

Asbestos Litigation Filed The Simmons Firm vs GA-Pacific, et al.
C. William Lehnert

10/3/2001

Page 1

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

ALL ASBESTOS LITIGATION FILED
BY THE SIMMONS FIRM, L.L.C.,

Plaintiffs,

vs.

GEORGIA-PACIFIC, et al.,

Defendants.

VIDEO

DEPOSITION OF: C. WILLIAM LEHNERT

DATE: October 3, 2001

TIME: 10:49 A.M. to 2:22 P.M.

LOCATION: Sanibel Harbour Resort
17260 Harbour Pointe Drive
Fort Myers, Florida

TAKEN BY: Counsel for Defendant
Georgia-Pacific Corporation
BEFORE: Sheryl L. Akerley, RMR
Notary Public
State of Florida at Large.

COPY

Asbestos Litigation Filed The Simmons Firm vs GA-Pacific, et al.
C. William Lehnert

10/3/2001

Page 2

1 APPEARANCES:
2 On Behalf of the Plaintiffs:
3 The Simmons Firm, L.L.C.
4 Randall A. Bono, Esquire
5 William A. Kohlburn, Esquire
6 301 Evans Avenue
7 Wood River, Illinois 62095
8 (618) 251-2222
9
10 On Behalf of the Defendant Georgia-Pacific Corporation:
11 Nelson Mullins Riley & Scarborough, L.L.P.
12 Julia Bennett Jagger, Esquire
13 First Union Plaza, Suite 1400
14 999 Peachtree Street, N.E.
15 Atlanta, Georgia 30309
16 (404) 817-6287
17 Johnson Tomlin & Johnson
18 Virginia Easley Johnson, Esquire
19 4770 Biscayne Boulevard, Suite 1030
20 Miami, Florida 33137-3251
21 (305) 438-9899
22 Burroughs Hepler Broom MacDonald Hebrank & Truc
23 Jeffrey S. Hebrank, Esquire
24 103 W. Vandalia, Suite 300
25 Edwardsville, Illinois 62025
(618) 656-0184
On Behalf of the Defendant USX Corporation:
Winderwee, Haines, Ward & Woodman, P.A.
Robert P. Major, Esquire
1500 NationsBank Center
390 North Orange Avenue
Orlando, Florida 32801
(407) 246-8661
On Behalf of the Defendants Union Carbide
Corporation and Certain-Teed:
Heyl Royster Voelker & Allen
Kent L. Plotner, Esquire
Mark Twain Plaza II, Suite 100
103 West Vandalia
Edwardsville, Illinois 62025

Page 4

1 APPEARANCES (Cont'd.)
2 On Behalf of the Defendants Scam Roeback &
3 Company and Congoleum Corporation:
4 Karowski & Bailey, P.C.
5 Curtis R. Bailey, Esquire
6 24 Bronze Pointe
7 Swansea, Illinois 62226
8 (618) 277-3500
9
10 On Behalf of the Defendant ACadS:
11 Bice, Cole, Okuney, et al.
12 Gary L. Sanders, Esquire
13 1333 S.E. 23 Loop
14 Ocala, Florida 34478
15 (352) 732-2155
16
17 On Behalf of the Defendant John Crane:
18 Daniel J. O'Connell & Associates
19 James M. Walsh, Esquire
20 217 N. McLean
21 Elgin, Illinois 60123
22 (847) 741-4603
23
24 Also Present:
25 Joe Pitcher, Videographer

INDEX OF EXAMINATION
By Mr. Jagger - Pages 8, 107
By Mr. Bono - Pages 43, 104, 112
By Mr. Kohlburn - Page 60
By Mr. Will - Page 79
By Ms. Geise - Pages 100, 110

DEFENDANT GEORGIA-PACIFIC EXHIBITS PAGE
Composite A - 123 pages of formulas 18
B - Asbestos-containing formulas 24

Page 3

1 APPEARANCES (Cont'd.)
2 On Behalf of the Defendant Union Carbide:
3 Foley & Lander
4 Trevor J. Will, Esquire
5 Firstar Center
6 777 East Wisconsin Avenue
7 Milwaukee, Wisconsin 53202-5367
8 (414) 297-5536
9
10 On Behalf of the Defendant Scapa Dryer Fabrics:
11 Hawkins & Parnell, LLP
12 S. Christopher Collier, Esquire
13 4000 Suntrust Plaza
14 303 Peachtree Street, N.E.
15 Atlanta, Georgia 30308-3243
16 (404) 614-7400
17 On Behalf of the Defendant Certain-Teed:
18 Shea & Gardner
19 Elizabeth R. Geise, Esquire
20 1800 Massachusetts Avenue, N.W.
21 Washington, D.C. 20036
22 (202) 828-2177
23 On Behalf of the Defendant Mt. Vernon Mills, Inc.:
24 Kasowitz, Benson, Torres & Friedman, LLP
25 Jason C. Odom, Esquire
1360 Peachtree Street, N.E., Suite 1150
Atlanta, Georgia 30309
(404) 260-6080
On Behalf of the Defendant 3M Corporation:
Richman Greer Weil Brumbaugh Mirabito &
Christensen
Mark A. Romance, Esquire
One Clearlake Centre, Suite 1504
250 Australian Avenue South
West Palm Beach, Florida 33401-5016
(561) 803-3500

Page 5

1 THE VIDEOGRAPHER: My name is Joe Pitcher,
2 videographer. Today's date is October 3rd, 2001.
3 The time is 10:49 a.m. This is the video deposition
4 of C. William Lehnert being held at Sanibel Harbour
5 Resort, 17260 Harbour Pointe Drive, Fort Myers,
6 Florida in the case of All Asbestos Litigation filed
7 by The Simmons Firm, LLC versus A.P. Green
8 Industries, Incorporated, et al., defendants.
9 The court reporter is Sherie Akerley.
10 Do you all want to state your names for the
11 record?
12 MR. BONO: And who they represent, please.
13 THE VIDEOGRAPHER: And who you represent.
14 And do you want to start right here at the corner
15 right here?
16 MR. MAJOR: Robert Major, USX Corporation.
17 MR. BONO: Randall Bono, plaintiffs.
18 MR. KOHLBURN: William Kohlburn, plaintiffs.
19 MS. JAGGER: Julie Jagger, Georgia-Pacific.
20 MR. HEBRANK: Jeff Hebrank, Georgia-Pacific.
21 MR. COLLIER: Chris Collier, Scapa.
22 MR. ODOM: Jason Odom, Mt. Vernon Mills.
23 MR. WALSH: James Walsh, John Crane.
24 MS. GEISE: Elizabeth Geise, Certain-Teed
25 Corporation.

2 (Pages 2 to 5)

800-333-2082

Reported By: Sheryl L. Akerley, RMR
Spherion Deposition Services (704) 333-9889

Fax (704) 372-4593

10/3/2001

Page 6

1 MR. PLOTNER: Kent Plotner, Certain-Teed
2 Corporation and Union Carbide Corporation.
3 MR. WILL: Trevor Will, Union Carbide
4 Corporation.
5 MR. ROMANCE: Mark Romance, 3M.
6 MS. JOHNSON: Virginia Johnson,
7 Georgia-Pacific.
8 MR. BAILEY: Curtis Bailey, Sears Roebuck &
9 Company and Congoleum Corporation.
10 MR. SANDERS: Gary Sanders, ACandS.
11 THE VIDEOGRAPHER: The court reporter may
12 swear in the witness.
13 MR. BONO: Before we do, first I want to put
14 on the record that we are cancelling the discovery
15 deposition that was to precede the evidence
16 deposition.
17 (Witness sworn.)
18 MS. GEISE: Can I ask about stipulations for
19 objections before we start?
20 MS. JAGGER: Yes. We may want to swear him
21 again and make some general statements. This
22 deposition is being taken pursuant to Notice filed
23 by counsel for plaintiffs and cross noticed by
24 Georgia-Pacific Corporation. By agreement of all
25 counsel, the deposition is limited in scope to the

Page 8

1 Illinois, although it doesn't have a case number to
2 it.
3 MR. PLOTNER: And Randy, can we stipulate
4 that an objection by one is an objection for all?
5 MR. BONO: No.
6 MR. PLOTNER: No? State your objections?
7 MR. BONO: State your objections.
8 MS. GEISE: Everything but form of the
9 question reserved?
10 MR. BONO: No.
11 MS. JAGGER: Does anyone object if we have
12 Mr. Lehnert sworn in again so that we have a --
13 MR. BONO: No.
14 MS. JAGGER: -- a nice record for the video?
15 MR. BONO: Do we unswear him when the
16 deposition's over so we can get him back to normal
17 life?
18 C. WILLIAM LEHNERT,
19 called as a witness by the Defendant Georgia-Pacific
20 Corporation, having been first duly sworn, as hereinafter
21 certified, was deposed and said as follows:
22 EXAMINATION
23 BY MS. JAGGER:
24 Q Good morning, Mr. Lehnert. Could you state
25 your full name for the Court and jury, please?

Page 7

1 following issues. First, the use of Union Carbide
2 SG-210 asbestos in Georgia-Pacific products.
3 Second, authentication of Georgia-Pacific
4 product formulas containing Union Carbide SG-210
5 asbestos. These formulas were given to
6 Georgia-Pacific, Certain-Teed and Union Carbide
7 counsel by plaintiffs' counsel in advance of the
8 deposition.
9 And third, limiting -- limited questioning
10 regarding the relationship between Bestwall Gypsum
11 Company and Certain-Teed Corporation.
12 MR. BONO: One clarification. Although we
13 gave you the formulas, those were formulas that you
14 gave us in discovery.
15 MS. JAGGER: Correct. The formulas are from
16 the files and records of Georgia-Pacific
17 Corporation, and that will be established through
18 the witness, but I just wanted it to be clear that
19 these formulas are not being seen by the attorneys
20 here for the first time, they were distributed by
21 plaintiffs' counsel in advance of the deposition.
22 MR. BONO: And also it should be pointed out
23 that the videographer, although he mentioned this is
24 for The Simmons Firm, this is in the Circuit Court
25 of the Third Judicial Circuit, Madison County

Page 9

1 A Charles William Lehnert. I go by Bill.
2 Q Okay. Mr. Lehnert, as you know, I'm Julie
3 Jagger and I represent Georgia-Pacific Corporation. I'm
4 going to be asking you some questions this morning, and
5 then there will be some other attorneys who will ask you
6 some questions as well.
7 Can you tell us first, please, if you are
8 appearing here today voluntarily at the request of
9 Georgia-Pacific Corporation?
10 A Yes.
11 Q Okay. Were you aware prior to the deposition
12 that the questions today would be primarily limited to
13 matters relating to the use of Union Carbide SG-210
14 asbestos in Georgia-Pacific products?
15 A Yes.
16 Q Mr. Lehnert, how old are you?
17 A Seventy-three.
18 Q And where do you live?
19 A I live at 14111 Mystic, M-Y-S-T-I-C, Seaport
20 Way, Fort Myers, Florida 33919.
21 Q Are you retired?
22 A Yes.
23 Q When did you retire?
24 A In August of 1990.
25 Q Have you lived in the Fort Myers, Florida

3 (Pages 6 to 9)

10/3/2001

Page 10	Page 12
1 area since your retirement? 2 A Yes. 3 Q Okay. From what company did you retire? 4 A Georgia-Pacific Corporation. 5 Q Since your retirement in 1990, have you done 6 consulting work for Georgia-Pacific? 7 A Yes. 8 Q Can you tell the jury what types of 9 consulting work you have done for Georgia-Pacific? 10 A Yes. I have testified in litigations such as 11 I'm doing right now. I have testified in some trials, 12 and I have provided other technical assistance to 13 Georgia-Pacific when they have asked. 14 Q Has all of your consulting work related to 15 asbestos matters? 16 A No. 17 Q What other types of matters do you consult 18 for Georgia-Pacific on? 19 A They call me from time to time to ask 20 questions about different products based on the fact that 21 I have a background in the technical aspects of the 22 business. I have also gone to the research laboratory 23 and collated some documents for them. One particular 24 case it was on water resistant gypsum board. And I have 25 testified in a patent infringement case.	1 A Chemist. 2 Q How long were you employed by Certain-Teed 3 Products Corporation? 4 A Until May of 1956. 5 Q Throughout that time of 1951 until May of 6 1956, were you always a chemist? 7 A Yes. 8 Q Okay. Who was your boss at Certain-Teed? 9 A Originally it was Gilbert Hoggatt, 10 H-O-G-G-A-T-T. 11 Q And then did you have another boss 12 subsequently at Certain-Teed? 13 A Yes. 14 Q And who was that? 15 A Clarence Shuttleworth. 16 Q Okay. Are either Mr. Hoggatt or 17 Mr. Shuttleworth alive today? 18 A No. 19 Q During the years that you worked for 20 Certain-Teed Products Corporation did you do any work 21 with joint system compounds? 22 A Yes. 23 Q And before we get into that, could you just 24 explain generally to the jury what joint system compounds 25 are?
Page 11	Page 13
1 Q Okay. Why were you asked to maintain a 2 consulting role for Georgia-Pacific when you retired? 3 A I was involved in the technical part of the 4 gypsum business for my entire career, and when I retired 5 I was the manager of the Product Development & Technical 6 Service Department and had held that title for some 7 number of years. 8 Q Did you attend college, Mr. Lehnert? 9 A Yes. 10 Q Where did you attend college and during what 11 years? 12 A Let's see. 1945 I got some college in an 13 Army specialized training program that was held in 14 Virginia Polytechnic Institute. They just call it 15 Virginia Tech now. And I went to Georgia -- went to 16 Grove City College, and also to Pitt some summers, and 17 graduated from Grove City in 1950. 18 Q Okay. With a degree in what subject? 19 A Bachelor of Science degree in -- major in 20 chemical engineering. 21 Q Okay. Can you tell the jury where you were 22 employed in 1951? 23 A I was employed by Certain-Teed Products 24 Corporation. 25 Q What was your job title?	1 A Joint system compounds are products that are 2 used to tape and finish the joints on gypsum wallboard. 3 They are also used to conceal the dimpled nail heads, and 4 to cover the corner beads in gypsum wallboard 5 construction. 6 Q Okay. When you were employed by Certain-Teed 7 Products Corporation, what work did you do that involved 8 joint system compounds? 9 A I was asked to assume the responsibility for 10 the formulation of joint system compounds. 11 Q Did those joint system compounds contain 12 asbestos? 13 A Yes. 14 Q What was the purpose of asbestos in the 15 products? 16 A The asbestos would absorb a lot of water 17 which enabled the product to be able to be handled and 18 applied more easily than if the asbestos had not been 19 present. 20 Q Now, in May of 1956 by whom did you become 21 employed? 22 A Bestwall Gypsum Company. 23 Q How did that come about? 24 A Certain-Teed spun off the Gypsum Division and 25 called it Bestwall Gypsum Company.

4 (Pages 10 to 13)

Page 14

1 Q Okay. Were you still a chemist at the time
2 that you began employment with Bestwall Gypsum Company in
3 May of 1956?
4 A Yes.
5 Q Was Mr. Shuttleworth still your boss at that
6 time?
7 A Yes.
8 Q Okay. And how long were you employed by
9 Bestwall Gypsum Company?
10 A From 1956 to 1965.
11 Q Okay. During your years at Bestwall, did you
12 have any changes in your job title?
13 A Yes.
14 Q Okay. What change and when did that occur?
15 A In 1960 a small research group was formed and
16 I was appointed the working group leader.
17 Q Okay. During your years with Bestwall Gypsum
18 Company were you still doing work on joint compound
19 products?
20 A Yes.
21 Q Okay. As a group leader beginning in 1960,
22 were you involved in the development of any new joint
23 compound products?
24 A Yes.
25 Q What products?

Page 15

1 A Ready Mix joint compound.
2 Q Can you explain how Ready Mix joint compound
3 differed from the joint compounds that had existed
4 previously?
5 A The previous joint compounds were dry and
6 they were furnished in a bag, and Ready Mix was, as the
7 name indicates, mixed with water. It was a paste-type
8 product and it was sold in a pail, later in a carton.
9 Q Who had responsibility for the development of
10 Bestwall Ready Mix joint compound?
11 A I had that responsibility as the leader of
12 that research group.
13 Q When did Bestwall Ready Mix joint compound go
14 on to the market?
15 A I believe it was around 1965.
16 Q Did the joint compound products of Bestwall
17 between 1956 and 1965 contain asbestos?
18 A Between 1950 --
19 Q 1956 and 1965.
20 A Yes.
21 Q Okay. By whom did you become employed in
22 1965?
23 A Georgia-Pacific Corporation.
24 Q Were you employed by any particular group or
25 division at Georgia-Pacific?

Page 16

1 A We became the Gypsum Division, which was a
2 part of the Building Products Division of
3 Georgia-Pacific.
4 Q Okay. Did you work for the Building Products
5 Division or the Gypsum Division?
6 A The Gypsum Division.
7 Q And did you always work for the Gypsum
8 Division during your years at Georgia-Pacific?
9 A Yes.
10 Q Okay. What were generally the products of the
11 Gypsum Division of Georgia-Pacific?
12 A Gypsum wallboard, which some people call
13 sheetrock. Firestop, which was a fire rated gypsum
14 wallboard product. Tile Backer Board, which was a tile
15 backing product of Georgia-Pacific.
16 Q So board products, and what else?
17 A And joint compounds and textures.
18 Q Now, when you began employment with
19 Georgia-Pacific in 1965, what was your job title?
20 A I was -- I think the title was changed to
21 Manager of Research at that time.
22 Q Okay. And how long did you hold that
23 position?
24 A Actually the position never changed much.
25 The title changed sometime and later it was changed to

Page 17

1 Manager of Product Development & Technical Services.
2 Q So it was more of a name change than a change
3 in the type of work you did?
4 A Yes.
5 Q And were you responsible in that position for
6 the laboratory research on products?
7 A Yes.
8 Q Including joint compounds?
9 A Yes.
10 Q Who was your boss during your employment at
11 Georgia-Pacific Corporation?
12 A Up until 1967 it was Clarence Shuttleworth.
13 After that it was Glen Wilson.
14 Q Is Mr. Wilson still alive?
15 A No.
16 Q What was his title?
17 A He was the Vice President of the Gypsum
18 Division and General Manager of the Gypsum Division.
19 Q Mr. Lehnert, in your positions with
20 Certain-Teed, Bestwall and Georgia-Pacific, were you at
21 all times familiar with the product formulas for joint
22 compound products?
23 A Yes.
24 Q Okay. Would that include texture products?
25 A Yes.

5 (Pages 14 to 17)

Page 18 1 Q Would it also include acoustical products? 2 A Yes. 3 Q Was there a period of time when some 4 Georgia-Pacific joint system products contained asbestos 5 and others did not contain asbestos? 6 A Yes. 7 Q When was that, approximately? 8 A Approximately 1972 we began to be able to 9 develop products that did not have asbestos. 10 Q Okay. Did there come a time when 11 Georgia-Pacific no longer manufactured any joint system 12 product containing asbestos? 13 A Yes. 14 Q When was that? 15 A May 4th, 1977. 16 Q Mr. Lehnert, you have in front of you a set 17 of documents that has been marked as Exhibit A. Do you 18 see those? 19 A Yes. 20 Q Have you had an opportunity to review those 21 documents in advance of this deposition? 22 A Yes. 23 Q Okay. Are you familiar with them? 24 A Yes. 25 Q What are they?	Page 20 1 Decatur gypsum laboratory. 2 Q And prior to 1982? 3 A They would have been housed at the Tigard 4 gypsum laboratory. 5 Q Okay. Who was -- 6 A Tigard, Oregon. I'm sorry. 7 Q Okay. Who was in charge of the Tigard, Oregon 8 and the Decatur, Georgia laboratories? 9 A I was the manager. 10 Q Would the documents in Exhibit A have been 11 under your custody and control? 12 A Yes. 13 Q Do those documents in Exhibit A, Mr. Lehnert, 14 appear to be true and correct copies of documents 15 maintained in the regular course of Georgia-Pacific's 16 business? 17 A Yes. 18 Q All right. In addition to reviewing the 19 formulas contained in Exhibit A, did you review anything 20 else in preparation for this deposition? 21 A Yes. 22 Q What did you review? 23 A Several hundred other formulas of 24 Georgia-Pacific's joint compounds, as well as some other 25 lab documents.
Page 19 1 A They are joint system product formulas. 2 Q Okay. Of what company? 3 A For Georgia-Pacific Corporation. 4 Q Do you know whether or not that group of 5 formulas includes all of the joint compound formulas of 6 Georgia-Pacific? 7 A No, it does not. 8 Q Okay. Do you have any understanding as to who 9 selected the particular formulas included in Exhibit A 10 for discussion at this deposition? 11 MR. BONO: Objection, relevancy and 12 foundation. 13 THE WITNESS: I understand that they were 14 furnished by the plaintiffs' attorneys. 15 BY MS. JAGGER: 16 Q Okay. Do the documents contained in Exhibit A 17 come from the files of Georgia-Pacific Corporation? 18 A Yes. 19 Q Would you have been familiar with the 20 formulas in Exhibit A at or about the time they were 21 originally created? 22 A Yes. 23 Q Where at Georgia-Pacific would these formula 24 documents in Exhibit A have been housed? 25 A Since 1982 they would have been housed at the	Page 21 1 Q Did you review only selected formulas? 2 A No. 3 Q Did you have access to and review the entire 4 joint system formula set of Georgia-Pacific? 5 A Yes. 6 Q Why did you make that review, Mr. Lehnert? 7 A So that we could put a history together of 8 the development of joint compounds, and in this case the 9 history concerning SG -- the use of SG-210 in joint 10 compounds. 11 MS. JAGGER: Can we go off the record a 12 second? 13 THE VIDEOGRAPHER: We're going off the 14 record. The time is 11:13 a.m. 15 (Discussion off the record.) 16 THE VIDEOGRAPHER: Back on the record. The 17 time is the 11:28 a.m. 18 MS. GEISE: Elizabeth Geise for Certain-Teed. 19 I just wanted to state for the record that my 20 understanding is that this deposition is being taken 21 pursuant to the Illinois Rules, which would provide 22 that all objections except to the form of the 23 question are reserved until trial. And I don't want 24 my silence at Mr. Bono's insistence that objections 25 have to be stated at the time to indicate that I

Page 22

1 have stipulated to that. I have stipulated to the
2 fact that this deposition is taken pursuant to the
3 Illinois Rules.

4 MR. BONO: What Illinois Rules are you
5 referring to?

6 MS. GEISE: The Illinois Rules of Civil
7 Procedure.

8 MR. BONO: Do you know a particular rule
9 number that says that that is in existence?

10 MS. GEISE: No, Mr. Bono, and I don't mean to
11 have an argument on the record. I just don't want
12 you to think that by my silence that I have
13 stipulated to those rules. I understand that we're
14 governed by the Illinois Rules, and I'll take my
15 chances. And I do not want you to think that I have
16 agreed with you that any objection except as to the
17 form of the question is reserved. I mean that any
18 objection on any basis needs to be stated at this
19 deposition.

20 I don't understand how we can possibly make
21 relevance objections in a deposition noticed in re
22 all Simmons cases. I think that would be an
23 impossibility.

24 MR. WILL: Trevor Will for Union Carbide. I
25 want to put on record that it is my understanding as

Page 24

1 MR. BONO: Okay. Have you entered your
2 appearance in re the asbestos litigation as filed by
3 the Simmons Firm?

4 MR. WILL: I have not.

5 MR. BONO: Have you been admitted pro hac
6 vice in the State of Illinois in re the asbestos
7 litigation filed by The Simmons Firm?

8 MR. WILL: I have not, counsel, and let's
9 proceed. That's why I'm here with co-counsel.

10 MR. BONO: Well, let him make his objections.

11 BY MS. JAGGER:

12 Q Mr. Lehnert, during the break we have
13 adjusted the light so that it's not so bright, but if it
14 gets too bright, would you please let us know?

15 A Yes. Thank you.

16 Q Okay. Pointing your attention to Exhibit B,
17 do you recognize this document?

18 A Yes.

19 Q Did you prepare this document?

20 A Yes, I did.

21 Q Can you explain generally what this document
22 represents?

23 A Yes. It represents following the review I
24 made of Georgia-Pacific formulas, it is a history of
25 those joint compounds and texture formulas that contained

Page 23

1 well that the Illinois Rules under which this
2 deposition is being taken under provide for the
3 reservation of all objections except as to form of
4 the question. I don't agree with Mr. Bono's
5 statement either, and I would point out that it is
6 possible that this deposition may attempt to be used
7 in jurisdictions other than Illinois, and it would
8 be my position on the record that we will object to
9 matters of form that can be corrected, but not to
10 other types of objections which would be reserved
11 till the time of trial.

12 MR. BONO: I'm putting on the record that
13 we're not agreeing to reserving any objections. If
14 you want to make any objections, you better make
15 them now.

16 MR. WILL: Well, that's your position,
17 Mr. Bono. I don't think you're the judge, so I
18 think the record's clear. Let's go ahead.

19 MR. BONO: Well, I can assure you you're not
20 the judge, counselor. Are you even licensed in the
21 State of Illinois?

22 MR. WILL: That's why I'm with counsel.

23 MR. BONO: Are you licensed in the State of
24 Illinois, sir?

25 MR. WILL: No, I'm not.

Page 25

1 SG-210 Union Carbide asbestos.

2 Q Mr. Lehnert, without reviewing or having this
3 document in front of you, would you be able in this
4 deposition to quickly and succinctly identify the
5 products manufactured by Georgia-Pacific which contained
6 Union Carbide asbestos?

7 A No. I went through several hundred documents
8 and it just wouldn't be possible to remember all of this
9 without making some kind of a history, as I have done
10 here.

11 MS. JAGGER: Okay. At this point I would
12 tender into evidence Exhibit B on behalf of
13 Georgia-Pacific Corporation.

14 BY MS. JAGGER:

15 Q Mr. Lehnert, is it correct that Exhibit B
16 relates only to Georgia-Pacific products and Union
17 Carbide asbestos?

18 A Yes.

19 Q Okay. Did Certain-Teed Corporation joint
20 compounds ever contain Union Carbide asbestos?

21 A No.

22 Q Do you know what company supplied asbestos to
23 Certain-Teed for joint compounds?

24 A Yes.

25 Q Who were those companies?

7 (Pages 22 to 25)

Page 26

1 A Phillip Carey Company and Johns Manville
2 Corporation.
3 Q Did Bestwall Gypsum joint compounds ever
4 contain Union Carbide asbestos?
5 A No.
6 Q Do you know what companies supplied Bestwall
7 Gypsum with asbestos used in their joint compounds?
8 A Yes.
9 Q What companies were those?
10 A It was the Johns Manville Corporation and the
11 Phillip Carey Company.
12 Q Okay. Did Georgia-Pacific joint compounds
13 ever contain Union Carbide asbestos?
14 A Yes.
15 Q Was Union Carbide the only supplier of
16 asbestos to Georgia-Pacific?
17 A No.
18 Q Do you know who the other suppliers were?
19 A Yes.
20 Q Who were they?
21 A Johns Manville and Phillip Carey.
22 Q Were there ever instances where a particular
23 joint compound would contain asbestos supplied by more
24 than one company?
25 A Yes.

Page 27

1 Q Mr. Lehnert, when you review the product
2 formulas of Georgia-Pacific, such as those contained in
3 Exhibit A, how do you determine what company supplied the
4 asbestos used in that particular formula?
5 A By the designation in the formula itself.
6 Q Okay. So using, just for an example, Exhibit
7 A, Page A-1, Ready Mix Filler, Acme, Texas, it says under
8 "Raw Materials" Asbestos 7RF09. How do you determine who
9 supplied Asbestos 7RF09 for that formula?
10 A That was the designation used by the Phillip
11 Carey Company.
12 Q Okay. And down a little bit farther it says
13 Asbestos SG-210. Do you see that?
14 A Yes.
15 Q How do you determine what company supplied
16 the Asbestos SG-210 for that formula?
17 A That was the designation used by Union
18 Carbide --
19 Q Okay.
20 A -- for their asbestos.
21 Q So would it be correct, then, that in any
22 given formula if the designation 7RF09 appears that means
23 it was supplied by Phillip Carey?
24 A Yes.
25 Q Would it also be correct that if the

Page 28

1 designation Asbestos SG-210 appears, that asbestos would
2 have been supplied by Union Carbide?
3 A Yes.
4 Q Okay. In a few of the other formulas there is
5 a designation for Asbestos 7RF02. Do you recognize that
6 designation?
7 A Yes.
8 Q What company had that designation, if you
9 know?
10 A Johns Manville Corporation.
11 Q So that would it be correct that if a formula
12 identifies Asbestos 7RF02, that asbestos would always
13 have been supplied by Johns Manville?
14 A Yes.
15 Q Okay. In Exhibit B, Mr. Lehnert, at the top
16 of that document you have written "Overall usage dates".
17 Do you see that?
18 A Yes.
19 Q Could you give us those dates and tell us
20 generally what that means?
21 A Okay. The dates were December 29, 1969 to
22 May 4th, 1977. And the December 29, '69 date was the
23 first that Union Carbide SG-210 asbestos was used in a
24 Georgia-Pacific joint compound product. And 5 --
25 May 4th, 1977 was the date when there was no further

Page 29

1 Union Carbide asbestos used in Georgia-Pacific joint
2 compounds.
3 Q Now, it appears that in Exhibit B you have
4 broken down those usage dates by plants and products. Is
5 that correct?
6 A That's correct.
7 Q Okay. And the first one you have listed is
8 the Acme, Texas plant?
9 A Yes.
10 Q Can you tell us what geographical area the
11 Acme, Texas plant supplied?
12 A Yes. It would have supplied joint compounds
13 for the southwestern part of the United States.
14 Q Okay. The second plant that you list is
15 Akron, New York. What geographical area would that plant
16 have supplied?
17 A The Akron, New York plant could have supplied
18 the northeastern United States with joint compounds.
19 Q Okay. The third plant is the Chicago,
20 Illinois plant. What geographical area would that plant
21 supply?
22 A The Chicago plant would have furnished the
23 requirements for joint compounds in the Midwest.
24 Q The next plant is Marietta, Georgia. What
25 area geographically would that plant supply?

Page 30

1 A The Marietta, Georgia plant would furnish the
2 requirements for the southeastern part of the United
3 States.
4 Q And the last plant that's listed is the
5 Milford, Virginia plant. What geographical area would
6 that plant supply?
7 A Milford supplied in between Akron and
8 Marietta, so I don't know how we designate that
9 particular part. Maybe the east central part of the
10 United States.
11 Q Okay. Were all of these plants gypsum
12 plants?
13 A No.
14 Q Were they all plants of the Gypsum Division
15 of Georgia-Pacific?
16 A Yes.
17 Q Mr. Lehnert, in your review of the formulas
18 of Georgia-Pacific, did you identify products
19 manufactured at the Acme, Texas plant which contained
20 Union Carbide asbestos?
21 A Yes.
22 Q What products did you identify?
23 A All Purpose, Triple Duty, Speed Set, non
24 aggregate texture for walls and ceilings, polystyrene
25 ceiling texture and Ready Mix.

Page 31

1 Q Okay. And have you identified in Exhibit B
2 the dates and ranges of Union Carbide asbestos for those
3 products?
4 A Yes.
5 Q Okay. What is the difference between the
6 textures and the All Purpose, Triple Duty and Speed Set
7 joint compounds, in terms of use?
8 A In terms of use? For the most part the All
9 Purpose, Triple Duty and Speed Set were used in joint
10 taping and finishing operations in the gypsum wallboard
11 construction, whereas the textures were used as a
12 decorative effect after the joints and nail heads and
13 corner beads were all finished.
14 Q Okay. Based on your review of the
15 Georgia-Pacific product formulas, did you identify
16 products manufactured at the Akron, New York plant which
17 contained Union Carbide asbestos?
18 A Yes.
19 Q What products did you identify?
20 A Drywall adhesive, bedding compound, topping
21 compound and Ready Mix.
22 Q And have you on Exhibit B identified the
23 dates and the amounts of Union Carbide asbestos --
24 A Yes.
25 Q -- contained in those products?

Page 32

1 A Yes.
2 Q Based on your review of the formulas, did you
3 identify any products manufactured at the Chicago,
4 Illinois plant that contained Union Carbide asbestos?
5 A Yes.
6 Q What products were those?
7 A All Purpose, bedding compound, topping
8 compound and Ready Mix.
9 Q Have you set out on Exhibit B the dates and
10 amounts of the use of Union Carbide in those products?
11 A Yes.
12 Q Based on your review of the Georgia-Pacific
13 formulas, did you identify any products manufactured at
14 the Marietta, Georgia plant which contained Union Carbide
15 asbestos?
16 A Yes.
17 Q What products were those?
18 A Central Mix and Ready Mix.
19 Q Okay. And have you set out the dates and the
20 amounts of the Union Carbide usage for those products?
21 A Yes.
22 Q Based on your review of the Georgia-Pacific
23 formulas, did you identify any products manufactured at
24 the Milford, Virginia plant that contained Union Carbide
25 asbestos?

Page 33

1 A Yes.
2 Q What products were those?
3 A Ready Mix.
4 Q Okay. Mr. Lehnert, I'd like to focus your
5 attention in Exhibit B on Ready Mix. And I'm going to go
6 plant by plant, beginning with the Acme, Texas plant.
7 During what times did Ready Mix joint
8 compound manufactured at the Acme, Texas plant contain
9 Union Carbide asbestos?
10 A Between September 22nd, 1971 to May 4th,
11 1977.
12 Q And in what ranges percentage-wise was Union
13 Carbide asbestos used?
14 A One percent to 3.75 percent.
15 Q Did all of the Ready Mix manufactured at
16 Acme, Texas between September 22, 1971 and May 4, 1977
17 contain Union Carbide asbestos?
18 A No.
19 Q Okay. What Ready Mix formulas during that
20 time, and again we're talking about September 22, 1971 to
21 May 4, 1977, what Ready Mix formulas did not contain
22 Union Carbide asbestos?
23 A Ready Mix topping furnished between
24 March 8th, 1974 to September 10th, 1975 in four-gallon
25 cartons and five-gallon pails did not contain SG-210

9 (Pages 30 to 33)

10/3/2001

Page 34

1 asbestos. And of course the asbestos-free products did
2 not contain SG-210 asbestos.
3 Q Okay. Now, what's the difference between
4 Ready Mix topping and formulas which are just Ready Mix?
5 A Ready Mix topping is different inasmuch as it
6 has a lesser amount of binder because it's not required
7 for the taping operation. And so -- and also it sands
8 easier since it doesn't have as much adhesive in the
9 formula.
10 Q Okay. What can a person use a general Ready
11 Mix formula to do?
12 A He can tape the joints in gypsum wallboard
13 construction. He can finish those joints with this same
14 material. He can cover the nail heads so that they're
15 hidden, and he can use it to fill in the corner beads in
16 gypsum wallboard construction.
17 Q Could a person use Ready Mix topping to do
18 all of those same functions?
19 A No.
20 Q Which one of those functions or ones of those
21 functions could a person use Ready Mix topping to
22 perform?
23 A The finishing only.
24 Q Pointing your attention now to the second
25 page, to the Akron, New York plant, in your review of the

Page 36

1 A Phillip Carey.
2 Q So between December 29 and 1969 -- excuse me.
3 Strike the question.
4 Between December 29, 1969 and September '70,
5 are you indicating by this that virtually all of the
6 asbestos used was 7RF-9 Phillip Carey?
7 A What were the dates again? I got lost here.
8 What were the dates? Can I have the question asked
9 again?
10 Q I'm just -- I'm trying to understand your
11 chart.
12 A Okay.
13 Q Between December 29, 1969 and
14 September 1970 --
15 A Oh, I see.
16 Q -- did Akron Ready Mix contain only Union
17 Carbide or some mix of asbestos?
18 A It would have contained -- could have
19 contained some mix of asbestos during that period of
20 time. Between '69 and -- well, no, my notes here say
21 that virtually all formulas, and I suppose there were
22 some maybe that had a combination, however, but virtually
23 all the formulas up to September 1970 had the 7RF-9
24 asbestos. But from September forward all available
25 formulas used some SG-210, some SG-210, except for

Page 35

1 product formulas, did Ready Mix joint compound
2 manufactured at the Akron, New York plant contain Union
3 Carbide asbestos?
4 A Yes.
5 Q During what time periods did Akron Ready Mix
6 contain Union Carbide asbestos?
7 A Between December 29th, 1969 to May 4th, 1977.
8 Q Did all of the Ready Mix manufactured at
9 Akron between those dates contain Union Carbide asbestos?
10 A Virtually all of the formulas contained Union
11 Carbide asbestos, except for the asbestos-free formulas.
12 Q Okay. Were there any asbestos-containing
13 formulas between December 29, 1969 and May 4, 1977 for
14 Akron Ready Mix that did not contain Union Carbide
15 asbestos?
16 A No, all of the Akron formulas contained the
17 SG-210 asbestos, except for asbestos-free joint compound
18 Ready Mix.
19 Q Your Exhibit B contains the language
20 virtually all formulas up to September, or 9, which I
21 assume is September, 1970, used 7RF-9 asbestos. Is that
22 what you wrote?
23 A Yes.
24 Q Okay. Whose asbestos or who supplied 7RF-9
25 asbestos?

Page 37

1 asbestos-free.
2 Q Moving now to Chicago, in your review of the
3 formulas, was Ready Mix manufactured at Chicago a product
4 which contained Union Carbide asbestos?
5 A Yes.
6 Q And what were the dates that it contained
7 Union Carbide asbestos?
8 A Between October 21st, 1970 to May 4th, 1977.
9 Q Did all of the Ready Mix manufactured at
10 Chicago during that timeframe contain Union Carbide
11 asbestos?
12 A All of the general formulas, but there were
13 some exceptions between -- do you want me to give you the
14 exceptions?
15 Q Yes.
16 A Between May 20th, 1974 to December '74 there
17 was a special request formula, and between March 1st,
18 1975 to March 23rd, 1976 there was some special trial
19 shipments made. And there were two Ready Mix topping
20 formulas available between May 27th, 1975 and March 22nd,
21 1976, and also between March 25th, 1974 and March 23rd,
22 1976.
23 In addition to those -- those were the two
24 Ready Mix. The first date I gave you was the first Ready
25 Mix and the second date was the second Ready Mix which

10 (Pages 34 to 37)

800-333-2082

Reported By: Sheryl L. Akerley, RMR
Spherion Deposition Services (704) 333-9889

Fax (704) 372-4593

Page 38

1 did not contain SG-210. And then in addition to those
2 the asbestos-free formulas that were made available.
3 Q Okay. Mr. Lehnert, if -- what does it mean to
4 say that a formula is a special request only?
5 A There were customers that asked for some
6 special Ready Mix, and it might have been a different
7 color. It might have had some additional workability
8 characteristics. It was something that was made for --
9 that the customer had requested.
10 Q Okay. If a customer didn't request a specific
11 special formula, would they receive the general formulas?
12 A Yes.
13 Q Moving to the next page of Exhibit B, the
14 Marietta, Georgia plant, based on your review of the
15 formulas, was Union Carbide asbestos used in Ready Mix
16 manufactured at the Marietta, Georgia plant?
17 A Yes.
18 Q During what years?
19 A Between March 6, 1972 to May 4th, 1977.
20 Q Okay. Did all of the asbestos-containing
21 Ready Mix manufactured at the Marietta, Georgia plant
22 contain Union Carbide asbestos?
23 A Yes. The only exception was the
24 asbestos-free product that was made available.
25 Q Okay. And lastly, the Milford, Virginia

Page 40

1 Q Yes. Were there some Ready Mix formulas that
2 did not contain Union Carbide asbestos from Milford?
3 A Yes.
4 Q Okay.
5 A There were topping. There was a crack
6 resistant formula that was furnished on special request.
7 A buff taping formula was special request, as well as the
8 asbestos-free, which wouldn't have SG-210.
9 Q Okay. Mr. Lehnert, based on your review of
10 the Georgia-Pacific product formulas, does the
11 information contained in Exhibit B identify all of the
12 joint compound products of Georgia-Pacific which ever
13 contained Union Carbide asbestos?
14 A Yes.
15 Q Okay. As you sit here today, do you recall
16 ever personally meeting or talking to anyone from Union
17 Carbide Corporation?
18 A No.
19 MS. JAGGER: That's all the questions I have
20 right now. These other attorneys are going to have
21 some questions, and I would suggest a short break.
22 THE VIDEOGRAPHER: We're going off record.
23 The time is 11:59 a.m.
24 (Recess taken.)
25 THE VIDEOGRAPHER: Back on the record. The

Page 39

1 plant, based on your review of the product formulas, did
2 Ready Mix joint compound manufactured at Milford,
3 Virginia contain Union Carbide asbestos?
4 A Yes.
5 Q During what time frames?
6 A Between June 21st, 1973 to at least
7 January 20th, 1975.
8 Q And why do you say at least January 20, 1975?
9 A We had a formula for Ready Mix with SG-210
10 asbestos on March 20th, 19 -- up until March 20th, 1975,
11 but there --
12 MS. JOHNSON: January.
13 A -- January 20th, 1975, but a lab document
14 excluded it as of that date. So we're not absolutely
15 sure. There might have been a formula, but the lab
16 document excluded it, so it wouldn't have gone beyond
17 that date. It wouldn't have been available beyond that
18 date.
19 Q Did all of the Ready Mix general formulas at
20 Milford, Virginia, between June 21, 1973 and January 20,
21 1975 contain Union Carbide asbestos?
22 A No. Oh, yes, all the general formulas, yes,
23 that's correct.
24 Q Okay.
25 A Is that what your question was?

Page 41

1 time is 12:14 p.m.
2 BY MS. JAGGER:
3 Q Mr. Lehnert, I apologize. I have a couple of
4 more questions. During the break you pointed out to me
5 that you had made a mistake in your testimony regarding
6 Ready Mix at the Milford, Virginia plant. Am I correct?
7 A That's correct.
8 Q Okay. Would you explain that mistake?
9 A I understand that I said, and I didn't mean
10 to say, that it was Ready Mix with SG-210 was not made
11 between 6/21/73 and on to at least January 20th, '75, and
12 I should have said it was used in Ready Mix in those
13 dates.
14 Q Okay. Exhibit B indicates that the Ready Mix
15 manufactured at Milford, Virginia containing Union
16 Carbide asbestos was manufactured to at least January 20,
17 1975, correct?
18 A Yes.
19 Q Okay. And why do you say it was until at
20 least January 20, 1975?
21 A There was a lab document that told us that it
22 was not manufactured after that date. There was a lab
23 document that omitted that particular product.
24 Q Omitted, is that what you said?
25 A Excluded, yes, that product after 1 --

11 (Pages 38 to 41)

10/3/2001

Page 42

1 January 20th, 1975.
2 MS. JOHNSON: At least.
3 THE WITNESS: Yes, to at least. Yeah. It
4 may have been dropped before that, but -- oh, no, it
5 was at least until 1975, and the lab document
6 indicated that it wasn't manufactured thereafter.
7 BY MS. JAGGER:
8 Q Okay. You have testified about some special
9 formulas, like special request only or crack resistant
10 formulas? Mr. Lehnert?
11 A Yes. I'm still back on this. Could I go
12 back on this?
13 Q Yes.
14 A I realize what I'm saying now, and I'm all
15 fouled up. It was at least, but it could have been
16 manufactured longer than that, and a lab document
17 indicated that it was manufactured after that rather than
18 was not manufactured. So I'm sorry I got that fouled up.
19 Q Okay. So let's make sure we have a clear
20 record. At Milford, Virginia, Ready Mix joint compound
21 containing Union Carbide asbestos was manufactured from
22 June 21, 1973 to at least January 20, 1975, is that
23 correct?
24 A That's correct.
25 Q Okay. And how do you know that it was

Page 44

1 they manufactured?
2 A No, I do not.
3 Q Okay. Looking at your Exhibit B, sir, you
4 have the first product there being All Purpose. Was that
5 All Purpose joint compound?
6 A Yes.
7 Q Did that come in a dry or wet formulation?
8 A It was a dry product.
9 Q Okay. The Ready Mix line, is that -- when
10 you say Ready Mix, does that mean it's already ready
11 mixed with water?
12 A Yes.
13 Q Okay. And it comes like a paste?
14 A Yes, in a metal pail or a plastic pail.
15 Q Okay. The Ready Mix line, was that the only
16 line that Georgia-Pacific manufactured that came in pails
17 or buckets?
18 A Yes.
19 Q Okay. The other joint compound products that
20 Georgia-Pacific manufactured came in bags, is that
21 correct?
22 A That's correct.
23 Q And it came in a powdered form?
24 A Yes.
25 Q And it had to be mixed with water? And had

Page 43

1 manufactured at least until January 20, 1975?
2 A Well, we had a lab document that included it,
3 not excluded it, so then it would at least have been
4 still manufactured at that point.
5 Q Okay. Now, changing gears for a minute,
6 Mr. Lehnert, you have made reference in this deposition
7 to special formulas such as special request formulas,
8 special crack resistant formulas, and things like that.
9 Do you recall?
10 A Yes.
11 Q Okay. If a special formula was being
12 manufactured, would the general Ready Mix formulas still
13 be manufactured at the same time?
14 A Oh, yes.
15 MS. JAGGER: Okay. Thank you for your time.
16 That's all my questions for right now.
17 EXAMINATION
18 BY MR. BONO:
19 Q We can say good afternoon now, Mr. Lehnert.
20 A Sure.
21 Q What was the biggest plant that
22 Georgia-Pacific had that made the joint compound
23 products?
24 A The Acme, Texas plant was the largest plant.
25 Q Do you know what percentage of the products

Page 45

1 to be mixed with water?
2 A Yes.
3 Q Okay. The All Purpose joint compound that's
4 No. 1 on your Exhibit B, from March 11th, 1990 -- '74
5 until at least 12/16/75 contained SG-210, is that
6 correct?
7 A Yes.
8 Q Did any other plants manufacture All Purpose
9 joint compound?
10 A Yes, I believe Chicago did. And I believe we
11 have Chicago down here.
12 Q Yes, sir.
13 A Yes.
14 Q Any other plants besides Chicago or Acme,
15 Texas?
16 A I don't have all -- I'd have to consult the
17 formulas, all the formulas, to be sure, but it was -- I
18 think it was limited to those two plants.
19 Q Okay. Moving on, still on Exhibit B, sir,
20 your Triple Duty, is that a Triple Duty joint compound?
21 A Yes.
22 Q Came in a bag?
23 A Yes.
24 Q From October 5th, 1974 to at least
25 April 22nd, 1976 did all Triple Duty joint compound

12 (Pages 42 to 45)

Page 46

1 manufactured at Acme, Texas contain Union Carbide SG-210
2 asbestos?
3 A Until when?
4 Q April 22nd, 1976.
5 A 1976, yes.
6 Q Did any other plants make Triple Duty joint
7 compound?
8 A Yes.
9 Q What plant?
10 A I believe it was manufactured at Akron. And
11 I believe it was also manufactured at Chicago, but I
12 would have to consult the formulas again to be absolutely
13 sure of that.
14 Q Do you know if the Akron and Chicago plants
15 used SG-210?
16 A If it was manufactured at those plants and it
17 used SG-210 it would be on this list, and it's not on the
18 list, so presumably if it was manufactured, it did not
19 contain SG-210 asbestos.
20 Q Moving on to Speed Set.
21 A Okay.
22 Q Next one. Is that Speed Set joint compound?
23 A Yes.
24 Q And it came in a powdered form?
25 A Yes.

Page 47

1 Q Sold in a bag?
2 A Yes.
3 Q Okay. From 6/29/71 to 3/30/74, did Speed Set
4 manufactured at the Acme, Texas plant contain Union
5 Carbide SG-210 asbestos?
6 A Yes.
7 Q Did any other plants manufacture Speed Set?
8 A At what time period are we talking about?
9 Q 6/29/71 to 3/30/74.
10 A No.
11 Q Previously you had testified as to something
12 called texture and acoustical. In a generic term, can
13 you tell me what textured products are?
14 A Yes. Textures are dry products that are
15 mixed with water, and they either have or do not have an
16 aggregate in them. And they're usually spray applied,
17 but they can be -- some of them without the aggregate can
18 be applied with a brush or with some other implement to
19 get a textured surface.
20 Q And what is a texture product used for?
21 A It's used for decorative effect, usually on
22 ceilings.
23 Q Does it make little raised ridges, or designs
24 on drywall?
25 A Yes. It depends on the particular texture

Page 48

1 that you apply.
2 Q And you also mentioned acoustical, sir. What
3 is acoustical?
4 A Acoustical. It was an acoustical plaster
5 that was manufactured.
6 Q Georgia-Pacific also manufactured plasters,
7 is that correct?
8 A Yes.
9 Q And some of those plasters contained
10 asbestos?
11 MS. JAGGER: Object to the form and the
12 scope.
13 THE WITNESS: Can I answer?
14 MR. BONO: (Indicating.)
15 MS. JAGGER: The question --
16 THE WITNESS: Yes.
17 MS. JAGGER: The question is did
18 Georgia-Pacific plasters contain asbestos?
19 MR. BONO: Some.
20 THE WITNESS: He said some.
21 MR. BONO: Some did, some didn't.
22 MS. JAGGER: No, I'll object. That's outside
23 the scope of this.
24 (Discussion off the record.)
25

Page 49

1 BY MR. BONO:
2 Q At some point in time did Georgia-Pacific
3 make acoustical plasters that contained asbestos?
4 A Yes.
5 MS. JAGGER: Georgia-Pacific?
6 MR. BONO: Georgia-Pacific.
7 MS. JAGGER: Not Bestwall?
8 MR. BONO: Georgia-Pacific.
9 THE WITNESS: Yes.
10 BY MR. BONO:
11 Q Okay. Did any of those Georgia-Pacific
12 acoustical plasters contain SG-210?
13 A No.
14 Q Moving on down your Exhibit B, you have non
15 aggregate texture for walls and ceilings. From 11/7/72
16 to March 22nd, '73 did non aggregate texture contain
17 SG-210 made by Union Carbide?
18 A Yes, during those dates.
19 Q Did any other plants manufacture non
20 aggregate texture?
21 A I'd have to go back to the formulas, but
22 obviously if we manufactured it it wouldn't contain
23 SG-210 it would be on here, but I can't be sure that we
24 didn't manufacture it elsewhere.
25 Q Okay. Moving on to the next item is

13 (Pages 46 to 49)

Page 50 1 polystyrene ceiling texture? 2 A Yes. 3 Q Between April 20th of 1972 to April 17th of 4 1973, did polystyrene ceiling texture contain Union 5 Carbide SG-210 asbestos? 6 A Yes. 7 Q Did any other plants manufacture polystyrene 8 ceiling texture other than Akron, Texas? 9 A No. 10 Q Okay. Georgia-Pacific manufactured a product 11 called Ready Mix joint compound, is that correct? 12 A Yes. 13 Q Did Georgia-Pacific also manufacture a 14 product called Ready Mix topping compound? 15 A Yes. 16 Q Is there a difference between a Ready Mix 17 joint compound and Ready Mix topping compound? 18 A Yes. 19 Q Can you explain that difference? 20 A Yes. The Ready Mix topping compound contains 21 less binder or adhesive so it could not be used to do the 22 taping operation nor the first coat over the nail heads 23 and the corner beads. But it had the advantage of being 24 easier to sand as a result of having less adhesive, and 25 that was the main difference.	Page 52 1 adhesive, and it was a pre mixed product that was 2 furnished in a tube, in a caulking tube, and applied to 3 the studs to adhere the gypsum board to the studs. 4 Q Moving on to the bedding compound, did that 5 come in a bag? 6 A Yes. 7 Q Okay. From March 30th, 1972 to February of 8 1973 did bedding compound contain Union Carbide SG-210 9 asbestos? 10 A Yes. 11 Q Did any other plants make bedding compound 12 besides Akron? 13 A Yes. 14 Q What plants? 15 A Acme, Chicago. Did I say -- oh, we said 16 Akron, didn't we? Chicago, Acme and Akron would all have 17 made bedding compound. 18 Q Did the bedding compound manufactured at 19 Acme, Texas contain SG-210 asbestos? 20 A No, otherwise we would have had it on this 21 list here. 22 Q Moving on to topping compound from the Akron, 23 New York plant, from March 30th, 1972 to February of 1973 24 did the topping compound contain SG-210 asbestos? 25 A Yes.
Page 51 1 Q Okay. Did the Ready Mix joint compound 2 manufactured by Georgia-Pacific at the Acme, Texas plant 3 between September 22nd, 1971 and May 4th of 1977 contain 4 SG-210 asbestos? 5 A Did the Ready Mix joint compound? 6 Q Ready Mix joint compound. 7 A Between September 22nd, '71 to May 4th, '74? 8 Q '77. 9 A '77, I mean, contain SG-210 asbestos? Yes. 10 Q Okay. The exception that you have on your 11 Exhibit B regarding topping compounds from March 8, '74 12 to 9/10/75 does not affect the Ready Mix joint compound, 13 is that correct? 14 A That's correct. 15 Q Okay. Did some Ready Mix topping compounds 16 also contain SG-210 asbestos? 17 A Again, I would have to go back and consult 18 the formula, because when we considered Ready Mix I don't 19 think we made any distinctions except where it wasn't 20 used, and so I would have to consult the actual formula 21 to be sure. 22 Q Moving on to the Akron, New York plant, first 23 product you have there is something called drywall 24 adhesive. Can you tell me what that is? 25 A Drywall adhesive was also called stud	Page 53 1 Q Did any other plants make topping compound 2 besides Akron? 3 A Yes. 4 Q Which plants? 5 A Acme manufactured topping compound as did 6 Chicago. 7 Q Okay. Moving on -- keeping Akron, New York 8 plant, between December 29th, 1969 and May 4th of 1977, 9 did all Ready Mix joint compounds manufactured by 10 Georgia-Pacific contain SG-210 asbestos? 11 A No. 12 Q Which did not? 13 A The ones that were asbestos-free. 14 Q Okay. Let's talk about the asbestos-free 15 formulas for all the plants. When Georgia-Pacific 16 started manufacturing asbestos-free joint compound, 17 didn't they advertise or put on the labels "Asbestos-free 18 joint compound"? 19 A Yes, that's my recollection. 20 Q Okay. Other than the asbestos-free joint 21 compound manufactured at the Akron, New York plant, 22 between December 29th, 1969 and May 4th of 1977, did all 23 Ready Mix joint compounds contain Union Carbide SG-210 24 asbestos? 25 MR. WILL: Object to the form.

Page 54

1 BY MR. BONO:
2 Q Let me rephrase the question, sir. At the
3 Akron, New York plant between October 29th, 1969 and --
4 A I think it's December 29th.
5 Q I'm sorry. Let's start all over again. At
6 the Akron, New York plant of Georgia-Pacific, did the
7 Ready Mix joint compound manufactured by Georgia-Pacific
8 between December 29th, 1969 and May 4th, 1977 contain
9 Union Carbide SG-210 asbestos?
10 MR. WILL: Same objection.
11 THE WITNESS: Yes.
12 BY MR. BONO:
13 Q Moving on to the Chicago, Illinois plant --
14 back up a second, back to Akron. Did Akron also make a
15 topping compound, Ready Mix topping?
16 A I'm not sure. I'd have to go back in the
17 formulas to be sure.
18 Q Okay. On to Chicago. All Purpose joint
19 compound, that was a dry product, is that correct?
20 A Yes, it is.
21 Q Between December 5th of 1972 till February of
22 1973 did All Purpose joint compound manufactured by
23 Georgia-Pacific contain Union Carbide SG-210 asbestos?
24 A Did you say all All Purpose?
25 Q All Purpose joint compound.

Page 56

1 BY MR. BONO:
2 Q Maybe I'm stuttering and adding a word.
3 Let's try it one more time.
4 A Okay.
5 Q From December the 5th of 1972 until February
6 of 1973 did All Purpose joint compound contain Union
7 Carbide SG-210 asbestos?
8 A And my -- I have to ask you, do you mean all
9 of the All Purpose manufactured?
10 Q No, sir.
11 A Okay. There was some All Purpose
12 manufactured, yes, with Union Carbide asbestos.
13 Q Okay. You were thinking I was saying all All
14 Purpose?
15 A Yes. I did too many alls in there, I guess.
16 Q Okay. Moving on. At the Chicago, Illinois
17 plant between March 30th, 1972 and February 1973 did
18 bedding compound contain Union Carbide SG-210 asbestos?
19 A Some of the bedding compound, yes.
20 Q Between March 30th, 1972 and February 1973
21 did topping compound contain Union Carbide SG-210
22 asbestos?
23 A Some of the topping compound.
24 Q When I'm looking at the topping compound on
25 your list, is that a Ready Mix topping compound or is

Page 55

1 A All All Purpose?
2 Q All Purpose.
3 A Oh, just this All Purpose, yes.
4 Q Okay.
5 A There was an All Purpose manufactured between
6 those dates that contained SG-210 asbestos.
7 Q I'm -- let me --
8 A If there was another --
9 Q Let me rephrase the question --
10 A Okay.
11 Q -- and start all over again, make sure we're
12 on the same wavelength. At the Chicago, Illinois plant
13 of Georgia-Pacific, did the All Purpose joint compound
14 between December 5th, 1972 to February of 1973 contain
15 Union Carbide SG-210 asbestos?
16 A I believe the answer is no, but I would have
17 to go back to the formulas.
18 Q And why are you saying no?
19 A Because there could have been another All
20 Purpose manufactured at Chicago that contained some other
21 asbestos.
22 MS. JOHNSON: He didn't hear you right. Try
23 it again. Listen to the question.
24 THE WITNESS: I think I heard it. Yeah, I
25 heard it.

Page 57

1 that the dry formula topping compound?
2 A This is the dry formula.
3 Q At the Chicago, Illinois plant did the Ready
4 Mix joint compound manufactured from October 21st, 1970
5 until May 4th, 1977 contain Union Carbide SG-210
6 asbestos?
7 A Yes.
8 Q That was all general formulas during that
9 period of time contained Union Carbide SG-210, is that
10 correct?
11 A Yes.
12 Q Marietta, Georgia plant, was Marietta the
13 only plant that manufactured a product called Central
14 Mix?
15 A No, I think it was manufactured elsewhere.
16 Q Between May 18th, 1971 to January 20th, 1975,
17 did Central Mix manufactured at the Marietta, Georgia
18 plant contain Union Carbide SG-210 asbestos?
19 A Yes, at least some of the Central Mix
20 manufactured during those dates contained SG-210
21 asbestos.
22 Q At the Marietta, Georgia plant did the Ready
23 Mix joint compound between March 6, 1972 and May 4th,
24 1977 contain Union Carbide SG-210 asbestos?
25 A Yes.

15 (Pages 54 to 57)

10/3/2001

Page 58

1 Q Other than the asbestos-free?
2 A Yes.
3 Q Okay. And then Milford, Virginia plant, did
4 the Ready Mix joint compound between June 21st, 1973
5 until at least January 20th, 1975 contain Union Carbide
6 SG-210 asbestos?
7 A Yes.
8 Q You discussed the regions that the plants
9 serviced.
10 A Yes.
11 Q Would there be inter-regional moving of
12 product? Acme product, as an example, could go to New
13 York or Chicago or Georgia, or Georgia product go to
14 Texas or the southwest?
15 A That could happen and I'm sure it did at
16 times.
17 MS. JOHNSON: When you get to a place, I'd
18 like to take a break, please.
19 MR. BONO: Okay.
20 MS. JOHNSON: Thank you.
21 MR. BONO: You're welcome. Okay. This is a
22 good time.
23 MS. JOHNSON: Thank you.
24 THE VIDEOGRAPHER: We're going off record.
25 The time is 12:40 p.m.

Page 59

1 (Recess taken.)
2 THE VIDEOGRAPHER: Back on the record. The
3 time is 12:51 p.m.
4 BY MR. BONO:
5 Q Mr. Lehnert, I'm going to show you what has
6 been marked as Georgia-Pacific Composite A, or Group
7 Exhibit A. Can you identify that for me, please, sir?
8 A These are the formulas of Georgia-Pacific
9 that were furnished by the plaintiffs' attorneys.
10 Q Okay. What are those documents?
11 A These are formulas from various plants
12 containing SG-210 asbestos.
13 Q Are those Georgia-Pacific formulas for
14 various Georgia-Pacific products?
15 A Various Georgia-Pacific joint compound
16 products containing SG-210.
17 Q Okay. And were all those formulas prepared
18 by you or under your direction when you were head of the
19 Georgia-Pacific Research & Development Department?
20 A Yes.
21 Q Okay. Are those all true and accurate copies
22 of the formulas of Georgia-Pacific?
23 A Yes.
24 Q You reviewed each and every one of them,
25 haven't you?

Page 60

1 A Yes.
2 Q And they're all true and accurate?
3 A What do you mean by true and accurate?
4 Q Those are the copies, good copies of the
5 formulas that existed in the timeframe that's listed on
6 the individual pages?
7 A Yes.
8 Q Those are the formulas used by
9 Georgia-Pacific during that timeframe?
10 A Yes.
11 Q And are those records that would have been
12 kept by you in the normal course of business at
13 Georgia-Pacific?
14 A Yes.
15 Q And did those come from the records of
16 Georgia-Pacific Corporation?
17 A I understand that they have, yes.
18 MR. BONO: Okay. That's all I have. Thank
19 you very much.
20 EXAMINATION
21 BY MR. KOHLBURN:
22 Q Mr. Lehnert, I'm want to go back to when you
23 first started working for Certain-Teed in 1951. Okay?
24 At that time Bestwall was a brand name for products, but
25 it wasn't a separate company, is that correct?

Page 61

1 A No, I don't think that's correct.
2 Q In 1951?
3 A Yes.
4 Q Was it a separate company then?
5 MS. GEISE: Objection, foundation.
6 THE WITNESS: Would you ask the question
7 again?
8 BY MR. KOHLBURN:
9 Q In 1951 --
10 A Yes.
11 Q -- when you started with Certain-Teed, was
12 there a separate company then known as Bestwall?
13 MS. GEISE: Objection, foundation.
14 THE WITNESS: No.
15 BY MR. KOHLBURN:
16 Q Okay. When did that separate company come
17 into being?
18 A In May of 1956.
19 Q Between 1951 and 1956, between the time you
20 started and the time there was a separate company called
21 Bestwall, who was the president or chief executive
22 officer of Certain-Teed?
23 A Rawson Lizars.
24 Q Okay. Now, at the time that Certain-Teed
25 created Bestwall in 1956, did it also create another

Page 62 1 corporation? 2 MS. GEISE: Objection to the form of the 3 question. 4 THE WITNESS: Yes. 5 BY MR. KOHLBURN: 6 Q Okay. What was that corporation called? 7 A Bestwall Certain-Teed Sales Corporation. 8 Q And what was the function of Bestwall 9 Certain-Teed Sales Corporation? 10 MS. GEISE: Objection, foundation. 11 THE WITNESS: It was to market the products 12 of both companies. 13 BY MR. KOHLBURN: 14 Q Okay. And how is it that you know that? 15 A From being there when it all happened. 16 Q Okay. And as of 1956, which company did you 17 go to work for? 18 A Bestwall Gypsum Company. 19 Q Okay. Between 1956 when Bestwall and Sales 20 Corporation were created, and 1965, who was the president 21 or chief executive officer of Bestwall? 22 A Rawson Lizars. 23 Q And in that same time period, June of 1956 to 24 1965, who was the president or chief executive officer of 25 Certain-Teed?	Page 64 1 BY MR. KOHLBURN: 2 Q Okay. Between 1956 and 1964 did Certain-Teed 3 also sell all of its products through Bestwall 4 Certain-Teed Sales Corporation? 5 MS. GEISE: Objection, foundation. Also 6 objection vague as to products. 7 THE WITNESS: To my knowledge they did. 8 BY MR. KOHLBURN: 9 Q Okay. As far as you know, having been there 10 during that time period from June 1956 through 1964, did 11 Certain-Teed Bestwall Sales Corporation provide all of 12 the marketing and advertising for both Certain-Teed and 13 for Bestwall? 14 MS. GEISE: Objection, foundation. 15 THE WITNESS: And those dates again were? 16 BY MR. KOHLBURN: 17 Q June of 1956 to 1964. 18 A Yes. 19 Q Okay. And I believe that you previously 20 testified that your supervisor between 1956 and 1965 at 21 Paoli was Mr. Shuttleworth. Is that correct? 22 A Yes. 23 Q To whom did Mr. Shuttleworth report during 24 that time period? 25 A Between 1956 --
Page 63 1 A Rawson Lizars. 2 Q And between 1956 and 1965, who was the 3 president or chief executive officer of the Sales 4 Corporation? 5 A Rawson Lizars. 6 Q Between June 1956 and 1965 did all three 7 companies, Certain-Teed, Bestwall and Bestwall 8 Certain-Teed Sales Corporation, have their headquarters 9 at the same building in Ardmore, Pennsylvania? 10 A Yes. 11 Q Between June 1956 and 1965 did Certain-Teed 12 and Bestwall both have laboratory facilities in the same 13 building in Paoli, Pennsylvania? 14 A Between 1956 and 1965? 15 Q 1965. 16 A Yes. 17 Q And at what location did you work between 18 1956 and 1965? 19 A I worked at the Paoli laboratory of Bestwall 20 Gypsum Company. 21 Q Between 1956 and 1964, did Bestwall sell all 22 of its products through the Certain-Teed Bestwall Sales 23 Corporation? 24 MS. GEISE: Objection, foundation. 25 THE WITNESS: As far as I know, they did.	Page 65 1 Q -- and 1965. 2 A -- and 1965. Initially he reported to 3 Mr. Hoggatt. 4 Q Was there a time period where he ceased 5 reporting to Mr. Hoggatt? 6 A Yes. And I don't remember that date. 7 Q Okay. Do you know who Mr. Hoggatt reported 8 to? 9 A Yes. 10 Q Okay. Who was that? 11 A Mr. Grieve. 12 Q Okay. And was Mr. Grieve a Bestwall employee 13 or a Certain-Teed employee? 14 MS. GEISE: Objection, foundation. 15 THE WITNESS: He was a Bestwall employee. 16 BY MR. KOHLBURN: 17 Q Okay. Now, during that time period were 18 there some individuals who were employees of both 19 Bestwall and of Certain-Teed? 20 MS. GEISE: Objection, foundation. 21 Q To your knowledge. 22 A Do you mean the -- I don't understand the 23 question. 24 Q Were there people who worked for both 25 companies, for Bestwall and for Certain-Teed from 1956 to

17 (Pages 62 to 65)

Page 66	Page 68
1 1965? 2 MS. GEISE: Same objection, foundation. 3 THE WITNESS: Yes. 4 BY MR. KOHLBURN: 5 Q Okay. And can you recall who those people 6 were? 7 A They were the Bestwall Certain-Teed Sales 8 Corporation employees. 9 Q Okay. Excluding the Sales Corporation 10 employees, were there some people that you know of who 11 worked for both Bestwall and for Certain-Teed from 1956 12 to 1965? 13 MS. GEISE: Objection, foundation. 14 THE WITNESS: Unless there were management 15 people, I don't know of anyone. 16 BY MR. KOHLBURN: 17 Q Okay. Are there management people that you 18 know of? 19 A No, other than Mr. Lizars. 20 Q Mr. Lizars. From 1956 to 1965 did everyone 21 that worked for Bestwall and for Certain-Teed eventually 22 report to Rawson Lizars? 23 MS. GEISE: Objection, foundation. 24 THE WITNESS: Directly? 25	1 BY MR. KOHLBURN: 2 Q Okay. Who negotiated the merger between 3 Bestwall and Georgia-Pacific in 1965? 4 MS. GEISE: Objection, foundation. 5 A I don't know. 6 Q Before 1965 were there other companies other 7 than Georgia-Pacific that were looking at buying or 8 acquiring Bestwall from Certain-Teed? 9 MS. GEISE: Objection, foundation. 10 THE WITNESS: Yes. 11 BY MR. KOHLBURN: 12 Q Okay. And how is it that you know that there 13 were other companies that were interested in looking at 14 or acquiring Bestwall from Certain-Teed? 15 A Companies came through the laboratory, and I 16 understand to the plants as well, from some other 17 companies who apparently were interested in purchasing 18 the Bestwall Gypsum Company. 19 Q Okay. And can you recall which companies 20 those were, at least some of them? 21 A I can recall two, Johns Manville Corporation 22 and Weyerhaeuser. 23 Q Okay. Is it your impression that from the 24 time Certain-Teed created Bestwall in 1956 until it was 25 acquired by Georgia-Pacific in 1965 that Certain-Teed was
Page 67	Page 69
1 BY MR. KOHLBURN: 2 Q Not directly, ultimately, either indirectly 3 or directly. 4 MS. GEISE: Objection, vague. 5 A Between -- the dates again were? 6 Q 1956 to 1965. 7 A Yes. 8 Q To your knowledge, between 1956 and 1965 did 9 the same upper management run both Certain-Teed and 10 Bestwall? 11 MS. GEISE: Objection, foundation. 12 Objection, vague. 13 THE WITNESS: I don't know what you mean by 14 running Bestwall. 15 BY MR. KOHLBURN: 16 Q The people at the top for Bestwall and the 17 people at the top for Certain-Teed, the top management 18 for both corporations between 1956 and 1965, were they 19 essentially the same group of people? 20 MS. GEISE: Objection, foundation. 21 Objection, vague. 22 THE WITNESS: I can't answer for 23 Certain-Teed, but Bestwall had some changes in 24 management during that period of time. 25	1 actively seeking a purchaser for Bestwall? 2 MS. GEISE: Objection, foundation, vague. 3 THE WITNESS: That was the general feeling at 4 that time. 5 BY MR. KOHLBURN: 6 Q And what is the basis of that impression? 7 A One would be the visitors from other 8 companies that came to our facilities. 9 Q Okay. For the period of 1951, now this is 10 when you started with Certain-Teed, through 1956, did 11 Certain-Teed manufacture and sell asbestos-containing 12 products as part of its gypsum business? 13 A During the period from 1951 to 1956? 14 Q Yes. 15 A Did we sell asbestos-containing products? 16 Q In the gypsum business. 17 A In the gypsum business? Yes. 18 Q Okay. And did that include joint compounds? 19 Still 1951 to 1956. 20 A Yes. 21 Q Can you remember any brand names or trade 22 names of the asbestos-containing joint compounds that 23 Certain-Teed made and sold between 1951 and 1956? 24 A I can remember one. 25 Q Okay.

Page 70

1 A Certex.
2 Q Certex. Okay. Did Certain-Teed in the period
3 of 1951 to 1956 make and sell any reinforcing joint
4 finishers that contained asbestos?
5 A Yes.
6 Q Can you recall the brand names or trade names
7 of any of those products?
8 A They eventually became called a Bestwall
9 products, but I'm not sure the exact date when that
10 happened.
11 Q Just for 1951 and 1956, can you remember the
12 names they went by in that timeframe?
13 A Well, that's the only name that I can
14 remember was Bestwall.
15 Q Okay. From 1951 to 1956 did Certain-Teed
16 make and sell any asbestos-containing patching plasters?
17 A Did we sell any asbestos-containing patching
18 plasters?
19 Q Yes.
20 A I would have to go back to the formulas and
21 determine whether patching plasters contained asbestos.
22 Q So as you sit here today you don't know about
23 that one, is that correct?
24 A No, I'm not sure about that.
25 Q Between 1951 and 1956 did Certain-Teed make

Page 72

1 bedding compounds?
2 A Yes.
3 Q Okay. Can you recall the brand names or trade
4 names of any of the asbestos-containing bedding compounds
5 that Certain-Teed made and sold during 1951 to 1956?
6 A Not other than the Bestwall name that I
7 already have given you.
8 Q Okay. Between 1951 and 1956 did Certain-Teed
9 make and sell any asbestos-containing topping compounds?
10 A Not unless it was the Bestwall name that I've
11 already given you.
12 Q Okay. For the period of 1951 to 1956, and
13 confining ourself to the gypsum line of products that you
14 worked with and are familiar with, can you recall any
15 other types of asbestos-containing products that were
16 made and sold by Certain-Teed?
17 A What do you mean by other types?
18 Q Other than the ones we've talked about here.
19 A Oh, no.
20 Q Okay. Now, I want to switch and I want to go
21 to the period of 1956 to 1965, talk about Bestwall.
22 Okay. Between 1956 and 1965 did Bestwall make and sell
23 any asbestos-containing joint compounds?
24 A Yes.
25 Q Okay. And as you sit here today, can you

Page 71

1 and sell any asbestos-containing textures?
2 A Yes.
3 Q Okay. Can you recall any brand names or trade
4 names of those asbestos-containing textures for the
5 period of 1951 to 1956?
6 A Certex.
7 Q For the period of 1951 to 1956 did
8 Certain-Teed make and sell any asbestos-containing
9 acoustical plasters?
10 A Did Certain-Teed?
11 Q Certain-Teed, 1951 to 1956.
12 A Yes.
13 Q Okay. And can you recall the brand names or
14 trade names of any of those products, asbestos-containing
15 acoustical plasters, for the period of 1951 to 1956?
16 A Lite Acoustic.
17 Q Okay. Are you familiar with a product called
18 Kalite?
19 A Yes.
20 Q Okay. Is that an asbestos-containing
21 acoustical plaster?
22 A I would have to go back and consult the
23 formula to be absolutely sure whether it was or not.
24 Q Okay. For the period of 1951 to 1956 did
25 Certain-Teed make and sell any asbestos-containing

Page 73

1 recall the brand names or trade names of any of the
2 asbestos-containing joint compounds that were made and
3 sold by Bestwall from 1956 to 1965?
4 A Only the name Bestwall.
5 Q Did Bestwall make and sell any
6 asbestos-containing reinforcing joint finishers between
7 1956 and 1965?
8 A Yes.
9 Q Okay. And can you recall any of the brand
10 names or trade names of the asbestos-containing joint
11 finishers that were made and sold by Bestwall between
12 1956 and 1965?
13 A Only the Bestwall name.
14 Q Okay. Did Bestwall make and sell any
15 asbestos-containing patching plasters between 1956 and
16 1965?
17 A Again, I would have to consult the formulas
18 to determine whether they did or didn't.
19 Q The patching plasters you're not sure about?
20 A I'm not sure about it.
21 Q Okay. Did Bestwall make and sell any
22 asbestos-containing textures between 1956 and 1965?
23 A Yes.
24 Q Okay. And other than just the Bestwall name,
25 can you recall any brand name or trade name associated

19 (Pages 70 to 73)

Page 74

1 with the textures that contained asbestos that were sold
2 by Bestwall between 1956 and 1965?
3 A Well, there was a Bestex name used.
4 Q Between 1956 and 1965 did Bestwall
5 manufacture and sell any asbestos-containing acoustical
6 plasters?
7 A Did Bestwall?
8 Q Bestwall.
9 A Yes.
10 Q Okay. And other than just the Bestwall name,
11 can you recall any brand name or trade name?
12 A Just the Lite Accoustic.
13 Q Lite Accoustic. Okay. Between 1956 and 1965
14 did Bestwall make and sell any asbestos-containing
15 bedding compounds?
16 A Yes.
17 Q Okay. And other than the Bestwall name, can
18 you recall any brand name or trade name associated with
19 asbestos-containing bedding compounds that were
20 manufactured and sold by Bestwall between 1956 and 1965?
21 A No.
22 Q Okay. Did Bestwall, during the period 1956 to
23 1965, manufacture and sell any asbestos-containing
24 topping compounds?
25 A Yes.

Page 75

1 Q Okay. And other than the Bestwall name, can
2 you recall any brand name or trade name that was
3 associated with asbestos-containing topping compounds
4 made and sold by Bestwall between 1956 and 1965?
5 A No.
6 Q Okay. Other than the products for Bestwall
7 that we've just talked about for the period of 1956 to
8 1965, can you recall any other types or brand names or
9 trade names of asbestos-containing products that were
10 manufactured and sold by Bestwall?
11 A Yes.
12 Q Okay. What would those be, please?
13 A Triple Duty.
14 Q And what kind of a product is Triple Duty?
15 A It's a dry product that can be used for
16 taping and finishing of joints in drywall construction.
17 It can be used for texturing as well.
18 Q Okay. Any others?
19 A Did we mention One Day joint compound?
20 Q No, we did not mention One Day joint
21 compound.
22 A Okay.
23 Q And what would One Day joint compound --
24 A Which are the dates -- oh, yes, okay.
25 Q 1956 to 1965, Bestwall.

Page 76

1 A Yes, I believe we would have had One Day
2 joint compound, so that would be another name.
3 Q Okay. Now, you previously testified that you
4 worked on the development of the Ready Mix joint
5 compound. Is that correct?
6 A Yes.
7 Q And I believe you indicated that that was put
8 on the market in about 1965. Is that correct?
9 A Yes.
10 Q Okay. Was that before or after
11 Georgia-Pacific acquired Bestwall?
12 A I think we had started at least to do some
13 limited marketing prior to 1965.
14 Q Other than the Ready Mix joint compound that
15 was begun to be marketed in 1965, were all of the other
16 joint compounds that contained asbestos that were made
17 and sold by Bestwall and by Certain-Teed of a dry
18 variety?
19 A I'm sorry, I didn't quite understand your
20 question.
21 Q Let me -- you previously testified that Ready
22 Mix is different from other joint compounds because it
23 comes with water already added, correct?
24 A Yes.
25 Q And other joint compounds come dry and have

Page 77

1 to be mixed, correct?
2 A Yes.
3 Q Prior to 1965 when Ready Mix went on the
4 market, were all the other joint compounds that were made
5 and sold by either Certain-Teed from 1951 to 1956 and by
6 Bestwall from 1956 to 1965 of the dry variety that had to
7 be mixed with water?
8 A I don't understand the question. It was kind
9 of a complex question.
10 Q Okay. I'll break it up.
11 A If you can break it down for me, it would
12 help.
13 Q From 1951 to 1956, Certain-Teed made and sold
14 asbestos-containing joint compounds, correct?
15 A Yes.
16 Q Okay. Were any of those joint compounds of a
17 premixed type?
18 A Prior to --
19 Q Between 1951 and 1956.
20 A No.
21 Q Okay. Did they all come in a bag from 1951 to
22 1956?
23 A No.
24 Q Okay. What kind of packaging did they come
25 in?

Page 78

1 A Some came in a box.
2 Q Okay. Was it always a dry product during that
3 time period?
4 A Yes.
5 Q Okay. For the period of 1956 to 1965, the
6 joint compounds that were made and sold by Bestwall that
7 contained asbestos, were any of those a pre mix variety?
8 A Prior to 1965?
9 Q Prior to 1965.
10 A We may have had some early shipments of Ready
11 Mix prior to 1965. I can't be sure of the precise date
12 when we began to market it.
13 Q Other than Ready Mix --
14 A Oh, other than Ready Mix?
15 Q Other than Ready Mix, were the joint
16 compounds from 1956 to 1965 that were made and sold by
17 Bestwall a dry variety or a pre mix variety?
18 A You mean were the products -- say it one more
19 time. I can't quite understand.
20 Q 1956 --
21 A I understand the dates, yes.
22 Q -- to 1965 --
23 A Yes, I understand the dates.
24 Q -- joint compounds that were made by
25 Bestwall, other than Ready Mix, were those premixed

Page 80

1 Q And if we turn to the second page of Exhibit
2 B, this is for the Akron, New York plant and the Chicago,
3 Illinois plant, you have -- what does that say there? Is
4 that "Dow Resin"?
5 A Yes.
6 Q And there's an asterisk there, is that
7 correct?
8 A Yes.
9 Q Now, what is the significance of Dow Resin?
10 A It was a formula that was marketed only
11 briefly and failed, and so that was the reason it was
12 only available for some number of months.
13 Q Okay. When you -- and was Dow Resin an
14 ingredient in these products?
15 A Yes.
16 Q When you say the product failed, what do you
17 mean?
18 A Well, it cracked after it dried and in some
19 cases fell away from the corner beads, and so we pulled
20 it off the market.
21 Q Okay. If we go back to the first page of
22 Exhibit B in the "Comment" column under Acme, Texas for
23 the All Purpose products you have -- what have you
24 written there?
25 A "Memphis only".

Page 79

1 products or were those dry products? .
2 A They were dry products.
3 Q Okay. And did they also come in bags or
4 boxes?
5 A Yes.
6 MR. KOHLBURN: Okay. That's all I've got.
7 MR. BONO: Thank you.
8 MS. JOHNSON: Let's go off the video while
9 they switch seats, please.
10 THE VIDEOGRAPHER: We're going off record.
11 The time is 1:18 p.m.
12 (Recess taken.)
13 THE VIDEOGRAPHER: We're back on the record.
14 The time is 1:31 p.m., beginning of Tape No. 2.
15 EXAMINATION
16 BY MR. WILL:
17 Q Good afternoon, Mr. Lehnert. My name is
18 Trevor Will. I'm here for Union Carbide Corporation. I
19 have a couple of questions for you about some of the
20 things you've been asked about here previously today.
21 Would you take Exhibit B, which is your
22 summary? And I notice on the right-hand side of that
23 exhibit there's a column, isn't there, where you've got
24 "Comment" or "Comments"?
25 A Comments, yes.

Page 81

1 Q What's the significance of that comment?
2 A That formula was manufactured for the Memphis
3 market.
4 Q Only?
5 A Only.
6 Q So does that mean that the Union Carbide
7 SG-210 was included only in the All Purpose that was sold
8 in the Memphis market during those time periods?
9 A Yes.
10 Q And was there other All Purpose product then
11 made at the Acme plant that did not contain Union Carbide
12 SG-210 asbestos?
13 A Yes.
14 Q If we go down to Triple Duty under Acme,
15 Texas, and what have you written in the "Comment" there?
16 A "Denver only". And then below that I wrote
17 "Gardineer".
18 Q What is the significance of "Denver only,
19 Gardineer"?
20 A The product was manufactured and shipped
21 strictly to Denver for Gardineer Drywall. It's a large
22 drywall company.
23 Q Now, does that mean there was other Triple
24 Duty made at the Acme, Texas plant during the October
25 5th, 1974 to April 22nd, 1976 time period that did not

21 (Pages 78 to 81)

Page 82

1 have Union Carbide SG-210 in it?
2 A Yes, that's correct.
3 Q And I believe when Mr. Bono was asking you
4 some questions earlier I thought I heard you say that all
5 of the Triple Duty made at the Acme, Texas plant between
6 October of '74 and April of '76 would have had Union
7 Carbide asbestos in it. If you said that, was that a
8 misstatement?
9 MR. BONO: Objection to the form.
10 THE WITNESS: I hope I didn't say that,
11 because that would have been a mistake.
12 BY MR. WILL:
13 Q Okay.
14 A Because obviously it was only for -- only the
15 shipments that went to Denver that were for this one
16 drywall contractor was SG-210.
17 Q Okay. So I'm clear, then, the only Triple
18 Duty out of the Acme, Texas plant that had Union Carbide
19 SG-210 was the Triple Duty that was sent to the Gardineer
20 contractor in the Denver area?
21 A Yes, that is correct.
22 Q The next item you have under Acme, Texas is
23 Speed Set. Is that correct?
24 A Yes.
25 Q Now, was Speed Set made before June 29th of

Page 84

1 listed under any of the other plants would indicate that
2 you did not find any formulas that called for Union
3 Carbide SG-210 in that product at those other plants. Is
4 that right?
5 A That's correct.
6 Q Okay. And if you wanted to know the years
7 when Speed Set or One Day was made you would go and look
8 at the Georgia-Pacific formulas. Is that right?
9 A Yes.
10 Q And obviously you haven't memorized all of
11 that sitting here today, correct?
12 A Not quite.
13 Q Okay. Ready Mix, the Ready Mix line of
14 products was made starting you said in 1965, or maybe a
15 little earlier?
16 A Yes.
17 Q And it had asbestos in it up until May of
18 '77. Is that correct?
19 A Yes.
20 Q So prior to the time that the Union Carbide
21 SG-210 asbestos was used in it, what type of asbestos was
22 used in it?
23 A Phillip Carey 7RF-9 was the primary asbestos
24 that was used.
25 Q And as I look at your Exhibit B I see that

Page 83

1 1971?
2 A The reason I'm hesitating is the product
3 originally was called One Day, and One Day may have been
4 made before 1971, and the name was later changed to Speed
5 Set.
6 Q Did the -- do you know why the name was
7 changed?
8 A No, I don't.
9 Q Okay. Was the formula, though, for the One
10 Day and the Speed Set, it was pretty much the same
11 product?
12 A Yes.
13 Q All right. And so before June 29th of 1971,
14 whether this product was called Speed Set or One Day, it
15 was made with asbestos other than Union Carbide's?
16 A Well, I'm not sure it even contained asbestos
17 and I would have to consult the formulas to be sure.
18 Q Was Speed -- if I refer to it as Speed Set,
19 will you understand that includes One Day as well as
20 Speed Set?
21 A Yes.
22 Q Okay. Was Speed Set made at plants other
23 than Acme, Texas?
24 A Yes.
25 Q Now, the fact that you do not have Speed Set

Page 85

1 there are different dates for different plants when the
2 SG-210 was introduced into the Ready Mix. Would that be
3 correct?
4 A Yes, that's correct.
5 Q For example, Chicago began using SG-210 it
6 looks like in October of 1970?
7 A Yes.
8 Q Whereas Acme, Texas didn't begin using it in
9 Ready Mix until September of '71?
10 A That's right.
11 Q And so in Acme, Texas, then, until September
12 of '71 they would have been using the Phillip Carey or
13 the Johns Manville, or some combination of those?
14 A Yes.
15 Q Mr. Bono asked you a series of questions
16 about the dates that the different products were made in
17 the different plants. Do you remember that?
18 A Yes.
19 Q He pretty much went through your exhibit
20 plant by plant and asked you about the products and the
21 dates, didn't he?
22 A Yes.
23 Q And the only question I had was sometimes he
24 made it a point of saying this product was made at this
25 particular plant for these particular dates with Union

Page 86

1 Carbide asbestos, and sometimes he'd just say this
2 product for these dates.
3 Do you remember that difference, or am I
4 confusing you here?
5 MR. BONO: Objection, relevance.
6 BY MR. WILL:
7 Q Let me --
8 A I don't remember that.
9 Q Okay. Let me see if I can ask you a better
10 question. If we look at Exhibit B, what you have tried
11 to do there is set out the dates that particular plants
12 made particular products with formulas that contained
13 Union Carbide SG-210, is that correct?
14 A Yes.
15 Q And certain plants may have made a product
16 that had Union Carbide SG-210 in it while another plant
17 could have made that same product without Union Carbide
18 SG-210, is that possible?
19 MR. BONO: Objection, speculation.
20 THE WITNESS: I think we tried to -- outside
21 the limits of these were the limits we gave for the
22 use of the SG-210 and we gave the exceptions to
23 that.
24 BY MR. WILL:
25 Q Right. What I'm -- let me see if I can focus

Page 87

1 the question a little better.
2 A So we said all formulas contained SG-210
3 except --
4 Q Right. And if they were making Ready Mix in
5 Acme, Texas in June of 1970, they were making it without
6 Union Carbide SG-210, is that correct?
7 A Yes.
8 Q Likewise, if they were making Speed Set or
9 One Day in Akron, New York, they were making it without
10 Union Carbide asbestos? If we look at Akron, New York --
11 A Yes, but the answer's no.
12 Q The answer's -- do you know whether they made
13 Speed Set in Akron?
14 A It was not manufactured in Akron.
15 Q In Akron. Okay. Was it ever manufactured in
16 Chicago?
17 A No, it was not.
18 Q Okay. Was it manufactured anywhere other than
19 Acme?
20 A Other than --
21 Q Speed Set --
22 A Other than Acme?
23 Q -- the product. Let me see if I can go back.
24 The product Speed Set or One Day --
25 A Yes.

Page 88

1 Q -- was that manufactured in plants other than
2 Acme, Texas?
3 A Yes.
4 Q Okay. But the only place where the records
5 show that it contained Union Carbide SG-210 is the Acme,
6 Texas plant?
7 A Yes, that's correct.
8 Q Okay. And for example, was Triple Duty, was
9 that product made at places other than Acme, Texas?
10 A Yes.
11 Q And was it made in Akron? Not with the Union
12 Carbide asbestos, I'm just asking in general, was Triple
13 Duty made there?
14 A I'd have to go back through the formulas to
15 be sure.
16 Q At which plants it was made.
17 A Yes.
18 Q But you do know it was made at other plants?
19 A Yes, I do.
20 Q And since looking through your exhibit,
21 Triple Duty is not listed as containing SG-210 at any
22 plant other than Acme, Texas, is that correct?
23 A Yes.
24 Q Okay. So to the extent Triple Duty was made
25 at these other plants, it was made without SG-210?

Page 89

1 A That's correct.
2 Q And that would be true for all of these
3 products?
4 MR. BONO: Object. Objection to the form of
5 the question.
6 THE WITNESS: What do you mean by all these
7 products?
8 BY MR. WILL:
9 Q All right. Let me see if I can rephrase.
10 The -- you have listed the product under the plant where
11 it was made where the formula called for Union Carbide
12 SG-210, is that right?
13 A Yes.
14 Q But if the product was made at a different
15 plant without SG-210 you have not listed that on Exhibit
16 B, correct?
17 A That is correct.
18 Q All right. The other thing, that you put
19 some percentages of SG-210 on your Exhibit B, is that
20 right?
21 A Yes.
22 Q And is that percentage by weight or by
23 volume?
24 A That's a percent by weight.
25 Q Okay. But you mentioned before that some of

23 (Pages 86 to 89)

Page 90 1 these products had more than one type of asbestos in 2 them, correct? 3 A Yes. 4 Q And you have not -- Exhibit B does not list 5 the other types of asbestos, does it? 6 A No, it does not. 7 Q And it doesn't list the percentage of the 8 other asbestos, does it? 9 A Yes, it does not. 10 Q Yes, it does not. Okay. 11 A Is that right? 12 Q All right. Well, for example, Speed Set had 13 Phillip Carey asbestos in it, didn't it? 14 A I'm not sure. I'd have to go back to the 15 formula to see whether indeed it had any asbestos at all. 16 Q All right. Well, let me show you, and this 17 is just by reference, it's just a page I grabbed. It's 18 A-119 out of the Exhibit A. 19 MS. JOHNSON: Speed Set? 20 MR. WILL: Yes. 21 MS. JAGGER: A-19? 22 MR. WILL: A-119. 23 BY MR. WILL: 24 Q And it has the number on it SGP for 25 identification 0018388. Is that right?	Page 92 1 asbestos that were in the products, is that correct? 2 A That's correct. 3 MR. BONO: Objection, relevance. 4 BY MR. WILL: 5 Q Okay. You mentioned that in putting together 6 your Exhibit B you looked at, I think you said, hundreds 7 of pages of formulas. Is that correct? 8 A Yes. 9 Q Do you actually have a copy of all of the 10 formulas for Georgia-Pacific joint compound products? 11 A I believe I do. 12 Q And can you give us an idea of how big a 13 volume of paper that is? 14 A Well, it's two of these big boxes. I don't 15 see one of the boxes here, but it's two of those boxes, 16 so I'm guessing it's somewhere in the neighborhood of 300 17 or more formulas. 18 Q When you say "boxes", are you talking about 19 what's called a banker's box of documents? 20 A Well, it's kind of a document box, yes. 21 Q Okay. About, what, two feet by two feet, 22 something like that? 23 A It's longer than it is wide, so -- 24 Q Okay. Three feet by two feet? 25 A I don't know what the exact dimension is.
Page 91 1 A SGP 0018388, yes. 2 Q Right. And it's been hand numbered Exhibit 3 A-119? 4 A Yes. 5 Q All right. Now, that is a formula for Speed 6 Set joint compound from the Acme, Texas plant, is that 7 right? 8 A That's right. 9 Q Dated June 29 of 1971? 10 A That's right. 11 Q And this shows SG-210 was in the product 12 formula, correct? 13 A Yes. 14 Q At half a percent of weight, right? 15 A That's correct. 16 Q It also shows that Phillip Carey 7RF09 was in 17 the formula? 18 MR. BONO: Objection, relevance. 19 BY MR. WILL: 20 Q Is that correct? 21 A Yes, that's correct. 22 Q At 2.25 percent? 23 A Yes. 24 Q And when you put together your Exhibit B you 25 did not then list the percentages of other companies'	Page 93 1 Q Okay. But anyway, they're both filled with 2 these formulas? 3 A Yes. 4 Q And what we've produced today in Exhibit A 5 is -- can you tell me how many pages that is of formulas 6 there? 7 A I haven't counted them, no. 8 Q They're numbered. All you have to do is look 9 at the last page. 10 A Oh, 123. 11 Q Pages of formulas. Were the -- when a 12 formula was changed slightly there would be a revision 13 issued, is that correct? 14 A Yes. 15 Q Okay. So that in Exhibit A, what, there are 16 formulas that may have only been in effect for a very 17 short period of time and then been replaced by another 18 one? 19 A Yes. 20 Q And what you have done in Exhibit B is to try 21 to distill or summarize the time period covered in total 22 by all of those formulas, is that right? 23 Maybe I can rephrase the question. When you 24 put Exhibit B together did you go through the documents 25 that have been marked as Exhibit A, or were you working

Page 94

1 off of your own documents at home?
2 A I was working off of the large volume of
3 formulas that I have.
4 Q So you used your boxes at home, not Exhibit
5 A?
6 A Yes.
7 Q You mentioned a lab note with respect to the
8 Milford, Virginia document -- plant, rather, and also a
9 lab document with respect to the Marietta, Georgia plant.
10 Do you know whether those documents are in Exhibit A, or
11 are they something different?
12 A They're something different.
13 Q Okay. In Exhibit A there are -- I think the
14 first page is a good example. There are some documents
15 that have handwriting on them. Do you see that?
16 A Yes.
17 Q And do you know whose handwriting that is?
18 A No, I can't be sure.
19 Q Okay. Could I see the exhibit for just a
20 second? Thank you.
21 Could you -- the first page, A-1, which has a
22 number on it, SGP 0017274, do you know what the
23 significance of the handwriting is at the bottom of that
24 page?
25 A I don't. I looked at these and I was not

Page 95

1 sure what the author had in mind when he put this
2 information down.
3 Q Okay. So in terms of your relying on those
4 documents, you would stick with the printed or the typed
5 material as opposed to the handwritten material?
6 A Insofar as the asbestos amounts?
7 Q Yeah. Yes.
8 A Yes.
9 Q Okay. If you'd look at Exhibit B again in --
10 on the second page, the Akron, New York plant where it
11 talks about Ready Mix, I wanted to make sure I understood
12 your note after the Ready Mix. And did I understand you
13 to say correctly that in December -- on December 29th of
14 1969 the first formula was changed to include some
15 SG-210?
16 A Yes.
17 Q But that up until September 7 -- September of
18 1970, most of the Ready Mix products from Akron, New York
19 used exclusively the Phillip Carey 7RF09?
20 A Yes.
21 Q And then starting in September of 1970, all
22 available formulas used some Union Carbide SG-210?
23 A Except for asbestos-free.
24 Q Except for asbestos-free. Okay. So that
25 most of the Ready Mix products made prior to

Page 96

1 September '70, September 1970 in Akron, New York would
2 not have contained SG-210. Is that correct?
3 A Yes. The first products that contained it
4 were manufactured on December 29th, 1969.
5 Q Right. But for the next nine months you said
6 most of the Ready Mix products did not have the SG-210.
7 Is that correct?
8 A For the next nine months?
9 Q Yeah, up until September of 1970.
10 A I see. Yes. There may have been --
11 virtually all it says.
12 Q Right.
13 A And so I assume that there was an overlapping
14 here.
15 Q Right. And if we wanted to know exactly
16 which product formulas did and which ones didn't, we
17 should go back to Exhibit A and look at the individual
18 Ready Mix formulas for Akron?
19 A I don't know if I understand the question.
20 Q All right. Let me see. If I wanted to know
21 when SG-2 -- well, let me back up and ask a different
22 question. How many different Ready Mix products were
23 there or formulas were there?
24 A I don't think I know exactly, but there were
25 some number of different Ready Mix formulas.

Page 97

1 Q All right. And if we wanted to know when
2 SG-210 was introduced into any one particular formula we
3 should go back to Exhibit A and look carefully, or should
4 we go back to your documents and look carefully?
5 A Well, I think this document tells you which
6 formulas were used in it. Is that your question?
7 Q No.
8 A No.
9 Q Let me see if I can try again. As I
10 understand your note, I believe you testified under
11 Akron, New York, you said that some formulas got SG-210
12 in December of 1929 -- excuse me. Let me try again --
13 December 29th, 1969 --
14 A Yes.
15 Q -- but that most of them did not contain
16 SG-210 until September of 1970.
17 A Yes, I think that's correct.
18 Q Okay. And if I wanted to know which formulas
19 had SG-210 as of December 29th, 1969, I should look at
20 the formulas themselves?
21 A Yes.
22 Q All right. You were asked a question about
23 whether product was shipped from one area -- from a plant
24 in one area to a region that was typically served out of
25 another plant. Do you remember that question?

25 (Pages 94 to 97)

Page 98 1 A Yes. 2 Q And you said that it would happen sometimes. 3 A Yes. 4 Q Do you know whether it was usual or typical 5 for it to happen, or was it unusual? 6 A It depended on the product. 7 Q Okay. Were there hard and fast geographic 8 lines where one plant was supposed to serve and not go 9 outside of its area, or were distributors free to sell 10 wherever? 11 A I don't know of anything like that. 12 Q Okay. Do you know the circumstances under 13 which product from one plant might be sent halfway across 14 the country? 15 A Yes. 16 Q Okay. What were some of those circumstances? 17 A Well, take for example, Acme made polystyrene 18 texture and they were the only ones that manufactured 19 polystyrene texture. In fact they manufactured most of 20 the textures, and so they would ship them to the other 21 plants so that the textures then could be marketed along 22 with the products that they had. 23 Q What about something like Ready Mix, would 24 that sometimes be sent to a different region? 25 A I don't know of any instance where Ready Mix	Page 100 1 A No. 2 Q Okay. Do you know in terms of all the 3 formulas -- never mind. 4 Was there a procedure in manufacturing that 5 permitted variations from the formulas? That is, could 6 the product be made with a change from the approved 7 formula under certain circumstances? 8 A No. 9 Q Did -- do you have any sense of what quantity 10 of product was made for any of the formulas that you have 11 set out in Exhibit B? 12 A No, I do not. 13 MR. WILL: Okay. I think that's all I have 14 for you right now, Mr. Lehnert. Thank you very 15 much. 16 MS. JOHNSON: Let's go off the video while we 17 switch seats, please. 18 THE VIDEOGRAPHER: Going off record. The 19 time is 2:00 p.m. 20 (Brief break.) 21 THE VIDEOGRAPHER: Back on record. The time 22 is 2:07 p.m. 23 EXAMINATION 24 BY MS. GEISE: 25 Q Good afternoon, Mr. Lehnert. My name's Betsy
Page 99 1 would have been shipped to a different region. 2 Q So the time, the occasions when a product 3 would be sent from one region to another would generally 4 be when a plant in the other region didn't make that 5 product, or there was a shortage of it, something like 6 that? 7 A I don't know about shortages, but where they 8 didn't manufacture the product, why, they would get it 9 from a plant that did. 10 Q That did, okay. Do you know where the 11 boundary line was between the Chicago plant, for example, 12 and the Acme, Texas plant? 13 A No, I don't. 14 Q Or any of the plants? 15 A No. 16 Q In terms of the volume of asbestos, what was 17 the biggest supplier of asbestos to Georgia-Pacific for 18 use in the joint products? 19 MR. BONO: Objection, foundation. 20 THE WITNESS: I don't know. 21 BY MR. WILL: 22 Q Okay. Do you have any way of comparing how 23 much Union Carbide asbestos was purchased versus how much 24 Phillip Carey asbestos was purchased? 25 MR. BONO: Objection, relevance.	Page 101 1 Geise. I'm from the firm of Shea & Gardner in 2 Washington, D.C. and I'm here for Certain-Teed 3 Corporation. 4 When you were hired by Certain-Teed in 1951 5 it was as a chemist, correct? 6 A It was what? 7 Q As a chemist, correct? 8 A Yes, that's correct. 9 Q And in 1956 when Bestwall Gypsum corporation 10 was created, I believe your testimony was that you were, 11 quote, still a chemist, correct? 12 A Yes, that's correct. 13 Q And your primary responsibility in 1951 and 14 1956 and during your employment for Bestwall Gypsum 15 Corporation was in creating and keeping track of the 16 formulas for products manufactured by those companies, 17 correct? 18 A I don't think that's accurate. 19 Q Why don't you tell us what your main 20 responsibilities were? 21 A It was formulating joint compounds that would 22 be acceptable in the marketplace. 23 Q And that was your job between 1951 and 1956? 24 A No. I started that in the early fifties, I 25 started working on joint compounds, and about 1955 was

Page 102

1 given that responsibility to formulate -- it may have
2 earlier. It may have been 1954 -- the joint compounds at
3 the request of the Sales Department.
4 Q And then between 1954 and 1956 when you went
5 to work for Bestwall your job was formulating the
6 formulas for the products that were manufactured by the
7 company, correct?
8 A Well, it didn't really change.
9 Q And that job didn't change between '56 and
10 '65, did it?
11 A No, it was pretty much the same throughout
12 that whole time.
13 Q You were never an officer of Certain-Teed
14 Products Corporation, were you?
15 A No, I was not.
16 Let me back off. You said '65. I'm sorry,
17 we have to go up to '50 to '60. My job didn't change
18 until 1960.
19 Q In 1960, why don't you tell us what your job
20 change was?
21 A All right. It was -- they created a small
22 Research Department and I was the working group leader.
23 Q But you were never an officer of Certain-Teed
24 Products Corporation, were you?
25 A Yes, I was never an officer.

Page 103

1 Q And you were never an officer of Certain-Teed
2 Bestwall Sales Corporation, were you?
3 A No, I was never an officer of that --
4 Q Or of Bestwall Gypsum Corporation?
5 A Never.
6 Q And you were never a director of any of those
7 three corporations, were you?
8 A That's correct, I was not.
9 Q And you never attended any board meetings of
10 any of the those corporations, did you?
11 A No, I did not.
12 Q And you were not familiar with the minutes of
13 board meetings of those corporations?
14 A I was not.
15 Q And you're not a lawyer, are you?
16 A No, I'm not.
17 Q Thankfully.
18 Now, are you familiar with the separation
19 agreement in 1956 between Certain-Teed Products
20 Corporation and Bestwall Gypsum Corporation?
21 A No, I'm not.
22 Q You weren't involved in negotiating that
23 separation agreement, were you?
24 A No, I was not.
25 Q And you weren't involved at all in drafting

Page 104

1 it?
2 A That's correct, I was not.
3 Q And you weren't involved in carrying it out,
4 were you?
5 A No, I was not.
6 Q And you don't know the financial arrangements
7 whatsoever between Certain-Teed Products Corporation,
8 Certain-Teed Bestwall Sales Corporation and Bestwall
9 Gypsum Corporation, do you?
10 A That's correct, I do not.
11 Q Now, you testified that a man named
12 Mr. Shuttleworth was your supervisor at Certain-Teed
13 Products Corporation?
14 A My first supervisor was Gilbert Hoggatt.
15 Q Correct. And was Mr. Shuttleworth your
16 supervisor after Mr. Hoggatt?
17 A Yes.
18 Q And was he your supervisor when you were at
19 Certain-Teed?
20 A Let's see. I can't remember exactly when
21 Mr. Hoggatt was transferred to a different position and
22 then I reported to Mr. Shuttleworth, but -- so I don't
23 know whether it was before '56 or after '56.
24 Q And Mr. Shuttleworth, however, was your
25 supervisor when you worked for Bestwall Gypsum Company?

Page 105

1 A Yes.
2 Q And Mr. Shuttleworth was also your supervisor
3 when you worked for Georgia-Pacific, correct?
4 A Yes.
5 Q So he, like you, followed the business?
6 A Yes. That went up to 1967.
7 Q You testified, I believe, that when you
8 worked for Certain-Teed -- which was 1951 to '56,
9 correct?
10 A That's correct.
11 Q -- that the fiber, the asbestos fiber, that
12 was used in the products was purchased either from
13 Phillip Carey or Johns Manville Corporation, correct?
14 A Yes.
15 Q And that fiber was all chrysotile or white
16 fiber, correct?
17 A That is correct.
18 Q One final question. Mr. Kohlburn led you
19 through a whole long list of products from Certain-Teed's
20 Gypsum Division from 1951 to 1956. Do you remember that
21 list of products?
22 A Yes.
23 Q And just to make sure that the record's
24 clear, you can't think of any product that he named --
25 that he did not name that was produced by Certain-Teed's

27 (Pages 102 to 105)

Page 106 1 Gypsum Division between 1951 and '56 that contained 2 asbestos? 3 A Would you ask that question again? I'm not 4 sure I follow it. 5 Q You went through a long list of products with 6 Mr. Kohlburn, remember, joint compounds -- 7 A Yes. 8 Q -- joint finishers, patching plasters, 9 acoustical, et cetera? 10 A Yes. 11 Q Is there any product that you can think of 12 between 1951 and 1956 that Certain-Teed's Gypsum Division 13 made that contained asbestos that you haven't told us 14 about today? 15 A We talked about some possibilities that I 16 said I would have to check the formula for. 17 Q Right. 18 A Some textures. 19 Q Right. There were things you weren't sure 20 whether they contained asbestos? 21 A Yes, yes. 22 Q But can you think of any other type of 23 product between 1951 and 1956 that contained asbestos 24 that Certain-Teed manufactured through its Gypsum 25 Division?	Page 108 1 MR. BONO: Yeah, just one, I think, or one 2 little series. 3 EXAMINATION 4 BY MR. BONO: 5 Q Mr. Lehnert, again going back drawing your 6 attention to the '51 to '56 timeframe, did Certain-Teed 7 Products Corporation invent and patent a product called 8 Firestop? 9 MS. JAGGER: Objection. 10 MR. BONO: I understand your objection. She 11 opened the door to it, though. 12 MS. JAGGER: No. 13 MR. PLOTNER: No. 14 MS. GEISE: No, I did not. 15 MR. BONO: Yes, you did -- 16 MS. JAGGER: No. Off the record. 17 MR. BONO: -- because it contained asbestos. 18 You asked about whether or not they made any other 19 asbestos-containing products. 20 MS. JAGGER: No, no. 21 MR. BONO: Hold on. You asked about whether 22 or not they manufactured any other 23 asbestos-containing products, and they did get a 24 patent on a product called Xboard or Firestop that 25 contained asbestos. You asked him.
Page 107 1 A I can't think of any. 2 MS. GEISE: Thank you. I don't have any 3 other questions. 4 MS. JAGGER: Do you have followup? I have 5 three questions. 6 MR. BONO: I don't know if anybody else has 7 got further cross before we go. 8 EXAMINATION 9 BY MS. JAGGER: 10 Q Mr. Lehnert, through the course of the 11 deposition today you've been asked some questions about 12 acoustical plaster. Acoustical plaster is not a product 13 that you have listed on Exhibit B, is that right? 14 A That's correct. 15 Q Okay. Did Certain-Teed Corporation 16 manufacture acoustical plaster during the years that you 17 worked for them? 18 A I can't be sure exactly the dates, but there 19 was some acoustical plaster manufactured through the 20 Certain-Teed Bestwall dates. 21 Q Did Georgia-Pacific ever manufacture 22 acoustical plaster? 23 A No, they did not. 24 MS. JAGGER: That's all my questions. 25 MS. JOHNSON: Anybody else?	Page 109 1 MS. GEISE: I asked him if they manufactured 2 it. 3 MR. BONO: Well, you opened the door. I'm 4 going to ask the questions. It's only '51 to '56. 5 MS. JAGGER: Counsel, I'm going to let you 6 proceed until I say no. 7 MR. BONO: Okay. I agree. 8 BY MR. BONO: 9 Q Going back, sir -- I'll have to start all 10 over again -- between 1951 and 1956, did Certain-Teed 11 Products Corporation invent and patent a product that was 12 marketed around the term of Firestop Wallboard? 13 MS. GEISE: Objection, compound. 14 A Yes. 15 Q Okay. Well, let's straighten out the 16 compound question. Did they invent a product called 17 Firestop Wallboard, Certain-Teed Corporation? 18 A Yes. 19 Q Did they patent a product called Firestop 20 Wallboard? 21 A Yes. 22 Q Did the original patent for Firestop 23 Wallboard call for the use of asbestos fibers? 24 A Yes. 25 Q Did the Firestop Wallboard contain

Page 110 1 Vermiculite from '51 to '56? 2 MS. JAGGER: Objection, no. That is by our 3 agreement something that was not going to be 4 discussed. 5 MR. BONO: I moved to '51 to '56. 6 MS. JAGGER: That doesn't matter. I mean, 7 you asked about asbestos. I mean, we had an 8 agreement that Firestop would not be discussed, and 9 if your intention is that the door was opened 10 because of the comment about asbestos fiber, then 11 ask about, as you have been doing, the patent and 12 the marketing with asbestos, but Vermiculite by 13 agreement -- 14 MR. BONO: Pursuant to my agreement with you, 15 I will not inquire any further regarding the 16 Vermiculite in Firestop. 17 MS. JAGGER: Thank you. 18 MR. BONO: That's all I have. 19 MS. GEISE: I want to take a break. 20 MR. BONO: I don't want a break. Let's go. 21 I'm done. 22 EXAMINATION 23 BY MS. GEISE: 24 Q Mr. Lehnert, between 1951 and 1956 did 25 Certain-Teed ever market Firestop with asbestos fibers in	Page 112 1 was contaminated with tremolite asbestos, so -- 2 MS. JOHNSON: Move to strike. 3 MS. JAGGER: I think that our record is clear 4 enough without the last question, so if counsel will 5 withdraw that question, I believe we will be -- 6 MS. GEISE: I'll withdraw the question. 7 MS. JAGGER: Thank you. 8 MS. GEISE: Thanks very much, Mr. Lehnert. 9 EXAMINATION 10 BY MR. BONO: 11 Q Mr. Lehnert, when you testified that there 12 were no asbestos fibers in the Firestop board from '51 to 13 '56, I'm assuming you meant that they added no asbestos 14 fibers to the mix. Is that correct? 15 A I don't -- I don't really understand the 16 question. 17 Q Okay. Did you just testify that they did not 18 market Firestop between '51 and '56 with asbestos in it? 19 A Yes. 20 Q Okay. 21 MS. JAGGER: Let's just stop here for a 22 moment. This is -- 23 MR. BONO: I can't let the question the way 24 it stands stand as part of the record. 25 MS. JAGGER: All right. Ask the question was
Page 111 1 it? 2 MR. BONO: Objection, foundation. 3 A No. 4 Q And how do you know that? 5 A Because I was there and witnessed the events 6 that occurred with the patents and the marketing of the 7 Firestop products. 8 Q And can you explain in a little more detail? 9 A All right. The first patent was Mr. Croce's 10 patent and it contained asbestos. And almost on the 11 heels of that, why Mr. Shuttleworth and Mr. Croce jointly 12 came up with the use of fiberglass in lieu of asbestos to 13 manufacture a type X or Firestop board, and it was that 14 product -- the other product never went through any 15 building codes and got acceptance or was marketed, 16 whereas the fiberglass board was, and there were further 17 patents that were prosecuted with the glass fiber in, and 18 that was the board that was ultimately manufactured. 19 Q So as marketed by Certain-Teed Products 20 Corporations, Firestop was asbestos-free, correct? 21 MR. BONO: Objection, foundation, and we're 22 going to be getting into the issue that Vermiculite 23 came from Libby, Montana -- 24 MS. JAGGER: Okay. I think that -- 25 MR. BONO: -- was added from W.R. Grace which	Page 113 1 the patent -- the product as patented with asbestos 2 fiber ever marketed according to that patent. 3 MR. BONO: No, that's not the question. 4 MS. JAGGER: Because that's what he answered 5 to her, that that is not -- that it was not 6 marketed, and she withdrew the other question. 7 MR. BONO: She phrased her questions as to 8 whether or not the asbestos board had asbestos 9 fibers in it. 10 MS. JAGGER: No, I think that was her last 11 question that I asked her to withdraw. 12 MR. WILL: Could he answer the question 13 whether the asbestos fiber was an ingredient? 14 MS. JAGGER: Yes, if you want to put it that 15 way, a constituent, or however, something like that, 16 but not -- 17 MR. WILL: In the formula, an ingredient. 18 MR. BONO: That was the original question 19 that I asked and he couldn't answer it. So let me 20 rephrase the question again. 21 MS. JAGGER: He just didn't understand it. 22 MR. BONO: Okay. 23 BY MR. BONO: 24 Q Between 1951 and 1956 was the Firestop 25 Wallboard manufactured and sold with added -- strike

Page 114	Page 116
1 that.	1 REPORTER'S DEPOSITION CERTIFICATE
2 Between 1951 and 1956 was the Firestop	2
3 Wallboard manufactured and sold with asbestos fibers as a	3
4 constituent?	4 STATE OF FLORIDA)
5 A No.	5)
6 Q As an added ingredient in the Firestop	6 COUNTY OF LEE)
7 Wallboard?	7
8 A No.	8 I, Sheryl L. Akerley, RMR, certify that I was
9 Q Between 1951 and 1956 was Vermiculite a	9 authorized to and did stenographically report the
10 constituent of Firestop Wallboard?	10 deposition of C. WILLIAM LEHNERT; that a review of the
11 MS. JAGGER: Object. No, that's where our	11 transcript was requested; and that the transcript is a
12 agreement kicks in that we agreed not to discuss	12 true and complete record of my stenographic notes.
13 today.	13
14 MR. BONO: Okay.	14 I further certify that I am not a relative,
15 MS. JOHNSON: That's it?	15 employee, attorney, or counsel of any of the parties, nor
16 THE VIDEOGRAPHER: That concludes the video	16 am I a relative or employee of any of the parties'
17 deposition of C. William Lehnert. The time is	17 attorney or counsel connected with the action, nor am I
18 2:22 p.m. We're off record.	18 financially interested in the action.
19 ---	19 Dated this 6th day of October, 2001.
20 (Thereupon, at 2:22 p.m., the deposition was	20
21 concluded.)	21
22 ---	22 Sheryl L. Akerley, RMR
23	23
24	24
25	25

Page 115	Page 117
1	1 ERRATA SHEET
2	2 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE
3	3 In Re: All Asbestos Litigation vs. Georgia-Pacific
4 CERTIFICATE OF OATH	4 Page/Line Correction/Change
5	5
6 STATE OF FLORIDA)	6
7)	7
8 COUNTY OF LEE)	8
9	9
10 I, the undersigned authority, certify that C.	10
11 WILLIAM LEHNERT personally appeared before me and was	11
12 duly sworn.	12
13	13
14 WITNESS my hand and official seal this 6th day of	14
15 October, 2001.	15
16	16
17	17
18	18
19 Sheryl L. Akerley, RMR	19
20 Notary Public, State of Florida	20
21 My Commission No. CC954774	21
22 Expires: August 15, 2004	22 Under penalties of perjury, I declare that I have read my
23	23 deposition and that it is true and correct subject to any
24	24 changes in form or substance entered here.
25	25
	26 Date C. WILLIAM LEHNERT

A				
able 13:17 18:8 25:3	adhesive 31:20 34:8	always 12:6 16:7	28:12,12,23 29:1	assistance 10:12
about 6:18 10:20	50:21,24 51:24,25	28:12 78:2	30:20 31:2,17,23	associated 73:25
13:23 19:20 33:20	52:1	amount 34:6	32:4,15,25 33:9,13	74:18 75:3
42:8 47:8 53:14	adjusted 24:13	amounts 31:23 32:10	33:17,22 34:1,2	Associates 4:11
70:22,24 72:18,21	admitted 24:5	32:20 95:6	35:3,6,9,11,15,17	assume 13:9 35:21
73:19,20 75:7 76:8	advance 7:7,21	another 12:11 55:8	35:21,24,25 36:6	96:13
79:19,20 85:16,20	18:21	55:19 61:25 76:2	36:17,19,24 37:4,7	assuming 112:13
92:18,21 95:11	advantage 50:23	86:16 93:17 97:25	37:11 38:15,22	assure 23:19
97:22 98:23 99:7	advertise 53:17	99:3	39:3,10,21 40:2,13	asterisk 80:6
101:25 106:14,15	advertising 64:12	answer 48:13 55:16	41:16 42:21 46:2	Atlanta 2:9 3:9,17
107:11 108:18,21	affect 51:12	67:22 113:12,19	46:19 47:5 48:10	attempt 23:6
110:7,10,11	after 17:13 31:12	answered 113:4	48:18 49:3 50:5	attend 11:8,10
absolutely 39:14	41:22,25 42:17	answer's 87:11,12	51:4,9,16 52:9,19	attended 103:9
46:12 71:23	76:10 80:18 95:12	anybody 107:6,25	52:24 53:10,24	attention 24:16 33:5
absorb 13:16	104:16,23	anyone 8:11 40:16	54:9,23 55:6,15,21	34:24 108:6
ACandS 4:6 6:10	afternoon 43:19	66:15	56:7,12,18,22 57:6	attorney 116:14,16
acceptable 101:22	79:17 100:25	anything 20:19	57:18,21,24 58:6	attorneys 7:19 9:5
acceptance 111:15	again 6:21 8:12	98:11	59:12 70:4,21 74:1	19:14 40:20 59:9
access 21:3	33:20 36:7,9 46:12	anyway 93:1	76:16 78:7 81:12	August 9:24 115:19
according 113:2	51:17 54:5 55:11	anywhere 87:18	82:7 83:15,16	Australian 3:22
Acoustic 74:12,13	55:23 61:7 64:15	apologize 41:3	84:17,21,21,23	authentication 7:3
accurate 59:21 60:2	67:5 73:17 95:9	apparently 68:17	86:1 87:10 88:12	author 95:1
60:3 101:18	97:9,12 106:3	appear 20:14	90:1,5,8,13,15 92:1	authority 115:9
Acme 27:7 29:8,11	108:5 109:10	appearance 24:2	95:6 99:16,17,23	authorized 116:8
30:19 33:6,8,16	113:20	APPEARANCES	99:24 105:11 106:2	available 36:24
43:24 45:14 46:1	aggregate 30:24	2:1 3:1 4:1	106:13,20,23	37:20 38:2,24
47:4 51:2 52:15,16	47:16,17 49:15,16	appeared 115:10	108:17,25 109:23	39:17 80:12 95:22
52:19 53:5 58:12	49:20	appearing 9:8	110:7,10,12,25	Avenue 2:4,19 3:4,13
80:22 81:11,14,24	agree 23:4 109:7	appears 27:22 28:1	111:10,12 112:1,12	3:22
82:5,18,22 83:23	agreed 22:16 114:12	29:3	112:13,18 113:1,8	aware 9:11
85:8,11 87:5,19,22	agreeing 23:13	applied 13:18 47:16	113:8,13 114:3	away 80:19
88:2,5,9,22 91:6	agreement 6:24	47:18 52:2	117:3	A-1 27:7 94:21
98:17 99:12	103:19,23 110:3,8	apply 48:1	asbestos-containing	A-119 90:18,22 91:3
Acoustic 71:16	110:13,14 114:12	appointed 14:16	4:24 35:12 38:20	A-19 90:21
acoustical 18:1 47:12	ahead 23:18	approved 100:6	69:11,15,22 70:16	a.m. 1:14 5:3 21:14
48:2,3,4,4 49:3,12	Akerley 1:19 5:9	approximately 18:7	70:17 71:1,4,8,14	21:17 40:23
71:9,15,21 74:5	115:18 116:7,21	18:8	71:20,25 72:4,9,15	A.P. 5:7
106:9 107:12,12,16	Akron 29:15,17 30:7	April 45:25 46:4	72:23 73:2,6,10,15	
107:19,22	31:16 34:25 35:2,5	50:3,3 81:25 82:6	73:22 74:5,14,19	B
acquired 68:25	35:9,14,16 36:16	Ardmore 63:9	74:23 75:3,9 77:14	B 4:24 24:16 25:12
76:11	46:10,14 50:8	area 10:1 29:10,15	108:19,23	25:15 28:15 29:3
acquiring 68:8,14	51:22 52:12,16,16	29:20,25 30:5	asbestos-free 34:1	31:1,22 32:9 33:5
across 98:13	52:22 53:2,7,21	82:20 97:23,24	35:11,17 37:1 38:2	35:19 38:13 40:11
action 116:16,17	54:3,6,14,14 80:2	98:9	38:24 40:8 53:13	41:14 44:3 45:4,19
actively 69:1	87:9,10,13,14,15	argument 22:11	53:14,16,17,20	49:14 51:11 79:21
actual 51:20	88:11 95:10,18	Army 11:13	58:1 95:23,24	80:2,22 84:25
actually 16:24 92:9	96:1,18 97:11	around 15:15 109:12	111:20	86:10 89:16,19
added 76:23 111:25	al 1:7 4:7 5:8	arrangements 104:6	asked 10:13 11:1	90:4 91:24 92:6
112:13 113:25	alive 12:17 17:14	asbestos 1:4 5:6 7:2	13:9 36:8 38:5	93:20,24 95:9
114:6	Allen 2:23	7:5 9:14 10:15	79:20 85:15,20	100:11 107:13
adding 56:2	alls 56:15	13:12,14,16,18	97:22 107:11	Bachelor 11:19
addition 20:18 37:23	almost 111:10	15:17 18:4,5,9,12	108:18,21,25 109:1	back 8:16 21:16
38:1	along 98:21	24:2,6 25:1,6,17,20	110:7 113:11,19	40:25 42:11,12
additional 38:7	already 44:10 72:7	25:22 26:4,7,13,16	asking 9:4 82:3	49:21 51:17 54:14
adhere 52:3	72:11 76:23	26:23 27:4,8,9,13	88:12	54:14,16 55:17
	although 7:12,23 8:1	27:16,20 28:1,1,5	aspects 10:21	59:2 60:22 70:20

71:22 79:13 80:21 87:23 88:14 90:14 96:17,21 97:3,4 100:21 102:16 108:5 109:9 Backer 16:14 background 10:21 backing 16:15 bag 15:6 45:22 47:1 52:5 77:21 bags 44:20 79:3 Bailey 4:3,4 6:8,8 banker's 92:19 based 10:20 31:14 32:2,12,22 38:14 39:1 40:9 basis 22:18 69:6 Beach 3:22 beads 13:4 31:13 34:15 50:23 80:19 became 16:1 70:8 become 13:20 15:21 bedding 31:20 32:7 52:4,8,11,17,18 56:18,19 72:1,4 74:15,19 before 1:19 6:13,19 12:23 42:4 68:6 76:10 82:25 83:4 83:13 89:25 104:23 107:7 115:10 began 14:2 16:18 18:8 78:12 85:5 begin 85:8 beginning 14:21 33:6 79:14 begun 76:15 behalf 2:2,6,17,21 3:2,6,11,15,19 4:2 4:6,10 25:12 being 5:4 6:22 7:19 21:20 23:2 43:11 44:4 50:23 61:17 62:15 believe 15:15 45:10 45:10 46:10,11 55:16 64:19 76:1,7 82:3 92:11 97:10 101:10 105:7 112:5 below 81:16 Bennett 2:8 Benson 3:16 besides 45:14 52:12 53:2 Bestex 74:3 Bestwall 7:10 13:22	13:25 14:2,9,11,17 15:10,13,16 17:20 26:3,6 49:7 60:24 61:12,21,25 62:7,8 62:18,19,21 63:7,7 63:12,19,21,22 64:3,11,13 65:12 65:15,19,25 66:7 66:11,21 67:10,14 67:16,23 68:3,8,14 68:18,24 69:1 70:8 70:14 72:6,10,21 72:22 73:3,4,5,11 73:13,14,21,24 74:2,4,7,8,10,14,17 74:20,22 75:1,4,6 75:10,25 76:11,17 77:6 78:6,17,25 101:9,14 102:5 103:2,4,20 104:8,8 104:25 107:20 Betsy 100:25 better 23:14 86:9 87:1 between 7:10 15:17 15:18 30:7 31:5 33:10,16,23 34:3 35:7,9,13 36:2,4,13 36:20 37:8,13,16 37:17,20,21 38:19 39:6,20 41:11 50:3 50:16 51:3,7 53:8 53:22 54:3,8,21 55:5,14 56:17,20 57:16,23 58:4 61:19,19 62:19 63:2,6,11,14,17,21 64:2,20,25 67:5,8 67:18 68:2 69:23 70:25 72:8,22 73:6 73:11,15,22 74:2,4 74:13,20 75:4 77:19 82:5 99:11 101:23 102:4,9 103:19 104:7 106:1 106:12,23 109:10 110:24 112:18 113:24 114:2,9 beyond 39:16,17 Bice 4:7 big 92:12,14 biggest 43:21 99:17 Bill 9:1 binder 34:6 50:21 Biscayne 2:12 bit 27:12	board 10:24 16:14 16:16 52:3 103:9 103:13 111:13,16 111:18 112:12 113:8 Bono 2:3 4:19 5:12 5:17,17 6:13 7:12 7:22 8:5,7,10,13,15 19:11 22:4,8,10 23:12,17,19,23 24:1,5,10 43:18 48:14,19,21 49:1,6 49:8,10 54:1,12 56:1 58:19,21 59:4 60:18 79:7 82:3,9 85:15 86:5,19 89:4 91:18 92:3 99:19 99:25 107:6 108:1 108:4,10,15,17,21 109:3,7,8 110:5,14 110:18,20 111:2,21 111:25 112:10,23 113:3,7,18,22,23 114:14 Bono's 21:24 23:4 boss 12:8,11 14:5 17:10 both 62:12 63:12 64:12 65:18,24 66:11 67:9,18 93:1 bottom 94:23 Boulevard 2:12 boundary 99:11 box 78:1 92:19,20 boxes 79:4 92:14,15 92:15,18 94:4 brand 60:24 69:21 70:6 71:3,13 72:3 73:1,9,25 74:11,18 75:2,8 break 24:12 40:21 41:4 58:18 77:10 77:11 100:20 110:19,20 Brief 100:20 briefly 80:11 bright 24:13,14 broken 29:4 Bronze 4:4 Broom 2:14 Brumbaugh 3:20 brush 47:18 buckets 44:17 buff 40:7 building 16:2,4 63:9 63:13 111:15	Burroughs 2:14 business 10:22 11:4 20:16 60:12 69:12 69:16,17 105:5 buying 68:7 C C 1:12 3:16 5:4 8:18 114:17 115:9 116:9 117:24 call 10:19 11:14 16:12 109:23 called 8:19 13:25 47:12 50:11,14 51:23,25 57:13 61:20 62:6 70:8 71:17 83:3,14 84:2 89:11 92:19 108:7 108:24 109:16,19 came 44:16,20,23 45:22 46:24 68:15 69:8 78:1 111:12 111:23 cancelling 6:14 Carbide 2:21 3:2 6:2 6:3 7:1,4,6 9:13 22:24 25:1,6,17,20 26:4,13,15 27:18 28:2,23 29:1 30:20 31:2,17,23 32:4,10 32:14,20,24 33:9 33:13,17,22 35:3,6 35:9,11,14 36:17 37:4,7,10 38:15,22 39:3,21 40:2,13,17 41:16 42:21 46:1 47:5 49:17 50:5 52:8 53:23 54:9,23 55:15 56:7,12,18 56:21 57:5,9,18,24 58:5 79:18 81:6,11 82:1,7,18 84:3,20 86:1,13,16,17 87:6 87:10 88:5,12 89:11 95:22 99:23 Carbide's 83:15 career 11:4 carefully 97:3,4 Carey 26:1,11,21 27:11,23 36:1,6 84:23 85:12 90:13 91:16 95:19 99:24 105:13 carrying 104:3 carton 15:8 cartons 33:25	case 5:6 8:1 10:24,25 21:8 cases 22:22 80:19 caulking 52:2 CC954774 115:19 ceased 65:4 ceiling 30:25 50:1,4 50:8 ceilings 30:24 47:22 49:15 Center 2:19 3:4 central 30:9 32:18 57:13,17,19 Centre 3:21 certain 86:15 100:7 Certain-Teed 2:22 3:11 5:24 6:1 7:6 7:11 11:23 12:2,8 12:12,20 13:6,24 17:20 21:18 25:19 25:23 60:23 61:11 61:22,24 62:7,9,25 63:7,8,11,22 64:2,4 64:11,12 65:13,19 65:25 66:7,11,21 67:9,17,23 68:8,14 68:24,25 69:10,11 69:23 70:2,15,25 71:8,10,11,25 72:5 72:8,16 76:17 77:5 77:13 101:2,4 102:13,23 103:1,19 104:7,8,12,19 105:8 106:24 107:15,20 108:6 109:10,17 110:25 111:19 Certain-Teed's 105:19,25 106:12 Certex 70:1,2 71:6 CERTIFICATE 115:4 116:1 certified 8:21 certify 115:9 116:7 116:13 cetera 106:9 chances 22:15 change 14:14 17:2,2 100:6 102:8,9,17 102:20 changed 16:20,24,25 16:25 83:4,7 93:12 95:14 changes 14:12 67:23 117:2,23 changing 43:5
---	--	---	--	--

characteristics 38:8 charge 20:7 Charles 9:1 chart 36:11 check 106:16 chemical 11:20 chemist 12:1,6 14:1 101:5,7,11 Chicago 29:19,22 32:3 37:2,3,10 45:10,11,14 46:11 46:14 52:15,16 53:6 54:13,18 55:12,20 56:16 57:3 58:13 80:2 85:5 87:16 99:11 chief 61:21 62:21,24 63:3 Chris 5:21 Christensen 3:20 Christopher 3:8 chrysotile 105:15 Circuit 1:1,1 7:24,25 circumstances 98:12 98:16 100:7 City 11:16,17 Civil 22:6 Clarence 12:15 17:12 clarification 7:12 clear 7:18 23:18 42:19 82:17 105:24 112:3 Clearlake 3:21 coat 50:22 codes 111:15 Cole 4:7 collated 10:23 college 11:8,10,12,16 Collier 3:8 5:21,21 color 38:7 column 79:23 80:22 combination 36:22 85:13 come 13:23 18:10 19:17 44:7 52:5 60:15 61:16 76:25 77:21,24 79:3 comes 44:13 76:23 comment 79:24 80:22 81:1,15 110:10 Comments 79:24,25 Commission 115:19 companies 25:25 26:6,9 62:12 63:7	65:25 68:6,13,15 68:17,19 69:8 91:25 101:16 company 4:2 6:9 7:11 10:3 13:22,25 14:2,9,18 19:2 25:22 26:1,11,24 27:3,11,15 28:8 60:25 61:4,12,16 61:20 62:16,18 63:20 68:18 81:22 102:7 104:25 comparing 99:22 complete 116:11 complex 77:9 Composite 4:23 59:6 compound 14:18,23 15:1,2,10,13,16 17:22 19:5 26:23 28:24 31:20,21 32:7,8 33:8 35:1,17 39:2 40:12 42:20 43:22 44:5,19 45:3 45:9,20,25 46:7,22 50:11,14,17,17,20 51:1,5,6,12 52:4,8 52:11,17,18,22,24 53:1,5,16,18,21 54:7,15,19,22,25 55:13 56:6,18,19 56:21,23,24,25 57:1,4,23 58:4 59:15 75:19,21,23 76:2,5,14 91:6 92:10 109:13,16 compounds 12:21,24 13:1,8,10,11 15:3,5 16:17 17:8 20:24 21:8,10 24:25 25:20,23 26:3,7,12 29:2,12,18,23 31:7 51:11,15 53:9,23 69:18,22 72:1,4,9 72:23 73:2 74:15 74:19,24 75:3 76:16,22,25 77:4 77:14,16 78:6,16 78:24 101:21,25 102:2 106:6 conceal 13:3 concerning 21:9 concluded 114:21 concludes 114:16 confining 72:13 confusing 86:4 Congoleum 4:2 6:9	connected 116:16 considered 51:18 constituent 113:15 114:4,10 construction 13:5 31:11 34:13,16 75:16 consult 10:17 45:16 46:12 51:17,20 71:22 73:17 83:17 consulting 10:6,9,14 11:2 contain 13:11 15:17 18:5 25:20 26:4,13 26:23 33:8,17,21 33:25 34:2 35:2,6,9 35:14 36:16 37:10 38:1,22 39:3,21 40:2 46:1,19 47:4 48:18 49:12,16,22 50:4 51:3,9,16 52:8 52:19,24 53:10,23 54:8,23 55:14 56:6 56:18,21 57:5,18 57:24 58:5 81:11 97:15 109:25 contained 18:4 19:16 20:19 24:25 25:5 27:2 30:19 31:17 31:25 32:4,14,24 35:10,16 36:18,19 37:4,6 40:11,13 45:5 48:9 49:3 55:6,20 57:9,20 70:4,21 74:1 76:16 78:7 83:16 86:12 87:2 88:5 96:2,3 106:1,13,20,23 108:17,25 111:10 containing 7:4 18:12 41:15 42:21 59:12 59:16 88:21 contains 35:19 50:20 contaminated 112:1 contractor 82:16,20 control 20:11 Cont'd 3:1 4:1 copies 20:14 59:21 60:4,4 copy 92:9 corner 5:14 13:4 31:13 34:15 50:23 80:19 corporation 1:18 2:6 2:17,22 3:19 4:2 5:16,25 6:2,2,4,9	6:24 7:11,17 8:20 9:3,9 10:4 11:24 12:3,20 13:7 15:23 17:11 19:3,17 25:13,19 26:2,10 28:10 40:17 60:16 62:1,6,7,9,20 63:4 63:8,23 64:4,11 66:8,9 68:21 79:18 101:3,9,15 102:14 102:24 103:2,4,20 103:20 104:7,8,9 104:13 105:13 107:15 108:7 109:11,17 corporations 67:18 103:7,10,13 111:20 correct 7:15 20:14 25:15 27:21,25 28:11 29:5,6 39:23 41:6,7,17 42:23,24 44:21,22 45:6 48:7 50:11 51:13,14 54:19 57:10 60:25 61:1 64:21 70:23 76:5,8,23 77:1,14 80:7 82:2,21,23 84:5,11,18 85:3,4 86:13 87:6 88:7,22 89:1,16,17 90:2 91:12,15,20,21 92:1,2,7 93:13 96:2 96:7 97:17 101:5,7 101:8,11,12,17 102:7 103:8 104:2 104:10,15 105:3,9 105:10,13,16,17 107:14 111:20 112:14 117:22 corrected 23:9 Correction/Change 117:4 correctly 95:13 counsel 1:17 6:23,25 7:7,7,21 23:22 24:8 109:5 112:4 116:14 116:16 counselor 23:20 counted 93:7 country 98:14 County 1:2 7:25 115:7 116:5 couple 41:3 79:19 course 20:15 34:1 60:12 107:10 court 1:1 5:9 6:11	7:24 8:25 cover 13:4 34:14 covered 93:21 co-counsel 24:9 crack 40:5 42:9 43:8 cracked 80:18 Crane 4:10 5:23 create 61:25 created 19:21 61:25 62:20 68:24 101:10 102:21 creating 101:15 Croce 111:11 Croce's 111:9 cross 6:23 107:7 Curtis 4:4 6:8 custody 20:11 customer 38:9,10 customers 38:5
D				
Daniel 4:11				
date 1:13 5:2 28:22				
28:25 37:24,25				
39:14,17,18 41:22				
65:6 70:9 78:11				
117:24				
Dated 91:9 116:19				
dates 28:16,19,21				
29:4 31:2,23 32:9				
32:19 35:9 36:7,8				
37:6 41:13 49:18				
55:6 57:20 64:15				
67:5 75:24 78:21				
78:23 85:1,16,21				
85:25 86:2,11				
107:18,20				
day 75:19,20,23 76:1				
83:3,10,14,19				
84:7 87:9,24				
115:13 116:19				
Decatur 20:1,8				
December 28:21,22				
35:7,13 36:2,4,13				
37:16 53:8,22 54:4				
54:8,21 55:14 56:5				
95:13,13 96:4				
97:12,13,19				
declare 117:22				
decorative 31:12				
47:21				
Defendant 1:17 2:6				
2:17 3:2,6,11,15,19				
4:6,10,22 8:19				
defendants 1:8 2:21				
4:2 5:8				

degree 11:18,19 Denver 81:16,18,21 82:15,20 Department 11:6 59:19 102:3,22 depended 98:6 depends 47:25 deposed 8:21 deposition 1:12 5:3 6:15,16,22,25 7:8 7:21 9:11 18:21 19:10 20:20 21:20 22:2,19,21 23:2,6 25:4 43:6 107:11 114:17,20 116:1,9 117:22 deposition's 8:16 designate 30:8 designation 27:5,10 27:17,22 28:1,5,6,8 designs 47:23 detail 111:8 determine 27:3,8,15 70:21 73:18 develop 18:9 development 11:5 14:22 15:9 17:1 21:8 59:19 76:4 differed 15:3 difference 31:5 34:3 50:16,19,25 86:3 different 10:20 34:5 38:6 76:22 85:1,1 85:16,17 89:14 94:11,12 96:21,22 96:25 98:24 99:1 104:21 dimension 92:25 dimpled 13:3 direction 59:18 directly 66:24 67:2,3 director 103:6 discovery 6:14 7:14 discuss 114:12 discussed 58:8 110:4 110:8 discussion 19:10 21:15 48:24 distill 93:21 distinctions 51:19 distributed 7:20 distributors 98:9 division 13:24 15:25 16:1,2,5,5,6,8,11 17:18,18 30:14 105:20 106:1,12,25	document 24:17,19 24:21 25:3 28:16 39:13,16 41:21,23 42:5,16 43:2 92:20 94:8,9 97:5 documents 10:23 18:17,21 19:16,24 20:10,13,14,25 25:7 59:10 92:19 93:24 94:1,10,14 95:4 97:4 doing 10:11 14:18 110:11 done 10:5,9 25:9 93:20 110:21 door 108:11 109:3 110:9 Dow 80:4,9,13 down 27:12 29:4 45:11 49:14 77:11 81:14 95:2 drafting 103:25 drawing 108:5 dried 80:18 Drive 1:16 5:5 dropped 42:4 dry 15:5 44:7,8 47:14 54:19 57:1,2 75:15 76:17,25 77:6 78:2,17 79:1,2 Dryer 3:6 drywall 31:20 47:24 51:23,25 75:16 81:21,22 82:16 duly 8:20 115:11 during 11:10 12:19 14:11,17 16:8 17:10 24:12 33:7 33:19 35:5 36:19 37:10 38:18 39:5 41:4 49:18 57:8,20 60:9 64:10,23 65:17 67:24 69:13 72:5 74:22 78:2 81:8,24 101:14 107:16 Duty 30:23 31:6,9 45:20,20,25 46:6 75:13,14 81:14,24 82:5,18,19 88:8,13 88:21,24 D.C 3:13 101:2	102:2 early 78:10 101:24 easier 34:8 50:24 easily 13:18 Easley 2:11 east 3:4 30:9 Edwardsville 2:15 2:25 effect 31:12 47:21 93:16 either 12:16 23:5 47:15 67:2 77:5 105:12 Elgin 4:13 Elizabeth 3:12 5:24 21:18 elsewhere 49:24 57:15 employed 11:22,23 12:2 13:6,21 14:8 15:21,24 employee 65:12,13 65:15 116:14,15 employees 65:18 66:8,10 employment 14:2 16:18 17:10 101:14 enabled 13:17 engineering 11:20 enough 112:4 ENTER 117:2 entered 24:1 117:23 entire 11:4 21:3 ERRATA 117:1 Esquire 2:3,4,8,11 2:14,18,23 3:3,8,12 3:16,21 4:4,8,12 essentially 67:19 established 7:17 et 1:7 4:7 5:8 106:9 Evans 2:4 even 23:20 83:16 events 111:5 eventually 66:21 70:8 ever 25:20 26:3,13 26:22 40:12,16 87:15 107:21 110:25 113:2 every 59:24 everyone 66:20 Everything 8:8 evidence 6:15 25:12 exact 70:9 92:25 exactly 96:15,24 104:20 107:18	EXAMINATION 4:17 8:22 43:17 60:20 79:15 100:23 107:8 108:3 110:22 112:9 example 27:6 58:12 85:5 88:8 90:12 94:14 98:17 99:11 except 21:22 22:16 23:3 35:11,17 36:25 51:19 87:3 95:23,24 exception 38:23 51:10 exceptions 37:13,14 86:22 excluded 39:14,16 41:25 43:3 Excluding 66:9 exclusively 95:19 excuse 36:2 97:12 executive 61:21 62:21,24 63:3 exhibit 18:17 19:9,16 19:20,24 20:10,13 20:19 24:16 25:12 25:15 27:3,6 28:15 29:3 31:1,22 32:9 33:5 35:19 38:13 40:11 41:14 44:3 45:4,19 49:14 51:11 59:7 79:21 79:23 80:1,22 84:25 85:19 86:10 88:20 89:15,19 90:4,18 91:2,24 92:6 93:4,15,20,24 93:25 94:4,10,13 94:19 95:9 96:17 97:3 100:11 107:13 EXHIBITS 4:22 existed 15:3 60:5 existence 22:9 Expires 115:19 explain 12:24 15:2 24:21 41:8 50:19 111:8 extent 88:24	19:19 71:17 72:14 103:12,18 far 63:25 64:9 farther 27:12 fast 98:7 February 52:7,23 54:21 55:14 56:5 56:17,20 feeling 69:3 feet 92:21,21,24,24 fell 80:19 few 28:4 fiber 105:11,11,15 105:16 110:10 111:17 113:2,13 fiberglass 111:12,16 fibers 109:23 110:25 112:12,14 113:9 114:3 fifties 101:24 filed 1:4 5:6 6:22 24:2,7 files 7:16 19:17 fill 34:15 filled 93:1 Filler 27:7 final 105:18 financial 104:6 financially 116:17 find 84:2 finish 13:2 34:13 finished 31:13 finishers 70:4 73:6 73:11 106:8 finishing 31:10 34:23 75:16 fire 16:13 Firestop 16:13 108:8 108:24 109:12,17 109:19,22,25 110:8 110:16,25 111:7,13 111:20 112:12,18 113:24 114:2,6,10 firm 1:4 2:3 5:7 7:24 24:3,7 101:1 first 2:8 6:13 7:1,20 8:20 9:7 28:23 29:7 37:24,24 44:4 50:22 51:22 60:23 80:21 94:14,21 95:14 96:3 104:14 111:9 Firststar 3:4 five-gallon 33:25 Florida 1:16,20 2:12 2:20 3:22 4:9 5:6
--	---	---	--	---

9:20,25 115:6,18 116:4 focus 33:4 86:25 Foley 3:3 follow 106:4 followed 105:5 following 7:1 24:23 follows 8:21 followup 107:4 form 8:8 21:22 22:17 23:3,9 44:23 46:24 48:11 53:25 62:2 82:9 89:4 117:23 formed 14:15 formula 19:23 21:4 27:4,5,9,16,22 28:11 34:9,11 37:17 38:4,11 39:9 39:15 40:6,7 43:11 51:18,20 57:1,2 71:23 80:10 81:2 83:9 89:11 90:15 91:5,12,17 93:12 95:14 97:2 100:7 106:16 113:17 formulas 4:23,24 7:4 7:5,13,13,15,19 17:21 19:1,5,5,9,20 20:19,23 21:1 24:24,25 27:2 28:4 30:17 31:15 32:2 32:13,23 33:19,21 34:4 35:1,10,11,13 35:16,20 36:21,23 36:25 37:3,12,20 38:2,11,15 39:1,19 39:22 40:1,10 42:9 42:10 43:7,7,8,12 45:17,17 46:12 49:21 53:15 54:17 55:17 57:8 59:8,11 59:13,17,22 60:5,8 70:20 73:17 83:17 84:2,8 86:12 87:2 88:14 92:7,10,17 93:2,5,11,16,22 94:3 95:22 96:16 96:18,23,25 97:6 97:11,18,20 100:3 100:5,10 101:16 102:6 formulate 102:1 formulating 101:21 102:5 formulation 13:10 44:7	Fort 1:16 5:5 9:20,25 forward 36:24 fouled 42:15,18 foundation 19:12 61:5,13 62:10 63:24 64:5,14 65:14,20 66:2,13 66:23 67:11,20 68:4,9 69:2 99:19 111:2,21 four-gallon 33:24 frames 39:5 free 98:9 Friedman 3:16 from 7:15 10:3,19 11:17 14:10 15:3 19:17 36:24 40:2 40:16 42:21 45:4 45:24 47:3 49:15 51:11 52:7,22,23 56:5 57:4 59:11 60:15 62:15 64:10 65:25 66:11,20 68:8,14,16,23 69:7 69:13 70:15 73:3 76:22 77:5,6,13,21 78:16 80:19 91:6 95:18 97:23,23 98:13 99:3,9 100:5 100:6 101:1 105:12 105:19,20 110:1 111:23,25 112:12 front 18:16 25:3 full 8:25 function 62:8 functions 34:18,20 34:21 furnish 30:1 furnished 15:6 19:14 29:22 33:23 40:6 52:2 59:9 further 28:25 107:7 110:15 111:16 116:13 G Gardineer 81:17,19 81:21 82:19 Gardner 3:12 101:1 Gary 4:8 6:10 gave 7:13,14 37:24 86:21,22 gears 43:5 Gelse 3:12 4:20 5:24 5:24 6:18 8:8 21:18,18 22:6,10	61:5,13 62:2,10 63:24 64:5,14 65:14,20 66:2,13 66:23 67:4,11,20 68:4,9 69:2 100:24 101:1 107:2 108:14 109:1,13 110:19,23 112:6,8 general 6:21 17:18 34:10 37:12 38:11 39:19,22 43:12 57:8 69:3 88:12 generally 12:24 16:10 24:21 28:20 99:3 generic 47:12 geographic 98:7 geographical 29:10 29:15,20 30:5 geographically 29:25 Georgia 2:9 3:9,17 11:15 20:8 29:24 30:1 32:14 38:14 38:16,21 57:12,17 57:22 58:13,13 94:9 Georgia-Pacific 1:7 1:18 2:6 4:22 5:19 5:20 6:7,24 7:2,3,6 7:16 8:19 9:3,9,14 10:4,6,9,13,18 11:2 15:23,25 16:3,8,11 16:15,19 17:11,20 18:4,11 19:3,6,17 19:23 21:4 24:24 25:5,13,16 26:12 26:16 27:2 28:24 29:1 30:15,18 31:15 32:12,22 40:10,12 43:22 44:16,20 48:6,18 49:2,5,6,8,11 50:10 50:13 51:2 53:10 53:15 54:6,7,23 55:13 59:6,8,13,14 59:15,19,22 60:9 60:13,16 68:3,7,25 76:11 84:8 92:10 99:17 105:3 107:21 117:3 Georgia-Pacific's 20:15,24 gets 24:14 getting 111:22 Gilbert 12:9 104:14	give 28:19 37:13 92:12 given 7:5 27:22 72:7 72:11 102:1 glass 111:17 Glen 17:13 Glenny 4:7 go 9:1 15:13 21:11 23:18 33:5 42:11 49:21 51:17 54:16 55:17 58:12,13 60:22 62:17 70:20 71:22 72:20 79:8 80:21 81:14 84:7 87:23 88:14 90:14 93:24 96:17 97:3,4 98:8 100:16 102:17 107:7 110:20 going 9:4 21:13 33:5 40:20,22 58:24 59:5 79:10 100:18 108:5 109:4,5,9 110:3 111:22 gone 10:22 39:16 good 8:24 43:19 58:22 60:4 79:17 94:14 100:25 governed 22:14 grabbed 90:17 Grace 111:25 graduated 11:17 Green 5:7 Greer 3:20 Grieve 65:11,12 group 14:15,16,21 15:12,24 19:4 59:6 67:19 102:22 Grove 11:16,17 guess 56:15 guessing 92:16 gypsum 7:10 10:24 11:4 13:2,4,22,24 13:25 14:2,9,17 16:1,5,6,7,11,12,13 17:17,18 20:1,4 26:3,7 30:11,14 31:10 34:12,16 52:3 62:18 63:20 68:18 69:12,16,17 72:13 101:9,14 103:4,20 104:9,25 105:20 106:1,12,24 H hac 24:5 Haines 2:18	half 91:14 halfway 98:13 hand 91:2 115:13 handled 13:17 handwriting 94:15 94:17,23 handwritten 95:5 happen 58:15 98:2,5 happened 62:15 70:10 Harbour 1:15,16 5:4 5:5 hard 98:7 having 8:20 25:2 50:24 64:9 Hawkins 3:7 head 59:18 headquarters 63:8 heads 13:3 31:12 34:14 50:22 hear 55:22 heard 55:24,25 82:4 Hebrank 2:14,14 5:20,20 heels 111:11 held 5:4 11:6,13 help 77:12 Hepler 2:14 her 113:5,7,10,11 hereinafter 8:20 hesitating 83:2 Heyl 2:23 hidden 34:15 him 6:20 8:15,16 24:10 108:25 109:1 hired 101:4 history 21:7,9 24:24 25:9 Hoggatt 12:9,16 65:3 65:5,7 104:14,16 104:21 hold 16:22 108:21 home 94:1,4 hope 82:10 housed 19:24,25 20:3 hundred 20:23 25:7 hundreds 92:6 H-O-G-G-A-T-T 12:10 I idea 92:12 identification 90:25 identified 31:1,22 identifies 28:12
--	--	---	--	--

Identify 25:4 30:18 30:22 31:15,19 32:3,13,23 40:11 59:7 II 2:24 Illinois 1:2 2:5,15,25 4:5,13 8:1 21:21 22:3,4,6,14 23:1,7 23:21,24 24:6 29:20 32:4 54:13 55:12 56:16 57:3 80:3 implement 47:18 impossibility 22:23 impression 68:23 69:6 inasmuch 34:5 Inc 3:15 include 17:24 18:1 69:18 95:14 included 19:9 43:2 81:7 includes 19:5 83:19 Including 17:8 Incorporated 5:8 indeed 90:15 INDEX 4:17 indicate 21:25 84:1 indicated 42:6,17 76:7 indicates 15:7 41:14 indicating 36:5 48:14 indirectly 67:2 Individual 60:6 96:17 individuals 65:18 Industries 5:8 information 40:11 95:2 infringement 10:25 ingredient 80:14 113:13,17 114:6 Initially 65:2 inquire 110:15 insistence 21:24 Insofar 95:6 instance 98:25 instances 26:22 Institute 11:14 intention 110:9 interested 68:13,17 116:17 inter-regional 58:11 introduced 85:2 97:2 invent 108:7 109:11	109:16 involved 11:3 13:7 14:22 103:22,25 104:3 issue 111:22 issued 93:13 issues 7:1 Item 49:25 82:22 J J 3:3 4:11 Jagger 2:8 4:18 5:19 5:19 6:20 7:15 8:11,14,23 9:3 19:15 21:11 24:11 25:11,14 40:19 41:2 42:7 43:15 48:11,15,17,22 49:5,7 90:21 107:4 107:9,24 108:9,12 108:16,20 109:5 110:2,6,17 111:24 112:3,7,21,25 113:4,10,14,21 114:11 James 4:12 5:23 January 39:7,8,12 39:13,20 41:11,16 41:20 42:1,22 43:1 57:16 58:5 Jason 3:16 5:22 Jeff 5:20 Jeffrey 2:14 job 11:25 14:12 16:19 101:23 102:5 102:9,17,19 Joe 4:15 5:1 John 4:10 5:23 Johns 26:1,10,21 28:10,13 68:21 85:13 105:13 Johnson 2:11,11,11 6:6,6 39:12 42:2 55:22 58:17,20,23 79:8 90:19 100:16 107:25 112:2 114:15 joint 12:21,24 13:1,8 13:10,11 14:18,22 15:1,2,3,5,10,13,16 16:17 17:8,21 18:4 18:11 19:1,5 20:24 21:4,8,9 24:25 25:19,23 26:3,7,12 26:23 28:24 29:1 29:12,18,23 31:7,9	33:7 35:1,17 39:2 40:12 42:20 43:22 44:5,19 45:3,9,20 45:25 46:6,22 50:11,17 51:1,5,6 51:12 53:9,16,18 53:20,23 54:7,18 54:22,25 55:13 56:6 57:4,23 58:4 59:15 69:18,22 70:3 72:23 73:2,6 73:10 75:19,20,23 76:2,4,14,16,22,25 77:4,14,16 78:6,15 78:24 91:6 92:10 99:18 101:21,25 102:2 106:6,8 jointly 111:11 joints 13:2 31:12 34:12,13 75:16 judge 23:17,20 Judicial 1:1 7:25 Julia 2:8 Julie 5:19 9:2 June 39:6,20 42:22 58:4 62:23 63:6,11 64:10,17 82:25 83:13 87:5 91:9 jurisdictions 23:7 jury 8:25 10:8 11:21 12:24 just 7:18 11:14 12:23 21:19 22:11 25:8 27:6 34:4 36:10 55:3 70:11 73:24 74:10,12 75:7 86:1 88:12 90:17,17 94:19 105:23 108:1 112:17,21 113:21 K Kalite 71:18 Kasowitz 3:16 keeping 53:7 101:15 Kent 2:23 6:1 kept 60:12 kicks 114:12 kind 25:9 75:14 77:8 77:24 92:20 know 9:2 19:4 22:8 24:14 25:22 26:6 26:18 28:9 30:8 42:25 43:25 46:14 62:14 63:25 64:9 65:7 66:10,15,18 67:13 68:5,12	70:22 83:6 84:6 87:12 88:18 92:25 94:10,17,22 96:15 96:19,20,24 97:1 97:18 98:4,11,12 98:25 99:7,10,20 100:2 104:6,23 107:6 111:4 knowledge 64:7 65:21 67:8 known 61:12 Kohlburn 2:4 4:19 5:18,18 60:21 61:8 61:15 62:5,13 64:1 64:8,16 65:16 66:4 66:16 67:1,15 68:1 68:11 69:5 79:6 105:18 106:6 Kurowski 4:3 L L 1:19 2:23 4:8 115:18 116:7,21 lab 20:25 39:13,15 41:21,22 42:5,16 43:2 94:7,9 labels 53:17 laboratories 20:8 laboratory 10:22 17:6 20:1,4 63:12 63:19 68:15 language 35:19 Lardner 3:3 large 1:20 81:21 94:2 largest 43:24 last 30:4 93:9 112:4 113:10 lastly 38:25 later 15:8 16:25 83:4 lawyer 103:15 leader 14:16,21 15:11 102:22 least 39:6,8 41:11,16 41:20 42:2,3,5,15 42:22 43:1,3 45:5 45:24 57:19 58:5 68:20 76:12 led 105:18 LEE 115:7 116:5 Lehnert 1:12 5:4 8:12,18,24 9:1,2,16 11:8 17:19 18:16 20:13 21:6 24:12 25:2,15 27:1 28:15 30:17 33:4 38:3 40:9 41:3 42:10	43:6,19 59:5 60:22 79:17 100:14,25 107:10 108:5 110:24 112:8,11 114:17 115:10 116:9 117:24 less 50:21,24 lesser 34:6 let 24:10,14 54:2 55:7,9 76:21 86:7,9 86:25 87:23 89:9 90:16 96:20,21 97:9,12 102:16 109:5 112:23 113:19 let's 11:12 23:18 24:8 42:19 53:14 54:5 56:3 79:8 100:16 104:20 109:15 110:20 112:21 Libby 111:23 licensed 23:20,23 lieu 111:12 life 8:17 light 24:13 like 33:4 42:9 43:8 44:13 58:18 85:6 92:22 98:11,23 99:5 105:5 113:15 Likewise 87:8 limited 6:25 7:9 9:12 45:18 76:13 limiting 7:9 limits 86:21,21 line 44:9,15,16 72:13 84:13 99:11 lines 98:8 list 29:14 46:17,18 52:21 56:25 90:4,7 91:25 105:19,21 106:5 listed 29:7 30:4 60:5 84:1 88:21 89:10 89:15 107:13 Listen 55:23 Lite 71:16 74:12,13 litigation 1:4 5:6 24:2,7 117:3 litigations 10:10 little 27:12 47:23 84:15 87:1 108:2 111:8 live 9:18,19 lived 9:25 Lizars 61:23 62:22
---	---	---	--	---

63:1,5 66:19,20,22 LLC 5:7 LLP 3:7,16 location 1:15 63:17 long 12:2 14:8 16:22 105:19 106:5 longer 18:11 42:16 92:23 look 84:7,25 86:10 87:10 93:8 95:9 96:17 97:3,4,19 looked 92:6 94:25 looking 44:3 56:24 68:7,13 88:20 looks 85:6 Loop 4:8 lost 36:7 lot 13:16 L.L.C 1:4 2:3 L.L.P 2:7	87:9 man 104:11 management 66:14 66:17 67:9,17,24 manager 11:5 16:21 17:1,18 20:9 manufacture 45:8 47:7 49:19,24 50:7 50:13 69:11 74:5 74:23 99:8 107:16 107:21 111:13 manufactured 18:11 25:5 30:19 31:16 32:3,13,23 33:8,15 35:2,8 37:3,9 38:16 38:21 39:2 41:15 41:16,22 42:6,16 42:17,18,21 43:1,4 43:12,13 44:1,16 44:20 46:1,10,11 46:16,18 47:4 48:5 48:6 49:22 50:10 51:2 52:18 53:5,9 53:21 54:7,22 55:5 55:20 56:9,12 57:4 57:13,15,17,20 74:20 75:10 81:2 81:20 87:14,15,18 88:1 96:4 98:18,19 101:16 102:6 106:24 107:19 108:22 109:1 111:18 113:25 114:3 manufacturing 53:16 100:4 Manville 26:1,10,21 28:10,13 68:21 85:13 105:13 many 56:15 93:5 96:22 March 33:24 37:17 37:18,20,21,21 38:19 39:10,10 45:4 49:16 51:11 52:7,23 56:17,20 57:23 Marietta 29:24 30:1 30:8 32:14 38:14 38:16,21 57:12,12 57:17,22 94:9 Mark 2:24 3:21 6:5 marked 18:17 59:6 93:25 market 15:14 62:11 76:8 77:4 78:12	80:20 81:3,8 110:25 112:18 marketed 76:15 80:10 98:21 109:12 111:15,19 113:2,6 marketing 64:12 76:13 110:12 111:6 marketplace 101:22 Massachusetts 3:13 material 34:14 95:5 95:5 Materials 27:8 matter 110:6 matters 9:13 10:15 10:17 23:9 may 6:11,20 12:4,5 13:20 14:3 18:15 23:6 28:22,25 33:10,16,21 35:7 35:13 37:8,16,20 38:19 42:4 51:3,7 53:8,22 54:8 57:5 57:16,23 61:18 78:10 83:3 84:17 86:15 93:16 96:10 102:1,2 maybe 30:9 36:22 56:2 84:14 93:23 McLean 4:12 mean 22:10,17 38:3 41:9 44:10 51:9 56:8 60:3 65:22 67:13 72:17 78:18 80:17 81:6,23 89:6 110:6,7 means 27:22 28:20 meant 112:13 meeting 40:16 meetings 103:9,13 memorized 84:10 Memphis 80:25 81:2 81:8 mention 75:19,20 mentioned 7:23 48:2 89:25 92:5 94:7 merger 68:2 metal 44:14 Miami 2:12 Midwest 29:23 might 38:6,7 39:15 98:13 Milford 30:5,7 32:24 38:25 39:2,20 40:2 41:6,15 42:20 58:3 94:8 Mills 3:15 5:22	Milwaukee 3:5 mind 95:1 100:3 minute 43:5 minutes 103:12 Mirabito 3:20 misstatement 82:8 mistake 41:5,8 82:11 mix 15:1,2,6,10,13 27:7 30:25 31:21 32:8,18,18 33:3,5,7 33:15,19,21,23 34:4,4,5,11,17,21 35:1,5,8,14,18 36:16,17,19 37:3,9 37:19,24,25,25 38:6,15,21 39:2,9 39:19 40:1 41:6,10 41:12,14 42:20 43:12 44:9,10,15 50:11,14,16,17,20 51:1,5,6,12,15,18 53:9,23 54:7,15 56:25 57:4,14,17 57:19,23 58:4 76:4 76:14,22 77:3 78:7 78:11,13,14,15,17 78:25 84:13,13 85:2,9 87:4 95:11 95:12,18,25 96:6 96:18,22,25 98:23 98:25 112:14 mixed 15:7 44:11,25 45:1 47:15 52:1 77:1,7 moment 112:22 Montana 111:23 months 80:12 96:5,8 more 13:18 17:2 26:23 41:4 56:3 78:18 90:1 92:17 111:8 morning 8:24 9:4 most 31:8 95:18,25 96:6 97:15 98:19 Move 112:2 moved 110:5 moving 37:2 38:13 45:19 46:20 49:14 49:25 51:22 52:4 52:22 53:7 54:13 56:16 58:11 Mt 3:15 5:22 much 16:24 34:8 60:19 83:10 85:19 99:23,23 100:15 102:11 112:8	Mullins 2:7 Myers 1:16 5:5 9:20 9:25 Mystic 9:19 M-Y-S-T-I-C 9:19 N N 4:12 nail 13:3 31:12 34:14 50:22 name 5:1 8:25 15:7 17:2 60:24 70:13 72:6,10 73:4,13,24 73:25,25 74:3,10 74:11,11,17,18,18 75:1,2,2 76:2 79:17 83:4,6 105:25 named 104:11 105:24 names 5:10 69:21,22 70:6,6,12 71:3,4,13 71:14 72:3,4 73:1,1 73:10,10 75:8,9 name's 100:25 NationsBank 2:19 needs 22:18 negotiated 68:2 negotiating 103:22 neighborhood 92:16 Nelson 2:7 never 16:24 100:3 102:13,23,25 103:1 103:3,5,6,9 111:14 new 14:22 29:15,17 31:16 34:25 35:2 51:22 52:23 53:7 53:21 54:3,6 58:12 80:2 87:9,10 95:10 95:18 96:1 97:11 next 29:24 38:13 46:22 49:25 82:22 96:5,8 nice 8:14 nine 96:5,8 non 30:23 49:14,16 49:19 normal 8:16 60:12 North 2:19 northeastern 29:18 Notary 1:19 115:18 note 94:7 95:12 97:10 notes 36:20 116:11 notice 6:22 79:22 noticed 6:23 22:21 number 8:1 11:7
---	---	---	--	--

22:9 80:12 90:24 94:22 96:25 numbered 91:2 93:8 N.E 2:9 3:9,17 N.W 3:13	16:4,10,22 17:24 18:10,23 19:2,8,16 20:5,7 24:1,16 25:11,19 26:12 27:6,12,19 28:4,15 28:21 29:7,14,19 30:11 31:1,5,14 32:19 33:4,19 34:3 34:10 35:12,24 36:12 38:3,10,20 38:25 39:24 40:4,9 40:15 41:8,14,19 42:8,19,25 43:5,11 43:15 44:3,9,13,15 44:19 45:3,19 46:21 47:3 49:11 49:25 50:10 51:1 51:10,15 52:7 53:7 53:14,20 54:18 55:4,10 56:4,11,13 56:16 58:3,19,21 59:10,17,21 60:18 60:23 61:16,24 62:6,14,16,19 64:2 64:9,19 65:7,10,12 65:17 66:5,9,17 68:2,12,19,23 69:9 69:18,25 70:2,15 71:3,13,17,20,24 72:3,8,12,20,22,25 73:9,14,21,24 74:10,13,17,22 75:1,6,12,18,22,24 76:3,10 77:10,16 77:21,24 78:2,5 79:3,6 80:13,21 82:13,17 83:9,22 84:6,13 86:9 87:15 87:18 88:4,8,24 89:25 90:10 92:5 92:21,24 93:1,15 94:13,19 95:3,9,24 97:18 98:7,12,16 99:10,22 100:2,13 107:15 109:7,15 111:24 112:17,20 113:22 114:14 old 9:16 omitted 41:23,24 one 3:21 7:12 8:4 10:23 26:24 29:7 33:14 34:20 46:22 56:3 59:24 69:7,24 70:23 75:19,20,23 76:1 78:18 82:15 83:3,3,9,14,19 84:7	87:9,24 90:1 92:15 93:18 97:2,23,24 98:8,13 99:3 105:18 108:1,1 ones 34:20 53:13 72:18 96:16 98:18 only 21:1 25:16 26:15 34:23 36:16 38:4,23 42:9 44:15 57:13 70:13 73:4 73:13 80:10,12,25 81:4,5,7,16,18 82:14,14,17 85:23 88:4 93:16 98:18 109:4 opened 108:11 109:3 110:9 operation 34:7 50:22 operations 31:10 opportunity 18:20 opposed 95:5 Orange 2:19 Oregon 20:6,7 original 109:22 113:18 originally 12:9 19:21 83:3 Orlando 2:20 other 9:5 10:12,17 20:23,24 23:7,10 26:18 28:4 40:20 44:19 45:8,14 46:6 47:7,18 49:19 50:7 50:8 52:11 53:1,20 55:20 58:1 66:19 68:6,6,13,16 69:7 72:6,15,17,18 73:24 74:10,17 75:1,6,8 76:14,15 76:22,25 77:4 78:13,14,15,25 81:10,23 83:15,22 84:1,3 87:18,20,22 88:1,9,18,22,25 89:18 90:5,8 91:25 98:20 99:4 106:22 107:3 108:18,22 111:14 113:6 others 18:5 75:18 otherwise 52:20 ourself 72:13 out 7:22 23:5 32:9,19 41:4 82:18 86:11 90:18 97:24 100:11 104:3 109:15 outside 48:22 86:20	98:9 over 8:16 50:22 54:5 55:11 109:10 Overall 28:16 overlapping 96:13 own 94:1 O'Connell 4:11	P P 2:18 packaging 77:24 page 4:19,20,22 27:7 34:25 38:13 80:1 80:21 90:17 93:9 94:14,21,24 95:10 pages 4:18,19,20,23 60:6 92:7 93:5,11 Page/Line 117:4 pail 15:8 44:14,14 pails 33:25 44:16 Palm 3:22 Paoli 63:13,19 64:21 paper 92:13 Parnell 3:7 part 11:3 16:2 29:13 30:2,9,9 31:8 69:12 112:24 particular 10:23 15:24 19:9 22:8 26:22 27:4 30:9 41:23 47:25 85:25 85:25 86:11,12 97:2 parties 116:14,15 paste 44:13 paste-type 15:7 patching 70:16,17,21 73:15,19 106:8 patent 10:25 108:7 108:24 109:11,19 109:22 110:11 111:9,10 113:1,2 patented 113:1 patents 111:6,17 Peachtree 2:9 3:9,17 penalties 117:22 Pennsylvania 63:9 63:13 people 16:12 65:24 66:5,10,15,17 67:16,17,19 percent 33:14,14 89:24 91:14,22 percentage 43:25 89:22 90:7 percentages 89:19	91:25 percentage-wise 33:12 perform 34:22 period 18:3 36:19 47:8 57:9 62:23 64:10,24 65:4,17 67:24 69:9,13 70:2 71:5,7,15,24 72:12 72:21 74:22 75:7 78:3,5 81:25 93:17 93:21 periods 35:5 81:8 perjury 117:22 permitted 100:5 person 34:10,17,21 personally 40:16 115:10 Phillip 26:1,11,21 27:10,23 36:1,6 84:23 85:12 90:13 91:16 95:19 99:24 105:13 phrased 113:7 Pitcher 4:15 5:1 Pitt 11:16 place 58:17 88:4 places 88:9 plaintiffs 1:5 2:2 5:17,18 6:23 7:7,21 19:14 59:9 plant 29:8,11,14,15 29:17,19,20,20,22 29:24,25 30:1,4,5,6 30:19 31:16 32:4 32:14,24 33:6,6,6,8 34:25 35:2 38:14 38:16,21 39:1 41:6 43:21,24,24 46:9 47:4 51:2,22 52:23 53:8,21 54:3,6,13 55:12 56:17 57:3 57:12,13,18,22 58:3 80:2,3 81:11 81:24 82:5,18 85:20,20,25 86:16 88:6,22 89:10,15 91:6 94:8,9 95:10 97:23,25 98:8,13 99:4,9,11,12 plants 29:4 30:11,12 30:14 45:8,14,18 46:6,14,16 47:7 49:19 50:7 52:11 52:14 53:1,4,15 58:8 59:11 68:16
---	---	--	--	---	--

83:22 84:1,3 85:1 85:17 86:11,15 88:1,16,18,25 98:21 99:14 plaster 48:4 71:21 107:12,12,16,19,22 plasters 48:6,9,18 49:3,12 70:16,18 70:21 71:9,15 73:15,19 74:6 106:8 plastic 44:14 Plaza 2:8,24 3:8 please 5:12 8:25 9:7 24:14 58:18 59:7 75:12 79:9 100:17 Plotner 2:23 6:1,1 8:3,6 108:13 point 23:5 25:11 43:4 49:2 85:24 Pointe 1:16 4:4 5:5 pointed 7:22 41:4 Pointing 24:16 34:24 polystyrene 30:24 50:1,4,7 98:17,19 Polytechnic 11:14 position 16:23,24 17:5 23:8,16 104:21 positions 17:19 possibilities 106:15 possible 23:6 25:8 86:18 possibly 22:20 powdered 44:23 46:24 pre 52:1 78:7,17 precede 6:15 precise 78:11 premixed 77:17 78:25 preparation 20:20 prepare 24:19 prepared 59:17 present 4:14 13:19 president 17:17 61:21 62:20,24 63:3 presumably 46:18 pretty 83:10 85:19 102:11 previous 15:5 previously 15:4 47:11 64:19 76:3 76:21 79:20 primarily 9:12	primary 84:23 101:13 printed 95:4 prior 9:11 20:2 76:13 77:3,18 78:8 78:9,11 84:20 95:25 pro 24:5 procedure 22:7 100:4 proceed 24:9 109:6 produced 93:4 105:25 product 7:4 11:5 13:17 15:8 16:14 16:15 17:1,21 18:12 19:1 27:1 28:24 31:15 35:1 37:3 38:24 39:1 40:10 41:23,25 44:4,8 47:20 50:10 50:14 51:23 52:1 54:19 57:13 58:12 58:12,13 71:17 75:14,15 78:2 80:16 81:10,20 83:2,11,14 84:3 85:24 86:2,15,17 87:23,24 88:9 89:10,14 91:11 96:16 97:23 98:6 98:13 99:2,5,8 100:6,10 105:24 106:11,23 107:12 108:7,24 109:11,16 109:19 111:14,14 113:1 products 7:2 9:14 10:20 11:23 12:3 12:20 13:1,7,15 14:19,23,25 15:16 16:2,4,10,16 17:6 17:22,24 18:1,4,9 25:5,16 29:4 30:18 30:22 31:3,16,19 31:25 32:3,6,10,13 32:17,20,23 33:2 34:1 40:12 43:23 43:25 44:19 47:13 47:14 59:14,16 60:24 62:11 63:22 64:3,6 69:12,15 70:7,9 71:14 72:13 72:15 75:6,9 78:18 79:1,1,2 80:14,23 84:14 85:16,20	86:12 89:3,7 90:1 92:1,10 95:18,25 96:3,6,22 98:22 99:18 101:16 102:6 102:14,24 103:19 104:7,13 105:12,19 105:21 106:5 108:7 108:19,23 109:11 111:7,19 program 11:13 prosecuted 111:17 provide 21:21 23:2 64:11 provided 10:12 Public 1:19 115:18 pulled 80:19 purchased 99:23,24 105:12 purchaser 69:1 purchasing 68:17 purpose 13:14 30:23 31:6,9 32:7 44:4,5 45:3,8 54:18,22,24 54:25 55:1,2,3,5,13 55:20 56:6,9,11,14 80:23 81:7,10 pursuant 6:22 21:21 22:2 110:14 put 6:13 21:7 22:25 53:17 76:7 89:18 91:24 93:24 95:1 113:14 putting 23:12 92:5 P.A 2:18 P.C 4:3 p.m 1:14 41:1 58:25 59:3 79:11,14 100:19,22 114:18 114:20	10:20 40:19,21 41:4 43:16 79:19 82:4 85:15 107:3,5 107:11,24 109:4 113:7 quickly 25:4 quite 76:19 78:19 84:12 quote 101:11 R R 3:12 4:4 raised 47:23 Randall 2:3 5:17 Randy 8:3 ranges 31:2 33:12 rated 16:13 rather 42:17 94:8 Raw 27:8 Rawson 61:23 62:22 63:1,5 66:22 re 22:21 24:2,6 117:3 read 117:22 ready 15:1,2,6,10,13 27:7 30:25 31:21 32:8,18 33:3,5,7,15 33:19,21,23 34:4,4 34:5,10,17,21 35:1 35:5,8,14,18 36:16 37:3,9,19,24,24,25 38:6,15,21 39:2,9 39:19 40:1 41:6,10 41:12,14 42:20 43:12 44:9,10,10 44:15 50:11,14,16 50:17,20 51:1,5,6 51:12,15,18 53:9 53:23 54:7,15 56:25 57:3,22 58:4 76:4,14,21 77:3 78:10,13,14,15,25 84:13,13 85:2,9 87:4 95:11,12,18 95:25 96:6,18,22 96:25 98:23,25 realize 42:14 really 102:8 112:15 reason 80:11 83:2 recall 40:15 43:9 66:5 68:19,21 70:6 71:3,13 72:3,14 73:1,9,25 74:11,18 75:2,8 receive 38:11 Recess 40:24 59:1 79:12	recognize 24:17 28:5 recollection 53:19 record 5:11 6:14 8:14 21:11,14,15 21:16,19 22:11,25 23:8,12 40:22,25 42:20 48:24 58:24 59:2 79:10,13 100:18,21 108:16 112:3,24 114:18 116:11 records 7:16 60:11 60:15 88:4 record's 23:18 105:23 refer 83:18 reference 43:6 90:17 referring 22:5 regarding 7:10 41:5 51:11 110:15 region 97:24 98:24 99:1,3,4 regions 58:8 regular 20:15 reinforcing 70:3 73:6 related 10:14 relates 25:16 relating 9:13 relationship 7:10 relative 116:13,15 relevance 22:21 86:5 91:18 92:3 99:25 relevancy 19:11 relying 95:3 remember 25:8 65:6 69:21,24 70:11,14 85:17 86:3,8 97:25 104:20 105:20 106:6 rephrase 54:2 55:9 89:9 93:23 113:20 replaced 93:17 report 64:23 66:22 116:8 reported 65:2,7 104:22 reporter 5:9 6:11 REPORTER'S 116:1 reporting 65:5 represent 5:12,13 9:3 represents 24:22,23 request 9:8 37:17 38:4,10 40:6,7 42:9
--	--	--	---	---

43:7 102:3 requested 38:9 116:10 required 34:6 requirements 29:23 30:2 research 10:22 14:15 15:12 16:21 17:6 59:19 102:22 reservation 23:3 reserved 8:9 21:23 22:17 23:10 reserving 23:13 Resin 80:4,9,13 resistant 10:24 40:6 42:9 43:8 Resort 1:15 5:5 respect 94:7,9 responsibilities 101:20 responsibility 13:9 15:9,11 101:13 102:1 responsible 17:5 result 50:24 retire 9:23 10:3 retired 9:21 11:2,4 retirement 10:1,5 review 18:20 20:19 20:22 21:1,3,6 24:23 27:1 30:17 31:14 32:2,12,22 34:25 37:2 38:14 39:1 40:9 116:9 reviewed 59:24 reviewing 20:18 25:2 revision 93:12 Richman 3:20 ridges 47:23 right 5:14,15 10:11 20:18 40:20 43:16 55:22 83:13 84:4,8 85:10 86:25 87:4 89:9,12,18,20 90:11,12,16,25 91:2,5,7,8,10,14 93:22 96:5,12,15 96:20 97:1,22 100:14 102:21 106:17,19 107:13 111:9 112:25 right-hand 79:22 Riley 2:7 River 2:5 RMR 1:19 115:18 116:7,21	Robert 2:18 5:16 Roebuck 4:2 6:8 role 11:2 Romance 3:21 6:5,5 Royster 2:23 rule 22:8 rules 21:21 22:3,4,6 22:13,14 23:1 run 67:9 running 67:14 S S 2:14 3:8 Sales 62:7,9,19 63:3 63:8,22 64:4,11 66:7,9 102:3 103:2 104:8 same 34:13,18 43:13 54:10 55:12 62:23 63:9,12 66:2 67:9 67:19 83:10 86:17 102:11 sand 50:24 Sanders 4:8 6:10,10 sands 34:7 Sanibel 1:15 5:4 saying 42:14 55:18 56:13 85:24 says 22:9 27:7,12 96:11 Scapa 3:6 5:21 Scarborough 2:7 Science 11:19 scope 6:25 48:12,23 seal 115:13 Seaport 9:19 Sears 4:2 6:8 seats 79:9 100:17 second 7:3 21:12 29:14 34:24 37:25 37:25 54:14 80:1 94:20 95:10 see 11:12 18:18 27:13 28:17 36:15 84:25 86:9,25 87:23 89:9 90:15 92:15 94:15,19 96:10,20 97:9 104:20 seeking 69:1 seen 7:19 selected 19:9 21:1 sell 63:21 64:3 69:11 69:15 70:3,16,17 71:1,8,25 72:9,22 73:5,14,21 74:5,14	74:23 98:9 sense 100:9 sent 82:19 98:13,24 99:3 separate 60:25 61:4 61:12,16,20 separation 103:18,23 September 33:10,16 33:20,24 35:20,21 36:4,14,23,24 51:3 51:7 85:9,11 95:17 95:17,21 96:1,1,9 97:16 series 85:15 108:2 serve 98:8 served 97:24 Service 11:6 serviced 58:9 Services 17:1 set 18:16 21:4 30:23 31:6,9 32:9,19 46:20,22 47:3,7 82:23,25 83:5,10 83:14,18,20,22,25 84:7 86:11 87:8,13 87:21,24 90:12,19 91:6 100:11 Seventy-three 9:17 several 20:23 25:7 SG 21:9 SGP 90:24 91:1 94:22 SG-2 96:21 SG-210 7:2,4 9:13 21:9 25:1 27:13,16 28:1,23 33:25 34:2 35:17 36:25,25 38:1 39:9 40:8 41:10 45:5 46:1,15 46:17,19 47:5 49:12,17,23 50:5 51:4,9,16 52:8,19 52:24 53:10,23 54:9,23 55:6,15 56:7,18,21 57:5,9 57:18,20,24 58:6 59:12,16 81:7,12 82:1,16,19 84:3,21 85:2,5 86:13,16,18 86:22 87:2,6 88:5 88:21,25 89:12,15 89:19 91:11 95:15 95:22 96:2,6 97:2 97:11,16,19 Shea 3:12 101:1 SHEET 117:1	sheetrock 16:13 Sherie 5:9 Sheryl 1:19 115:18 116:7,21 ship 98:20 shipments 37:19 78:10 82:15 shipped 81:20 97:23 99:1 short 40:21 93:17 shortage 99:5 shortages 99:7 show 59:5 88:5 90:16 shows 91:11,16 Shuttleworth 12:15 12:17 14:5 17:12 64:21,23 104:12,15 104:22,24 105:2 111:11 side 79:22 significance 80:9 81:1,18 94:23 silence 21:24 22:12 Simmons 1:4 2:3 5:7 7:24 22:22 24:3,7 since 10:1,5 19:25 34:8 88:20 sir 23:24 44:3 45:19 48:2 54:2 56:10 59:7 109:9 sit 40:15 70:22 72:25 sitting 84:11 slightly 93:12 small 14:15 102:21 sold 15:8 47:1 69:23 72:5,16 73:3,11 74:1,20 75:4,10 76:17 77:5,13 78:6 78:16 81:7 113:25 114:3 some 6:21 9:4,5,6 10:11,23 11:6,12 11:16 16:12 18:3 20:24 25:9 36:17 36:19,22,25,25 37:13,18 38:5,7 40:1,21 42:8 47:17 47:18 48:9,19,20 48:21,21 49:2 51:15 55:20 56:11 56:19,23 57:19 65:18 66:10 67:23 68:16,20 76:12 78:1,10 79:19 80:12,18 82:4 85:13 89:19,25	94:14 95:14,22 96:25 97:11 98:16 106:15,18 107:11 107:19 something 38:8 47:11 51:23 92:22 94:11,12 98:23 99:5 110:3 113:15 sometime 16:25 sometimes 85:23 86:1 98:2,24 somewhere 92:16 sorry 20:6 42:18 54:5 76:19 102:16 South 3:22 southeastern 30:2 southwest 58:14 southwestern 29:13 special 37:17,18 38:4 38:6,11 40:6,7 42:8 42:9 43:7,7,8,11 specialized 11:13 specific 38:10 speculation 86:19 Speed 30:23 31:6,9 46:20,22 47:3,7 82:23,25 83:4,10 83:14,18,18,20,22 83:25 84:7 87:8,13 87:21,24 90:12,19 91:5 spray 47:16 spun 13:24 stand 112:24 stands 112:24 start 5:14 6:19 54:5 55:11 109:9 started 53:16 60:23 61:11,20 69:10 76:12 101:24,25 starting 84:14 95:21 state 1:20 5:10 8:6,7 8:24 21:19 23:21 23:23 24:6 115:6 115:18 116:4 stated 21:25 22:18 statement 23:5 statements 6:21 States 29:13,18 30:3 30:10 stenographic 116:11 stenographically 116:8 stick 95:4 still 14:1,5,18 17:14 42:11 43:4,12
---	---	---	--	---

45:19 69:19 101:11 stipulate 8:3 stipulated 22:1,1,13 stipulations 6:18 stop 112:21 straighten 109:15 Street 2:9 3:9,17 strictly 81:21 strike 36:3 112:2 113:25 stud 51:25 studs 52:3,3 stuttering 56:2 subject 11:18 117:22 subsequently 12:12 substance 117:23 succinctly 25:4 suggest 40:21 Suite 2:8,12,15,24 3:17,21 summarize 93:21 summary 79:22 summers 11:16 Suntrust 3:8 supervisor 64:20 104:12,14,16,18,25 105:2 supplied 25:22 26:6 26:23 27:3,9,15,23 28:2,13 29:11,12 29:16,17 30:7 35:24 supplier 26:15 99:17 suppliers 26:18 supply 29:21,25 30:6 suppose 36:21 supposed 98:8 sure 39:15 42:19 43:20 45:17 46:13 49:23 51:21 54:16 54:17 55:11 58:15 70:9,24 71:23 73:19,20 78:11 83:16,17 88:15 90:14 94:18 95:1 95:11 105:23 106:4 106:19 107:18 surface 47:19 Swansea 4:5 swear 6:12,20 switch 72:20 79:9 100:17 sworn 6:17 8:12,20 115:11 system 12:21,24 13:1 13:8,10,11 18:4,11	19:1 21:4 S.E 4:8 T take 22:14 58:18 79:21 98:17 110:19 taken 1:17 6:22 21:20 22:2 23:2 40:24 59:1 79:12 talk 53:14 72:21 talked 72:18 75:7 106:15 talking 33:20 40:16 47:8 92:18 talks 95:11 tape 13:2 34:12 79:14 taping 31:10 34:7 40:7 50:22 75:16 Tech 11:15 technical 10:12,21 11:3,5 17:1 tell 9:7 10:8 11:21 28:19 29:10 47:13 51:24 93:5 101:19 102:19 tells 97:5 tender 25:12 term 47:12 109:12 terms 31:7,8 95:3 99:16 100:2 testified 10:10,11,25 42:8 47:11 64:20 76:3,21 97:10 104:11 105:7 112:11 testify 112:17 testimony 41:5 101:10 Texas 27:7 29:8,11 30:19 33:6,8,16 43:24 45:15 46:1 47:4 50:8 51:2 52:19 58:14 80:22 81:15,24 82:5,18 82:22 83:23 85:8 85:11 87:5 88:2,6,9 88:22 91:6 99:12 texture 17:24 24:25 30:24,25 47:12,20 47:25 49:15,16,20 50:1,4,8 98:18,19 textured 47:13,19 textures 16:17 31:6 31:11 47:14 71:1,4 73:22 74:1 98:20	98:21 106:18 texturing 75:17 Thank 24:15 43:15 58:20,23 60:18 79:7 94:20 100:14 107:2 110:17 112:7 Thankfully 103:17 Thanks 112:8 their 26:7 27:20 63:8 themselves 97:20 thing 89:18 things 43:8 79:20 106:19 think 16:20 22:12,15 22:22 23:17,18 45:18 51:19 54:4 55:24 57:15 61:1 76:12 86:20 92:6 94:13 96:24 97:5 97:17 100:13 101:18 105:24 106:11,22 107:1 108:1 111:24 112:3 113:10 thinking 56:13 third 1:1 7:9,25 29:19 thought 83:9 108:11 thought 82:4 three 63:6 92:24 103:7 107:5 through 7:17 25:7 63:22 64:3,10 68:15 69:10 85:19 88:14,20 93:24 105:19 106:5,24 107:10,19 111:14 throughout 12:5 102:11 Tigard 20:3,6,7 tile 16:14,14 till 23:11 54:21 time 1:14 5:3 7:20 10:19,19 12:5 14:1 14:6 16:21 18:3,10 19:20 21:14,17,25 23:11 33:20 35:5 36:20 39:5 40:23 41:1 43:13,15 47:8 49:2 56:3 57:9 58:22,25 59:3 60:24 61:19,20,24 62:23 64:10,24 65:4,17 67:24 68:24 69:4 78:3,19 79:11,14 81:8,25	84:20 93:17,21 99:2 100:19,21 102:12 114:17 timeframe 37:10 60:5,9 70:12 108:6 times 17:21 33:7 58:16 title 11:6,25 14:12 16:19,20,25 17:16 today 9:8,12 12:17 40:15 70:22 72:25 79:20 84:11 93:4 106:14 107:11 114:13 Today's 5:2 together 21:7 91:24 92:5 93:24 told 41:21 106:13 Tomlin 2:11 top 28:15 67:16,17 67:17 topping 31:20 32:7 33:23 34:4,5,17,21 37:19 40:5 50:14 50:17,20 51:11,15 52:22,24 53:1,5 54:15,15 56:21,23 56:24,25 57:1 72:9 74:24 75:3 Torres 3:16 total 93:21 track 101:15 trade 69:21 70:6 71:3,14 72:3 73:1 73:10,25 74:11,18 75:2,9 training 11:13 transcript 116:10,10 117:2 transferred 104:21 tremolite 112:1 Trevor 3:3 6:3 22:24 79:18 trial 21:23 23:11 37:18 trials 10:11 tried 86:10,20 Triple 30:23 31:6,9 45:20,20,25 46:6 75:13,14 81:14,23 82:5,17,19 88:8,12 88:21,24 true 2:14 20:14 59:21 60:2,3 89:2 116:11 117:22 try 55:22 56:3 93:20	97:9,12 trying 36:10 tube 52:2,2 turn 80:1 Twain 2:24 two 37:19,23 45:18 68:21 92:14,15,21 92:21,24 type 17:3 77:17 84:21 90:1 106:22 111:13 typed 95:4 types 10:8,17 23:10 72:15,17 75:8 90:5 typical 98:4 typically 97:24 U ultimately 67:2 111:18 under 20:11 23:1,2 27:7 59:18 80:22 81:14 82:22 84:1 89:10 97:10 98:12 100:7 117:22 undersigned 115:9 understand 19:13 22:13,20 36:10 41:9 60:17 65:22 68:16 76:19 77:8 78:19,21,23 83:19 95:12 96:19 97:10 108:10 112:15 113:21 understanding 19:8 21:20 22:25 understood 95:11 Union 2:8,21 3:2 6:2 6:3 7:1,4,6 9:13 22:24 25:1,6,16,20 26:4,13,15 27:17 28:2,23 29:1 30:20 31:2,17,23 32:4,10 32:14,20,24 33:9 33:12,17,22 35:2,6 35:9,10,14 36:16 37:4,7,10 38:15,22 39:3,21 40:2,13,16 41:15 42:21 46:1 47:4 49:17 50:4 52:8 53:23 54:9,23 55:15 56:6,12,18 56:21 57:5,9,18,24 58:5 79:18 81:6,11 82:1,6,18 83:15 84:2,20 85:25
---	--	---	---	--

69:9,13,19,23 70:3 70:11,15,25 71:5,7 71:11,15,24 72:5,8 72:12 77:5,13,19 77:21 101:4,13,23 105:8,20 106:1,12 106:23 109:10 110:24 113:24 114:2,9 1954 102:2,4 1955 101:25 1956 12:4,6 13:20 14:3,10 15:17,19 61:18,19,25 62:16 62:19,23 63:2,6,11 63:14,18,21 64:2 64:10,17,20,25 65:25 66:11,20 67:6,8,18 68:24 69:10,13,19,23 70:3,11,15,25 71:5 71:7,11,15,24 72:5 72:8,12,21,22 73:3 73:7,12,15,22 74:2 74:4,13,20,22 75:4 75:7,25 77:5,6,13 77:19,22 78:5,16 78:20 101:9,14,23 102:4 103:19 105:20 106:12,23 109:10 110:24 113:24 114:2,9 1960 14:15,21 102:18,19 1964 63:21 64:2,10 64:17 1965 14:10 15:15,17 15:19,22 16:19 62:20,24 63:2,6,11 63:14,15,18 64:20 65:1,2 66:1,12,20 67:6,8,18 68:3,6,25 72:21,22 73:3,7,12 73:16,22 74:2,4,13 74:20,23 75:4,8,25 76:8,13,15 77:3,6 78:5,8,9,11,16,22 84:14 1967 17:12 105:6 1969 28:21 35:7,13 36:2,4,13 53:8,22 54:3,8 95:14 96:4 97:13,19 1970 35:21 36:14,23 37:8 57:4 85:6 87:5 95:18,21 96:1	96:9 97:16 1971 33:10,16,20 51:3 57:16 83:1,4 83:13 91:9 1972 18:8 38:19 50:3 52:7,23 54:21 55:14 56:5,17,20 57:23 1973 39:6,20 42:22 50:4 52:8,23 54:22 55:14 56:6,17,20 58:4 1974 33:24 37:16,21 45:24 81:25 1975 33:24 37:18,20 39:7,8,10,13,21 41:17,20 42:1,5,22 43:1 57:16 58:5 1976 37:18,21,22 45:25 46:4,5 81:25 1977 18:15 28:22,25 33:11,16,21 35:7 35:13 37:8 38:19 51:3 53:8,22 54:8 57:5,24 1982 19:25 20:2 1990 9:24 10:5 45:4 2 2 79:14 2:25 91:22 2:00 100:19 2:07 100:22 2:22 1:14 114:18,20 20 39:8,20 41:16,20 42:22 43:1 20th 37:16 39:7,10 39:10,13 41:11 42:1 50:3 57:16 58:5 2001 1:13 5:2 115:14 116:19 2003 6 3:13 2004 115:19 202 3:14 21 39:20 42:22 21st 37:8 39:6 57:4 58:4 217 4:12 22 33:16,20 22nd 33:10 37:20 45:25 46:4 49:16 51:3,7 81:25 23rd 37:18,21 24 4:4,24 246-8661 2:20	25 4:8 25th 37:21 250 3:22 251-2222 2:5 260-6080 3:18 27th 37:20 277-5500 4:5 29 28:21,22 35:13 36:2,4,13 91:9 29th 35:7 53:8,22 54:3,4,8 82:25 83:13 95:13 96:4 97:13,19 297-5536 3:5 3 3 1:13 3M 3:19 6:5 3rd 5:2 3.75 33:14 3/30/74 47:3,9 30th 52:7,23 56:17 56:20 300 2:15 92:16 301 2:4 303 3:9 30308-3243 3:9 30309 2:9 3:17 305 2:13 32801 2:20 33137-3251 2:12 33401-5016 3:22 33919 9:20 34478 4:9 352 4:9 390 2:19 4 4 33:16,21 35:13 4th 18:15 28:22,25 33:10 35:7 37:8 38:19 51:3,7 53:8 53:22 54:8 57:5,23 4000 3:8 404 2:10 3:10,18 407 2:20 414 3:5 43 4:19 438-9899 2:13 4770 2:12 5 5 28:24 5th 45:24 54:21 55:14 56:5 81:25 50 102:17	51 108:6 109:4 110:1 110:5 112:12,18 53202-5367 3:5 56 102:9 104:23,23 105:8 106:1 108:6 109:4 110:1,5 112:13,18 561 3:23 6 6 38:19 57:23 6th 115:13 116:19 6/21/73 41:11 6/29/71 47:3,9 60 4:19 102:17 60123 4:13 614-7400 3:10 618 2:5,16 4:5 62025 2:15,25 62095 2:5 62226 4:5 65 102:10,16 656-0184 2:16 69 28:22 36:20 7 7 95:17 7RF-9 35:21,24 36:6 36:23 84:23 7RF02 28:5,12 7RF09 27:8,9,22 91:16 95:19 70 36:4 96:1 71 51:7 85:9,12 73 49:16 732-2255 4:9 74 37:16 45:4 51:7 51:11 82:6 741-4603 4:13 75 41:11 76 82:6 77 51:8,9 84:18 777 3:4 79 4:20 8 8 4:18 51:11 8th 33:24 803-3500 3:23 817-6287 2:10 828-2177 3:14 847 4:13 9 9 35:20 9/10/75 51:12	999 2:9
---	---	--	--	---------

ATTORNEYS

John Simmons (IL, GA, FL)
Marcus E. Raichle, Jr. (IL, MO, OK, IN)
Ted N. Gianaris (IL, MO)
Jeffrey S. Cooper (IL)
Perry J. Browder (IL)
S. Martin Jansky (IL, MO)
James F. Kelly (MO, OK)
Michael J. Angelides (IL, MO)
Nathaniel D. Mudd (IL, MO)
John A. Barnerd (IL)



The Simmons Firm L.L.C.
Attorneys at Law

Lawyers for the American Worker

OF COUNSEL

Randall A. Bono (IL)
Charles W. Chapman (IL)
William A. Kohlburn (MO)

May 19, 2002

Mr. Aaron J. DeLuca
Goldberg, Perskey, Jennings & White
1030 Fifth Ave.
Pittsburgh, PA 15219-6295

Re: Union Carbide Sales

Dear Mr. DeLuca:

Enclosed please find a copy of the deposition of C. William Lehnert taken on October 3, 2002.

With kindest regards,

Rose M. Mullikin
Trial Paralegal

Enclosures

301 Evans Avenue, Suite 300, P.O. Box 559, Wood River, Illinois 62095 800-479-9533 618-251-2222 618-251-2251 (Fax)
700 Berkshire Boulevard, Citizen's Building, East Alton, Illinois 62024
3362 Hollenberg Drive, Suite 300, P.O. Box 890, St. Louis, Missouri 63044 314-298-7722 314-298-1155 (Fax)

www.simmonsfirm.com

