

CAUSE NO. 12902*BHOO

ODIS BRYANT WITHERS AND
RUBY WITHERS

VS.

GAF CORPORATION, ET AL

§
§
§
§
§
§

IN THE DISTRICT COURT OF

BRAZORIA COUNTY, TEXAS

23RD JUDICIAL DISTRICT

DEFENDANT, THE DOW CHEMICAL COMPANY'S EXPERT DESIGNATIONS

TO: Plaintiffs, by and through their attorneys of record Ms. Elizabeth R. Schick, Mr. William K. Tapscott, Baron & Budd, P.C., 3102 Oak Lawn Ave., Suite 1100, Dallas, Texas 75219.

COMES NOW, The Dow Chemical Company, defendant in the above-numbered cause, and pursuant to the Texas Rules of Civil Procedure, defendant files this its Expert Designations.

Since all plaintiffs have not yet been produced for deposition, defendant reserves the right to supplement these fact and expert witness lists based upon information obtained in plaintiffs depositions.

Experts:

1. Mr. Harold Hoyle
1360 Coranado Terrace
Daytona, FL 32725

Mr. Hoyle worked as an industrial hygienist at Dow Chemical. He will testify as to matters concerning state-of-the-art, industrial hygiene matters, and occupational health issues.

Mr. Hoyle will testify generally that Dow did not have any indication of any problem of any asbestos-related disease in any of its employees until the 1970's. He will testify that Dow took reasonable and necessary precautions to protect its employees and was not negligent in its actions towards its employees. He will offer testimony concerning the monitoring that was done of the Dow employees that were working in asbestos-related fields, and the fact that monitoring data suggested that all exposures were within existing government and industry

- (A) Documents reviewed by Mr. Hoyle have been made available to plaintiff's counsel.
- (B) No resume or bibliography is available.

2. Dr. Jack Peterson
2830 Via Viejah Oeste
Alpine, California 91901
(619) 445-9668

Dr. Peterson will testify concerning state-of-the-art, industrial hygiene matters, and occupational health issues.

Dr. Peterson will testify that The Dow Chemical Company was not negligent in any respect with respect to its employees or contractor employees. He will testify that reasonable precautions were taken with respect to the handling of asbestos in the facilities and that Dow at all times acted as a reasonably prudent plant owner with respect to asbestos on its premises. This testimony is based on his review testimony of Dow employees, such as Harold Hoyle, and his review of Dow's documents concerning exposures to asbestos on its premises. It will also be based upon his knowledge of state-of-the-art treatment of asbestos in the work place

- (A) Documents reviewed by Dr. Peterson have been made available to plaintiff's counsel.
- (B) Attached is Dr. Peterson's curriculum vitae.

3. Mr. J. LeRoy Balzer
408 Horse Trail Court
Walnut Creek, CA 94595

Mr. Balzer will testify concerning state-of-the-art, industrial hygiene matters, and occupational health issues.

Mr. Balzer will testify that The Dow Chemical Company was not negligent in any respect with respect to its employees or contractor employees. He will testify that reasonable precautions were taken with respect to the handling of asbestos in the facilities and that Dow at all times acted as a reasonably prudent plant owner with respect to asbestos on its premises. This testimony is based on his review testimony of Dow employees, such as Harold Hoyle, and his review of Dow's documents concerning exposures to asbestos on its premises. It will also be based upon his knowledge of state-of-the-art treatment of asbestos in the work place

- (A) Documents reviewed by Mr. Balzer have been made available to plaintiff's counsel.
- (B) Attached is Mr. Balzer's curriculum vitae.

4. Mr. John Spencer
Environmental Profile, Inc.
813 Frederick
Baltimore, MD 21228
(410) 744-0700

Mr. Spencer will offer testimony concerning state-of-the-art, industrial hygiene matters, and occupational health issues.

Mr. Spencer will testify that The Dow Chemical Company was not negligent in any respect with respect to its employees or contractor employees. He will testify that reasonable precautions were taken with respect to the handling of asbestos in the facilities and that Dow at all times acted as a reasonably prudent plant owner with respect to asbestos on its premises. This testimony is based on his review testimony of Dow employees, such as Harold Hoyle, and his review of Dow's documents concerning exposures to asbestos on its premises. It will also be based upon his knowledge of state-of-the-art treatment of asbestos in the work place

- (A) Documents reviewed by Mr. Spencer have been made available to plaintiff's counsel.
- (B) Attached is Mr. Spencer's curriculum vitae.

5 Dr. Ralph Cook
RRC Consulting, L.L.C.
1401 Harwood Court
Midland, Michigan 48640-2765
(517)837-9607

Dr. Cook will offer testimony concerning epidemiology studies that were done concerning the Dow Freeport facility.

Dr. Cook will testify that the epidemiology studies that were performed concerning the Dow Freeport facility did not indicate any excess of asbestos related illnesses or diseases among the employees. This testimony will be based upon epidemiology work that was done by the epidemiology staff at The Dow Chemical Company.

- (A) Documents reviewed by Dr. Cook have been made available to plaintiffs' counsel.
- (B) No resume or bibliography is available.

6. Gregory G. Bond, Ph.D.
The Dow Chemical Company
Midland, Michigan

Dr. Bond will offer testimony concerning epidemiology studies that were done concerning the Dow Freeport facility.

Dr. Bond will testify that the epidemiology studies that were performed concerning the Dow Freeport facility did not indicate any excess of asbestos related illnesses or diseases among the employees. This testimony will be based upon epidemiology work that was done by the epidemiology staff at The Dow Chemical Company.

(A) No resume or bibliography is available.

7. John R. Holcomb, M.D.
4410 Medical Dr., Suite 440
San Antonio, Texas 78229
(210) 692-9400

Dr. Holcomb may testify concerning plaintiff's medical condition and medical causation issues.

Dr. Holcomb is a potential doctor who may perform individual medical examinations on plaintiff Vicente Rodriguez. As soon as the examination and the report of Dr. Holcomb is completed, it will be provided to plaintiffs.

- (A) No documents have been submitted to, or reviewed by Dr. Holcomb in anticipation of his testimony.
(B) Attached is a copy of Dr. Holcomb's curriculum vitae.

8. Robert Marshall Ross, M.D.
6550 Fannin St. Suite 2403
Houston, Texas 77030
(713) 383-6100

Dr. Ross may testify concerning plaintiff's medical condition and medical causation issues.

Dr. Ross is a potential doctor who may perform individual medical examinations on plaintiff(s) filing a claim against Dow. As soon as the examination and the report of Dr. Ross is completed, it will be provided to plaintiffs.

- (A) No documents have been submitted to, or reviewed by Dr. Ross in anticipation of his testimony.
(B) Attached is a copy of Dr. Ross's curriculum vitae.

9. Kathryn Ann Hale, M.D.
Baylor College of Medicine
Pulmonary Section
6550 Fannin St., Suite 1236
Houston, Texas 77030
T: 713/790-2076

Dr. Hale may testify concerning plaintiff's medical condition and medical causation.

Dr. Hale is a potential doctor who may perform individual medical examinations on plaintiff(s) filing a claim against Dow. As soon as the examination and the report of Dr. Hale is completed, it will be provided to plaintiffs.

- (A) No documents have been submitted to, or reviewed by Dr. Hale in anticipation of his testimony.
- (B) Attached is a copy of Dr. Hale's curriculum vitae.

10. Dr. Gregory Foster
Pulmonary Medicine Consultants
375 Municipal Dr., #218
Richardson, Texas 75080
(972) 680-0666

Dr. Foster may testify concerning plaintiff's medical condition and medical causation issues.

Dr. Foster is a potential doctor who may perform individual medical examinations on plaintiff(s) filing a claim against Dow. As soon as the examination and the report of Dr. Foster is completed, it will be provided to plaintiffs.

- (A) No documents have been submitted to, or reviewed by Dr. Foster in anticipation of his testimony.
- (B) Attached is a copy of Dr. Foster's curriculum vitae.

11. Dr. Mark Robert Wick
301 Peacock Drive
Charlottesville, VA 22903-9716
(804) 245-9613
(804) 245-9643

Dr. Wick will testify concerning state-of-the-art, pathology matters and medical causation issues.

- (A) Documents reviewed by Dr. Wick have been made available to plaintiffs' counsel.
- (B) Attached is Dr. Wick's curriculum vitae.

12. John E. Craighead, M.D.
Department of Pathology
University of Vermont
College of Medicine
Burlington, VT 05405
(802) 656-2210

Dr. Craighead is a pathologist. He may testify, live or by deposition, concerning his review of the medical records, pathology and/or work history of Plaintiff and Plaintiff's medical condition. His testimony may also include discussion of asbestos and its effect on human

health generally and Plaintiff's specifically, and the effect that other substances have on human health generally and Plaintiff's condition specifically. Dr. Craighead may also testify regarding the medical conditions of Plaintiff based on review of medical records, x-rays, Plaintiff's experts' reports and supplemental reports and his training, experience and other special expertise. Further, Dr. Craighead may testify concerning the increased risk, if any, of cancer faced by asbestos exposed workers and the prognosis of such individuals. Further, Dr. Craighead will testify to the state-of-the-art issues with respect to knowledge of asbestos hazards.

In addition, if called to testify, either live or by deposition, Dr. Craighead is expected to provide testimony regarding the areas stated below:

- (A) No documents have been submitted to, or reviewed by Dr. Craighead in anticipation of his testimony.
- (B) Attached is a copy of Dr. Craighead's curriculum vitae.

13. Dr. Phillip Cagle
Baylor College of Medicine
Department of Pathology
1200 Morrison
One Baylor Plaza, Room 220B
Houston, Texas 77030-3498

Dr. Cagle will testify concerning state-of-the-art, pathology matters and medical causation issues.

- (A) No documents have been submitted to, or reviewed by Dr. Cagle in anticipation of his testimony.
- (B) Attached is a copy of Dr. Cagle's curriculum vitae.

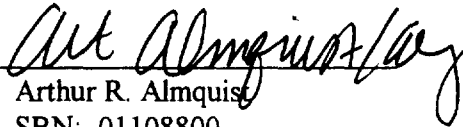
14. Dr. Andrew Churg
1229 West 7th Avenue
Vancouver, British Columbia, Canada V6H1b7

Dr. Churg will testify concerning state-of-the-art, pathology matters and medical causation issues.

- (A) No documents have been submitted to, or reviewed by Dr. Cagle in anticipation of his testimony.
- (B) Attached is a copy of Dr. Cagle's curriculum vitae

Respectfully submitted,

MEHAFFY & WEBER

By: 
Arthur R. Almquist

SBN: 01108800

Elna N. Griggs

SBN: 24013232

500 Dallas, Suite 1200

Houston, Texas 77002

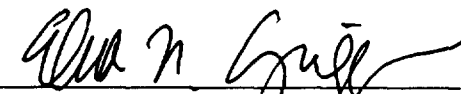
Telephone - (713) 655-1200

Telecopier - (713) 655-0222

**ATTORNEYS FOR DEFENDANT
THE DOW CHEMICAL COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing instrument were served upon plaintiffs' counsel of record via certified mail, return receipt requested, and to all other counsel of record via Certified Mail, Return Receipt Requested on this the 12th day of October, 2000.


Arthur R. Almquist / Elna N. Griggs