

1 IN THE CIRCUIT COURT
 2 THIRD JUDICIAL CIRCUIT
 3 MADISON COUNTY, ILLINOIS
 4
 5 IN RE: ALL ASBESTOS LITIGATION)
 6 FILED BY THE SIMMONS FIRM, L.L.C.,)
 7 Plaintiffs,)
 8 vs.) No. 99 AS SIM
 9 A.P. GREEN REFRACTORIES, et al.,)
 10 Defendants.)

11
 12 The deposition of THOMAS J. HALL,
 13 called for examination, taken pursuant to the
 14 provisions of the Code of Civil Procedure and the
 15 Rules of the Supreme Court of the State of
 16 Illinois pertaining to the taking of depositions
 17 for the purpose of discovery taken before
 18 CHRISTINE R. MACINTYRE, CSR No. 84-2776, a Notary
 19 Public within and for the County of Cook, State of
 20 Illinois, and a Certified Shorthand Reporter of
 21 said state, at 920 East Northwest Highway,
 22 Palatine, Illinois, on the 15th day of February,
 23 A.D. 2002, at 11:20 a.m.

24

DUPLICATE
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deposed. VC

1 PRESENT: (Via telephonic communications)

2 THE SIMMONS FIRM, L.L.C.,
3 (301 Evans Avenue, Suite 300,
4 Post Office Box 559,
5 Wood River, Illinois 62095,
6 618-251-2222), by:
7 MR. WILLIAM A. KOHLBURN,
8 appeared on behalf of the Plaintiffs.
9

10 PRESENT:

11 FOLEY & LARDNER,
12 (777 East Wisconsin Avenue, Suite 3800,
13 Milwaukee, Wisconsin 53202-5367,
14 414-297-5536), by:
15 MR. TREVOR J. WILL,
16 appeared on behalf of Union Carbide
17 Corporation and the Deponent;
18 HEYL, ROYSTER, VOELKER & ALLEN,
19 (103 West Vandalia, Suite 100,
20 Post Office Box 467,
21 Edwardsville, Illinois 62025,
22 618-656-4646), by:
23 MR. KENT L. PLOTNER,
24 -and-

1 PRESENT: (Continued)

2 MAYER, BROWN, ROWE & MAW,
Page 2

3 (190 South LaSalle Street,
4 Chicago, Illinois 60603-3441,
5 312-782-0600), by:
6 MR. MARK R. TER MOLEN,
7 appeared on behalf of Union Carbide
8 Corporation;
9 HOLLAND & KNIGHT, L.L.P.,
10 (55 West Monroe Street, Suite 800,
11 Chicago, Illinois 60603,
12 312-263-3600), by:
13 MR. MICHAEL J. KANUTE,
14 appeared on behalf of International
15 Paper Co., Hammermill Paper Co., and
16 Champion International Co.;
17 BURROUGHS, HEPLER, BROOM, MacDONALD,
18 HEBRANK & TRUE,
19 (103 West Vandalia Street, Suite 300,
20 Edwardsville, Illinois 62025-0510,
21 618-656-0184), by:
22 MR. NOEL L. SMITH,
23 appeared on behalf of Georgia-Pacific
24 Corporation and Marcal Paper Mills;

1 PRESENT: (Continued)

2 ROBERTS, PERRYMAN, BOMKAMP & MEIVES, P.C.,
3 (One Mercantile Center, Suite 2300,
4 St. Louis, Missouri 63101,

5 314-421-1850), by:
6 MR. THOMAS J. KERNELL,
7 appeared on behalf of Boise
8 Cascade Corporation;
9 HOLTKAMP, LIESE, CHILDRESS & SCHULTZ, P.C.,
10 (217 North 10th Street, Suite 400,
11 St. Louis, Missouri 63101,
12 314-621-7773), by:
13 MR. A. RANDALL KNOPF,
14 appeared on behalf of Technical
15 Products Company, Inc.;
16 GREEN, SCHAAF & JACOBSON, P.C.,
17 (7733 Forsyth Boulevard, Suite 700,
18 St. Louis, Missouri 63105,
19 314-862-6800), by:
20 MR. ALLEN P. PRESS,
21 appeared on behalf of Kimberly-Clark
22 Corporation;
23
24

1 PRESENT: (Continued)
2 VEDDER, PRICE, KAUFMAN & KAMMHOLZ,
3 (222 North LaSalle Street,
4 Chicago, Illinois 60601,
5 312-609-7500), by:
6 MR. JAMES V. GARVEY,

7 appeared on behalf of Unocal
8 Corporation;
9 SEGAL, MCCAMBRIDGE, SINGER & MAHONEY, LTD.,
10 (One IBM Plaza, Suite 200,
11 Chicago, Illinois 60611,
12 312-645-7800), by:
13 MS. KAREN RHEINGANS,
14 appeared on behalf of 3M, Albany
15 International, and Weavexx;
16 NELSON, MULLINS, RILEY & SCARBOROUGH, L.L.P.,
17 (999 Peachtree Street, N.E., Suite 1400,
18 Atlanta, Georgia 30309,
19 404-817-6164), by:
20 MS. MELINDA L. MOSELEY,
21 appeared on behalf of Georgia-Pacific
22 Corporation;
23
24

1 PRESENT: (Continued)
2 KOHN, SHANDS, ELBERT,
3 GIANOULAKIS & GILJUM, L.L.P.,
4 (One Firststar Plaza, Suite 2410,
5 St. Louis, Missouri 63101,
6 314-241-3963), by:
7 MR. JOSEPH F. YECKEL,
8 appeared on behalf of Bowater
Page 5

9 Incorporated and Bowater America,
10 Inc.;
11 COLLIER, DORSEY & CARTER,
12 (3910 Lindell Street,
13 St. Louis, Missouri 63108,
14 314-533-6888), by:
15 MR. T. C. CARTER,
16 appeared on behalf of Sidener
17 Supply Co.;
18 O'CONNELL & O'SULLIVAN, P.C.,
19 (217 North McLean Boulevard, Suite 2C,
20 Elgin, Illinois 60123,
21 847-741-4603), by:
22 MR. SEAN P. FERGUS,
23 appeared on behalf of John Crane Co.
24 and Scapa;

7

1 PRESENT: (Continued)
2 ARMSTRONG, TEASDALE, SCHLAFLY & DAVIS,
3 (One Metropolitan Square,
4 St. Louis, Missouri 63102-2740,
5 314-621-5070), by:
6 MS. ANITA M. KIDD,
7 appeared on behalf of West Vaco Paper
8 Company and Weyerhaeuser Company.
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REPORTED BY: CHRISTINE R. MACINTYRE,
CSR No. 84-2776.

1 MR. PLOTNER: We'll go on the record. This
2 is Kent Plotner on behalf of Union Carbide. This
3 is for the deposition of Thomas Hall that's been
4 noticed up for today's date. The deposition
5 itself has been noticed -- cross-noticed in two
6 different jurisdictions, one being Madison County,
7 "In Re: All Simmons Litigation" there, and the
8 other one is entitled on a notice, "In Re: All
9 Asbestos Litigation Filed by The Simmons Firm" in
10 the State of Missouri. There's no law number.

11 I think it's a defective notice. I
12 would object to this going forward under the Rules
Page 7

13 of Civil Procedure for the State of Missouri and
14 that it is a deficient notice and has been
15 recognized by Judge Dierker as being a proper
16 notice in the past -- improper. If I said
17 "proper," sorry.

18 And with that, we will proceed at least
19 for purposes of this deposition under the Rules of
20 Civil Procedure for the State of Illinois, and I
21 guess the witness is ready to be sworn.

22 If anybody else has anything to add --
23 (WHEREUPON, the witness was
24 duly sworn.)

9

1 THOMAS J. HALL,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:

4 EXAMINATION

5 BY MR. KOHLBURN:

6 Q. Mr. Hall, can you hear me okay?

7 A. Yes, sir.

8 Q. Okay. This is Bill Kohlburn, and I
9 represent some plaintiffs in some asbestos
10 litigation.

11 Sir, have you ever given a deposition
12 before?

13 A. Yes.

14 Q. Okay. How many occasions?

15 A. Once.
16 Q. Once, okay. Let me just kind of remind
17 you of the ground rules. You need to wait until
18 I'm through asking my questions so that we are not
19 both talking at the same time. You also need to
20 try to give a verbal response as opposed to
21 nodding your head or shaking your head. The court
22 reporter can't take that down, for one thing, and
23 I won't know what you are saying, for another
24 thing, since I'm not sitting there looking at

10

1 you.
2 Do you understand all that?
3 A. Yes, sir.
4 (WHEREUPON, Mr. T. C. Carter
5 entered the deposition
6 proceedings.)
7 BY MR. KOHLBURN:
8 Q. Okay. The prior deposition that you
9 gave, did it involve asbestos litigation in any
10 way?
11 A. Yes, it did.
12 Q. Okay. Can you recall approximately
13 when you gave that deposition?
14 A. January, I believe '89.
15 Q. Do you know what jurisdiction the cases
16 were in, what state?

17 A. The deposition was in Minneapolis. I
18 don't know the exact state.

19 Q. Okay. Let's start now and cover your
20 background. Could you please tell me where and
21 when you graduated from high school?

22 A. Kenton, Ohio, 1944.

23 Q. Okay. And what did you do upon your
24 graduation from high school?

11

1 A. I went to Carnegie Tech University.

2 Q. Okay. And did you obtain a degree from
3 Carnegie Tech?

4 A. I had a Bachelor of Science in
5 chemistry.

6 Q. Okay. And what year did you obtain
7 your degree?

8 A. 1949.

9 Q. Okay. And have you ever had any
10 military service?

11 A. Yes.

12 Q. Okay. Could you tell me when that was?

13 A. From -- let's see -- 1945 to 1946 in
14 the Navy, U.S. Navy.

15 Q. Okay. And after obtaining your
16 Bachelor's Degree in 1949, have you obtained any
17 further degrees?

18 A. Yes. I have my Ph.D.
Page 10

19 Q. Okay. And did you get a Master's along
20 the way?

21 A. No.

22 Q. Okay. When and from what institution
23 did you get your Ph.D.?

24 A. University of Rochester in Rochester,

12

1 New York, and I finished work in November of '52,
2 and the degree was actually awarded at
3 commencement in June '53.

4 Q. Okay. During the time between 1949 and
5 1952 when you were working on your Ph.D., were you
6 also employed in any capacity?

7 A. No.

8 Q. Okay. In 1952 when you obtained your
9 Ph.D., what did you do at that point?

10 A. I went to work for Union Carbide.

11 Q. Okay. And at what location did you go
12 to work for Union Carbide?

13 A. Mellon Institute in Pittsburgh.

14 Q. Okay. And what was your position at
15 that time?

16 A. I don't recall the title. I was
17 working in the laboratory there.

18 Q. Okay. Could you give me a brief
19 description of your job duties in the laboratory
20 there?

21 A. It was a customer technical service
22 laboratory, and we were primarily working and I
23 was working in the testing of solutions, the
24 analysis of solutions for customer use of Union

13

1 Carbide chemical products.

2 Q. Okay. Did any of your work at the
3 Mellon Institute as you began there involve
4 asbestos or asbestos-containing products?

5 A. No.

6 Q. Okay. How long did you work in that
7 position?

8 A. One year.

9 Q. Okay. What was the relationship at
10 that point between Union Carbide and the Mellon
11 Institute?

12 A. Union Carbide sponsored several
13 fellowships at Mellon Institute which were
14 involved in, basically, customer service. There
15 was some basic research but mostly taking care of
16 customers. They had one from the chemicals area
17 that I was in and one for the bakalite plastics
18 division of Union Carbide working on various
19 plastic formulations.

20 Q. Okay. When you were done with your one
21 year at the Mellon Institute, where did you go?

22 A. New York City headquarters of Union

23 Carbide.

24 Q. Okay. And what was your position at

14

1 that point?

2 A. I believe I was called a technical
3 representative. I am not sure. It was in the
4 fine chemicals division of Union Carbide chemicals
5 and plastics, and it was in the, again, technical
6 service and introduction of new products to the
7 customer.

8 Q. Okay. And could you give me a brief
9 description of your job duties in that position?

10 A. Yes. I was responsible for working up
11 contacts and possible product development work
12 with a number of customers concerning Union
13 Carbide's acrolein derivatives product -- program.

14 Q. Okay. And how long did you remain in
15 that position?

16 A. I worked in that job for, let's see,
17 about three to four years. I was then promoted to
18 a product manager, having someone report to me,
19 and that went on for about another year, and then
20 I moved over to the Union Carbide nuclear
21 division.

22 Q. In about what year did you move over to
23 the nuclear division?

24 A. Approximately 1958.

1 Q. 1958, okay. And when you moved to the
2 nuclear division -- well, strike that.

3 Prior to the time you moved to the
4 nuclear division, did any of your job duties
5 involve asbestos or products that contained
6 asbestos?

7 A. Not that I am aware of.

8 Q. Okay. When you moved to the nuclear
9 division in 1958, what was your position?

10 A. I was a -- I don't remember the title,
11 but it was technical representative. I was
12 working for a sales manager, Dr. Pufahl, who had
13 moved over to that division somewhat earlier also
14 from the fine chemicals division.

15 Q. And what did your job duties at that
16 time include?

17 A. Technical development, sales, at the
18 very beginning for vanadium and tungsten products
19 and then, later on, moving into the asbestos area.

20 Q. Okay. At approximately what point in
21 time did you move into the asbestos area?

22 A. Probably within the first year after I
23 started with the nuclear division.

24 Q. So about 1959?

1 A. I would guess that's about it, yes.

2 Q. Okay. And when you first went into the
3 asbestos area, what job duties were you
4 performing?

5 A. Again, new product development, trying
6 to find markets for asbestos.

7 Q. Okay. And what sorts of new products
8 were you trying to develop at that time?

9 A. We weren't sure.

10 Q. You weren't sure?

11 A. No. We were looking to find possible
12 applications for the asbestos deposit that had
13 been found in California.

14 Q. Can you recall some of the
15 possibilities that were under consideration at
16 that time?

17 A. Well, one of the logical ones would
18 have been the current -- current at that time
19 application for asbestos of a similar short fiber
20 such as in vinyl or asphalt floor tile. There
21 were a few, I believe, applications in certain
22 kinds of ceiling tile, in the acoustical tile that
23 were used for ceilings, for walls, building tile.
24 There was also the possibility, not too good a

1 one, for use in Transite, which is the asbestos
2 cement mixture used for pipe and various
3 construction things.

4 Q. Okay. How long did you remain in that
5 position?

6 A. What position do you mean?

7 Q. A technical sales representative in the
8 nuclear division dealing with the marketing of
9 asbestos from the mine in California.

10 A. With various job titles, I was in that
11 until 1968, various titles and various locations.

12 Q. Okay. And we'll cover those in detail
13 here in a minute.

14 Where did you go in 1968?

15 A. In 1968 I was in Brussels, Belgium.

16 Q. Was that a transfer? Were you still
17 working for Union Carbide?

18 A. Oh, yes.

19 Q. Okay. And when you went to Brussels in
20 1968 --

21 A. No, I did not go --

22 Q. -- were you no longer involved in the
23 marketing of the Calidria asbestos?

24 A. Let me correct your statement there. I

1 moved to Europe in 1966.

2 Q. Okay.

3 A. I was -- all the time from '59, when I
4 started working in asbestos with the nuclear
5 division, I was concerned with asbestos through my
6 transfer to Europe in 1966. In 1967 I moved from
7 Geneva, Switzerland, to Brussels, still having
8 responsibility for the asbestos in Europe at that
9 time.

10 Q. Okay.

11 A. In about 1968 the emphasis on asbestos
12 development in Europe was greatly reduced, and I
13 did not have anything much to do in that area, but
14 at the same time I had taken on other
15 responsibilities in the European marketing of
16 various petrochemicals, some of which were
17 produced in the States and some of which were
18 produced at the Union Carbide facility in Antwerp,
19 Belgium, and then in 1969 -- I am getting ahead of
20 the story, but I moved from Brussels back to
21 Geneva in a totally different job.

22 Q. And how long did you remain in Geneva?

23 A. You mean totally?

24 Q. Yes, totally.

19

1 A. We moved back to the United States in
2 1980.

3 Q. Okay. And during that time frame, that
 4 approximately 1969 to 1980, did you have much to
 5 do with the marketing of asbestos?
 6 A. I had nothing to do with it.
 7 Q. Okay. When you moved back to the
 8 States in 1980, what did you do?
 9 A. I was working in the management of
 10 Union Carbide Europe.
 11 Q. Okay. And at that point in time did
 12 your job duties include anything to do with the
 13 marketing of asbestos?
 14 A. No, sir.
 15 Q. Okay. And after you held that
 16 position, what did you do?
 17 A. In the end of 1985 I retired from Union
 18 Carbide.
 19 Q. Okay. And you are retired today?
 20 A. Yes, sir.
 21 Q. Do you have any kind of contractual or
 22 consulting arrangement with Union Carbide today?
 23 A. No, sir.
 24 Q. Let's go back then, and if I understand

20

1 what you have told me, from about 1959 to 1966,
 2 that's the period of time during which you were
 3 involved in the marketing of Calidria asbestos in
 4 the United States, correct?

5 A. Yes, with just one addition. It was
6 not called Calidria until after I moved to Europe.
7 Q. Oh, okay. They didn't start calling it
8 that until a little bit later?
9 A. Right.
10 Q. Okay. At some point in time did you
11 have any involvement with efforts to market Union
12 Carbide asbestos to companies in the papermaking
13 industry?
14 A. Yes, I was probably the primary one
15 responsible for that, yes.
16 Q. Okay. Could you give me a brief
17 description of how that came about, since you said
18 that you're the one primarily responsible for
19 that?
20 A. When you say "come about," you mean how
21 we developed the plan to do it?
22 Q. Yes. I mean, it sounds like you're
23 telling me that this was your idea.
24 A. No, it was not my idea, but Dr. Pufahl

21

1 and I were the two people in the sales/marketing
2 group for the nuclear division. Asbestos seemed
3 to be a prime prospect for building new business.
4 we thought that the possibility, based on some of
5 the physical properties of this Coalinga fiber,
6 were useful -- could be useful in the paper

7 industry, so we decided to try to introduce it
8 and, hopefully, to market and sell some to the
9 paper industry.

10 We started out to develop it -- I guess
11 this is what you want to know --

12 Q. Yes.

13 A. -- by taking the -- I believe it's the
14 annual review of the U.S. paper industry published
15 by -- I think it's TAPPI, the Technical
16 Association of the Pulp & Paper Industry. Each
17 year they have a guidebook, a register of all the
18 paper and allied to that paper industry factories
19 in the United States. I believe the United States
20 and Canada, actually.

21 We took that book and went through it,
22 picking out some of the major paper companies that
23 produced paper of types we thought or hoped might
24 have some possible interest in Union Carbide

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1 asbestos. We also tried to pick out some that,
2 based on our past history with Union Carbide
3 chemicals division, we would know might have a
4 reasonably open mind for technical developments.

5 We also tried to find paper companies
6 that had some other contacts with other divisions
7 of Union Carbide that we might call upon them to
8 have some introduction of technical people or

9 purchasing people within those companies to be
10 able to sell -- have a door-opener for getting in
11 and introducing the asbestos.

12 Q. Okay. Were there any kinds of studies
13 or reports that you relied upon in making the
14 decision to try to market the asbestos to the
15 paper companies?

16 A. No. It was pretty much of a new
17 development to have -- to consider asbestos in the
18 paper industry. Some of the applications we were
19 talking about were ones that we knew expensive
20 chemicals were being used and there was a
21 possibility that in some of these applications our
22 asbestos would be an economical choice to replace
23 those expensive products.

24 Q. And so if I understand your testimony

23

1 correctly, this decision was primarily based just
2 on knowledge of the physical properties of the
3 Coalinga asbestos and knowledge of the physical
4 properties of certain materials used in
5 papermaking?

6 A. To some degree, yes.

7 Q. Okay. What I want to do now is I want
8 to go through a list here that I have got of some
9 paper companies and ask you a few questions with
10 regard to each one about contacts with them and

11 what you might know. This will get a little bit
12 repetitive, so make sure you let me finish my
13 question so we have got a clean record on this.

14 A. Okay.

15 Q. The first one is Boise Cascade. Did
16 you have any personal direct contact with Boise
17 Cascade?

18 A. What location?

19 Q. Any location.

20 MR. WILL: Excuse me, Bill, Trevor Will.

21 Just to clarify the question, are you asking for
22 him personally now, or when you say "you," are you
23 talking about Union Carbide in general?

24 MR. KOHLBURN: I mean him personally right

24

1 now.

2 MR. WILL: Okay.

3 BY THE WITNESS:

4 A. If I don't know what specific plant you
5 are talking about, I don't know. I would guess
6 that --

7 MR. WILL: Don't guess.

8 THE WITNESS: Okay. That's true.

9 BY MR. KOHLBURN:

10 Q. Well, I don't want you to guess, but do
11 you have a general recollection of --

12 A. No.

13 Q. -- who you had some contact with --
 14 A. I do not have a recollection of many of
 15 the plants I called on. As I said, we went
 16 through the industry, and we probably picked out
 17 100, 200 different mills that were possible
 18 candidates to be interested. I called on a lot of
 19 them, but to specify Boise Cascade or many of the
 20 others, I cannot do that.
 21 Q. Okay. Well, we'll see if we can
 22 refresh your memory here with this, and one thing
 23 I want to make clear to you, too, is that when I
 24 say, "Did you have any personal contact," I am not

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1 limiting that to actually visiting a plant. I
 2 would include talking on the telephone with an
 3 employee or representative of Boise Cascade. I
 4 mean "contact" in a broad sense like that.
 5 As you sit here today, can you recall
 6 any agent or employee of Boise Cascade with whom
 7 you might have spoken or met?
 8 A. No.
 9 Q. Okay. The two locations that I show
 10 based upon records produced by Union Carbide to
 11 which asbestos may have been delivered to Boise
 12 Cascade are Oregon and Minnesota. Does that help
 13 to refresh your memory at all as to any contact
 14 you may have personally had with Boise Cascade?

15 A. Not specifically, no.

16 Q. Okay. Can you recall any particular
17 product that may have been manufactured, sold, or
18 distributed by Boise Cascade that may have
19 incorporated asbestos as the material ingredient?

20 A. I am not aware of any product they had
21 that incorporated asbestos.

22 Q. Okay. And I would also include any
23 mill trials or trial runs. Are you aware of any
24 mill trials or trial runs conducted by Boise

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1 Cascade --

2 A. No.

3 Q. -- that might have involved asbestos as
4 a material ingredient?

5 A. No, I do not recall anything there.

6 Q. Okay. The next one is a company called
7 Bowaters, and the locations that I show -- and I
8 only have states -- are South Carolina and
9 Tennessee. Do you recall having any personal
10 contact with Bowater?

11 A. I called on Bowater once down in South
12 Carolina, but details, who I talked to or even the
13 subject, I do not recall.

14 Q. Okay. Do you know if there was any
15 sort of mill trial or trial conducted in
16 conjunction with your visit?

17 A. No, sir.
18 Q. Okay. No, there wasn't one, or no, you
19 don't remember?
20 A. No, I don't recall.
21 Q. Okay. Do you recall any product that
22 was made, sold, or distributed by Bowaters that
23 might have contained asbestos as a material
24 ingredient?

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1 A. No, I do not.
2 Q. Okay. The next company I have got here
3 is Prairie State Paper, and I believe they were
4 located in Joliet, Illinois. Do you recall any
5 personal contact with Prairie State Paper?
6 A. I don't remember ever hearing the
7 name.
8 Q. Okay. Then I guess you probably don't
9 have any idea whether that company still exists or
10 has been purchased by another company?
11 A. No, sir.
12 Q. Okay. Would you have any knowledge or
13 information as to any product that Prairie State
14 Paper may have made that could have contained
15 asbestos?
16 A. No, sir.
17 Q. Okay. The next company I have got here
18 is Kimberly-Clark, and I show a number of

19 locations for them in terms of possible deliveries
 20 of asbestos. That would be Michigan, California,
 21 Massachusetts, Ohio, Alabama, and Wisconsin. Can
 22 you recall any personal contact with
 23 Kimberly-Clark or with any agent or employee of
 24 Kimberly-Clark?

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1 A. I recall calling on Kimberly-Clark in
 2 Wisconsin and, I believe, in California. I do not
 3 recall any of the people or what we talked about
 4 specifically.

5 Q. Okay. And can you recall what types of
 6 products were being made at the locations at which
 7 you called?

8 MR. PRESS: Let me just object to the extent
 9 it calls for speculation, Bill.

10 Mr. Hall, you can answer.

11 MR. WILL: You can answer the question.

12 BY THE WITNESS:

13 A. No, except I know that in those
 14 locations they made a variety of papers, paper
 15 products.

16 BY MR. KOHLBURN:

17 Q. Okay. And do you have any knowledge or
 18 information as to any product that may have been
 19 made by Kimberly-Clark that might have contained
 20 asbestos as the material ingredient?

21 A. No.

22 Q. Okay. Do you recall any personal
23 contact with St. Regis Paper?

24 A. Yes, I called on St. Regis Paper, their

29

1 laboratory in -- I think it's Nanuet, New York, on
2 the west coast -- west side of the Hudson above
3 New York City. I believe I called on one or two
4 of their plants.

5 Q. Okay. I show possible asbestos
6 deliveries from Union Carbide to St. Regis in
7 Wisconsin, Pennsylvania, the State of Washington,
8 Minnesota, and Ohio. Does that help to refresh
9 your recollection as to plants you may have called
10 on?

11 A. No, no more than I told you first, the
12 laboratory, and I think they had a plant someplace
13 around the New York City -- upstate New York
14 area. I called there, I'm sure, and I know
15 several times I called at the laboratory over in
16 Nanuet.

17 Q. Okay. Can you recall anybody from the
18 laboratory at Minuet that you may know?

19 A. No, sir.

20 Q. Okay. And can you recall what the
21 topics of discussion were when you called on the
22 lab at Minuet?

23 A. Nanuet.
24 Q. Nanuet, I'm sorry.

30

1 A. The possible use of asbestos in paper
2 products.
3 Q. Okay. Can you recall the types of
4 paper products that were discussed at that point
5 in terms of possibly using asbestos as an additive
6 ingredient?
7 A. Not specifically, no.
8 Q. When you say "specifically," can you
9 recall the general type, even if you can't recall
10 a very specific type?
11 A. The two major product lines that I am
12 aware of that St. Regis had were container board
13 and various kinds of fine paper. I'm certain that
14 both those areas were discussed in a general way.
15 Q. Do you have any knowledge or
16 information as to any product that may have been
17 made, sold, or distributed by St. Regis that might
18 have included asbestos as a material ingredient?
19 A. No, sir.
20 Q. Okay. And I just want to clarify for
21 you here so that you understand what I am asking.
22 When I ask you about types of product, even if you
23 can't remember the very narrow type, if you
24 remember a broad range, like bond paper as opposed

1 to corrugated cardboard, I'd like you to go ahead
2 and tell me whatever it is you can remember, even
3 if it's not real narrow.

4 Did you ever have any contact with a
5 company that I believe is located exclusively in
6 the State of Washington called Longview Fibre?

7 A. Yes, I have had contact with them.

8 Q. Can you recall the names of anyone at
9 Longview Fibre?

10 A. No, sir.

11 Q. Okay. Do you know in general what
12 types of products Longview Fibre made?

13 A. I believe they made wallboard and
14 various fiberboard products.

15 Q. Okay. To your knowledge did they make
16 any paper product?

17 A. I don't recall.

18 Q. Okay. Can you recall the general
19 substance of meetings or discussions between
20 yourself and Longview Fibre?

21 A. The same area of discussions as with
22 all the other paper companies, use of asbestos as
23 a retention aid.

24 Q. And do you have any knowledge or

1 information as to any product made, sold, or
2 distributed by Longview Fibre that may have
3 contained asbestos as a component ingredient?

4 A. I don't know of any of those, no.

5 Q. Okay. Did you ever have any contact
6 with Georgia-Pacific?

7 A. Yes.

8 Q. Okay. Can you recall any particular
9 locations that were involved?

10 A. No.

11 Q. Okay. Is there anyone who was an agent
12 or employee of Georgia-Pacific whose name you can
13 recall today?

14 A. No, sir.

15 Q. Okay. Can you recall the general topic
16 of discussions involving yourself and
17 Georgia-Pacific?

18 A. Nothing more than the general area of
19 asbestos used as a retention aid.

20 Q. Okay. Can you recall the types of
21 products that were being discussed?

22 A. No, sir.

23 Q. Okay. Do you have any knowledge or
24 information as to any product that was made, sold,

1 or distributed by Georgia-Pacific that might have
2 contained asbestos as a material ingredient?

3 A. No.

4 Q. Okay. Did you ever have any contact
5 with International Paper?

6 A. Yes.

7 Q. Okay. Can you recall any particular
8 location involved?

9 A. I believe I called once at one of their
10 mills in upstate New York, like Fort Ticonderoga
11 or something like that.

12 Q. Okay. And can you recall the names of
13 anyone from International Paper?

14 A. No, sir.

15 Q. Okay. Can you recall the general topic
16 of discussion between yourself and International
17 Paper?

18 A. No, the same as all, just a general
19 introduction for the properties -- beneficial
20 properties of asbestos.

21 Q. Okay. Do you recall any particular
22 type of product in a specific or a general sense
23 that was under discussion between yourself and
24 International Paper?

2 Q. Okay. Do you have any knowledge or
3 information as to any product that may have been
4 made, sold, or distributed by International Paper
5 that might have contained asbestos as a material
6 ingredient?

7 A. No.

8 Q. Okay. Did you ever have any contact
9 with Weyerhaeuser?

10 A. Yes.

11 Q. Okay. And can you recall the names of
12 anybody from Weyerhaeuser?

13 A. No.

14 Q. Okay. Can you recall any particular
15 location involved in your dealings with
16 Weyerhaeuser?

17 A. I called on various of their operations
18 in Oregon and Washington.

19 Q. Okay. Do you know what types of
20 products were manufactured at the locations at
21 which you called?

22 A. I believe they did a variety of things,
23 bond paper, writing paper, probably newsprint, and
24 box board, container board.

1 Q. Okay. And other than -- I assume, that
2 you were there -- well, I won't assume anything.

3 were you there to introduce asbestos to
Page 32

4 them as a possible ingredient in papermaking?

5 A. Yes.

6 Q. Okay. Other than that general topic,
7 can you recall anything more specific about your
8 discussions with Weyerhaeuser?

9 A. No.

10 Q. Okay. Do you have any knowledge or
11 information as to any product made by Weyerhaeuser
12 or sold or distributed by Weyerhaeuser that might
13 have contained asbestos as a component ingredient?

14 A. No.

15 Q. Okay. Did you ever have any dealings
16 with Simpson Lee Paper?

17 A. I believe I had, yes.

18 Q. Okay. Can you recall the names of any
19 employee or agent of Simpson Lee Paper?

20 A. No.

21 Q. Okay. Do you have any knowledge or
22 information as to any product made, sold, or
23 distributed by Simpson Lee that may have contained
24 asbestos?

1 A. No.

2 Q. Okay. Did you ever have any dealings
3 with Hammermill Paper?

4 A. Yes.

5 Q. Okay. Can you recall the names of
Page 33

6 anyone from Hammermill Paper?

7 A. No.

8 Q. Can you recall any particular locations
9 involved in your dealings with Hammermill Paper?

10 A. I believe I called once in the Erie,
11 Pennsylvania, area, and I believe they had a
12 subsidiary someplace in western Massachusetts that
13 I called on.

14 Q. Can you recall the name of that
15 subsidiary in western Massachusetts?

16 A. No.

17 Q. Okay. Does the name Strathmore sound
18 familiar?

19 A. Yes, that does sound like a familiar
20 name. I'm not sure that I connect that with
21 International -- yeah -- or with Hammermill, but
22 the name is familiar. If they were a subsidiary,
23 that could have well been who I called on.

24 Q. It's hard for me to remember who all

37

1 these things are, but I thought I'd ask if that
2 name was familiar to you.

3 what else -- do you recall anything
4 else about Strathmore?

5 A. I believe it was a fine paper
6 manufacturer, and that would have been a logical
7 one for us to call on.

8 Q. Can you recall the names of anyone from
9 Strathmore?
10 A. No, sir.
11 Q. Okay. What about a company called
12 Manning?
13 A. In the paper industry?
14 Q. Yes.
15 A. Would you spell that?
16 Q. M-a-n-n-i-n-g.
17 A. No. I've heard the name, but I don't
18 recall it connected with the paper industry.
19 Q. Okay. And can you recall the names of
20 anyone from that company?
21 A. No, sir.
22 Q. Okay. Do you have any knowledge or
23 understanding as to any type of product made,
24 sold, or distributed by Hammermill that may have

38

1 contained asbestos as a component ingredient?
2 A. No, sir.
3 Q. Okay. Did you ever have any dealings
4 with Scott Paper?
5 A. Yes.
6 Q. Okay. Can you recall the names of any
7 employee or agent of Scott Paper?
8 A. Well, one of the employees of Union
9 Carbide came from Scott, Gene Cunningham.

10 Q. Okay. Did you work with
11 Mr. Cunningham?

12 A. Basically, he worked for me.

13 Q. Oh, he worked for you. Can you recall
14 when he came from Scott Paper to Union Carbide?

15 A. Early '60s, I believe.

16 Q. Okay. And do you know if
17 Mr. Cunningham is still living today?

18 A. No, sir. No, I do not recall. I don't
19 know.

20 Q. You don't know, okay.

21 A. I have never had any contact with any
22 of those since I moved to Europe.

23 Q. Okay. So if I were to ask you for the
24 last location of Mr. Cunningham that you know of,

39

1 that would be a location as of the mid to late
2 1960s?

3 A. That's right.

4 Q. Okay. What were Mr. Cunningham's
5 duties when he worked for you?

6 A. He was in the tech service, advising on
7 possible applications of asbestos in the paper
8 industry.

9 Q. Okay.

10 A. He came to us looking for a job.

11 Q. Okay. Other than Mr. Cunningham, can

12 you recall the name of anyone who was an agent or
13 employee of Scott Paper?

14 A. No, sir.

15 Q. Okay. And do you have any knowledge or
16 information as to any product that was made, sold,
17 or distributed by Scott Paper that might have
18 contained asbestos as a material ingredient?

19 A. No.

20 Q. Did you ever have any contact with Fort
21 Howard Paper?

22 A. I don't specifically remember.

23 Q. Okay. Do you have any knowledge or
24 information as to any product made by Fort Howard

40

1 Paper that might have contained asbestos as a
2 material ingredient?

3 A. No.

4 Q. Did you ever have any contact with
5 James River?

6 A. I don't think so.

7 Q. Okay. Did you ever have any dealings
8 with the Brown Company?

9 A. For paper, no.

10 Q. Okay. Did you have dealings with
11 something called the Brown Company for something
12 other than paper?

13 A. I don't believe so, no.

14 Q. Okay. Are you familiar with that name
15 at all? Your voice --

16 A. No, I am not familiar. That's why I
17 was trying to recall any connection with paper,
18 and I do not recall any.

19 Q. I just wanted to make sure. It sounded
20 like you were a little bit hesitant, like you
21 might recall the name from somewhere.

22 A. I was checking the hard drive.

23 Q. Oh, okay, I got you. Okay. Did you
24 ever have any contact with West Virginia Pulp &

41

1 Paper or West Vaco?

2 A. I believe I might have had one or two
3 phone calls, and that's all.

4 Q. Okay. Can you recall the name of any
5 agent or employee of West Virginia Pulp & Paper or
6 West Vaco?

7 A. No, sir.

8 Q. Okay. Do you have any knowledge or
9 information as to any product made, sold, or
10 distributed by West Virginia Pulp & Paper or West
11 Vaco that might have contained asbestos as a
12 material ingredient?

13 A. No.

14 Q. Okay. Let's see. Sir, do you have any
15 knowledge or information as to whether or not

16 asbestos was ever used as a component in facial
17 tissues?

18 A. I have no knowledge of anybody ever
19 using it in facial tissue.

20 Q. Okay. Do you have any knowledge or
21 information as to anyone running tests on the
22 application of asbestos as a component of facial
23 tissue?

24 A. Yes, I'm sure there were some tests

42

1 run.

2 Q. Okay. As you sit here today, can you
3 recall any companies outside of Union Carbide
4 involved in that type of a test?

5 A. Well, what do you mean by Union
6 Carbide? They had no facilities for testing on
7 tissue paper.

8 Q. Well, no. I mean, if you were involved
9 in it -- I would imagine that Union Carbide was
10 involved in some fashion or another. I'm looking
11 for companies other than Union Carbide that may
12 have run such tests or been involved in running
13 such tests.

14 MR. WILL: Are you asking whether he knows of
15 any company that, for example, ran a mill trial?

16 MR. KOHLBURN: Yes.

17 BY THE WITNESS:

18 A. I am not aware of any company that
19 tried mill trial. I do think that several
20 companies ran small laboratory. If they had a
21 small pilot plant, they may well have run small
22 trials in that just to see what would happen in
23 tissue.
24 BY MR. KOHLBURN:

43

1 Q. Okay. And do you have any knowledge or
2 information as to which companies may have
3 conducted tests of that nature?
4 A. No, sir.
5 Q. Okay. Your job duties in the marketing
6 of asbestos to the paper industry, did that
7 primarily consist of, for want of a better
8 description, making initial contact?
9 A. That was one of them, yes.
10 Q. Okay. Did you have any type of
11 responsibilities for following up and servicing
12 established accounts?
13 A. What do you mean by -- you mean people
14 that were buying paper -- buying asbestos?
15 Q. People who were buying asbestos for use
16 in papermaking.
17 A. Unfortunately, there weren't very many,
18 if any, of those, but if we had had them, I would
19 have been one of the -- either one of -- the

20 person or having one of my sales rep technical
21 representatives calling on them, yes.

22 Q. Okay. How many technical
23 representatives did you have working with or for
24 you?

44

1 A. Well, that would --

2 MR. WILL: Excuse me. Are we in the period
3 up to '66 now when he's in the U.S.?

4 MR. KOHLBURN: I am talking -- we are still
5 between 1959 and 1966.

6 MR. WILL: Okay.

7 BY THE WITNESS:

8 A. We started out with one or two, and by
9 the time I went to Europe, there were four.
10 regional technical representatives reporting to
11 me.

12 BY MR. KOHLBURN:

13 Q. Okay. And at the time you left, if
14 there were four regional technical
15 representatives, does that mean that you had
16 divided the country into four regions for purposes
17 of area covered by your technical representatives?

18 A. Yes, for ease of travel.

19 Q. Okay. And could you tell me what each
20 of those four regions encompassed?

21 A. Well, in a very general way, we had

22 someone in the northeast; we had someone in the
23 south; we had someone in the Midwest, and we had
24 someone on the West Coast.

45

1 Q. Okay. And at the time that you left,
2 who was the technical representative who was
3 servicing the northeast?

4 A. Tom Van Fleet.

5 Q. Okay. And do you know whether Mr. Van
6 Fleet is alive today?

7 A. I haven't the foggiest idea.

8 Q. Okay. And that means you probably
9 wouldn't know where he is located then?

10 A. That's right. That opens a lot of
11 doors.

12 Q. Okay. who was the technical
13 representative servicing the south as of 1966?

14 A. Richard Miller.

15 Q. Okay. And do you know whether
16 Mr. Richard Miller is still alive today?

17 A. No, sir, I do not.

18 Q. Okay. when is the last time you saw
19 Mr. Miller?

20 A. Before I moved to Europe.

21 Q. Okay. And who was servicing the
22 Midwest as of 1966?

23 A. Dick Stobaus.

24 Q. Okay. Could you go ahead and spell

46

1 that, please?

2 A. S-t-o-b-a-u-s.

3 Q. Okay. And do you know if Mr. Stobaus
4 is alive today?

5 A. No, I do not.

6 Q. And when is the last time you saw him?

7 A. Before we went to Europe.

8 Q. And who was servicing the West Coast as
9 of 1966?

10 A. Ted Dougherty.

11 Q. Could you spell that one, too?

12 A. D-o-u-g-h-e-r-t-y, I think.

13 Q. Okay.

14 A. And I don't know where he is.

15 Q. Okay. Other than the four men that
16 were filling these positions as of the time you
17 left in 1966, were there other people in technical
18 representative positions prior to 1966?

19 A. Yes. There was a Mike Brannen, who in
20 the earlier '60s was covering the Midwest for a
21 while.

22 Q. Okay. Can you recall any others?

23 A. No.

24 Q. Did you ever work directly with Blair

1 Ingalls?

2 A. Yes.

3 Q. Could you just describe for me, in the
4 company structure, the type of way -- where you
5 and Mr. Ingalls fit with each other? Did he
6 work --

7 A. Mr. Ingalls worked at the laboratory in
8 Sterling Forest as one of the -- I don't know his
9 title -- as one of the technical support for the
10 sales/marketing activity for the asbestos.

11 Q. Okay. So during the time that you were
12 there, did he have any sort of sales
13 responsibilities?

14 A. No, only supporting sales.

15 Q. Okay. Now, you mentioned, I guess,
16 that by the time you left in 1966, there were not
17 a whole lot of paper companies that were actual
18 asbestos customers, is that correct?

19 A. I don't recall that there were any that
20 were specific commercial customers.

21 Q. Okay. When you qualify that with
22 "commercial," were they customers of another
23 type?

24 A. No. They would have been customers who

1 might have bought a test quantity to make a pilot
2 run or maybe even a very limited mill scale run.

3 Q. Okay. Can you recall any of the
4 companies that may have bought those kinds of
5 quantities to make a mill run or a trial run?

6 A. The only one I recall by the time I
7 left was what we call Wood Conversion, which was
8 not truly paper. I don't recall other paper
9 companies. I believe we did have a few that
10 were -- had maybe a few tons, but to make trial --
11 I don't remember which companies they were.

12 Q. What kind of a trial did Wood
13 Conversion run?

14 A. They ran some on their ceiling tile.
15 They ran tests. They found the product very
16 useful, and they bought commercial quantities.

17 Q. Okay. To your knowledge did Wood
18 Conversion make any paper type of products?

19 A. I don't believe that was their
20 business, no.

21 (WHEREUPON, Mr. Sean Fergus
22 left the deposition proceedings.)

23 BY MR. KOHLBURN:

24 Q. Okay. During the course of your work

1 between 1959 and 1966, were you ever informed or
2 given any kind of notification, correspondence
3 that there were potential health hazards
4 associated with asbestos?

5 A. Going into the varied product
6 development of asbestos, we were well aware that
7 there was a potential problem in the asbestos
8 industry with a malady called asbestosis.

9 Q. Okay. And when you say going into the
10 marketing of asbestos, does that mean in 1959?

11 A. Sure. We knew that asbestosis was an
12 industrial illness, whatever you want to call it,
13 that was known. People had cases of asbestosis.
14 It was recognized in the press.

15 (WHEREUPON, Mr. Sean Fergus
16 entered the deposition
17 proceedings.)

18 BY MR. KOHLBURN:

19 Q. Okay. And when you say "we," who does
20 that encompass?

21 A. We in Union Carbide.

22 Q. And is this --

23 A. The people concerned with asbestos.
24 Other people might have had some knowledge, but I

1 couldn't speak for that.

2 Q. Okay. Can you recall the approximate
3 time and manner in which you first heard that
4 there were possible health hazards associated with
5 exposure to asbestos?

6 A. Long before I started with Union
7 Carbide.

8 Q. Okay. So this would be college years?

9 A. Sure.

10 Q. Okay.

11 A. People in the scientific industry knew
12 that -- in science people knew that asbestos, just
13 like silicon, could be a potential cause for lung
14 injuries, lung illnesses.

15 Q. Okay. Now, you mention that you were
16 aware of asbestosis even prior to your employment
17 with Union Carbide. Is there a point in time in
18 which you received any sort of notice or
19 information that there might be an association
20 between asbestos and cancer of the lung?

21 A. Received from whom?

22 Q. From anyone.

23 A. No, I can't pin that down to any
24 specific person or time.

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51

1 Q. Okay. Even if you can't pin it down to
2 a particular source, can you pin it down to a
3 general time frame?

4 A. Are you talking cancer of the lungs
5 vis-a-vis asbestosis or as a result of
6 asbestosis?

7 Q. Cancer resulting from exposure to
8 asbestos.

9 A. No, I think probably first time I heard
10 about it was sometime in -- that there was a
11 further product possibility was in the middle
12 '60s.

13 Q. Okay. Is this some -- strike that.
14 Is that information that would have
15 come to you during the course of your employment
16 or as a consequence of outside reading or
17 research?

18 A. I would guess primarily would have come
19 from some of the outside reports from Dr.
20 Selikoff's conference in New York City in the
21 middle '60s.

22 Q. Okay. Did you attend that conference,
23 by any chance?

24 A. No, sir. No, sir.

52

1 Q. Okay. Did you ever attend any sort of
2 industrial hygiene or health-related conference
3 where asbestos was one of the topics?

4 A. There was a conference in Oxford,
5 England, in 1967 set up by some of the British

6 experts in asbestos to start some studies and to
 7 report on some preliminary studies, I believe.
 8 Q. And you attended that conference?
 9 A. Yes.
 10 Q. Okay. Did your job duties ever involve
 11 conducting dust counts or industrial hygiene
 12 surveys?
 13 A. Me personally?
 14 Q. We'll start with that, you personally.
 15 A. No.
 16 Q. Did your job duties ever involve
 17 overseeing people who were conducting dust counts
 18 or industrial hygiene surveys?
 19 A. No, sir.
 20 Q. Okay. During the course of your
 21 employment with Union Carbide in the United
 22 States, did you ever receive the results of dust
 23 counts or industrial hygiene surveys in the
 24 regular course of business?

53

1 A. I received reports of various health
 2 studies, but I do not recall that there were
 3 specific ones on asbestos that I received
 4 personally. I heard secondhand, perhaps, but not
 5 received directly, no.
 6 Q. Okay. During the course of your duties
 7 with Union Carbide when you were contacting

8 various companies concerning the marketing of
9 asbestos, did you have discussions that you can
10 recall with any of those customers or potential
11 customers concerning the possible health hazards
12 of asbestos?

13 A. In general, asbestosis was always a
14 subject that, when you brought up the word
15 "asbestos," people said, "what about asbestosis,"
16 and in that context, there were discussions.

17 Q. Okay. Can you recall any particular
18 companies or individuals with whom you had those
19 types of discussions?

20 A. Not specifically, no.

21 Q. Okay. Other than questions being
22 raised about asbestosis, can you recall the
23 substance, either generally or specifically, of
24 any of those conversations?

□

54

1 A. The discussions of the asbestos in
2 relation to asbestosis were a general discussion,
3 and I don't recall; we possibly could have brought
4 it up ourselves because we felt we had a much
5 safer product to handle and for a customer to look
6 at and hopefully to use because it was a much
7 cleaner fiber. It was a -- very uniform. It was
8 in a pellet form, which was much easier and a much
9 less dust providing, provoking product for anybody

10 using asbestos. The status of asbestos in
11 general, status of asbestosis was really a basis
12 of good housekeeping, just as any other industry
13 using foreign materials, fibrous materials.

14 Q. Okay. Was it the policy and practice
15 of Union Carbide at that time to provide
16 information to customers or potential customers
17 concerning those housekeeping recommendations?

18 A. No. I don't think we felt it was our
19 position to go in and tell them how to run their
20 plant. We made the point that in any kind of
21 industry, a dust -- overly dusty atmosphere was
22 not good.

23 Q. Okay. And again, can you recall any
24 particular instance in which you were involved in

55

1 which you conveyed or passed along any particular
2 information to a particular customer?

3 A. Not in a specific, no.

4 Q. Okay. Other than the kind of
5 established parameters of your work here in this
6 area -- and we're still talking about the United
7 States, 1959 to 1966 -- other than paper
8 companies, were there other industries that you
9 personally dealt with in terms of marketing
10 asbestos?

11 A. Yes.

12 Q. Okay. Can you just tell me what those
13 industries were?

14 A. vinyl or floor tile, the phenolic
15 resin, not -- I forget -- asphalt, that's it,
16 resin floor tile which was replaced in most cases
17 by vinyl asbestos. We called on and talked to
18 people in the asbestos cement, the Transite type
19 of product. We talked to people in the ceiling
20 tile and the wall tile. We talked to people in
21 the joint cement which is used in installing
22 fiberboard walls, the walls where you put up a
23 plasterboard wall and use the joint cement. Those
24 were the major industries.

56

1 Q. Okay. Were you in any way focused or
2 specializing in the area of product sales to paper
3 companies, or were you literally dealing with any
4 kind of industry that pertained to asbestos?

5 A. Yes.

6 Q. The latter?

7 A. Yes, the latter.

8 Q. Okay. Were there people within the
9 Union Carbide organization who had, as the focus
10 of their job duties, the marketing of asbestos to
11 companies in the papermaking industry?

12 A. Not any specific people. The people we
13 had as salespeople, technical representatives,

14 were trying to sell asbestos in any of the
15 applications where it might be useful.

16 Q. Okay. Were there particular people in
17 a support capacity who dealt primarily with paper-
18 making and asbestos as opposed to other possible
19 application?

20 A. I believe Blair Ingalls and Gene
21 Cunningham over at the tech service laboratory
22 were mostly in paper because that was more their
23 background.

24 Q. Okay. If you were to name the -- well,

57

1 strike that.

2 would you please tell me the names of
3 the people from Union Carbide who, as far as you
4 know, would be the most knowledgeable concerning
5 paper products that may have contained asbestos as
6 a component ingredient?

7 A. You mean products containing Union
8 Carbide asbestos, or do you mean --

9 Q. We'll start with that.

10 A. The names I mentioned to you probably
11 from a -- that point of view, the Blair Ingalls,
12 the Gene Cunningham, me.

13 Q. Okay. Is there anyone else other than
14 the three of you that comes to mind as someone who
15 might have some specific knowledge as to the

16 particular products that different companies might
17 have made that could have incorporated Union
18 Carbide asbestos as a material ingredient?

19 A. Those salespeople that I mentioned to
20 you earlier, possibly they may have at one time or
21 another or if one of their customers in their area
22 were using it. I don't believe any of them were
23 using it, but it's possible they might have known.

24 Q. Okay.

58

1 A. And it might have happened after I went
2 to Europe.

3 Q. Yes. The sales representatives, these
4 regional sales representatives, they weren't just
5 focused on the paper industry, were they?

6 A. No.

7 Q. They were like you; they were selling
8 or marketing --

9 A. Their prime purpose was to sell
10 asbestos, and since we thought maybe the paper
11 industry would be the biggest market, they
12 probably spent more time on that, but they were
13 not totally paper people.

14 Q. Okay. You asked me before to kind of
15 clarify a question about people knowing about
16 using asbestos in papermaking. You asked me if I
17 meant Union Carbide asbestos. Do you know of

18 anyone who has knowledge or information concerning
19 the use of asbestos other than Union Carbide
20 asbestos in the papermaking industry?

21 A. Specifically people, no.

22 Q. Okay. Do you have any knowledge or
23 information concerning the use of asbestos other
24 than asbestos from Union Carbide in the paper-

59

1 making industry?

2 A. No.

3 Q. Okay. At the time you were involved in
4 this area, did Union Carbide have any competitors
5 in selling asbestos to the papermaking industry?

6 A. We occasionally heard that Johns
7 Mansville was coming in and talking to people
8 because they had another area in the same
9 California deposit. We always felt that was
10 primarily for them to try to obtain commercial
11 information about what we were doing.

12 Q. Okay. When you say that the fiber that
13 was mined in California by Union Carbide was
14 cleaner, could you explain to me what you mean by
15 that?

16 A. It started out as an ore that had a lot
17 less extraneous material than the typical asbestos
18 deposit in other parts of the world. It also was
19 cleaned up, purified, and got rid of some of the

20 extra material because of the wet process used in
21 King City.

22 Q. Okay. And you mentioned that it was
23 sold in pellet form. Was all of the asbestos that
24 Union Carbide mined and sold pelletized?

60

1 A. No.

2 Q. Okay. Were there different grades or
3 types of asbestos that was sold by Union Carbide?

4 A. The basic fiber from the Coalinga
5 deposit was very uniform and very much of a
6 similar fiber size. There were various
7 formulations, I believe, to try to meet specific
8 end use requirements. I think they would,
9 perhaps, have put in certain additives, I believe,
10 if a customer wanted it. I think there was one
11 case where they put titanium dioxide as an
12 additive just to make it more useful for some
13 specific customer use.

14 There were other grades that they tried
15 to talk about and tried to introduce and promote
16 for other industries, like the floor tile, for
17 instance.

18 Q. You mentioned that they put some
19 titanium dioxide in to satisfy a customer's use.
20 Can you recall what customer that was?

21 A. No, I do not.

22 Q. Can you recall what type of product was
23 involved?

24 A. Well, it was for a product -- a paper

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61

1 product that had titanium dioxide to start with,
2 which normally would be something where brightness
3 and opacity were important, and that would be the
4 bond paper, the writing paper, something like
5 that, printing paper, not newsprint but high-grade
6 magazine printing stock things.

7 MR. KOHLBURN: Okay. That's all I have.

8 THE WITNESS: That's good.

9 MR. PLOTNER: Any other questions?

10 MR. WILL: Can we take about three minutes,
11 and then I'm going to have a couple questions for
12 Dr. Hall.

13 MR. KNOPF: And I have got a couple
14 questions.

15 MR. WILL: Oh, you have got a couple
16 questions?

17 We are going to take about a three-
18 minute break to stretch here.

19 (WHEREUPON, a recess was had.)

20 MR. KOHLBURN: There's one or two of my
21 preliminary things that I forgot. Can I do those
22 real quick?

23 BY MR. KOHLBURN:

24 Q. I guess it's Dr. Hall, not Mr. Hall,

62

1 since you have a Ph.D.

2 Could you please give me your date of
3 birth and your current age, please?

4 A. I was born 17 January, '27. I was 75
5 last month.

6 Q. Okay. And could you give me your
7 current address, please?

8 A. 1246 West Illinois Avenue, Palatine,
9 Illinois, 60067.

10 Q. Okay. And when we sent out the notice
11 of deposition here, we also included a request for
12 documents, and I clarified that with the local
13 counsel for Union Carbide that what we were asking
14 for was anything that you had retained personally
15 that would relate to the asbestos that was mined
16 and sold by Union Carbide or the companies we
17 talked about today.

18 Did you have any documents or paperwork
19 of that nature?

20 A. The only thing I have is a copy of the
21 deposition I made up in Minneapolis in '89.

22 MR. KOHLBURN: Okay. And Kent, I don't think
23 I have got that. If at some point you can just
24 try to get a copy of that to me, I'd appreciate

1 it.

2 MR. PLOTNER: I think it's been identified
3 before as one that you've been given in our
4 disclosure, but --

5 MR. KOHLBURN: We may have a copy. I'll
6 check.

7 There is no other documents he had?

8 MR. WILL: He didn't take anything with him,
9 if that's what you mean.

10 MR. KOHLBURN: Okay. That's all I have got
11 then.

12 EXAMINATION

13 BY MR. KNOPF:

14 Q. Dr. Hall, my name is Randy Knopf, and I
15 represent a company called Technical Products
16 Company, Incorporated, out of St. Louis, and I
17 just have about four questions for you.

18 Have you ever heard of Technical
19 Products Company, Incorporated?

20 A. No.

21 Q. All right. Did you ever distribute or
22 market or sell asbestos products to any companies
23 in St. Louis, as far as you can recall?

24 A. No.

1 Q. Okay. When you talk about ceiling tile
2 and building tile, can you just expand on what you
3 were talking about a little bit, what it is you
4 did with the asbestos?

5 A. Ceiling tile like this ceiling up here,
6 wallboard that they put up the four-by-eight
7 sheets on the side where you have plasterboard
8 walls.

9 Q. And do you remember any company names
10 that you dealt with with the ceiling tile?

11 A. Armstrong Corp., they make it. I don't
12 think that I recall they ever tried to use it, but
13 they do make it. We talked to them primarily
14 about vinyl asbestos floor tile.

15 Q. And where is Armstrong Corp. based out
16 of, as far as you can recall?

17 A. Last I knew their headquarters are in
18 Lancaster, Pennsylvania. I don't think they -- I
19 think it's a different name now, but I am not
20 sure.

21 Q. Okay. Thank you. And do you --

22 A. The other company was Wood Conversion.

23 Q. Okay. I know you talked about them.

24 A. Yes.

1 Q. Do you have any idea who might be a St.
2 Louis distributor of Union Carbide asbestos
3 products?

4 A. I am not aware that they ever had any
5 distributors.

6 MR. KNOPF: Thank you, sir. I have no
7 further questions.

8 MR. WILL: Anybody else?

9 EXAMINATION

10 BY MR. WILL:

11 Q. Dr. Hall, I have just a couple of
12 questions for you.

13 You were asked about whether there were
14 various grades or formulations of the asbestos
15 fiber sold by Union Carbide. Do you recall that
16 line of questioning?

17 A. Yes, yes.

18 Q. And where did all of the asbestos come
19 from in those various grades?

20 A. All the asbestos in any of these grades
21 came from the mine in Coalinga, California.

22 Q. Was that, to your knowledge, the only
23 mine Union Carbide had for its asbestos?

24 A. As far as I know, that's the only place

1 they ever got any asbestos, yes.

2 Q. So that regardless of the grade or the
Page 61

3 additive, the asbestos fiber came from the same
4 place?

5 A. Yes, yes.

6 Q. You were asked just a second ago a
7 question about ceiling tiles, and you said, "Like
8 we have here." By that were you referring to the
9 ceiling tiles in the conference room?

10 A. Yes.

11 Q. And that's a laid-in acoustical ceiling
12 tile?

13 A. It's acoustical ceiling, and I believe
14 the primary content is wood fiber with certain
15 additives to make them white, to cover up the
16 wood, and, when they get a leak, to soak up the
17 water.

18 Q. And just so I am clear, with respect to
19 Armstrong Corp., you said, to your knowledge, you
20 did not sell any fiber for Armstrong ceiling tile?

21 A. I am not aware that they even looked at
22 it for that. He only asked me who was -- who
23 manufactured it of people we talked to.

24 Q. Okay. You mentioned several times that

1 in terms of marketing asbestos to the paper
2 industry, you were marketing it as a retention
3 aid, is that right?

4 A. Yes, yes.

5 Q. And are there particular types of paper
6 that would benefit from this retention aid?

7 A. Yes. The primary retention property
8 that we were looking for was for the retention of
9 various fillers, clays, silicates, titanium
10 dioxide, calcium carbonate, the various fillers
11 and opacifying or whitening agents.

12 They, also, sometimes in paper were
13 using various organic compounds that might be used
14 for -- to give them certain softness and certain
15 properties in the piece of paper, and it was found
16 the asbestos was a good means of retaining --
17 keeping a lot of that from going through the
18 screen when they were drying and having to be
19 recirculated or being lost totally.

20 The other possibility was the small
21 fibers that would also be lost, and there were
22 occasional opportunities that that would help --
23 the asbestos would help retain those, too.

24 Q. And what types of papers would be using

1 the clays or the fillers or the opacifying agents?

2 A. Papers for printing or various
3 decorative papers, ones where they wanted to have
4 it, writing papers, bond papers; they sometimes
5 would use titanium dioxide.

6 Q. Was facial tissue or toilet tissue or
Page 63

7 paper towels a primary marketing emphasis of Union
8 Carbide for its asbestos?

9 A. At the beginning we thought it might
10 be, and as it turned out, the paper industry was
11 basically not interested in using it for that
12 because of a -- the possibility that the asbestos
13 fiber might show up as lumps or something in the
14 paper. It was too fine; not fine "good" but too
15 fine "thin," transparent.

16 Q. Okay. You mentioned Gene Cunningham as
17 somebody who worked in the Union Carbide
18 laboratory, is that correct?

19 A. He was one of the technical
20 assistants. He worked in the laboratory in
21 Sterling Forest, and he was providing paper mill
22 experience and technical help to the salesmen.

23 Q. Okay. And you mentioned he had come
24 from Scott Paper?

69

1 A. He came from Scott Paper. Probably he
2 was one of the reasons that there was not much
3 emphasis put on using the asbestos in tissue and
4 towel -- fine paper, toilet tissue and Kleenex
5 type of thing because he was very sure that we
6 were wasting our time trying to sell to that
7 industry because it just didn't fit into it.

8 Q. Okay. You were asked some questions
Page 64

9 about what you may have told to customers about
10 asbestos and potential health hazards, and I don't
11 want to get into the specifics of that. I just
12 want to ask you, in general, what was your
13 impression of Union Carbide's corporate philosophy
14 in terms of what information they shared with the
15 customers regarding potential health hazards.

16 MR. KOHLBURN: I am going to object to form
17 on that. I think it calls for speculation.

18 MR. WILL: Well, I'm asking him for his view
19 as somebody who was with the company during that
20 time, what he understood the company's philosophy
21 or practice to be.

22 THE WITNESS: Okay?

23 BY MR. WILL:

24 Q. Let me rephrase the question so it's

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70

1 clear. What I am asking you, Doctor, is: During
2 the time that you were with the company, to your
3 understanding what was Union Carbide's philosophy
4 and instructions to its marketing people about
5 sharing information with customers regarding
6 potential health hazards of asbestos?

7 A. The general philosophy was to be open
8 with the customers, to tell them everything that
9 we knew to be reliable information. We did not
10 feel there was any great reason to speculate on

11 individual reports, which were sometimes
12 self-serving, and we did not in any way try to
13 play down the possibility that asbestosis was
14 always a possibility and the -- our, Carbide, and
15 other health professionals consistently said that
16 if you lived and your plant operation was within
17 the accepted and required threshold limit values
18 for fibers, you were not taking a chance, the
19 people using it. It came down to a question, we
20 strongly encouraged each one of the potential
21 testers or users to use good housekeeping.

22 Q. And did you believe that the pelletized
23 product could help people stay within the
24 regulatory limits?

71

1 A. We very much believed it, and customers
2 who were proposing to use it confirmed that.

3 Q. Final topic, Doctor, you several times
4 here have been asked about details and said that
5 you have no present memory. Before the deposition
6 today, did you have an opportunity to go through
7 all of Union Carbide's document collection and
8 look for materials that might have been generated
9 by you or with your name on them?

10 A. I had no access to any of those files,
11 if they exist.

12 Q. And if you had an opportunity to review
Page 66

13 documents that you may have generated or may have
14 been sent to you, might that refresh your memory
15 on some of the things you have been asked about
16 today --

17 A. Oh, of course.

18 Q. -- enable you to pinpoint times or
19 identify people?

20 A. Times and people, locations.

21 Q. And even events maybe?

22 A. Yes, yes.

23 MR. WILL: Okay. Thank you. That's all I
24 have.

72

1 MR. KOHLBURN: I have got a couple questions
2 on redirect here.

3 FURTHER EXAMINATION

4 BY MR. KOHLBURN:

5 Q. Sir, when you said that the Coalinga
6 mine was the only place that you know of from
7 which Union Carbide got asbestos, do you mean that
8 that's the only place you know of where they mined
9 asbestos?

10 A. As far as I know, that was the only
11 asbestos deposit Union Carbide Corporation ever
12 operated.

13 Q. I just want to clarify that you were
14 talking about mining. You are not trying to make
Page 67

15 any representations as to purchases of asbestos by
16 Union Carbide or anything of that nature?

17 A. No, sir. No, sir. Only the project
18 that we are talking about here, the Coalinga
19 asbestos usage.

20 Q. Okay. With regard to tissues and
21 towels, are you aware of statements made by Union
22 Carbide in its advertising materials indicating
23 that certain mills were using Union Carbide
24 asbestos in their tissue and towel products?

73

1 A. No, sir.

2 Q. Okay. Do you know the names of any
3 individual or individuals who were responsible for
4 the content of Union Carbide's advertising to the
5 paper industry with regard to asbestos?

6 MR. WILL: Again, you are talking about this
7 1959 to '66 time frame?

8 MR. KOHLBURN: Well, I mean, if he knows of a
9 name from outside that time frame -- we'll limit
10 it to the American market.

11 MR. WILL: Okay.

12 BY THE WITNESS:

13 A. No, I don't think I know of anybody
14 that is responsible. I mean, publications like
15 that, of course, went through a normal corporate
16 public relations where they published technical

17 bulletins. who might have put those together and
18 who might have alluded to a -- anything more than
19 a mill trial, I have no idea.

20 BY MR. KOHLBURN:

21 Q. Could you tell me which departments
22 within Union Carbide would have had responsibility
23 for the content of advertising in journals and
24 magazines circulated with the paper industry?

74

1 A. well, the people who would instigate
2 such a thing would be somebody in the business
3 area of the asbestos project.

4 Q. Okay. Now, was that part of your
5 department or outside of your department?

6 A. When I was doing it, it would have been
7 something that I would have been responsible for,
8 yes.

9 Q. Okay. With regard to the health
10 hazards of asbestos, I think you indicated that
11 you would pass along information from reliable
12 sources to the customers, is that correct?

13 A. well, from reliable sources and then
14 put together in a proper toxicological format and
15 using the right words. Those words would be
16 chosen by the toxicology department of the -- of
17 Union Carbide Corporation. I didn't write those
18 things myself. They would -- because they have a

19 lore and a way of writing those things, just as
20 every other profession, even lawyers, to say
21 things in a certain way, and that was how it was
22 put out, and we made those papers -- had them put
23 together by the toxicological department, and they
24 were then offered to the customers.

75

1 Q. Okay. And did you limit yourself in
2 providing information on health hazards to
3 materials that were produced by Union Carbide and
4 provided to you by Union Carbide for that purpose?

5 A. The Carbide products were certainly
6 considered, and in cases where it was appropriate,
7 if there was any comparison to be drawn, they were
8 noted, the comparison and good or bad. We did not
9 in any way try to edit what we were putting out to
10 make it look better. Carbide had -- we think had
11 a reputation of trying to be honest with people
12 and to try to give them the information. At the
13 same time we were not trying to rumor-monger on
14 things that were data not yet really proven.

15 Q. I want to make sure you understand my
16 question. I am talking about you personally.
17 Were you limited to conveying information that was
18 authorized or approved or provided by Union
19 Carbide as opposed to being free to mention what
20 you may have learned on your own somewhere?

21 A. We were very definitely free to talk on
22 as to what we learned.

23 Q. And if you learned something from a
24 reliable source, you would convey that

76

1 information, is that correct?

2 A. I would relay it with the -- my proper
3 understanding of how reliable it really was.

4 Q. Did you regard Dr. Selikoff as a
5 reliable source or an unreliable source?

6 A. Do I have to answer that? I think he
7 was very much of a self-serving man.

8 Q. So it would not have been your practice
9 then to convey information obtained from reading
10 materials from Dr. Selikoff to your customers?

11 A. Information that came out of his
12 conference in '67 or whenever -- no -- '64 was
13 certainly publicized widely, and it was discussed,
14 and in the Carbide toxicological reports, that
15 information was taken into account.

16 MR. KOHLBURN: Okay. Thank you. That's all
17 I've got.

18 MR. WILL: I think we are done. Okay.
19 Thanks, Bill.

20 MR. KOHLBURN: Thanks a lot. Thanks for
21 indulging my need to do this by phone.

22 MR. WILL: We are going to reserve
Page 71

23 signature.

24 FURTHER DEPONENT SAITH NOT.

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77

1 IN THE CIRCUIT COURT
2 THIRD JUDICIAL CIRCUIT
3 MADISON COUNTY, ILLINOIS
4
5 IN RE: ALL ASBESTOS LITIGATION)
6 FILED BY THE SIMMONS FIRM, L.L.C.,)
7 Plaintiffs,)
8 vs.) No. 99 AS SIM
9 A.P. GREEN REFRACTORIES, et al.,)
10 Defendants.)

11
12 I certify that I have read the
13 transcript of my deposition, consisting of Pages 1
14 to 76, inclusive, and I do again subscribe and
15 make oath that the same is a true, correct and
16 complete transcript of my deposition so given, and
17 includes changes, if any, so made by me.

18

19

20 THOMAS J. HALL

21 SUBSCRIBED AND SWORN TO

22 before me this day

23 of , A.D. 20 .

24 Notary Public

1 STATE OF ILLINOIS)
 2) SS:
 3 COUNTY OF C O O K)

4

5 I, CHRISTINE R. MACINTYRE, a Notary
 6 Public within and for the County of Cook, State of
 7 Illinois, and a Certified Shorthand Reporter of
 8 said state, do hereby certify:

9 That previous to the commencement of
 10 the examination of the witness, the witness was
 11 duly sworn to testify the whole truth concerning
 12 the matters herein;

13 That the foregoing deposition
 14 transcript was reported stenographically by me,
 15 was thereafter reduced to typewriting under my
 16 personal direction and constitutes a true record
 17 of the testimony given and the proceedings had;

18 That the said deposition was taken
 19 before me at the time and place specified;

20 That I am not a relative or employee or
 21 attorney or counsel, nor a relative or employee of
 22 such attorney or counsel for any of the parties
 23 hereto, nor interested directly or indirectly in
 24 the outcome of this action.

5

6

7 Notary Public, Cook County, Illinois.

8 My commission expires 6/13/03.

9

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11 C.S.R. Certificate No. 84-2776.

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1 I N D E X

2 WITNESS EXAMINATION

3 THOMAS J. HALL

4 By Mr. Kohlburn 9, 72

5 By Mr. Knopf 63

6 By Mr. Will 65

7

8

9 E X H I B I T S

10 NUMBER MARKED FOR ID

11

12 NO EXHIBITS MARKED.

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