

1 IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

2
3
4 PHILIP SCORDINO, ET AL

PLAINTIFFS

5 -vs-

NO.: 89-5139 (3)

6 OWENS-CORNING FIBERGLAS
7 CORPORATION, ET AL

DEFENDANTS

8 DWIGHT COPELAND, ET AL

PLAINTIFFS

9 -vs-

NO. 89-5142 (3)

10 METROPOLITAN LIFE INSURANCE
11 COMPANY, ET AL

DEFENDANTS



14 DEPOSITION

15 OF

16 DAVID E. BALDWIN

17 Taken on behalf of the Plaintiffs
18 9:10 a.m., Thursday, September 6, 1990

19 Before

20 Elizabeth Bost Simpson, CSR

21
22
23 COAST-WIDE REPORTERS

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1 The deposition of DAVID E. BALDWIN taken on the
2 6th day of September, 1990, commencing at 9:10 a.m., at
3 the law offices of Bryant, Colingo, Williams & Clark, 718
4 Delmas Avenue, in the City of Pascagoula, County of
5 Jackson, State of Mississippi, before Elizabeth Bost
6 Simpson, CSR, Freelance Court Reporter and Notary Public
7 within and for the County of Harrison, State of
8 Mississippi.

9
10 APPEARANCES:

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15 Appearing on behalf of the Plaintiffs.

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20 Appearing on behalf of Westinghouse.

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ALSO PRESENT: PAUL T. BENTON, ESQUIRE
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- - -

1 DAVID E. BALDWIN,
2 having been produced and first duly sworn, testified as
3 follows:

4 MR. LOMAX: I'd like to make a statement for the
5 record that I have reviewed Mr. Williams' response to
6 the 30(b)5 document request and, also, I understand
7 from Mr. Williams that -- through conversations that
8 he would like to restrict this 30(b)6 deposition of
9 Mr. Baldwin -- wherein Mr. Baldwin has been provided
10 as a 30(b)6 deponent for Westinghouse, he would like
11 to restrict the deposition to Micarta Marine Products
12 manufactured by Westinghouse.

13 We do not agree that our questions would be
14 restricted to only questions involving Micarta, but
15 we would like to interrogate Westinghouse
16 representative on any asbestos product that they may
17 or have in the past manufactured or sold.

18 We feel like that any of the questions along
19 those lines may, in fact, lead to admissible -- they
20 are discoverable and may lead to admissible evidence
21 in this trial. So we don't want to be restricted to
22 that.

23 However, in order to move the discovery along,
24 we are agreeing that we will focus at first on
25 Micarta and, hopefully, we can do that in one day

1 here today. But we don't want to waive our right to
2 ask any further questions.

3 MR. WILLIAMS: Well, Mr. Dudley and I both will
4 respond to that. First let me say that in an effort
5 to provide information we felt was the crux of what
6 your request was, we brought the gentleman who we
7 feel to be knowledgeable in that area. This
8 gentleman is not knowledgeable about many of the
9 things that you're talking about and the things that
10 you had in your notice, and you'll just have to ask
11 about that during the deposition.

12 Further, inasmuch as Mr. Baldwin is in a
13 position to know something about Mansville -- I'm
14 sorry. Freudian slip -- Micarta --

15 MR. LUCKEY: That's from the old days.

16 MR. WILLIAMS: I've just said that so many times
17 over the years. About Micarta, we want to be sure
18 that we are speaking about the same product. So
19 unless you say to the contrary, when you ask any
20 question about Micarta, he is going to respond as
21 though you asked him about asbestos-containing
22 decorative Micarta.

23 And I'll probably mention that several times in
24 the deposition so there's no mistake on the record
25 that what he is intending to reply to is as though

1 you requested that specific product as distinguished
2 from other Micarta products. If you want to know
3 something about another Micarta product, then be sure
4 you explain that.

5 Bo, do you have anything else?

6 MR. DUDLEY: No. Except that in hopes of saving
7 time, I would make a proffer that this witness is not
8 here, and has no knowledge, about the items set forth
9 in Paragraphs 1, 2, 3, 4, 5, 13, and 14 of the notice
10 and is not being tendered to testify about those.

11 I will permit some questions so you can satisfy
12 yourself that that's the case; but I don't think we
13 need to beat a dead horse, so to speak, over that
14 fact. And I respect your right to preserve the
15 argument that you're not waiving your right to seek
16 additional discovery, but that he is here to testify
17 about Paragraphs 6 through 12 of the notice to the
18 extent he can, and we'll proceed on that basis.

19 And it is my understanding that in a
20 conversation with Gerald, memorialized by a letter
21 that followed, Mr. Maples did agree that we could
22 modify the notice in that fashion. If the position
23 of the plaintiffs is that there is no such agreement,
24 we'll try to resolve that and talk about it following
25 this deposition.

- 1 A. David E. Baldwin.
- 2 Q. And what is your address, Mr. Baldwin?
- 3 A. 7611 Patterson Road, Beaufort, South Carolina,
- 4 29902.
- 5 Q. And what's your date of birth?
- 6 A. July 28, 1923.
- 7 Q. How long have you lived in Beaufort, South
- 8 Carolina?
- 9 A. Full time for the past three years.
- 10 Q. Where did you live prior to that?
- 11 A. Abingdon, Virginia.
- 12 Q. How long did you live in Virginia?
- 13 A. Approximately twelve years.
- 14 Q. Tell me your educational background starting
- 15 after high school.
- 16 A. B.S. at Allegheny College, Meadville, PA.
- 17 Q. What was that in?
- 18 A. Chemistry.
- 19 Q. Did you have any postgraduate work?
- 20 A. Yeah. Ph.D. in chemistry, Brooklyn
- 21 Polytechnic -- or excuse me -- Polytechnic Institute of
- 22 Brooklyn.
- 23 Q. Anything else?
- 24 A. Not educationally, no, sir.
- 25 Q. Have you authored any type publications in your

1 career as a chemist?

2 A. Yes.

3 Q. Do you have a copy of a CV that would delineate
4 all these?

5 A. No, I do not.

6 Q. Is it numerous publications, or is it just a
7 few?

8 A. No. Just a few.

9 Q. Describe basically what the publications
10 involve.

11 A. From my Ph.D. thesis, I was co-author on a
12 number of technical papers describing my thesis work. The
13 only other one I recall -- some might call it a
14 publication -- was several patents assigned to
15 Westinghouse.

16 Q. Which patents were those; what products?

17 A. I do not have that handy, but I recall one on
18 the -- a fire-retardant decorative laminate and one on a
19 post-formable decorative laminate.

20 Q. I'm going to have to ask you, post-formidable?

21 A. Formable.

22 Q. Spell that for me.

23 A. P-O-S-T, hyphen, F-O-R-M-A-B-L-E.

24 Q. What does that mean?

25 A. It means it can be bent to a shape after

1 molding.

2 Q. Do you have copies of those publications in your
3 possession?

4 A. I don't have them here, and I don't believe I
5 have them even at home.

6 Q. Did you submit them to any organization or body
7 or to your employer?

8 A. To the employer. They are in the name -- I mean
9 they are assigned to my employer, who was Westinghouse.

10 Q. As far as you know, they are still with
11 Westinghouse; is that correct?

12 A. Oh, no. They have long since expired.

13 Q. The patents have expired?

14 A. The patents have expired.

15 Q. I'm talking about the publication that you
16 authored. If you had to find those at Westinghouse and
17 you were there today --

18 A. Oh, no. Westinghouse had nothing to do with the
19 graduate-work publications.

20 Q. What was the publication on your graduate work
21 on the thesis? What did it involve?

22 A. There were two or three, all involving highly
23 technical research work that I did --

24 Q. What field?

25 A. In the field of polymers, high polymers and

1 organic chemistry.

2 Q. Did they involve the plastic laminate materials
3 that you later on worked on the patent for Westinghouse?

4 A. No.

5 Q. What was the use of these polymers in organic
6 chemicals?

7 A. Scientific discovery.

8 Q. Do you know whether or not the polymers that you
9 worked on later on became to be usable materials or usable
10 products in the industry?

11 A. Not to my knowledge.

12 Q. Did they form any type of precursor to
13 fire-retardant decorative laminates?

14 A. No.

15 Q. Or post-formable -- was that a laminate, also?

16 A. Yes.

17 Q. Post-formable laminates, did they involve that?

18 A. No.

19 Q. Did they have anything to do with asbestos?

20 A. No.

21 Q. Tell me, these patents, how many patents did you
22 work on that involved fire-retardant decorative laminates
23 or post-formable laminates?

24 A. I only recall the two becoming patents.

25 Q. Name those.

1 A. I can't -- I named one already.

2 Q. All right.

3 A. Post-formable decorative laminates.

4 Q. Okay.

5 A. I named the other one, fire-retardant decorative

6 laminates.

7 Q. Did they ever -- were they ever assigned a trade

8 name?

9 A. Micarta.

10 Q. Do each one of those two materials carry the

11 name Micarta, trade name?

12 A. Yes.

13 Q. What is the difference between the -- is there a

14 distinction between the trade name of fire-retardant

15 decorative laminate or post-formable decorative laminate?

16 A. Yes.

17 Q. Tell me the difference.

18 A. They are entirely different products for

19 different applications.

20 Q. Describe the difference.

21 A. The post-formable decorative laminate is

22 designed such that after fully curing, full manufacturing,

23 can be reheated and softened enough to take a modest bend,

24 such as on the edge of a kitchen-sink countertop.

25 The fire-retardant decorative laminate was

1 intended to be just what it says, to have less flammable
2 characteristics than the conventional decorative laminate.

3 Q. Would you give me the chemical formula of the
4 fire-retardant decorative laminate?

5 A. Could you be more specific? There is no one
6 formula.

7 Q. Tell me what all chemical the laminate is
8 composed of, the different chemicals or substances.

9 A. The resinous component is made from chemicals.
10 The fibrous component of discussion here was asbestos
11 paper.

12 Q. Was there another primary component?

13 A. Yes. The surface layers that give it the
14 decorative appearance.

15 Q. And what was the makeup of that component?

16 A. Those are pigmented and/or printed
17 alpha-cellulose paper, plus in most cases a thin
18 alpha-cellulose paper as the absolute top layer, which had
19 been impregnated with a resin called
20 melamine-formaldehyde. M-E-L-A-M-I-N-E, hyphen,
21 formaldehyde, F-O-R-M-A-L-D-E-H-Y-D-E.

22 Q. The alpha-cellulose paper that was impregnated
23 with the melamine-formaldehyde, what was the purpose of
24 that component?

25 A. The main functional purpose is to provide wear

1 resistance.

2 Q. From what type of external violation, if you
3 understand what I mean?

4 A. Abrasion.

5 Q. Okay.

6 A. Resistance to solvents, water, et cetera.

7 Q. Heat, sun?

8 A. Heat, to a degree, such as a hot cup.

9 Q. Cigarettes?

10 A. Not in general. Modest, modest resistance to
11 cigarettes.

12 Q. The resinous component was made from various
13 polymers?

14 A. Yes.

15 Q. And what was the function of the resinous
16 component?

17 A. It serves as the binder, which is used to
18 impregnate the fibrous sheets -- in the case under
19 discussion, asbestos paper -- and then after molding under
20 heat and pressure continues its reaction to a hard, dense,
21 very strong, cured resin.

22 Q. The resinous component, did it contain asbestos
23 material?

24 A. No.

25 Q. The alpha-cellulose paper with the

1 melamine-formaldehyde, did it contain asbestos-containing
2 material?

3 A. No.

4 Q. The only other component, as I understand your
5 testimony, is the fibrous component, asbestos paper; is
6 that correct?

7 A. That's correct.

8 Q. Describe the asbestos paper.

9 A. The asbestos paper was a common item of commerce
10 approximately ten-thousandths of an inch thick.

11 Q. How many layers of asbestos paper would be used
12 in the fire-retardant decorative laminate that you call
13 Micarta?

14 A. My recollection is six or seven layers. I can't
15 recall exactly.

16 Q. I read some of the documents provided by counsel
17 for Westinghouse, and I think the number eight rings a
18 bell. Does that sound --

19 A. It could well be, yes, sir.

20 Q. Okay. Do you know what type asbestos-containing
21 material made up the paper? I'm talking about asbestos
22 type.

23 A. I know from our supplier's specifications it was
24 chrysotile asbestos.

25 Q. And do you know whether or not you were ever

1 provided any amesite or crocidolite asbestos-type paper?

2 A. Not to my knowledge.

3 Q. Who was your supplier that provided Westinghouse
4 with the asbestos paper?

5 A. I recall there being several companies who made
6 it. The only name I recall of which we used a lot was
7 Nicolet.

8 Q. They were your primary provider of asbestos
9 paper?

10 A. Of the one I described, I believe so.

11 Q. What do you mean: the one you described?

12 A. With other Micarta products. There could have
13 been other thicknesses, other widths.

14 Q. Describe the other Micarta products that you're
15 talking about that contained asbestos paper.

16 A. They would not even be decorative products.
17 They would have been for industrial applications, the
18 electrical insulating applications primarily.

19 Q. Describe an electrical insulating application
20 that nondecorative fire-retardant Micarta would be used
21 for.

22 A. For example, a tubing which the customer may
23 have used to make a coil, winding wire on it to make a
24 coil of some type.

25 Q. Who would have provided the asbestos paper for

1 that application?

2 A. I do not know.

3 Q. To the best of your knowledge, Nicolet did in
4 fact provide the asbestos paper, though, for the
5 decorative fire-retardant laminate?

6 A. That is correct.

7 Q. Would it be fair to say they provided all of the
8 asbestos paper for that application?

9 A. I don't know.

10 Q. The probability is that Nicolet provided the
11 asbestos paper, though, for the decorative Micarta,
12 fire-retardant Micarta?

13 A. My recollection is that during the time we made
14 asbestos-containing decorative Micarta, Nicolet was the
15 supplier. I don't remember any other names involved at
16 that time.

17 Q. Where was the fire-retardant Micarta, and I mean
18 the decorative fire-retardant Micarta laminate,
19 manufactured?

20 A. In the Westinghouse plant at Hampton, South
21 Carolina.

22 Q. Is that what's called Westinghouse Micarta
23 Division?

24 A. Yes.

25 Q. Was there another industrial or commercial plant

1 of Micarta Division other than at Hampton, South Carolina?

2 A. Let me answer that yes.

3 Q. And where?

4 A. There were other plants as part of that division
5 located in the Pittsburgh environs that made other
6 products: liquid insulations, for example, tapes, a
7 product made out of wood that was called wood Micarta.
8 That's the only two I remember.

9 Q. Other than Pittsburgh, were there any other
10 locations where Westinghouse had a Micarta Division plant?

11 A. No.

12 Q. And at the Pittsburgh environs' plant, do you
13 know whether or not asbestos was used in the manufacture
14 of liquid -- the liquid insulation, the tape or the wood
15 Micarta that you've described?

16 A. The liquid, certainly not. The wood Micarta,
17 certainly not. On the tapes, I do not know.

18 Q. Is it fair to say that all of the Micarta
19 fire-retardant decorative laminate manufactured by
20 Westinghouse was manufactured at the Hampton, South
21 Carolina, plant?

22 A. That is correct.

23 Q. Who assisted you in developing Micarta
24 fire-retardant laminate?

25 A. The main one was W.C. Hood, H-O-O-D.

1 Q. Who'd he work for?

2 A. At various times me in this capacity, in what's
3 under discussion here.

4 Q. Were you the primary scientist that was involved
5 with the development of Micarta?

6 A. Oh, no, unless you mean asbestos-containing,
7 fire-resistant Micarta, decorative Micarta.

8 Q. Yes.

9 A. Yes. But over the period that is of concern
10 here, I held various positions, from nonmanagement
11 engineer, we call our scientists, into various levels of
12 management.

13 Q. Let's take your history through Westinghouse
14 Corporation from the day that you hired on with them.

15 First of all, let's go after you finished your
16 postgraduate degree and tell me what all avocations you've
17 had.

18 A. On getting my degree I immediately went to work
19 for Westinghouse in their research laboratories in
20 Pittsburgh.

21 Q. What year was that?

22 A. 1950. In 1953 I transferred to the Micarta
23 Division, Hampton, South Carolina, in a nonmanagement
24 position. In approximately 1955, I became an engineering
25 section manager.

1 Q. What did your duties entail in '55?

2 A. You mean as manager?

3 Q. Yes, sir.

4 A. Supervision of other engineers, advising,
5 consulting, directing, in some cases, their work.

6 Q. And then after '55, your next change?

7 A. I believe it was 1962. I became engineering
8 manager for the Decorative Micarta Division when, at the
9 time, the old Micarta Division was reorganized into three
10 separate divisions.

11 Q. Name those divisions, if you would.

12 A. Industrial Micarta Division and the, I believe,
13 Flexible Insulation Division. In 1965 I became general
14 manager of the Decorative Micarta Division, a position I
15 occupied until 1975 when I transferred to a similar
16 position at Abingdon, Virginia, in the Westinghouse Wire
17 Division, from which point I retired September 30th, 1987.

18 Q. What year was the fire-retardant Micarta
19 developed?

20 A. 1955 and 1956.

21 Q. Tell me what the difference is between Micarta
22 and the fire-retardant Micarta, and how did the
23 development process come about?

24 A. Micarta, as I'm sure you know, is Westinghouse's
25 trademark for all of its family of high-pressure

1 laminates, molded products, et cetera. Decorative Micarta
2 is the family of products having a decorative surface and
3 whose application is primarily ones requiring a decorative
4 surface but good wear resistance, solvent resistance, et
5 cetera.

6 The bulk of the decorative Micarta is made from
7 layers of craft paper impregnated with synthetic resins
8 and surfaced with the same pigmented and/or printed
9 alpha-cellulose sheet to make the pattern and a sheet
10 which becomes transparent, alpha-cellulose over top of it
11 for protection.

12 The only difference -- to answer your question
13 now, the only difference between that conventional product
14 and the asbestos decorative Micarta is the use of asbestos
15 paper in those core sheets instead of craft paper and, as
16 I explained, a difference in the resin that is used to
17 make it more fire retardant.

18 Q. Is your understanding of craft paper -- maybe my
19 understanding of craft paper -- the same as regular bond
20 type paper that would be manufactured by any of the paper
21 mills?

22 A. No. No.

23 Q. Describe craft paper.

24 A. A brown paper bag.

25 Q. Okay. A cellulose --

1 A. A layer of corrugated cardboard.

2 Q. Just a cellulose product?

3 A. Yes.

4 Q. And so the difference between the fire-retardant
5 or fire-resistive Micarta and the non-fire-resistive or
6 fire-retardant Micarta would be one you use craft paper
7 and the other you use asbestos paper as the type that you
8 said came from Nicolet?

9 A. Correct.

10 Q. And that was in 1955 and '56 that that product
11 was first developed; is that correct?

12 A. Yes.

13 Q. And you said there was a host of people that
14 helped develop this product. Were you the primary person?

15 A. Yes.

16 Q. Describe what you mean by your answer.

17 A. At that time I was the engineering section
18 manager or supervisor to whom a number of developing
19 engineers reported, and to them various laboratory
20 assistants, technicians, and so on.

21 At any given point in time there could have been
22 a number of people -- engineers, technicians,
23 assistants -- working on it; but another point in time it
24 could be a different group.

25 Mr. Hood and myself were the continuity. That

1 was his project for most of the time, most parts of it.
2 And I was in charge of the project, being in charge of
3 that section of our engineering department.

4 Q. He worked under your supervision, Mr. Hood?

5 A. Yes.

6 Q. Is he still with the company?

7 A. No.

8 Q. Is he retired?

9 A. He is retired.

10 Q. Where does he live?

11 A. In Edisto Beach, South Carolina.

12 Q. Excuse me, sir?

13 A. Edisto, E-D-I-S-T-O, Beach, South Carolina; but
14 I do not know his address.

15 Q. He probably doesn't want you to give it out if
16 he's in retirement.

17 A. I stand by my statement.

18 Q. Were you requested by Westinghouse to develop a
19 fire-retardant Micarta, or did you do this by chance in
20 the laboratory, or how did it come about that there was an
21 impetus for the development of fire-resistant Micarta?

22 A. You've asked three or four questions there. How
23 about separating?

24 Q. I thought maybe you -- what was the impetus for
25 developing fire-resistant Micarta?

1 A. A request from our customer, our distributor,
2 U.S. Plywood, to see if we could develop a suitable
3 material for ships' bulkheads, interior bulkheads --
4 surface of interior bulkheads -- excuse me -- which
5 request came through normal channels, as many, many others
6 have, when someone recognizes a potential market and wants
7 to determine if he can find a supplier that can develop
8 something for that market.

9 Q. Had Westinghouse, to your knowledge, provided
10 Micarta laminate to U.S. Plywood prior to this time?

11 A. Yes.

12 Q. How long had that relationship gone on, if you
13 know?

14 A. I believe it started in the late '40s after the
15 war.

16 Q. What percentage, if you can recall, during the
17 time that Micarta -- fire-resistant Micarta was
18 manufactured at your Hampton, South Carolina, plant, what
19 percentage of fire-resistant Micarta was of the entire
20 Micarta production at that plant?

21 A. I don't know. I would be guessing.

22 Q. Was it a major portion of the --

23 A. No.

24 Q. Was it a minor portion?

25 A. Yes.

1 Q. Do you know whether or not there are any records
2 that would reflect how much fire-retardant Micarta was
3 manufactured in the plant?

4 A. I do not know if any such records still exist
5 this many years later. I have inquired and been told they
6 do not. I personally do not have any.

7 Q. Who was the comptroller, if you remember, at the
8 Micarta Division in Hampton at that time? I'm talking
9 about financial comptroller that would have this type
10 information in his head.

11 A. A gentleman named John Wilhelm.

12 Q. Spell his name, please, sir.

13 A. W-I-L-H-E-L-M.

14 Q. Is he still with the company?

15 A. No. He retired many years ago.

16 Q. Do you know where he lives?

17 A. He lives in Hampton.

18 Q. Do you know what age gentleman he is?

19 A. He would be approximately ninety years old now.

20 No. Excuse me. He retired at sixty-five in 1975. That
21 would be eighty years old.

22 Q. Eighty. Do you recall when the patent was
23 issued -- applied for and issued on fire-retardant
24 Micarta?

25 A. I do not recall, but it would have been in that

1 1956-1957 time frame.

2 Q. Was there any production of Micarta prior to the
3 patent being issued?

4 MR. DUDLEY: You mean fire-retardant?

5 MR. LOMAX: Fire-retardant, yes, sir.

6 A. I assume you're referring to fire-retardant
7 decorative Micarta. Oh, yes. Yes.

8 BY MR. LOMAX:

9 Q. That was during the time that the patent was
10 pending?

11 A. Yes, application was pending.

12 Q. Who was the primary buyer of the Micarta that
13 was -- fire-retardant Micarta that was manufactured by
14 Westinghouse?

15 A. United States Plywood.

16 Q. Did you sell to other -- did you sell the
17 Micarta that we are discussing to other --

18 A. No.

19 Q. Let me finish my question.

20 A. I'm sorry. I thought you were finished.

21 Q. -- to other buyers in any form at all?

22 A. Not in the time frame that you were -- I assume
23 you were asking.

24 Q. I'm talking about during the entire time that
25 you were with Westinghouse.

1 A. Then the answer would be different. The answer
2 would be yes.

3 Q. Who did you sell --

4 A. We began selling such outside in approximately
5 1974.

6 Q. Between the time it was developed and 1974,
7 however, the only buyer for fire-retardant Micarta was
8 U.S. Plywood; is that correct?

9 A. I'm not sure of the exact dates and I have no
10 records to pin that down, but until approximately 1972 or
11 1974, the answer was zero sold to anyone else. Then we
12 began selling some to other than U.S. Plywood.

13 Q. And what companies, if you recall, were they?

14 A. I don't recall any names.

15 Q. Who would know that?

16 A. I don't know.

17 Q. What type? Would it be similar companies to
18 board manufacturing corporations?

19 A. Could you clarify the question? Are we
20 discussing Micarta?

21 Q. Fire-retardant.

22 A. Fire-retardant only.

23 Q. Yes, sir. And I understood that was your answer
24 between the time fire-retardant was developed until '72 or
25 '74, that the sole buyer of fire-retardant Micarta was

1 U.S. Plywood.

2 A. Yes. That clarified that point.

3 Q. Now, what type corporation would have you sold
4 the fire-retardant Micarta to other than U.S. Plywood
5 beginning in '72 to '74, whatever the correct date happens
6 to be?

7 A. It would have been to a user rather than to a
8 distributor.

9 Q. What type user?

10 A. Possibly a fabricator.

11 Q. Well, I understand the U.S. Plywood user, their
12 use was for primarily marine bulkheads; is that correct?

13 A. To my knowledge, yes.

14 Q. And maybe some railroad --

15 A. But I'm not -- possibly.

16 Q. Some railroad application?

17 A. Possibly.

18 Q. What type applications would you -- did you
19 believe that the fire-resistant Micarta was being sold to
20 other corporations, or was it people competing with
21 U.S. -- corporations competing with U.S. Plywood?

22 A. The answer to the last part is no.

23 Q. All right, sir.

24 A. I'm trying to think. The answer to the first
25 part of the question, to what type of company would we

1 have sold --

2 Q. Yes, sir.

3 A. -- I have to make that "would we have sold,"
4 because I do not have memory of that far back of the
5 actual sales to any specific company. The sales would
6 have been to a fabricator who would be fabricating panels
7 for the same markets that U.S. Plywood looked at but
8 possibly other markets where fire retardancy might be an
9 advantage.

10 Q. Name some of those markets that you would
11 visualize that the product Micarta -- fire-resistant
12 Micarta would be used in.

13 A. In addition to the two you mentioned, any place
14 the public uses where fire could be a hazard: a public
15 building, an office building, a hospital. I believe you
16 mentioned ships and railcars, buses. Applications of that
17 type.

18 Q. And you don't recall any of those buyers outside
19 of U.S. Plywood?

20 A. No, I do not. I just don't remember.

21 Q. Does the corporation or company Setter
22 Brothers -- are you familiar with that company?

23 A. Yes, modestly so.

24 Q. What was the association of Setter Brothers, as
25 you understand it, with U.S. Plywood?

1 A. As I understand it, they were a wholly owned
2 subsidiary of U.S. Plywood at that time.

3 Q. At which time?

4 A. At the time when the asbestos decorative Micarta
5 was being developed, produced, and sold.

6 Q. Was that company created for the purpose of
7 handling the fire-retardant Micarta?

8 A. Well, certainly not. It was owned long before
9 there was a fire-retardant Micarta.

10 Q. Okay.

11 A. But that was U.S. Plywood's company, not ours.

12 Q. I understand. What actually did Setter
13 Brothers -- what type duties did they perform or what type
14 manufacturing process did they carry on?

15 A. I don't know all the businesses that they were
16 in. I was only aware that they did some custom
17 laminating, gluing, and fabricating. That's the only part
18 of their business that I was aware of.

19 Q. Did you ever work in conjunction with employees
20 for either U.S. Plywood or Setter Brothers as far as
21 describing how fire-retardant Micarta should be applied?

22 A. I personally did not with Setter Brothers. I
23 did have personal contact with U.S. Plywood people,
24 primarily R.H. Dement.

25 Q. Who is he?

1 A. He was a member of U.S. Plywood's marketing
2 group, I believe, at that time you would say, handling --
3 the part of his duties that I knew was handling specialty
4 products for them.

5 Q. How long did Setter Brothers purchase the
6 fire-retardant Micarta?

7 A. I don't know that they did, except -- I stand by
8 that answer. I don't know that they did purchase any.

9 Q. Do you believe U.S. Plywood is the entity that
10 purchased the Micarta?

11 A. Yes.

12 Q. And then their wholly owned subsidiary, Setter
13 Brothers, utilized the product. Is that your
14 understanding?

15 MR. WILLIAMS: If you don't know the answer to
16 that, you can just say you don't know.

17 A. No. I don't know that.

18 BY MR. LOMAX:

19 Q. Tell me how fire-retardant Micarta was intended
20 to be utilized as far as its applications to other
21 substrates.

22 A. It was intended to be glued to a substrate of
23 the ultimate customer's choice which would be satisfactory
24 for the service to which he intended to put it. It could
25 be many different substrates.

1 Q. Name me the various substrate applications that
2 Westinghouse put its logo on.

3 MR. WILLIAMS: I object to the form of the
4 question.

5 A. Try to rephrase that, please.

6 BY MR. LOMAX:

7 Q. As I understand it, Westinghouse attached its
8 logo to various fire-retardant Micarta products. Is that
9 your understanding?

10 A. Yes.

11 Q. And each one of those, as I understand it,
12 carried a specific brand name; is that correct?

13 A. I don't recall any brand names other than
14 decorative Micarta.

15 Q. I'm referring, Mr. Baldwin, to a Westinghouse
16 product brochure for Westinghouse Micarta, which, as I
17 understand your testimony, includes all the Micarta
18 manufactured by Westinghouse, including the fire-retardant
19 type; is that correct? Are you familiar with this
20 brochure?

21 A. May I see that? It includes the Micarta
22 described as below, high-pressure decorative laminates.

23 Q. I understand that.

24 A. Commonly called decorative Micarta.

25 Q. Yes, sir. And one of those high-pressure

1 decorative laminates is one that contains asbestos?

2 A. Correct.

3 Q. Now, I'm going to turn over to Page 18 of that
4 brochure, and I see under Special Products we have a
5 fire-resistant Micarta; is that correct?

6 A. That's correct.

7 Q. Now, there are four types of -- I called it
8 brand names earlier. I don't know.

9 A. All right. The reason for my no answer was
10 those are not brand names. Micarta is the brand name.
11 The rest of it is description.

12 Q. Okay. Good. And I didn't mean to act like I
13 was trying to impeach you on anything. I'm just trying to
14 get an understanding of these four different type of
15 applications.

16 A. Yeah.

17 Q. Is that what you call them?

18 A. Yeah.

19 Q. Describe the difference in those four
20 applications of what has been called fire-resistive -- no,
21 excuse me -- fire-resistant Micarta.

22 MR. DUDLEY: Beyond what's shown in the
23 brochure? You mean -- when you say "describe," what
24 do you mean?

25 MR. LOMAX: I want to --

1 A. What this is is describing the meaning of the
2 Underwriters' labels, Underwriters' listings, which
3 Westinghouse had procured. The first one, Micarta wall
4 covering, with the shown flame test data, is described
5 underneath as .050-inch fire-resistive Micarta, otherwise
6 known as asbestos.

7 And as you see, the other one is standard
8 tabletop type Micarta that also had a Underwriters'
9 listing, and then what Underwriters chose to call building
10 units, namely composite panels, where the Micarta was
11 glued, bonded, to something else.

12 BY MR. LOMAX:

13 Q. Which of those four types of Micarta --
14 fire-resistant Micarta would have had application in the
15 shipbuilding industry, if any?

16 A. Numbers 1 and 3.

17 Q. And why is that?

18 A. In the bulkheads. Number 1 is the product that
19 we made -- we manufactured and sold to U.S. Plywood.
20 Number 3 attempts to describe the composite panel made
21 from the Number 1, the sheet product.

22 Q. Would you have made the composite panel here,
23 Number 3?

24 A. No.

25 Q. Who would have manufactured that panel, Micarta

1 building units?

2 A. Much of that went to the Hopeman Brothers
3 Company through U.S. Plywood.

4 MR. DUDLEY: The question was who manufactured
5 the board, Dave, if you know.

6 A. I thought you meant who manufactured the
7 composite panel.

8 BY MR. LOMAX:

9 Q. No, sir. No, sir.

10 MR. WILLIAMS: Well, that's what you asked him.
11 You asked him --

12 BY MR. LOMAX:

13 Q. I'm talking about who manufactured the Number 3
14 here, Micarta building units.

15 A. Well, the building unit is the composite panel.

16 Q. That's the --

17 A. Most frequently that would have been, I suppose,
18 among others, Hopeman Brothers.

19 Q. I note here that there's a notation here on
20 Number 3 that, "Building units is the designation for a
21 panel manufactured by Setter Brothers, Cattaraugus, New
22 York. Micarta is laminated to a noncombustible backing
23 such as asbestos cementboard."

24 Would Westinghouse -- had only manufactured the
25 fire-resistant Micarta and provided that to Setter

1 Brothers to build these building units?

2 A. It's possible. During the days of making panels
3 for testing at Underwriters, the answer to that question
4 would be no. Westinghouse would have paid Setter Brothers
5 to do the laminating, the gluing.

6 In the later years, as I said, approximately
7 1972, '74, when we were attempting to market those panels
8 ourselves, again, we probably would have -- I don't recall
9 selling any Micarta to Setter Brothers, but we may have.
10 I don't know. But this would have designated that if we
11 made a sale of a composite panel that Setter Brothers
12 would have glued it for us.

13 Q. So you would have subcontracted out the gluing
14 process, gluing the --

15 A. I do remember that as one of the options, yes.

16 Q. That -- and let me get it right in my head --
17 that Westinghouse would have in fact at the Hampton, South
18 Carolina, plant manufactured the fire-resistant Micarta.
19 They would have subcontracted out --

20 A. Or as that describes, the conventional Micarta.

21 Q. That's right. And they would have subcontracted
22 out to Setter Brothers to glue the fire-resistant Micarta
23 to an asbestos cementboard.

24 A. Uh-huh (indicating yes).

25 Q. And then Westinghouse would have marketed and

1 sold the composite board?

2 A. Yes, but only in the years beginning around 1972
3 when we began selling Micarta other than through U.S.
4 Plywood.

5 Q. And that would have gone on for how many years,
6 until '75?

7 A. I left in '75, so I don't have firsthand
8 knowledge beyond that.

9 Q. What month -- October, you said?

10 A. No. January '75.

11 Q. And was Westinghouse during January of '75
12 subcontracting out this process to Setter?

13 A. It was offering for sale those products. I
14 can't --

15 Q. The composite board?

16 A. The composite panel. I do not have knowledge --
17 I don't remember whether any was sold or not.

18 Q. All right, sir. Did you know that the
19 fire-resistant Micarta was being applied by U.S. Plywood
20 or either Setter Brothers to an asbestos cementboard?

21 MR. DUDLEY: During what time period, Lowry?

22 MR. LOMAX: From '55, '56 until he left the
23 company in '75.

24 A. I've already answered that question. Only in
25 the later years, approximately 1972, when we began selling

1 outside, outside meaning other than U.S. Plywood.

2 BY MR. LOMAX:

3 Q. Let me clarify this: In 1955 and '56 when
4 fire-resistant Micarta was developed and between then and
5 1972, the U.S. Plywood Corporation was purchasing all of
6 the fire-resistant Micarta, to your knowledge?

7 A. They were our sole distributor.

8 Q. Distributor. During that period of time, are
9 you aware that U.S. Plywood was gluing this material, the
10 fire-resistant Micarta, to asbestos cementboard?

11 A. I don't recall being aware of it, no.

12 Q. What did you understand they were applying
13 fire-resistant Micarta to?

14 A. I didn't know -- I don't recall knowing that
15 Setter Brothers was a purchaser and user of asbestos
16 Micarta.

17 Q. Do we know what year this publication -- October
18 1963. Are you familiar with this publication here,
19 "Westinghouse Micarta"?

20 A. It looks like something I've seen, but -- 1963?

21 Q. Let me ask you --

22 A. Yes.

23 Q. You're familiar with it?

24 A. Yes.

25 Q. Were you familiar with it in '63?

1 A. Yes. I had to be.

2 Q. Did you participate in the -- any of the
3 specifications for the various forms of Micarta that
4 appear in this publication?

5 A. I was the general manager of the division, so I
6 would not have participated in those details, no.

7 Q. Would you have reviewed it before it became a
8 publication, official publication, of Westinghouse
9 Corporation?

10 A. Not in detail.

11 Q. Would you have approved it?

12 A. Not specifically.

13 Q. Who would have?

14 A. The marketing manager would have.

15 Q. Who would have approved it --

16 A. He may or may not have asked my opinion on some
17 of it.

18 Q. Who would have provided the specifications, the
19 scientific specifications, that are contained therein?

20 A. It would be either the technical service rep in
21 marketing and/or one or more of the engineers who were
22 familiar with that product.

23 Q. What about the chemical content?

24 A. It would be between those people.

25 Q. You were not involved at all with the --

1 describing the content of the various Micarta
2 applications?

3 A. Only from a top-management standpoint, approving
4 the project expenditure, and I don't recall whether I
5 looked it over or not.

6 Q. In 1963 you will notice that one of the
7 applications of Micarta, of the fire-resistant Micarta,
8 was to sell the -- well, not to sell the -- to have Setter
9 Brothers manufacture or glue the Micarta, fire-resistant
10 Micarta, to an asbestos cementboard. Is that what you
11 understand from reading that publication?

12 A. Yes. Yes.

13 Q. How long had that process been taking place? I
14 mean had that been one of the applications of
15 fire-resistant Micarta since it was developed in '55 or
16 '56? They glued it to something.

17 A. Of course they glued it to something. The
18 confusion here is probably because -- my memory, because
19 it is so long ago. We may have been offering to the
20 market bonded panels which we had made -- subcontracted to
21 be made at Setter Brothers around this time, and in which
22 case my memory that it was coincident with our selling
23 other products -- beginning to sell other products other
24 than to U.S. Plywood is undoubtedly faulty. That's a long
25 time ago.

1 Q. I understand. What I'm trying to get to, Mr.
2 Baldwin, and I hope I'm not being -- I don't mean to be
3 unfair to you, but I need to know that in 1956 or '57 when
4 the Micarta was being -- the fire-resistant Micarta was
5 being applied to substrates, what are the different types
6 of substrates that you understood the fire-resistant
7 Micarta was to be applied to for its ultimate use?

8 A. You define the time frame.

9 Q. I'm talking about the first --

10 A. 1956, 1957, 19- --

11 Q. The '50s, yes, sir.

12 A. All of '50.

13 Q. All the '50s, during the --

14 A. All right. Then my answer to that is that U.S.
15 Plywood sold that product to a company that applied it to
16 Marinite. It may have been applied to other substrates, I
17 don't know, but I -- certainly Marinite was one of them.

18 Q. And Marinite is the brand name for
19 Johns-Manville's asbestos cementboard. Is that your
20 understanding?

21 A. Yes. It's a brand -- it's a Johns-Manville
22 brand name. I'm sure of that. I have never been sure of
23 the composition of each of the various densities of
24 Marinite.

25 Q. But you did understand that the Marinite board

1 was an asbestos-containing board?

2 A. It never really came up. I assumed that it was.

3 Q. You assumed it.

4 A. I assumed it was, but I'm -- in thinking back,
5 but I'm not positive.

6 Q. Well, in 1963 did you -- or even before '63 --
7 this publication states that one of the applications of
8 Micarta wall covering and Micarta building units was to
9 apply the asbestos Micarta to an asbestos center board.

10 A. Cementboard.

11 Q. Excuse me. Cementboard.

12 MR. LUCKEY: Too much sailing.

13 BY MR. LOMAX:

14 Q. Was that your understanding of the application
15 for the Micarta -- asbestos-retardant -- resistant Micarta
16 during that period of time?

17 A. That would be one of the cores to which the fire
18 retardant certainly would be applied -- the fire-resistant
19 Micarta. Excuse me.

20 Q. Now, you said U.S. Plywood was the sole
21 distributor of fire-resistant Micarta that was applied to
22 this asbestos cementboard; is that correct?

23 MR. WILLIAMS: Objection to --

24 A. Yes. You specify --

25 BY MR. LOMAX:

1 Q. I'm going --

2 A. We're still going under the period in the 1950s?

3 MR. WILLIAMS: I object to the form:

4 BY MR. LOMAX:

5 Q. In the '50s, okay.

6 A. Yes.

7 MR. WILLIAMS: Restate that question. I
8 objected to the question. And before you answer, let
9 him restate that again.

10 MR. LOMAX: I'm going to clarify the question as
11 I meant for it to be.

12 MR. WILLIAMS: All right. Please do. All
13 right.

14 BY MR. LOMAX:

15 Q. During the '50s, during which time that
16 fire-resistant Micarta was on the market, was it your
17 understanding that U.S. Plywood was the sole distributor
18 of asbestos Micarta, which was applied to asbestos
19 cementboard?

20 MR. WILLIAMS: Now, right there I object until I
21 understand: Are you asking him whether or not U.S.
22 Plywood distributed the finished product or just the
23 Micarta that ultimately ended up on some finished
24 products?

25 MR. LOMAX: No. I'm asking about the composite

1 product.

2 BY MR. LOMAX:

3 Q. When I say "composite product," I'm talking
4 about asbestos Micarta applied to a substrate. Is that
5 your understanding of it?

6 A. Then my answer has to be no.

7 Q. Well, describe your answer. I mean explain your
8 answer. Excuse me.

9 A. I know we sold the asbestos fire-retardant
10 Micarta, asbestos Micarta, to U.S. Plywood.

11 Q. Okay.

12 A. Period. It is my understanding that U.S.
13 Plywood sold -- resold that product as a distributor to
14 others who made and sold the paneling. I said that is my
15 understanding because I was at Westinghouse, not U.S.
16 Plywood.

17 Q. I understand. Was it your understanding that
18 the company that U.S. Plywood Corporation sold the
19 composite material to was Hopeman Brothers?

20 MR. WILLIAMS: I object to the form unless you
21 describe it. You say "the composite material." Now,
22 what --

23 MR. LOMAX: I'm talking about the finished
24 product.

25 MR. WILLIAMS: Well, that's not what he said.

1 A. No. I --

2 BY MR. LOMAX:

3 Q. Do you know?

4 A. I had already answered that question. I said we
5 sold the --

6 Q. -- asbestos Micarta?

7 A. -- fifty-thousandths thick asbestos Micarta to
8 U.S. Plywood, and it is my understanding that they sold
9 that -- resold that product to someone else.

10 Q. Who did they sell that -- as your understanding,
11 was it to?

12 A. I don't know all of them. It's so long ago. I
13 don't think I ever knew all of them at that time.
14 Certainly one of them was Hopeman Brothers.

15 Q. All right, sir. And was that the largest one,
16 to your knowledge?

17 MR. KNIGHTEN: Object to the form.

18 A. I really don't know. It was a large one. I
19 don't know of any other large ones involved.

20 BY MR. LOMAX:

21 Q. That's the only one that comes to mind?

22 A. The only one that comes to mind.

23 MR. LOMAX: We've been going an hour and twenty
24 minutes. Why don't we take a break just a second.

25 - - -

1 (Whereupon, there was a short recess.)

2 BY MR. LOMAX:

3 Q. Mr. Baldwin, I'm going to try to go through this
4 one more time with you, because it's still not clear in my
5 mind as far as the track of asbestos Micarta from the time
6 it was manufactured at Westinghouse.

7 And as I understand it, and correct me if I'm
8 wrong, it was then sold -- the majority of it, as you
9 understand it, was sold to U.S. Plywood Corporation in the
10 form that you -- that Westinghouse manufactured it; is
11 that correct?

12 A. That is correct.

13 Q. And U.S. Plywood Corporation, as you understand
14 it, did in fact, through their wholly-owned subsidiary,
15 Setter Brothers, glue the asbestos Micarta to various
16 substrates. Is that your understanding?

17 A. No. No.

18 MR. DUDLEY: Let me caution you, Mr. Baldwin,
19 also -- and, Lowry, I appreciate your desire to speed
20 us up and to get a fair summary of the facts of the
21 matter. I just want to caution you that you need to
22 listen for time periods and to keep in mind that
23 unless it is qualified, Mr. Lomax is asking you about
24 argumentably a twenty-year period. And there may be
25 differences that you need to be aware of and point

1 out to him.

2 If you want to qualify your questions in that
3 way, fine. If you don't, that's fine, too.

4 MR. LOMAX: I would love to get through this
5 without having to pull it out of the witness, and I
6 don't mean to say that sarcastically.

7 I've got to know the stream of asbestos Micarta
8 as was manufactured by Westinghouse as your corporate
9 representative, Mr. Baldwin here, understands it, how
10 it ended up at Ingalls Shipbuilding.

11 MR. DUDLEY: Okay.

12 MR. LOMAX: Now, and I want him to take me
13 through the different time frames, if there are
14 differences during different time frames.

15 And I want him to take into consideration the
16 sales of this product to U.S. Plywood, to Hopeman
17 Brothers, and his understanding of what those two
18 corporations did with his product and why they
19 carried the Westinghouse logo and why they're
20 advertising in a Westinghouse brochure as a final
21 product during the entire years that asbestos Micarta
22 was manufactured. I wish he would just take us
23 through that.

24 A. Since -- may I?

25 BY MR. LOMAX:

1 Q. Yes.

2 A. Let me volunteer to do that since it was my
3 error in memory that caused part of this problem.

4 In the time frame of the building of the ships
5 at Ingalls -- and we're talking in the '50s -- it is very
6 simple, but let me clarify it one more time. U.S. Plywood
7 was our sole distributor. As such --

8 Q. We're talking about asbestos Micarta?

9 A. We're talking about asbestos Micarta.

10 Q. Only.

11 A. Let's restrict it to that because otherwise --

12 Q. That's the way I want it to be done.

13 A. -- we'll just waste time. Was our sole
14 distributor. As such, the orders for asbestos decorative
15 Micarta were entered upon us from U.S. Plywood with -- in
16 many cases shipped directly to their fabricator. And as I
17 said, Hopeman Brothers is the only one I remember, billed
18 to U.S. Plywood.

19 Now, that I know as fact firsthand. It is my
20 understanding that U.S. Plywood then billed Hopeman
21 Brothers for the Micarta. And you asked then what was
22 done with it.

23 Q. Yes, sir.

24 MR. DUDLEY: If you know.

25 A. It was my understanding -- it was at the time

1 and still is -- that the majority of that asbestos Micarta
2 was then glued to a Marinite board to make the bulkhead
3 panels for the ships.

4 Now, I had never been aware of the detailed
5 composition of the Marinite product. I had no reason to
6 be. You asked me about it. I said I assume it's an
7 asbestos-containing product, but I do not know. So
8 that -- but I think that now clarifies the simple part of
9 it that is applicable to the ships that were built with it
10 at Ingalls.

11 Now, the confusion arose because sometime in the
12 '60s, and I don't remember when, we began attempting to
13 market a few of our specialty products, including asbestos
14 Micarta, through channels other than U.S. Plywood as a
15 distributor.

16 Now, I cannot be specific as to a definite date
17 that this began. I do remember that this brochure that
18 you showed me, this marketing brochure with a 1963 date on
19 it, was part of that effort and probably in advance of any
20 real sales effort.

21 Now, let me make very clear: I remember, since
22 I was the -- in a high management position at that time of
23 this decision to begin selling through channels other than
24 U.S. Plywood. I do not have and we do not have,
25 apparently, sales records that would indicate whether any

1 of the products that were offered for sale were in fact
2 ever sold. I do not know.

3 I only know from a management standpoint that
4 our intent was to begin offering some of these to other
5 channels which were not adequately being covered, we felt,
6 by U.S. Plywood. And as part of that program, we had set
7 up what is in that brochure, to use Setter Brothers as a
8 subcontractor to do our gluing for us per the customer's
9 spec.

10 Does that make it clear now?

11 BY MR. LOMAX:

12 Q. It clears up some things. Who glued the
13 asbestos Micarta to the Marinite board?

14 MR. DUDLEY: The -- the --

15 BY MR. LOMAX:

16 Q. And I'm talking about in the '50s. Let's
17 restrict this to the '50s.

18 A. Unless you say otherwise, I'm going to assume
19 that all your questions now refer to the time period of
20 building those ships at Ingalls in the '50s.

21 MR. MCMURTRAY: And I'm going to object to the
22 form of that question since --

23 A. Would you repeat the question?

24 BY MR. LOMAX:

25 Q. Well, you're talking the ships. Which ships are

1 you referring to? There were ships manufactured at
2 Ingalls from 1940 until today.

3 A. The two ships I'm aware of were called the --

4 Q. -- ARGENTINA and the BRASIL?

5 A. ARGENTINA and BRASIL. Excuse me. Thank you.

6 Q. What was your understanding of --

7 A. Now, with that in mind, would you repeat the
8 question? I've forgotten what you asked.

9 Q. Well, I want to know -- the ARGENTINA and BRASIL
10 were built in the late '50s. Is it your understanding
11 that Westinghouse Micartabord was ultimately utilized on
12 those two vessels?

13 A. Yes.

14 Q. How did that come about; do you know?

15 A. Yes.

16 Q. Tell me anything you know about that.

17 A. That resulted from the chain of events, which I
18 described much earlier, beginning in 1955 where U.S.
19 Plywood, more specifically Dick Dement, uncovered a
20 potential market for the interiors of ships and redefined
21 the characteristics that he thought and the Coast Guard
22 thought they needed, and asked us, and I am quite sure
23 others, to try to develop something for this application.
24 And to make a long story short, we succeeded.

25 Q. All right, sir. So who glued the asbestos

1 Micarta to the Marinite board that was ultimately
2 installed on the ARGENTINA and the BRASIL?

3 MR. McMURTRAY: I object to the form of the
4 question.

5 MR. DUDLEY: If you know, David. If you don't,
6 say so.

7 A. Well, I know we shipped it -- a lot of Micarta
8 to Hopeman Brothers in Waynesboro, Virginia, who were in
9 that business.

10 BY MR. LOMAX:

11 Q. All right, sir. Who was that billed to, the
12 asbestos Micarta?

13 A. I do not -- I could only suppose. I would only
14 be guessing. I have no firsthand knowledge of the chain
15 beyond that.

16 Q. I'm going to --

17 MR. LOMAX: Bo, I think he's under an obligation
18 to provide an answer on behalf of the corporation;
19 and if he can't answer that, then we're going to have
20 to have another witness from Westinghouse that can
21 provide that response.

22 MR. DUDLEY: I'm not sure that I understand the
23 question. I don't know if he does. But are you
24 asking who got the bill for the Micarta that was sent
25 to Hopeman Brothers?

1 MR. LOMAX: Well, earlier --

2 THE WITNESS: I already answered that.

3 MR. DUDLEY: I thought he did, too.

4 MR. LOMAX: Well, he had earlier told me that
5 Westinghouse shipped directly to Hopeman Brothers and
6 they billed U.S. Plywood.

7 MR. DUDLEY: Uh-huh (indicating yes).

8 MR. LOMAX: And I was wondering if this holds
9 true specifically for the asbestos Micarta that was
10 utilized on the ARGENTINA and BRASIL.

11 MR. DUDLEY: Okay.

12 THE WITNESS: Yes.

13 MR. DUDLEY: Fair question.

14 MR. LOMAX: So I just want to be a little bit
15 more specific on these two specific vessels.

16 BY MR. LOMAX:

17 Q. And so your answer is that U.S. Plywood was
18 billed by Westinghouse for the asbestos Micarta that was
19 shipped to Hopeman Brothers?

20 A. Uh-huh (indicating yes).

21 Q. And as you understand, Hopeman Brothers was the
22 subcontractor that installed --

23 A. No.

24 Q. -- the asbestos Micarta on the ARGENTINA and
25 BRASIL. Is that your understanding?

1 A. Provided by subcontractor, you mean
2 subcontractor --

3 Q. Ingalls' subcontractor.

4 A. Ingalls' subcontractor. At first I thought you
5 meant U.S. Plywood's subcontractor.

6 Q. I understand.

7 A. And then the answer to that is yes.

8 Q. All right.

9 A. It is my knowledge that as our distributor, U.S.
10 Plywood, of course, sold the -- resold the Micarta to
11 Hopeman Brothers.

12 Q. On behalf of Westinghouse, do you know who glued
13 the Micarta -- asbestos Micarta, to the Marinite panels
14 once Hopeman Brothers received the asbestos Micarta?

15 MR. McMURTRAY: I object to the form of the
16 question.

17 MR. DUDLEY: Asked and answered. He thinks it
18 was Hopeman Brothers.

19 MR. LOMAX: No. Well --

20 A. I already answered that.

21 BY MR. LOMAX:

22 Q. Okay. You think Hopeman Brothers was in charge
23 of that gluing process?

24 A. Well, you said they were the subcontractor for
25 Ingalls.

1 Q. No. They installed it, I know. I mean I -- it
2 was my question.

3 MR. DUDLEY: Look, this is silly. All he wants
4 to know, Dave, is, if you know, who do you believe
5 glued the Westinghouse Micarta to the Marinite
6 panels.

7 THE WITNESS: Hopeman Brothers, Waynesboro,
8 Virginia.

9 MR. LOMAX: All right, sir.

10 MR. BENTON: You did a good job on that, Bo.
11 Thank you.

12 MR. DUDLEY: Let me come over there. We'll get
13 this through quickly.

14 THE WITNESS: I thought I had answered that so
15 many times.

16 MR. DUDLEY: So did I, but go ahead.

17 MR. LOMAX: Many times when your lawyer asks the
18 question, it's easier to answer it.

19 BY MR. LOMAX:

20 Q. Are you familiar with a company called Wayne
21 Manufacturing Company or Corporation?

22 A. Yes.

23 Q. What is your familiarity with that company?

24 A. I had heard that name used interchangeably with
25 Hopeman Brothers, Waynesboro, Virginia. So without

1 anything documentary to show it, I assume that Hopeman
2 Brothers' Waynesboro operation was in fact a subsidiary
3 called Wayne Manufacturing Corp. Assumed that.

4 Q. Do you know how much asbestos Micarta would have
5 been sold to Hopeman Brothers whose final -- which final
6 application would have gone on the ARGENTINA and the
7 BRASIL?

8 A. I do not have actual sales records because I've
9 been told they have long since been discarded.

10 Q. Was it a large amount?

11 A. Yes, in our terminology. I recollect the number
12 of one million square feet, approaching one million square
13 feet per ship in the very early stages of the development.
14 I cannot certify that that was the amount that was
15 actually finally used in the applications where they
16 decided to use it, but it would have been a significant
17 amount, such as that.

18 Q. There's a series of ships that was manufactured
19 by Moore-McCormack Lines. Are you familiar with
20 Moore-McCormack Lines?

21 A. By name, yeah, and by some of the people, yes.

22 Q. Do you know whether or not asbestos Micarta was
23 ever applied -- was ever utilized or ended up on vessels
24 constructed by the Moore-McCormack Lines?

25 A. Yes. The two that you mentioned, the BRASIL and

1 the ARGENTINA, are the only two of which I'm aware.

2 Q. I must say I just learned today that
3 Moore-McCormack manufactured those two vessels. I did not
4 know that.

5 Do you know whether or not asbestos Micarta
6 ended up or was installed on any other vessels constructed
7 by the Moore-McCormack Lines other than what you
8 understand was applied --

9 A. No. I have no knowledge of any others.

10 Q. Other than the BRASIL and the ARGENTINA?

11 A. Correct.

12 Q. What about the Grace Lines?

13 A. I recall there being two ships being built for
14 the -- I assume for the Grace Line. I don't even remember
15 the name of one of them. The SANTA ROSA, I believe it
16 was, and I don't know the other one. I forget the other
17 one, but it was being built rather concurrently.

18 Q. There were some vessels called the American
19 President Lines that were constructed at Ingalls
20 Shipbuilding. Are you familiar or do you know whether or
21 not any asbestos Micarta eventually was installed on those
22 lines?

23 A. I am quite sure it wasn't. I recall it being
24 talked about, but I don't recall ever shipping any Micarta
25 for the American President Lines ships. And in searching

1 what records are available to us, everything we can find
2 and has been found indicates that asbestos decorative
3 Micarta was not used on any of those ships.

4 Q. You said you have records that would indicate
5 that it was not used?

6 A. I have seen records. My recollection is from
7 being there that we did not get those jobs. And as I say,
8 I understand that -- subsequently I've seen records
9 indicating that other materials were used other than
10 asbestos Micarta -- rather than.

11 Q. Are you referring to the documents that were
12 produced at the Hopeman Brothers' corporate
13 representative's deposition?

14 A. Yes.

15 Q. I want you to -- can you identify the document
16 I'm handing you here, March the 22nd, 1957, from -- Mr.
17 Leland is his name?

18 A. Correct.

19 Q. To Mr. Dement?

20 A. Correct.

21 Q. And there's an attachment to that, if you'll --

22 A. Yes. I'm familiar with it.

23 Q. What about the second letter that's attached
24 there to it?

25 A. What is the question?

1 Q. First of all, are those two letters that are
2 kept in the ordinary course of business at Westinghouse
3 Corporation?

4 A. They would have been kept as long as pertinent,
5 probably at the discretion of each of the persons
6 receiving copies. This one, it was me.

7 Q. Do they appear to be true and authentic copies
8 of regular kept business records?

9 MR. DUDLEY: Stipulate that they are.

10 A. Yes.

11 BY MR. LOMAX:

12 Q. All right. In the first page of these two
13 documents that I've handed you, there's mention of eleven
14 ships that Micarta was approved for -- or was indicated
15 for. However, you were awaiting Coast Guard approval on
16 the use of the Micartabord; is that correct?

17 A. I don't --

18 Q. It was specified.

19 A. The letter says what it says. The first letter
20 says nothing to that effect.

21 Q. Oh, excuse me. Was it the second letter?

22 A. The first letter says that American President
23 Lines is showing some interest in the fire-retardant
24 Micarta, but they would not consider anything other than
25 that made with a truwood, wood-veneer surface, which was a

1 very special product and which was not offered in the
2 fire-resistant construction.

3 Q. Is that the document that you were --

4 A. That's basically what he's saying.

5 Q. Is that the document you were referring to
6 earlier which led you to believe --

7 A. No.

8 Q. -- that Westinghouse --

9 A. No. No.

10 Q. -- did not --

11 A. No. No. This was in the very early stages
12 where I said the American President Lines was something
13 I'd heard of being -- and they were interested at that
14 time, but it did not materialize.

15 Q. Okay. Let's go to the second page.

16 A. All right. The second letter.

17 Q. And there's mention of eleven ships that
18 specified Micarta?

19 A. That's what it says.

20 Q. What ships would those be?

21 A. I do not know. I seriously doubt if they -- if
22 it was even fully true. I don't know.

23 Q. You have no idea which ships that Micarta --

24 A. I know of four ships that were specified and
25 used with asbestos decorative Micarta.

1 Q. Name those.

2 A. The Moore-McCormack's BRASIL and ARGENTINA.

3 Q. Okay.

4 A. And the Grace Lines' SANTA ROSA and something
5 else, name I forget, built concurrently in the mid-'50s
6 period, late '50s.

7 Q. How long did Westinghouse supply asbestos
8 Micarta to Hopeman Brothers?

9 A. For its life on order, when they or when U.S.
10 Plywood ordered it and had it shipped in.

11 Q. From --

12 A. That would have been starting in early 1957 and
13 dwindling to nothing in the early '70s and was completely
14 withdrawn for lack of any sale, really, in the asbestos in
15 the early '70s. I said it was withdrawn. There were no
16 further manufacturing or sales after the early 1970s.

17 Q. Could that have been as late as --

18 A. To my knowledge.

19 Q. Well, were there any sales in January of '75
20 when you were retired from the company?

21 A. Not to my knowledge.

22 Q. So sometime prior to 19- -- January of '75?

23 A. You know, possibly there may have been an order.
24 I'd be surmising. I don't know.

25 Q. Did you know the ultimate destination of all the

1 asbestos Micarta that was purchased by Hopeman Brothers?

2 A. No.

3 Q. Did you require them to -- or is there any
4 record that you're aware of at Westinghouse that would
5 indicate where your asbestos Micarta was ultimately being
6 utilized or what ships it would ultimately go on?

7 A. Other than the records that have been furnished
8 to you, correspondence primarily, the answer has to be no.

9 Q. So you don't know on behalf of Westinghouse
10 which jobs, if any, Hopeman Brothers installed
11 Westinghouse asbestos Micarta?

12 A. No. There would be no reason to unless it was a
13 major job, such as one of the big four ships that I
14 mentioned.

15 Q. What type volume of material -- of asbestos
16 Micarta did Westinghouse provide to Hopeman Brothers over
17 the years of the product?

18 A. I wish I could answer that. The records do not
19 exist.

20 Q. Give me your -- was it -- did it seem to be that
21 it was only on those four ships that you shipped out
22 asbestos Micarta, or was that --

23 A. Anything else would have been minor, negligible.

24 Q. That was the life of the product, in your words?

25 A. Essentially, except for a small -- there may --

1 there probably were some small ones, certainly were, but I
2 don't have sales records -- some small orders I'm talking
3 about. I don't have sales records, and I don't know
4 whether a given order for a sheet or two might have been
5 for a replacement panel or some small job.

6 Q. So you're essentially saying that the life of
7 asbestos Micarta was only during 1957 or so?

8 A. As a major product to us, it was four ships
9 during that '57, '58 -- late '50s period. I am not saying
10 there were no others.

11 Q. I understand.

12 A. I'm saying that there were -- any others were
13 minor by comparison; and I do not know them by name or
14 what yard, or anything like that.

15 Q. Well, let me ask you the question as regards to
16 other types of Micarta that were not fire resistant;
17 non-asbestos Micarta. Do you know whether or not you
18 provided non-asbestos Micarta to Hopeman Brothers that
19 eventually went on vessels that Hopeman Brothers was
20 installing it or --

21 MR. DUDLEY: Let me note an objection on the
22 grounds of relevance. First of all, non-asbestos
23 products, to my knowledge, are not relevant to this
24 suit; and the question indicates no limitation to the
25 Ingalls Shipyard, which is also the only relevant

1 workplace in the suit.

2 So I don't know what the relevance is, but you
3 can go ahead and answer it, if you know, Dave.

4 A. Well, the answer is yes.

5 BY MR. LOMAX:

6 Q. And what was the application for those products?

7 A. Same as in any other hotel. That's a floating
8 hotel. Bartops, countertops, furniture tops, dresser
9 tops.

10 Q. What about bulkhead material?

11 A. Well, that's what we were supplying the
12 fire-resistant Micarta for. In my recollection, the Coast
13 Guard would not approve for bulkhead use a highly
14 flammable material such as the non-fire-retardant grades,
15 standard grades, we call it, but that they could be used
16 for basically furniture applications.

17 Q. Do you know whether or not Westinghouse ever
18 sold asbestos Micarta directly to the United States
19 government for application of asbestos Micarta on
20 government vessels -- I mean, United States Navy vessels?

21 A. I don't recall that we ever did. I do recall
22 that we discussed it with Bureau of Ships personnel, Navy
23 personnel, whatever; that is, our salespeople did. And I
24 recall having seen correspondence indicating an interest
25 on their part, but I do not recall any sales resulting

1 from it.

2 Once again I feel compelled to add something
3 here that I'm sure everybody knows, but the questions you
4 are asking me are for detailed events of thirty-five years
5 ago in many cases, and my answer sounds like no sales, but
6 I'm saying I don't recall any of those things.

7 Q. Of course, Mr. Baldwin, if you don't remember
8 something, we will accept that, but the obligation is
9 still upon Westinghouse to provide us with a person
10 that -- or a deponent that can answer those questions.

11 A. We haven't hit one like that yet.

12 Q. Do you have any knowledge or does Westinghouse
13 or does anyone at Westinghouse you know claim that the
14 Micarta that was used at the Ingalls Shipbuilding, that
15 you're aware of, was not installed in the manner in which
16 it was intended to be installed?

17 A. We have no knowledge to that effect. So as far
18 as we know, it was installed the way it was intended by
19 them, by U.S. Plywood and ourselves.

20 Q. Do you know whether or not the various Micarta
21 bulkhead panels were -- or were required to be sawed at
22 any time in their application, or did you expect them to
23 be sawed in their application?

24 A. Sawed?

25 Q. Sawed.

1 A. Sawed.

2 Q. Sawed.

3 MR. BENTON: Spell it for him. That may help
4 with your accent.

5 MR. DUDLEY: It's a long way from South Carolina
6 to Mississippi, isn't it?

7 MR. LOMAX: Not that far.

8 A. Yes. Of course, any panel manufactured like
9 this is expected to be trimmed to exact size and so on.

10 BY MR. LOMAX:

11 Q. In other words, you don't expect --

12 A. Sawed down.

13 Q. -- whatever size board that is furnished to the
14 shipyard will necessarily fit the space that --

15 A. No. No. That fabricating operation, what we
16 call it, to make the exact panel size called for on the
17 drawing and so on.

18 Q. Did you have any -- excuse me if I cut you off.
19 Did Westinghouse have any instructions to the ultimate
20 consumer or applicator of the product as to how to saw the
21 product as to keep from damaging the finish, or was there
22 any type of instruction along those lines?

23 A. No.

24 Q. Seems like I read somewhere that they were
25 advised in one of the brochures to maybe turn the panel

1 upside down away from the finished side or -- do you
2 recall any of that type instruction?

3 A. Oh, sure.

4 Q. And what was the purpose for that?

5 A. But these are for -- and what you're referring
6 to, I'm sure, are the fabricating manual and so on and --
7 but I thought we agreed you were going to identify if you
8 were talking about something other than asbestos
9 fire-retardant Micarta.

10 Q. I'm talking about the asbestos.

11 A. We did not come out and make special brochures
12 or instructions or anything for handling and fabricating
13 and sawing of asbestos fire-retardant Micarta for the
14 simple reason that nothing different was needed.

15 Q. So whatever methods or instructions for
16 utilizing Micartabord applied equally to asbestos Micarta?

17 A. That's correct.

18 Q. Did asbestos Micartabord to your knowledge ever
19 have applied, either to the surface of the board or to a
20 package that the board was packaged in, a warning label?

21 MR. DUDLEY: I object to the wording of the
22 question, Lowry; and I know it was unintentional, but
23 you used the phrase "asbestos Micartabord." If you
24 have something in mind that means asbestos
25 Micartabord, tell him what that is so he's on an

1 equal footing with you. That's not a term we've been
2 using this morning.

3 BY MR. LOMAX:

4 Q. Do you know whether or not the asbestos Micarta
5 that was sold by Westinghouse to anyone ever had a warning
6 label attached to either the asbestos Micarta itself or
7 either a package that it was shipped in?

8 A. Yes.

9 Q. And what was the substance of those warnings?

10 A. It was the, I believe, OSHA-recommended wording
11 for asbestos-containing sheet materials; and a copy has
12 been furnished to you, I'm sure, in the interrogatory --

13 Q. What year was that?

14 A. 1973, I'm quite sure.

15 Q. Prior to that warning of handling asbestos
16 materials required by OSHA in 1973, are you aware of any
17 warnings that accompanied the asbestos Micarta
18 manufactured by Westinghouse?

19 A. No, I'm not aware of any.

20 Q. Was that the only warning that ever accompanied
21 asbestos Micarta manufactured by Westinghouse, the one
22 that you've just described in 1973?

23 A. Yes.

24 Q. Did the wording ever change?

25 A. Not to my knowledge.

1 Q. Can you tell me whether or not anyone at
2 Westinghouse ever gave a warning to the purchaser of
3 asbestos Micarta as to any dangers that would be
4 associated with breathing asbestos from the utilization of
5 asbestos Micarta?

6 A. Do you mean in addition to the label on the
7 Micarta?

8 Q. Yes. In addition to the labeling. I'm talking
9 about --

10 A. I have no record or personal knowledge or
11 correspondence to that effect. I can't -- I must say I
12 don't know.

13 Q. Well, I'm not interested in your personal view
14 on it. I'm interested in it as a corporate representative
15 of Westinghouse, are you aware of any warnings or cautions
16 that would have been verbally given or through written
17 correspondence to an ultimate --

18 A. I am not --

19 Q. -- or any purchaser of asbestos Micarta?

20 A. I am not aware of any. I am not aware of any.

21 Q. All right, sir.

22 MR. BENTON: Have y'all produced that warning?

23 MR. LOMAX: Can we go off the record a second?

24 - - -

25 (Whereupon, there was an off-the-record discussion.)

1 BY MR. LOMAX:

2 Q. I'm going to hand you a document numbered
3 07002640, which was provided by Westinghouse counsel to
4 the plaintiffs in the Scordino case, and it appears to be
5 a caution. And I'll ask you if you can identify that
6 label.

7 A. Yes. That appears to be the label that we
8 applied to individual asbestos decorative Micarta sheets.

9 Q. Now, you said you applied it to the sheets. Was
10 this applied to the sheets of asbestos -- when you say
11 "sheets," what are you calling a sheet?

12 A. The fifty-thousandths-inch-thick sheet with an
13 asbestos core.

14 Q. So this would be after it had been -- the
15 asbestos Micarta had been applied to --

16 A. No.

17 Q. Okay. Excuse me. What form, as far as size,
18 did asbestos Micarta -- was it delivered to the ultimate
19 purchaser?

20 A. A number of different sheet sizes, the most
21 common of which was four foot by eight foot and
22 fifty-thousandths of an inch thick after we had sanded the
23 backside for gluing.

24 Q. Was this a fairly stable or a sturdy sheet of
25 material?

1 A. Yes. One person could pick it up and handle it.
2 Two were better, because any of these high-pressure
3 decorative laminates tend to be brittle; but it's, yes,
4 quite substantial.

5 Q. It was fairly rigid then?

6 A. Yes. Yes.

7 Q. And this caution label that you've identified
8 that was attached to those sheets, was it -- would you
9 describe what type of -- was it a paper label or a
10 glued-on label or was it a permanent label or --

11 A. We applied it by ink stamp to the back side,
12 underside of the sheet. It may have also been applied to
13 the carton in which the sheets were shipped. I do not
14 recall. But I do recall specifically developing a rubber
15 stamp and so on to stamp the back side so each sheet would
16 carry that warning label.

17 Q. Would it ever have been applied to the finished
18 side? And when I ask that, I'm wondering whether it was
19 an indelible type ink or was it something that could be
20 washed off later on?

21 A. It was applied to the back for fear that with
22 some colors, such as a light color, in a brushed,
23 satinized finish the dark ink could penetrate and not be
24 totally removable. So we chose to apply it to the back
25 side instead.

1 Q. I'm going to hand you another document here
2 dated October 9, 1973, that has that caution label
3 attached to the top of the correspondence. Would you
4 identify those two pages?

5 A. I'm familiar with it.

6 Q. Yes, sir.

7 MR. LOMAX: Bo, will you stipulate those are
8 authentic business records of Westinghouse?

9 MR. DUDLEY: Yes, sir.

10 MR. LOMAX: I'd like to have that marked as the
11 next exhibit, please.

12 - - -

13 (Whereupon, the instrument last above referred to was
14 marked as Exhibit No. 2.)

15 BY MR. LOMAX:

16 Q. Does this document refresh your memory as to
17 when the caution label was first implemented to be applied
18 to asbestos Micarta at Westinghouse?

19 A. Yes.

20 Q. And what was the date of that?

21 A. The date of the letter is October 9, 1973.

22 Q. Do you know when the first caution labels were
23 applied to asbestos Micarta at Westinghouse?

24 A. Yes. In the latter part of 1973.

25 Q. Have you ever testified under oath before or

1 given your deposition as you have -- as you are doing here
2 today?

3 A. Yes.

4 Q. Has any of your testimony involved lawsuits in
5 which asbestos Micarta was the subject of the lawsuit?

6 A. No.

7 Q. How many times have you testified?

8 A. You're stretching my memory, but I think I've
9 made two depositions and appeared on a court witness stand
10 a couple of times.

11 Q. Did that testimony involve asbestos?

12 A. No.

13 Q. Have you testified on any other occasion, other
14 than today, where the subject of your testimony was
15 asbestos, either a deposition or in court?

16 A. No.

17 Q. Can you tell me what employees with
18 Westinghouse, either present employees or past employees,
19 have testified either by deposition or trial in which the
20 subject of asbestos Micarta was the subject of their
21 testimony?

22 A. I am not aware of any.

23 Q. Can you tell me other than this -- lawsuits that
24 have been filed in Mississippi against Westinghouse
25 wherein asbestos Micarta is the subject -- primary subject

1 or product being complained of whether or not Westinghouse
2 has been sued in any other jurisdiction wherein the
3 primary complaint is that of Micarta -- asbestos Micarta?

4 MR. DUDLEY: We'll preserve an objection. This
5 is outside the scope of the notice and well outside
6 the knowledge of this witness and irrelevant for the
7 purposes of this deposition. I'm not going to permit
8 more than one or two additional questions in this
9 area, Lowry. We're pretty far afield.

10 If you know the answer, Dave, go ahead.

11 MR. LOMAX: I don't think that --

12 THE WITNESS: His question was phrased do I know
13 of.

14 A. And the answer is no, I do not know of any other
15 cases than the one you described.

16 BY MR. LOMAX:

17 Q. Have you heard about any other cases that
18 involve asbestos Micarta?

19 A. No, I have not.

20 Q. When did you first become aware of the
21 relationship between asbestos and health hazards
22 associated with the breathing of asbestos?

23 A. It was in the 1972 time frame. I have no
24 specific incident that I could pin down and say on this
25 date I became aware or we became aware, but it was in --

1 around -- in 1972.

2 Q. Approximately a year before -- do you recall
3 what brought the health hazards of asbestos to your
4 attention?

5 A. Simply general publicity in our industry and
6 from the suppliers and newspapers and, you know, news
7 media and so on. We began getting a general awareness in
8 that time frame that there could be a hazard, and I
9 don't -- not being part of the asbestos industry and
10 simply a small user, we didn't have possibly the occasion
11 to be as much on top of this and involved as some others
12 might.

13 We became aware of it, is all I can say, and
14 then began reacting appropriately as we became aware.

15 Q. Did your patent for asbestos Micarta address the
16 use of alternative materials for the asbestos paper?

17 A. I don't recall that it did. I believe we made
18 it specific to asbestos paper.

19 Q. Do you know whether or not the use of an
20 alternative material, and I'm talking about alternative to
21 asbestos paper, was feasible for your fire-resistant
22 Micartabord?

23 MR. DUDLEY: At what point in time?

24 MR. LOMAX: During the time of the development
25 of the product, '55 and '56.

1 A. Well, the answer is no. There was not an
2 alternative to our knowledge, and we looked at many in the
3 development stages.

4 BY MR. LOMAX:

5 Q. Did you attempt at Westinghouse to formulate an
6 alternative material?

7 A. Oh, yes. Yes.

8 Q. What materials did you look to?

9 A. Oh, we -- that was 1955 and '56. We looked at
10 all kinds of cores, aluminum core, steel core, brass core,
11 fiberglass cores. Many, many things like that were
12 examined as possibilities for this application.

13 Q. And that's for the fire resistant --

14 A. For the fire-resistant --

15 Q. -- application?

16 A. -- bulkhead surfacing material.

17 Q. And, of course, you ended up ultimately with
18 asbestos paper; is that correct?

19 A. For the immediate application, yes.

20 Q. Why was it that you were looking for alternative
21 materials, alternative to the asbestos paper?

22 A. Normal practice in any product development,
23 you -- once you have an understanding of the -- what you
24 believe the requirements are, you cover the waterfront as
25 far as trying to pick economical things that might meet

1 the need, fulfill the need.

2 Q. Did you ever subsequently develop an alternative
3 material to the asbestos paper?

4 A. Alternative, but not equal.

5 Q. What was that?

6 A. It was a paper-based, fire-retardant material
7 that -- the entire fire retardancy was achieved by resin
8 formulation, the binder resin.

9 Q. What year was that alternative material
10 developed?

11 A. In 1971, I would say, '70 -- '71.

12 Q. Why did Westinghouse turn to this alternative
13 material?

14 A. The asbestos decorative Micarta was not
15 maintaining a high level of sales and certainly not a high
16 level of profitability, the reason being it was too
17 expensive and was only used when they had to use it.

18 We, as well as others in this business, such as
19 Formica, were searching for more economical alternatives
20 because the competition from other materials, such as a
21 sheet vinyl on top of steel or something of that nature,
22 threatened to cut off any growth at all of a
23 fire-retardant, high-pressure, decorative laminate.

24 So attempts were made to make a paper-based fire
25 retardant instead, and that was in fact put on the market

1 by several companies in that early '70s time period.

2 Q. You say it was too expensive for the asbestos
3 paper component. What was the difference in cost between
4 the asbestos paper component and the other paper component
5 that you've described?

6 A. I don't recall the details, but it would have
7 been several cents per square foot of manufacturing cost,
8 which becomes substantial by the time that goes through
9 the chain of distribution and fabrication and then
10 multiplied by the enlarged numbers of square feet that are
11 in public applications.

12 Q. What tests, if any, did Westinghouse perform to
13 determine if asbestos-containing decorative Micarta, when
14 applied or used, could release asbestos fibers into the
15 atmosphere?

16 A. In early 1973, responding to knowledge we got in
17 late -- in '72, we engaged the Nicolet company, who was a
18 provider of our asbestos paper, to do air sampling in all
19 the locations of the plant, our plant at Hampton, where
20 there would be the most likelihood of asbestos fibers
21 being freed, if any would. And I believe that report has
22 been furnished to you.

23 We wanted to make sure that we had no hazard to
24 our employees and that our existing dust collection
25 systems, which were throughout the plant -- always have

1 been -- were adequate to protect our employees. And we
2 found they were. There were virtually almost no asbestos
3 fibers, fibers of any kind, picked up. I say almost no;
4 the numbers are in the report.

5 Q. Was that the first test that was ever performed
6 by or at Westinghouse on asbestos Micarta to determine the
7 release of asbestos fibers from asbestos Micartabord?

8 A. Yes, sir.

9 Q. Had anyone ever suggested that a test be
10 performed prior to that time at Westinghouse?

11 A. Well, in 1972, yes, it was suggested, and it
12 resulted in the February or March, or something like that,
13 '73 --

14 Q. I'm talking about other than that event.

15 A. No, but that's what resulted from it. I mean,
16 you said prior to that time if that was taken --

17 Q. I understand.

18 A. -- and yes, there had been discussion about it.
19 And I don't recall the specific motivation, whether it was
20 noticed that OSHA had established a standard which -- you
21 know. But prior to that time now, no.

22 Q. State the exact nature of Westinghouse's
23 relationship to each of the following organizations: the
24 Air Hygiene Foundation.

25 A. I have no knowledge.

1 Q. The Industrial Hygiene Foundation.
2 A. I have no knowledge of that.
3 Q. The Industrial Health Foundation.
4 A. I have no knowledge.
5 Q. The Quebec Asbestos Mining Association.
6 A. I have no knowledge.
7 Q. The Thermal Insulation Manufacturers
8 Association.
9 A. I have no knowledge.
10 Q. The Sprayed Mineral Fiber Manufacturers
11 Association.
12 A. I have no knowledge.
13 Q. The Asbestos Textile Institute.
14 A. I have no knowledge.
15 Q. As Westinghouse corporate representative for the
16 purposes of this 30(b)6, when you say you have no
17 knowledge, does that mean that -- have you reviewed the
18 records at Westinghouse to see whether or not Westinghouse
19 was in fact a member of any of these organizations at any
20 time?
21 A. No, I have not. I meant what I said: I have no
22 knowledge now or when I was --
23 O. -- with Westinghouse?
24 A. -- at Hampton as the general manager of a
25 division that would have been concerned. I had no

1 knowledge at that time of any membership in any of these.

2 Q. If Westinghouse had been a member of any of
3 these foundations or associations, would you necessarily
4 have known that they were a member of these organizations
5 or foundations?

6 A. No. No.

7 Q. Who is it at Westinghouse would have known this
8 and would have participated in any activity with these
9 associations or foundations?

10 A. I'm sure there would be someone in the corporate
11 headquarters, and I don't recall his name. a gentleman
12 that sort of oversaw Westinghouse employees' memberships
13 in national societies, technical societies and so on. I
14 don't remember his name. There was such an individual I
15 knew at that time, but I don't know who it was.

16 MR. LOMAX: We reserve the right to question
17 others with Westinghouse along the lines of their
18 participation in these various associations and
19 foundations.

20 BY MR. LOMAX:

21 Q. As far as asbestos -- or let's don't call it
22 Micarta, since that was a Westinghouse product, but do you
23 know of any other manufacturing corporation that had a
24 competing product with asbestos Micarta, or may I say
25 another asbestos fire-retardant decorative laminate?

1 A. No. To my knowledge no one else had, which is
2 not surprising because of our patent.

3 Q. And is it your understanding that Westinghouse
4 asbestos Micarta was the only decorative fire-resistant
5 laminate that was approved by the United States Coast
6 Guard for passenger-only bulkheading material?

7 A. That is my understanding, in the time frame that
8 we are talking about.

9 Q. What time frame is your answer restricted to?

10 A. Now, I thought we were talking about the period
11 in the late '50s. Now, after the development by several
12 companies of a paper-based fire retardant, it is entirely
13 possible that the Coast Guard may have issued an approval
14 for that product, and probably did but for perhaps
15 different restrictions, not necessarily identical
16 application.

17 But at the time that we produced the material
18 for the Moore-McCormack ships, Grace Line ships and so on,
19 there was no competing material approved by the -- and
20 certainly none approved by the Coast Guard, to my
21 knowledge.

22 Q. On Page 47 of Westinghouse Electric
23 Corporation's response to plaintiffs' second request for
24 production of documents propounded to all defendants,
25 there's an exhibit to the responses on Page 47 that makes

1 mention of a Hopeman Brothers 701 -- Number 701 adhesive.

2 Describe that substance, if you know what it was.

3 A. I can't. I don't know what it was.

4 Q. Who at Westinghouse would know that?

5 A. No one.

6 O. I mean this is a part of a Westinghouse Micarta
7 publication titled "Technical Services," I would assume,
8 on Page 46.

9 A. Correct.

10 O. Who would have authored this publication? Who
11 can explain it?

12 A. I can explain it.

13 Q. All right, sir.

14 A. That isn't what you asked me.

15 Q. Well, explain it then, please, sir.

16 A. This is simply describing again the Underwriters
17 Laboratories' listing for these various products.
18 Underwriters ties down every component of -- well, let's
19 talk a composite panel that might be used in a bulkhead or
20 wall.

21 Underwriters' Laboratories ties down, in
22 writing, every bit of material and everything in the
23 process that goes into that at any stage along the way.
24 That is simply saying that Hopeman Brother's Number 701
25 adhesive was used to cement the Micarta, any one of them.

1 whichever was referred to here, to the core on which the
2 panels -- to make the panels which were tested in their
3 fire testing tunnel. It ties it down. That's all it
4 means.

5 Now, it means that if somebody -- anyone who
6 wants to apply that Underwriters' label to his panel must
7 be able to certify to the Underwriters' Laboratories that
8 he also used each of the things as they specified. But we
9 ourselves never had knowledge of the chemical composition
10 or anything of Hopeman Brothers' 701 adhesive.

11 O. All right. The panels themselves, I'm going to
12 call it the sheets of asbestos Micarta, did they have the
13 Westinghouse logo printed on them anywhere --

14 A. No.

15 O. -- on the actual asbestos Micarta itself?

16 A. I believe not. Now, the reason I answered the
17 question in that way is at various times and on various
18 products, each of us in that business experimented with
19 face labeling.

20 But my recollection is, for this application,
21 there was no useful purpose to be served by face labeling;
22 and it would cost somebody, Hopeman Brothers or
23 Moore-McCormack or somebody, money to remove whatever was
24 put on the face. So my answer would be in this case I
25 believe not.

1 Q. Now, let me ask you this in the same question
2 with regard to any packaging material that accompanied the
3 asbestos Micarta: Did Westinghouse package individually
4 the sheets of asbestos Micarta before it sent it to
5 Hopeman Brothers or any other purchaser?

6 A. Yes. We packaged sheets in two forms:
7 cardboard cartons with a picture frame of wood around
8 them, which would hold anywhere from one to perhaps twelve
9 sheets, something like that, and then bulk packaging on
10 wooden pallets with suitable corner protection, steel
11 banding and so on. In both cases, the package would have
12 been labeled with what it was.

13 Q. For example, Westinghouse Micarta or the "W"?

14 A. Westinghouse Micarta, and it would have the
15 grade number and the identification that went with the
16 asbestos designating it asbestos, fire retardant; also
17 the, you know, what kind of finish and so on it was.
18 routine things.

19 Q. Speaking of the finishes, Westinghouse developed
20 a variety, as I understand it, of various finishes.

21 A. Uh-huh (indicating yes).

22 Q. Describe the various finishes that -- well, let
23 me back up a second. I understand that the asbestos
24 Micarta could be -- came in all the different finishes
25 that regular Micarta came in.

1 A. Could be made in them, yes, sir.

2 Q. I mean, there's various -- different types of --
3 birch and --

4 A. Oh, excuse me, that type of finish. Oh, yes, it
5 could be made in different patterns and colors, we called
6 that.

7 Q. That's what I was leading to.

8 A. And almost without restriction that anything
9 that could be made in one of the other standard Micarta
10 patterns could also be used in asbestos.

11 Q. So the patterns and colors is one category and
12 the finish was another category?

13 A. Yes. Finish in the industry terminology refers
14 to the actual physical surface finish right on top.

15 Q. And those came in, for example, satin finish?

16 A. Yes.

17 Q. Describe a satin finish.

18 A. Why don't we talk about what they used at
19 Hopeman for the Moore-McCormack ships. It was a satin
20 finish achieved by brushing with mechanical brushes and
21 pumice to remove the glossiness, the glossy finish in
22 which the laminate was molded.

23 Q. Then there was an oil rub finish, I believe,
24 that was available.

25 A. That came along later. That was a designation

1 for a finish such as on this tabletop (indicating), which
2 is a textured finish. There were various versions of
3 molded, textured finishes.

4 Q. And this is a Formica table?

5 A. I don't know. You can't tell Formica from
6 Micarta from nevermore by looking at the top of it.

7 Q. Is that right? I mean the average person would
8 have trouble distinguishing between Formica and Micarta?

9 A. Not only have trouble, he'd find it impossible.
10 And most of them are almost as good as Micarta.

11 Q. Is Formica another form --

12 A. I'm being facetious.

13 Q. -- of plastic laminate?

14 A. Formica?

15 Q. High-pressure plastic laminate?

16 A. High-pressure decorative laminates is the
17 generic name for them.

18 MR. LOMAX: I'm hungry. See you folks at one
19 o'clock.

20 MR. WILLIAMS: Off the record.

21 - - -

22 (Whereupon, there was an off-the-record discussion.)

23 A. Well, before we begin, it occurred to me at
24 lunch that an answer to a previous question, the way I
25 said it quite possibly left it ambiguous. You had asked

1 were we aware that sawing of the composite panels might be
2 needed. And I answered, yes, of course, trimming and
3 sawing to exact size is the customary operation
4 following -- immediately following gluing. I don't know
5 if I said immediately.

6 And I was meaning to imply that normally this
7 would be done in the same -- is done normally in the same
8 factory as the gluing is accomplished. And I find that I
9 didn't -- I'm told I didn't say that, but it could be
10 construed as implying that every panel would have had to
11 be trimmed and sawed and so on on the job site at Ingalls.

12 I do not have specific knowledge of where -- how
13 much of each was done, but I do know, having been in that
14 business, that you do everything possible like that in the
15 factory where you do the gluing where your labor cost is
16 an awful lot less than elsewhere.

17 Now, I didn't say all that and I wanted to add
18 that to the record, please, to clarify that answer.

19 BY MR. LOMAX:

20 O. Well, to clarify my question then, actually I
21 was intending to ask you whether or not it was
22 Westinghouse's understanding that the finished product,
23 the asbestos Micarta glued on top of the -- whatever
24 substrate that it was used and it was applied to, in many
25 instances the Marinite board, did Westinghouse anticipate

1 that that finished product on the job site where it was
2 being installed on the ship would likely be sawed by the
3 insulator joiner?

4 A. We would have no knowledge or control over that.
5 We assumed, as I just stated, that in any normal
6 fabricating operation, this -- and we were in that
7 business at one time. We're not at this period of time,
8 so I know whereof I speak.

9 You do that immediately following the glue line
10 for minimum handling and doing it under best-controlled
11 conditions in the factory to the greatest extent possible;
12 and you restrict anything you do in the field to the
13 minimum possible corrections, correcting for -- you know,
14 making up for breakage and that kind of thing.

15 Q. Are you talking about --

16 A. Normally. I repeat, I was not there on the job
17 site, so I cannot say "X" percent was done here and "Y"
18 percent was done here.

19 Q. But Westinghouse did anticipate that some of its
20 finished panels would in fact be sawed or drilled in order
21 to fit the precise location for which it was intended?

22 A. Yes.

23 Q. And you don't know what percent, but you
24 anticipated some of it would be cut?

25 A. We anticipated some of it, and we knew that our

1 existing fabrication manual covered the procedures for
2 that.

3 Q. And you've provided us a copy of that
4 fabrication manual?

5 A. I think you have that -- I think it was 1963,
6 has that kind of information in it that an earlier one
7 wouldn't have had, so I'll say yes.

8 Q. Is that the only fabrication manual that you
9 could find that was provided to us?

10 A. They found it. There has been one in existence
11 all the years that I was associated with that division.
12 It would be revised from time to time to perhaps add new
13 grades.

14 Q. Let me ask you this: Since Westinghouse did
15 anticipate that there would be some alteration of the
16 finished product, which I call the finished product the
17 asbestos Micarta, applied or glued to the -- in this case
18 the Marinite board, did Westinghouse ever take it on
19 themselves to perform any studies or dust counts to see
20 what types of airborne asbestos was put into the air for
21 ordinary use of that product? And I say "ordinary use,"
22 for ordinary cutting of the product?

23 A. No, because it would not have been practical or
24 meaningful.

25 Q. Would not have been practical?

1 A. Practical.

2 Q. Or meaningful?

3 A. Or meaningful, because what you would get would
4 depend on the kinds of tools, the speeds, the sharpness,
5 the -- whether or not he had vacuum dust collector
6 connected to it and so on.

7 Q. But the answer to my question is no, they did
8 not?

9 A. The answer is no, and I was giving you the
10 reason why not.

11 Q. I understand. And is that -- strike that.

12 Is there a reason -- did Westinghouse ever
13 receive any type of cautions or warnings from Nicolet or
14 any other, quote, asbestos manufacturing corporation,
15 unquote, as to the dangers of asbestos materials?

16 A. Yes.

17 Q. And what warnings were those and when did you
18 receive them and how?

19 A. The only one I recall seeing was in August of
20 1972 to someone in our purchasing department calling his
21 attention to the fact that there was -- there is or would
22 be -- I don't recall -- OSHA regulations applying to
23 airborne fibers and volunteering their department that
24 they had set up to do the air sampling and testing for us
25 if we chose to use them.

1 Q. And that led to the testing that you discussed
2 earlier?

3 A. That led to the testing. We signed a contract
4 with them to do that testing, but that's the only notice
5 that I am absolutely sure we received. I don't know of
6 any other. There may have been.

7 Q. Was that a written notification, or was that
8 verbal, or do you recall?

9 A. It was written.

10 Q. Do you have that document available?

11 A. I don't know if that's in there or not.

12 Q. Who --

13 THE WITNESS: Do you know, Bo?

14 BY MR. LOMAX:

15 Q. Who at Nicolet do you recall would have sent
16 that?

17 A. I don't recall a name.

18 Q. Would it have been a safety or health officer?

19 A. I don't know.

20 Q. If that has not been produced --

21 A. It could be somebody from sales; it could be
22 safety; it could be tech service. I don't know.

23 MR. LOMAX: Well, we would ask Counsel for
24 Westinghouse that if they have not produced that
25 document that they do produce it as soon as they can

1 locate the same.

2 MR. DUDLEY: We'll look for it.

3 THE WITNESS: If it's still available. I
4 remember seeing that, though, and I connected it with
5 Nicolet --

6 BY MR. LOMAX:

7 Q. When do you recall seeing it? When you do
8 remember seeing it at the time?

9 A. I don't know. This has been an unfolding drama.
10 Trying to remember back thirty-five years, up to fifteen
11 years ago, I don't know. I have a note on my copy of that
12 report is where I got it. Now, I don't know when I saw
13 it.

14 MR. LOMAX: Can we see a copy of that note?

15 MR. DUDLEY: Excuse me for just a minute. Paul,
16 are you associated in these cases?

17 MR. BENTON: Is there a reason?

18 MR. DUDLEY: Yeah.

19 MR. BENTON: Why is that? I haven't questioned
20 the witness.

21 MR. DUDLEY: I know, but you're --

22 MR. BENTON: I haven't questioned you.

23 MR. DUDLEY: You're participating as counsel in
24 the deposition by assisting the counsel who noticed
25 the deposition.

1 MR. LOMAX: We do have an association on certain
2 cases.

3 MR. DUDLEY: Well, to my knowledge, there is no
4 record of any association in Scordino-Copeland where
5 these cases are noticed. I'm aware, of course, that
6 any number of members of the plaintiffs' bar
7 associate in the informal sense on these cases and
8 are aware of each others' cases, but I'm wondering
9 aloud what the basis is for your participation in the
10 deposition to the extent you are.

11 MR. BENTON: Number one, counselor, I've not
12 participated in this deposition in any way, shape,
13 form, or fashion other than to sit beside Mr. Lomax
14 and help him shuffle papers in an effort to assist
15 him in moving the deposition along quicker so that
16 Mr. Baldwin can get out of here on time for his
17 plane. I have not asked any questions. I have not
18 made any requests of counsel and do not intend to do
19 so.

20 MR. DUDLEY: Well, we'll see how things develop,
21 but I note for the record that you are actively
22 suggesting questions to counsel of record, and I'm
23 not sure that's proper. So let's go. See what
24 happens.

25 BY MR. LOMAX:

1 Q. Now as I was stating, you have a copy of that
2 report that you were referring to in your previous answer?

3 A. Oh.

4 MR. DUDLEY: What did he want? What was the
5 question?

6 THE WITNESS: The --

7 MR. LOMAX: He had some notes, some handwritten
8 notes that he had made and discussed.

9 MR. DUDLEY: Well, I'll be -- you're welcome to
10 show them that.

11 A. On my copy -- you have this in your stuff?

12 BY MR. LOMAX:

13 Q. Yes.

14 A. I made a note to myself that Nicolet had
15 volunteered in August 1972 to do that; and that was done
16 months ago, and I don't recall where I got that
17 information. Somebody in purchasing or maybe that letter
18 is included in there. I don't know.

19 Q. When did you make that note?

20 A. That's what I said. I don't --

21 Q. You don't know?

22 A. I don't know. It's sometime recently --

23 Q. Okay.

24 A. -- since this was done, this year.

25 Q. In preparation for this litigation? Was it in

1 preparation for this litigation that you refreshed your
2 memory on that?

3 A. Oh, sure. Sure.

4 Q. Okay. While we're talking about the warning
5 label -- and I'll get off of the warning label itself or
6 the caution label that we discussed earlier -- you stated
7 that it was placed on the back side of the asbestos
8 Micarta; is that correct?

9 A. Correct.

10 Q. And that to your recollection it was not placed
11 ever on the front side of the panel?

12 A. Not consistently. It may have been
13 experimentally or something like that.

14 Q. But not as far as the finished product
15 production?

16 A. No, not as far as routine production.

17 Q. Or routine production, as you call it. Was it
18 your understanding that the asbestos Micarta sheet, when
19 it was sold to Hopeman Brothers or whatever --

20 A. Anybody else.

21 Q. -- purchaser, that the back side of the asbestos
22 Micarta would be glued to a substrate material?

23 A. Yes.

24 Q. Well, does that also draw you to the conclusion
25 that your caution label would be covered up or am I wrong

1 in --

2 A. No. It was in a place that would be covered up
3 and would not require time and labor, labor and money to
4 remove.

5 MR. KNIGHTEN: Objection to form.

6 A. It served the purpose of notifying the worker of
7 every sheet, which as I recall the OSHA requirement is
8 what we were required to do. Now, anything beyond that
9 would not be incumbent upon us. You know, there could be
10 steps on down the line, you know, infinitum.

11 BY MR. LOMAX:

12 Q. So it was --

13 A. But my recollection is that OSHA required that a
14 manufacturer notify those who would be handling that at
15 the next step.

16 Q. So it was Westinghouse's position then during --
17 was this 1972 or '73?

18 A. '73.

19 Q. '73. It was Westinghouse's position that your
20 obligation to warn of the hazards or potential hazards of
21 asbestos -- health hazards of asbestos was to warn the
22 immediate purchaser and no one past that?

23 A. That is not what I said.

24 Q. Well, let me ask it another way.

25 A. The immediate purchaser was the distributor.

1 Q. I understand that.

2 A. Who in many cases never even saw the material.
3 The next person to handle and utilize, I believe were the
4 words.

5 Q. But you felt -- Westinghouse had the policy,
6 though, at that time that after it was sold to whoever
7 they sold it to and they altered the material by putting
8 this backing on it that Westinghouse had no further
9 obligation to warn any further user or purchaser --

10 A. That is --

11 Q. -- or bystander --

12 A. That is correct.

13 Q. -- of asbestos Micarta?

14 A. That is correct. That is the way I recall the
15 OSHA requirements.

16 Q. All right, sir. Now, did you feel like it
17 was -- at that time that it was Hopeman Brothers, if they
18 were the entity that was applying that back to the
19 asbestos Micarta, was it Hopeman Brothers' obligation if
20 there was any further --

21 MR. KNIGHTEN: Wait now. I want to interpose an
22 objection.

23 MR. DUDLEY: Hold it. Hold it.

24 MR. LOMAX: Well, I haven't asked the question
25 yet.

1 MR. KNIGHTEN: You know, this has gone on long
2 enough, Lowry. I object to the form of the question.
3 It calls for pure speculation on behalf of the
4 witness and --

5 MR. LOMAX: I'm asking what their policy was
6 and what their -- I haven't asked the question yet.

7 MR. DUDLEY: Why don't you finish your question,
8 and we will politely wait and lodge objections when
9 you do.

10 MR. LOMAX: Okay.

11 MR. DUDLEY: And don't you answer.

12 MR. LOMAX: I suggest that you start off -- I
13 suggest that Bo start off with his objection, and
14 then after he finishes then you can and if anybody
15 else around the table wants to, instead of all of us
16 hollering at each other at one time.

17 I doubt I can even repeat that question, but --

18 BY MR. LOMAX:

19 Q. Was it the position or policy at Westinghouse in
20 1973 that once Hopeman Brothers, in the instance when
21 Hopeman Brothers would purchase asbestos Micarta, once
22 Hopeman Brothers received the Micartabord and either
23 altered it or had it altered by applying the substrate to
24 the asbestos Micarta, that any obligation to warn or
25 caution as to the dangers and health hazards of asbestos

1 would then be Hopeman Brothers' responsibility?

2 MR. DUDLEY: All right. Objections are
3 preserved on several grounds. Number one, the
4 question calls for a legal conclusion, which the
5 witness is not qualified to give. It calls for
6 speculation in asking him to express an opinion or a
7 guess or speculate about what Hopeman Brothers' duty
8 might have been at some point in time.

9 Beyond that I would simply caution you, Mr.
10 Baldwin, that the question as phrased asks for the
11 policy or position of Westinghouse, and I would make
12 sure that you know that that's what's asked. And if
13 you believe you're able to answer that question, you
14 may go ahead subject to the objections; but if you do
15 not think you're able to, say so.

16 MR. KNIGHTEN: Hopeman Brothers joins in the
17 objection.

18 A. Now, my objection to the question is you made
19 the assumption that we sold this Micarta through U.S.
20 Plywood to Hopeman Brothers in 1973.

21 BY MR. LOMAX:

22 Q. Is that not true?

23 A. I don't know.

24 Q. Let's assume --

25 A. I have not been able to find and they have not

1 been able to find sales records, so -- you're talking
2 1973. The time I knew we supplied to Hopeman Brothers I
3 detailed thoroughly before lunch. That was in 1957, '58
4 and, you know, whatever, the time period of building those
5 ships.

6 MR. DUDLEY: Subject to that answer, I note a
7 further objection on grounds of relevance to the
8 issues in the case.

9 BY MR. LOMAX:

10 Q. Well, let me take Hopeman Brothers out of the
11 equation. To whoever the purchaser may be.

12 A. Then the answer is yes. It was our belief that
13 we were in full compliance with the laws by so labeling
14 the sheet such that the next physical user would be
15 notified.

16 Q. Did Westinghouse, during your employment with
17 the company, have a research department as such, called it
18 research department?

19 A. Yes.

20 Q. What about the Micarta Division, did it have a
21 research department?

22 A. I'll say yes, although we did not call it that.
23 We called it the engineering department.

24 Q. And that was, of course, the department that you
25 were a member of?

1 A. In the early days, yes, prior to becoming
2 general manager. Yes.

3 Q. What type of research went into the development
4 of Micarta as pertains to the safety of the product as --
5 and I say "the safety of the product," whether or not the
6 product is harmful to users of the product?

7 A. The engineers responsible for developing a
8 product had the responsibility of using common sense and
9 if there was any chemical, any material of which they were
10 aware might cause a problem, of notifying a group in
11 Pittsburgh who issued the corporate identification number
12 on that material and who could make any checks they wanted
13 to.

14 And then we had -- they should and were expected
15 to also check the safe practice data sheets, was what
16 Westinghouse called them, assigned to each chemical,
17 each -- you know, by number, material number would also --
18 would have a description and also a safe practice data
19 sheet, if such existed on that. So, yes, it was incumbent
20 upon the engineer who was doing the development and
21 specifying the materials.

22 Q. During that developmental process or research
23 project on the development of Micarta -- asbestos Micarta,
24 I'm sure certain -- or maybe you can tell me whether or
25 not certain hazards of the asbestos Micarta were studied;

1 for example, if the asbestos Micarta is burned, whether or
2 not it will give off a toxic fume. Was that discussed or
3 studied?

4 A. No. No. That sort of thing came up much, much
5 later on all decorative laminates as an industry study,
6 but it's -- that has no bearing on what we're talking
7 about.

8 Q. Did --

9 A. The answer to your question is no.

10 Q. Did Westinghouse participate in that industry
11 study on the toxicity of Micarta --

12 A. I seem to recall --

13 Q. -- when it was burned?

14 A. Yeah. I seem to recall it was done by one of
15 the industry associations of which we were members.

16 Q. Which industry association would that have been?

17 A. Oh, that probably would be National and
18 Electrical Manufacturers Association.

19 Q. Do you recall what the outcome of that industry
20 study was on the toxic effects of Micarta?

21 A. No, I don't. Things like that were going on all
22 the time. I don't recall anything specific about -- smoke
23 toxicity, is that what you're referring to?

24 Q. Well, that's just one example.

25 A. Okay. I thought you mentioned that.

1 Q. Yes, sir.

2 A. No. I don't recall anything specific about it.

3 Q. Was the formula for asbestos Micarta ever
4 changed from the original formula for any reason, other
5 than --

6 A. I don't know for sure. There may well have been
7 minor modifications to improve the manufacturability or,
8 you know, to modify it slightly.

9 Q. But as far as --

10 A. But in its basic concept, the answer to that
11 would be no.

12 Q. So the three basic components that you discussed
13 earlier --

14 A. These components are still there. The asbestos
15 paper, the fire-retardant binding resin, and then the
16 surface layers were still there.

17 Q. Was any research done whatsoever by Westinghouse
18 as to the asbestos content and what effects the asbestos
19 content would have on the public health?

20 A. No, not until the Nicolet air-sampling tests of
21 1973.

22 Q. Was any research ever suggested by anyone at
23 Westinghouse in that regard?

24 A. Not to my knowledge.

25 Q. Not until '72, '73?

1 A. '73 -- '72, '73. No, not to my knowledge.

2 Q. Did Westinghouse ever request from any of the
3 members of what I call the asbestos manufacturing
4 industry -- and if you don't understand what I mean by
5 that, I'll clarify my question. But did Westinghouse ever
6 request of the asbestos manufacturing industry any
7 information as to the health hazards of asbestos --
8 airborne asbestos materials as they relate to public
9 health?

10 A. I don't know. I don't know if I ever did know
11 back when I was there. I know there was a growing
12 awareness of asbestos under some, you know, conditions and
13 types and so on might pose a health problem.

14 Q. When did --

15 A. I'm aware that there was a growing awareness,
16 but anything specific I do not know.

17 Q. What year do you first recall of the growing
18 awareness?

19 A. 1972.

20 Q. Did you ever read or were you ever made aware or
21 do you know of anyone at Westinghouse was made aware of
22 this Selikoff study in 1964?

23 A. I don't know.

24 Q. What do you mean you don't know?

25 A. I was not made aware. You asked two questions.

1 Q. Okay.

2 A. The answer was I don't know --

3 Q. What about --

4 A. I was not made aware, and I don't know if anyone
5 else was.

6 Q. Was it ever discussed at Westinghouse to your
7 knowledge?

8 A. Not to my knowledge.

9 Q. You were aware that the product that was --
10 first of all, let me back up just a minute.

11 The final bulkhead paneling board, which --

12 MR. WILLIAMS: Or bulkhead, depending on your
13 point of view.

14 BY MR. LOMAX:

15 Q. -- that was shipped to Ingalls Shipbuilding, do
16 you know whether or not it would have been packaged in a
17 Westinghouse crate or other type of container or wrapping?

18 A. I do not know for sure, but it would be almost
19 impossible for it to have been in a Westinghouse carton.
20 It just wouldn't fit, plus the carton would not be sturdy
21 enough to handle the kind of weight that would be involved
22 in the final panels. So I'm sure it was not a
23 Westinghouse carton.

24 How they did it, I don't know. Customary
25 practice in the industry would be to band it onto wooden

1 pallets, suitable protection.

2 Q. Do you know whether or not there was any type of
3 Westinghouse logo on a finished Micarta -- asbestos
4 Micarta bulkhead paneling?

5 A. I answered that before. The answer was no.

6 Q. What about a label?

7 A. No. That's what I -- you had asked me before,
8 did we ever print our label on the face. And I answered
9 at quite some length that we and everybody else had
10 experimented with that, but I can -- I am sure that we did
11 not put a label on the face of the BRASIL and ARGENTINA
12 material.

13 Q. I'm going to hand you an August 26th, 1959,
14 letter from yourself to Mr. Smith, Mr. -- is it H.C.
15 Smith?

16 A. (Nodding head affirmatively.)

17 Q. And on Page 2 of that letter in the second
18 paragraph, there's an underlined sentence. And if you
19 would read that, please, sir, to yourself.

20 A. In -- okay. (Witness examines document.)
21 Uh-huh (indicating yes).

22 Q. Tell me what the word "listing" means in that
23 sentence.

24 A. Underwriters' Laboratories' listing, and that
25 entitles you to purchase labels and apply them to a

1 product with all the officiality and assurance that this
2 is as described on the Underwriters' label listing and so
3 on.

4 Q. And is this the Underwriters' Laboratories'
5 label that you're referring to?

6 A. Yeah. Those are Underwriters' Laboratories'
7 label, and these were the ones being referred to in here.

8 Q. I'm referring to Document Number 7000491, which
9 is an attachment to Westinghouse response to request for
10 production of documents. Where was this labeling applied;
11 to the asbestos Micarta before it was sent to Hopeman
12 Brothers or any other purchaser?

13 A. I don't know that it ever was applied. It isn't
14 necessary that it be applied. It was available to U.S.
15 Plywood if they wanted to use it. It was available to us
16 if we -- if they requested we put the labels on the sheets
17 or the package or whatever. This one would have been
18 available to the joiner-fabricator and so on.

19 The important thing was that it existed and it
20 tied down the method of manufacture to assure the Coast
21 Guard that that was under outside control. There is not a
22 requirement that every sheet carry the Underwriters' label
23 which describes it. Its use is optional.

24 Q. Tell me what the protocol was at Westinghouse,
25 though, as far as the application of these labels.

1 A. I don't remember whether U.S. Plywood or Hopeman
2 or Ingalls ever requested that -- I don't recall whether
3 or not they requested that we apply the labels to the
4 cartons. I simply don't recall. They certainly had the
5 right to. And we would have -- if you'll notice, these
6 labels, the two here, were the early ones, and they were
7 owned by U.S. Plywood, even though the Micarta was made by
8 us. And that is the subject of this letter.

9 We had agreed in the interest of speed, since
10 U.S. Plywood was far, far along on the testing and so on
11 anyway, to cooperate with them and let them be the owner
12 of this label to get started and move faster. Years later
13 we went ahead and had similar labels, and they showed up
14 in that other document that you were showing me, issued in
15 our name. And I don't recall whether we had to do
16 additional testing or merely let them certify that this
17 still covered it. I don't recall. But that's the subject
18 of this letter.

19 Q. Well, as I understand it then, was the entire
20 asbestos Micarta and its associated products more or less
21 a joint venture between United States Plywood and
22 Westinghouse?

23 MS. JONES: Object to the form of the question.

24 BY MR. LOMAX:

25 Q. And Hopeman Brothers?

1 MR. WILLIAMS: Ditto.

2 MR. DUDLEY: Object to the form.

3 THE REPORTER: Who made the first objection?

4 MR. LOMAX: Everybody objected.

5 MR. WILLIAMS: Well, I object to asking the
6 witness to call for a legal conclusion, which he's
7 not prepared to nor is he capable of making.

8 MR. LOMAX: Well, if he understands the
9 question, then I think he can answer it.

10 A. Was it a joint venture?

11 BY MR. LOMAX:

12 Q. Yes, sir.

13 A. Absolutely not. It was a customer-supplier/
14 customer relationship.

15 MR. WILLIAMS: Never mind. He understands the
16 question.

17 A. It was not a joint venture. I told you in great
18 detail how it originated.

19 BY MR. LOMAX:

20 Q. I understand how.

21 A. The U.S. Plywood --

22 MR. DUDLEY: Dave, there's no question pending.

23 THE WITNESS: Okay

24 MR. DUDLEY: Thank you.

25 THE WITNESS: Thank you.

1 MR. DUDLEY: Okay.

2 THE WITNESS: If I don't get out of here in time
3 for that plane, it will be because we're repeating
4 ourselves on every pertinent question. Excuse me.
5 Go ahead.

6 BY MR. LOMAX:

7 Q. When do you recall that the four-ship project
8 was completed? And you may have to divide those up
9 between the two that were built for Moore-McCormack, the
10 ARGENTINA and BRASIL, and the two that were built for
11 Grace Line.

12 A. I don't know for sure, other than a statement in
13 the document which you supplied that gave the delivery
14 date of the two ships. That certainly would have
15 completed the bulk of it on those two. I don't know when
16 the two Grace ships were completed.

17 Q. Do you have any idea when the Grace ships were
18 completed? Were they in the same time frame?

19 A. In the same time frame. They were started
20 somewhat -- about the same time, 1957, early.

21 Q. And it took about two years on most all of
22 those?

23 A. I would assume so, yes. How much was left to
24 finish after they were afloat and patch up and repair and
25 change and so on, I have no idea. But the bulk of it

1 would have been in that '57-'58, or whatever your document
2 says, period prior to their launching.

3 MR. LOMAX: I believe our records show that it
4 was -- one of the vessels was completed in '58,
5 maybe, and the other one in '59.

6 MR. DUDLEY: We show two in '58.

7 MR. LOMAX: Both of them in '58?

8 MR. DUDLEY: Yes, sir, I think so.

9 MR. KNIGHTEN: Yeah. I think about six months
10 apart.

11 MR. LOMAX: One was -- BRASIL was September '58
12 and the ARGENTINA was December of '58.

13 BY MR. LOMAX:

14 Q. When would most of that paneling been shipped?

15 A. We had a target date of beginning to supply full
16 production material to both jobs of April 1957.

17 Nonexistence of the sales records means I can't confirm
18 that, but I doubt if we missed it by very many months.

19 Q. You would have tried to have completed all of
20 your asbestos Micarta -- you would have tried to have
21 completed production and shipped it to Hopeman Brothers by
22 April of '57, is what you're saying?

23 MR. DUDLEY: His answer was --

24 A. First shipment.

25 MR. DUDLEY: -- they began to ship it.

1 BY MR. LOMAX:

2 Q. Oh, the first shipment. Excuse me.

3 A. First shipment to each shipyard, target date
4 April something, 1957. And the chances are it was close
5 to that. And from then on, shipments would be a result of
6 releases or orders -- I don't recall which they used --
7 specifying so many sheets of this, so many sheets of that
8 size, the whole detail, shipped by so and so date. But my
9 point is, if April 1957 was the starting date and the
10 ships were launched in -- '58?

11 MR. DUDLEY: Yes.

12 A. You got about a year and a half there, maximum.

13 BY MR. LOMAX:

14 Q. As far as the health effects of asbestos -- or
15 the hazardous effects or risks of asbestos to your health,
16 are you the person with Westinghouse that can best answer
17 those questions?

18 MR. DUDLEY: I think we made it clear at the
19 beginning of the deposition that he's not, and he's
20 not proffered.

21 MR. LOMAX: You said I could ask the question.

22 MR. DUDLEY: Pardon me?

23 MR. LOMAX: You said I could ask the question.

24 A. You may ask the question, but the answer is no.
25 I am not -- that is not my field of expertise by education

1 or experience.

2 BY MR. LOMAX:

3 Q. All right, sir.

4 MR. LOMAX: Bo, I was just making sure I had
5 it on the record.

6 MR. DUDLEY: That's fine.

7 BY MR. LOMAX:

8 Q. Who with the company would be most knowledgeable
9 in the field of safety and health risk of products
10 manufacturing?

11 A. I don't know. I've been gone some long time.

12 Q. I'm talking about from the time frame of 1955
13 until '75.

14 A. I don't know. Hazardous materials in general
15 would have been the responsibility of whoever it was in
16 that materials control department in headquarters that
17 controlled the issuance of numbers and the issuance of
18 safe practice data sheets, where such existed.

19 Q. I know that you did not answer these
20 interrogatories that were propounded to Westinghouse.

21 A. Go ahead.

22 Q. But since you're one of the engineers, I want to
23 ask you a question. Number 75, the question is: "Does
24 the defendant," and that means Westinghouse, "contend that
25 the plaintiffs in these cases improperly used its

1 product?" The answer that was given to us: "Unknown at
2 this time."

3 As the engineer that developed or was certainly
4 one of the major contributors to the development of
5 asbestos Micarta, do you have any information that has
6 come to you, or as Westinghouse corporate representative
7 do you have any information that has come to you that
8 would indicate that the individual plaintiffs that my firm
9 represents that worked at Ingalls Shipbuilding either
10 misused or improperly used asbestos Micarta when they
11 were -- the ones that did in fact use that? You'd have to
12 assume that they would be the ones that were sawing or
13 cutting the material.

14 A. You asked me the question: Do I have any
15 knowledge or has any information come to my attention
16 since? And the answer to that is no. I do not know of
17 any misuse of the asbestos Micarta product.

18 Q. Do you have available any photographs of the
19 various asbestos Micarta that was manufactured by
20 Westinghouse?

21 A. No, I do not. I believe that in the production
22 some documents have been furnished to you of a magazine
23 article, copies of a magazine article that was
24 published -- I'm sure it's in one of those -- that show
25 photographs of it in use.

1 MR. LOMAX: Bo, I have that xerox copy, but it
2 makes very little sense to me, you know, because of
3 the quality of the copying process. Can we inspect
4 that at some time?

5 MR. DUDLEY: You mean, do we have the original?

6 MR. LOMAX: Yes.

7 MR. DUDLEY: I'm not sure we do. I'll be glad
8 to look. I don't know. I've not seen it. To my
9 knowledge we don't, but I'll be glad to look for it.

10 THE WITNESS: I'd be very surprised if we have
11 it.

12 BY MR. LOMAX:

13 Q. Have you reviewed the documents that have been
14 referred to as the Ingalls-Hopeman Brother documents?
15 It's been referred to in other depositions as the Fifty
16 Thousand Series of documents because they were Bates
17 stamped number fifty thousand and so forth.

18 A. Not by that name. May I ask Bo --

19 THE WITNESS: Is that anything that we have gone
20 over in our preparation?

21 MR. DUDLEY: I don't think so, no.

22 THE WITNESS: Okay.

23 A. Then the answer is no.

24 MR. DUDLEY: He just doesn't recognize any of
25 these by the names that y'all are so familiar with,

1 Lowry.

2 MR. LOMAX: Well, that's what I'm trying --
3 I'm trying to identify it, and that's why you're
4 here, I guess, is to advise him whether or not he has
5 seen those fifty-thousand-numbered documents.

6 BY MR. LOMAX:

7 Q. Do you have any purchase orders or invoices that
8 would show subsequent shipments of Micarta to shipyards
9 after these four vessels?

10 A. No. The only -- anything I have is what Bo and
11 his people have been able to uncover by a thorough search
12 at the applicable place, the Hampton plant. And I
13 understand that there are no sales records from that time
14 still existing, or production records, which would have
15 been a help here, of course.

16 For the record, when I left each of the
17 assignments, I left behind all of my files on all of these
18 things and made no attempt whatsoever to keep any of this
19 for future reference. Leave it for my successor to do
20 with as he wished.

21 Q. Did you ever attend any type seminars put on by
22 any organization or company wherein the discussion of
23 health hazards of asbestos were presented?

24 A. Not that I remember. I must say no.

25 Q. Do you know of any of the employees at

1 Westinghouse that ever attended such seminars? I'm going
2 to restrict it to 1955 until 1975.

3 A. I don't have such specific knowledge, and beyond
4 that, I would be simply guessing at what might have
5 happened. I know I did not myself.

6 Q. Does the company have a library that contains
7 treatise or volumes whose subject matter is related to the
8 health hazards of asbestos?

9 A. I'm not aware of it. When I was at Hampton the
10 engineering department maintained a small library, a room
11 half the size of this one, with books that some of the
12 fellows thought were pertinent to their work. I do not
13 recall ever seeing anything on asbestos in that little
14 library.

15 Q. That was up through the time that you left in
16 1975?

17 A. Yes. And I would have -- I had my office there
18 through 1962 or -3, so -- '65.

19 Q. The brochure that we've referred to as the 1963
20 brochure, which is titled "Westinghouse Micarta," who
21 would this brochure have typically been presented to or
22 delivered to in the industry?

23 A. First of all, it was a marketing tool.

24 Q. Okay.

25 A. So it would have been produced by the marketing

1 department with -- by themselves or with outside agency
2 help. They would -- they, marketing, would have
3 determined a mailing list to whom it might be worthwhile
4 mailing this; and they would secondly have kept some
5 number of copies back to be given out as a result of
6 inquiries or new expressed interest. I do not know to
7 whom all that was sent.

8 Q. Do you believe that it would have been shipped
9 to shipyards generally, the major shipyards generally?

10 A. I would be guessing.

11 MR. DUDLEY: Your lawyer advises you that you
12 are not to guess.

13 THE WITNESS: I didn't. I said I would be
14 guessing.

15 MR. DUDLEY: Okay.

16 A. So I'm not going to answer.

17 BY MR. LOMAX:

18 Q. How would I find out when the two ships that
19 were constructed by the Grace Lines were completed? Are
20 there any records at Westinghouse that would indicate
21 that?

22 A. I'm quite sure there aren't if they haven't been
23 able to find sales records. I don't recall ever having
24 that information on any of those ships under completion in
25 my files when I was in the responsible position. I don't

1 think it exists at Hampton.

2 Q. I notice in an exhibit to the Hopeman Brothers
3 deposition that it was indicated that Micarta -- asbestos
4 Micarta may have been used on one of the American
5 President Lines ships or either the entire contract for
6 five or so of those ships at Ingalls Shipbuilding,
7 specifically the USS GRANT. Do you have any information
8 which would indicate that asbestos Micarta was used on
9 those, either one or all of those series in that contract?

10 A. You wish me to answer that question again? You
11 asked it this morning and I answered it in considerable
12 detail, and the answer was no. In fact, the exact
13 opposite.

14 The answer was: I do not remember -- I do not
15 know from personal experience. I did not know that any
16 Micarta was ever supplied to those jobs even though they
17 were talked about. I have since seen indications as to
18 what the actual specifications were, and much to my
19 regret, we didn't get the job. U.S. Plywood didn't get
20 the job. It went to competing material.

21 Q. I'm sorry. I remember portions of your
22 testimony, but --

23 A. Remember, I told you I have since seen the
24 specs --

25 Q. Where are those specs?

1 A. -- for wood grained -- I don't know. I think
2 that was part of the Hopeman production.

3 Q. Was the backing -- describe the difference
4 between backing sheets and otherwise.

5 A. Okay. A backing sheet is simply a sheet of, in
6 this case, asbestos-based decorative Micarta without the
7 face.

8 Q. But it does contain asbestos?

9 A. Contains the same core sheets, asbestos and
10 resin, as the faces. Probably a smaller number, because
11 they normally are thinner, but the material would be the
12 same. And it would be trimmed and sanded in our plant,
13 sanded on one side and trimmed and so on, to match the
14 size of the faces for those instances when the fabricator
15 felt he had to use a sheet on the back side of his panel,
16 the side that doesn't show, be hidden in the wall, for
17 better flatness. Its one purpose was for giving a flatter
18 panel.

19 Q. The backing sheets, would they be the same
20 thickness?

21 A. No. No. They'd be thinner. Typically, the
22 surface sheet was fifty thousandths of an inch thick. The
23 backing sheet, I seem to recall a standard thickness would
24 be forty thousandths or forty-five thousandths thick,
25 somewhat thinner.

1 Q. Was another reason you would use a backing sheet
2 is because it did not have the beauty appeal or the
3 decorative appeal?

4 A. It wasn't needed.

5 Q. Because it was not to be seen by the human eye?

6 A. Right. There may be a backing sheet on the
7 panel which comprises this table to aid in its being
8 maintained flat, staying flat. Obviously it's hidden, so
9 there is no point in putting the expensive decorative
10 surface on it. Those are traditionally made available to
11 your customers when they decide to use it for their own
12 reasons.

13 Q. I understand from your brochure or publication
14 advertising Micartabord that it seems to be -- and I call
15 it my word, joint venture, on behalf of United States
16 Plywood Corporation in the marketing of this product. Is
17 that a fair statement?

18 A. No.

19 MS. JONES: Object to the form.

20 BY MR. LOMAX:

21 Q. Well, I don't know if you've seen a copy of
22 this. Are you familiar once again with this brochure?

23 A. (Nodding head affirmatively.)

24 Q. Why do you say it's not a joint project?

25 A. You said a joint venture.

1 Q. A joint venture. Okay. What about joint
2 project?

3 A. I answered this again before. No. There was a
4 supplier-customer, in the case of U.S. Plywood,
5 supplier-distributor relationship.

6 Q. All right, sir. I'll accept your answer to
7 that.

8 MR. LOMAX: Off the record.

9 - - -

10 (Whereupon, there was a short recess.)

11 - - -

12 (Whereupon, Exhibit No. 3 was marked.)

13 BY MR. LOMAX:

14 Q. Mr. Baldwin, I want to hand you either a letter
15 or a memo that has been marked Exhibit No. 3. Briefly
16 look at that.

17 MS. JONES: Lowry, I'm sorry. I don't
18 understand. You marked something as Exhibit No. 3?

19 MR. LOMAX: Yes.

20 MS. JONES: Is this something new or something
21 that's already been marked? Okay.

22 BY MR. LOMAX:

23 Q. Identify that, if you could, the best you can.

24 A. (Witness examined the document.) That is a
25 letter I wrote March 16, 1972, to key members of our

1 management at Hampton asking them to do certain things to
2 be prepared to try to give U.S. Plywood a special price
3 quotation on asbestos decorative Micarta in response to
4 his perceived need as the salesperson for better pricing
5 on specific items for enlarged quantity of business.

6 Q. Did this sale in fact go through?

7 A. No. No, it did not.

8 Q. It was for an offer of, I believe, eight million
9 square feet of Micarta, asbestos Micarta?

10 A. Something like that, yes.

11 Q. Do you recall if any portion of it went through
12 at the reduced price?

13 A. I believe not.

14 Q. Whatever happened --

15 A. I don't -- my recollection is we could never get
16 the price down to what he needed to get that piece of
17 business.

18 Q. Do you know which project U.S. Plywood was
19 intending to use this Micarta?

20 A. I --

21 Q. It seems like a large project.

22 A. It is a large amount. I may have known at that
23 time that in response to Dement's request to keep it
24 confidential -- it isn't in this document and I no longer
25 remember it, if I ever did.

1 Q. Well, do you know whether or not you sold any
2 asbestos Micarta to Dement at any other price other than
3 he was attempting you to negotiate here?

4 A. My recollection is that there was a very small
5 amount of business going through every so often which
6 Dement may or may not have had anything to do with. But a
7 job of this size, if there had been any success I
8 certainly would have known about it as division general
9 manager who was in on it. It's safe to say we did not get
10 any of the business that he was negotiating for.

11 Q. You don't have any records to reflect that the
12 sale went through or did not go through, though; is that
13 correct?

14 A. I do not have any such records.

15 Q. And you would have --

16 A. I have only my memory.

17 Q. And you would have -- in your preparation for
18 the deposition here today, you did review to see what
19 records were available regarding subjects such as this?

20 A. (Nodding head affirmatively.) And there's
21 nothing beyond that reference that subject.

22 Q. Do you know whether or not during the period of
23 time that you were with Westinghouse whether or not
24 Westinghouse ever abated asbestos materials out of their
25 own buildings?

1 management at Hampton asking them to do certain things to
2 be prepared to try to give U.S. Plywood a special price
3 quotation on asbestos decorative Micarta in response to
4 his perceived need as the salesperson for better pricing
5 on specific items for enlarged quantity of business.

6 Q. Did this sale in fact go through?

7 A. No. No, it did not.

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9 square feet of Micarta, asbestos Micarta?

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12 at the reduced price?

13 A. I believe not.

14 Q. Whatever happened --

15 A. I don't -- my recollection is we could never get
16 the price down to what he needed to get that piece of
17 business.

18 Q. Do you know which project U.S. Plywood was
19 intending to use this Micarta?

20 A. I --

21 Q. It seems like a large project.

22 A. It is a large amount. I may have known at that
23 time that in response to Dement's request to keep it
24 confidential -- it isn't in this document and I no longer
25 remember it, if I ever did.

1 hazardous than leaving it safely covered up and so on. So
2 the answer was no, with that provision.

3 BY MR. LOMAX:

4 Q. Mr. Baldwin, you've seen the documents that your
5 counsel is holding there. Many of them have your name on
6 it, either authored by you or a copy was sent to you. Are
7 you familiar and do you recall those documents?

8 A. Yes. Yes.

9 Q. And they appear to be records kept in the
10 ordinary course of business at Westinghouse Micarta
11 Division?

12 A. They do.

13 Q. And you feel like -- are those true and
14 authentic copies of those documents that the originals
15 exist --

16 A. They appear to me to be true and authentic
17 copies of memos, correspondence, whatever.

18 Q. All right, sir.

19 MR. LOMAX: And, Bo, I do have a stipulation
20 from Counsel that those are true and authentic?

21 MR. DUDLEY: Yeah. I would like to have time at
22 the conclusion of the deposition to review them a
23 little more carefully than I can now, but I have no
24 reason to doubt that any of them aren't accurate,
25 genuine copies of records maintained in the ordinary

1 course of business by Westinghouse and are genuine
2 copies.

3 BY MR. LOMAX:

4 Q. All right, sir. I noticed that you were pulling
5 some documents earlier or looking at, referring to some
6 material, documents in your briefcase.

7 MR. LOMAX: Outside of anything that you're
8 claiming a privilege on, Mr. Dudley, could I see the
9 documents that he brought in response to the request
10 for production for this 30(b)6?

11 MR. DUDLEY: The documents that are responsive
12 to that request have been produced in the form of the
13 stack that was attached to the request. There are no
14 additional documents responsive in there. To answer
15 your one question and mine, the document he showed me
16 a moment ago is this document, 07000913. He just
17 wanted to be sure I was aware that that was in the
18 package, as I am.

19 BY MR. LOMAX:

20 Q. In regard to that document, these are all
21 asbestos decorative Micartabord?

22 A. Yes.

23 Q. All the entities?

24 A. Those are asbestos decorative Micarta grade
25 numbers and description. And then this is irrelevant,

1 because that is in-plant information carrying that
2 description through the entire manufacturing process.

3 Q. I've noticed throughout looking at the Hopeman
4 documents that many times Hopeman Brothers would receive
5 shipments from Westinghouse without a detailed description
6 of the product, but it would instead have a numbering and
7 a lettering which would designate the exact type product
8 that was being shipped.

9 A. Uh-huh (indicating yes).

10 Q. Would you describe that system, if you could?

11 A. Yeah. That -- the numbers on the left-hand side
12 are what we call the grade number; and those numbers, I
13 believe, became part of the Ingalls or Hopeman or
14 Moore-McCormack specifications or drawings identifying
15 what was to go into the different --

16 Now, sometime during the actual manufacture,
17 these numbers were superseded by permanent grade numbers
18 that fitted the coded system that Westinghouse -- that we
19 at Micarta used. And you will find on some of the
20 invoices both numbers listed. The one number might be,
21 for example, 83M48, and then this -- one of these other
22 numbers would be there in parenthesis.

23 Now, that number identifies the color and
24 pattern, one color, one pattern, one number, except with
25 the provision I gave you that these (indicating) were the

1 initial numbers and then were later superseded by the
2 permanent ones. But both had to be included. That
3 describes the pattern color.

4 Behind that number would be three letters, which
5 again carried the code -- carried a code. In the case in
6 point, I believe everything that went into the
7 Moore-McCormack vessels that was asbestos, the three
8 letters -- the first letter was "A," designating asbestos;
9 the second letter was "S," designating satin finish; and
10 the third letter was "R," designating a rough, sanded back
11 side to the sheet.

12 So a typical complete description for the sheet
13 might be -- I'm inventing a number, 83M48ASR, forty-eight
14 inches times ninety-six inches times point oh-five-oh
15 inches completely describes that sheet for inventory
16 purposes, manufacturing purposes, everything.

17 Q. What would the eighty-three in that instance
18 refer to?

19 A. That was a code that existed at the Micarta
20 plant in Hampton that -- my recollection is meant a
21 printed pattern.

22 Q. Printed pattern.

23 A. I think that was a --

24 Q. As opposed to a solid color?

25 A. Solid color or a wood-grain pattern. It meant

1 an abstract printed pattern.

2 Q. What about the "M"?

3 A. "M" was for no other reason than so people
4 elsewhere in the corporation might recognize it as
5 Micarta.

6 Q. So in most instances, if it had an "M," that
7 would stand for a Micarta product?

8 A. It did to us, yeah.

9 Q. And forty-eight would be the --

10 A. A sequential number.

11 Q. Well, the forty-eight, I thought you said, would
12 be forty-eight inches?

13 A. No. No. No.

14 Q. No.

15 A. Let's take a different one. 83M23, okay?

16 Q. Okay. ASR.

17 A. ASR. Now, the twenty-three would be a
18 sequential number, and there at that time was a ledger
19 book where each number was written in that book and a word
20 description of the pattern and the color alongside of it.
21 And if that book still existed, which it apparently has
22 not for many years, I remember it would have also said
23 Moore-McCormack alongside of it -- alongside the
24 description.

25 Q. But the eighty-three would have stood for -- it

1 was the arbitrary number for an abstracted printed
2 pattern?

3 A. (Nodding head affirmatively.)

4 Q. Would all abstracted printed patterns --

5 A. I don't remember the complete code, but I seem
6 to recall we had left the -- the eighty-M series meant
7 something, eighty-two meant something, and eighty-three
8 meant something else. And I know from looking at some
9 invoices that eighty-three-M was the series that the
10 Moore-McCormack patterns.

11 Q. What about the wood grains? What number do you
12 recall?

13 A. Similar, but I don't remember.

14 Q. But would have been the eighties probably?

15 A. I don't know. Maybe. Who knows? Eighty-five.
16 I asked for that book, but it has disappeared.

17 Q. Where was it when you last saw it?

18 A. In the engineering department.

19 Q. Who was your successor in the engineering
20 department?

21 A. Oh, there have been several since then. I'm not
22 sure who it is now, to be honest with you.

23 Q. Along those lines, as far as the numbering of
24 the --

25 A. Yes. Let me --

1 Q. -- different products, this is a map, one map,
2 mural completed in accordance with drawing so and so, Hull
3 Number 467, whichever that is.

4 A. I know not.

5 Q. Does that carry a number?

6 A. No. You've picked out a very special case which
7 is not really relevant because it isn't asbestos Micarta.
8 The designer, architect, interior decorator, for those
9 ships wished to have handpainted murals installed in that
10 ship. Dick Dement, in this case we did cooperate with,
11 arranged for an artist to paint the murals that they
12 wanted on paper supplied by us.

13 We took those hand paintings and made them
14 into -- each into a sheet of Micarta. They were one of a
15 kind and each worth many thousands of dollars. So they
16 were hand carried all the way; no grade number ever
17 assigned. They were not asbestos Micarta. They were for
18 a mural up in the ship.

19 Q. I had seen that on some other invoices. I just
20 wanted to make sure.

21 A. That isn't typical. You don't want to waste
22 time on that.

23 Q. Okay. I'm going to hand you another one that --
24 Document Number 50199, and that's those documents I was
25 referring to earlier. And on this -- I guess this is an

1 invoice, or whatever -- it says asbestos Micarta sheets,
2 and it says a number "H," and I believe that's 4295SSR.
3 What would that stand for? What would the "S" in there
4 stand for?

5 A. I don't know. I don't know. I know it happened
6 very early in the whole program, because they were still
7 using only the "H" number. And what "S" meant at that
8 time or whether it was a typo error, I do not know. It
9 clearly said, however, it's asbestos Micarta, so -- I
10 don't know. I have to assume that that was a
11 typographical error or that somebody temporarily used that
12 designation so he could keep track of it or some such
13 thing. The typical designation was ASR.

14 Q. There --

15 A. 83M45 -- is that forty-five? Looks like it,
16 ASR, gold white leaf. Let me find that. (Witness
17 examines documents.) Here it is.

18 MR. DUDLEY: Somebody read the exhibit numbers
19 or other identifications into the record so we can
20 know what the witness is looking at.

21 BY MR. LOMAX:

22 Q. The document that we're comparing is what I
23 refer to as Hopeman Brothers' Documents 50207, which I'm
24 fixing to -- going to hand you in a moment, a copy of
25 this. And we're comparing it to documents provided by

1 Westinghouse numbered 07000913.

2 Now, sir, would you explain the similarities
3 between these two documents here?

4 A. Now, do you want to concentrate on that first?

5 Q. Yes, sir.

6 A. Okay. We're taking this first document, which
7 says 83M45ASR, gold white leaf. Now, as I explained
8 earlier, sometime after these temporary numbers were put
9 down and got transmitted into Ingalls or Hopeman or
10 wherever, permanent numbers were assigned. But if you'll
11 look, gold white leaf -- and you can go through here at
12 your leisure and do this, gold leaf white -- what is
13 that -- 43M -- 83M45?

14 Q. Yes, sir.

15 A. I'll do this one for you. You need to do this
16 (indicating). Then -- and it's easier than I've made it
17 sound, because on many of the invoices that I looked at,
18 both numbers appear, because this number, I think, got
19 into the drawings for the room. And yet then we began,
20 when we got in full production, using the numbers that the
21 computer recognized. So you have to do that.

22 But by that means you can go -- you can put that
23 in there. That takes care of the grade number. What this
24 is is an invoice from U.S. Plywood to Hopeman. And it was
25 a ship to -- it was shipped directly to Hopeman Brothers

1 is what this says. Most of them are more clear than that.

2 Yeah. Here's one.

3 Q. That's the second page of that.

4 A. Yeah. Each one has a where it was shipped to.
5 Now, that would have been -- if it were shipped to there,
6 it undoubtedly was shipped directly from Hampton to that
7 location and invoiced to U.S. Plywood, who then invoiced
8 Hopeman Brothers in New York.

9 All right. The rest of it is the description as
10 I've given. Identifies the pattern, the thickness.
11 Here's the number of sheets. Item One was twenty-nine
12 sheets of this description oh-fifty thick, forty-eight
13 inches by ninety-six inches in size, extended to nine
14 hundred and twenty-eight square feet and that -- whatever
15 that was, twenty-four cents a square foot, so many
16 dollars.

17 Q. This next number -- I don't know the number on
18 this one. It's Invoice Number 001250, a United States
19 Plywood Corporation invoice number. It again has 83M32 on
20 an item here, A- --

21 A. -- SR.

22 Q. -- SR. It's for a gray turquoise grill. Is
23 that another asbestos Micarta product?

24 A. That doesn't appear on here. Well, it's
25 certainly an asbestos Micarta product.

1 Q. That's what I --

2 A. I can't explain why the name applied to it is
3 not the same as the name here on this list.

4 Q. But you believe that to be an asbestos product?

5 A. I do.

6 Q. All right, sir.

7 A. I'm satisfied that was asbestos Micarta.

8 Q. I noticed on the next page here, which is United
9 States Plywood Corporation Invoice Number 000833, that
10 there's a number here, and it's got SR, gold, light
11 texture, and it's indicated that it's asbestos Micarta
12 sheets, but it does not have the "A."

13 A. I don't know why it didn't. It should.

14 Q. It's just not following the same protocol that
15 had been established?

16 A. Maybe at the time that was done the clerk that
17 did this wasn't aware of the protocol.

18 Q. All right, sir.

19 A. And the only thing he knew was that they said
20 satin finish, rough back, so he put that down. I don't
21 know. I can't answer that. I know what it should have
22 been.

23 Q. And once again, I see on another page SSR, so it
24 appears that sometimes SSR did in fact indicate
25 asbestos --

1 A. To somebody it did. Now, once again, don't
2 forget now this thing is the result of half a dozen
3 clerks, shipping, receiving departments; and typographical
4 errors are possible. I'm satisfied that that is asbestos
5 decorative Micarta made in Hampton, and the proper
6 terminology should have been ASR.

7 Q. One reason you know it's the right -- that it's
8 asbestos is because it's the thickness of
9 fifty-thousandths of an inch?

10 A. Yeah, but that wasn't unique.

11 Q. Oh, it was not?

12 A. Right.

13 Q. I think that's all I need along those lines.

14 THE WITNESS: Here's your copy.

15 BY MR. LOMAX:

16 Q. What other documents or materials did you review
17 in order to prepare yourself for the deposition today?
18 And I say "what other," other than the ones that you
19 presented to us today -- that your attorney has presented
20 to us.

21 A. Nothing. There is unfortunately nothing much
22 existing.

23 Q. And you did --

24 A. And I have no files of my own.

25 Q. Did you personally search the files at

1 Westinghouse Micarta Division for sales --

2 A. That had already been done by others by the time
3 I was called in.

4 MR. LOMAX: At this time we would recess this
5 deposition subject to Westinghouse providing us a
6 witness who can answer the questions that -- I guess
7 mainly in Category 1 through 4 -- 1 through 5 and 13
8 and 14, which you've stated that Mr. Baldwin is
9 not -- does not have expertise in that area.

10 And, also, on the areas specifically that I
11 mentioned, one of them being the safety and health
12 hazards and risks of asbestos and whoever at
13 Westinghouse would have that type knowledge.

14 Also, there were the areas concerning the
15 marketing of -- and the marketing area regarding the
16 brochures that were published. He stated that that
17 was outside his area.

18 THE WITNESS: No, I didn't.

19 MR. LOMAX: Well, part of it was.

20 THE WITNESS: No. You asked me if I made -- if
21 I did it specifically myself, and I answered I did
22 not but I had knowledge of it and oversaw it. I know
23 of no unresolved question in the marketing or
24 brochures area.

25 MR. LOMAX: Maybe we better go back to the

1 brochure then.

2 MR. DUDLEY: I don't suggest that it controls,
3 Lowry. My recollection is the question he couldn't
4 answer was who received the brochure and was it sent
5 to shipyards. And he just said I don't have any
6 knowledge about that.

7 MR. LOMAX: No. I'm talking about some earlier
8 questions.

9 MR. DUDLEY: Okay. Excuse me.

10 MR. LOMAX: And we covered it a long time ago,
11 about who provided the specifications that went into
12 the brochure on --

13 MR. WILLIAMS: Well, he --

14 THE WITNESS: I answered that.

15 MR. WILLIAMS: He answered that.

16 THE WITNESS: Very clearly. The answer to that
17 that I gave you was the technical service rep in
18 sales working with an engineer in the engineering
19 department who would have specific knowledge.

20 BY MR. LOMAX:

21 Q. I guess the biggest question I would like
22 resolved is on Page 18 of the product brochure, which has
23 been provided in Westinghouse's response to plaintiffs'
24 second request for production of documents. There's an
25 asterisk there and it states, "Wall covering is a

1 designation for Micarta which may be installed in the
2 field or in the shop by laminating to a noncombustible
3 surface such as asbestos cementboard."

4 A. Uh-huh (indicating yes).

5 Q. And in that regard, I think I had asked you
6 whether or not you knew that the asbestos Micarta was
7 intended to be laminated or glued to an asbestos
8 cementboard. And you said you really didn't know for sure
9 but you thought that it might be?

10 A. No. The question was that -- partly was
11 unresolved and I had to --

12 Q. Or you assumed.

13 A. I had to come back and correct it, was the time
14 element.

15 Q. All right, sir.

16 A. I had thought that we began that independent
17 selling or offering for sale of product other than through
18 U.S. Plywood at a later year than this thing says we did.
19 This says we are offering these products for sale. And
20 you remember, we had quite a discussion about Setter
21 Brothers would be the -- would be our subcontractor to
22 make the panels from our Micarta. We began offering these
23 for sale sometime in this time frame that this brochure
24 was printed, which was 1963.

25 Q. But at that time you and the engineering

1 department knew that your product, asbestos Micarta, would
2 ultimately be laminated to asbestos cementboard.

3 A. True.

4 Q. In most cases it would be as Johns-Manville
5 Marinite 36?

6 MR. McMURTRAY: I object to the form of the
7 question.

8 A. No. I don't know that. You're talking about a
9 document purporting to offer for sale by Westinghouse --
10 BY MR. LOMAX:

11 Q. Exactly.

12 A. -- to whatever market might develop. And you
13 asked me one time about those markets and I rattled off
14 half a dozen. No way would I imply that all those markets
15 or all those applications, if they ever materialized,
16 would require the use of Marinite 36.

17 Q. I'm going to hand you the brochure and --
18 actually I think it's three brochures there. If you'd
19 review those quickly and tell me whether or not those
20 appear to be true and authentic brochures on the
21 Westinghouse product, Micarta?

22 A. (Witness examines documents.) Yes, sir.

23 MR. LOMAX: I'd like to have all those marked.

24 A. They do.

25 BY MR. LOMAX:

1 Q. Okay. And you remember studying and reviewing
2 and participating --

3 A. I remember seeing those when they were issued,
4 participating to one degree or another.

5 Q. All right, sir. In the development of these
6 brochures?

7 A. Yes.

8 Q. Hand you two more brochures and ask you the same
9 line of questioning. Do you recall those publications?

10 A. (Witness examines documents.) Yes, I remember
11 seeing them. They look familiar and they look authentic.

12 Q. And those were produced by Westinghouse, and you
13 participated in the development of these --

14 A. Yes.

15 Q. -- brochures.

16 MS. JONES: Lowry.

17 BY MR. LOMAX:

18 Q. They appear to be true and correct copies of the
19 original?

20 A. They do.

21 MS. JONES: Mr. Lomax, would you clear up for us
22 exactly what you have marked and what you have not
23 marked or just -- or what exhibit numbers they are?
24 Are they all being marked together?

25 MR. LOMAX: We're going to mark the exhibits

1 after the deposition.

2 MS. JONES: Okay. That's fine.

3 MR. LOMAX: We're just identifying them right
4 now.

5 BY MR. LOMAX:

6 Q. Those three brochures there, to the best of your
7 knowledge is all the information contained therein true
8 and accurate information?

9 A. To the best of my knowledge.

10 MR. LOMAX: That's all I have subject to our
11 interrogation on other areas that we have --

12 MR. DUDLEY: Okay. I don't want the -- my
13 silence to be misconstrued. It is our position that
14 after receipt of the 30(b)6 and 30(b)5 notices we
15 reached an agreement with Mr. Maples about the scope
16 of the request and the deposition that was to take
17 place today. We have complied with that agreement,
18 and we will discuss with you changes or additional
19 requests that you want to make as they come, but
20 that's our position at this time.

21 MR. KNIGHTEN: No questions.

22 MR. McMURTRAY: Mr. Baldwin, I have one or two.

23 - - -

24 EXAMINATION

25 BY MR. McMURTRAY:

1 Q. When you were explaining the code system -- I
2 apologize. My name is Patrick McMurtray. We met this
3 morning.

4 When you were explaining the code numbering
5 system to Mr. Lomax a minute ago, we talked -- or you
6 talked about the Four Thousand Series, 4288, 4295, and
7 produced a sheet of paper that described some of those.
8 Have you ever seen the numbering of a Micarta product in
9 the twenty thousands, 20798 and 20799?

10 A. Yes.

11 Q. Would that also be asbestos containing?

12 A. Well, those numbers would have nothing to do
13 with the content, with whether it contained asbestos or
14 not. Those -- I'm trying to -- the Twenty Thousand
15 Series, twenty-M something, rings a bell. It's part of
16 that overall numbering system, but I don't remember
17 just -- that many years back as to what class of products
18 that belonged to.

19 Q. Let me rephrase it then. Without more than a
20 simple number, can you testify here today whether that
21 would contain asbestos or not?

22 A. No. No, I cannot. The asbestos designation
23 appears in the -- in one of those three letters after the
24 fact.

25 Q. Which is my next question. If, for instance,

1 there was 83M50 with no letters after it at all, other
2 than maybe a color, can you tell from that simple
3 description whether or not that was asbestos-containing
4 Micarta or not?

5 A. No, I cannot. And in some of these invoices we
6 were looking at I had to go by the fact that it was stated
7 on the face of the invoice, written out, asbestos Micarta,
8 where the typo errors or whatever does not give it the
9 proper letter designation.

10 Q. What is a melamine laminate?

11 A. A melamine laminate is a high-pressure
12 decorative laminate, this table top (indicating).

13 Q. Is Micarta a melamine?

14 A. Micarta is one of the whole family of -- some of
15 the Micarta, decorative Micarta, is a high-pressure
16 melamine laminate.

17 Q. Could fire-resistant Micarta be used as a
18 stand-alone, nonstructural bulkhead panel, and by that I
19 mean without gluing it to something else?

20 A. Not in the thickness that we standardized it in
21 providing. Fifty-thousandths thickness was not
22 substantial enough to be used without being adhered to a
23 backing sheet of some type -- a core -- excuse me --
24 substrate.

25 Q. And was fire-resistant Micarta ever used for the

1 purposes that you would use normal Micarta for, like
2 furniture tops, cabinets, or berths?

3 A. No. It was too expensive and somewhat more
4 difficult to handle.

5 MR. McMURTRAY: That's all I have, sir. Thank
6 you.

7 MR. DUDLEY: That's the first lawyer I ever knew
8 who said one or two questions and meant it. I was
9 getting ready to lean over about a quarter of 4:00
10 and say, "Are we on the second question yet," but you
11 didn't give me the chance.

12 Is that it?

13 MR. LOMAX: As far as the continuation of the
14 deposition, I believe Mr. Maples told you that we
15 would not go into questions regarding other
16 asbestos-containing products manufactured by
17 Westinghouse out of courtesy to this gentleman here
18 so that the deposition would end in one day and that
19 we would bring that up later on. Is that your
20 understanding? Otherwise, you know, I'd like to go
21 ahead and ask the questions if --

22 MR. DUDLEY: Lowry, there isn't going to be any
23 point in asking the questions of this witness, nor do
24 I think anything would be served by you and I
25 debating on the record the exact nature of the

1 agreement that I think Roy Williams had with Gerald
2 Maples.

3 It's obvious we have a disagreement over that,
4 and we'll have to resolve that at a later date. But
5 I mean I understand your need to protect the record,
6 that you're not adjourning the deposition or ending
7 it, and that's your position.

8 MR. LOMAX: Let me just ask you: Does this
9 witness have any knowledge of other asbestos-
10 containing materials manufactured by Westinghouse?

11 MR. DUDLEY: I'm not going to answer that, and
12 he's not going to answer that. That was never a
13 subject of this deposition, as far as we are
14 concerned, and not a relevant issue in the lawsuit
15 either.

16 MR. LOMAX: Deposition adjourned.

17 MR. DUDLEY: Okay.

18 MR. LOMAX: Recessed.

19 (witness excused)

20 (Whereupon, said deposition was concluded at 3:10 p.m.)

21

22 (Whereupon, the previously described documents were
23 marked as Exhibit Nos. 4 through 27.)

24 - - -

25

C E R T I F I C A T E

STATE OF MISSISSIPPI

COUNTY OF HARRISON

I, Elizabeth Bost Simpson, CSR, Freelance Court Reporter and Notary Public, duly commissioned for the County of Harrison, State of Mississippi, do hereby certify:

That on the 6th day of September, 1990, there appeared before me DAVID E. BALDWIN, who was sworn and examined to tell the truth, and that the preceding 147 typewritten pages contain a full, true and correct copy of my stenotype notes and/or electronic tape recording of the testimony of DAVID E. BALDWIN.

That the witness has reserved the right to read and sign the deposition.

That I am not related to or in anywise associated with any of the parties to this cause of action, or their Counsel, and that I am not financially interested in the same;

IN WITNESS WHEREOF, I have hereunto set my hand, this the 17th day of September, 1990.


Elizabeth Bost Simpson, CSR,
Notary Public, State of
Mississippi, County of
Harrison. My commission
expires 4-11-93.

1 E R R A T A S H E E T

2 STATE OF MISSISSIPPI

3 COUNTY OF _____

4 I, DAVID E. BALDWIN, the undersigned Deponent,
5 having read the foregoing deposition, pages numbered 5
6 through 149, find the same to be a true and correct
7 transcription of the proceedings taken at the time and
8 place indicated therein, except as follows (if any):

9	PAGE	LINE	WHERE IT READS:	SHOULD READ:
10	_____	_____	_____	_____
11	_____	_____	_____	_____
12	_____	_____	_____	_____
13	_____	_____	_____	_____
14	_____	_____	_____	_____
15	_____	_____	_____	_____
16	_____	_____	_____	_____
17	_____	_____	_____	_____
18	_____	_____	_____	_____

19

20

DAVID E. BALDWIN

21

22 Sworn to and subscribed
23 by me, this _____ day of
 _____, A.D., 1990.

24

25 _____
Notary Public, State of Mississippi,
County of _____.
My commission expires:

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Via Federal Express

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Re: Deposition of Westinghouse Micarta Expert

Dear Andy:

As you requested, enclosed please find a copy of the September 6, 1990 deposition of David E. Baldwin taken by the Ness, Motley firm in connection with the Mississippi asbestos litigation.

I believe you will find this deposition to be fairly inclusive of Mr. Baldwin's knowledge about micarta and will not find it necessary to depose him again.

If I can answer any questions, please give me a call at (804) 775-1028.

Very truly yours,

Bill

William J. Bradley, III

WJB\cpb

Enclosures

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