

CAUSE NO. 00-5325-D

JOHN H. RISLEY, ET AL.	§	IN THE DISTRICT COURT
	§	
VS.	§	105 TH JUDICIAL DISTRICT
	§	
GAF CORPORATION, ET AL.	§	NUECES COUNTY, TEXAS

DEFENDANT ASARCO INCORPORATED'S
FIRST AMENDED DESIGNATION OF EXPERT WITNESSES

COMES NOW ASARCO INCORPORATED f/k/a American Smelting and Refining Company ("ASARCO") and hereby designates the following expert witnesses on whom it may rely at the trial of this matter. ASARCO reserves its right to designate further expert and fact witnesses as further discovery is conducted in this action.

1. All individuals designated or to be designated as an expert witness by any other party to this action, whether live or by deposition testimony, and without regard to that party's presence at the time of trial.

2. All physicians or other health care practitioners who have treated Plaintiff or Plaintiff's decedent at any time and for any condition and whose names, addresses, and qualifications are already known to Plaintiff, may be called to testify whether live or by deposition testimony.

3. All physicians who have prior to trial examined Plaintiff or Plaintiff's decedent and/or Plaintiff or Plaintiff's decedent's medical records, hospital records, laboratory test results, x-ray or other diagnostic imaging films and/or any other information of whatever kind relating to the health of Plaintiff or Plaintiff's decedent, on behalf of any party, without regard to that party's presence at the time of trial, who will testify as to the Plaintiff or Plaintiff's decedent's clinical course and causation of any illness either live or by deposition testimony.

4. Allen R. Gibbs, M.D., Department of Pathology, Llandough Hospital, South Glamorgan, Penarth CF, 61XX, United Kingdom, is a pulmonary pathologist who received his medical degree from Newcastle Upon Tyne. He is a Fellow of the Royal College of Pathologists. He is a consultant pathologist to South Glamorgan Health Authority and is an honorary clinical teacher to the University of Wales College of Medicine. Dr. Gibbs is also an honorary consultant to the MRC external staff team on occupational lung diseases at Llandough Hospital. He was a senior lecturer in pathology at the University of Wales College of Medicine. He has special expertise in the diagnosis of asbestos-related diseases and the pathogenicity of the various forms of asbestos for pulmonary and pleural diseases and has reviewed over 2,000 lung samples involving asbestos-related changes. Additionally, Dr. Gibbs has authored or co-authored over 45 articles, papers and chapters in the field of pathology, many of which relate to asbestos-related disease.

Dr. Gibbs will testify generally as to his background, training and experience. Dr. Gibbs will testify as to his knowledge of pathology and asbestos-related diseases. He will further testify as to the general medical issues concerning the development, cause and diagnosis of asbestos-related disease and/or other diseases that mimic asbestos-related diseases.

On the basis of Dr. Gibbs' personal research into issues concerning asbestos-related disease, his knowledge of the medical literature and knowledge of the facts of this case as they are known to date, Dr. Gibbs may testify generally as to the dangers posed by the inhalation of asbestos fibers, the relative risks associated with exposure to low levels of airborne asbestos dust in the general environment, and the risks posed to Plaintiff from his alleged exposure to airborne asbestos dust. Dr. Gibbs may also testify concerning asbestos fiber counts in the lung tissue of different populations and their significance with regard to dose-response relationships and causation. Dr. Gibbs may also testify generally about his background, training, and experience, clinical and anatomical pathology,

the pathology associated with various asbestos related diseases, and other conditions which may mimic asbestos-related diseases. Dr. Gibbs may also address thresholds of exposure below which there is no measurable increased risk of contracting an asbestos-related disease and the latency periods required for the development of the various asbestos-related diseases.

Dr. Gibbs may review the pathological evidence in this case, if any, and testify concerning whether it is diagnostic of an asbestos-related disease.

Dr. Gibbs may offer such other opinions as may become necessary to rebut the opinions of Plaintiff's experts.

Dr. Gibbs may base his testimony on the available medical and scientific literature, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether presented live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether presented live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

5. Jeremiah Lynch, C.I.H., 25 Waterman Avenue, Rumson, New Jersey. Mr. Lynch is a Certified Industrial Hygienist. Mr. Lynch will testify generally as to his background, training and experience. Mr. Lynch will testify as to the methods and procedures involved in industrial hygiene, the methods and procedures utilized in the collection of airborne asbestos samples, including fiber measurement and counting techniques, and the use of industrial hygiene methods to control worker exposure to airborne asbestos dust. Mr. Lynch will further testify concerning threshold limit values, the various threshold limit values for asbestos exposure, the basis for the original threshold limit value and its subsequent changes. Mr. Lynch will further testify concerning the setting and implementation of asbestos exposure limits by OSHA, and the subsequent changes to those limits, and OSHA regulations pertaining to Plaintiffs' workplace at various times.

Mr. Lynch may also testify concerning the industrial hygiene programs implemented by Plaintiff's employers at various times, and how those programs compared to the industrial hygiene standards at various times. Mr. Lynch will further testify with regard to the effectiveness of the industrial hygiene program at ASARCO as compared to the various standards applicable at different times. Mr. Lynch may also testify as to the asbestos exposures which Plaintiff would have had at various times during his employment history. Mr. Lynch will also testify with regard to environmental exposures to airborne asbestos experienced by millions of Americans for which there is no epidemiological evidence of disease. He will testify regarding the use of respirators at Plaintiffs' workplaces and the effect of respirator use in controlling worker exposure to airborne asbestos dust. Mr. Lynch may offer such other opinions as may become necessary to rebut the opinions of Plaintiff's experts.

Mr. Lynch will base his testimony on the available medical and scientific literature, applicable statutes and regulations, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether presented live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether presented live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

6. Ernest Mastromatteo, M.D., 19 Carey Road, Toronto, Ontario, Canada M4S 1N9. Dr. Ernest Mastromatteo is a medical doctor specializing in occupational and environmental health. He is currently Professor Emeritus, Occupational and Environmental Health, University of Toronto and self-employed as a consultant in Occupational and Environmental Health. Dr. Mastromatteo received his Doctor of Medicine degree from the University of Toronto in 1947. He received a Diploma in Public Health from the University of Toronto in 1950 and a Diploma in Industrial Health from the University of

Toronto in 1958. In 1958, Dr. Mastromatteo was certified in Occupational Medicine by the American Board of Preventive Medicine. In 1981, Dr. Mastromatteo was certified in Occupational Medicine by the Canadian Board of Occupational Medicine.

From 1949 to 1952, Dr. Mastromatteo served as the Medical Director of the Virden Local Health Unit, Virden, Manitoba. In 1952, Dr. Mastromatteo commenced employment as a physician and consultant with the Ontario Ministry of Health. In 1968, he became the Director of the Division of Occupational and Environmental Health of the Ontario Ministry of Health. He remained in that position until 1974. From 1966 to 1974, Dr. Mastromatteo also served as a Consultant in Occupational Diseases to the Ontario Workers' Compensation Board. From 1968 to 1974, Dr. Mastromatteo was a part-time professor at the University of Toronto and from 1972 to 1974, he was Professor and the Head of the Department of Occupational and Environmental Health of the University of Toronto.

In 1974, Dr. Mastromatteo became Chief of the Occupational Health and Safety Branch of the International Labour Office ("ILO") in Geneva, Switzerland. He remained in that position until 1976. From 1976 to 1985, Dr. Mastromatteo was employed as Director of Occupational Health for Inco Limited, Toronto, Canada. From 1985 to 1994, Dr. Mastromatteo was employed as the Program Director, Occupational and Environmental Health, of ORC Canada Inc., Toronto, Canada. During that period, from 1985 to 1990, Dr. Mastromatteo also served as a consultant to the Occupational Health Policy Branch of the Ontario Workers' Compensation Board. From 1976 to the present, Dr. Mastromatteo has served as an Honorary Consultant to the Occupational Health Clinic of St. Michael's Hospital, Toronto, Canada.

Dr. Mastromatteo is a member of the Ontario Medical Association and Chaired the Section on Occupational Health and the Committee on Public Health. He is a member of the Canadian Medical Association. Dr. Mastromatteo was elected to the Ramazzini Medical Society in 1968 and has been a member of the International Commission on Occupational Health since 1968. Dr. Mastromatteo is an

Honorary Lifetime Member of the American Conference of Governmental Industrial Hygienists ("ACGIH"). Dr. Mastromatteo has served as a member of the ACGIH Threshold Limit Value ("TLV") Committee since 1964. He was Chair of the TLV Committee from 1985 to 1990 and President of the ACGIH for the 1969-1970 term. Dr. Mastromatteo has received numerous honors and awards in the field of occupational medicine. Among his other awards, in 1981 he received the Stokinger Award for Scientific Contributions to Occupational Toxicology in the United States. In 1986, he received the Yant Award for Scientific Contributions to Industrial Hygiene in the United States. In 1987, Dr. Mastromatteo received the Knudsen Award for his contributions to Occupational Medicine in the United States. In 1987 he was also inducted into the Safety and Health Hall of Fame International.

Dr. Mastromatteo will further testify that as a long-standing member of the American Conference of Governmental Industrial Hygienists Threshold Limit Value Committee, he is familiar with that organization's criteria for establishing threshold limit values. In setting those thresholds, the ACGIH examines all of the available evidence and bases its decision on the weight of evidence. As such, the ACGIH examines the studies and evaluates those studies based on their methodology and scientific reasoning. Based on its review of the best medical evidence, the ACGIH set its first threshold limit value for asbestos in 1946 and has changed it from time to time where the medical evidence has warranted such a change. Dr. Mastromatteo will testify as to the threshold limit value at different points in time and the medical knowledge that was available to the ACGIH concerning the health effects of asbestos.

Dr. Mastromatteo will further testify that the Occupational Safety and Health Administration ("OSHA") does not rely on the weight of evidence but sets its PEL based on a different control strategy. OSHA determines a safe level then sets the permissible exposure limit ("PEL") by adding factors of between ten (10) and one hundred (100) times. OSHA has set the PEL for all types of asbestos at 0.1 f/cc.

That level of exposure is many times below the level of exposure which one would expect to cause disease in the average worker.

Dr. Mastromatteo will base his testimony on the available medical and scientific literature, applicable statutes and regulations, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether presented live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether presented live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

7. Howard E. Ayer, C.I.H., 2812 Linwood Avenue, Cincinnati, Ohio. Mr. Ayer is a Certified Industrial Hygienist and a Certified Safety Professional. He is Emeritus Professor of Environmental Health, Division of Environmental Hygiene and Safety, University of Cincinnati. Mr. Ayer received his Bachelor degree in Chemical Engineering in 1948 from the University of Minnesota. He received a Masters of Science in Industrial Hygiene Engineering from Harvard University in 1955.

Mr. Ayer was employed by the United States Public Health Service ("USPHS") from 1948 to 1972. During that time period he served with the National Institute for Occupational Safety and Health, and its predecessor organizations (Division of Occupational Health, Occupational Health Program and Bureau of Occupational Safety and Health). He was assigned by the USPHS to the Kansas State Board of Health, the Occupational Health Field Station in Salt Lake City, Utah, and the Occupational Health Field Headquarters in Cincinnati, Ohio. Mr. Ayer was Assistant Chief of the Engineering Section from 1961 to 1964, Chief from 1964 to 1967 and Assistant Director of the Division of Field Studies from 1967 to 1972. Mr. Ayer has been with the University of Cincinnati, Institute of Environmental Health (Kettering Laboratory) as a Professor and Emeritus Professor since 1972. From 1982 to 1983, Mr. Ayer took a sabbatical year in safety engineering at Texas A&M.

Mr. Ayer has served on numerous committees in the field of industrial hygiene. As a member of the ACGIH, Mr. Ayer served on the Air Sampling Instruments Committee, the Energy Committee, the Ventilation Committee, and the Committee on Environmental Factors in the Pneumoconioses (which he chaired for three years). Mr. Ayer also chaired the ad hoc joint AIHA-ACGIH Committee on Uniform Methods in Impinger Counting. Mr. Ayer has authored over 40 published papers on matters of industrial hygiene.

Mr. Ayer's testimony will be based on his knowledge, training and experience in the field of industrial hygiene as it relates to asbestos and asbestos-containing products. Mr. Ayer will also testify as to the state of industrial hygiene at various points in time.

Mr. Ayer may also testify as to the asbestos exposures which Plaintiff would have had at various times during his employment history. Defendant ASARCO reserves the right to supplement this information based on documents or testimony concerning exposure levels which to date have not been discovered.

Mr. Ayer will base his testimony on the available medical and scientific literature, applicable statutes and regulations, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether presented live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether presented live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

8. Arthur M. Langer, Ph.D., Director, Environmental Sciences Laboratory of the Institute of Applied Sciences, Brooklyn College of the City University of New York, Brooklyn, New York 11210. Dr. Langer received his Bachelor of Arts degree in Geology from Hunter College, City University of New

York in 1956. In 1962, Dr. Langer received his Master of Arts in Petrology (geology) from Columbia University. Dr. Langer received his Ph.D. in Mineralogy from Columbia in 1965.

Dr. Langer may testify as to his background, training, experience, fellowships, memberships and other professional activities, honors and awards, editorial board service, appointments, publications in peer reviewed journals, abstracts and symposia proceedings, contributions to books, monographs and reports, national, international and regional committees and consultations, national and international invited seminars, lectures, meetings and conferences, and his participation in post-graduate education courses as fully set forth on his C.V. Dr. Langer may further testify as to his extensive study and experimentation with regard to the family of minerals commonly referred to as asbestos. Dr. Langer may also offer testimony concerning the state-of-the-art as it pertains to what various manufacturers of asbestos-containing products knew or should have known in regard to the potential hazards of asbestos at various times.

Dr. Langer will base his testimony on the available medical and scientific literature, applicable statutes and regulations, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether presented live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether presented live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

9. Robert Murray, M.D., South Hill, Church Road, Newton Green, Sudbury, Suffolk, C010 0QP, United Kingdom. Dr. Murray was an occupational health consultant. He qualified in medicine in 1939 at Glasgow University. From 1941 to 1946 he served in the R.A.M.C. in West Africa, India and Burma and was mentioned in despatches. Dr. Murray received his Diploma in Public Health in January, 1947. In April 1947, he became one of only 12 of Her Majesty's Medical Inspectors of Factories and was assigned to the East Lancashire Division based in Manchester where

he remained until 1956. While there, his Chief was E.R.A. Merewether. Dr. Murray regularly visited the asbestos factories within his jurisdiction including Turner Brother's Asbestos, British Belting and Asbestos, and Cape Asbestos.

As a Medical Inspector, Dr. Murray's duties included assisting the District Inspector in the implementation of those parts of the Acts and Regulations dealing with occupational health. This included the Asbestos Industry Regulations of 1931.

In 1949 he received the Diploma in Industrial Health of the Society of Apothecaries and lectured in Professor Lane's Department of Occupational Health in Manchester.

Dr. Murray joined the International Labour Office ("ILO") in Geneva in 1956 and remained there until 1961. Dr. Murray then became Medical Advisor to the TUC in London, a post which he held until 1974. During the 1960's and 1970's he assisted the TUC in its actions against asbestos which lead to the Asbestos Regulations of 1969. In 1974, Dr. Murray began independently consulting in occupational health. He consulted with a number of firms and organizations including the Asbestos Information Association. He served as the Convenor of the Medical Advisory Panel and Scientific Advisory Panel until 1992. In 1975 he became Secretary-Treasurer of the Permanent Commission on Occupational Health, now known as the International Commission on Occupational Health, and from 1981 to 1987 he was its President.

Dr. Murray's other qualifications include Membership (1963) and later Fellowship (1970) of the Royal College of Physicians of Glasgow, honorary Doctor of Technology of the University of Bradford, honorary Fellowship of the Institution of Occupational Safety and Health, Fellowship of the Faculty of Occupational Medicine of the Royal College of Physicians of Ireland, Fellowship of the corresponding Faculty of the Royal College of Physicians of London, honorary Fellowship of the

Royal Society of Medicine, honorary Fellowship of the Institute of Occupational Hygienists and honorary Doctor of Science of the University of Glasgow.

Dr. Murray kept in close touch with the increasing amount of literature concerning asbestos. He assisted the Asbestos Institute in Montreal in its efforts to ensure the safe use of asbestos. He participated in the ILO discussions in 1985 and 1986 which resulted in the Convention and Recommendation on the Safe Use of Asbestos and participated in seminars in Turkey, Malaysia, Thailand and Taiwan.

On the basis of Dr. Murray's personal knowledge and experience concerning issues regarding the health hazards of asbestos, and the historical developments relating to the development of knowledge concerning asbestos-related diseases and his knowledge of the medical literature, Dr. Murray has testified by way of a videotaped deposition as to the state of knowledge concerning what an employer could have and should have known during particular time periods with regard to both the dangers of asbestos use and methods of minimizing those dangers via proper hygiene measures.

10. John E. Craighead, M.D., 1845 Four Winds Road, Ferrisburgh, VT 05456. Dr. Craighead is a clinical and anatomical pathologist specializing in pulmonary pathology. Dr. Craighead will testify generally as to his background, training and experience. Dr. Craighead will testify as to his knowledge of pathology and asbestos-related diseases. He will further testify as to the general medical issues concerning the development, cause, and diagnosis of asbestos-related disease and/or other diseases that may mimic asbestos-related diseases.

On the basis of Dr. Craighead's personal research into issues concerning asbestos-related disease, his knowledge of the medical literature and knowledge of the facts of this case as they are known to date, Dr. Craighead may testify generally as to the dangers posed by the inhalation of asbestos fibers, the relative risks associated with exposure to low levels of airborne asbestos dust in

the general environment, and the risks posed to Plaintiff from his alleged exposure to airborne asbestos dust. Dr. Craighead may also testify concerning asbestos fiber counts in the lung tissue of different populations and their significance with regard to dose-response relationships and causation. Dr. Craighead may also testify generally about his background, training, and experience, clinical and anatomical pathology, the pathology associated with various asbestos related diseases, and other conditions which may mimic asbestos-related diseases. Dr. Craighead may also address thresholds of exposure below which there is no measurable increased risk of contracting an asbestos-related disease and the latency periods required for the development of the various asbestos-related diseases.

Dr. Craighead may review the pathological evidence in this case, if any, and testify concerning whether it is diagnostic of asbestos-related disease.

Dr. Craighead may offer such other opinions as may become necessary to rebut the opinions of Plaintiff's experts.

Dr. Craighead may base his testimony on the available medical and scientific literature, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether presented live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether presented live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

11. Frederick David Pooley, Ph.D., M.I.M.M., M.A.I.M.E., is a Professor in Minerals Engineering, Department of Mining & Minerals Engineering, School of Engineering, University of Wales, College of Cardiff, Newport Road, Cardiff, Wales. Dr. Pooley will testify generally as to his background, training and experience. Dr. Pooley will further testify as to his extensive study and experimentation with regard to the family of minerals commonly referred to as asbestos.

Dr. Pooley will testify regarding the mineralogy of asbestos generally. Dr. Pooley may also testify concerning the methodology and procedures involved in undertaking a mineral analysis of lung tissue, and the results of any mineral analysis of Plaintiff's lung tissue to the extent Plaintiff offers such evidence. Dr. Pooley will further testify concerning the levels of asbestos found in the lungs of different populations of individuals exposed to asbestos and within the general population and how those levels may relate to disease and the threshold fiber burden levels associated with various disease states. Dr. Pooley will further testify as to the interaction between lung fiber burdens and dose-response relationships.

Dr. Pooley may base his testimony on the available medical and scientific literature, applicable statutes and regulations, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether presented live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether presented live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

12. John M. G. Davis, Ph.D., Sc.D., Pathology, Institute of Occupational Medicine, 8 Roxburgh Place, Edinburgh, E88 9SU, Scotland. By deposition testimony taken in *Hunt v. Turner & Newall, et. al.*, Supreme Court of British Columbia, No. c885383, November 30, December 1, 1994. Dr. Davis is an experimental pathologist specializing in animal studies. Dr. Davis has testified generally as to his background, training and experience. Dr. Davis has testified as to his knowledge of experimental pathology and animal studies as they relate to the human health effect of the various forms of asbestos.

Dr. Davis has testified as to the general medical issues surrounding asbestos-related diseases. He has addressed latency, dose response relationships and differences in asbestos fiber types,

including their durability in biological tissues, as they relate to the development of asbestos-related diseases. His testimony is based on his extensive personal research into the pathological effects of asbestos on animals and his knowledge of the relevant scientific and medical literature. His testimony has addressed the disease mesothelioma and his opinions as to its causation, development and rate of occurrence. Dr. Davis has also testified as to the state-of-the-art as it pertains to experimental studies involving animal exposure to various forms of asbestos.

Dr. Davis has also testified by deposition as to the relevance of animal experiments conducted at Saranac Lake under the direction of Dr. Gardner during the 1940's and later by Dr. Vorwald in the 1950's, as well as subsequent experiments undertaken by Dr. Lynch. Dr. Davis has testified by deposition that problems with experimental design, controls and the inherent characteristics of the tested animals rendered Gardner's and Vorwald's studies inconclusive. He has testified that although Lynch's study was properly designed, there was no significant difference in the incidence of pulmonary tumors between test and control animals. Hence, Dr. Davis has testified by deposition that the animal experiments of Gardner, Vorwald and Lynch gave no reliable information that asbestos was carcinogenic, and it was not until 1967 that Gross demonstrated a positive relationship using specific Pathogen Free Rats. Dr. Davis has testified that by the time of Gross' experiments in 1967, the association between asbestos exposure and lung cancer had been demonstrated by human epidemiology.

13. Robert N. Jones, M.D., Tulane University Medical Center, Pulmonary Disease, Box SL-9, 1430 Tulane Avenue, New Orleans, LA. Dr. Jones is a medical doctor who is board certified in the specialties of internal medicine and pulmonary disease. his research career has been in the epidemiology of occupational lung diseases. Dr. Jones will testify generally as to his background, training and experience. Dr. Jones may testify generally concerning the anatomy and physiology of

the pulmonary system, the methods and procedures involved in pulmonary medicine and epidemiology generally and specifically with regard to asbestos-related diseases, the potential dangers posed by the inhalation of asbestos fibers, the potential dangers associated with exposure to low levels of airborne asbestos dust. Dr. Jones will further address the dose response curves associated with the various asbestos-related diseases. Dr. Jones's testimony may also address the disease mesothelioma, its relation to asbestos exposure, and its incidence among the general population. He will further testify as to the general medical issues concerning the development, cause, and diagnosis of mesothelioma and/or other asbestos-related disease. Dr. Jones will further testify concerning other conditions and/or malignancies that may complicate or confound the diagnosis of asbestos-related diseases and the clinical diagnosis of asbestos-related diseases. Dr. Jones will also address thresholds of exposure below which there is no measurable increased risk of contracting an asbestos-related disease and the latency periods required for the development of the various asbestos-related diseases.

Dr. Jones will also testify with regard to quantitative risk assessment as it pertains to the risk of contracting mesothelioma. Dr. Jones will testify that the risk of contracting mesothelioma increases at a rate proportional to a power of time since first exposure. Based on these statistical models Dr. Jones will testify with regard to plaintiff's quantitative risk assessment, the risk accumulated at different points in time, and the probabilities that plaintiff would have contracted mesothelioma as a result of different exposures. Dr. Jones will offer such other opinions as may become necessary to rebut the opinions of plaintiff's experts.

Dr. Jones may base his testimony on the available medical and scientific literature, applicable statutes and regulations, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether presented live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether

presented live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

14. Kyle B. Dotson, CIH, CSP, PE, 15817 Telge Road, Suite 200, Cypress, Texas 77429.

Mr. Dotson is a Certified Industrial Hygienist and Certified Safety Professional. He is also registered as a Professional Safety Engineer by the Commonwealth of Massachusetts and a Diplomate Environmental Engineer in the American Academy of Environmental Engineers. He received a Masters of Science degree in Environmental Science from the University of Texas at Dallas and a Bachelors of Science degree from McMurry University in Abilene, Texas.

Mr. Dotson has been a member of the American Industrial Hygiene Association ("AIHA") since 1987 and presently serves on its national board of directors. He is a past recipient of the Kusnetz Outstanding Professional in Industry Award, bestowed by the AIHA. He also serves on the editorial board of the *Industrial Safety and Hygiene News Magazine*.

Mr. Dotson's employment history includes service with Broken Hill Proprietary Company, Ltd. ("BHP"), a global natural resources corporation that conducts mining, petroleum and steel-making operations in some fifty countries. Mr. Dotson held the position of Vice President for Health, Safety and Environmental matters for several BHP business groups. As Vice President for BHP's copper mining group, his responsibilities included environmental affairs related to copper mining, milling, smelting, refining and exploration operations.

Before joining BHP, Mr. Dotson was employed by Phelps Dodge Corporation and with Maxim Environmental Engineers, Inc. Phelps Dodge is a diversified, international mining and manufacturing company and Mr. Dotson was Director of its Occupational, Safety and Health Department. His responsibilities included publication of corporate health and safety management standards and site conformance with industry "best practices". Maxim Engineers is one of the largest

environmental laboratories in the United States. At Maxim Engineers, Mr. Dotson was a Manager and Vice President of its Industrial Hygiene Group. His work included conducting EPA/OSHA compliance audits, asbestos abatement management for school districts, occupational disease investigations and exposure risk assessments.

Mr. Dotson's work experience also includes positions with Northern Telecom, Inc. as Safety Coordinator for Meridian Business Systems and with Hartford Insurance Group as an Industrial Hygienist.

Mr. Dotson will testify generally as to his background, training and experience. He will testify as to the methods and procedures involved in industrial hygiene, including fiber measurement and counting techniques. He will testify as to the methods and procedures utilized in the collection of airborne asbestos samples and the use of industrial hygiene methods to control worker exposure to airborne asbestos dust. He will further testify concerning threshold limit values, the various threshold limit values for asbestos exposure, the basis for the original threshold limit value and its subsequent changes.

Mr. Dotson will also testify concerning the setting and implementation of asbestos exposure limits by OSHA, the subsequent changes to those limits and OSHA regulations pertaining to Plaintiffs' workplace at various times. He may also testify concerning the industrial hygiene programs implemented by ASARCO and/or Plaintiffs' employers at various times, and how those programs compared to the industrial hygiene standards in effect at various times.

Mr. Dotson will further testify with regard to the effectiveness of the industrial hygiene program at ASARCO as compared to the various standards applicable at different times, the asbestos exposures which Plaintiff would have had at various times during his employment history and the environmental exposures to airborne asbestos experienced by millions of Americans for which there

is no epidemiological evidence of disease. He may offer such other opinions as may become necessary to rebut the opinions of Plaintiff's experts.

Mr. Dotson will base his testimony on the available professional, medical and scientific literature, applicable statutes and regulations, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether presented live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether presented live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

15. Janet Hughes, Ph.D. Department of Biostatistics, SL-18, Tulane School of Public Health, 1501 Canal Street, New Orleans, LA, 70112. Dr. Hughes is a statistician and professor of biostatistics at Tulane University Medical Center, Section of Environmental Medicine. Dr. Hughes will testify as to the statistical methods used in epidemiological analyses and quantitative risk assessment. Dr. Hughes will further testify as to the different models used by investigators and the United States Environmental Protection Agency for predicting mesothelioma incidence and risk. In addition Dr. Hughes may be called to testify as to the probabilities that decedent's alleged mesothelioma was proximately caused by exposures from different time periods.

16. Steven M. Koenig, M.D., Box 800546, Division of Pulmonary and Critical Care, University of Virginia Health Systems, Charlottesville, Virginia. Dr. Koenig is board certified in pulmonology. Dr. Koenig is an internist specializing in pulmonary diseases. Dr. Koenig will testify generally as to his background, training and experience. Dr. Koenig will testify as to his knowledge of pulmonology and asbestos-related diseases. He will further testify as to the general medical issues concerning the development, cause, and diagnosis of asbestos-related disease and/or other disease that may mimic asbestos-related diseases.

Dr. Koenig will testify as to his examination of the non-malignant Plaintiffs and his findings based upon those examinations, upon his review of Plaintiffs' medical records and diagnostic testing. He will testify concerning whether plaintiffs suffer from asbestos-related disease, including asbestosis and other asbestos-related pleural conditions. Dr. Koenig may offer such other opinions as may become necessary to rebut the opinions of Plaintiffs' experts.

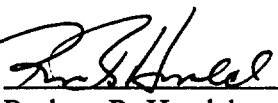
Dr. Koenig may base his testimony on the available medical and scientific literature, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether presented live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether presented live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

ASARCO reserves the right to seek leave of court to call experts who are substituted for experts on this list who become unavailable. ASARCO further reserves the right to call additional expert witnesses for the purpose of rebuttal or impeachment, if necessary at the time of trial.

The general description of the area of expertise of each expert's anticipated testimony is not intended to limit such testimony, but is merely an indication of the broad area in which they may offer testimony. ASARCO reserves the right to supplement or revise this designation up to the time of trial.

Respectfully submitted,

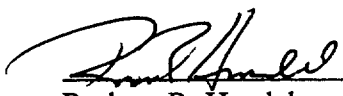
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been duly served on all counsel of record via facsimile and/or Certified Mail, Return Receipt Requested on this 5th day of February, 2002.


Rodney R. Handel

CAUSE NO. 00-5325-D

JOHN H. RISLEY, ET AL.	§	IN THE DISTRICT COURT
	§	
VS.	§	105 TH JUDICIAL DISTRICT
	§	
GAF CORPORATION, ET AL.	§	NUECES COUNTY, TEXAS

CERTIFICATE OF DISCOVERY

Pursuant to the Texas Rules of Civil Procedure, the undersigned does hereby certify that on February 5, 2002, the following discovery: Defendant ASARCO Incorporated's First Amended Responses to Plaintiff's Requests for Disclosure, was served on the following counsel of record:

Ms. Elizabeth R. Schick
Baron & Budd, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219

Respectfully submitted,

HUNTER & HANDEL, P.C.
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By



Rodney R. Handel

State Bar No. 08897460

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ASARCO INCORPORATED f/k/a AMERICAN
SMELTING AND REFINING COMPANY

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via facsimile and/or Certified Mail, Return Receipt Requested on this 5th day of February, 2002, in accordance with the Texas Rules of Civil Procedure.



Rodney R. Handel

HUNTER & HANDEL

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Rodney R. Handel

February 5, 2002

Mr. Oscar Soliz, District Clerk
Nueces County Courthouse
901 Leopard Street
Corpus Christi, Texas 78401

RE: Cause No. 00-5325-D; *John H. Risley, et al. v. GAF Corporation, et al.*; In the 105th
Judicial District Court of Nueces County, Texas

Dear Mr. Soliz:

Enclosed for filing among the papers of the referenced cause are the following instruments:

1. Defendant, ASARCO Incorporated's First Amended Designation of Expert Witnesses; and
2. Defendant, ASARCO Incorporated's Certificate of Discovery.

Please return a file-stamped copy of the first page of each of these instruments to me in the return envelope enclosed for your convenience.

By copy hereof, opposing counsel is being provided with copies of same.

Thank you for your attention to this matter.

Very truly yours,

HUNTER & HANDEL, P.C.



Rodney R. Handel

RRH:mn

Enclosures

cc: Ms. Tiffany L. Newlin ✓
Ms. Elizabeth R. Schick
Baron & Budd, P.C.
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Via CM RRR

All Counsel of Record
(without enclosures)

Via Facsimile

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