was some change in product, certainly in 1984 we
24 had stopped any manufacturing that was being done on
25 asbestos-containing clothing.

1 Q Did the North Braddock Street facility
2 still exist in 1984 as an MSA plant?

3 A Yes.

4 Q But you are saying in 1984 the
5 North Braddock plant no longer was manufacturing
6 asbestos-containing protective clothing?

7 A In 1984 it was stopped, if there was any
8 being manufactured at that time.

9 Q Well, was there any being manufactured at
10 that time?

11 A I don't know. It would have to be
12 determined between what was purchased and what was
13 manufactured.

14 Q I'm talking about manufactured.

15 A I don't know specifically if we
16 manufactured asbestos clothing up to that point.

17 Q Up to 1984?

18 A 1984, when we stopped selling it.

19 Q Is that when MSA stopped selling asbestos-
20 containing protective clothing in 1984?

21 A That's when we stopped selling any items
22 that were in our line at that time that contained
23 asbestos, that were asbestos-containing heat
24 protective clothing.

25 Q And after '84 MSA did not sell asbestos-

1 containing protective clothing?

2 A That's correct.

3 Q Now, if you look on the 1951 ad, it is
4 noted, "Industry Safety Equipment Headquarters" and it
5 lists products, "Gas masks, Respirators, First-Aid
6 Materials, Protective Hats, Edison Electric Cap Lamps,
7 Gas Detecting Instruments and Safety Clothing"; do you
8 see that?

9 A Yes.

10 Q In 1951 do you have knowledge whether Mine
11 Safety Appliance was manufacturing asbestos-containing
12 protective clothing?

13 A Well, we weren't manufacturing asbestos-
14 containing clothing in 1951.

15 Q When did MSA first manufacture asbestos-
16 containing clothing?

17 A Well, the cut and sew department was
18 established or originated in 1959.

19 Q In 1951 was Mine Safety Appliance selling
20 asbestos-containing protective clothing?

21 A Yes.

22 Q Do you know the first year
23 Mine Safety Appliance began to sell articles of
24 asbestos-containing clothing?

25 A I don't know. The research I did started

1 in 1954.

2 Q My question is broader than that. Do you
3 know the first year that Mine Safety Appliance started
4 selling asbestos-containing protective clothing?

5 A I'm not sure.

6 Q You could research that, though?

7 A Yes.

8 Q The materials that are outlined in the
9 1951 ad that I just outlined, were all of those
10 products being manufactured or sold from the North
11 Braddock plant?

12 MR. LAMM: Is your question manufactured
13 or sold? I'm trying to be clear.

14 MS. SAVINIS: Let's do manufacturing
15 first.

16 A I believe so. I'm not certain of it.

17 Q So all of the products enumerated were
18 being manufactured at the North Braddock plant?

19 A I don't really know.

20 Q Okay. Well, then, better to tell me you
21 just don't know than give an answer that you later
22 have to say you stand by.

23 So you are not sure?

24 A I'm not certain.

25 Q Now, if you look in 1965, and I apologize,

1 the quality is not the best quality, the 1965 ad,
2 there is reference now to an industrial sales office
3 as 7517 Penn Avenue; do you see that?

4 A Yes.

5 Q And was Penn Avenue at that address just a
6 sales office or was that a plant, also, if you know?

7 A I don't know what that address is.

8 Q You are not familiar with that address?

9 A No.

10 Q In 1959 at the North Braddock Street
11 facility, when we talk about the North Braddock Street
12 facility, what community is that in? Is it in
13 Braddock?

14 A It is actually within the city limits, it
15 is within the City of Pittsburgh.

16 Q So you would call it the Pittsburgh plant?
17 How would you have referred to it as?

18 A It was known by the employees as the main
19 plant.

20 Q The main plant, but it was called
21 Pittsburgh, did you just say Pittsburgh?

22 A We said main plant.

23 Q Main plant?

24 A Everyone knew what that meant.

25 Q Okay. Did Mine Safety Appliance after

1 1959 manufacture asbestos-containing protective
2 clothing at any other facilities other than the North
3 Braddock Street main plant?

4 A No, no, I don't believe there was any
5 manufacturing of asbestos-containing clothing anywhere
6 other than the main plant, Braddock Avenue.

7 Q And when we talk about the cut and sew
8 department, there is only one cut and sew department
9 and that's at the main plant?

10 A Yes.

11 Q Sitting here today, do you know any other
12 products that were manufactured at the main plant?

13 A Well, when I started in 1977, some hard
14 hats were manufactured, portable and permanent
15 instruments were manufactured there, fall protection,
16 safety belts.

17 Q Safety belts?

18 A Well, fall protection, safety belts and
19 lanyards.

20 Q What did you say?

21 A Lanyards.

22 Q What is that?

23 A It is a fall protection item.

24 Q They were being manufactured at the main
25 plant in '77?

1 A Yes.

2 Q Okay.

3 A Some of the first-aid products.

4 Q What kind of first-aid products are we
5 talking about?

6 A Bandages, bandages, gauze, I don't recall.

7 Q Were masks or respirators ever
8 manufactured at the North Braddock Street main plant?

9 A Respirators were assembled, there was a
10 final assembly in later years at the main plant.

11 Q Okay. But they were not manufactured ever
12 there, respirators?

13 A Complete?

14 Q Yes.

15 A I don't know. Maybe in the early years,
16 but I'm not certain.

17 Q Okay. Did you ever go to the main plant
18 and see asbestos-containing clothing being
19 manufactured?

20 A I may have seen it and not known it. I
21 don't recall.

22 Q Was your office at that facility ever?

23 A Yes.

24 Q It was at that -- the main plant when you
25 first started?

1 A Yes.

2 Q And when -- when did it last serve as your
3 office, the main plant, was your office in that
4 facility?

5 A 1986, like in the spring of 1986, I moved
6 out of the main plant.

7 Q And why did you move out in the spring of
8 '86?

9 A The company built a facility in Cranberry
10 Township.

11 Q Okay. And did the main plant after you
12 left continue to function?

13 A Yes.

14 Q Okay. Now, I have learned that there was
15 an Allison Park facility; are you familiar with that
16 facility?

17 A Yes.

18 Q Was that a plant?

19 A Yes. It was a plant, it was also a
20 warehouse for finished goods.

21 Q Including asbestos protective clothing?

22 A Well, any finished good.

23 Q So it served as a warehouse?

24 A A warehouse for finished goods.

25 Q Were products ever manufactured there?

1 A Yes.

2 Q What products?

3 A At one time, final assembly of
4 respirators.

5 Q Anything else?

6 A I don't recall any other product being
7 manufactured at Allison Park.

8 Q If a customer wanted to buy some
9 asbestos-containing protective clothing, would it come
10 out of the main plant, be sold out of the main plant?

11 A No, whenever -- well, whenever Allison
12 Park existed, it was set up as a finished goods
13 storage facility.

14 Q So if people purchased asbestos-containing
15 protective clothing that MSA manufactured, it would
16 come out of Allison Park?

17 A When Allison Park existed. I don't know
18 the years that it existed.

19 Q Okay. It existed when you got there, in
20 '77 Allison Park existed?

21 A Yes.

22 Q Do you know if products were ever sold,
23 asbestos-containing protective clothing was ever sold
24 out of the main plant?

25 A I don't know.

1 Q What other plants existed for MSA in this
2 community?

3 MR. LAMM: During what time frame?

4 Q Ever, that you know of.

5 A There is an Evans City plant.

6 Q And they manufactured respirators?

7 A They manufactured face piece assemblies.

8 Q Okay. Did they manufacture anything else
9 in Evans City ever that you are aware of?

10 A Yes, there are other products that they
11 have manufactured in the past.

12 Q What are they?

13 A Gas mask canisters, respirator cartridges,
14 air purifying respirator cartridges.

15 Q Anything else?

16 A Evans City was a chemical plant, so there
17 are chemicals that were manufactured, there were space
18 filters, large filters manufactured at Evans City.

19 Currently there is a rubber department
20 that manufactures face piece blanks, the face piece
21 blank for respirators.

22 Q Do you know how long that Evans City plant
23 existed?

24 A No, I don't.

25 Q Any other plants?

1 A There is a Murrysville plant.

2 Q How long has the Murrysville plant
3 existed?

4 A I think around 1977 is when we moved in.

5 Q And what do they manufacture in
6 Murrysville?

7 A Currently it is self-contained breathing
8 apparatus assemblies and components of those
9 assemblies.

10 Q Any other products since '77?

11 A Hard hats are manufactured at Murrysville,
12 and maybe components of respirators, metal components
13 of respirators that are manufactured in Murrysville.

14 Q Okay. Any other plants that you are aware
15 of, main Plant, Allison Park, which is technically a
16 warehouse you are saying, Evans City, Murrysville?

17 A Well, Allison Park, we no longer use that.
18 We have sold that property.

19 Q Okay. Any other --

20 A Cranberry.

21 Q Is Cranberry a plant?

22 A It is a plant and an engineering facility.

23 Q Have they ever manufactured products at
24 Cranberry?

25 A Yes.

1 Q And how long has that plant existed?

2 A Since 1985.

3 Q Okay. And what do they manufacture there?

4 A Portable and permanent gas detection
5 instruments.

6 Q Okay. Any other plants, that you are
7 aware of?

8 A Not that I recall, no.

9 Q The documents that were exhibits to
10 another deposition, and we will mark this as
11 Plaintiff's Exhibits 10 and 11, there was reference to
12 a catalog that was marked May of 1967 that talked
13 about 76 branch offices in the United States and there
14 was an MSA catalog eight years later, June of 1975,
15 talking about 25 branch offices. I want to show you
16 those and I will give Dave a copy, also.

17 (Thereupon, Plaintiff's Deposition Exhibit
18 Nos. 10 and 11 were marked for identification.)

19 Q I guess my first question is: Are you
20 familiar with any of the sales offices of MSA?

21 A I'm familiar with some of them.

22 Q Okay. Was there a specific sales office
23 locally from which asbestos-containing protective
24 clothing was sold out of?

25 A Well, the local office was the Allison

1 Park, was at Allison Park.

2 Q So that was not only a warehouse, but
3 there was a sales office out of there?

4 A Yes.

5 Q Okay. Are you familiar with any other
6 sales offices?

7 A Well, I know that there were a number of
8 sales offices in the past.

9 Q Okay. At the main plant was there ever a
10 sales office?

11 A I don't know.

12 Q Are you familiar with any salesmen that
13 sold asbestos-containing protective clothing?

14 A No, I can't name anyone.

15 Q Okay. Would there be records back at MSA
16 that would identify salesmen who would have sold
17 asbestos protective clothing?

18 A I don't know.

19 Q Do you know why there was such a decline
20 in the number of sales offices in that brief period of
21 time, from 75 sales offices, I think it says 75,
22 actually, it says 76 sales offices, to 25 branch
23 offices?

24 MR. LAMM: They both say "branch offices."

25 MS. SAVINIS: Branch, I apologize, branch

1 offices.

2 Q Do you know why there was such a decline?

3 A I don't know for certain. There was a
4 general decline in sales offices as the company moved
5 more to selling products to a distributor network.

6 Q Okay. And when did MSA move to that kind
7 of program, where they were selling more to
8 distributors versus the ultimate customer?

9 A I think that happened gradually, but it
10 was into the '90s when we attempted to become -- sell
11 exclusively, sell exclusively to distributors.

12 Q Do you know if MSA ever sold their
13 asbestos protective clothing to distributors?

14 A I don't know.

15 Q Do you see on these two catalogs, 10 and
16 11, how there is two different addresses, there is --
17 oh, excuse me. I stand corrected there. That's
18 another exhibit.

19 There is reference in some of the
20 documents to an address for Mine Safety Appliance at
21 400 Penn Center Boulevard, and then there is 600 Penn
22 Center Boulevard; are you familiar with those
23 addresses?

24 A Yes.

25 Q And where are they located?

1 A Monroeville.

2 Q And tell me about Monroeville, was that a
3 plant, a sales office?

4 A It was corporate headquarters. It was not
5 a plant.

6 Q And both addresses, 400 Penn Center and
7 600 Penn Center, were both in Monroeville and both
8 served as --

9 A At different time periods. Initially the
10 headquarters were 400 Penn Center Boulevard, then they
11 moved to 600 Penn Center.

12 Q No manufacturing done at headquarters?

13 A No.

14 (Thereupon, Plaintiff's Deposition Exhibit
15 Nos. 12 and 13 were marked for identification.)

16 Q There was reference to some documents, and
17 we will just mark it, this is Exhibit No. 12, and this
18 was one once again provided as an exhibit to
19 transcripts that were given to me, and we will mark it
20 actually as Exhibits 12 and 13.

21 MS. SAVINIS: Dave, I apologize. You are
22 going to have to share them with the witness.

23 Q There is reference to some sales offices
24 there, and there is reference to a sales office at 210
25 Thomas Street here in Pittsburgh. Are you familiar

1 with that sales office?

2 A No, not specifically.

3 Q And if you look on exhibit, it looks like
4 12, there is reference to the headquarters office at
5 201 North Braddock Avenue. Was the headquarters at
6 one point in time considered the main plant?

7 A The headquarters was at the main plant at
8 one time before it moved to --

9 Q Monroeville?

10 A Monroeville.

11 Q And there is reference here to the MSA
12 Research Corp at Evans City; was there a research
13 facility at Evans City? It says "Laboratory and
14 Plant."

15 MR. LAMM: It is on Exhibit 12 -- 13,
16 rather.

17 A That was part of the Evans City
18 operations.

19 Q What kind of research facility there?
20 What were they researching?

21 A I think it was special government projects
22 that they worked on.

23 Q At Evans City?

24 A At the MSA Research Corp.

25 Q Okay. Did MSA have branch offices in

1 Johnstown, Uniontown? Are you familiar with those
2 branch offices?

3 A No, I'm not.

4 Q And Philadelphia and Scranton, are you
5 familiar with any of those sales offices?

6 A I knew that there was a Philadelphia
7 office at one time.

8 Q Had you ever been to a sales office of
9 MSA?

10 A I was at the Allison Park office and I was
11 at the Salt Lake City, Utah office.

12 Q Okay.

13 A I don't recall any other offices that I
14 visited.

15 Q Did you know a man named William Hamilton?

16 A Yes.

17 Q Okay. And he was in charge of
18 manufacturing at the main plant; true, he was the
19 director of manufacturing?

20 A He was in charge of manufacturing. He may
21 very well have been at the main plant, I don't know.

22 Q Do you know if Mr. Hamilton is living
23 today?

24 A I don't know.

25 Q Did you ever personally have any dealings

1 with Mr. Hamilton?

2 A No.

3 Q Do you know a gentleman or did you know a
4 gentleman by the name of Andy Charalambous, and I'm
5 going to spell it for you, C-H-A-R-A-L-A-M-B-O-U-S?

6 A Yes, I believe it is pronounced
7 Charalambous.

8 Q Did he work at the main plant?

9 A I don't recall him being at the main
10 plant.

11 Q Do you know what he did for Mine Safety?

12 A To my knowledge, he was involved with
13 supervising buildings whenever we moved one operation
14 from one building to another, or expanded, he was
15 involved in the expansion plans.

16 Q How about do you know if he is alive
17 today?

18 A I don't think he is.

19 Q How about Mr. Guy, his initials would be
20 E.L. Guy, G-U-Y?

21 A It sounds familiar, but I don't know. I
22 don't know what he did.

23 Q How about Glen Filges, F-I-L-G-E-S?

24 A I don't know that name.

25 Q E.D. Kemble, K-E-M-B-L-E?

1 A I don't recognize that name.

2 Q And C.L. Albright, A-L-B-R-I-G-H-T?

3 A Yes.

4 Q Who is Mr. Albright?

5 A He was secretary and general counsel.

6 Q For?

7 A MSA.

8 Q Is he living today; do you know?

9 A No.

10 Q He is deceased?

11 A Yes.

12 Q You had mentioned that in 1959 that is

13 when MSA got in the business of manufacturing

14 asbestos-containing clothing, and I learned from

15 reading a prior deposition that MSA acquired another

16 company, the deposition transcript was very small

17 print so it was hard to read, but you think the name

18 of the company which MSA acquired was known as

19 B.F. McDonald, you are familiar with that company?

20 A Yes.

21 Q And is that correct, it is B period F

22 period McDonald?

23 A Yes.

24 Q And that would be spelled M-C not M-A-C?

25 A Yes.

1 Q Okay. And that was in 1959?

2 A Yes.

3 Q And do you know anything about the
4 business line of B.F. McDonald before 1959?

5 A They were a safety equipment manufacturer.

6 Q Were they local here in Pennsylvania or
7 were they outside of Pennsylvania?

8 A They were located in California.

9 Q Prior to purchasing that entity, did Mine
10 Safety Appliance purchase from B.F. McDonald asbestos-
11 containing clothing?

12 A I think some of our clothing came from
13 B.F. McDonald before 1959.

14 Q Asbestos clothing?

15 A I don't know.

16 Q Do you know what product line they sold?
17 Did they sell gloves or suits; do you know?

18 A They had clothing, I don't know
19 specifically what they --

20 Q What specific articles?

21 A That is true, yes.

22 Q Okay. And are there documents at
23 Mine Safety Appliance that talk about the acquisition
24 of B.F. McDonald?

25 A I believe we have some documents on the

1 acquisition, yes.

2 Q Did B.F. McDonald, if you know, cease to
3 exist then?

4 A Yes, as far as I know, it did, yes.

5 Q The lawyer asked you did B.F. McDonald
6 sell Mine Safety Appliance their equipment, and it was
7 sort of questionable, did Mine Safety Appliance secure
8 B.F. McDonalds any equipment that they may have used
9 in manufacturing asbestos-containing protective
10 clothing?

11 A Well, I think the clothing manufacturing
12 facilities moved to Pittsburgh.

13 Q And where were they located?

14 A Well, that became the cut and sew
15 department in 1959.

16 Q I see. Did B.F. McDonald have property up
17 here before, you know, the main plant, the Braddock
18 Street facility?

19 A I don't know.

20 Q Maybe I'm just not following you. Are you
21 telling me that B.F. McDonald operated out of the
22 North Braddock Street address prior to Mine Safety
23 Appliance purchasing that entity?

24 A No, B.F. McDonald operated out of
25 California.

1 Q Okay.

2 A And when MSA purchased them, the clothing
3 department or the cut and sew operations were moved to
4 Pittsburgh and that became the Braddock Avenue cut and
5 sew department.

6 Q So any equipment, anything that was
7 utilized in manufacturing asbestos-containing clothing
8 was brought up here to Pittsburgh?

9 A That was needed for the cut and sew
10 department.

11 Q Okay. And Mine Safety Appliance never
12 utilized that name in any way or B.F McDonald wasn't
13 like a division or anything like that of MSA?

14 B.F. McDonald ceased to exist and became
15 part of MSA, was that true, or did you carry that name
16 for awhile?

17 A I don't believe we carried the name.

18 Q Did Mine Safety Appliance acquire any
19 other companies that were in the business of
20 manufacturing asbestos-containing products?

21 MR. LAMM: Again, I would, based upon our
22 instructions from the beginning --

23 MS. SAVINIS: Clothing.

24 MR. LAMM: Thank you, Janice.

25 A Not that I recall, no.

1 Q Now, are you familiar with whether any
2 B.F. McDonald employees became employees of Mine
3 Safety Appliance?

4 A I think there were some, but I don't know
5 who they were.

6 Q Now, when Mine Safety Appliance
7 would purchase, not manufacture, someone else's
8 asbestos clothing, whether you are talking about spats
9 or gloves, would that article of clothing,
10 asbestos-containing clothing, bear the name MSA on it?

11 A I think if we required the supplier to put
12 MSA on it, that was done. If we didn't require it,
13 then it wasn't done.

14 Q Did Mine Safety require manufacturers to
15 put their name on the article of clothing, asbestos-
16 containing clothing?

17 MR. LAMM: What time period are you
18 talking about?

19 Q Ever.

20 A We did require some labeling of gloves, as
21 I recall.

22 Q Do you know if every pair of asbestos
23 gloves that were purchased by MSA to sell to others
24 had MSA on them?

25 A We came out with a spec or a requirement

1 to label asbestos-containing gloves with the MSA logo.

2 Q Do you know if it applied to any other
3 articles of asbestos protective clothing beyond
4 gloves?

5 A I don't believe that requirement was for
6 other products.

7 Q Do you know if other products had any
8 labeling on them, MSA labeling on them?

9 A I don't know. It may be indicated in the
10 catalog pages that I provided today.

11 Q Okay. You signed an affidavit in another
12 case that I have, and I'm going to show you your
13 affidavit because it is a very recent affidavit, it is
14 in the case of Albert McElhone. It deals with
15 protective clothing. And I think this will be marked
16 as Exhibit No. 14.

17 And in that very short affidavit
18 you identify yourself in the first sentence and
19 second sentence, you say, "At no time has Mine
20 Safety Appliance Company ever manufactured,
21 distributed, or sold any gloves on which the words
22 'Mine Safety Appliance' appeared," and you signed
23 this September 29th, 2005. Do you recall signing
24 this?

25 A Yes.

1 (Thereupon, Deposition Exhibit No. 14 was
2 marked for identification.)

3 Q You are saying, your testimony is there
4 was a spec that required the MSA label to be on there,
5 MSA and not the -- the gloves never had the word "Mine
6 Safety Appliance" on them?

7 A That's correct.

8 Q How do you know that?

9 A Well, I reviewed the spec, for one thing,
10 and I also reviewed catalogs which depict photographs
11 of the gloves we sold.

12 Q Now, you have, my understanding from
13 reading your prior transcripts, Mine Safety
14 Appliance's first catalog that they still have
15 possession of is dated 1919; that's what you testified
16 to?

17 A Okay.

18 Q And do you know, did you look through
19 every single catalog to see how gloves were --
20 asbestos gloves were labeled?

21 A Yes, I did.

22 Q From the very first glove?

23 A I don't know if I looked at a 1919
24 catalog, but I looked at all the catalogs we had.

25 Q So that's the source of your information,

1 the catalogs, and you are telling me there is a spec
2 that said the gloves had to be marked MSA?

3 A Yes.

4 Q But you can't, sitting here today, tell me
5 the date of that spec, or if you can give me a general
6 era, like '50s, '60s, when?

7 A That is something that escaped my memory.
8 I knew it probably yesterday, but I can't remember the
9 date.

10 Q Did you talk to anybody about this, any
11 employees, or is this affidavit based on a spec and
12 your review of catalogs?

13 A Spec and my review of catalogs.

14 Q And that's it?

15 A Yes.

16 Q Okay. Do you know if Mine Safety
17 Appliance ever sold, manufactured or sold any clothing
18 with asbestos that was marked "Mine Safety Appliance"?

19 A I think you asked that question.

20 Q And you are saying you don't -- if I did,
21 I apologize. What's your answer?

22 A We didn't label asbestos-containing
23 gloves.

24 Q I'm talking about clothing, any article of
25 clothing, are you telling me that Mine Safety

1 Appliance never manufactured or sold an article of
2 asbestos-containing clothing, not just gloves, that
3 had the designation on it "Mine Safety Appliance"?

4 A I don't know.

5 Q You had previously in other transcripts
6 identified a facility in Wampum, Pennsylvania, which
7 is in Lawrence County. Did Mine Safety Appliance have
8 a facility in Wampum, PA?

9 A I think it was a storage facility.

10 Q Sort of like the Allison Park or a little
11 bit different?

12 A It wasn't finished goods as Allison Park
13 was.

14 Q What was stored in Wampum?

15 A I don't recall.

16 Q Okay. And you also testified that, you
17 know, that there was a company, and I don't know if
18 Mine Safety acquired it or if it is a subsidiary, it
19 is known as Catalyst Research, are you familiar with
20 that company?

21 A I recognize it as a company that I believe
22 it was a subsidiary.

23 Q Do you know anything about the nature of
24 their business line?

25 A They manufacture batteries.

1 Q Anything else?

2 A As far as I recall.

3 Q And how about a company known as Baseline,
4 are you familiar with that company?

5 A Yes.

6 Q And are they -- is that a company that MSA
7 acquired or is it a subsidiary; what is it?

8 A It may have been a subsidiary when we
9 acquired it, I don't know how it was held, but they
10 were a manufacturer of instruments.

11 Q And MSA has entities abroad, like in
12 France, Italy, Canada; is that true?

13 A Yes.

14 Q But I'm to understand your testimony that
15 any testimony about asbestos-containing clothing
16 manufactured by MSA could only come out of the main
17 plant on North Braddock Avenue in Pittsburgh, that's
18 it, there are no other facilities in the U.S. or
19 abroad that manufactured asbestos-containing clothing,
20 where MSA manufactured asbestos-containing clothing?

21 A I am not familiar with the operations
22 overseas.

23 Q How about limited to the United States,
24 there is no other facility that MSA opened and/or
25 operated that manufactured asbestos-containing

1 clothing other than the main plant on North Braddock
2 Avenue, and they --

3 A Yes, that's the only place that we
4 manufactured asbestos-containing clothing.

5 Q And that was from '59, when they acquired
6 B.F. McDonald, until 1984?

7 A Well, 1984 we stopped selling.

8 Q One of these transcripts I think, I know
9 you testified, if you need me to show you it, I will,
10 you stated that at the legal department or law
11 department in MSA there is a pair of asbestos gloves;
12 do you remember that testimony?

13 A I don't remember that.

14 Q Do you remember that, forget about the
15 testimony, do you believe MSA has a pair of asbestos
16 gloves in the legal department?

17 A I believe we have a pair of asbestos
18 gloves.

19 Q One pair?

20 A Actually, for some reason I think it is
21 two rights or two lefts, I can't recall it.

22 Q Do you know what year those gloves were
23 manufactured, even though MSA never manufactured
24 gloves, do you know what year they were manufactured?

25 A No, I don't know.

1 Q Do you know who manufactured those gloves?

2 A I don't recall.

3 Q Do they have the letters "MSA" on them?

4 A It has a label MSA, yes.

5 Q That spec, did it say where the MSA label
6 or designation had to be put on the glove?

7 A It said on the palm side of the glove.

8 Q Okay.

9 VIDEO OPERATOR: We are going off the
10 record. The time is 12:15.

11 (Recess taken.)

12 VIDEO OPERATOR: We are going back on the
13 record. The time is 12:24.

14 BY MS. SAVINIS:

15 Q Mr. Seibel, would this be an accurate
16 statement, Mine Safety Appliance sold asbestos-
17 containing gloves in the 1940s?

18 A I think there are some in our catalog in
19 the 1940s.

20 Q Would this be accurate, Mine Safety
21 Appliance sold asbestos-containing gloves in 1948?

22 A I don't recall specifically.

23 Q How about Mine Safety Appliance selling
24 asbestos-containing gloves in 1949?

25 A I don't recall the specific year.

1 Q Did Mine Safety Appliance sell asbestos-
2 containing gloves in 1950?

3 A I believe there are some in our catalog,
4 I'm not certain. The documents provided are from '54
5 to '84.

6 Q Can you speak to the years 1951, 1952?

7 A I'd have to look at those catalogs.

8 Q Is there a Mine Safety Appliance catalog
9 for every year?

10 A Not that we have today.

11 Q How far -- do you have a list of the ones
12 that are missing?

13 A I don't think we have a list of the
14 missing catalogs.

15 Q Where are those catalogs kept?

16 A In the law department.

17 Q Is there a separate catalog for protective
18 clothing?

19 A Most of the catalogs for the earlier years
20 are bound and have all the products combined.

21 Q Okay.

22 A In later years there were different
23 sections, but still, the catalog was, even though it
24 was a three-ring binder type of catalog, contained all
25 the products.

1 Q I had, when I started this deposition, one
2 of the exhibits that might have been like the second
3 exhibit was that letter that I wrote to a lawyer at
4 Mr. Lamm's office requesting that they produce a
5 witness that can answer those questions, and one of
6 the questions was dealing with U.S. Steel because
7 Mr. Hanks had worked at U.S. Steel asking, you know,
8 asking to produce a witness that can talk about the
9 asbestos-containing products that may have been sold
10 to U.S. Steel, and in the past, and in another
11 mesothelioma case, I had secured some documents from
12 U.S. Steel, and I'm going to have, at least a few of
13 those documents, marked collectively here as Exhibit
14 No. 15.

15 MR. LAMM: This is from the Irvin Works?

16 MS. SAVINIS: Correct.

17 MR. LAMM: Mr. Hanks worked at the
18 Duquesne works; correct?

19 MS. SAVINIS: Correct.

20 MR. LAMM: Okay.

21 (Thereupon, Plaintiff's Deposition Exhibit
22 No. 15 was marked for identification.)

23 BY MS. SAVINIS:

24 Q On page 1 there, it is a Mine Safety
25 Appliance -- would you call this an invoice? How

1 would you categorize this record, if you know?

2 A I don't know. It looks like an invoice
3 indicating the -- it says "pay this amount" so it
4 appears to be an invoice.

5 Q If you look at the second product it is
6 noted "Trousers," do you see "trousers"?

7 A Yes.

8 Q With a catalog No. 36475; do you see that?

9 A Yes.

10 Q And I went and I found, and we will mark
11 this Exhibit 16, the Mine Safety Appliance catalog
12 from 1975, and if you open it up, under that catalog
13 number for 36475 it falls under the heading
14 "aluminized asbestos trousers"; correct?

15 A Yes.

16 (Thereupon, Plaintiff's Deposition Exhibit
17 No. 16 was marked for identification.)

18 Q So do you know if that was how Mine Safety
19 maintained their invoices or sales document, they
20 would list the actual catalog number?

21 A Yes, we would identify the part number
22 that was sold.

23 Q So if I find Mine Safety Appliance
24 invoices, I could attempt, at least -- there may be
25 some missing catalogs -- to try to go back and track

1 down that catalog for that specific product?

2 A By part number, yes.

3 Q By part number; okay. So even though on
4 this invoice it doesn't say "asbestos trousers," you
5 can go to a catalog that traces it back to establish
6 whether those trousers contained asbestos or not?

7 A Not necessarily. It depends on, although
8 we have a catalog from 19 -- pages from 1975, I'm not
9 sure when the invoice was -- there is a stamp on it,
10 it appears that this is our stamp dated January 17,
11 1974. As long as products -- products can change.
12 All I wanted to do was make a point that products can
13 change.

14 Q Okay.

15 A And just because in one catalog it may say
16 "asbestos" doesn't mean it is asbestos, depending on
17 when it is purchased.

18 Q So I could ask you to, "Please,
19 Mr. Seibel, go to the '74 catalog," to determine if
20 trousers with the catalog No. 36475 were the
21 aluminized asbestos trousers; is that true?

22 A Yes, we could match the invoice to the
23 available catalog at that time based on the catalogs
24 that we have.

25 Q Okay. And you see on that first, I'm

1 going to call it "invoice" unless you want me to call
2 it something else, under "Salesman," "MSA Salesman"
3 "W.G. Gompers," G-O-M-P-E-R-S; did you know that
4 gentleman?

5 A I don't recognize the name.

6 Q Okay. If you look at the top of the page
7 there is a department number, it is 4173129801; do you
8 know what the significance of that is?

9 A No, I don't recognize that department
10 number.

11 Q Now, the third product on the sheet refers
12 to a "Cool Flo HLCC, asbestos, lift"; what is that, do
13 you know?

14 A Not specifically, no.

15 Q We would have to attempt to trace the
16 catalog number?

17 A Yes.

18 Q Do you know what these -- the first number
19 designation, what that signifies before the catalog
20 number? It looks like it is either 13 or 15; do you
21 know what that is?

22 A I believe that is the product group.

23 Q Okay. And there were -- what was the
24 protective clothing product number?

25 A 13.

1 Q And was that -- I saw in one transcript
2 that there was reference to head protection, safety
3 belts, and protective clothing; was that designated
4 for 13?

5 A The safety belts and the clothing were 13.
6 Head protection was a different product group.

7 Q Okay. So even though it is light, these
8 products, at least the trousers and the asbestos
9 sleeve, would fall under the product No. 13?

10 A Yes.

11 Q What did you call it again, product?

12 A Product group.

13 Q Do you have an index or some kind of
14 document that you could have back at your office or at
15 the business records of MSA that list these numbers,
16 like 13 equals protective clothing and -- or you just
17 know those off the top of your head?

18 A I have kind of -- I kind of know them off
19 the top of my head. I don't know if we have a
20 document that lists them.

21 Q Okay. Now, do you know how this -- the
22 customer order number, do you know -- can you speak to
23 that?

24 A No, I'm not -- I know there are customer
25 order numbers, but beyond that, I'm not familiar with

1 them.

2 Q How about this designation in the
3 right-hand corner "MSA Order No."?

4 A I'm not familiar with that information.

5 Q Does MSA have such documents in their
6 possession, like the one I'm showing you here, Exhibit
7 15, these types of invoices where they are selling
8 asbestos products to United States Steel?

9 A No, no, our sales records are current plus
10 the past ten years.

11 Q And that's what you answered in the Hanks
12 discovery when I asked, "Did you make any sales to the
13 U.S. Steel site where Mr. Hanks worked?" The answer
14 was "Our documents don't go back that far"?

15 A That's correct.

16 Q And that's what you would answer in all
17 interrogatories, they only go back a limited time
18 period, ten years did you say?

19 A Current plus ten past years.

20 Q Okay. If you would be so kind to flip to
21 the second document, which is another invoice from
22 U.S. Steel, the salesman this time is identified as
23 E.J. Condle, C-O-N-D-L-E; do you know him?

24 A I recognize the name, but I don't know
25 him.

1 Q If a person collects a pension from Mine
2 Safety Appliance today, you could get, provide, or
3 somebody from Mine Safety Appliance could provide me
4 with their address if they are receiving a pension?

5 A Conceivably we would have the address on
6 file if they were receiving a pension.

7 Q What is this product referenced in this
8 invoice, an optical bench?

9 A An optical bench is a permanent
10 instrument, it is a component of a permanent
11 instrument product.

12 Q What is a permanent instrument product,
13 what kind of instrument?

14 A A gas detection instrument.

15 Q Okay. In that yellow page ad, just if I
16 could digress for a moment, there was reference to
17 heat-treating, was Mine Safety Appliance in the
18 business of selling something to do with heat-
19 treating; do you know?

20 A Not that I recall, no.

21 Q Now, you are telling me that you were not
22 familiar with any of these department numbers because
23 on some of these invoices the department number
24 changes, that is not familiar to you?

25 A No, I don't recognize those numbers. I do

1 understand that departments had numbers, but I don't
2 recognize this number as anything.

3 Q What is the "07," what is that product
4 line?

5 A That is the product group for permanent
6 gas detection instruments.

7 Q Okay. The next document, the third
8 invoice, is that for what type of product, if you
9 know?

10 A It is a hard hat.

11 Q It is a hard hat?

12 A Yes.

13 Q There is reference further on to "cool
14 band," what are cool bands, if you know?

15 A I don't know.

16 Q What would be the product designation
17 "06"?

18 A Head protection.

19 Q Head protection. Do you have any
20 knowledge based on any of your document reviews
21 whether Mine Safety Appliance sold asbestos-containing
22 products to U.S. Steel?

23 A I don't know.

24 Q So if an individual comes forward and
25 states that he worked at U.S. Steel, like Mr. Hanks,

1 and he testifies that he was exposed to a Mine Safety
2 asbestos-containing product, in this case you saw the
3 spats and the coats, can Mine Safety Appliance during
4 the time frame that you indicated that you looked for
5 the documents come forward with any documents to show
6 that no sales were made to that site?

7 A Our sales records go back to 1996, current
8 plus ten past years, so those are the records that we
9 would have.

10 Q The asbestos-containing protective
11 clothing that Mine Safety manufactured, do you know if
12 that could be used in steel production facilities?

13 MR. LAMM: Are you talking about the
14 coats?

15 MS. SAVINIS: And spats.

16 MR. LAMM: They didn't make spats.

17 MS. SAVINIS: I'm sorry, coats.

18 MR. LAMM: As far as I know.

19 A The coats provided heat protection so
20 where that, you know, industries that needed heat
21 protection, they could conceivably use that product.

22 Q Do you know if Mine Safety Appliance
23 advertised any asbestos protective clothing to the
24 steel industry?

25 A Not that I know of.

1 Q Do you know what kind of asbestos fiber
2 was used in the asbestos-containing protective
3 clothing that MSA manufactured?

4 A No, I don't.

5 Q How about in the asbestos-containing
6 clothing that it sold?

7 A I don't know.

8 Q Did MSA ever warn any individual that
9 purchased their asbestos-containing protective
10 clothing of any of the hazards linked with asbestos?
11 Was there any warning?

12 MR. LAMM: Object to the form of that
13 question because, again, we don't know the
14 conditions and you are assuming that there is a
15 hazard with respect to these particular items.
16 If you can answer, go ahead.

17 A I'm not aware of any warnings for the
18 hazards of asbestos.

19 Q On the protective clothing, on the
20 asbestos protective clothing?

21 A That's correct.

22 Q Did Mine Safety Appliance ever test any of
23 their asbestos-containing clothing, whether they
24 manufactured it or products that they sold, did they
25 ever test it in any way to see if fibers are released

1 when the clothing is used?

2 A I don't recall any tests.

3 Q People that worked in the cut and sew
4 department, actually manufacturing asbestos-containing
5 protective clothing for Mine Safety Appliance, did
6 they wear any masks or respirators in the production
7 process?

8 A I believe it was on a voluntary basis,
9 however, we, as required by OSHA, we monitored that
10 area and all of the results were within the OSHA
11 limits, so no protection was required.

12 Q How about prior to the existence of OSHA,
13 you said the early '70s, did employees engaged in the
14 process of manufacturing asbestos-containing clothing
15 in the cut and sew department wear any kind of
16 respiratory protection?

17 A I don't know. I don't believe it was
18 required.

19 Q Do you know, when you talk about cut and
20 sew, what they were, quote, cutting with, the asbestos
21 fabric material?

22 A You mean what equipment, some type of
23 knife or blade or --

24 Q Yeah, like what were they, quote, cutting
25 with?

1 A I'm not sure exactly. It was some
2 scissors or knife, I really don't know.

3 Q So when you say "scissors or knife," that
4 is just a guess on your part? Are you saying, "I
5 believe it was a scissors or knife"?

6 A No, I don't know.

7 Q Okay. Was there any ventilation in the
8 area in which they were manufacturing the asbestos-
9 containing clothing; fans, you know, dust control
10 devices?

11 MR. LAMM: I would just object to the
12 relevance of this. You are talking about the
13 manufacturing facility, where the issues in this
14 case have to deal with the Duquesne Works.

15 MS. SAVINIS: The issues are hazards of
16 asbestos, Dave.

17 MR. LAMM: I would just note my objection
18 for the record.

19 MS. SAVINIS: Sure.

20 A I don't know.

21 Q Did OSHA ever come in and do any air
22 sampling in the cut and sew department at the main
23 plant?

24 A I don't know if OSHA sampled. I know
25 sampling was done, but I don't know if OSHA did it

1 themselves.

2 Q Do you know how many -- when you say "I
3 know sampling was done," did Mine Safety do some air
4 sampling?

5 A I don't know if it was us that sampled it
6 or we contracted with someone to come in and perform
7 the sampling.

8 Q Do you know when that sampling was first
9 done?

10 A I don't know specifically. I can only
11 suggest that it would have been as required by OSHA.

12 Q How many employees were actually engaged
13 in the manufacturing of asbestos-containing protective
14 clothing?

15 A I don't know.

16 Q Were those individuals who engaged in that
17 manufacturing process, were they given chest x-rays or
18 breathing studies?

19 A I don't know.

20 Q Do you know if there are any workers'
21 compensation claims against Mine Safety Appliance for
22 any asbestos-related diseases?

23 A I don't know of any.

24 Q Would you be -- are you in charge of
25 workers' comp?

1 A No.

2 Q Who is? I'm assuming somebody within
3 legal oversees potential workers' comp claims?

4 A Our risk manager.

5 Q And who is that?

6 A His name is William Berner.

7 Q I'm assuming he would have knowledge of
8 asbestos claims if they exist?

9 A Workers' compensation claims, yes.

10 Q Had you been asked to research that
11 before?

12 A Not that I recall.

13 Q Did Mine Safety Appliance manufacture
14 respirators that could be used to protect a person
15 from asbestos exposure?

16 A We did manufacture respirators and
17 continue to manufacture respirators today to protect
18 against asbestos exposure inhalation.

19 Q Do you know, Mr. Seibel, the first year,
20 or generally give me an idea when Mine Safety
21 Appliance first manufactured some type of respiratory
22 protection for asbestos that could be used to protect
23 a person against asbestos dust?

24 A I think we had respirators back in the
25 '40s that were intended for respiratory protection

1 against asbestos.

2 Q So if Mine Safety was in the business of
3 manufacturing respirators in the '40s that were used
4 for asbestos, did Mine Safety Appliance at that time
5 know that it wasn't good to breath asbestos?

6 A Well, it was an approval that the Bureau
7 of mines issued and it was part of the approval
8 granted for protection against dust.

9 Q Including asbestos?

10 A Including asbestos.

11 Q When people who worked in the cut and sew
12 department, when they would go home at the end of the
13 day, did they wear their street clothing or did Mine
14 Safety Appliance provide them with the uniform?

15 A I don't know.

16 Q Do you know if the people at any Mine
17 Safety Appliance plant wore a uniform?

18 A I don't recall any uniforms.

19 Q Did Mine Safety Appliance, at any of their
20 plants, employ people that were like craftsmen,
21 carpenters, plumbers, pipe fitters?

22 A No, although I don't necessarily
23 understand your question. Certainly they were
24 knowledgeable of the trade that they were performing
25 for the company.

1 Q Like did Mine Safety have a maintenance
2 department to do pipe fitting work or plumbing work or
3 carpentry work?

4 MR. LAMM: Again, I would just note my
5 objection on relevance. We are getting a bit far
6 afield here.

7 A I don't know specifically.

8 Q Do you know, Mr. Seibel, if any other
9 individual beyond yourself testified in regard to Mine
10 Safety Appliance and asbestos as a corporate rep or as
11 a former employee?

12 MR. LAMM: Again, I assume you mean that
13 in the context of the protective clothing.

14 MS. SAVINIS: I'm talking about asbestos
15 in general. You are going to voice an objection,
16 I assume.

17 MR. LAMM: This deposition, based upon the
18 allegations of your client, Mr. Hanks, that he
19 wore spats and protective coats, is limited to
20 that, and we asked Mr. Seibel to prepare to
21 respond to that so, yes, I would limit it in that
22 fashion as we've been limiting this entire
23 deposition, and I have given you some latitude in
24 other areas, but I would limit that question to
25 protective clothing.

1 A Can you repeat that?

2 Q Absolutely. I mean, you have told us that
3 you have testified a number of times, and obviously
4 some of those times it was in regard to asbestos
5 cases. Are you aware if any other individual for MSA
6 testified in regard to asbestos protective clothing or
7 you are it? Every time somebody calls for a witness
8 on asbestos protective clothing, you are the man that
9 is produced?

10 A I don't know of any other employee that
11 has testified on asbestos-containing clothing.

12 Q Now, are you familiar with any part of the
13 scope of this deposition as trade associations, and
14 you and I talked a little bit about the IHF, Air
15 Hygiene, which is the same thing, are you aware of
16 whether or not the Mine Safety Appliance was a member
17 of the National Safety Council?

18 A I don't know.

19 Q Are you familiar with the trade
20 organizations in which Mine Safety Appliance was a
21 member?

22 A I'm familiar with a couple.

23 Q And which ones are you familiar with?

24 A The AIHA, American Industrial Hygiene
25 Association, and the ISEA, the Industrial Safety

1 Equipment Association.

2 Q When did Mine Safety Appliance hire their
3 first industrial hygienist?

4 A I don't know.

5 Q Did Mine Safety Appliance have somebody in
6 a medical director position?

7 A Not specifically. We have had medical
8 personnel for the workers, the manufacturing workers.

9 Q Okay. And are you familiar with any of
10 those individuals?

11 A Yes.

12 Q And can you identify them for me?

13 A There was a Dr. Frank Bauer, and he is the
14 only name I'm familiar with.

15 Q Do you know, was Dr. Bauer an employee of
16 Mine Safety, or he was there as an independent
17 contractor or examined people as an independent
18 contractor?

19 A You know, I don't know. He may have been
20 an employee, he may not have been.

21 Q You had testified, you were asked a
22 question in a 1992 depo, "How many employees does Mine
23 Safety have today?" And you said, "I guess about
24 6,000 employees." When you first started in 1977, how
25 many MSA employees back then?

1 A I don't know.

2 Q Do you know how many MSA employees there
3 are today?

4 A I believe there is less than 6,000.

5 Q How many other states do you operate out
6 of, beyond Pennsylvania, MSA?

7 MR. LAMM: What do you mean by "operate
8 out of"?

9 Q Do you have any manufacturing facilities
10 in the U.S., other than in Pennsylvania?

11 A Yes.

12 Q Where do you have manufacturing
13 facilities?

14 A North Carolina, Colorado, we have
15 manufacturing in Vermont, we have manufacturing in
16 Kentucky, that's current.

17 Q And MSA is publicly traded?

18 A Yes.

19 Q When MSA was manufacturing asbestos-
20 containing clothing, what division was that under?

21 A Well, we weren't really established. We
22 didn't have established divisions at that time.

23 Q Okay. Did it fall under a certain group
24 or how did protective clothing fall, if you could tell
25 me how the company was divided, by products or --

1 A Pretty much it was within the safety
2 products group of products.

3 Q Okay. You can't tell me anything beyond
4 that?

5 A Well, there is personal protective
6 equipment, it was in that group. As I mentioned
7 before, there were instruments, there was a chemical
8 division, so it was within the safety products group
9 of products.

10 Q The gentleman that you previously
11 identified in a deposition as the individual who was
12 the supervisor of protective clothing was a gentleman
13 by the name of Mike Theodore?

14 A He was an engineering supervisor.

15 Q Is he living today; do you know?

16 A Yes.

17 Q How about the gentleman who was the
18 designer of clothing, Bill Hess, is he living today?

19 A I don't know.

20 Q Is Mr. Theodore -- he is no longer
21 employed by MSA?

22 A No.

23 Q Do you know if he --

24 A He retired.

25 Q Do you know if he resides in our

1 community, Pennsylvania, you know, nearby?

2 A He lives in the Pittsburgh area.

3 Q How about Silvia Davis from purchasing?

4 A I don't know.

5 Q If she's alive?

6 A I don't know whether she is alive or if
7 she is, whether she lives in the Pittsburgh area.

8 Q Do you know if any representatives of MSA
9 ever went to any of the manufacturing facilities where
10 the asbestos cloth was being actually manufactured,
11 that they used?

12 A I don't know.

13 MS. SAVINIS: Off the record for a second.

14 VIDEO OPERATOR: We are going off the
15 record. The time is 12:56.

16 (Recess taken.)

17 VIDEO OPERATOR: We are going back on the
18 record. The time is 12:57.

19 BY MS. SAVINIS:

20 Q Going back, Mr. Seibel, to the Industrial
21 Health Foundation, do you know if the -- if MSA ever
22 requested any industrial hygiene surveys by the IHF?

23 A I don't know.

24 Q Do you know if they requested any medical
25 surveys from the IHF?

1 A No, I don't know.

2 Q The IHF had a toxicology lab and pathology
3 lab, do you know if MSA ever made use of those labs,
4 consulted those specific labs?

5 A No, I don't.

6 Q Do you know what class membership that I
7 -- that MSA had with the IHF? There is different
8 classes based on the number of employees, class 1
9 through class 7.

10 A No, I don't know.

11 Q The asbestos-containing clothing that was
12 manufactured and sold by MSA, it was not just
13 aluminized clothing; is that true?

14 A I think all of the documents indicating
15 the products that we manufactured, the coats, those
16 are aluminized.

17 Q So is this fair: During the time period
18 that you have identified, which is I think you said
19 from '54 -- Dave, what's the years?

20 MR. WISE: '59, when they started to
21 manufacture.

22 Q The years for the search was for what
23 years, Mr. Seibel?

24 MR. LAMM: I believe it was 1955 to 1984;
25 is that correct?

1 THE WITNESS: 1954 to 1984.

2 MR. LAMM: All right.

3 Q So if we take, that's a 30-year time
4 period, and as counsel noted correct, from 1959 when
5 MSA got in the business of manufacturing asbestos
6 protective clothing up until that 1984 time frame,
7 were the coats always aluminized coats, that was it,
8 no other, it was all aluminized?

9 A I believe so, yes.

10 Q As far as the coats, there were no other
11 coats that were manufactured by MSA with asbestos
12 other than aluminized coats?

13 A I believe so, yes.

14 Q Beyond the coats -- I guess it is a little
15 bit confusing to me because you are not able to give
16 me -- I asked you about these asbestos suits, you
17 can't -- can you identify for me any other article of
18 asbestos protective clothing that was manufactured by
19 MSA?

20 A Not offhand. As I mentioned, I have
21 documents here indicating --

22 Q Can you look at them and tell me what
23 other products were manufactured? What do you need to
24 look at?

25 A I'd have to know if there were

1 manufacturing drawings, engineering drawings which
2 would indicate that we manufactured it versus a spec
3 that we purchased from.

4 Q Can you look at these drawings and tell me
5 what you manufactured?

6 A Yes, but this indicates coats and spats.

7 Q And you are saying the spats were never
8 manufactured by the defendant?

9 A The spats were a purchased product.

10 Q Unlike the coats?

11 A Unlike the coats, yes.

12 Q Are you telling me from '59 to '84, if a
13 coat is identified, that it had to have been
14 manufactured by MSA, that they would not have
15 purchased coats from others during this time frame,
16 from '59 to '84?

17 A I'd have to look at the documents.

18 MR. LAMM: Janice, just to clarify
19 something for the record, on your question about
20 the coats, taking another look at the catalog,
21 you can see that there is an asbestos coat and it
22 says, "Also available in aluminized," so it
23 appears that there was aluminized and not
24 aluminized sold, and I want to make that clear
25 for the record. I don't know whether they made

1 non aluminized, but it appears in the catalog.

2 Q But it is your testimony, Mr. Seibel, your
3 testimony, that as far as manufacturing, MSA only
4 manufactured aluminized coats?

5 MR. LAMM: If you need to look through
6 those drawings.

7 A The manufacture was aluminized asbestos
8 coats.

9 Q Once MSA got in the business of
10 manufacturing asbestos-containing coats, did they ever
11 sell asbestos-containing coats which they did not
12 manufacture?

13 A Yes, there were some coats that we did not
14 manufacture.

15 Q But you sold them after '59? Do you
16 follow me? You told me in 1959 the first time we got
17 into this manufacturing process, one of the products
18 was asbestos-containing coats. '59 to '84, did you
19 ever purchase, MSA purchase asbestos-containing coats
20 from somebody else that it sold, or were all the coats
21 sold by MSA that contained asbestos manufactured by
22 MSA?

23 A Well, I can tell you that there are some
24 specifications here indicating that we didn't
25 manufacture some asbestos-containing coats that were

1 collected within this time period of '54 to '84.

2 Q Who manufactured them?

3 A I have a specification on part No. 38981
4 and it is provided by Racine Glove Company, it is a
5 "coat, asbestos." There is also a part No. 38982,
6 which is just a different length, it is a 54-inch
7 length, and the first one was a 52-inch length, and
8 again it is from Racine Glove Company.

9 Q What is the date of that spec?

10 A This particular specification has an
11 issued date of 8-17-67.

12 Q But this is a general spec, now, this
13 isn't a sale to U.S. Steel?

14 A No, this is a specification indicating
15 what this particular part number was. It doesn't
16 indicate who it was sold to.

17 Q Who other -- what other manufacturers of
18 coats beyond Racine did you identify, or that's it?

19 A They are the only supplier that is
20 identified on those two specifications. There is also
21 a part No. 38979, and it is an asbestos coat 40-inch
22 length provided by Racine Glove Company; and a part
23 No. 38980, a 44-inch asbestos coat, and again, that is
24 also provided by Racine.

25 Q Any other manufacturer beyond Racine?

1 A No, those were the only purchased coats.

2 Q What were the lengths of the coats that
3 Mine Safety manufactured? Were they different
4 lengths?

5 A Yes.

6 Q What were the lengths?

7 A Well, I have drawings here for 30-inch
8 length, 36-inch length, 40 length, some of them I
9 can't tell, we'd have to look in the catalog.

10 Q All of these drawings that you are
11 referring to can be matched to the catalog?

12 A Yes.

13 Q And you believe all of these coats, would
14 these be called engineering specifications?

15 A Engineering drawings.

16 Q Engineering drawings, are for aluminized
17 coats?

18 A Yes.

19 Q Are you familiar with the product known as
20 Nomex, N-O-M-E-X?

21 A Yes, I have heard of it.

22 Q And what do you identify Nomex with?

23 A It is a heat-resistant product.

24 Q And how about Kevlar?

25 A I recognize that name, yes.

1 Q This is what I have learned, that Nomex
2 and Kevlar are known as aramid fibers, that these
3 products were used as essentially a substitute for
4 asbestos; were you familiar with that?

5 A They may be, I don't know.

6 Q Do you know if at any time Mine Safety
7 Appliance ever sold Nomex protective clothing or
8 Kevlar protective clothing?

9 A We have Nomex on breathing apparatus
10 harnesses that were used by firefighters.

11 Q Okay. Any other protective clothing made
12 with Nomex or Kevlar?

13 A Helmets made of Kevlar.

14 Q That's it?

15 A That's all I recall.

16 Q When Mine Safety Appliance said, "Okay, we
17 are not going to manufacture anymore asbestos clothing
18 here at this cut and sew at our main plant," did they
19 say, "Well, we are going to manufacture non-asbestos
20 protective clothing"?

21 A We continued to manufacture heat
22 protective clothing that wasn't made of asbestos.

23 Q And what were the articles? Did you
24 manufacture a non-asbestos-containing coat?

25 A I'd have to look at the catalogs. I don't

1 recall the specific offerings at that time or the
2 materials.

3 Q Do you know if the asbestos substitute
4 material was -- looked different, did it look
5 different than the asbestos-containing material?

6 A We had aluminized flame retardant Rayon,
7 which was a material used for heat protection, it was
8 aluminized, it wasn't asbestos.

9 Q Okay. Was that available prior to 1984 or
10 did that aluminized Rayon just come on the market in
11 the '80s?

12 A Some of these contained different
13 materials. I'd have to look through --

14 Q I guess my question to you, to you is:
15 Mr. Seibel, were there asbestos substitutes available
16 before 1984?

17 A They were offered. There were other
18 products that were available instead. If a customer
19 did not want asbestos, they could choose other heat
20 protective materials.

21 Q That would protect a worker?

22 A Yes.

23 Q And do you know when those became
24 available, or were they available since MSA got into
25 the asbestos protective clothing line in '59?

1 A I think there were different options from
2 very early.

3 Q Okay.

4 A Customers had the choice to pick whatever
5 material they wanted. They weren't restricted to only
6 asbestos.

7 Q And that material would protect the worker
8 to the same degree?

9 MR. LAMM: I would object to the form of
10 the question.

11 Q Do you follow me in the sense that if I'm
12 working at a steel mill, could I wear a coat that MSA
13 manufactured to protect myself and be protected and
14 could I wear a non-asbestos-containing coat and have
15 the same protection?

16 MR. LAMM: Again, I would note an
17 objection for the record, Janice. It depends on
18 the application. I mean, there are different
19 areas of the plant, different degrees of heat,
20 and I just want to make sure that that is clear.

21 A I don't know what might be preferred by a
22 customer and what level of heat it could be used
23 against.

24 Q But you are telling me Mine Safety
25 Appliance had asbestos substitutes available since

1 '59?

2 MR. LAMM: Again, I would object to the
3 form of that question, in terms of asbestos
4 substitutes, I think Mr. Seibel said that there
5 was asbestos protective clothing, there was
6 non-asbestos-protective clothing, it doesn't
7 necessarily mean one was a substitute for the
8 other. I just wanted to make that clear.

9 A There were customer options that were
10 available.

11 Q Are you in a position to speak whether
12 they would provide the same protection for a certain
13 application or is that outside of the scope of your
14 expertise?

15 A I could say that they were available in
16 our catalog as heat protective clothing items. How
17 well one performed versus another, I don't know.

18 Q Other than those pair of asbestos gloves,
19 might be the same two hands, they are gloves that are
20 available at the legal department, it is not a mitten,
21 it is a glove?

22 A Yes, it is a five finger glove.

23 Q Okay. Other than that -- you saw those
24 gloves?

25 A Yes.

1 Q Other than those gloves, have you
2 ever seen, had an opportunity to actually see
3 asbestos-containing protective clothing?

4 A As I mentioned before, I may have seen it
5 and not known it when I worked in the main plant.

6 Q Other than that, you can't specifically
7 say like "I saw an asbestos-containing coat" or "I
8 held it" or anything like that?

9 A No.

10 Q And you are certainly not in a position to
11 comment whether fibers are released when the product
12 is worn?

13 A Well, I know that when we manufactured it
14 and employees were cutting and sewing fabric, there
15 wasn't a release sufficient to exceed OSHA
16 requirements.

17 Q And how many times were air sampling done
18 to determine that?

19 A I don't know, several times, I don't know
20 specifically.

21 Q And do you know when was the first time?

22 A No, I don't.

23 Q And do you know if the workers at that
24 point in time were required to wear masks or
25 respirators?

1 A They were not required to wear
2 respirators.

3 Q Do you know what circumstances they were
4 involved in cutting or manipulating the cloth at that
5 point in time?

6 A No, I don't. They worked in the cut and
7 sew department. I think the whole department was
8 subjected to the monitoring.

9 Q Can you identify any worker that worked in
10 cut and sew, a long-term employee that actually was
11 involved in cutting and sewing?

12 A No, I can't.

13 Q Would there be records available at the
14 facility that would identify people that worked in cut
15 and sew?

16 A I don't know.

17 Q Why did Mine Safety Appliance stop in 1984
18 manufacturing, or around that time frame,
19 manufacturing asbestos-containing clothing?

20 A Well, I think it was the growing knowledge
21 of the hazards of asbestos and products were changed
22 over the years. There may have been some that were
23 dropped, but in 1984 it was recognized, it was decided
24 that we shouldn't sell asbestos-containing clothing
25 anymore.

1 Q Are you telling me, Mr. Seibel, in 1984
2 the clothing was deemed to be a hazard by Mine Safety
3 Appliance?

4 MR. LAMM: Object to the form of the
5 question. Again, different conditions, different
6 applications.

7 A I think we recognized a growing concern
8 with asbestos, and although we did not have any
9 reports of problems with them, heat protective
10 asbestos-containing clothing, and although we did not
11 have any problems with the monitoring results, all the
12 monitoring results in the sewing department were
13 within OSHA requirements, we thought it best to remove
14 asbestos from our line.

15 Q And who made that decision, then?

16 A I know that it was instructed by our
17 manager of product safety at that time.

18 Q And who was that?

19 A Lawrence Dewosky.

20 Q And could you spell his last name?

21 A D-E-W-O-S-K-Y, I think.

22 Q Is he still employed by Mine Safety?

23 A He is deceased.

24 Q And it came down from him to individuals
25 that we are not going to manufacture that anymore?

1 A It was instructed by him that we would not
2 manufacture or sell any asbestos-containing clothing.

3 Q Are there documents that establish that
4 coming into effect?

5 A Yes.

6 Q And you have those at Mine Safety?

7 A Well, there is an internal memo that
8 instructs that.

9 Q And that's part of that asbestos file in
10 the legal department that you talked about at a depo?

11 A It would be maintained by the legal
12 department, yes.

13 Q Okay. Who was the president of Mine
14 Safety Appliance in 1984 when that decision was made?

15 A I'm not sure.

16 Q Do you know who is the president today?

17 A Yes.

18 Q Who?

19 A William Lambert.

20 Q And how long has Mr. Lambert been the
21 president?

22 A I think a couple years. I don't recall
23 specifically.

24 Q I think in a prior deposition you
25 identified a Mr. Ryan, III?

1 A Yes, Ryan, III.

2 Q Okay. And he is -- he was a former
3 president?

4 A Yes.

5 Q And what years did he serve?

6 A I don't know specifically.

7 Q Is he still alive?

8 A Yes.

9 Q And resides in our community, around here,
10 locally?

11 A Yes.

12 Q Would Mr. Ryan have been there when
13 asbestos-containing clothing was being manufactured?

14 A I don't know.

15 Q I don't know if I asked you, now, I
16 apologize if I didn't, in '77 when you got there, who
17 was the president?

18 A Eugene Merry.

19 Q Mr. Merry who we identified, the IHF man?

20 A Yes.

21 Q Have you ever heard of a gentleman by the
22 name of Jeffrey Stull, S-T-U-L-L?

23 A No.

24 MS. SAVINIS: I have no further questions,
25 and I thank you for your time.

1 MR. LAMM: That will conclude this
2 deposition. We will read the transcript.

3 VIDEO OPERATOR: We are going of the
4 record. The time is 1:20.

5 - - -

6 (Thereupon, at 1:20 o'clock p.m., the
7 deposition was concluded.)

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SIGNATURE PAGE

Charles J. Seibel, Jr.

Subscribed and sworn to before me this ____ day
of _____, 2006.

Notary Public

- - -

1 CERTIFICATE

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

4 I, Terri J. Urbash, do hereby certify that
5 before me, a Notary Public in and for the Commonwealth
6 aforesaid, personally appeared CHARLES J. SEIBEL, JR.,
7 who 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 him
11 as above set forth was by me reduced to stenotypy in
12 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 _____ day of _____,
23 2006.

24

25

Terri J. Urbash, Notary Public
In and for the Commonwealth of Pennsylvania
My commission expires June 7, 2008
