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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

RICHARD AHRENDT, JOSEPH THOMPSON,
JACQUE HALL, MARLENE KOWALSKI,

Plaintiffs,

v.

ABEX CORPORATION, et al.,

Defendants.

)
)
)
)
)
) No. 953895
) No. 953830
) No. 952346
) No. 954768
)
)

DEPOSITION OF JOHN L. MYERS

BE IT REMEMBERED that pursuant to Notice and Subpena, and on Wednesday, January 25, 1995, at the hour of 11:02 a.m., at the Law Offices of FENTON & KELLER, 2801 Monterey-Salinas Highway, Monterey, California, before me, Alan F. Irwin, a Certified Shorthand Reporter, personally appeared JOHN L. MYERS.

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DEPOSITION
FILE COPY

deposed. VC

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E	Letter to Calidria Asbestos Distributors and Warehouses from John L. Myers dated August 24, 1979, and page from Federal Register	145
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JOHN L. MYERS,
having been first duly sworn, was examined and
testified as follows:

EXAMINATION BY MR. WAGNER:

Q. Good morning, sir. Thank you for coming.
Could I have you state your full name for the record.

A. John L. Myers.

Q. And what does your middle initial "L" stand
for?

A. Lester.

Q. Why don't I go ahead and mark as Exhibit A to
the deposition here the Notice of Taking Deposition
Pursuant to Subpoena as well as the subpoena that was
served on the deponent, and we'll go ahead and mark as
Exhibit B the Amended Notice of Taking Deposition
Pursuant to Subpoena, which simply reflects a change
of the address of the deposition; the date and time
have remained consistent in the notice and amended
notice. So that will be A and B in the deposition.

(Documents referred to marked for
iden. Exhibits No. A and B.)

BY MR. WAGNER:

Q. Sir, have you been deposed before?

A. Yes.

Q. This is, of course, a deposition proceeding

1 here. Can you tell me how many times previously
2 you've been involved in a deposition?

3 A. Not for sure. Seven, six or seven.

4 Q. Okay. I imagine you're fairly familiar then
5 with the procedure; you've probably had an opportunity
6 to discuss the procedure with your attorney.
7 Nevertheless, bear with me; I'll run through some of
8 the admonitions that generally go along with the
9 deposition just so that I'm sure we're both on the
10 same page here. The No. 1 rule, of course, is to tell
11 the truth. The court reporter has administered an
12 oath to you. Do you understand you're under oath to
13 testify truthfully and your testimony carries with it
14 the same force and effect as if you were testifying in
15 a court of law?

16 A. Yes.

17 Q. Please be sure that you understand my
18 questions before you answer. And if I ask a question
19 that you don't understand, it is going to be incumbent
20 upon you to speak up and let me know that. If you
21 answer a question, I will assume that you understood
22 it; is that fair enough?

23 A. Yes.

24 Q. You're doing a good job so far; please
25 continue to speak audibly in response to the

1 questions. If you shake your head or nod your head,
2 the reporter won't be able to take that down clearly,
3 and even though I'll know what you're doing, the
4 record won't be clear.

5 A. Right.

6 Q. If you want to take a break at any time, just
7 let me know that; we have an informal setting in that
8 regard. At the conclusion of the deposition, the
9 reporter will type up a transcription, you've probably
10 seen one of these before, of what is said here today.
11 That will be in written form, as opposed to the
12 shorthand notes that are being taken down now, and
13 you'll have a chance to review that, if you care to do
14 so. If you desire, you may make changes to your
15 testimony in that transcript that you'll be provided,
16 but you should be cautioned that any changes you do
17 make are subject to fair comment by any of the
18 attorneys or parties involved in the case. Do you
19 understand all that?

20 A. Yes.

21 Q. Is there any reason why your deposition
22 cannot go forward here today?

23 A. No.

24 Q. You're not under medication or infirmity that
25 would interfere with your ability to give clear and

1 competent testimony?

2 A. No.

3 Q. One other thing that I like to caution
4 witnesses about is that from time to time, the
5 questions that I ask of you may call for your best
6 estimate; if you have a best estimate, I'm entitled to
7 that. If it would require you to out and out guess in
8 response to a question, then just let me know that
9 that would call for out-and-out speculation. We don't
10 want you to do that.

11 A. Okay.

12 Q. You understand the difference between an
13 out-and-out guess, as opposed to your best estimate?

14 A. Yes.

15 Q. How are you currently employed?

16 A. I'm not employed, retired; but I am Mayor of
17 *King City.*

17 Q. Retired as of what date?

18 A. December 31, 1993.

19 Q. Is your current address at 102 River Road,
20 King City, California 93930, phone No. 408 385-6256?

21 A. That's River Drive.

22 Q. Oh, okay. But aside from that change, the
23 address and phone number that I just identified are
24 correct?

25 A. That's right.

1 Q. That's your residence?
2 A. Yes.
3 Q. Bear with me; I'd like to back up and just
4 get a little bit of background information about you,
5 and I intend to proceed quite expeditiously through
6 that. Can you tell me what your date of birth is,
7 please.
8 A. August 8, 1928.
9 Q. All right; and you graduated from high
10 school?
11 A. Yes.
12 Q. When was that?
13 A. 1946.
14 Q. And after high school, can you identify for
15 us what further formal education you have?
16 A. I received a Bachelor's of Science in
17 chemical engineering from Purdue University.
18 Q. And you obtained that degree there what year?
19 A. 1951.
20 Q. And after that, do you have any other formal
21 education?
22 A. No.
23 Q. Can you recall what your first full-time job
24 was after graduating from Purdue?
25 A. Yes.

1 Q. What was that?
2 A. Union Carbide Corporation, my employer.
3 Q. And in what year was that?
4 A. 1951.
5 Q. What was the address of your employment?
6 A. Oak Ridge, Tennessee.
7 Q. Did you have a title at that time?
8 A. I don't recall.
9 Q. Was 1951 the first employment you ever had
10 with Union Carbide?
11 A. Yes.
12 Q. And what duties did you have when you hired
13 on with Union Carbide?
14 A. Engineering responsibilities for testing
15 equipment.
16 Q. And the full name of your employment at that
17 time was Union Carbide?
18 A. Corporation, yes, Union Carbide Corporation.
19 Q. And your business activities all occurred at
20 the Oak Ridge location at the time that you hired on
21 with Union Carbide?
22 A. Yes.
23 Q. By that I mean, your duties didn't require
24 you to travel to other locations?
25 A. Not -- no, not immediately.

1 Q. And how long were you an engineer at the Oak
2 Ridge, Tennessee, location of Union Carbide?

3 MR. SUNTAG: Well, let me object to that to
4 the extent that it mischaracterizes the witness's
5 testimony. I think he said he had engineering
6 responsibility; he didn't say per se that he was an
7 engineer.

8 BY MR. WAGNER:

9 Q. Were you considered an engineer when you were
10 hired on in 1951?

11 A. Yes.

12 Q. For how long did you have those
13 responsibilities at the Oak Ridge, Tennessee,
14 location?

15 A. Till 1952.

16 Q. And what type of facility was the Oak Ridge,
17 Tennessee, location?

18 A. It was a nuclear -- it was in the nuclear
19 division of Union Carbide, and it was a gaseous
20 diffusion operation for the enrichment of uranium.

21 Q. And in 1952, how did your duties change with
22 Union Carbide?

23 A. I was transferred to Paducah, Kentucky.

24 Q. Did your duties change at all at that time?

25 A. Many of them were the same. They changed

1 during the course of my employment at Paducah.

2 Q. And what type of facility was the Paducah
3 location?

4 A. It was a similar facility, the enrichment of
5 uranium by gaseous diffusion process.

6 Q. Did you have a title at the time you
7 transferred over in 1952 to the Paducah location?

8 A. Again, I don't remember what the title was.

9 Q. And how long were you at the Paducah
10 location?

11 A. Till 1966.

12 Q. How did your duties change from 1952 through
13 1966 at that location?

14 MR. SUNTAG: At the Paducah location?

15 MR. WAGNER: Right.

16 THE WITNESS: I became a process area
17 supervisor and then responsible for chemical
18 operations, which was decontamination of equipment,
19 things like that.

20 BY MR. WAGNER:

21 Q. From 1952 to 1966, did you work for any other
22 division of Union Carbide?

23 A. No.

24 Q. Did you work at any other location other than
25 Paducah, Tennessee, from 1952 to 1966?

1 A. It was Paducah, Kentucky. No.

2 Q. And then how did your job change in 1966?

3 A. I was transferred to Niagara Falls, New York,

4 to the metals division.

5 Q. And the full name of your employer at that

6 time?

7 A. Union Carbide Corporation Metals Division.

8 Q. And what was the full name of the employer

9 back at the time you were involved with the gaseous

10 diffusion?

11 A. Union Carbide Corporation Nuclear Division.

12 Q. How long was it you were at the Niagara

13 location of the metals division?

14 A. Until 1967.

15 Q. What title or titles did you have at the

16 Niagara location?

17 A. It was called research engineer.

18 Q. And what duties did you have?

19 A. Testing and evaluating asbestos products in

20 different applications.

21 Q. Did your work require you to travel to any

22 other location of Union Carbide, and I'm just focusing

23 on the period of time '66 to '67?

24 A. I think in that time, I would have traveled

25 to King City, California.

1 Q. Aside from working at the Niagara location
2 and King City for Union Carbide from '66 to '67, would
3 you have worked at any other location of Union
4 Carbide?

5 A. I didn't work at the other location. I just
6 traveled there as part of my employment in Niagara
7 Falls.

8 Q. Would you have visited any other Union
9 Carbide locations during that period of time '66 to
10 '67?

11 A. Probably would have visited the New York
12 office of Union Carbide.

13 Q. Any other locations of Union Carbide you can
14 recall having visited from '66 to '67?

15 A. Not that I recall.

16 Q. Did your job duties with Union Carbide ever
17 require you to become involved with the mineral
18 asbestos at any time before 1966?

19 A. No.

20 Q. What specifically were your duties with
21 regard to testing and evaluating products for Union
22 Carbide at the Niagara location from '66 to '67?

23 A. One thing I remember was testing asbestos in
24 drilling fluid -- oil well drilling fluids or well
25 drilling fluids. And I was also involved with the

1 development of a chemically-modified product called
2 RG-244 while in Niagara Falls.

3 Q. And what involvement with the development of
4 that product did you have?

5 A. Set up a pilot plant to make small amounts of
6 product for testing.

7 Q. Aside from your involvement with the oil well
8 fluids that you've identified and the development of
9 RG-244, were you involved with any other products from
10 '66 to '67?

11 A. That's all I can remember.

12 Q. Can you describe what you meant by
13 chemically-altered product, referring to RG-244?

14 A. That was a -- it was eventually a patented
15 process for treating the Union Carbide asbestos fibers
16 with acetic acid and sodium silicate to effectively
17 put a silicate coating on the fibers.

18 Q. During the period of time 1966 to '67, what
19 involvement or activities would you have been involved
20 with at the King City location?

21 A. I can't remember. It would just be normal to
22 visit a plant if you were doing work for -- for them,
23 but I don't remember any specific reason for visiting
24 there.

25 Q. And what work can you recall doing for the

1 King City location?

2 A. I can't recall any specific.

3 Q. Were you, for example, developing the RG-24
4 for the King City location?

5 A. That's the reason we did the pilot plant work
6 in Niagara Falls, yes, for eventual production in King
7 city.

8 Q. And what type of facility was the King City
9 location in 1966 to '67?

10 A. That's an asbestos ore processing facility,
11 and the mine is also located near King City.

12 Q. And are these located at the same address?

13 A. No. The mine is 30 miles away from King City
14 in the mountains, San Benito Mountains.

15 Q. And where is the ore processing facility
16 located?

17 A. It's located five miles south of King City.

18 Q. And these two locations existed, to your
19 knowledge, from '66 to '67?

20 A. They existed -- I don't know what you mean.

21 Q. Strike that. To your knowledge, when did
22 Union Carbide first operate an asbestos mine in the
23 King City area?

24 A. 1963.

25 Q. And to your knowledge, when did Union Carbide

1 first operate the ore processing facility in the King
2 city area?

3 A. In 1963.

4 Q. Do you know if the mine was acquired from
5 another entity in 1963?

6 A. It wasn't acquired; it's on the Bureau of
7 Land Management land. Rights -- rights were -- were
8 taken by Union Carbide to mine the ore.

9 Q. Do you know if any mining activities of
10 asbestos had occurred at that location at any time
11 before 1963?

12 A. I think the other -- there were two other
13 operators there, JM Asbestos and Atlas Asbestos. To
14 the best of my knowledge, they preceded Union Carbide
15 in starting their mining operation.

16 Q. Do you have any information as to when JM
17 Asbestos first operated a mining site at that
18 location?

19 A. No.

20 Q. Is there an address for that mine location?

21 A. No.

22 Q. That's, to your knowledge, considered to be
23 in King City still?

24 A. No. It's in a different county, it's in San
25 Benito County. It can be located by latitude and

1 longitude, but I don't know what they are.

2 Q. Do you know when Atlas Asbestos first
3 operated a mining location at that 30-mile location
4 from King City?

5 A. No.

6 Q. Do you know if JM Asbestos and Atlas Asbestos
7 operated mines at that location at the same time?

8 A. Yes.

9 Q. They did?

10 A. Yes.

11 MR. CAINE: At the same time as Union Carbide
12 or as to each other?

13 THE WITNESS: Yes, they were operated at the
14 same time -- same time.

15 BY MR. WAGNER:

16 Q. Did they continue to operate mining
17 activities at that location after Union Carbide
18 acquired rights in 1963?

19 A. Yes.

20 Q. To your knowledge, how long did JM Asbestos
21 operate mining activities at that location after 1963?

22 A. I don't remember when they closed.

23 Q. Do you know if that was in the decade of the
24 60's?

25 A. To the best of my -- as I say, as you advise

1 me, to my -- my best estimate would be in the 70's.

2 Q. Would you be able to estimate if that would
3 be in the latter part of the 1970's that JM Asbestos
4 last operated mining activities at that location?

5 A. No.

6 Q. Do you know when Atlas Asbestos last operated
7 mining activities at that location?

8 A. Again, my best estimate would be in the 70's.

9 Q. Are you able to say whether that was the late
10 70's?

11 A. No.

12 Q. Do you know if the JM Asbestos activities,
13 mining activities at that location were ever conducted
14 under any other name?

15 A. Not to my knowledge.

16 Q. And with regard to Atlas Asbestos mining
17 activities at that location, do you know if those were
18 ever conducted under any other name?

19 A. I don't think so.

20 Q. And at that location, where in relationship
21 to the Union Carbide mining activities was the JM
22 Asbestos mining activities?

23 A. There were several miles between the two
24 operations. I'm not sure how many.

25 Q. Do you know if the JM Asbestos mining

1 activities were ever operated in a cooperative or
2 joint effort with Union Carbide?

3 A. No, they were not.

4 Q. And I have the same question with regard to
5 Atlas Asbestos, were those mining activities ever
6 operated in conjunction or cooperation with the Union
7 Carbide mining activities?

8 A. No.

9 Q. Where were the Atlas Asbestos mining
10 activities at that location compared to the Union
11 Carbide activities?

12 A. They were, again, several miles away.

13 Q. And are you aware of any other entities,
14 aside from JM Asbestos, Atlas Asbestos, and Union
15 Carbide, that had any mining activities in that area?

16 A. Asbestos mining?

17 Q. Right.

18 A. No.

19 Q. Yes, that was my understanding with regard to
20 all of these questions, that we're just focusing on
21 the asbestos mining activities. Was that your
22 understanding as well?

23 A. Not until you told me.

24 Q. Okay. When we talked about the relationship
25 geographically of the JM Asbestos, Atlas Asbestos, and

1 the Union Carbide locations, you were referring to
2 their asbestos operations?

3 A. Yes.

4 Q. Can you recall when it was that you last gave
5 a deposition?

6 A. No, I don't remember.

7 Q. Has it been more than a year?

8 A. Yes.

9 Q. Can you recall any of the parties involved in
10 that litigation?

11 A. No. I don't remember which the last one was.

12 Q. Was this a matter in which Union Carbide was
13 a party?

14 A. Yes.

15 Q. Can you give me your best estimate as to when
16 it was that your last deposition took place?

17 A. Within the last five years, I would say.

18 Q. And before that one, when was your last
19 deposition?

20 A. I don't have -- I don't remember.

21 Q. Can you give us your best estimate as to the
22 years in which each of your depositions have taken
23 place?

24 A. As far as I remember, the first one was in --
25 I think in 1980 or in the 19 -- early 1980's.

1 Q. And the next one?

2 A. I don't remember.

3 Q. Is it your best estimate from the early
4 1980's until about the last five years, you were
5 deposed six or seven times during that period of time?

6 A. Yes.

7 Q. Can you recall any of the parties to any of
8 those lawsuits in which you gave a deposition?

9 A. You mean the names of the plaintiffs?

10 Q. Any parties at all.

11 A. Union Carbide.

12 Q. In each of those in which you gave a
13 deposition, Union Carbide was a defendant, to your
14 knowledge?

15 A. Yes.

16 Q. And do you recall any of the people making a
17 claim in any of those cases?

18 A. No -- well, there was one -- let's see. No,
19 I can't remember for sure. There were employees of
20 companies, but I can't remember companies' names.

21 Q. Did those involve employees of Union Carbide?

22 A. No.

23 MR. SUNTAG: When you say involve employees
24 of Union Carbide, I take it your question was whether
25 the plaintiffs were employees of Union Carbide?

1 BY MR. WAGNER:

2 Q. To your knowledge, were any of the parties to
3 any of those matters to which you were deposed
4 employees of Union Carbide?

5 A. Not that I recall, no.

6 Q. And were you represented by counsel in each
7 of those depositions?

8 A. Yes.

9 Q. And you're represented here today by counsel;
10 is that true?

11 A. Yes.

12 Q. Were you represented by the same counsel in
13 any of those prior depositions?

14 A. No.

15 Q. Who was your attorney, or who were your
16 attorneys in any of those earlier depositions?

17 A. I don't recall any names.

18 Q. Do you recall any of the firms that were
19 involved?

20 A. Kelley, Drye & Warren.

21 Q. Your current firm that represents you. Is it
22 your understanding you're being represented here today
23 by that same firm, Kelley, Drye & Warren?

24 A. Yes.

25 Q. And that firm has represented you in the past

1 in other depositions?

2 A. Yes.

3 Q. On how many occasions?

4 A. Again, I don't recall.

5 Q. Would that have been all of them, six or
6 seven?

7 A. No, no.

8 Q. Would it have been more than one?

9 A. Maybe one or two.

10 Q. And aside from the firm of Kelley, Drye &
11 Warren, can you recall any other firms that have
12 represented you at any time in a deposition in the
13 past?

14 A. No, I can't remember.

15 Q. Do you remember any of the attorneys
16 representing any claimants in any of those matters?

17 A. No.

18 Q. Can you recall in what jurisdiction any of
19 those matters were pending?

20 A. One or two were in Texas. One was in
21 Minnesota. One was in South Carolina. I can't recall
22 others.

23 Q. In the Texas matters, where did your
24 deposition take place?

25 A. I don't remember what city.

1 Q. Was that in the State of Texas?
2 A. Yes.
3 Q. And you were deposed on two occasions in
4 Texas?
5 A. To the best of my recollection.
6 Q. And at this time, you can't recall the cities
7 where any of those depositions occurred?
8 A. No.
9 Q. Did each of those depositions take one day?
10 A. Yes. Well, yes, to the best of my
11 recollection.
12 Q. Do you have a copy of any of those
13 transcripts?
14 A. Yes.
15 Q. Do you have a copy of each of those six or
16 seven deposition transcripts?
17 A. I think I do, yes.
18 Q. And where would those be at?
19 A. In my office in King City.
20 Q. What's the address of your office?
21 A. Post Office Box K in King City.
22 Q. The ZIP code?
23 A. 93930.
24 Q. And what is the street address of your
25 business there in King City?

1 A. I think it's 52103 Cattlemen Road.

2 MS. BAKER: I'm sorry, was that Cattlemen

3 Row?

4 THE WITNESS: Cattlemen, one word, plural.

5 MS. BAKER: Like the elegant restaurant,

6 Cattlemen's?

7 THE WITNESS: I suppose. I think -- I don't

8 remember whether that's singular or plural, but the

9 road is plural.

10 BY MR. WAGNER:

11 Q. There's not too many roads in King City; is

12 that true?

13 A. No. As I say, this is five miles south.

14 It's not within the city limits.

15 Q. And have you given trial testimony at any

16 time previously?

17 A. One time.

18 Q. When was that?

19 A. I don't recall the date.

20 Q. And in what court did you testify?

21 A. The location was Little Rock, Arkansas. I

22 don't know what type of court.

23 Q. Did that involve in any way the mineral

24 asbestos?

25 A. Yes.

1 Q. And was Union Carbide a defendant in that
2 matter?

3 A. Yes.

4 Q. Would you have a copy of that trial
5 testimony?

6 A. No.

7 Q. Did you ever get a transcription of that
8 trial testimony at any time?

9 A. I don't think so, no. Not that I recall.

10 Q. And can you just give us your best estimate
11 as to the duration of that trial testimony that you
12 gave in that matter?

13 A. Probably 30 minutes.

14 Q. Do you know who the claimant was in that
15 matter?

16 A. No.

17 Q. Do you recall any of the attorneys
18 representing parties in that matter?

19 A. No.

20 Q. When you visited the New York location of
21 Union Carbide between the years '66 and '67, what was
22 the purpose of those visits?

23 MR. SUNTAG: You mean the New York City
24 location?

25 MR. WAGNER: Right.

1 THE WITNESS: I don't remember.

2 BY MR. WAGNER:

3 Q. What type of operation did Union Carbide have
4 at the New York office at that time, '66 and '67?

5 A. The New York City?

6 Q. Right.

7 A. That was Union Carbide's headquarters.

8 Q. What can you recall doing at the King City
9 location of Union Carbide during the year '66 to '67?
10 Just let us know what you did on your visits out to
11 the King City location during that period.

12 A. Well, as I said, that would have been
13 involved with -- with any research group,
14 communicating with the plant facility, and probably
15 discussing the new product RG-244.

16 Q. Can you recall any employees at Union Carbide
17 at the King City location that you had any contact
18 with back in '66 to '67?

19 A. Yes.

20 Q. And can you identify those individuals for
21 us?

22 A. The plant manager was John Riddle.

23 Q. R-i-d-d-l-e?

24 A. Right. And there was an L.F. Crow, C-r-o-w,
25 R.J. Khronkyte, K -- let's see, K-h-r-o-n-k-y-t-e, I

1 believe. That's all I can recall.

2 Q. Can you recall what title or duties L.F.
3 Crow had at that time?

4 A. He was production superintendent.

5 Q. And was that at the ore processing location?

6 A. Yes.

7 Q. And John Riddle was plant manager at the ore
8 processing location?

9 A. Yes.

10 Q. And what title or duties did R.J. Khronkyte
11 have at that time, '66 to '67?

12 A. I don't recall; don't recall.

13 Q. To your knowledge, was he working at the ore
14 processing location?

15 A. Yes.

16 Q. Can you recall visiting the mine at Union
17 Carbide at any time during '66 to '67?

18 A. No.

19 Q. Do you know the whereabouts of John Riddle at
20 present?

21 A. No, I don't.

22 Q. Is he still employed with Union Carbide?

23 A. No.

24 Q. When you last had any information as to his
25 whereabouts, where was he?

1 A. San Francisco.

2 Q. Do you know if he's still employed?

3 A. No, I don't.

4 Q. When did he leave Union Carbide?

5 A. I don't know.

6 Q. Are you able to recall whether that was in

7 the decade of the 1990's?

8 A. No, it was not in 1990's.

9 Q. It was before that?

10 A. Before 1990, yes.

11 Q. Can you give us your best estimate as to when

12 you believe he left Union Carbide?

13 A. Other than to say that it was probably in the

14 1970's. I'd say mid to late 1970's.

15 Q. During what period of time, to your

16 knowledge, was John Riddle the plant manager of the

17 ore processing location of Union Carbide in King City?

18 A. I think from 1963 to whenever he left.

19 Q. Do you know his middle name?

20 A. No.

21 Q. Do you know how old he would be at present?

22 A. No. I would say late 60's or early 70's.

23 Q. Would you have his address or phone number

24 back at home or at your office?

25 A. No.

1 Q. Would you have it anywhere else?

2 A. No.

3 Q. During what period of time, to your

4 knowledge, was L.F. Crow production superintendent at

5 the ore processing location of Union Carbide in King

6 City?

7 A. I -- I don't know whether he was -- I don't

8 know whether he was the production superintendent in

9 '63 or later.

10 Q. How long did he continue in that capacity, to

11 your knowledge?

12 A. I can't remember.

13 Q. Would that have been beyond the tenure of

14 John Riddle?

15 A. Probably that would be in the same ballpark

16 as far as time.

17 Q. Do you know what his full first name is?

18 A. I think his first name is Leroy.

19 Q. And his middle name?

20 A. No.

21 Q. When did he leave Union Carbide?

22 A. As I said, I think in the 70's, but I don't

23 know for sure.

24 Q. Do you know his whereabouts?

25 A. Not specifically.

1 Q. Do you have any information concerning his
2 whereabouts?

3 A. The last I heard is Colorado. I don't know
4 where.

5 Q. You wouldn't know what city in Colorado?

6 A. No.

7 Q. When was it you heard he was in Colorado?

8 A. When he left King City, he went to Colorado
9 -- Durango, I think that's the name of it, the last I
10 heard, and that would have been 10 years ago,
11 probably.

12 Q. Would you have his address or phone number
13 anywhere?

14 A. No.

15 Q. And R.G. Khronkyte, do you know his
16 whereabouts?

17 A. Deceased.

18 Q. After 1967, did your job title or duties
19 change with Union Carbide?

20 A. Yes.

21 Q. And can you describe for us how those
22 changed.

23 A. I was transferred to the plant in King City.

24 Q. When did that occur?

25 A. 1967.

1 Q. What was your title at the time of the
2 transfer?

3 A. Technical superintendent of the milling
4 operation.

5 Q. And how long did you have that title?

6 A. Till 1970.

7 Q. And what specifically were your duties during
8 that period of time, '67 to '70?

9 A. I was responsible for starting the production
10 of the RG-244 product, responsible for quality control
11 of the overall plant operation and the staff person to
12 the plant manager.

13 Q. Who was John Riddle?

14 A. Yes.

15 Q. He was your direct superior at that time,
16 then?

17 A. Yes.

18 Q. Did your job duties from '67 to 1970 require
19 you to visit the mining operation of Union Carbide in
20 the King City area?

21 A. They didn't require me, but I think I did
22 visit the mine on a few occasions.

23 Q. During that period of time, '67 to '70, it's
24 your best estimate that you were there on a few
25 occasions?

1 A. A few, yes.

2 Q. Can you recall any of the Union Carbide
3 employees at that location during that period of time?

4 A. Well, the mine and the mill are all -- all
5 the employees are located at the mill. During -- we
6 don't mine as a regular -- didn't mine as a regular
7 year-round activity. The mine superintendent at that
8 time was -- as I remember, W.T. Cohan.

9 Q. Do you know his whereabouts?

10 A. No.

11 Q. Do you know when he last worked for Union
12 Carbide?

13 A. No.

14 Q. Do you know if he was there beyond the tenure
15 of John Riddle?

16 A. No, I don't remember.

17 Q. When you last had any information as to his
18 whereabouts, where was he?

19 A. I don't know that.

20 Q. Do you know if he's still in the State of
21 California?

22 A. No, I don't know.

23 Q. You wouldn't have his address or phone number
24 anywhere?

25 A. No.

1 Q. You indicated that the mining operation
2 didn't operate year-round during that period of time,
3 '67 to '70?

4 A. Right.

5 Q. Do you have any understanding as to what
6 schedule the mine did keep during that period of time?

7 A. The mining was conducted in dry months, for
8 example from April to October, but not every year. I
9 don't recall what years it operated during that
10 three-year period.

11 Q. And was that the schedule from '63 to '67, to
12 your knowledge, as well?

13 A. It was intermittent mining, yes.

14 Q. Did you work throughout the ore processing
15 location at the King City location of Union Carbide
16 from '67 to '70?

17 A. What do you mean?

18 Q. You worked throughout that whole facility at
19 that time, '67 to '70?

20 A. Yes, yes.

21 Q. And you identified a milling operation that
22 occurred there. Were there other operations as well?
23 And I'm focusing on '67 to '70, when you were there.

24 A. Support operations like maintenance and
25 laboratory, but that was the only process that took

1 place there was the milling of the asbestos ore.

2 Q. What responsibilities did you have with
3 regard to the milling of the asbestos ore, and I'm
4 excluding reference to your involvement with the
5 product RG-244?

6 MR. SUNTAG: What time period?

7 MR. WAGNER: '67 to '70.

8 THE WITNESS: Again the -- as I stated
9 before, the quality control, responsible for the
10 laboratory.

11 BY MR. WAGNER:

12 Q. And in 1970, did your title or duties change
13 with Union Carbide?

14 A. Yes.

15 Q. How did those change?

16 A. I was transferred back to Niagara Falls as
17 marketing manager for asbestos products.

18 Q. That occurred in 1970?

19 A. Yes.

20 Q. And how long were you marketing manager for
21 asbestos products?

22 A. Till 1981.

23 Q. And can you just describe for us what your
24 duties were during that period of time, '70 to '81?

25 A. To market asbestos to customers, you know,

1 managing sales personnel.

2 Q. During the period of time, '70 to '81, did
3 you only have an office location at the Niagara Falls
4 location of Union Carbide?

5 A. Yes.

6 Q. And who was your superior when you were
7 marketing manager during that period of time?

8 MR. SUNTAG: You mean his immediate
9 supervisor?

10 MR. WAGNER: Right.

11 THE WITNESS: As I recall, it was -- well,
12 I'm not sure whether it was the whole period, but W.C.
13 Thurber, T-h-u-r-b-e-r.

14 BY MR. WAGNER:

15 Q. Can you recall any other direct superiors you
16 had during that period of time?

17 A. Yes, a fellow named George Adams. I can't
18 recall any other direct supervisors.

19 Q. Do you know W.C. Thurber's whereabouts?

20 A. No, not exactly, no.

21 Q. Do you have any information as to his
22 whereabouts at present?

23 A. The last I heard, he was in Maryland.

24 Q. What city?

25 A. I don't know.

1 Q. And when was that?
2 A. Probably five years ago.
3 Q. Would you have his address or phone number?
4 A. No.
5 Q. Do you know what his full first name is?
6 A. William.
7 Q. And his middle name?
8 A. No.
9 Q. And do you know George Adams's whereabouts?
10 A. No.
11 Q. Do you have any information as to his
12 whereabouts?
13 A. No.
14 Q. Is he still employed with Union Carbide?
15 A. Not to my knowledge.
16 Q. When you last had any information as to his
17 whereabouts, do you know in what city he resided?
18 A. He was in Pittsburgh, Pennsylvania.
19 Q. And how long ago was that?
20 A. Probably 15 years.
21 Q. Do you have any information that he's moved
22 from there?
23 A. I have no knowledge.
24 Q. When you were a marketing manager for
25 asbestos products, were you responsible for a defined

1 geographical area?

2 A. I was marketing manager for wherever the
3 products were sold, North America and the rest of the
4 world.

5 Q. And that was true throughout the period of
6 time 1970 through 1981?

7 A. Yes -- well, let me see, wait. We may have
8 handled exports through -- through someone in Union
9 Carbide's international division for some period of
10 time. I can't recall any specifics on that length of
11 time.

12 Q. That would have been exports to any other
13 country?

14 A. Yes.

15 Q. Do you know who that individual was?

16 A. There was one person involved that I
17 remember, Manual Ballmer.

18 Q. Do you know his whereabouts?

19 A. No.

20 Q. B-a-l-m-e-r?

21 A. I think it had two L's.

22 Q. And where was he located when you last had
23 any information about his whereabouts?

24 A. In the Union Carbide New York office.

25 Q. The headquarters?

1 A. Yes.

2 Q. How long ago was that?

3 A. At least 20 years.

4 (Recess.)

5 BY MR. WAGNER:

6 Q. Sir, when you were the marketing manager for
7 asbestos products of Union Carbide from 1970 to 1981,
8 did you indicate that you supervised the sales
9 personnel involved with sales of Union Carbide
10 asbestos products?

11 A. Yes.

12 Q. And were you responsible for the entire sales
13 force for Union Carbide asbestos products?

14 A. Yes. There was a period, and I can't
15 remember the dates, when the part of the sales force
16 was under the chemicals and plastics division, and we
17 were utilizing part of their time for -- for sales
18 efforts, and then I had a -- people working under me
19 directly handling only asbestos sales.

20 Q. From '67 through '81, you were still an
21 employee of the metals division of Union Carbide
22 Corporation?

23 A. '67 -- '67 -- yes, I think that's correct. I
24 have a hard time remembering exactly when the
25 chemicals and plastics was involved. At least a large

1 portion -- most of that time period was under the
2 metals division.

3 Q. From 1967 to 1970, when you were out at the
4 King City location, what was the full name of your
5 employer at that time?

6 A. Union Carbide Corporation, and I think Metals
7 Division.

8 Q. Okay.

9 A. As I said, there were times when it may have
10 been -- a time when it may have been chemicals and
11 plastics.

12 Q. A time during '67 through 1970 that it might
13 have been part of the chemicals and plastics division?

14 A. Yes.

15 Q. And then from 1970 to 1981, what was the full
16 name of your employer?

17 A. That was Union Carbide Corporation Metals
18 Division.

19 Q. And during that period of time, 1970 to 1981,
20 do you believe at any time that the handling of any
21 asbestos products sales occurred through the chemical
22 and plastics division?

23 A. Yes.

24 Q. And during what period of time did that
25 occur?

1 A. That's what I say I can't remember. The
2 early 70's would be as clear as -- as near -- we used
3 chemicals and plastics salespeople on a part-time
4 basis for asbestos sales.

5 Q. And aside from that part-time basis, in the
6 early 1970's, all other sales of Union Carbide
7 asbestos products were handled through the metals
8 division?

9 A. Correct.

10 Q. Over which you were responsible?

11 A. Yes. At least for the domestic -- as I say,
12 there was a time also when we were utilizing the Union
13 Carbide International Division for non-U.S. sales, but
14 I don't remember the length of time.

15 Q. That was under the supervision of
16 Mr. Ballmer?

17 A. To the best of my recollection, yes.

18 Q. Do you know if that was in the early 1970's?

19 A. Yes.

20 Q. Can you recall how many sales employees for
21 Union Carbide's asbestos products reported to you
22 during that period of time, '70 to '81?

23 MR. SUNTAG: You mean a total cumulative
24 number for the 11 years?

25 BY MR. WAGNER:

1 Q. Yes, if you can give us just your best
2 estimate in that regard. How many sales employees?

3 A. Probably around six or seven.

4 Q. And that was throughout that entire period of
5 the 11 years?

6 A. Yes. It would vary, but it would be in that
7 ballpark.

8 Q. Can you recall the names of any of those
9 individuals?

10 A. Yes.

11 Q. Did they have responsibility for defined
12 geographical areas?

13 A. At some point in time. At different times,
14 they had different responsibilities.

15 Q. What were the geographical areas for which
16 there was sales responsibility assigned for asbestos
17 products?

18 A. As I recall, we had a -- let's see. At one
19 point, we had a western area, southeastern,
20 northeastern, and midwest, as I recall.

21 Q. And what is your best estimate as to when
22 those geographical sales regions existed with regard
23 to asbestos products?

24 A. I would say for a majority of the 1970's.

25 Q. Can you give us your best estimate as to what

1 the boundaries were for the western area as far as
2 sale of Union Carbide asbestos products?

3 A. I think the western area would have been
4 primarily west of the Rockies.

5 Q. Okay; and you indicated that's primarily what
6 it was. What other area would that have involved?

7 A. Hawaii maybe, unless you consider that west
8 of the Rockies. I can't recall the states
9 specifically. It was primarily California, Oregon,
10 and Washington.

11 Q. And the southeastern geographical area for
12 asbestos sales, what did that encompass?

13 A. It would normally be considered the
14 southeastern U.S., Florida, Georgia, South Carolina,
15 the Carolinas.

16 Q. And the midwest area?

17 A. Would be, again, the typical midwest,
18 Illinois, Indiana, Iowa.

19 Q. Would there be anything east of the Rockies
20 until a cutoff point?

21 A. It wasn't that specifically designed or
22 outlined.

23 Q. Would there be overlap, then, as far as sales
24 responsibilities for those geographical areas?

25 A. No, not really.

1 Q. And lastly, what would be involved with the
2 northeastern area?

3 A. The New England states down to probably
4 Maryland. I don't remember which group Maryland was
5 in.

6 Q. And throughout the 1970's, would every state
7 of the United States have fallen into one of these
8 categories?

9 A. Yes.

10 Q. What sales employees for asbestos products
11 can you recall Union Carbide having that covered the
12 western area of the United States?

13 MR. SUNTAG: Same time period, '70 through
14 '81?

15 MR. WAGNER: Right.

16 THE WITNESS: I can't recall for sure. I
17 think -- again, at one point the country -- or the
18 U.S. was divided basically in half, with two -- two
19 supervisors under me, and I think Mr. R.E. Byrne had
20 the western half of the U.S.

21 BY MR. WAGNER:

22 Q. And during what time period are we talking
23 about?

24 A. During that time period. I really can't be
25 more specific, can't remember any more specifics.

1 Mr. T.P. Norris at some point was responsible for the
2 West. I can't remember the dates of that. Probably
3 the late 70's.

4 Q. And you had supervisors for the eastern
5 portion of the United States as well?

6 A. Yes. H.B. Rhodes at one point had the
7 eastern part of the U.S., at one point during that
8 time period, and Mr. G.L. Dickson.

9 Q. Do you know the whereabouts of any of the
10 other supervisors that reported to you when you were
11 manager of marketing for asbestos products of Union
12 Carbide from '70 to '81?

13 A. Other than the people I've named?

14 Q. Yes.

15 A. Do I know the whereabouts?

16 Q. Yes.

17 A. I don't know what -- not the names.

18 Q. Well, were there any other supervisors that
19 reported to you during that period of time?

20 A. J.E. Walsh was Southeast, and the names of
21 the chemicals and plastics salespeople that
22 represented us, I can't recall any of those. They
23 were -- they had specific customer assignments as well
24 as geographic assignments.

25 Q. What would the customer assignments typically

1 have been for the chemicals and plastics division?

2 A. Most of them were in the paper industry or
3 the floor tile industry, as I recall.

4 Q. Any other industries that you can recall that
5 the chemicals and plastics division employees would
6 have been involved with asbestos sales?

7 A. Perhaps the acoustical ceiling board, ceiling
8 tile, and this was a short -- relatively short period
9 after I became marketing manager in 1970.

10 Q. And you can't recall the names of any
11 supervisors or sales employees of the chemical and
12 plastic division involved with asbestos of Union
13 Carbide products?

14 A. No, I can't.

15 Q. And aside from Mr. Byrne, Mr. ^N Morris,
16 Mr. Rhodes, Mr. Dickson, and Mr. Walsh, you can't
17 recall any other supervisors that reported to you when
18 you were manager of marketing asbestos products for
19 Union Carbide from '70 to '81?

20 A. Mr. Ingalls, Mr. Kleber. I can't recall any
21 others.

22 Q. What is Mr. Byrne's full name?

23 A. Robert E.

24 Q. You don't know what the "E" stands for?

25 A. No.

1 Q. Do you know his whereabouts?
2 A. The last I knew, he was in Paw Paw, Michigan.
3 Q. How long ago was that?
4 A. At least five years.
5 Q. And Mr. Norris's full name, do you know what
6 that was?
7 A. Thomas P. I don't know the initial.
8 Q. Do you know his whereabouts?
9 A. In California, Southern California. I don't
10 know the address.
11 Q. Do you know what city?
12 A. No.
13 Q. Do you have his address or phone number
14 anywhere?
15 A. No, I don't have.
16 Q. Is that in the Los Angeles area?
17 A. Southern -- south of Los Angeles.
18 Q. Orange County?
19 A. I think in Orange County. I can't remember
20 the town.
21 Q. Is he retired?
22 A. He's not with Union Carbide. I don't know
23 what he's doing.
24 Q. Do you know if he's currently employed?
25 A. No, I don't.

1 Q. Do you know Mr. Rhodes's full name?
2 A. Harrison B.
3 Q. And do you know his whereabouts?
4 A. Grand Junction, Colorado.
5 Q. What's Mr. Dickson's full name?
6 A. Gordon Lionel.
7 Q. And where is he at?
8 A. He's deceased.
9 Q. What's Mr. Walsh's full name?
10 A. John E.
11 Q. And I imagine you know my next question:
12 Where is he at?
13 A. Atlanta, Georgia.
14 Q. Do you have his address or phone number?
15 A. Yes, I do have.
16 Q. Would that be back at the office?
17 A. Yes.
18 Q. The city is definitely Atlanta, Georgia?
19 A. Well, no, it's one of the suburbs. I can't
20 recall the name of the suburb.
21 Q. What's Mr. Ingalls's first name?
22 A. Blair.
23 Q. And where is he located?
24 A. He's in Lewiston. He's located in Lewiston,
25 New York.

1 Q. What's Mr. Kleber's first name?
2 A. Ed, Edward.
3 Q. And where is he at?
4 A. In San Francisco.
5 Q. Do you have his address or phone number?
6 A. Yes.
7 Q. Back at the office?
8 A. Yes.
9 Q. Does he live right in the City of San
10 Francisco?
11 A. No.
12 Q. What city does he live in?
13 A. I don't know.
14 Q. Is he employed?
15 A. Yes.
16 Q. Where does he work?
17 A. At the Connell Brothers Company,
18 Incorporated, in San Francisco.
19 Q. Can you recall the names of any other
20 employees of Union Carbide that would have been
21 involved in any way in the sale of asbestos products
22 during that period of time, '70 to '81, in the western
23 United States?
24 A. I can't think of any others.
25 Q. Be they supervisors or regular salesmen?

1 A. No.

2 Q. When you were manager of marketing, would you
3 become involved in the day-to-day sales activities for
4 the asbestos products?

5 A. Yes.

6 Q. And what specifically would your involvement
7 be with the actual sales of the asbestos products? I
8 just want to get an idea of what duties you
9 specifically had on a typical day with regard to sale
10 of asbestos products during that period of time.

11 A. Probably discussing with salesmen the -- how
12 they were doing with sales, which companies were
13 buying or which companies they were calling on to try
14 to get them to use Calidria asbestos; that's the trade
15 name ^{for} Union Carbide's asbestos.

16 Q. Now, when you were manager of marketing for
17 asbestos products, were you involved with all types of
18 Union Carbide's asbestos products from '70 to '81?

19 A. Yes.

20 Q. And with what types of products were those
21 during that period of time?

22 A. They were all the same basic product, short
23 fiber chrysotile asbestos with various names,
24 depending on the purity of the final product, such as
25 standard grade. Is that what you mean? Does that

1 answer your question?

2 MR. WAGNER: Let's mark this as Exhibit C.

3 (Document referred to marked
4 for iden. Exhibit No. C.)

5 BY MR. WAGNER:

6 Q. Let me just ask you, sir, we went ahead and
7 marked this Exhibit C, a single-page document. Can
8 you tell us what that is?

9 A. It's a notice -- looks like a notice from
10 Mr. Byrne to the -- to Union Carbide employees
11 announcing a price increase in the carload pricing for
12 asbestos.

13 Q. And does your name appear on that document?

14 A. Yes.

15 Q. There's a couple of other names here, some of
16 which I believe we've discussed. The first name,
17 Dickson, is that an individual that we just discussed?

18 A. Yes.

19 Q. And the next one, do you recognize that name?

20 A. Yes.

21 Q. Grogan, who is that individual?

22 A. She was employed in the King City plant as
23 customer service. She took orders and arranged
24 shipments.

25 Q. And what's her full name?

1 A. Linda Jo Grogan.
2 Q. Is she still employed with Union Carbide?
3 A. No.
4 Q. Do you know where she works?
5 A. Yes.
6 Q. What is that?
7 A. In San Francisco.
8 Q. For what company?
9 A. For Connell Brothers Company.
10 Q. Do you know where she resides?
11 A. In the San Francisco area. I don't know
12 which city.
13 Q. Would you have her address or phone number
14 somewhere?
15 A. Yes.
16 Q. The next name, do you recognize that?
17 A. Kleber, we've discussed him, yes.
18 Q. The next one, Norris?
19 A. Norris, we've discussed him.
20 Q. And Walsh?
21 A. Yes, we've discussed him.
22 Q. And the other one is Shortridge?
23 A. E.W. Shortridge, he was the plant manager
24 probably at that time, the King City plant manager.
25 Q. Of the ore processing facility?

1 A. Yes.

2 Q. Do you know how long he was the plant manager
3 at that location?

4 A. I think about three years.

5 Q. And do you know his whereabouts?

6 A. The last I heard, he was in Grand Junction,
7 Colorado.

8 Q. Is he working there?

9 A. I don't know.

10 Q. Do you recognize the product types listed on
11 this Exhibit C?

12 A. Yes.

13 Q. And are those product types that -- for which
14 you were marketing manager for sales from '70 to '81?

15 A. Yes.

16 MR. SUNTAG: Eric, I noticed that some of
17 them are crossed off.

18 MR. WAGNER: I didn't do that. I don't know
19 why.

20 Q. Do you recall getting a copy of this document
21 at any time?

22 A. I don't specifically recall it, but yes, I'm
23 sure I did.

24 Q. Would you have any information as to why
25 certain of those items would be crossed off?

1 A. No.

2 Q. Can you just generally describe for us what
3 each of these products are.

4 A. SG-103 and SG-104 are what we call standard
5 grade asbestos products in a pelletized form. SG-130
6 and SG-144 are the same product except in a -- what we
7 would call open fiber form. SG-200 was a pelletized
8 form of what we call super standard grade. And SG-210
9 is the open fiber form of that product. HPP is "high
10 purity pellets," again a little bit higher process
11 form of Calidria asbestos.

12 Q. Can you describe for us what you mean by
13 pelletized.

14 A. Yes, the -- all of the plant production --
15 the ore processing facility production comes out in a
16 dried form as a pellet about a half-an-inch long and a
17 quarter inch in diameter compressed asbestos fibers.

18 Q. That's the end product of the mill process?

19 A. That's the end product, unless there's going
20 to be further processing to grind that into an open
21 fiber product.

22 Q. And that's what you refer to when you
23 identified the fiber types that were open form?

24 A. Yes.

25 Q. I interrupted. Go ahead and continue with

1 the list. What's the next?

2 A. The HPO, high purity open, is the open form
3 of the high purity pellet. You want to go to the
4 crossed-out ones?

5 Q. Yes.

6 A. CG-135-P is a pelletized titan^a~~x~~ted asbestos
7 fiber.

8 Q. And what is titan^a~~x~~ted?

9 A. It's where TIO-2 was mixed with the asbestos
10 fibers during the production, and RG-100 was a
11 pelletized form of a -- the highest grade of asbestos
12 that's produced at the facility.

13 Q. What does the "RG" refer to?

14 A. Resin grade. RG-110 is an open fiber form of
15 standard grade 200. RG-144 is an open fiber form of
16 RG-100. RG-244 is the chemically-modified fiber
17 Visbestos.

18 Q. And what is that?

19 A. Which is a -- would be very similar to
20 SG-144. But these were trade names for another -- for
21 a distributor. "CSV" is crushed super Visbestos,
22 which is a crushed pellet form of standard grade 200.
23 "SHUR" is Shurlift, which is identical to Visbestos.

24 Q. And you indicated these are trade names?

25 A. The bottom three are -- yes, trademark names.

1 Q. And did you indicate that they pertained to a
2 particular distributor?

3 A. Yes.

4 Q. And which distributors would pertain to those
5 products?

6 A. Montello, Incorporated.

7 Q. That would be the exclusive distributor for
8 those three bottom types?

9 A. Yes.

10 Q. Were they the distributor of any of the other
11 types?

12 A. No.

13 Q. Where is that company located?

14 MR. MOPPIN: Can we be a little more
15 specific? We don't have the document in front of us,
16 and it's hard to follow along with the numbers and put
17 everything together.

18 BY MR. WAGNER:

19 Q. Can you identify for us the location of
20 Montello?

21 A. Tulsa, Oklahoma.

22 Q. And for what time were they the exclusive
23 distributor of those types?

24 MR. MOPPIN: Oh, vague and ambiguous.

25 THE WITNESS: I don't recall exactly the time

1 period.

2 BY MR. WAGNER:

3 Q. Can you identify which times listed there
4 that they would be the exclusive distributor for --

5 A. The bottom three?

6 Q. Yes. Just go ahead.

7 A. Visbestos and Super Visbestos and Shurlift.

8 Q. Are you able to give us your best estimate as
9 to when that entity was the exclusive distributor of
10 those products?

11 A. Best estimate would be mid-70's to early or
12 mid-80's.

13 Q. And would they be the exclusive distributor
14 in a defined geographical area?

15 A. Yes.

16 Q. What area would that be?

17 A. The United States -- well, no, let's see.
18 No, they were exclusive worldwide.

19 Q. Were those grades manufactured at any other
20 time?

21 MR. CAINE: At any other time what?

22 BY MR. WAGNER:

23 Q. At any other time, other than when Montello
24 was the exclusive distributor?

25 A. No.

1 Q. When were those grades last made?
2 A. I don't remember.
3 Q. Was it when Montello was last exclusive
4 distributor?
5 A. Yes. It would be in the early 80's.
6 Q. Are you able to tell, just based upon the
7 grade type there, what applications these would have?
8 A. Yes.
9 Q. And can you tell us what each application
10 would be?
11 A. Starting at the top?
12 Q. Right.
13 A. Standard grade 103 and 104 were used in floor
14 tile, vinyl asbestos floor tile. Standard grade 130
15 was used in the coatings and tape joint compounds.
16 Standard grade 144 was used in floor tile. Standard
17 grade 200, very limited in rubber compounds. Standard
18 grade 210 was used in tape joint compounds and --
19 primarily tape joint compounds.
20 Q. Anything else?
21 A. No. High purity pellets were used in the
22 paper industry.
23 Q. Which is "HPP" on this?
24 A. ~~"HPP"~~ "HPP"
25 MR. PENROSE: In what industry?

1 THE WITNESS: The paper industry. HPO was
2 used in -- I'm sorry, HPP was used in the paper
3 industry and then in the acoustical ceiling tile. HPO
4 was used in the coatings such as roof coatings.

5 RG-100 --

6 BY MR. WAGNER:

7 Q. Would HPO also be used in the tape industry?

8 A. No.

9 MR. VALEN: Objection, vague and ambiguous.

10 BY MR. WAGNER:

11 Q. It wouldn't be appropriate for tape joint?

12 A. I don't --

13 MR. SUNTAG: Objection to the extent it calls
14 for testimony that this witness is not qualified to
15 render.

16 MR. CAINE: Also asked and answered.

17 BY MR. WAGNER:

18 Q. Okay; strike that question then. The next
19 one is --

20 A. CG-135-P was used in the coatings ~~in the~~
21 industry, paint compounds.

22 Q. What does the "CG" stand for?

23 A. Coatings grade, and "P" indicates it was
24 pellets.

25 Q. Okay; the next?

1 A. RG-100, I can't recall that we had any
2 commercial sales of that. RG-110 was used in
3 automobile undercoatings. RG-144 was used primarily
4 in epoxy resins and other resin systems. RG-244 was
5 used in polyester resins and other resin systems. The
6 last three, Visbestos, Super Visbestos, and Shurlift,
7 were used in the well-drilling industry.

8 Q. When you identified tape joint as an
9 application of some of these grades, what specifically
10 were you referring to in that regard?

11 A. It's the compound used between gypsum boards
12 for -- to -- which are used in the walls of homes.
13 The tape joint compound is used to fill the cracks in
14 between the sheetrock.

15 Q. Do you know if that fiber type SG-103 would
16 be appropriate for use in manufacture of wall board?

17 A. SG-103?

18 Q. 130.

19 A. Oh, 130. No. That was used in coat-textured
20 coatings, and no, nothing was used in wall board.

21 Q. What type of textured coatings are you
22 referring to with regard to SG-130?

23 A. Water-based.

24 Q. And what type of textured coatings that were
25 water-based are you referring to?

1 A. I don't have any other information than that.

2 Q. Do you have any understanding as to the
3 application of those textured water-base coatings that
4 the SG-130 would be appropriate for use in?

5 A. Well, used in a home for -- it's a coating
6 that has a texture to it.

7 Q. But you're distinguishing that from tape
8 joint; is that true?

9 A. Yes.

10 Q. And can you explain that; how is it
11 different?

12 A. Well, a tape joint compound is not -- it's
13 not something that you see when you walk into a home.
14 It's part of a sealing process between the -- the
15 sheetrock.

16 Q. And the textured coating?

17 A. The textured coating is the final coating on
18 a surface.

19 Q. A wall or a ceiling?

20 A. Yes.

21 Q. And you also identified rubber compounds as
22 an appropriate application for the SG-200?

23 A. Yes. That was -- was never very successful.
24 The -- again, I don't -- the amount of sales would
25 have been very limited.

1 Q. Can you just explain for us, generally
2 speaking, what application you're referring to when
3 you identify rubber compounds?

4 A. Not too specifically. It was used -- it was
5 intended to be used as a filler in rubber compounds.

6 Q. What do you mean by the term?

7 A. To add some strength.

8 Q. What do you mean by the term "rubber
9 compounds"?

10 A. Well, natural rubber or SBR, I think it was
11 styrene butadiene rubber; I don't know much about the
12 rubber industry at all.

13 Q. Are you referring to a gasketing type
14 material?

15 A. I don't know what they used it in.

16 Q. Okay; and you also identified paper as being
17 an appropriate application for one or more of these
18 grades. What specifically were you referring to with
19 regard to the term "paper"?

20 A. For production of -- of bond paper, the HPP
21 was used as a pitch control agent.

22 Q. And that's what you're referring to with
23 regard to paper?

24 A. Yes.

25 Q. And that would be used in the manufacturing

1 process, to your understanding, to control pitch?

2 A. Yes.

3 Q. You indicated coatings would be an
4 appropriate application of the HPO.

5 A. Yes.

6 Q. What type of coatings were you referring to
7 in that regard?

8 A. Again, I think it was mainly water-based
9 coatings, coal tar coatings. I can't remember any
10 other names or types of materials that it would be
11 used in.

12 Q. Was the RG-100 the only grade listed here on
13 this Exhibit C that you cannot recall any commercial
14 sales for?

15 A. Yes. And we may have had some sales, but I
16 can't recall specifically. It was not a very
17 successful product.

18 Q. And then the RG-144, you indicated, would be
19 appropriately used for epoxy systems?

20 A. Yes.

21 Q. And can you just generally describe for us
22 what you're referring to in that regard?

23 A. You mean how was it used?

24 Q. The product type that you're referring to
25 when you use that terminology "epoxy."

1 A. Again, I wasn't in that end of the industry.
2 The RG-144 was marketed as a thixotropic agent,
3 viscosity control agent for epoxy and other resin
4 systems.

5 Q. And you said you're not -- you were not
6 involved in that end of the business. What did you
7 mean by that?

8 A. No, no. I'm not involved in the epoxy
9 business.

10 Q. You mean in the applications?

11 A. Yes. I don't know anything about the types
12 of epoxy resins or any details about the other resin
13 systems in which it was used.

14 Q. You wouldn't have any information as to the
15 application of the RG-144 by any of the customers of
16 Union Carbide?

17 A. Well, as I say, the application was as a
18 viscosity control agent in these resin systems, you
19 know, and I would know that the customer would mix the
20 RG-144 with the resins to give them the properties
21 they wanted.

22 Q. And would that be true with the RG-244?

23 A. Yes.

24 Q. Do you know if the RG-144 and the RG-244
25 would have any application in the aerospace industry?

1 A. I don't know if they used the resins in which
2 it was applied. It's possible, yes.

3 Q. Are you aware of any other grades listed here
4 that would have any application in the aerospace
5 industry?

6 A. Well, I'm not sure that 144 and 244 did
7 because I am -- that's down the line from where -- in
8 the customer chain. But no, I don't know of any
9 others that would -- we did not promote any of these
10 other products for use in resin systems.

11 Q. Were each of these grades manufactured by
12 Union Carbide?

13 A. Yes.

14 Q. And the manufacturing of each of these grades
15 involved a milling process?

16 A. Yes.

17 Q. Did it also involve introduction of any other
18 material with asbestos fiber to create these grades?

19 A. Well, as I stated, the CG-135-P contains
20 titanium dioxide, and the RG-244 was chemically
21 treated to provide a silica surface on the fibers.

22 Q. Except for those two items on Exhibit G, were
23 any of the other grades listed there chemically
24 treated by Union Carbide in the manufacturing process?

25 A. No. I think you meant Exhibit C.

1 Q. Yes.

2 A. I thought you said "G."

3 Q. "C." I probably mumbled.

4 Do you recognize these fiber grades on
5 Exhibit C as fiber grades all of which were
6 manufactured at the King City location?

7 A. Yes.

8 Q. To your knowledge, were they manufactured at
9 any other location of Union Carbide at any time?

10 A. No.

11 Q. During what period of time were these grade
12 types listed on Exhibit C manufactured at the King
13 City location of Union Carbide?

14 MR. SUNTAG: Objection to the extent it's a
15 compound question, because there are many different
16 grades listed.

17 MR. WAGNER: We can go grade by grade.
18 Strike that question.

19 Q. With regard to the first grade listed here on
20 Exhibit C that we just discussed, can you tell us
21 during what time period the Union Carbide facility in
22 King City manufactured that grade?

23 A. It might be easier for me to explain a little
24 bit.

25 Q. Sure. Whatever you need to do to make it

1 clear.

2 A. SG-100, which is not listed, SG-102, which is
3 not listed, SG-103 and SG-104 were all exactly the
4 same product in different packaging.

5 Q. Those four that you just listed, 100, 102,
6 103, and 104 were identical?

7 A. Materialwise, they were identical. They were
8 in different packaging. And they were manufactured
9 from -- that form of asbestos was manufactured from
10 probably 1963 or '64 through whatever time period
11 we've been discussing.

12 Q. To the present?

13 A. Yes. Again, that product, not -- not by
14 these names is what I'm trying to distinguish. And
15 I'm sorry, it's not manufactured at the present time,
16 no.

17 Q. When was it --

18 A. I don't think so.

19 Q. When was that, to your knowledge, last
20 manufactured?

21 A. Probably in the -- oh, in the mid -- the
22 early to mid-80's.

23 Q. And throughout that period of time, those
24 SG-100, 102, 103, and 104 products were made in the
25 King City location of Union Carbide?

1 A. Yes.

2 Q. Okay; and if we could continue then with the
3 list.

4 A. SG-130, I -- I really don't know when they
5 were -- when it was started and stopped.

6 Q. Can you give us your best estimate.

7 A. The best estimate for SG-130 would be
8 starting in the early 1970's and probably ending by
9 the late 70's. SG-144 had a very limited time of
10 production, probably a couple of years in the
11 mid-70's. SG-200 was, as I said, a -- I can't
12 remember any sales or when it was. It was very
13 limited production.

14 Q. In the 70's?

15 A. In the 70's sometime. SG-210 would have been
16 produced in the 70's.

17 Q. Any other time?

18 A. Probably not. HPP was -- probably production
19 began in the mid to late 60's, and it was produced
20 probably through the mid-70's, and the same for HPO.
21 RG-100, again, is the pelletized form of RG-144, so
22 that production probably began in the late 60's and
23 continues today. RG-244 was started in the late 60's
24 and continues today.

25 Q. And RG-110?

1 A. Oh, I'm sorry, RG-110 again was a very
2 limited length of time. Probably just a couple of
3 years in the mid-70's.

4 Q. And the CGP?

5 A. Again, very low production and very limited
6 sales, and I can't even guess on the time period.

7 Q. Okay; then the final entries?

8 A. The final three, Visbestos, Super Visbestos,
9 and Shurlift, which I think we already discussed, were
10 probably in the mid-70's to the early 80's.

11 Q. Now, you did identify a couple of grades that
12 were not listed on this Exhibit C, and we talked about
13 those, and that was the SG-100 and 102. Can you
14 recall any other grades of Union Carbide asbestos that
15 we have not discussed?

16 A. Yes. We had a -- a T-135-P and a T-135-O.

17 Q. And that referred to?

18 A. These --

19 Q. Pelletized or open?

20 A. Yes. And that product was -- there are two
21 different varieties of TIO-2. T-135 was mixed with
22 anatase, TIO-2, titanium dioxide, and the CG-135-P was
23 mixed with rutile. 135 was used in the paper
24 industry.

25 Q. What application?

1 A. In the paper industry.

2 Q. To control pitch?

3 A. No.

4 Q. Do you have any understanding as to what

5 application it did have?

6 A. It was used to provide a whiter paper.

7 Q. And the other "T" product, what was the

8 application?

9 A. That was the same.

10 Q. In pelletized or open form?

11 A. Yes.

12 Q. And what period of time was that made?

13 A. The same as HPP -- I'm sorry, not the same as

14 HPP. It was more limited than that. It would have

15 been late 60's to early 70's, probably.

16 Q. Okay. Now, have we discussed all of the

17 grades that you can recall being made at the King City

18 location?

19 A. There was another trade name for the drilling

20 mud products which were similar to these three listed;

21 that was called Imcobest. Same product but in a

22 different bag.

23 Q. Did that have a numerical designation of this

24 type?

25 A. No, no.

1 Q. And it was the same product as what?

2 A. As these -- Visbestos, same as Visbestos.

3 Q. And aside from what we've discussed, can you

4 recall any other grade types made at the King City

5 location of Union Carbide?

6 A. No, I can't recall any.

7 MR. WAGNER: Why don't we go off the record.

8 (Discussion held off the record.)

9 (Lunch recess.)

10 BY MR. WAGNER:

11 Q. Getting back to Exhibit C, you indicated the

12 names of a couple of grades that were not listed on

13 this page, and my notes indicate that SG-100, 102, as

14 well as 103 and 104, which are listed here, you

15 indicated, are the same grade types?

16 A. Yes.

17 Q. And what was the reason for the difference in

18 designation of that product?

19 A. Different packaging.

20 Q. And what about that packaging was different?

21 A. SG-100 was 50-pound paper bags. SG-102 was

22 100-pound paper bags. SG-103 was plastic bags, and

23 SG-104 was the material shipped in bulk -- bulk

24 railroad hopper cars.

25 Q. And that would be non-bagged material?

1 A. Non-bagged.

2 Q. And what quantity would 103 be packaged?

3 A. Well, that was sometimes -- sometimes it was

4 -- as I recall, it was -- SG-103-5 was 50-pound bags,

5 and it seemed like we also had an SG-103-7, which was

6 70-pound bags. These were packaged normally for

7 customer requirements.

8 Q. Okay. The 50-pound paper bags, can you

9 describe their appearance?

10 A. Well, the three-ply ^Kraft paper bag, about

11 two cubic feet.

12 Q. ^Kraft --

13 A. Unbleached ^Kraft.

14 Q. Brown?

15 A. Which is a light brown color.

16 Q. And can you describe the appearance of the

17 100-pound bags?

18 A. The same, larger.

19 Q. And can you describe the appearance of the

20 plastic bags?

21 A. It was a white polyethylene.

22 Q. And that would be the same for the 50- or

23 70-pound?

24 A. Yes.

25 Q. All right. With regard to the other grades

1 listed on Exhibit C, how would those be packaged?

2 A. In the paper -- paper bags.

3 Q. 50 or 100-pound?

4 A. Different -- they vary, depending on the
5 product.

6 Q. How would they vary?

7 A. We tried to use a similar size bag, and if
8 the product -- depending on the density, there would
9 be a different weight in the bag. The bags were
10 generally the same physical dimensions but held more
11 or less material because of the density of the final
12 product.

13 Q. And what was the physical dimensions of those
14 bags?

15 A. I don't recall.

16 Q. Are you able to estimate for us how large
17 those were?

18 A. I think they were about two cubic feet total
19 volume.

20 Q. And was that true of both the plastic and
21 paper bags?

22 A. Yes.

23 Q. Can you recall now of these grade types being
24 packaged in any other size bags at any time?

25 A. No.

1 Q. And all of these grade types could have come
2 in either the plastic or paper bags; is that true?
3 A. No.
4 Q. Which ones could have come in the paper bags?
5 A. The pelletized products.
6 Q. Any others?
7 A. I'm sorry, the -- what was the question? I'm
8 sorry.
9 Q. I just want to know which ones of these
10 grades would have come in a paper bag?
11 A. They all came in paper. The pelletized
12 products were the only ones available in plastic.
13 Q. And would all of the pelletized grades that
14 we've discussed come in either paper or plastic?
15 A. Or in bulk, as I mentioned.
16 Q. Would all of these grade types also be
17 available in bulk railcar?
18 A. No.
19 Q. Which ones would be available in that one?
20 A. SG-104 was the only product sold in bulk.
21 Q. In the loose railcar form?
22 A. Yes.
23 Q. And during what period of time was the
24 packaging that you just described used by Union
25 Carbide, to your knowledge?

1 MR. SUNTAG: Which packaging are we talking
2 about?

3 BY MR. WAGNER:

4 Q. The paper and plastic packaging and bulk
5 railroad packaging or delivery used by Union Carbide?

6 A. I don't remember. The original use was --
7 original packaging was paper. I don't remember when
8 we made plastic bags available.

9 Q. Was that in the 1970's?

10 A. I don't remember.

11 Q. Can you recall any other type of packaging
12 used for these grade types?

13 A. No.

14 Q. Can you recall any labeling on any of the
15 paper packages for any of these grade types?

16 A. Yes.

17 Q. Can you describe that for us.

18 A. The label or the entire -- what do you mean?

19 Q. Any labeling that you can recall on any of
20 the paper bags for those grade types.

21 A. There wasn't any -- necessarily any labeling
22 applied. The bags were imprinted -- pre-printed.

23 Q. With what marking?

24 A. With the name of the product, the term
25 "Calidria," the net weight of the package, the company

1 name and location.

2 Q. Meaning Union Carbide?

3 A. Yes.

4 Q. And what location?

5 A. I think they usually said "King City,

6 California."

7 Q. And that would refer to the location that it

8 was processed?

9 A. That's where it was produced.

10 Q. And was King City the only location where

11 these grade types were produced?

12 A. Yes.

13 Q. And can you recall any other markings on any

14 of the paper bags?

15 A. There were, starting in 1968, warning labels

16 on the packages warning of the health hazards of

17 asbestos.

18 Q. Can you recall specifically what the warnings

19 said in 1968?

20 A. No. I can't.

21 Q. Can you give us a general idea of what the

22 warning indicated?

23 A. In general, they said, "Avoid creating dust."

24 I can't remember what -- what else they said.

25 Q. And on what packages was this warning placed?

1 A. On all packages.

2 Q. Paper and plastic?

3 A. Yes.

4 Q. Actually, let me clarify: Was plastic in use
5 in 1968?

6 A. I don't know. I don't remember when we
7 started that.

8 Q. Aside from the wording that you've identified
9 for us so far, can you recall any other wording on any
10 paper bags of Union Carbide asbestos at any time?

11 A. When OSHA published rules in the -- I think
12 1970 or 1972; I thought I'd never forget that date,
13 but there was -- OSHA-prescribed wording was initiated
14 on the bags.

15 Q. All bags?

16 A. Yes.

17 Q. Can you recall what wording that was?

18 A. No, I can't. It was very similar to the
19 previous warning.

20 Q. Prior to 1968, did any packaging of any Union
21 Carbide asbestos fiber have any warning label on it?

22 A. No.

23 Q. From 1968 until that time when the OSHA
24 requirement concerning a warning came into effect, did
25 that warning change at all?

1 A. No.

2 Q. Do you recall any logos or insignias on any
3 of the packages, paper bags?

4 A. Just the Calidria name was a trademark name,
5 and let me -- looking at the list again, we do have
6 those bottom three products which were -- were labeled
7 differently than the -- what was sold under the Union
8 Carbide name.

9 Q. And how were those different --

10 A. They had the name Montello, Incorporated,
11 rather than Union Carbide.

12 Q. Would it indicate "Calidria" or "King City"
13 on it?

14 A. No.

15 Q. The plastic bags in which the asbestos was
16 packaged, how would those be labeled?

17 A. Same as the paper.

18 Q. Would there be any difference?

19 A. No. There were -- on the bags there would
20 also always be the bag manufacturer's information,
21 over which we had nothing to do with.

22 Q. After you were a manager of marketing for
23 Union Carbide Asbestos in 1981, did your title or
24 duties change at all?

25 A. Yes.

1 Q. And how did those change?

2 A. I was transferred back to King City in 1981

3 as the manager of the mine and mill operations.

4 Q. And who did you replace?

5 A. A W.B. Deatley.

6 Q. Is he still with the company?

7 A. I don't know. I don't think so, but I don't

8 know for sure.

9 Q. Do you know his whereabouts?

10 A. No, I don't.

11 Q. Where was he located when last you had any

12 information about him?

13 A. The last I remember, I think he was in the

14 Union Carbide's Danbury headquarters.

15 Q. Where is that?

16 A. Danbury, Connecticut.

17 Q. And when was that?

18 A. At least 10 years ago.

19 Q. Do you know how long he was manager of mine

20 and mill at the King City location?

21 A. I think about three years.

22 Q. What duties did you have in 1981 when you

23 became the manager of the mine and mill at King City?

24 A. I was responsible for the overall operation

25 of the mining -- mining and milling.

1 Q. What specific duties did you have with regard
2 to the mining activities?

3 A. Just overseeing the mining superintendent and
4 the -- again, just the overall manager of the project.

5 Q. And who was the mining superintendent at that
6 time?

7 A. Dick A. Marsten. I'm not sure if it was "A."
8 It was Richard Marsten.

9 Q. Do you know his whereabouts?

10 A. He's in King City, California.

11 Q. Do you have his address or phone number?

12 A. No.

13 Q. By whom is he employed?

14 A. He's retired.

15 Q. Do you know how long he was the mining
16 superintendent?

17 A. No, I don't.

18 Q. Do you know if that was more than a decade?

19 A. I'd say it was probably around 10 years.

20 Q. And what responsibility did you have with
21 regard to the milling?

22 A. Again, just being overall manager of the
23 operation.

24 Q. Can you give us just a little bit more detail
25 about specifically what responsibilities you had in

1 that regard in 1981.

2 A. Responsible for production, quality.

3 Q. Did you have a direct superior at the King
4 City location?

5 A. No.

6 Q. Did you have foremen or superintendents that
7 reported to you directly?

8 A. Yes.

9 Q. How many of those?

10 MR. SUNTAG: This is all 1981 still?

11 MR. WAGNER: Right.

12 THE WITNESS: Probably three, perhaps.

13 BY MR. WAGNER:

14 Q. And were they from different departments or
15 divisions?

16 A. Yes -- no, not divisions.

17 Q. What, departments?

18 A. Just groups. Production, maintenance, and
19 shipping and handling -- shipping and labor.

20 Q. And who reported to you from each of these
21 groups?

22 A. Production was R.J. Khronkyte, and
23 maintenance was R.L. Grogan. And shipping and labor
24 -- I'm not sure. There was a fellow, B.E. Usrey, who
25 during that period of time was -- was production as

1 well as -- I think I need to go back a little bit.
2 It's coming back to me how the organization ran.

3 Q. Okay.

4 A. If I could kind of start over on the
5 question. Reporting directly to me was R.J.
6 Khronkyte, and then under him was a maintenance
7 supervisor, R.L. Grogan, and production supervisor,
8 B.E. Usrey. And the shipping and labor was -- again,
9 it changed during the four years or whatever, but was
10 C.F. Grogan. Those people -- see, they didn't report
11 directly to me. They reported to Mr. Khronkyte, who
12 reported to me.

13 Q. Do you know R.L. Grogan's whereabouts?

14 A. He's in King City.

15 Q. Retired?

16 A. No.

17 Q. Where does he work?

18 A. At the asbestos production facility.

19 Q. Is that KCAC?

20 A. KCAC, right.

21 Q. And do you know of C.F. Grogan's whereabouts?

22 A. He's in the King City area.

23 Q. Do you know where he works?

24 A. Yes.

25 Q. Where is that?

1 A. For a land company.
2 Q. What company is that?
3 A. I don't remember the name. An agricultural
4 area.
5 Q. Is that located in the City of King City?
6 A. No.
7 Q. Would you have his address or phone number
8 anywhere?
9 A. I don't have it, no.
10 Q. What's his full name?
11 A. Carol F. Grogan.
12 Q. What is R.L. Grogan's full name?
13 A. Raymond L.
14 Q. And are they related?
15 A. Yes.
16 Q. Brothers?
17 A. Brothers, yes.
18 Q. What's Mr. Usrey's full name?
19 A. Billy E. I don't know the middle initial.
20 Q. Where is he located at present?
21 A. In King City.
22 Q. Does he work there?
23 A. Yes.
24 Q. Where at?
25 A. At the KCAC asbestos facility.

1 Q. Do you know what his title is at present?

2 A. Well, no, I'm not sure since I'm not there
3 anymore, but I think it would be production
4 superintendent.

5 Q. And how about R.L. Grogan, do you know what
6 he does for KCAC?

7 A. He's maintenance superintendent.

8 Q. And how long were you responsible for the
9 mining and milling operation at King City?

10 A. Until December 31, 1993.

11 Q. Did you have any other duties, other than
12 those that you've described from 1981 through December
13 of 1993?

14 A. Yes.

15 Q. What other duties did you have?

16 A. In 1985, when the business was sold to KCAC,
17 I became president of KCAC.

18 Q. And how long did you act as president of
19 KCAC?

20 A. Until I retired.

21 Q. Continuously from 1988 through December of
22 1993?

23 A. 1985.

24 Q. '85, I'm sorry. Continuously from 1985
25 through December of 1993, you were president of KCAC?

1 A. Right.

2 Q. What's the full name of that company?

3 A. KCAC, Incorporated.

4 Q. Other than those that you've explained for us

5 from 1981 through 1993, did you have any other titles

6 while working at that King City location?

7 A. No.

8 Q. What duties did you have as president of KCAC

9 from '85 through '93?

10 A. They were essentially the same as when I was

11 the manager of the mining and milling facility.

12 Q. Just a better title?

13 A. Better title and taking on the financial end

14 of the business as well as the operational end.

15 Q. Were you involved in the sale to KCAC as far

16 as negotiating any details of the transaction?

17 A. I was not involved with negotiations.

18 Q. Do you know how that acquisition occurred?

19 Was it a purchase by KCAC?

20 MR. SUNTAG: Objection to the extent it calls

21 for a legal conclusion, but you can give your

22 understanding.

23 THE WITNESS: Yes, it was purchased by KCAC.

24 BY MR. WAGNER:

25 Q. Was that a stock purchase, to your knowledge?

1 MR. SUNTAG: Same objection.

2 THE WITNESS: No, no, it was not.

3 BY MR. WAGNER:

4 Q. From '81 through '85, what was the full name
5 of your employer?

6 A. It was the Union Carbide Corporation Metals
7 Division until some period of probably less than a
8 year prior to July '85, they -- Calidria Corporation
9 was established as a subsidiary of Union Carbide.

10 Q. And that occurred in July of 1985?

11 A. No.

12 Q. When did that occur?

13 A. I can't remember, but it was approximately
14 one year before July '85. It was in the year before
15 July of '85.

16 Q. Then the sale to KCAC occurred in July of
17 1985?

18 A. Yes.

19 Q. When Calidria Corp was created in 1984,
20 approximately, in what business was it involved?

21 A. The operation of the mining and milling of
22 asbestos.

23 Q. And was that the same as it had operated as
24 the metals division of Union Carbide?

25 A. Yes, yes.

1 Q. And in what business was KCAC in after the
2 acquisition of Calidria Corp?

3 A. The same business.

4 Q. Did it change, to your knowledge, in any way
5 after Calidria Corp was acquired by KCAC?

6 A. Again, as I said, we took on the financial
7 end of the business, which we had not had before.

8 MR. SUNTAG: Let me object; I'm not sure that
9 the testimony is that Calidria Corp was acquired by
10 KCAC.

11 BY MR. WAGNER:

12 Q. Let's ask that: Was Calidria Corp acquired
13 by KCAC, to your knowledge?

14 A. No. I'm sorry, I didn't pick up on that.

15 Q. What became of Calidria Corp, to your
16 knowledge?

17 A. I don't know whether it's still in existence
18 or not.

19 Q. What is your understanding as to what
20 specifically was acquired by KCAC in 1985?

21 A. It's my understanding that the assets of the
22 asbestos business were purchased by KCAC.

23 Q. And how do you know that?

24 A. I said it's my understanding.

25 Q. Do you know if the liabilities were acquired?

1 A. They were not.

2 Q. And how do you know that?

3 A. By the -- the copy of the agreement, the

4 sales contract.

5 Q. Do you have a copy of that still?

6 A. I may have, yes.

7 Q. If you did, would it be back at your office?

8 A. Yes.

9 Q. But it's your recollection there was an

10 express disclaimer of assumption of liabilities?

11 A. As I remember, yes.

12 Q. Have you been employed after you left KCAC at

13 any time?

14 A. No, but I am Mayor of King City.

15 Q. And we've been referring to your office; is

16 that a location where you do any type of consulting

17 work?

18 A. I'm, as part of the retirement agreement,

19 technical consultant to KCAC for 1994 and 1995.

20 Q. And aside from that, do you have any other

21 business activities at present that you engage in?

22 A. No, but I am Mayor of King City.

23 Q. What duties do you perform as a technical

24 consultant for KCAC?

25 A. Very limited. Whatever they ask me to do

1 relating to some technical question at the plant or
2 any related activity.

3 Q. Are there administrative offices located at
4 the processing plant of KCAC at present?

5 A. What do you mean by administrative?

6 Q. Business offices for recordkeeping and
7 management of business affairs?

8 A. Yes.

9 Q. And were those present at the time that Union
10 Carbide was operating the facility?

11 A. Yes.

12 Q. Were the day-to-day business activities of
13 the King City processing facility managed in that
14 administrative office, to your knowledge?

15 A. I'm sorry, repeat that.

16 Q. I just want to know, to your knowledge, if
17 the day-to-day administrative bookkeeping activities,
18 for example, were handled at that administrative
19 office at the King City location?

20 MR. SUNTAG: At what time period?

21 MR. WAGNER: At the time it was Union
22 Carbide.

23 MR. SUNTAG: The entire time?

24 MR. WAGNER: Yes.

25 THE WITNESS: What kind of bookkeeping? I'm

1 sorry.

2 BY MR. WAGNER:

3 Q. What bookkeeping was done there, to your
4 knowledge?

5 A. Well, the records of production and sales,
6 employee records, payroll records.

7 Q. To your knowledge, were any business records
8 of the Union Carbide King City location maintained at
9 any other location?

10 MR. SUNTAG: Objection; vague and ambiguous,
11 but you can give your understanding.

12 THE WITNESS: Well, if you say what kind of
13 business records again?

14 BY MR. WAGNER:

15 Q. Any other records of any kind that would
16 relate in any way to the business activities of Union
17 Carbide at the King City location?

18 A. In the period from -- to 1985?

19 Q. Right.

20 A. Yes, there were.

21 Q. Okay; what other records would, to your
22 understanding, would be maintained elsewhere?

23 A. The payroll -- actual payroll -- the payroll
24 was made from Grand Junction, Colorado. That was a --
25 and the business records were maintained at the Union

1 Carbide headquarters in Danbury, Connecticut. Again,
2 the financial records of the company.

3 Q. And aside from that, the other business
4 records were kept at the King City location, to your
5 knowledge?

6 A. Yes.

7 Q. Do you know what became of the sales records
8 of the Union Carbide location in King City after the
9 sale to KCAC?

10 MR. SUNTAG: Objection; vague and ambiguous
11 by what you mean by sales records.

12 BY MR. WAGNER:

13 Q. You indicated that there were different types
14 of records that were kept at the King City location of
15 Union Carbide, and by my notes one of the groups of
16 documents was sales documents.

17 A. Yes. There were -- there are sales records
18 kept in King City, right, yes.

19 Q. And what became of those after the sale to
20 KCAC?

21 A. They are still in King City, to the best of
22 my knowledge.

23 Q. Did those go along with KCAC as part of the
24 sale, to your knowledge?

25 A. Yes.

1 Q. Do you know if any of the sales records were
2 retained by Union Carbide after that sale?

3 A. Well, again, when you say sales records,
4 that's a pretty broad term. Call reports, as far as
5 sales records of sales, those are kept in King City
6 and were passed on to KCAC. Other types of sales
7 information was not passed on; it was maintained by
8 Union Carbide.

9 Q. What types of sales information are you
10 referring to there?

11 A. I'm thinking of salesmen call reports.
12 Basically that's what I would -- something that was in
13 a salesman's records.

14 Q. What type of production records can you
15 recall being maintained at the King City location of
16 Union Carbide?

17 A. During the entire time Union Carbide owned
18 it?

19 Q. Yes. To your recollection, what type of
20 production records were there?

21 A. How much product was produced on a daily and
22 monthly basis, annual basis. The quantities of each
23 type of product. Actually daily, monthly, quarterly,
24 annually.

25 Q. Would that also pertain to the mining

1 operation?

2 A. Yes, except as I explained, the mine
3 operation was a campaign-type operation, and there
4 were -- there was ore produced during certain periods
5 of certain years. Those records would be in King
6 City.

7 Q. And those went along to KCAC after the sale?

8 A. Yes.

9 Q. Did Union Carbide retain any copies of the
10 daily, monthly, or annual production quantity
11 documents that you just referenced?

12 A. Not to my knowledge.

13 Q. Were employee records records of the type
14 that were maintained at the King City location of
15 Union Carbide?

16 A. Yes.

17 Q. And were those transferred to KCAC at the
18 time of the sale?

19 A. Some of them were.

20 Q. To your knowledge, what employee records
21 would not have been transferred as part of the sale?

22 A. Those people who were no longer employees,
23 who were not going to -- who were ex-employees of
24 Union Carbide or who were not going to transfer to
25 KCAC.

1 Q. Were the mine and manufacturing locations of
2 Union Carbide in the King City area part of the sale
3 to KCAC?

4 A. Yes. But again, the mine was not owned by
5 Union Carbide. It was on leased property.

6 Q. Was that lease assigned, to your knowledge,
7 to KCAC?

8 A. Yes.

9 Q. And the manufacturing facility was part of
10 the sale?

11 A. Yes.

12 Q. Was any other business activity of Union
13 Carbide, to your knowledge, aside from the mining
14 activity and the manufacturing activity in the King
15 City area, part of that sale to KCAC?

16 A. Not to my knowledge.

17 Q. Were all of the employees of Union Carbide
18 made employees of KCAC after that sale?

19 MR. SUNTAG: All of the employees at King
20 City?

21 BY MR. WAGNER:

22 Q. Yes. The King City area, either the mine or
23 the milling operations.

24 A. No.

25 Q. How was that determination made, to your

1 knowledge?

2 A. The determination was made by the individual.
3 He had a choice of resigning or retiring or becoming
4 an employee of KCAC.

5 Q. Prior to 1984, was Calidria, to your
6 knowledge, ever a separate division of Union Carbide?

7 A. No.

8 Q. Do you know what the term "Calidria" refers
9 to?

10 A. That's the trademark name of asbestos --
11 Union Carbide's asbestos product.

12 Q. That would be all Union Carbide asbestos
13 products?

14 A. Yes.

15 Q. Calidria then would be used generically to
16 describe any number of grade types that we've
17 discussed?

18 A. Except for the drilling mud grades, yes.

19 Q. And those would be known as Montello product?

20 A. And by their own trade name, Visbestos, Super
21 Visbestos, and Shurlift.

22 Q. Aside from those grades, Calidria could be
23 used generically to describe any other Union Carbide
24 grade?

25 A. Yes.

1 Q. Was the chrysotile the only fiber type sold
2 by Union Carbide?

3 A. Yes.

4 Q. All Calidria asbestos, then, to your
5 knowledge, would be chrysotile?

6 A. Yes. To be more specific, it's short-fiber
7 chrysotile.

8 Q. All of the grades that we've discussed?

9 A. Yes.

10 Q. The sole source of the Calidria asbestos was
11 the King City mine?

12 A. Yes. Again, I assume you're talking about
13 the mine near King City.

14 Q. I understood it's 30 miles south.

15 A. East.

16 Q. East. Was the sales force maintained at the
17 King City location of Union Carbide at any time, to
18 your knowledge?

19 A. No.

20 Q. Were the sales employees that handled sales
21 of the Union Carbide grade fibers from the King City
22 location all handled out of Niagara Falls?

23 A. Depends on what period you're referring to.

24 Q. During any period, where would those sales be
25 handled?

1 MR. SUNTAG: By "handled," I'm not sure what
2 you mean. Are you asking where the salespeople were
3 located?

4 MR. WAGNER: Right.

5 THE WITNESS: The office of the manager of
6 the sales or the individual salesperson?

7 BY MR. WAGNER:

8 Q. Yes. Let's start with the office of the
9 manager of sales for the Calidria asbestos. Was that
10 also in Niagara Falls, to your knowledge?

11 A. No.

12 Q. When was it in Niagara Falls?

13 A. From 1970 to 1981 or 1982.

14 Q. And then where did it move to?

15 A. To Pittsburgh, Pennsylvania. I'm not sure of
16 the year. It was one or two years after I had left
17 Niagara Falls.

18 Q. And how long did it continue in that
19 location?

20 A. Until 1985, till the business was sold.

21 Q. And who was the manager of the marketing and
22 sales activities after your departure in '81 or '82?

23 A. Mr. Byrne was the marketing manager, and then
24 he retired, and Mr. Dickson became the marketing
25 manager.

1 Q. I recall Mr. Byrne, but did we discuss
2 Mr. Dickson already?
3 A. Yes.
4 Q. What's his first name?
5 A. Gordon.
6 Q. Prior to 1970, do you know the location of
7 the manager of marketing or sales for the Calidria
8 asbestos?
9 A. Was the New York office of Union Carbide.
10 Q. New York City?
11 A. New York City office, sorry.
12 Q. Did you know who was responsible for that at
13 that time?
14 A. From a period of -- what period?
15 Q. Strike the question. Do you know when Union
16 Carbide first sold Calidria asbestos?
17 A. In 1963.
18 Q. And from '63 to '70, it's your understanding
19 that the marketing and sales were coordinated by an
20 individual in the New York City location?
21 A. Yes.
22 Q. And was that one individual during that
23 period of time?
24 A. No.
25 Q. Who were those individuals?

1 A. To the best of my knowledge, the first
2 marketing manager was Norman J. Setter.
3 Q. Is he living still?
4 A. I don't know.
5 Q. Do you have any knowledge concerning his
6 whereabouts?
7 A. No.
8 Q. And any other individuals you can recall
9 being responsible for those activities at the New York
10 location?
11 A. I think after him was Walter S. Young.
12 Q. And after him?
13 A. I replaced him in 1970.
14 Q. And do you know Walter Young's whereabouts?
15 A. No.
16 Q. From '63 until 1985, at what location would
17 sales employees of Union Carbide be located with
18 regard to the sale of Calidria asbestos?
19 A. Well, in various places. The chemicals and
20 plastics people that we use, I cannot -- would not
21 know, can't remember. Mr. Dickson was in Niagara
22 Falls. Mr. Kleber was in Niagara Falls. Mr. Norris
23 was in Chicago. Mr. Walsh was in the Atlanta area.
24 Mr. Ingalls was in Niagara Falls. Mr. Byrne was in
25 Niagara Falls.

1 Q. Was there ever a western branch for sales of
2 Calidria asbestos, and I'm just referring to an office
3 location?

4 A. Yes. Mr. Norris transferred from Chicago to
5 Southern California.

6 Q. And was there a branch sales office in
7 Southern California for Calidria asbestos?

8 A. I think he operated out of his home. I can't
9 remember. I'm pretty sure he had -- did not have a
10 sales office.

11 Q. And aside from that situation with
12 Mr. Norris, can you think of any other western United
13 States sales branch areas for Calidria asbestos?

14 A. Nothing other than there may have been
15 someone from the chemicals and plastics in that early
16 period, but I have no information, do not recollect
17 anything about their location.

18 Q. Would sales orders be taken by any individual
19 at the King City location at any time, to your
20 knowledge?

21 A. Yes.

22 Q. What individual or individuals?

23 A. At any time, you're talking about the
24 whole --

25 Q. To your knowledge.

1 A. -- 63' to '85?

2 Q. Yes.

3 A. George L. Vessels and Linda Jo Grogan.

4 Q. Anyone else?

5 A. I don't remember that there was anyone else.

6 Q. When was George Vessels there?

7 A. As I recall, he was there from '63 till --

8 until 1985.

9 Q. Do you know his whereabouts?

10 A. Yes.

11 Q. Where is he at?

12 A. It's in California. I can't remember the

13 name -- or the name of the town.

14 Q. Northern California?

15 A. Yes. Near the Vacaville area.

16 Q. What title did he have when he worked at

17 Union Carbide's King City location?

18 A. I don't know what his title was from the

19 beginning. He was generally the office manager in the

20 later years.

21 Q. Do you know during what period of time he

22 would have accepted orders for Calidria asbestos?

23 A. No, I don't. In the late 60's/early 70's

24 would be my best estimate.

25 Q. Do you have his address or phone number?

1 A. No. Let me -- I have it, I think, in my
2 office. I don't have it here with me.

3 Q. But you think you could look that up at your
4 office?

5 A. I think I still have it. If it's current,
6 I'm not sure.

7 Q. You think he lives in the Vacaville area?

8 A. I think so, at least the last time I heard.
9 That was several years ago.

10 Q. When was Linda Jo Grogan involved with
11 accepting orders for Calidria asbestos?

12 A. She succeeded -- as far as I can remember,
13 she succeeded Mr. Vessels in that capacity.

14 Q. In the early 1970's through when?

15 A. Through 1985.

16 Q. She did not make the transition to KCAC
17 either?

18 A. Yes.

19 Q. She did?

20 A. I thought you were talking about the Union
21 Carbide time period.

22 Q. And then is she still employed with KCAC?

23 A. No.

24 Q. Do you know when she left there?

25 A. 1992 or 1993.

1 Q. Were you able to recall her whereabouts?
2 A. Yes.
3 Q. And where is that?
4 A. San Francisco.
5 Q. What was the name of that company?
6 A. Connell Brothers Company, Limited.
7 Q. Is that business in any way related to the
8 business activities of KCAC, to your knowledge?
9 MR. SUNTAG: Objection; vague and ambiguous
10 as to what you mean by "related," but go ahead.
11 BY MR. WAGNER:
12 Q. What's your understanding of the
13 relationship?
14 A. Connell Brothers handles export sales for
15 KCAC, non-North America sales.
16 Q. Would you know what her title is there?
17 A. No.
18 Q. Aside from sales that would be handled by
19 Union Carbide employees or arranged by Union Carbide
20 employees, are you aware of any other manner customers
21 could acquire orders of Calidria asbestos?
22 A. Yes.
23 Q. Through how is that?
24 A. Through distributors.
25 Q. During what period of time were distributors

1 used to distribute Calidria asbestos, to your
2 knowledge?

3 A. I'm pretty sure, again, to the best of my
4 knowledge, from 1970, starting in 1970 or early 70's.

5 Q. Continuing until when?

6 A. Till -- till today. Or again, to 1985, if
7 you want to hone in on Union Carbide.

8 Q. Were distributors of Calidria asbestos
9 authorized to distribute only certain fiber grades, to
10 your knowledge?

11 A. Usually, yes.

12 Q. If we went down these grades on Exhibit C,
13 would you be able to tell me who the authorized
14 distributors were for these grades?

15 A. No.

16 Q. What authorized distributors of Calidria
17 asbestos can you recall for the western United States?

18 A. We used Van Waters & Rogers and Harrisons &
19 Crosfield. I can't think of any -- I can't think of
20 any others.

21 Q. Was Van Waters & Rogers an exclusive
22 distributor?

23 A. I don't recall.

24 Q. Was Harrisons & Crosfield an exclusive
25 distributor?

1 MR. SUNTAG: Objection; it may call for a
2 legal conclusion, but you can give your understanding.

3 THE WITNESS: I actually don't remember if
4 they were exclusive.

5 BY MR. WAGNER:

6 Q. Can you recall what grades Van Waters &
7 Rogers was authorized to distribute?

8 A. No.

9 Q. When was Van Waters & Rogers an authorized
10 distributor?

11 A. I don't know that. It was a short period in
12 probably the early 70's.

13 Q. And at no other time?

14 A. Not that I recall.

15 Q. And were they authorized to distribute in a
16 geographically-defined area?

17 MR. SUNTAG: Same objection.

18 THE WITNESS: I don't remember the terms of
19 the agreement, if there was an agreement.

20 BY MR. WAGNER:

21 Q. And where were they located?

22 A. To the best of my knowledge, in California.

23 Q. Where in California?

24 A. I don't know -- don't remember.

25 Q. Is that in the Los Angeles area?

1 A. I don't know.

2 Q. Where was Harrisons & Crosfield located?

3 A. Which one, the one that represented us?

4 Q. Yes.

5 A. They had offices in the L.A. area, I think --

6 I'm not sure, but maybe Pasadena or that area. And

7 they had an office in the Oakland area in Emeryville.

8 And then another division of theirs was headquartered

9 in -- I think Vancouver, Washington.

10 Q. What division was that?

11 A. I don't remember.

12 Q. Is that a Canadian division?

13 A. I think maybe it was, yes. I think it was.

14 Q. Did the Canadian division have rights to

15 distribute Calidria in a geographically-defined area?

16 MR. SUNTAG: Objection; calls for a legal

17 conclusion.

18 MR. CAINE: Join.

19 THE WITNESS: To the best of my knowledge,

20 there were -- I can't remember if there were specific

21 -- for example, states, or how -- I don't remember how

22 the agreement was written.

23 BY MR. WAGNER:

24 Q. Did the Canadian division have rights to

25 distribute in a different area than the locations in

1 California you've identified?

2 MR. SUNTAG: Same objection.

3 THE WITNESS: As I remember, they were in the
4 Northwest where their office was, and Harrisons &
5 Crosfield (Pacific) was more in California.

6 BY MR. WAGNER:

7 Q. That was the full name of the entity that was
8 authorized to distribute Calidria asbestos, to your
9 knowledge?

10 A. I don't know what their full name is or was.

11 Q. Do you recall that being referred to at any
12 time as H & C (Pacific)?

13 A. Yes.

14 Q. Can you estimate for us the period of time in
15 which the Harrisons & Crosfield entity was authorized
16 to distribute Calidria asbestos?

17 A. I would estimate -- as far as I can remember,
18 it was -- would be in the early 70's.

19 Q. Continuing for how long?

20 A. Continuing until the -- as I remember, the
21 early 80's.

22 Q. And was Harrisons & Crosfield authorized to
23 distribute only certain fiber grades?

24 MR. SUNTAG: Objection; legal conclusion.

25 MR. CAINE: Join.

1 THE WITNESS: Again, I don't remember the
2 specifics of the agreement.

3 BY MR. WAGNER:

4 Q. Do you recall any employees of Van Waters &
5 Rogers?

6 A. No.

7 Q. Can you recall any employees of Harrisons &
8 Crosfield?

9 A. Yes.

10 Q. And who are they?

11 A. ^{Wharton}~~Martin~~ Jackson and Kerwin Lebeis, Leon
12 Persson. That's all I can remember.

13 Q. Do you know if a company by the name of
14 Wharton Jackson was ever authorized to distribute
15 Calidria asbestos?

16 MR. CAINE: Objection; assumes facts not in
17 evidence, calls for a legal conclusion.

18 MR. VALEN: Also calls for speculation,
19 there's no foundation, to the extent that it may be
20 used for trial testimony.

21 THE WITNESS: Not that I remember.

22 BY MR. WAGNER:

23 Q. Who on behalf of Union Carbide, to your
24 knowledge, was involved in arranging the
25 distributorship arrangement with Van Waters &

1 Rogers?

2 A. I don't remember whether that was -- perhaps
3 was Mr. Young, and it could have been me. I don't
4 remember.

5 Q. Was that a written arrangement?

6 A. I don't remember that.

7 Q. And do you know who at Union Carbide was
8 involved in arranging the distributorship arrangement
9 with Harrisons & Crosfield?

10 A. It was probably -- again, I'm -- I don't
11 remember for sure, but I think it was either -- it was
12 Mr. Young or maybe myself and Mr. Thurber and
13 Mr. Byrne may have been involved in that.

14 Q. Are you aware of any other distributors of
15 Calidria asbestos at any time?

16 A. Yes.

17 Q. What other distributors?

18 A. In the United States or --

19 Q. Yes, just --

20 A. -- foreign?

21 Q. Just here.

22 A. D & F Distributing in Texas. I can't
23 remember -- no names come to mind other parts of the
24 country.

25 Q. Did D & F Distributing have any arrangement

1 to distribute Calidria asbestos in the State of
2 California, to your knowledge?

3 A. No.

4 Q. Did D & F have an arrangement to distribute
5 Calidria asbestos only in a geographically-defined
6 area?

7 MR. SUNTAG: Same objection as before, legal
8 conclusion.

9 THE WITNESS: Yes. I'm not sure whether it
10 was in writing that it was a geographical limitation,
11 but it seemed to be understood that their sales
12 efforts would be limited to Texas -- the State of
13 Texas.

14 BY MR. WAGNER:

15 Q. Was there any similar understanding
16 concerning fiber grade types that would be distributed
17 by D & F Distributing?

18 A. Again, I don't remember the terms of the
19 agreement.

20 Q. Was there a similar understanding concerning
21 the geographical area for which Harrisons & Crosfield
22 was authorized to distribute?

23 A. I don't remember the terms of the agreement,
24 but I would recollect that it seemed to be the State
25 of California.

1 MR. SUNTAG: Eric, when we get to a good
2 point, if we could take a short break.

3 MR. WAGNER: Yes, we can take one now.

4 (Recess.)

5 MR. WAGNER: Let's go back on the record.

6 Q. Are you familiar with any companies that have
7 distributed asbestos fiber mined or processed by KCAC?

8 A. Am I familiar with any -- go ahead, please
9 repeat.

10 Q. Can you give me the names of any companies
11 that you can recall distributing any asbestos fiber
12 mined or processed by KCAC?

13 A. Oh, KCAC. D & F Distributing.

14 Q. Any others?

15 A. I can't recall any.

16 Q. How about Connell Brothers?

17 A. Oh, I'm sorry, for -- not in North America.
18 Connell Brothers is a representative for KCAC, sales
19 representative.

20 Q. To your knowledge, does D & F have a
21 geographical area of distribution for asbestos mined
22 or manufactured by KCAC?

23 A. I don't know whether there's -- I don't think
24 there's anything in writing. I think generally it's
25 the same as before, it's the State of Texas. Another

1 distributor of KCAC is an individual, J.E. Walsh.

2 Q. And where is he located?

3 A. Well, in the Atlanta area.

4 Q. This is the former Union Carbide employee we

5 discussed?

6 A. Yes.

7 Q. Does he distribute only in a geographical

8 area?

9 A. No. He's responsible for North American

10 sales of Calidria -- of KCAC Calidria.

11 Q. Is "Calidria" still the generic term for all

12 the grade types of asbestos fiber mined or processed

13 at the King City location?

14 A. Yes.

15 Q. J.E. Walsh is no longer employed by KCAC; is

16 that true?

17 A. That's true.

18 Q. Is it your understanding he has his own

19 company for the distribution of that fiber?

20 A. Yes.

21 Q. What's the name of that company?

22 A. I can't recall.

23 Q. Would you have that name anywhere back in

24 your office?

25 A. Yes.

1 Q. And the address as well?

2 A. Yes.

3 Q. Do you know if J.E. Walsh distributes all
4 grade types?

5 MR. SUNTAG: When you say all grade types, I
6 take it you mean all the grade types that KCAC
7 currently sales.

8 MR. WAGNER: Right.

9 THE WITNESS: To the best of my knowledge, he
10 would have the right to distribute all the ones that
11 are currently being produced.

12 BY MR. WAGNER:

13 Q. To your knowledge, does KCAC still sell
14 direct to customers without the use of distributors as
15 well?

16 MR. CAINE: Assumes facts not in evidence,
17 that they ever did do it.

18 BY MR. WAGNER:

19 Q. Strike that. Did KCAC ever sell direct to
20 customers its asbestos fiber?

21 A. Yes.

22 Q. And to your knowledge, does it continue to do
23 so?

24 A. Yes.

25 Q. Are you able to give me an estimation at

1 present as to how much of the KCAC fiber is
2 distributed by J.E. Walsh?

3 A. No. Actually, KCAC sells directly to the
4 customers, and Mr. Walsh gets a commission based on
5 those sales.

6 Q. Does he get a commission for all sales of
7 KCAC fiber, to your knowledge?

8 A. All of those in North America, yes. Again,
9 to the best of my knowledge up through '93.

10 Q. And is that true continuously, to your
11 knowledge, from '85 to '93?

12 A. No.

13 Q. During what time period did that arrangement
14 cover?

15 A. I don't remember when he left KCAC and set up
16 his own company. I don't remember the date or the
17 year.

18 Q. Do you know if that was in the decade of the
19 1980's?

20 A. No.

21 Q. You don't know?

22 A. It was not in the decade of the 80's. It was
23 in the decade of the 90's.

24 Q. Do you know if Harcros has distributed any
25 fiber mined or processed by KCAC?

1 A. Not to my knowledge.

2 Q. Do you recognize that name Harcros?

3 A. Only I've heard it, yes.

4 Q. You've heard it before today?

5 A. Yes.

6 Q. And how are you familiar with that name?

7 A. I think just in general information of people

8 referring to Harcros rather than Harrisons &

9 Crosfield.

10 Q. To your knowledge, did Harcros ever

11 distribute Calidria asbestos?

12 A. Not to my knowledge.

13 Q. Are you familiar with the company by the name

14 of Synergistic Performance?

15 A. No.

16 Q. How about a company by the name of Calmar

17 Distributing?

18 A. No.

19 MS. BAKER: Mr. Court Reporter, could you

20 read back that last question.

21 (Record read.)

22 MS. BAKER: Thank you.

23 BY MR. WAGNER:

24 Q. Earlier we discussed a number of categories

25 of documents that you can recall being retained at the

1 King City location of Union Carbide, including sales
2 production and other such records. Do you have any
3 information as to the document retention policy of
4 Union Carbide concerning those documents?

5 MR. SUNTAG: Objection; vague and ambiguous.
6 You're talking about KCAC documents?

7 BY MR. WAGNER:

8 Q. We'll focus on the period of time '63 to '85,
9 on the document types that you've identified for us
10 already on the record. Do you have any information as
11 to the document retention policy that Union Carbide
12 had in force at that time?

13 A. No, I don't.

14 Q. Are you aware of any policy of destroying
15 such documents at Union Carbide from '63 to '85?

16 A. No.

17 Q. You don't know one way or the other?

18 A. I don't know what the policy is or was.

19 Q. Are you aware of any sales records, for
20 example, being destroyed during the period of time '63
21 to '85 when Union Carbide operated its King City
22 location?

23 A. No, none.

24 Q. Is it your understanding that all sales
25 records were maintained for that period of time?

1 MR. SUNTAG: Objection; vague and ambiguous
2 as to sales records. You mean invoices?

3 BY MR. WAGNER:

4 Q. Invoices, for example.

5 A. Okay. What was the question then on
6 invoices?

7 Q. Do you have an understanding that from '63 to
8 '85, all invoices were maintained by Union Carbide?

9 A. Yes.

10 Q. For its King City operations?

11 A. Yes, for the asbestos, yes.

12 Q. And those were subsequently transferred to
13 KCAC in 1985?

14 A. Yes.

15 Q. Do you have any information concerning the
16 document retention or destruction policy of KCAC with
17 regard to those documents?

18 A. No.

19 Q. Are you aware of any such documents being
20 destroyed by KCAC at any time?

21 A. No.

22 Q. To your knowledge, did Union Carbide keep all
23 of its production documents, those documents that
24 would identify daily, monthly, or annual production
25 rates of the Calidria asbestos, from '63 to '85?

1 A. To my -- to my knowledge, they are -- have
2 been maintained.

3 Q. Those were subsequently transferred to KCAC?

4 A. Yes.

5 Q. And do you have any information that KCAC has
6 destroyed any such documents at any time?

7 A. No.

8 Q. Were those sales and production records that
9 we've just discussed present at KCAC, the King City
10 location, at the time that you last visited there?

11 A. Again, if you're limiting the sales records
12 to invoices, yes, they were still there.

13 Q. What other sales records exist, to your
14 knowledge?

15 A. I don't know of any other types of records,
16 sales records.

17 Q. Can you take a look at what we consider a
18 service list on Exhibit A, that's the last two pages
19 of Exhibit A, take a look at the list of companies.
20 You can disregard their address since that would be
21 typically the law firm that represents them, just
22 looking at the company names. Just take your time and
23 look through those. My question is whether you can
24 identify any of those companies as a customer of
25 Calidria asbestos at any time.

1 MR. SUNTAG: I guess I have to object; vague
2 and ambiguous as to what you mean by a customer of
3 Calidria asbestos. Do you mean somebody who bought
4 from Calidria Corporation?

5 MR. WAGNER: At any time. I'll restate the
6 original question:

7 Q. Can you identify any of the companies listed
8 on the last two pages of Exhibit A as companies who,
9 to your knowledge, at any time purchased Calidria
10 asbestos?

11 MS. BAKER: Object on the ground this is
12 misleading, suggestive, vague, and ambiguous.

13 MR. MOPPIN: Join.

14 MR. DAVIS: Join.

15 MR. CAINE: Join, and also further object as
16 far as there's no failed recollection that it's
17 conceivable to require refreshment by the documents.

18 MR. WAGNER: Okay; fine. I'll withdraw the
19 question.

20 Q. Do you recognize the name Bigge Crane and
21 Rigging Corp as a customer of Calidria asbestos at any
22 time?

23 MR. CAINE: Same objections as before.

24 MS. BAKER: Join.

25 MR. CAINE: I don't see Bigge on the service.

1 Do you have the same one as I'm holding in front of
2 me?

3 MR. WAGNER: Exhibit A.

4 MR. CAINE: I'm sorry, okay.

5 MS. BAKER: Could we get a stipulation that
6 an objection by one is an objection by all so we don't
7 all have to join every time?

8 MR. MOPPIN: At least for this line of
9 questions.

10 MR. WAGNER: Yes, that's fine.

11 THE WITNESS: No.

12 BY MR. WAGNER:

13 Q. Do you recognize the name Permabond as a
14 company that purchased Calidria asbestos at any time?

15 A. Not that I -- not that I remember.

16 Q. Do you recognize the name Pilkington
17 Aerospace as a company that ever purchased Calidria
18 asbestos?

19 A. No.

20 MR. WAGNER: Let's go off the record.
21 (Discussion held off the record.)

22 MR. WAGNER: Let's go on the record.

23 THE WITNESS: Some of these are definitely
24 familiar, and some of them I would be -- I would have
25 to say I'm not sure.

1 MR. WAGNER: Okay.

2 MR. VALEN: Is the record clear what we're
3 doing here?

4 MR. WAGNER: Yes, let's make it clear on the
5 record. There was some earlier objections to my
6 showing the witness the proof of service list for
7 Exhibit A, and based upon my understanding that there
8 is no objection to my doing it now, I've handed it to
9 him again. He's looking through the list of
10 defendants listed there, and that's where we're at
11 right now.

12 MR. SUNTAG: And for the record, the question
13 is whether Mr. Myers can recall whether any of these
14 companies ever bought Calidria asbestos?

15 MR. WAGNER: Right.

16 MR. MOPPIN: I think I'll object to the --
17 that's vague and ambiguous, compound, and suggestive.

18 BY MR. WAGNER:

19 Q. All right; give it back then. I withdraw the
20 question.

21 Do you recognize --

22 MR. MOPPIN: What I was going to say, we were
23 expediting the process by allowing him to look at the
24 list.

25 MR. WAGNER: Well, expedite, schmexpedite,

1 it's an objection to the form.

2 MR. SHERMAN: How about you just say the
3 name, and we'll stipulate it's the same question.

4 MR. SUNTAG: Why don't we go off the record.

5 (Discussion held off the record.)

6 MR. WAGNER: We are on the record.

7 Q. We've had repeated discussions about this,
8 and I'll go ahead and ask you the questions. Do you
9 recognize the name Pilkington Aerospace as a customer
10 of Calidria asbestos at any time?

11 A. No.

12 Q. Somebody suggested that I could have the same
13 question understood to be repeated with just an
14 insertion of a different company name. If nobody has
15 an objection to the form of the question, I'll go
16 ahead and ask you the same question with regard to an
17 entity by the name of NARMCO. Do you recognize that
18 name?

19 A. I'm not sure.

20 Q. Is that name NARMCO familiar to you?

21 A. To the best of my recollection, it is, yes.

22 Q. Okay. And how is that name familiar to you?

23 A. It is a possible customer.

24 Q. Do you know what type of business that is in?

25 A. No.

1 Q. NARMCO is in?
2 A. No.
3 Q. Do you know where NARMCO is located?
4 A. No.
5 Q. Do you know what type of product Narmco may
6 have been a customer of?
7 A. No.
8 Q. The next name on the list is Western
9 MacArthur Company. Same question with regard to
10 Western MacArthur?
11 A. No.
12 Q. The Epoxylite Corporation, same question?
13 A. A possibility, again. The name does sound
14 familiar, but I cannot remember if they were a
15 customer.
16 Q. Do you know where Epoxylite is located?
17 A. No.
18 Q. Do you know what type of business it is?
19 A. No.
20 Q. And do you know what grade fiber type that
21 company may have purchased?
22 A. No.
23 Q. The next company name is E.V. Roberts &
24 Associates; same question with regard to E.V. Roberts.
25 A. No.

1 Q. American Cyanamid Company?
2 A. Yes.
3 Q. Do you recognize that entity as a customer of
4 Calidria asbestos?
5 A. Yes.
6 Q. During what period of time?
7 A. I don't recall that.
8 Q. What grade types?
9 A. RG-244.
10 Q. Anything else?
11 A. No.
12 Q. What location or locations of American
13 Cyanamid can you recall purchased RG-244?
14 A. As I recollect, it was Azusa, California.
15 Q. Was that in the decade of the 50's?
16 A. No.
17 Q. Was that the decades of the 60's?
18 A. No.
19 Q. Was that the decade of the 70's?
20 A. Probably 70's, yes.
21 Q. Did that continue into the 1980's?
22 A. I can't recall.
23 Q. Can you recall if the sales were handled
24 through a distributor?
25 MR. SHERMAN: Objection; calls for

1 speculation.

2 THE WITNESS: No, I can't recall.

3 BY MR. WAGNER:

4 Q. Can you recall what quantity was sold to
5 American Cyanamid at Azusa?

6 A. No.

7 MR. SHERMAN: Lacks foundation, calls for
8 speculation.

9 BY MR. WAGNER:

10 Q. Can you recall any employees of American
11 Cyanamid?

12 A. No.

13 Q. Ablestik Laboratories is the next name.

14 A. No.

15 Q. Same question with regard to Thiokol
16 Corporation?

17 A. No.

18 Q. Same question with regard to Anchor Packing
19 Company?

20 A. No.

21 Q. Garlock?

22 A. No.

23 Q. Dow Corning Corporation?

24 A. No.

25 Q. M.H. Detrick?

1 A. No.

2 Q. Flexitallic, Inc.?

3 A. No.

4 Q. GAF?

5 A. Yes.

6 Q. When did GAF purchase Calidria asbestos?

7 A. In the 1970's.

8 Q. Any other time?

9 A. Perhaps into the early 80's.

10 Q. What fiber grades?

11 A. Standard grade 100.

12 Q. Anything else?

13 A. No.

14 Q. What location of GAF?

15 A. Let's see. Somewhere in New York. I can't

16 think of the -- can't think of the city name in New

17 York State. In Long Beach, California. I can't

18 remember other locations, any other locations for

19 their floor tile manufacturing.

20 Q. Can you recall any GAF employees?

21 A. No.

22 Q. Armstrong, same question with regard to

23 Armstrong?

24 A. Yes, with regard to floor tile. I don't know

25 if they have different divisions or -- is there a

1 certain Armstrong listed there?

2 Q. Do you recall Armstrong -- a company by the
3 name of Armstrong, with the name Armstrong in it, that
4 purchased Calidria asbestos?

5 A. Yes.

6 Q. What was the full name of that entity, to
7 your knowledge?

8 A. To the best of my knowledge, it was Armstrong
9 Cork.

10 Q. And at what location?

11 A. I believe it was South Gate, California, and
12 the location in the Midwest. I can't remember.

13 Q. Do you recall any Armstrong employees?

14 A. No.

15 Q. What grade type?

16 A. Standard grade 100.

17 Q. And is that for use in floor tile?

18 A. And standard grade 144, yes, floor tile.

19 Q. Both for use in floor tile?

20 A. Yes.

21 Q. Can you recall what quantity was sold?

22 A. No.

23 Q. Was it sold through a distributor?

24 A. No.

25 Q. The next name on the list, Quigley Company?

1 A. No.

2 Q. Next one is Turner & Newall?

3 A. No.

4 Q. Next one, A.P. Green Refractories?

5 A. No.

6 Q. Next one, Hughson Chemicals?

7 A. No.

8 Q. Next one, Dexter Corporation?

9 A. No.

10 Q. Next one, Fiberite Corporation?

11 A. No, I don't think so. Again, all of these

12 are to the best of my knowledge, no.

13 Q. How about a company by the name of ICI

14 Composites?

15 A. No.

16 Q. A company by the name of Kirkhill Rubber

17 Company?

18 A. No.

19 Q. Ferro Corporation?

20 A. No.

21 Q. Armco?

22 A. No.

23 Q. Plant Insulation?

24 A. No.

25 Q. Edler Industries?

1 A. No.

2 Q. B.P. Chemicals?

3 A. No.

4 Q. Hitco?

5 A. No.

6 Q. Whittaker Corporation?

7 A. I can't remember.

8 Q. Does that name sound familiar to you?

9 A. It rings a bell. I don't -- I have no idea

10 if it was a customer or if it's just a business name

11 that I would know.

12 Q. Do you know where that business is located?

13 A. No.

14 Q. Do you know what type of business it is?

15 A. No.

16 Q. Do you know any Whittaker Corporation

17 employees?

18 A. No.

19 Q. Sorry, I just got to run through these

20 questions.

21 A. No, I know.

22 Q. I think I know where you're going with them.

23 How about San Rafael Plastics?

24 A. No.

25 Q. Kaiser Aluminum & Chemical?

1 A. No.

2 Q. K.R. Anderson Company?

3 MS. CAMPAGNE: Lacks foundation, calls for

4 speculation, leading.

5 THE WITNESS: No.

6 BY MR. WAGNER:

7 Q. A company by the name of Swedlow?

8 A. No.

9 Q. American Asbestos Company?

10 A. No.

11 Q. Pittsburgh Corning?

12 A. No.

13 Q. Dupont?

14 A. No.

15 Q. Parker-Hannifin?

16 A. Perhaps.

17 Q. What type of company is that?

18 A. I don't know.

19 Q. Do you know where any business location of

20 Parker-Hannifin is?

21 A. No.

22 Q. Do you know any employees?

23 A. No.

24 MR. MOPPIN: What was the name of that last

25 company?

1 MR. WAGNER: Parker-Hannifin.

2 Q. Do you know what type of grade that might

3 have been?

4 A. No. Let me clarify that. I think I know

5 that name from a high school buddy of mine who was

6 working there. I would say no as to the asbestos

7 usage from us.

8 Q. How about a company by the name of Hercules,

9 do you recognize that name?

10 A. No.

11 Q. Metalclad Insulation?

12 A. No.

13 Q. North American Refractories?

14 A. No.

15 Q. Rapid American?

16 A. No.

17 Q. Asbestos Corporation Limited?

18 A. No.

19 Q. AC & S?

20 A. No.

21 Q. J.T. Thorpe, Inc.?

22 A. No.

23 Q. Fraser Edwards?

24 A. No.

25 Q. Chevron Shipping Company?

1 A. No.

2 Q. Chevron USA?

3 A. No.

4 Q. Selby-Battersby?

5 A. No.

6 Q. How about a company by the name of Dexter

7 Hysol?

8 A. That does ring a bell, yes, but I could not

9 remember for sure.

10 Q. What name rings a bell?

11 A. The Dexter Hysol.

12 Q. Do you know what type of business that is?

13 A. No.

14 Q. Do you know where that business is located?

15 A. No.

16 Q. Do you know what grade type may have been

17 sold to that business?

18 A. No.

19 Q. Do you know any Dexter Hysol employees?

20 A. No.

21 Q. Why is it that sounds familiar?

22 A. I don't know. Just -- just does.

23 Q. Do you know if Shell Oil or Shell Chemical

24 has purchased Calidria asbestos?

25 A. I think so.

1 Q. During what period of time?
2 A. I don't know.
3 Q. Which Shell entity?
4 A. As I remember, it was in Ohio someplace.
5 Q. Do you know any Shell employees?
6 A. No.
7 Q. Do you know what grade was purchased?
8 A. No.
9 Q. Do you know if Shell Oil in Pittsburg,
10 California, ever purchased any fiber?
11 A. I don't think so.
12 Q. Do you recognize Ciba Geigy as a purchaser of
13 Calidria asbestos?
14 A. No.
15 Q. Western Packing?
16 A. No.
17 Q. Celanese Corporation?
18 A. Yes.
19 Q. When did Celanese purchase Calidria asbestos?
20 A. I don't remember the dates.
21 Q. What type of business is that?
22 A. Some kind of resin. I can't remember the
23 name.
24 Q. Where are they located?
25 A. I can't remember -- I can't remember for

1 sure.

2 Q. Is that Southern California?

3 A. No. I think it was Texas.

4 Q. Do you know any Celanese employees?

5 A. No.

6 Q. What grade type was sold to Celanese Corp?

7 A. I think they were using a resin grade 144

8 and/or 100.

9 Q. How about RG-244?

10 A. Well, I would have said that if I thought. I

11 don't recollect that they used RG-244.

12 Q. Do you know how much of the RG grade was sold

13 to Celanese?

14 A. No.

15 Q. When was that sold?

16 A. I don't know.

17 Q. Do you know if Kaiser Aerospace or Aerotech,

18 either name, located in San Leandro, California, ever

19 purchased Calidria asbestos?

20 A. Not from me -- I mean not from KCAC or Union

21 Carbide.

22 Q. Do you know if that location ever received

23 Calidria asbestos?

24 MR. VALEN: Objection; calls for speculation.

25 THE WITNESS: I would say no, no, not to my

1 knowledge.

2 BY MR. WAGNER:

3 Q. How about Aerojet at Nimbus or Sacramento,
4 California?

5 MR. VALEN: Same objection.

6 BY MR. WAGNER:

7 Q. Do you know if Calidria Asbestos ever
8 supplied to that location?

9 A. Not to my knowledge.

10 Q. How about Aerojet in Azusa, California, do
11 you know if Calidria Asbestos ever sold or supplied to
12 that location?

13 A. Not to my knowledge.

14 Q. Same question with regard to Rohr Industries
15 in Riverside, California, do you know if Calidria
16 asbestos was ever sold or supplied to that location?

17 A. Not that I remember.

18 Q. Do you recognize Minnesota Mining and
19 Manufacturing as a customer of any Calidria asbestos?

20 A. I don't think so.

21 Q. Aside from perhaps the documents in your
22 possession still at your office, do you have any other
23 documents in your possession which concern in any way
24 your employment with Union Carbide or KCAC?

25 A. Yes.

1 Q. Do you have any employee lists or retiree
2 lists, for example, from either Union Carbide or KCAC?

3 A. Yes.

4 Q. Which of those do you have, retiree lists?

5 A. I have a list of current employees and
6 retirees on it.

7 Q. Current list of KCAC employees?

8 A. Yes.

9 Q. And retirees of KCAC are also on that list?

10 A. Yes.

11 Q. Do you have any listing of employees or
12 retirees of the Union Carbide activities in King City,
13 be it the mine or the manufacturing site?

14 A. You mean, it would have been from 1985, 10
15 years?

16 Q. '63 to '85, anybody --

17 A. No.

18 Q. Do you maintain any business cards from your
19 business contacts?

20 A. Yes.

21 Q. And for what period of time do you maintain
22 business cards?

23 A. No specific period.

24 Q. How far back do these business cards date?

25 A. Of course they're not dated, so I'm not sure,

1 but I probably would have some from the 60's.

2 Q. And would you have business cards for
3 customers of Calidria asbestos?

4 A. Not -- no, not anymore.

5 Q. Where would those be, to your knowledge?

6 A. They would be discarded.

7 Q. Do you have any records at your office that
8 would identify any customers of Calidria asbestos?

9 A. From the '63 to '95 --

10 Q. It's still called Calidria asbestos, even
11 though it's being processed by KCAC; is that true?

12 A. Yes.

13 Q. So from '63 to the present, do you have any
14 documents at your office that would identify customers
15 of Calidria asbestos?

16 A. Yes.

17 Q. What documents are those?

18 A. Sales invoices.

19 Q. For what period of time do you have sales
20 invoices?

21 A. From 1963 to 1985, the -- are the Union
22 Carbide records, and KCAC records are maintained
23 separately from 1985 to 19 -- I guess to current.

24 Q. Where are the Union Carbide sales invoices
25 for '63 through '85?

1 A. In King -- at the King City processing
2 facility.

3 Q. So when we're referring to your office, we're
4 now talking about your office at the KCAC facility?

5 A. Yes.

6 Q. So you still maintain an office there as well
7 as in the City of King City?

8 A. No. I have no office in King City.

9 Q. The office address you earlier gave us, was
10 that KCAC?

11 A. The Post Office Box K?

12 Q. Right.

13 A. Yes.

14 Q. Where at the KCAC facility are the Union
15 Carbide sales invoices?

16 A. In a room in the office in a file cabinet.

17 Q. How many file drawers?

18 A. Three or four.

19 Q. And the KCAC sales invoices, where are those?

20 A. In the same office area. I'm not sure
21 exactly what file they're in.

22 Q. How many file drawers?

23 A. I don't know. One or two, three.

24 Q. How are the sales invoices kept,
25 chronologically, alphabetically?

1 A. Alphabetically.

2 Q. By customer name?

3 A. Yes.

4 Q. Are they also kept by year of sales?

5 A. No. Well, they're -- yes, they're organized

6 by customer, and then the customer is organized

7 chronologically.

8 Q. So, for example, if you knew a customer's

9 name, you could go to a file with that customer's

10 name; within that file would be all sales invoices

11 chronologically for sales to that customer?

12 A. To the best of my knowledge, they're all

13 there, yes.

14 Q. And is that the system used for both Union

15 Carbide sales invoices and the KCAC invoices?

16 A. I don't know about KCAC files, whether

17 they're set up the same way or not.

18 Q. Did you review anything to prepare for your

19 deposition?

20 A. I reviewed a couple of documents with

21 counsel.

22 Q. What documents did you review?

23 A. We looked at this sheet.

24 MR. SUNTAG: That's Exhibit C to this

25 deposition?

1 THE WITNESS: Right.

2 BY MR. WAGNER:

3 Q. When did you look at that sheet?

4 A. Yesterday.

5 Q. That was the exact same thing that we marked

6 as Exhibit C?

7 A. I think, yes.

8 Q. Okay. What else did you review?

9 A. Is that --

10 MR. SUNTAG: Whatever you remember.

11 THE WITNESS: A letter about a DOT rule

12 change.

13 BY MR. WAGNER:

14 Q. What was the date of that letter?

15 A. I don't know. I don't remember. 1970

16 something.

17 Q. Do you recall who the author was?

18 A. It was a draft, and as I recall -- as I

19 recall, I was the author or was signing -- signing the

20 document.

21 Q. And you have that back at the office still,

22 that document?

23 A. No.

24 Q. Do you know --

25 A. Well, I -- not to my knowledge do I have

1 that.

2 Q. Do you know where it is?

3 A. The one that I looked at yesterday?

4 Q. Yes.

5 A. It's with --

6 MR. SUNTAG: The one that he looked at
7 yesterday was mine.

8 MR. WAGNER: Yes. I just want to know what
9 he looked at and where it is, that's all.

10 Q. So you don't have possession, you believe
11 your attorney has it?

12 A. Yes. I don't know where it is.

13 Q. Can you recall the substance of that DOT
14 letter that you reviewed?

15 A. Only that it was advising distributors and
16 customers of a change in the DOT regulations that
17 might affect their handling of Calidria.

18 Q. Aside from the DOT letter and what we've
19 marked as Exhibit C, did you look at anything else to
20 prepare for your deposition?

21 A. I think there was one other one, but I can't
22 recall if it was the same subject as the DOT. I can't
23 recall what it was.

24 Q. Was that a letter that you authored?

25 A. I can't remember.

1 Q. What was the date?

2 A. I don't remember that.

3 Q. Is it your recollection that involved DOT
4 requirements as well?

5 A. I think it did, but I -- I can't remember
6 exactly what the second one covered:

7 Q. All right; aside from the three items that
8 we've just identified, have you reviewed anything else
9 in preparation for your deposition?

10 A. No.

11 Q. Aside from your attorney Dana Suntag, have
12 you talked to anybody else concerning your deposition?

13 A. Mr. Caine.

14 Q. What did you discuss with Mr. Caine?

15 MR. CAINE: I'll assert the attorney-client
16 privilege and instruct the witness not to answer. I
17 was counsel for Union Carbide earlier in the case
18 through the CCR.

19 MR. WAGNER: Your position is you represented
20 him at the time of the conversation?

21 MR. CAINE: Yes.

22 BY MR. WAGNER:

23 Q. So is it your understanding that Mr. Caine
24 was your attorney when you had any conversation with
25 him?

1 A. Yes.

2 MR. SUNTAG: And I concur in that.

3 BY MR. WAGNER:

4 Q. Okay; aside from the two attorneys in the
5 room here, Mr. Suntag and Mr. Caine, have you talked
6 to anybody else about your deposition?

7 A. Only Mr. Gerson.

8 MR. SUNTAG: He's a lawyer with Kelley, Drye
9 & Warren.

10 BY MR. WAGNER:

11 Q. That's your understanding, the only other
12 person that you've talked to is another attorney in
13 that firm?

14 A. Yes.

15 Q. So except for those three individuals that
16 we've just identified, you haven't talked to anybody
17 else about your deposition?

18 A. Correct, except to tell my wife where I was
19 going.

20 Q. All right.

21 A. And the city staff, since I'm the Mayor of
22 King City.

23 Q. I had heard that. And you didn't identify
24 that as employment.

25 A. No. Not hardly.

1 Q. How long have you been Mayor of King City?

2 A. I'm sorry I brought it up. Two years.

3 MR. WAGNER: Let's go off the record for
4 about five minutes. Why don't we take a break.

5 (Recess.)

6 BY MR. WAGNER:

7 Q. Do you recall any employees of the Atlas
8 Asbestos mine that we discussed earlier?

9 A. No.

10 Q. Do you recall any employees of the JM
11 Asbestos mine that we discussed earlier?

12 A. No.

13 Q. I've got a number of documents; we talked
14 about this, I believe, on and mostly off the record
15 earlier in the deposition, but these were exhibits to
16 the deposition of Steven Gripp, the person most
17 knowledgeable, the custodian of records of Harcros.
18 And we've gone ahead and taken some of those exhibits
19 and marked those as exhibits to your deposition.

20 (Documents referred to marked for
21 iden. Exhibit No. D through L.)

22 BY MR. WAGNER:

23 Q. I'd like to direct your attention, first of
24 all, to what was Exhibit C to Mr. Gripp's deposition.
25 This is now Exhibit D to your deposition, a three-page

1 document. Could you take a look at that, please, sir.
2 Can you identify what that first page is.

3 A. It looks like an invoice from Abbot, Cole &
4 DeGraf.

5 Q. Do you recognize that name, Abbot, Cole &
6 DeGraf?

7 A. No.

8 Q. Do you know if that company, Abbot, Cole &
9 DeGraf, was ever a distributor of Calidria asbestos?

10 A. No.

11 Q. You don't know?

12 A. No, they were never a distributor.

13 Q. Do you recognize them as a customer of
14 Calidria asbestos?

15 A. No.

16 Q. Do you know what type of business that is?

17 A. No.

18 Q. You wouldn't know any of the names of any
19 employees of that entity, would you?

20 A. No.

21 Q. Let's move onto the next exhibit that we've
22 marked as Exhibit E. This was formerly Exhibit D to
23 Mr. Gripp's deposition.

24 MR. SUNTAG: So we're skipping the second two
25 pages of Exhibit D, then?

1 MR. WAGNER: That's true.

2 Q. Can you identify what the first page of
3 Exhibit E is?

4 A. It's a letter dated August 24, 1979, from
5 myself to Calidria asbestos distributors and
6 warehouses.

7 Q. And that's your signature down there?

8 A. Yes.

9 Q. And this was prepared on what date?

10 A. It's dated August 24, 1979.

11 Q. To whom was this directed?

12 A. To Calidria asbestos distributors and
13 warehouses.

14 Q. Beyond that statement there, would you know
15 specifically who this was directed to?

16 A. No.

17 Q. Would you know, for example, if this was
18 directed to H & C (Pacific)?

19 MR. SUNTAG: Are you asking whether it was
20 sent to H & C Pacific?

21 MR. WAGNER: Right.

22 MR. CAINE: Objection insofar as it calls for
23 speculation or it's already asked and answered by the
24 earlier answer.

25 THE WITNESS: To the best of my knowledge, it

1 was -- it was sent to asbestos distributors, and
2 Harrisons & Crosfield was a distributor.

3 BY MR. WAGNER:

4 Q. And to your recollection, what was the
5 purpose of your preparing this correspondence?

6 A. It sounds like there were some modifications
7 to a previous letter concerning new DOT regulations.
8 We made -- apparently made requests to DOT for a
9 couple of changes, and they approved them, and we're
10 advising the distributors and warehouses of that fact.

11 Q. Earlier when you say you reviewed a
12 correspondence that you had drafted concerning DOT
13 regulations, were you by any chance referring to this
14 document?

15 A. I don't remember if that was the third one or
16 not.

17 Q. And what's the next page to this exhibit? Do
18 you recognize that?

19 A. I can tell you what it says, it's -- it's an
20 excerpt from the Federal Register.

21 Q. Do you recognize this as an attachment to
22 that letter that you just identified?

23 A. Yes. It says the changes are described in
24 the attached copy of the Federal Register dated
25 August 16, 1979; so that would have been an attachment

1 to the letter.

2 Q. Do you know if there were any other
3 attachments to that letter?

4 A. No, I don't.

5 Q. What's the next exhibit, if you could
6 identify Exhibit F? It was formerly E to Steve
7 Gripp's deposition.

8 You've had a chance to take a look at that?

9 A. Yes.

10 Q. Do you recognize this as being the company
11 letterhead of Calidria Asbestos?

12 A. Yes.

13 Q. And do you recognize the signature there?

14 A. Yes.

15 Q. Who is that?

16 A. R.E. Byrne, Jr.

17 Q. And have you ever seen this letter before?

18 A. I don't have any specific recollection of
19 having seen it, but I would assume that I have, yes.

20 Q. And what was Mr. Byrne's title at this time?

21 A. Manager, asbestos technology.

22 Q. And in that regard, would you have any
23 understanding as to whether it would be part of his
24 duties to generate a letter such as this?

25 A. I don't recall.

1 Q. Let's just go through these, if we can. The
2 next one is Exhibit G. Can you identify the first
3 page on that document.

4 A. It's a draft document on Calidria -- or Union
5 Carbide Calidria Asbestos letterhead from Niagara
6 Falls, New York.

7 Q. Okay; this appears to be a multi-page
8 document. Why don't you take your time and look
9 through that. Is this a document you recognize as
10 being created by you?

11 A. I would have created a document like this,
12 yes.

13 Q. That's your name on the second page there
14 under the signature line area?

15 A. It's my name, yes.

16 Q. And what was the purpose of creating this
17 record?

18 A. There wasn't any record created. It was a
19 letter to be sent to -- again, to Calidria asbestos
20 distributors and warehouses advising them of the new
21 DOT regulation.

22 Q. And at the time this was generated, this was
23 part of your function with Union Carbide, to create
24 documents such as this?

25 A. That would be, yes.

1 Q. And beyond the title there, Calidria asbestos
2 distributors and warehouses, as far as to whom it was
3 addressed, do you have any other information as to who
4 specifically received this?

5 A. No.

6 MR. SUNTAG: Well, objection,
7 mischaracterizes the record. There's no evidence that
8 anybody received this letter which is marked "draft."

9 BY MR. WAGNER:

10 Q. Do you have any information that this letter
11 was disseminated to anyone?

12 A. No.

13 Q. What's your understanding of the purpose of
14 the "draft" that's typed at the top?

15 A. I probably drafted this and then sent it to
16 my -- the people that work for me to see if it sounded
17 like it covered the situation.

18 Q. Do you recall sending a letter in this form
19 to any Calidria asbestos distributors or warehouses?

20 A. No.

21 MR. SUNTAG: Objection; vague and ambiguous
22 as to "letter of this form."

23 BY MR. WAGNER:

24 Q. Do you have any belief that you drafted this
25 document and did not later distribute it to any

1 customers or warehouses?

2 A. No.

3 Q. Do you have any recollection of this letter
4 being distributed to anyone?

5 A. No.

6 Q. Was this drafted with enclosures? We only
7 have one copy so I'm trying to read it upside down; so
8 bear with me.

9 A. Apparently there was an enclosure of a
10 duplicate copy of a letter so that the person
11 receiving it could sign that they had received it and
12 make sure they understood what it said.

13 Q. That would be for signature by customers or
14 warehouses?

15 A. Whoever it was sent to.

16 Q. Can you identify the next pages that are
17 immediately following that two-page letter that we
18 marked as Exhibit G?

19 A. That's the Federal Register attachment which
20 -- which sets down the new change -- the change in
21 rules.

22 Q. Okay. This continues for a number of pages,
23 then. Why don't you go ahead and look through the
24 rest of the pages to Exhibit G, and I'll ask you if
25 you can identify each of those pages. Is that all

1 part of the Federal Register that you're referring
2 to?

3 A. Looks like there's two excerpts from the
4 Federal Register, one dated December 4, 1978, and
5 another one which -- that's my handwriting, I've
6 written "revisions" on it, dated March 29, 1979.

7 Q. Is that also your handwriting on the text of
8 it?

9 A. Yes, I think so. The remainder of it is from
10 the March 27, '79, Federal Register.

11 Q. Is this still part of Exhibit G that you're
12 looking at here?

13 A. It should be part of Exhibit G there.

14 Q. This was all intended to be an enclosure with
15 that draft?

16 A. Yes. That would all be part of the
17 enclosure.

18 Q. And as you sit here today, you have no
19 recollection of that letter being put in final form
20 and distributed to any customers?

21 A. No.

22 Q. All right; what's the next document?

23 A. H.

24 Q. And it looks like we've come across a match
25 here; that was Exhibit H to the Steve Gripp deposition

1 as well. Can you identify what the first page is?

2 MR. CAINE: Exhibit G was also the same as
3 Exhibit G to the Gripp deposition.

4 MR. SUNTAG: I guess he could read what it
5 says. I guess maybe a better question was, has he
6 ever seen this before?

7 BY MR. WAGNER:

8 Q. Just familiarize yourself with it at this
9 point.

10 MR. MOPPIN: What's the title of the
11 document?

12 MR. SUNTAG: State of California, Division of
13 Industrial Safety, General Industry Safety Orders.

14 BY MR. WAGNER:

15 Q. That's marked as Exhibit H. Have you ever
16 seen this document before?

17 A. I don't recall specifically, but I assume
18 that I have, yes.

19 Q. When can you recall first seeing this
20 document?

21 MR. SUNTAG: Objection; he states he assumes
22 he has seen it before, and I should request the
23 witness not to assume. If you remember seeing it,
24 that's one thing; if you don't remember either way, it
25 is another thing. But you shouldn't assume that

1 you've seen it.

2 BY MR. WAGNER:

3 Q. Why do you assume that you saw it?

4 A. Because that would have been part of my job,
5 to review the regulations of federal -- federal and
6 state regulations.

7 Q. And would you maintain documents such as this
8 in your files?

9 A. I would have, yes.

10 Q. What specific duties did you have with regard
11 to regulatory compliance while employed by Union
12 Carbide or KCAC?

13 A. I didn't have any duties related to that, but I was
14 *expected to keep up with regulations, inform customers of them, and*
14 *encourage them to comply with them.*

15 Q. Did you have any duties concerning a
16 Department of Transportation regulation while employed
16 by Union Carbide or KCAC?

17 A. No, but I was expected to keep up with DOT regulations,
18 *inform customers of them, and encourage them to comply with them.*

18 Q. Are there presently files in your possession
19 at KCAC which pertain in any way to Department of
20 Transportation regulations involving Calidria
21 asbestos?

22 A. Not -- not to my knowledge in my files, no.

23 Q. Is there an employee at KCAC that would
24 maintain such files?

25 A. Most of the files that I've had were passed

1 on to the succeeding president of KCAC.

2 Q. And what files were those?

3 A. I said most of those.

4 Q. Those would be safety-related issues?

5 A. Regulatory issues.

6 Q. And who is that individual?

7 A. Richard A. Vance.

8 Q. And he maintains his office in the King City

9 location of KCAC?

10 A. Yes.

11 Q. So as you sit here today, you have no

12 specific recollection of ever having seen Exhibit H

13 before?

14 A. No.

15 Q. Can you identify Exhibit I? Let me ask you

16 if you've ever seen it before?

17 A. I can't recall.

18 Q. Do you recognize any names on this document?

19 A. It's addressed to someone named Leon. It's

20 signed by Tom Norris.

21 Q. Do you recognize this as being a document of

22 the type that was in use at Calidria Asbestos at any

23 time?

24 A. This form?

25 Q. Right.

1 A. Yes.

2 Q. And what type of form is that?

3 A. It's a five-by-eight note paper which is
4 pre-printed with the Union Carbide hexagon and
5 "Calidria Asbestos" and the name of the person for
6 whom it was printed.

7 Q. And this was a pre-printed form for use in
8 generating memoranda at Calidria Asbestos, is that
9 your understanding?

10 MR. CAINE: Objection, assumes facts not in
11 evidence as to any perceived policy or regular
12 practice of the company.

13 THE WITNESS: We had those notepads for
14 whatever use one had to make of them, grocery lists or
15 notes to people.

16 BY MR. WAGNER:

17 Q. All right. And you've never seen this
18 document before?

19 A. No.

20 Q. Do you recognize the two-page letter dated
21 December 22, 1977? It's also attached as Exhibit I.

22 A. Well, I don't know what you mean by
23 "recognize."

24 Q. Have you ever seen it before?

25 A. I can't remember seeing it before

1 specifically.

2 Q. Do you know who created the document?

3 A. No. The best of my recollection, I would
4 have created it if I signed it.

5 Q. Is that your signature on the second page
6 there?

7 A. Yes.

8 Q. And you have no specific recollection of
9 generating this letter?

10 A. No.

11 Q. Do you recall sending this letter to Leon
12 Persson?

13 A. No.

14 Q. Do you know what the purpose of this letter
15 was?

16 A. I can read it and tell you. It was a -- to
17 advise Mr. Persson that the Consumer Product Safety
18 Commission published a ban on consumer patching
19 compounds containing respirable free-form asbestos.

20 Q. And it was part of your function at that time
21 to apprise your customers of that fact?

22 A. Yes.

23 Q. I don't want to dwell on it, but we'd just
24 like to get through these letters as quickly as we
25 can.

1 Next one is December 14, 1977. Do you
2 recognize that?

3 A. No. Not -- not specifically.

4 Q. Do you know who created that?

5 A. I can tell you who -- I can say it was
6 probably -- it was drafted by Dr. Rhodes.

7 Q. Okay; and who is that?

8 A. He was our -- at one time part of the sales
9 group. He had signed this as technology manager.

10 Q. And did you sign this on behalf of him?

11 MR. SUNTAG: Objection; the document is not
12 signed.

13 THE WITNESS: It's signed in ^{it is typed that} ~~that~~ it was
14 signed by John Myers for Dr. Rhodes.

15 BY MR. WAGNER:

16 Q. Do you recall signing this for him?

17 A. No.

18 Q. Do you recall seeing this document at the
19 time it was created?

20 A. No.

21 Q. Do you know to whom it was directed?

22 A. Only by the addressees are the commissioners
23 on the Consumer Product Safety Commission.

24 Q. Did you participate in the drafting of this
25 correspondence?

1 A. I don't recall.

2 Q. Do you have any understanding as to why it
3 would be typed in there on the third page of that
4 December 14, 1977, document that it was signed by you?

5 A. I'm assuming -- I'm not supposed to assume
6 things, but I would think that Dr. Rhodes was not
7 available to sign it.

8 Q. And the following document, was that
9 enclosed in that letter, to your understanding?

10 MR. SUNTAG: Objection; the witness testified
11 that he didn't recall seeing the document before, so I
12 think it's unfair to ask whether he recalled that the
13 attachment was attached to the document.

14 BY MR. WAGNER:

15 Q. Strike that; let me ask you this: Do you
16 recognize the subsequent document with the label
17 Federal Register?

18 A. No.

19 Q. You don't recall ever seeing that before?

20 A. No.

21 Q. That bears the date Thursday, December 15,
22 1977. Go ahead and take your time and look through
23 it.

24 A. No, I don't remember seeing it before, you
25 know, specifically.

1 Q. Let's go to the next exhibit, then. Actually
2 Exhibit J, the first page appears to be a duplicate of
3 what we earlier marked as Exhibit C. Is that your
4 understanding, sir?

5 A. Exactly. Looks like it, yes.

6 Q. Let me ask you, under the column "C/L Price,
7 \$/T," was does that refer do?

8 A. It just says carload pricing, dollars per
9 ton.

10 Q. At the time this was generated, is it your
11 understanding that it was part of Mr. Byrne's duties
12 to generate such correspondence?

13 A. Yes, that would be one of his duties.

14 Q. And it would be important for the information
15 contained on such a document to be true and accurate;
16 is that true?

17 MR. SUNTAG: Objection; vague and ambiguous
18 as to what you mean by "important."

19 MR. SHERMAN: Objection; argumentative.

20 MR. WAGNER: Strike that.

21 Q. Based upon your employment with Union
22 Carbide, is it your understanding that this would be
23 the document ordinarily relied upon in the course of
24 business to be accurate?

25 MR. SUNTAG: By whom?

1 MR. CAINE: Requires speculation, assumes
2 facts not in evidence.

3 MR. SUNTAG: Can you read the question back,
4 please.

5 (Record read.)

6 MR. SUNTAG: Objection; how can a document be
7 ordinarily relied upon if it was a one-time document?
8 I don't understand the question.

9 BY MR. WAGNER:

10 Q. This is a price quote sheet; is that true?

11 A. No, I wouldn't recognize it as that.

12 Q. What would you recognize it as?

13 A. An announcement to the people involved with
14 sales on a corporate approval for price increases.

15 Q. Okay.

16 A. It doesn't say that they're going to be
17 implemented or that they have been implemented. It
18 just has corporate approval.

19 Q. Do you know if those price increases were
20 implemented?

21 A. No.

22 Q. Do you know if it would be important for such
23 an announcement to accurately reflect information?

24 MR. SUNTAG: Objection; vague and ambiguous.
25 Important to whom?

1 MR. WAGNER: The people to whom it was
2 generated.

3 MR. SUNTAG: Speculation; vague and ambiguous.

4 MR. CAINE: Join.

5 THE WITNESS: It would have some importance.

6 BY MR. WAGNER:

7 Q. All right. The second page of the exhibit
8 that we've marked as Exhibit J, can you identify what
9 that is?

10 A. It's a Calidria Asbestos price list.

11 Q. And this is a form that you recognize as
12 being in use at Calidria Asbestos at that time period?

13 MR. SUNTAG: What time period?

14 THE WITNESS: January 1979.

15 BY MR. WAGNER:

16 Q. Is that true, that was --

17 A. Yes.

18 Q. And what information is contained in such a
19 price list?

20 MR. SUNTAG: Are you asking him to read
21 the --

22 BY MR. WAGNER:

23 Q. Typically there are a number of price lists
24 here. We can dig through each one, or you can tell me
25 what information is simply set forth in a price list.

1 MR. SUNTAG: Objection; the document speaks
2 for itself. I'm not sure what you're asking him.

3 MR. WAGNER: There are a number of documents
4 here. We can go through every single price list for
5 every single product, or I can ask him generally
6 speaking what information is set forth in the price
7 list.

8 MR. SUNTAG: But if it's on the document, why
9 do you ask him to repeat that?

10 MR. WAGNER: I'm not asking him to repeat.

11 Q. What's your understanding of the information
12 that's set forth in price lists that are generated by
13 Union Carbide at this time period?

14 MR. SUNTAG: Same objections. I guess what
15 he's asking is what the general -- what are the
16 general categories of information that would be
17 included in the price lists at that time.

18 THE WITNESS: And not Union Carbide but
19 Calidria Asbestos price list you're referring to,
20 right? You said Union Carbide price list.

21 BY MR. WAGNER:

22 Q. Yes. The name Union Carbide is on there,
23 isn't it?

24 A. No.

25 Q. What is this document here, the second page,

1 Exhibit J?

2 A. It's a price list showing the availability of
3 the products from the warehouses, different shipping
4 points, with a breakdown of price between carload
5 quantities and small quantities less than one pallet;
6 it provides the packaging information for the products
7 listed and how to order or get additional information.

8 Q. Do you know who in 1979 was responsible for
9 creating such documents?

10 A. Yes. I would have been responsible for
11 having it created.

12 Q. Okay; and there are a number of other price
13 lists, too. Do these pertain to different products?

14 A. Yes.

15 Q. What is the purpose of the price list?

16 A. To advise customers of the price of our
17 product and where it's available.

18 Q. And these would be disseminated to customers?

19 A. Customers, distributors, potential customers.

20 Q. This would be a document ordinarily created
21 during the course and scope of your employment at
22 Union Carbide, this was part of your duties; is that
23 true?

24 MR. SUNTAG: You mean this very document,
25 January 2, 1979? Are you asking whether it was the

1 general practice during the entire period and so
2 forth?

3 BY MR. WAGNER:

4 Q. In 1979, for example, was it your
5 responsibility to be responsible for generating such
6 price lists?

7 A. That fell under my responsibility while I was
8 marketing manager.

9 Q. And these price lists were documents created
10 in the ordinary course of business at Union Carbide?

11 A. Yes.

12 Q. And was it important for the information
13 contained in these price lists to be accurate?

14 A. Yes.

15 Q. If a price list exists for a certain product
16 in a certain year, does that indicate that that
17 product is, at that time, a product being manufactured
18 by Union Carbide?

19 A. Not necessarily.

20 Q. And which situations would it be that there
21 would be a price list for a particular product in the
22 year that that product was not being manufactured?

23 A. Somebody decided to buy it, we would probably
24 produce it for them.

25 Q. Okay. Would there be a situation where the

1 product would be manufactured and warehoused for a
2 period of time before sale?

3 A. Yes.

4 Q. Typically how long would a product be
5 warehoused prior to sale?

6 MR. SUNTAG: Objection; assumes that this was
7 a typical time period.

8 THE WITNESS: There was no typical time
9 period for warehousing of material.

10 BY MR. WAGNER:

11 Q. Was there any shelf life on any of the grades
12 of asbestos that we've talked about?

13 MR. SUNTAG: Objection; vague and ambiguous.
14 What do you mean by shelf life?

15 BY MR. WAGNER:

16 Q. Would the product degrade in quality to where
17 it would be unuseable after a certain period of time?

18 A. No.

19 Q. Do you know how long the product grades that
20 we earlier discussed could be warehoused at any
21 location? Was it an unlimited amount of time that
22 they could be warehoused?

23 A. Yes.

24 Q. Were there warehousing facilities at the King
25 City location?

1 A. Yes. That's where the product was produced
2 and stored until it was shipped, yes.

3 Q. A number of these price lists have the
4 various products, and then there is a price list here
5 -- it is actually marked at the bottom J-14, but it's
6 part of Exhibit J here, labeled "Standard Grades." Do
7 you know what this pertains to?

8 A. I don't understand your question.

9 Q. Does this pertain to all of the SG grades,
10 this price list?

11 A. It pertains to the ones that are listed
12 there, SG-100, SG-144, and SG-130.

13 Q. Okay. So instead of the single grade, it's
14 referring to multiple grades.

15 Let's quickly move to Exhibit K. Do you
16 recognize that?

17 A. I don't know what you mean by recognize.

18 Q. Have you ever seen that document before?

19 A. Yes.

20 Q. Is that your signature on the second page?

21 A. Yes.

22 Q. And is that a letter you directed to
23 Mr. Lebeis?

24 A. It looks like a letter I sent to Mr. Lebeis.

25 Q. Do you know if it was ever sent to him?

1 A. I can confirm that it was received by him --
2 Q. You're just looking --
3 A. -- by the stamp.
4 Q. And do you recall what the purpose of
5 receiving this letter was?
6 A. Sounds like an agreement to sell Calidria
7 asbestos SG-210 to them in minimum quantities.
8 Q. Was there an attachment along with this?
9 MR. SUNTAG: Are you asking for his
10 independent recollection, or are you asking him to
11 look for the word "attachment" on the letter?
12 BY MR. WAGNER:
13 Q. Well, do you recall if there was an
14 attachment on the letter?
15 A. No, not without reading the letter -- "on
16 the terms and conditions contained in Exhibit A
17 attached."
18 Q. So the letter refreshes your recollection
19 whether attachment was provided?
20 A. Yes.
21 Q. And the attachment is here?
22 A. It is marked Exhibit A, and it's attached to
23 the letter. So it appears that that was the
24 Attachment A referenced in the cover letter.
25 Q. And does that refer to the terms and

1 conditions for the sale of that grade to Mr. Lebeis?

2 MR. SUNTAG: Objection; the documents speaks
3 for itself.

4 BY MR. WAGNER:

5 Q. Do you have any recollection as to what the
6 terms and conditions were?

7 A. No.

8 Q. And is it your understanding that Exhibit A
9 here would accurately reflect what the terms and
10 conditions were for that?

11 A. I have no idea, because I don't remember
12 them.

13 Q. You just have to defer to this letter?

14 A. Yes.

15 Q. Next exhibit is L. Do you recognize that?

16 MR. CAINE: "L" or "M?"

17 THE WITNESS: "L." There is an old "M."

18 BY MR. WAGNER:

19 Q. Yes, this is Exhibit L to this deposition,
20 formerly M to Steve Gripp's deposition. Let's go off
21 the record for a minute, too.

22 (Discussion held off the record.)

23 MR. WAGNER: Let's go back on the record.

24 The next exhibit is Exhibit L, but it bears
25 page numbers M-29 through a large number of other "M"

1 designations. But for purposes of this deposition,
2 it's Exhibit L.

3 Q. Do you recognize the first page? It has an
4 "M-29" at the bottom right.

5 A. It looks like a typical letter that we would
6 send concerning the product specifications.

7 Q. Do you recognize this letterhead?

8 A. Yes.

9 Q. And what company is this referring to?

10 A. The letter is written to Harrisons &
11 Crosfield (Pacific), Incorporated.

12 Q. Is this at a time when the company in King
13 City is known as KCAC?

14 A. Yes -- oh, yes.

15 Q. You indicated this would typically be a
16 letter sent for what purpose?

17 A. Well, not always typically sent, but this is
18 a letter which advises the customer that the product
19 being shipped meets the specifications for that
20 product.

21 Q. And this is -- do you recognize the
22 signature?

23 A. Yes.

24 Q. And who is that individual that signed it?

25 A. Linda Jo Grogan.

1 Q. And this was part of her duties, to generate
2 a document such as this?

3 A. Yes.

4 Q. You recognize the next page?

5 A. Looks like the same thing.

6 Q. This is another document indicating the
7 specifications were met by these products?

8 A. Yes.

9 Q. As opposed to going through about 100 of
10 these pages, could I just have you go through them
11 briefly, skimming them and telling me if you see any
12 other types of letter, other than what we have
13 identified as the type confirming the specification
14 compliance of the product.

15 MR. SUNTAG: Let's just for the record figure
16 out which pages we are talking about.

17 MR. WAGNER: We are on Exhibit L, the witness
18 is going through Exhibit L, and then as soon as we get
19 to a different type document, we will identify that.

20 MR. SHERMAN: Are you just trying to
21 authenticate these documents?

22 MR. WAGNER: I want to know essentially what
23 type of document we're looking at.

24 THE WITNESS: This one is not an invoice, a
25 copy of an invoice.

1 MR. WAGNER: And that --
2 MR. CAINE: M-38.
3 MR. WAGNER: M-38 in the lower right.
4 MR. SUNTAG: It skips from M-35 to M-38; is
5 there a reason?
6 MR. WAGNER: No. I'm not representing that
7 these are all of the exhibits from Steve Gripp's
8 deposition; I'm saying that whatever exhibits are here
9 are from that deposition.
10 Q. Do you recognize this as a sales invoice of
11 Union Carbide?
12 A. A copy of a sales invoice.
13 Q. Actually, it indicates "KCAC, Inc."; is that
14 true?
15 A. Yes.
16 Q. Did they use the same type of sales invoices
17 that were formerly used by Union Carbide?
18 A. Same type, yes.
19 Q. And whose job is it to create sales invoices
20 at present?
21 A. The form or the --
22 Q. The form.
23 A. Probably the printer.
24 Q. Whose duty is it at present at KCAC to input
25 the information in, the sales information?

1 A. ^{Dannell}~~Darryl~~ Garcia.

2 Q. Anyone else?

3 A. No. If he's not there, other people in the

4 office can do it.

5 Q. And can you tell from this document who

6 inputted the information?

7 A. No.

8 Q. What information is entered in the upper

9 left-hand corner of the sales invoice, and I'm talking

10 about this particular document in front of you, M-38?

11 A. The name, KCAC, Incorporated, the words

12 "Calidria Asbestos, Post Office Box K, King City,

13 California 93930."

14 Q. Is a customer indicated on this?

15 A. It's the -- the form is normally "shipped

16 to," "billed to."

17 Q. So all the sales invoices, when we go through

18 them, the first entry is "billed to"?

19 A. "Shipped to."

20 MR. SUNTAG: I note that on the form, the

21 exhibit that has been given to the witness, he can't

22 read the far left of the document.

23 THE WITNESS: Yes, you know, "shipped to" and

24 "invoiced to" are two different addresses.

25 BY MR. WAGNER:

1 Q. What is the invoice number? What does that
2 refer to?

3 A. It's just an assigned number in numerical
4 succession. The number is KC-20.

5 Q. And what is the invoice date?

6 A. July 11, 1985.

7 Q. Date the order is received?

8 MR. SUNTAG: You mean this document or
9 general practice with Union Carbide or general
10 practice with KCAC?

11 BY MR. WAGNER:

12 Q. General practice as of this time, what would
13 the invoice date be?

14 MR. SUNTAG: General practice when, as of
15 July 11 with KCAC?

16 MR. WAGNER: Right.

17 THE WITNESS: You're asking me to read the
18 invoice date?

19 BY MR. WAGNER:

20 Q. I just want to know what the practice was at
21 about this time period as far as entry of a date for
22 the invoice date; is that when the order is placed?

23 A. No, no, that's when the order is shipped.

24 Q. Okay. What is "Date to Ship"?

25 A. July 8.

1 Q. I just want to know the import of the date
2 entries here.

3 A. Well, if the customer -- it was customary to
4 invoice on date of shipment, but if for some reason
5 the person did not have time, it would be invoiced at
6 a later date.

7 Q. Okay. Why don't we just finish up with
8 Exhibit L, then. Can you go through and see if
9 there's any other types of documents in there, other
10 than the invoice type that you've identified and the
11 specification document?

12 A. Page M-40 is bill of lading.

13 Q. Do you recognize that as a Calidria form in
14 use during your employment there?

15 A. Yes.

16 Q. What was the purpose of this document?

17 MR. SUNTAG: Objection, calls for a legal
18 conclusion, but you can give your understanding.

19 THE WITNESS: It's my understanding that this
20 is denoting how the material is to be shipped, how
21 much there is.

22 BY MR. WAGNER:

23 Q. Would this reflect an actual shipment of
24 product?

25 A. Yes.

1 Q. And whose responsibility would it be to input
2 the information for such a bill of lading?

3 A. Normally the same person that would prepare
4 the invoice.

5 Q. And that would reflect to whom the shipment
6 was made?

7 A. Yes.

8 Q. Okay. As well as the date?

9 A. I would -- yes, the date is up here.

10 Q. Okay. And in this case, it's 7/8/85?

11 A. Yes.

12 Q. All right; and what is the quantity shipped?

13 MR. SUNTAG: Are you asking him whether he
14 knows that this actual sale occurred and this quantity
15 was actually shipped, or are you asking him to read
16 the document?

17 BY MR. WAGNER:

18 Q. Can you tell from this document, M-40, what
19 quantity is specified in the bill of lading?

20 A. No, I don't know whether the invoice and the
21 bill -- I mean, these don't seem to go together. I'm
22 not sure. Apparently the -- the amount shipped was
23 100,000 net pounds.

24 MR. SUNTAG: Let me -- are you --

25 THE WITNESS: I'm quoting from this.

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BY MR. WAGNER:

Q. You're looking at the bill of lading, and you can determine that the entry is 100,000 net pounds?

A. I am. I can determine it because it says, "Bill as 100,000 pounds."

Q. What is the net pound? What does it mean by that term?

A. The amount of the weight of the asbestos with its packaging but not including the weights of pallets or any materials that are used in -- to pack the pallets to the railcar.

Q. Does this also reflect the sale of 22,000 net pounds?

MR. SUNTAG: Well, same objection. Are you asking whether he knows whether it was net, or are you asking him to interpret the document?

BY MR. WAGNER:

Q. Yes, is that a fair reading of the document?

A. I'm not sure that's what it is without being able to see the whole document.

Q. Aside from this bill of lading form, can you identify any other types of forms in Exhibit L that we haven't talked about?

MR. SHERMAN: I take it we're going to go through this entire stack?

1 MR. WAGNER: Yes.

2 MR. MOPPIN: We already almost did.

3 MR. SUNTAG: Is there any reason to go
4 through multiple copies of the same type of document,
5 such as product specifications letters?

6 MR. WAGNER: It will only take a few minutes.

7 MR. SUNTAG: I know, but is there any reason
8 to do it?

9 MR. SHERMAN: What's the offer of proof on
10 this? This is unduly burdensome and time consuming
11 here. It seems like we're wasting a lot of attorney
12 time here.

13 BY MR. WAGNER:

14 Q. We've been able to identify types of
15 documents here as Exhibit L involving specification
16 confirmation documentation as well as the invoices and
17 a bill of lading. Can you identify any other
18 documents that are part of Exhibit L here?

19 A. Yes. Number -- it's not readable, but this
20 is a sample order.

21 Q. What's a sample order?

22 A. An order for a sample.

23 MR. CAINE: For reference, the prior page
24 appears to be M-108.

25 BY MR. WAGNER:

1 Q. And what situation would a sample order be
2 requested?

3 MR. SUNTAG: Objection; vague as to time.

4 BY MR. WAGNER:

5 Q. At any time, what's your understanding as to
6 the purpose of providing a sample order?

7 A. To -- usually a customer would request -- I
8 should say a potential customer would request a sample
9 so that they could evaluate which product -- if the
10 product would work in their application.

11 Q. When an order was placed with Union Carbide
12 at the King City location, would the only
13 documentation concerning that order be an invoice in a
14 bill of lading?

15 MR. SUNTAG: Objection; vague as to time.
16 Are you asking general practice?

17 MR. WAGNER: Strike that.

18 Q. What is your understanding, generally
19 speaking, of the document that would be generated as a
20 result of a customer placing an order for Calidria
21 asbestos in the King City location?

22 MR. SUNTAG: What time period?

23 MR. WAGNER: At any time.

24 THE WITNESS: Whoever took the order on the
25 telephone would probably prepare a notepad, like

1 you're doing, to write down the order and then
2 complete the -- complete a sheet advising the shipping
3 department about the order and where to ship it.

4 BY MR. WAGNER:

5 Q. Does that document have a name?

6 A. No, not that -- it's an internal document.

7 Q. And then what would the next document be in
8 the process?

9 A. I can't answer that.

10 Q. Do you know for every purchase order placed
11 whether an invoice would be generated?

12 A. Should be, yes.

13 Q. And for every --

14 A. Every -- not a sample order, there would be
15 no invoice.

16 Q. For every purchase order placed, would a bill
17 of lading be generated?

18 A. Unless there was a customer pick-up, I
19 assume. I'm not that familiar with that phase.

20 MR. WAGNER: Off the record.

21 (Discussion held off the record.)

22 MR. WAGNER: Let's go back on the record.

23 Q. The witness has been able to go through a
24 substantial part of Exhibit L here, and you have
25 identified these are copies, to your knowledge, of

1 sales records of Union Carbide; is that true?

2 MR. SUNTAG: Let me just clarify, when you
3 say "substantial portion," you started at M-460 and
4 went through the end of that booklet, which says
5 M-770. Presumably the numbers in between are
6 chronological. Let me just assert an objection for
7 the record, that it's unfair and compound and not
8 proper deposition to ask the witness to quickly review
9 what appears to be several inches of documents and ask
10 him to authenticate them also. And so the witness's
11 answer is based on the fact that he's done it in a
12 quick manner to expedite this proceeding. It's also
13 with the caveat that there are markings on the
14 document that may not have been placed by Union
15 Carbide. There are stamps; for instance, the one on
16 M-460 says "H & C (Pacific)." There are check marks
17 on this and handwritten notations, and I want it to be
18 clear that they may not be -- those markings may not
19 have been applied by Union Carbide.

20 MR. WAGNER: That's understood. I just want
21 to clarify that the witness did go through the --
22 another portion of Exhibit L, which at the bottom
23 right indicates M-29 continuing through M-100, just
24 for clarity of the indication. So there are some
25 records he did go through but others that he didn't

1 that he didn't identify.

2 Q. But with that understanding, sir, do these
3 appear to be true and accurate copies of sales records
4 of Union Carbide?

5 A. As I said, except for the front -- first
6 pages of that document.

7 Q. Yes. You're talking about a different
8 exhibit, though, you're talking about Exhibit D to
9 this deposition. So we are just focusing on
10 Exhibit L.

11 A. Yes, with the -- my counsel's stipulation.

12 MR. WAGNER: Okay. Well, we had a discussion
13 off the record about the possibility of reviewing
14 documentation that's been referred to and is not
15 present here today. With that understanding, though,
16 I don't have any further questions.

17 MR. SHERMAN: You're all done?

18 MS. EWERT: I have a question.

19 EXAMINATION BY MS. EWERT:

20 Q. Hi, Mr. Myers. My name is Elizabeth Ewert.
21 I have some questions for you regarding RG-244. I
22 represent Dow Corning Corporation.

23 You testified that within the manufacture of
24 RG-244, asbestos is mixed with sodium silicate; is
25 that correct?

1 A. The -- asbestos in a slurry form with water,
2 asbestos in a slurry form was mixed with sodium
3 silicate and acetic acid.

4 Q. And the result of that procedure is that the
5 asbestos fibers are encapsulated in silica?

6 MR. WAGNER: I'll object to the form of the
7 question as vague and overbroad, lacks foundation,
8 calls for speculation.

9 THE WITNESS: I wouldn't describe it as
10 encapsulated. The fibers are coated with the silica,
11 which, by the way, is ^{amorphous}~~morpheus~~ silica.

12 BY MS. EWERT:

13 Q. And to your knowledge, is there any method by
14 which that coating could be removed from the asbestos
15 fibers?

16 MR. WAGNER: Object to the question; vague,
17 overbroad; lacks foundation.

18 THE WITNESS: Yes. The coating -- I'm not
19 sure whether the coating is removed. The
20 effectiveness of RG-244 can be destroyed by excessive
21 dry grinding, and whether that removed the coating or
22 causes some other reaction, I don't know.

23 BY MS. EWERT:

24 Q. When you say "excessive," do you mean that
25 some amount of grinding might not destroy the

1 effectiveness?

2 A. That's true.

3 MR. WAGNER: Objection; vague, overbroad,
4 lacks foundation, calls for speculation, incomplete
5 hypothetical.

6 THE WITNESS: That is true, yes.

7 BY MS. EWERT:

8 Q. Thank you. What is it that makes RG-244
9 effective in the way you have just used it, the term
10 "effective"?

11 MR. WAGNER: Same objections; it's vague,
12 overbroad.

13 THE WITNESS: I don't know the chemical
14 process, but silica is used to -- let's take the
15 example of polyester resins. Silica is used to
16 provide viscosity control in polyester resins. RG-244
17 has -- since it has a silica surface, performs that
18 job better because it is now in a fibrous nature,
19 being on the asbestos fibers.

20 BY MS. EWERT:

21 Q. It's in a fibrous form, it performs its job
22 better; is that what you just said?

23 A. That's what we think, yes.

24 Q. And what job might that be?

25 A. To create viscosity, actually thixotropy, in

1 the resins.

2 MS. EWERT: That's all I have. Thanks.

3 EXAMINATION BY MR. SHERMAN:

4 Q. A few questions. My name is Paul Sherman for
5 American Cyanamid Company.

6 Do you have a specific recollection of
7 American Cyanamid Company being a buyer of Calidria
8 asbestos?

9 MR. WAGNER: Objection; asked and answered,
10 argumentative.

11 THE WITNESS: Yes, I do.

12 BY MR. SHERMAN:

13 Q. Okay; and what is the basis for that
14 recollection?

15 A. I made several visits to the American
16 Cyanamid plant in Azusa, I think it's in Azusa,
17 California.

18 Q. And you testified that they purchased RG-244;
19 is that correct?

20 A. Yes.

21 Q. Did they purchase any other form?

22 A. Not that I recall.

23 Q. What use was the RG-244 put; do you know?

24 MR. SUNTAG: Objection; calls for
25 speculation.

1 THE WITNESS: It was used in polyester resins
2 for the purpose previously described.

3 BY MR. SHERMAN:

4 Q. Did that use have an aerospace application?

5 MR. SUNTAG: Same objection.

6 THE WITNESS: I don't have any knowledge of
7 what happened to the resin after --

8 BY MR. SHERMAN:

9 Q. Do you know any product designations by
10 American Cyanamid Company that incorporated RG-244?

11 A. No.

12 Q. So if I understand your testimony, you don't
13 know how American Cyanamid Company used the RG-244?

14 MR. WAGNER: Objection; mischaracterizes
15 prior testimony, argumentative, vague, and overbroad.

16 THE WITNESS: I don't know how they used the
17 product they made with RG-244.

18 MR. SHERMAN: No further questions.

19 MR. MOPPIN: I have a couple questions.

20 EXAMINATION BY MR. MOPPIN:

21 Q. My name is Timothy Moppin. You testified
22 that you possibly have heard of NARMCO before?

23 A. Yes.

24 Q. Do you know if -- what "NARMCO" stands for as
25 an acronym?

1 A. No.

2 Q. Could it be North American Refractories
3 Manufacturing Company?

4 A. I don't know.

5 MR. SUNTAG: Speculation.

6 THE WITNESS: I have no idea what it stands
7 for.

8 BY MR. MOPPIN:

9 Q. You have no idea. Do you know how you're
10 familiar with the name NARMCO?

11 A. I think, as I said earlier, it seemed to ring
12 a bell as a potential customer. I have no idea if
13 they were or not, but it rang a bell.

14 Q. Meaning that you've heard the name somewhere
15 before in your career?

16 A. Yes.

17 Q. Okay. Have you ever visited a NARMCO
18 facility?

19 A. I can't recall.

20 Q. Do you know anyone who ever worked for
21 NARMCO?

22 A. No.

23 MR. MOPPIN: That's all I have.

24 MR. RUDER: I have some questions. Regarding
25 RG-244, I think you've already explained the --

1 MR. SUNTAG: What's your name?

2 MR. RUDER: Joe Ruder, Epoxylite.

3 EXAMINATION BY MR. RUDER:

4 Q. You mentioned RG-244, and you talked about
5 the asbestos fibers being coated with silica.

6 A. ^{Amorphous}
~~Morphous~~ silica.

7 Q. Did that process add to the fiber length of
8 the asbestos product?

9 A. No.

10 Q. You also earlier in your deposition, you
11 talked about how short-fiber chrysotile was the
12 product -- was the asbestos fiber that was in any of
13 the items produced at the King City processing plant;
14 is that accurate?

15 A. It was the product produced. I mean, it
16 wasn't in a product, it was the product.

17 Q. And all that came from the mine at that
18 location; correct?

19 A. Yes.

20 Q. Now, do you know if any other asbestos fiber
21 was ever produced by that mine during the time Union
22 Carbide was operating?

23 MR. SUNTAG: By Union Carbide or somebody else?

24 BY MR. RUDER:

25 Q. From the mine that Union Carbide controlled,

1 from the time in 1963 on to the present, do you have
2 any knowledge of any other type of asbestos fiber
3 being produced from that mine?

4 A. No.

5 Q. Do you know the reverse of that? Do you know
6 for sure that no other type of asbestos fiber was
7 produced from that mine?

8 A. Yes, I do know that for sure.

9 Q. How do you know that?

10 A. Based on my working there and being involved
11 on a day-to-day basis with the ore -- the mine and the
12 mill process.

13 MR. RUDER: That's all I have. Thank you.

14 EXAMINATION BY MR. DAVIS:

15 Q. Whitney Davis, sir. I represent the Dexter
16 Corporation.

17 Whose idea was it to take short-fiber
18 chrysotile and coat it with silica and the other
19 materials that you coated the RG products with?

20 MR. CAINE: Misstates prior testimony as far
21 as only one RG product was coated.

22 THE WITNESS: Who's the inventor?

23 BY MR. DAVIS:

24 Q. Yes.

25 A. Steven Chwastiak.

1 Q. Did you work with the inventor when you
2 participated in the testing of asbestos in different
3 applications while at Niagara?

4 A. I worked with him on setting up the pilot
5 plant to produce it in Niagara Falls, yes.

6 Q. You were a research engineer in Niagara
7 Falls; correct?

8 A. Yes.

9 Q. What type of testing did this process go
10 through at Niagara Falls? If I'm too vague, I mean
11 this silicating process, what do you call the process?

12 A. We call it surface modification. That
13 probably is a -- more marketing oriented than anything
14 else.

15 Q. When you were a test engineer in Niagara, you
16 did some testing on the surface modification process?

17 A. No.

18 Q. On asbestos fibers; correct?

19 A. No. I don't remember being involved with the
20 actual development of the fiber in the laboratory by
21 Dr. Chwastiak. I took it from his idea and his lab
22 samples to a pilot plant production.

23 Q. Did you find customers, or potential
24 customers, for this type of fiber?

25 A. Eventually, yes.

1 Q. That was your job; right?

2 A. Not at Niagara, no. At Niagara I was
3 responsible for finding out how to produce this in
4 commercial quantities versus producing it in a beaker
5 in a laboratory.

6 Q. What type of testing did you do at Niagara
7 for that purpose?

8 A. I don't recall.

9 Q. I believe you stated earlier that excessive
10 dry grinding affects the, quote, "effectiveness" of
11 the RG-244; that's correct?

12 A. Yes.

13 Q. Okay. How do you know that?

14 A. Based on tests that were run in Niagara
15 Falls.

16 Q. Who did the tests regarding the excessive dry
17 grinding?

18 A. I -- I can't recall except the -- it would
19 have been the people that worked for me, Mr. Ingalls,
20 Mr. Byrne.

21 Q. You didn't perform those tests yourself?

22 A. No.

23 Q. Did you supervise those tests?

24 A. Not that I recall.

25 Q. Did you ever see any test results regarding

1 the excessive grinding test?

2 A. Yes.

3 Q. Okay. Were those test results stored or kept
4 anywhere?

5 A. Not to my knowledge.

6 Q. Were they destroyed?

7 A. Not intentionally. They may have become
8 lost, but they weren't destroyed as a -- as a willing
9 act.

10 Q. I'm not asserting that they were willingly
11 destroyed. It's been some time since you've been in
12 Niagara?

13 A. Yes.

14 Q. Have you seen those test results since
15 leaving Niagara, that's the excessive grinding test
16 results?

17 A. I've seen the results which we have
18 publicized in literature saying do not grind at
19 higher-than-certain RPM's with certain equipment.

20 Q. What literature do you speak of?

21 A. Well, RG-244 sales literature.

22 Q. What time period did the excessive grinding,
23 I guess, guideline, what time period was that included
24 in the sales literature?

25 A. I don't recall.

1 Q. Can you give me a decade?
2 A. 70's.
3 Q. Did you provide any excessive grinding
4 warnings or guidelines to your customers in anything
5 other than sales literature?
6 A. Probably by word-of-mouth.
7 Q. When I say you, I mean you and the whole
8 sales effort for Calidria.
9 A. Yes.
10 Q. So your sales force was instructed as to this
11 excessive grinding concept?
12 A. Yes.
13 Q. And then were they instructed to pass it
14 along to the customers?
15 A. I would say wherever appropriate, yes.
16 Q. Was there any time that you, as the manager
17 of the sales effort, thought it was inappropriate to
18 pass along the excessive grinding warning?
19 A. No.
20 Q. Okay. Now, that's the excessive grinding
21 test that took place at Niagara Falls. Was that test
22 performed in the 1966 to 1967 time frame?
23 A. No.
24 Q. When was that performed?
25 A. I don't recall.

1 Q. Can you give me a decade?
2 A. 70's.
3 Q. Do you know if it was before or after the
4 OSHA directive regarding asbestos?
5 MR. SUNTAG: Which OSHA directive?
6 MR. DAVIS: He said the 1970 or the 1972.
7 Q. The one that was significant in your mind.
8 A. Those were asbestos rules, not directives,
9 and the test -- the test had nothing to do with --
10 with the OSHA rules.
11 Q. I'm not asserting that it did, sir. I'm just
12 trying to give you a time reference in your mind to
13 tell me a limit when, in fact, those tests took place.
14 A. I couldn't do any better than the 70's.
15 Q. Okay.
16 A. I would say early 70's.
17 Q. Has this line of questioning jogged your
18 memory at all as to any other tests that might have
19 been applied to the RG-244 product in Niagara or
20 anywhere else in the Union Carbide system?
21 MR. CAINE: Vague and overbroad as to tests,
22 what applications, or what use is. It's kind of a
23 broad area when you look at the actual production
24 process.
25 THE WITNESS: We obviously tested the product

1 in polyester resin to see if it would perform and at
2 what percentage levels it would result in certain
3 viscosities, or the thixotropic aspect.

4 BY MR. DAVIS:

5 Q. Did you ever do heat tests?

6 MR. SUNTAG: On RG-244?

7 BY MR. DAVIS:

8 Q. On RG-244, the polyester matrix?

9 A. I don't recall.

10 Q. So the primary feature of this product was
11 the thixotropic aspect; correct?

12 A. Uh-huh. Let me tie it to your question
13 before. Excessive grinding could have caused
14 excessive heat, which caused the ineffectiveness of
15 the fiber.

16 Q. Did the heat --

17 A. I don't know that. I don't know that much
18 about it.

19 Q. Okay. So we don't know whether it was heat
20 or actual physical friction that reduced the
21 effectiveness; correct?

22 A. That's correct.

23 Q. All right; have you told me about every test
24 that you recall the RG-244 product going through that
25 was performed by Union Carbide?

1 A. That's all I recall.

2 Q. Okay; have any tests been performed on that
3 product by any successor to Union Carbide?

4 MR. SUNTAG: Objection, lacks foundation, but
5 if you have an understanding.

6 THE WITNESS: Well, each customer would
7 perform tests of his own to see how it worked in his
8 -- his system. I have no knowledge of that.

9 BY MR. DAVIS:

10 Q. I didn't really ask as far as customers, sir.
11 What I was asking for is successors like KCAC.

12 MR. SUNTAG: Let me also object to the use of
13 the term "successor," but if you're asking about
14 KCAC --

15 MR. DAVIS: I'm not saying they succeed to
16 the liability. I understand your objections.

17 MR. SUNTAG: So the question is, do you know
18 whether KCAC tested RG-244?

19 THE WITNESS: They tested every production
20 batch they made to make sure it met quality control
21 ~~samples~~ standards.

22 BY MR. DAVIS:

23 Q. For thixotrophy?

24 A. Yes.

25 Q. Viscosity?

1 A. Mainly viscosity.

2 Q. Well, our previous line of questioning, when
3 I was talking about testing and you were answering the
4 questions regarding tests, we were talking about
5 testing in regards to applications. Were there any
6 testings or was there any testing that took place with
7 regard to applications of the RG-244 product with any
8 successor to Union Carbide?

9 A. No.

10 Q. Can you recall any publication of any testing
11 that was given to customers of either Union Carbide or
12 KCAC?

13 MR. SUNTAG: Other than the literature he
14 described?

15 MR. DAVIS: Other than the sales literature.

16 THE WITNESS: Oh, no.

17 BY MR. DAVIS:

18 Q. Were material safety data sheets ever
19 provided for that product to the customers?

20 A. Yes.

21 Q. Okay. And when did that start?

22 A. I don't recall.

23 Q. Is Union Carbide a shareholder for KCAC?

24 A. No.

25 Q. Do you know who the majority shareholders of

1 KCAC are?

2 A. There are no share -- well, I don't know what
3 you mean. Could you clarify that perhaps for me.

4 Q. Do you have an understanding as to whether or
5 not KCAC is a corporation that has shares?

6 A. Yes, I guess it is.

7 Q. Okay. Do you know who the shareholders are
8 that have a stake of more than 10 percent?

9 A. Wilbur Ellis Company.

10 Q. Any others?

11 A. No.

12 MR. DAVIS: Thank you. That's all I have.

13 MS. BAKER: Excuse me, was that Wilbur Ellis?

14 THE WITNESS: Yes.

15 MR. SHERMAN: I've got one follow-up
16 question.

17 FURTHER EXAMINATION BY MR. SHERMAN:

18 Q. Is RG-244 a qualified product with the
19 aerospace industry?

20 MR. SUNTAG: Objection; vague and ambiguous.

21 MR. CAINE: Assumes facts not in evidence;
22 might call for a legal or technical conclusion beyond
23 this witness's ability to answer.

24 THE WITNESS: Not to my knowledge.

25 BY MR. SHERMAN:

1 Q. Do you understand what a qualified product
2 is?

3 A. I assume it's something that the industry has
4 approved the use of a product.

5 Q. And based on that understanding, you don't
6 believe that it was qualified?

7 A. I'm not aware that it was qualified.

8 MR. SHERMAN: No further questions.

9 MR. VALEN: Just let me follow up on your
10 question. My name is Steve Valen. You stated just a
11 moment ago that you don't know if it was qualified,
12 but it's also true that you don't know if it's
13 qualified or not; you don't know one way or the other,
14 do you?

15 THE WITNESS: That's correct. I said I
16 didn't know whether or not it was qualified; I meant
17 to say that.

18 MR. VALEN: All right. Thank you.

19 MR. CAINE: Is that it?

20 MR. WAGNER: Let's end it.

21 (Discussion held off the record.)

22 MR. WAGNER: Go on the record.

23 In lieu of having the witness come in and
24 review and sign the original at the reporter's office
25 here, the agreement is on the record here that we'll

1 provide for having the original prepared and provided
2 to counsel for the witness here, who within 30 days of
3 having received that original transcript will provide
4 it to his client for review and signature in the
5 presence of a notary and --

6 MR. SUNTAG: Why not just under penalty of
7 perjury?

8 MR. WAGNER: That's fine, I'll accept that.
9 Under penalty of perjury and return it to the court
10 reporter within 30 days.

11 MR. SUNTAG: That's fine.

12 MR. WAGNER: Of the date that it was first
13 provided to you.

14 MR. SUNTAG: 30 days of the date I first
15 receive it.

16 MR. WAGNER: Then it will be returned to the
17 reporter.

18 MR. SUNTAG: Right.

19 (The deposition adjourned at 5:30 p.m.)
20
21
22
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24
25

* * * *

I hereby declare under penalty of perjury
that the foregoing is my deposition under oath in the
matter of AHRENDT, et al., vs. ABEX CORPORATION, et
al., San Francisco County Superior Court Nos. 953895,
953830, 952346, 954768;

That these are the questions asked of me
and my answers thereto; that I have read my deposition
and have made the corrections, additions, and changes
to my answers that I deem necessary.

IN WITNESS THEREOF, I hereby subscribe my
name on this _____ day of _____,
1995.

JOHN L. MYERS

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF MONTEREY)

4 I, ALAN F. IRWIN, a Certified Shorthand Reporter,
5 License No. 4933, duly certified by the State of
6 California, do hereby certify:

7 That the foregoing deposition was taken before me
8 at the time and place therein set forth;

9 That the witness, JOHN L. MYERS, was by me first
10 duly sworn to testify to the truth, the whole truth,
11 and nothing but the truth, and that the testimony of
12 the witness and all objections made at the time of
13 examination were recorded by me stenographically and
14 were thereafter prepared into transcript form;

15 That the foregoing transcript is a true record of
16 the testimony given by the witness and all objections
17 made at the time of the examination, to the best of my
18 ability;

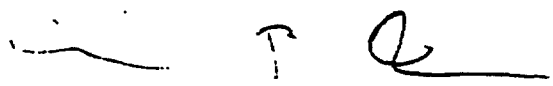
19 I further certify that I am a disinterested
20 person, and that I am in no way interested in the
21 outcome of said action.

22 DATED this 1st day of February, 1995.

23

24

25



Certified Shorthand Reporter
State of California