

No. 86-2385-D

NETA DECKER, AS PERSONAL) IN THE DISTRICT COURT OF
REPRESENTATIVE OF THE)
ESTATE AND SURVIVORS OF)
JAMES DECKER, DECEASED)
VS.) DALLAS COUNTY, TEXAS
ARMSTRONG WORLD)
INDUSTRIES, INC., ET AL.) 95TH JUDICIAL DISTRICT

Ga.
Pacific



* * * *

ORAL DEPOSITION

OF

JAMES R. HURD

* * * * *

ANSWERS AND DEPOSITION OF JAMES R. HURD,
produced as a witness at the instance of the
Plaintiff, taken in the above-styled and numbered
cause on the 27th day of February 1987, at 9:30
a.m., before Antonice J. Ruesch, Certified Shorthand
Reporter and Notary Public in and for the State of
Texas, at the offices of Hughes & Luce, 1000 Dallas
Building, in the City of Dallas, County of Dallas,
State of Texas, in accordance with the Notice issued
and the agreement hereinafter set forth.

COPY

A P P E A R A N C E S

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FOR THE DEFENDANT
THE WELLINGTON GROUP

1 and used upon the trial of this cause with the same
2 force and effect as though all requirements of the
3 Rules and Statutes with reference to signature and
4 return had been fully complied with.

5 It is further agreed by and between the
6 parties hereto, through their respective attorneys
7 appearing herein, that if this deposition is not
8 signed and filed prior to any hearing in this case
9 that an unsigned but certified copy may be used for
10 all purposes as though signed by said witness.

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1 JAMES R. HURD,
2 the witness hereinbefore named, being first duly
3 cautioned and sworn to testify the truth, the whole
4 truth and nothing but the truth, testified on his
5 oath as follows:

6 EXAMINATION

7 BY MR. BARON:

8 Q. State your name for the record, please.

9 A. James R. Hurd, H-u-r-d.

10 Q. Mr. Hurd, your present address?

11 A. Present address is 2081 Hampton Trail in
12 Conyers, Georgia.

13 Q. Conyers, Georgia, pretty town. Mr.
14 Hurd, my name is Fred Baron. I represent a woman by
15 the name of Neta Decker who is a plaintiff in a
16 lawsuit against Georgia-Pacific and others which is
17 pending here in state court in Dallas, Texas. I'm
18 going to be asking you some questions today about
19 facts that we think might be relevant to that case.
20 If ~~at~~ any time you do not understand my question, I
21 want to be sure that you stop me, so that I can try
22 to rephrase it to be sure we are communicating.
23 That way I'll know that every answer that you've
24 given me on the record is a correct answer to the
25 question that I've asked. All right, sir?

1 A. Yes, sir.

2 Q. Also, as I tell most witnesses, the
3 court reporter is taking everything that you say
4 down and so you have to make an audible response.
5 She doesn't pick up the rattle when you nod your
6 head. All right, sir?

7 A. Yes, sir.

8 (At this time, Mr.
9 Henderson entered the
10 deposition room.)
11 (Discussion off the
12 record.)

13 Q. Mr. Hurd, how are you presently
14 employed?

15 A. I'm presently employed --

16 Q. Or are you presently employed?

17 A. Yes, I am.

18 Q. Okay. At least the last time you
19 looked?

20 A. I may not be when I get back.

21 MR. BISHOP: Note on the
22 record that was a joke.

23 Q. How are you presently employed?

24 A. I'm employed by Georgia-Pacific as the
25 personnel and safety manager of the Gypsum Roofing

1 A. No. I sold mens' clothing for a couple
2 of years before I went with the appliance store.

3 Q. And apparently you worked for them for a
4 very short period of time?

5 A. Very short period of time.

6 Q. And then went to work for Continental
7 Can?

8 A. Yes, sir.

9 Q. What was your first job with Continental
10 Can?

11 A. I worked as an assistant to the planning
12 coordinator.

13 Q. What type of job was that?

14 A. Scheduling.

15 Q. Scheduling?

16 A. Scheduling work in the plant.

17 Q. And when did you become the personnel
18 manager?

19 A. I went from the planning assistant into
20 **quality control** and was a quality control supervisor
21 for **about six years** before I got involved in
22 personnel work.

23 Q. All right. Quality control for
24 Continental Can was what type of a job? What did
25 you have to do?

1 A. I was in charge of their quality program
2 for the manufacturing of folding cartons.

3 Q. Made sure that the cartons were what
4 they were supposed to be?

5 A. Yes, sir.

6 Q. And you became personnel manager
7 following about six years of doing that; is that
8 right, sir?

9 A. Yes, sir.

10 Q. What were your jobs as personnel manager
11 for Continental Can?

12 A. I was the employment supervisor, and
13 this was in Elkhart, Indiana.

14 Q. You hired and fired people?

15 A. Yes, sir.

16 Q. Was this for the national organization
17 of Continental Can or just for that one facility?

18 A. Just for that one facility.

19 Q. How many people were employed there?

20 A. Approximately 600.

21 Q. And you left Continental Can in 1967,
22 correct?

23 A. Yes, sir.

24 Q. Why did you leave the company?

25 A. I left the company in order to achieve a

1 promotional opportunity that was available at that
2 time.

3 Q. You started working for Georgia-Pacific
4 August 1 of '67?

5 A. Yes.

6 Q. What was your first job with
7 Georgia-Pacific?

8 A. I was personnel manager at a plant in
9 Aurora, Illinois.

10 Q. What type of a plant was it in Aurora?

11 A. Folding carton plant.

12 Q. The same thing you had done with
13 Continental Can?

14 A. Yes, sir.

15 Q. And what were your job duties as
16 personnel manager at the folding carton plant in
17 Aurora?

18 A. I was in charge of all of the personnel
19 and safety activity for that location.

20 Q. When you say "safety," what are you
21 referring to?

22 A. Well, programs that will protect the
23 health and welfare of the employees and are
24 consistent with the rules and regulations of OSHA.

25 Q. Prior to coming to work for

1 A. Right.

2 Q. All right. So following your departure
3 as plant manager of the folding box plant in 1973,
4 what job did you take?

5 A. I went into the job I currently have.

6 Q. Which is personnel and safety manager
7 for Georgia-Pacific?

8 A. Yes, sir.

9 Q. Is that corporatewide?

10 A. No, sir.

11 Q. For what parts of Georgia-Pacific?

12 A. Strictly for the Gypsum and Roofing
13 Division of Georgia-Pacific.

14 Q. Georgia-Pacific is headquartered in
15 Atlanta, is it not?

16 A. Yes, it is.

17 Q. And how many divisions does
18 Georgia-Pacific have?

19 A. I'm not sure.

20 Q. Gypsum is one of divisions, is it not?

21 A. Yes, sir.

22 Q. Do you know how many different divisions
23 they have, approximately? Is it more than three or
24 four?

25 A. Yeah, there's -- again, I can only take

1 a guess, but there's a number of them. There's more
2 than four. I would have to go back and count.

3 Q. Do these involve the various operating
4 businesses of Georgia-Pacific --

5 A. Yes.

6 Q. -- each division? About how many people
7 work in the Gypsum Division, or at least how many
8 people worked in the Gypsum Division when you
9 started with them in '73?

10 A. We have currently about -- I guess
11 there's between 1600 and 2,000.

12 Q. About 2,000?

13 A. And that hasn't changed substantially
14 since I've been there.

15 Q. So the Gypsum Division has about 2,000
16 or so people?

17 A. Yes, sir.

18 Q. How many people are employed by
19 Georgia-Pacific now, just as an overall corporation,
20 approximately, ballpark figure?

21 A. Oh, shoot. I'd hesitate to guess. I'm
22 just not sure.

23 Q. Are we talking about 10,000? 20,000?
24 100,000?

25 MR. BISHOP: If you know,

1 tell him, but don't guess.

2 A. I don't know.

3 Q. Let me just ask you, is it in excess of
4 10,000 people?

5 A. Yes, sir.

6 Q. Is it in excess of, say, 20,000?

7 A. I'm going to make an assumption if I
8 say, and I just -- no, I don't know. I have not
9 read the latest.

10 Q. Is it in excess of 50,000, or is that
11 out of the ballpark?

12 A. I don't know.

13 Q. You don't have any idea whether it's
14 20,000 or 50,000 or 100,000?

15 A. I just would be -- I'd hesitate to guess
16 at it. No, I don't know.

17 Q. Okay. To whom do you report?

18 A. I report to Mr. Glen Wilson.

19 Q. And what is Mr. Wilson's title?

20 A. He is the senior vice-president of our
21 division.

22 Q. Is he the executive in charge of the
23 Gypsum Division?

24 A. Yes, sir.

25 Q. And has he been the senior

1 A. We have five plants that manufacture
2 asphalt roofing.

3 Q. Okay.

4 A. We have three plants that are paper
5 plants that manufacture the face and backing board
6 for wallboard. We have two plants that manufacture
7 -- it's a core for fire doors. We have three plants
8 that manufacture joint system products. Now, I
9 didn't count them. I don't know if that's all of
10 them or not.

11 Q. Okay. Mr. Hurd, do each of these plants
12 have their individual personnel managers?

13 A. Not all of them.

14 Q. Several of them do?

15 A. Yes.

16 Q. And they report to you, in turn?

17 A. No, they report directly to their plant
18 manager.

19 Q. Is there a corporatewide safety director
20 ~~for~~ Georgia-Pacific?

21 A. Yes, sir.

22 Q. And who is that?

23 A. His name is -- Mike Skinner is the
24 corporate director.

25 Q. And what is his title? Do you know?

1 A. I don't know what his official title is.

2 Q. Does he have duties that also involve
3 personnel as well as safety.

4 Q. Not that I'm aware of.

5 Q. Purely safety?

6 A. Purely safety.

7 Q. Has he been with the company for quite
8 some time?

9 A. What's quite some time?

10 Q. Well, as long as you have.

11 A. No, sir.

12 Q. Who is his predecessor? Do you recall?

13 A. A gentleman by the name of Ken Gibson.

14 Q. And where is he now? Do you know?

15 A. I have no idea.

16 Q. Is he alive?

17 A. I don't know.

18 Q. You don't know?

19 A. I don't know.

20 Q. You haven't followed him?

21 A. No.

22 Q. Who was previously in your position?

23 A. There was nobody in my position before I
24 came.

25 Q. The position was created for you?

1 A. Well, the position was created, and I
2 filled it.

3 Q. Then prior to 1973, there was not a
4 divisionwide safety manager for the Gypsum Division
5 of Georgia-Pacific?

6 A. No, sir.

7 Q. Prior to 1973, was there a Gypsum
8 Division of Georgia-Pacific, or was the division
9 created in '73?

10 A. No, there was a Gypsum Division prior to
11 '73.

12 Q. How long has there been a Gypsum
13 Division of Georgia-Pacific, approximately?

14 A. I can only guess at the year.

15 Q. Ballpark. Is it '40s? '50s? '60s?

16 MR. BISHOP: Don't guess. If
17 you know, tell him the answer.

18 Q. Tell me the best answer that --

19 A. Well, I can't give you the exact date,
20 but Georgia-Pacific bought Best Wall -- the Gypsum
21 Division from Best Wall.

22 Q. All right. That's what the inquiry is.
23 Was there a Gypsum Division of Georgia-Pacific prior
24 to the acquisition of Best Wall?

25 A. Not that I'm aware of it.

1 Q. So you have not found anybody at
2 Georgia-Pacific who would have knowledge about Best
3 Wall safety and health problems, if any, before they
4 were acquired by Georgia-Pacific or have you?

5 MR. BISHOP: I object to that
6 question because it assumes that he's looked into
7 the history.

8 MR. BARON: No, I'm asking
9 him just a pure question if he knows anybody that's
10 over there that would have had safety responsibility
11 at Best Wall before it was acquired by
12 Georgia-Pacific.

13 MR. BISHOP: That's not the
14 way you phrased it.

15 Q. Okay. Well, that's the question, if you
16 understand it.

17 A. Repeat the question for me.

18 Q. All right. Do you know anybody who is
19 presently with Georgia-Pacific who would have had
20 responsibility for health and safety at Best Wall
21 before it was acquired by Georgia-Pacific?

22 A. No, sir.

23 Q. What was the business of Best Wall when
24 it was acquired? What business was the Best Wall
25 company in when it was acquired by Georgia-Pacific?

1 A. I have no idea. I don't know.

2 Q. You have no idea?

3 A. No. All I know is that the Gypsum
4 Division was a part of it. I don't know what
5 products they produced other than that.

6 Q. Did Georgia-Pacific purchase Best Wall
7 and enter into a merger, or do you know what form
8 the transaction took?

9 A. I wasn't involved at the time. I have
10 no idea.

11 Q. And have not looked back?

12 A. No, sir.

13 Q. Have you ever reviewed safety records
14 from Best Wall that were brought to Georgia-Pacific
15 when Best Wall was acquired?

16 A. No, sir.

17 Q. Do you know of anyone at Georgia-Pacific
18 who has reviewed safety records from Best Wall after
19 Georgia-Pacific acquired it?

20 A. I don't know that there was any records
21 reviewed.

22 Q. Do you know whether there are any
23 records in existence concerning health and safety at
24 Best Wall?

25 A. I have no knowledge of that.

1 Q. Okay. I take it -- well, first of all
2 you've had your deposition taken before, have you
3 not, or is this the first time?

4 A. No, I've given a deposition before.

5 Q. Just one?

6 A. Yes, sir.

7 Q. And when was that?

8 A. About a year ago.

9 Q. Where?

10 A. In -- it was done in Atlanta.

11 Q. Was that someone from Mr. Motley's
12 office that took that deposition?

13 A. No, sir.

14 Q. Do you know who it was?

15 A. I can't recall the lawyer's name.

16 Q. Was it in the asbestos litigation?

17 A. No, sir.

18 Q. What type of litigation was it involved
19 in?

20 A. It was involved with a workmen's
21 compensation disability case.

22 Q. And did it involve a purported lung
23 disease?

24 A. No, sir.

25 Q. So you have been able to stay clear of

1 Q. Do you know an M. F. Fink?

2 A. Yes, sir.

3 Q. Who is he?

4 A. Matt Fink was -- he was a western
5 regional safety man that worked for Mr. Bill
6 Richards at the time I came with the division.

7 Q. Who Bill Richards?

8 A. He was the operations manager.

9 Q. For?

10 A. For the Gypsum plants.

11 Q. And Mr. Fink -- what was his safety
12 title that you just described?

13 A. I don't know what his title was. He was
14 the safety man. He worked in the area of safety and
15 workmen's compensation at the time.

16 Q. Where is he now?

17 A. I have -- I haven't the slightest idea.

18 Q. Does he still work for Georgia-Pacific?

19 A. No, sir.

20 Q. Do you know when he separated his
21 employment?

22 A. No, I can't give you the date. He
23 retired.

24 Q. He retired?

25 A. (Witness nodded head up and down.)

1 Q. And he was located in what city?

2 A. In Portland, Oregon.

3 Q. When did you first become the
4 representative to the Gypsum Association?

5 A. I can't give you a date. It was after I
6 came with the division.

7 Q. Shortly or several years?

8 A. Oh, it was -- I'd be speculating, but it
9 was some time after I came with the division.

10 Q. Have you ever had the opportunity to
11 review the minutes of the Gypsum Association?

12 A. The Gypsum Association?

13 Q. Yes.

14 A. No, sir.

15 Q. When you attend meetings of the Gypsum
16 Association, you subsequently receive the minutes of
17 those meetings, do you not?

18 A. Yes, sir.

19 Q. Okay.

20 A. Now let me clarify that, if I may. I
21 receive the minutes of the Safety Committee of the
22 Gypsum Association.

23 Q. Are you on the Safety Committee of the
24 Gypsum Association?

25 A. Yes, sir.

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1 Q. And how long have you been on the Safety
2 Committee of the Gypsum Association?

3 A. For as long as I've been involved with
4 the association.

5 Q. Was Mr. Fink on the Safety Committee of
6 the Gypsum Association?

7 A. I don't know whether he was or not.

8 Q. Does Georgia-Pacific keep records in one
9 place concerning their relationship with the Gypsum
10 Association?

11 A. I don't know.

12 Q. Do you keep your records in one place
13 concerning the Gypsum Association?

14 A. Yes, sir.

15 Q. So you have a file or something of that
16 nature concerning the Gypsum Association?

17 A. Safety Committee --

18 Q. Safety Committee?

19 A. -- of the Gypsum Association.

20 Q. All right. On January 1, 1974, when you
21 began your work as safety director and personnel
22 manager of the Gypsum Division of Georgia-Pacific,
23 had you had any experience with a material called
24 asbestos?

25 A. No experience.

1 would make you an expert?

2 A. That's true.

3 Q. Is there someone at Georgia-Pacific who
4 is an expert on asbestos-related diseases that you
5 are aware of?

6 A. No that I am aware of.

7 Q. Has there ever been anyone?

8 A. Not that I am aware of.

9 Q. Okay. If we wanted to select a job
10 category at Georgia-Pacific for the person who we
11 would think would be most knowledgeable about
12 asbestos health hazards in the Gypsum Division,
13 would it be your job title?

14 A. I honestly don't know whether there
15 would be anyone that would be more familiar or not.

16 Q. Well, you are the person in charge of
17 health and safety for the Gypsum Division, are you
18 not?

19 A. Yes.

20 Q. The buck stops at your desk for health
21 and safety matters?

22 A. For our division.

23 Q. For the Gypsum Division?

24 A. Yes, sir.

25 Q. And the Gypsum Division is the only

1 division of Georgia-Pacific that's ever used
2 asbestos?

3 A. I don't know that.

4 Q. Do you know otherwise?

5 A. No, sir.

6 Q. So to the best of your knowledge, based
7 on what you understand, the Gypsum Division is the
8 only one that has used it, unless somebody proves
9 otherwise?

10 A. It's the only one that I'm aware of.

11 Q. And you are the person in the Gypsum
12 Division who is in charge of health and safety?

13 A. Yes, sir.

14 Q. And you do not consider yourself to be
15 knowledgeable about the hazards of asbestos; is that
16 right, sir?

17 MR. BISHOP: I think he said
18 he did not consider himself to be an expert in
19 asbestos diseases.

20 MR. BARON: Right.

21 Q. Is that right?

22 A. That's true.

23 Q. Have you done any personal research on
24 asbestos-related diseases?

25 A. No, sir.

1 Q. Have you compiled a medical library or
2 anything of that nature on asbestos-related
3 diseases?

4 A. I have not.

5 Q. Have you attended any seminars on
6 asbestos-related diseases?

7 A. No, sir.

8 Q. Have you directed anyone under you to
9 attend such seminars?

10 A. No, sir.

11 Q. Have you directed anyone under you to
12 accumulate materials on asbestos-related health
13 hazards?

14 A. No, sir.

15 Q. To your knowledge, has Georgia-Pacific
16 corporation ever engaged in testing its products to
17 determine whether they present a health hazard? And
18 when I say "its products," those containing
19 asbestos.

20 A. Whether they contain health hazards?

21 A. Yes, whether Georgia-Pacific products
22 would present a health hazard.

23 A. Any products?

24 Q. No, asbestos-containing products.

25 A. I'm not aware of any.