

IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY

- - -

VERONICA EGAN, : MARCH TERM, 2014
Individually and as :
Executrix of the :
Estate of DAVID J. :
EGAN, SR., deceased, :
Plaintiff :
 :
vs. :
 :
ASBESTOS CORPORATION :
LIMITED, et al., :
Defendants : NO. 4513

- - -

Monday, January 11, 2016

- - -

VIDEOTAPED DEPOSITION of LLOYD AMBLER,
taken pursuant to notice at the HAMPTON INN, 1570
Easton Road, Warrington, Pennsylvania, commencing
at approximately 11:00 a.m., before Lynn
Parlapiano, Professional Court Reporter and
Notary Public in and for the Commonwealth of
Pennsylvania.

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Veronica and Kara Egan

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5 Testimony of: LLOYD AMBLER PAGE

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9 MR. PLACITELLA: 7, 334

10 MR. SKINNER: 297

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Ambler Plant 11

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17 Christopher Placitella, Esquire.)

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4 Direction to the Witness Not to Answer

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6 (None.)

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20 Question(s) Marked

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22 (None.)

23

24

1 (It was stipulated by and among
2 counsel for the respective parties that the
3 sealing, filing and certification are waived; and
4 that all objections, except as to the form of the
5 question, be reserved until the time of trial.)

6 - - -

7 (Documents were pre-marked Ambler-1
8 through Ambler-3, respectively, for
9 identification.)

10 THE VIDEOGRAPHER: We are now on
11 the record. This begins DVD No. 1 in the
12 deposition of Lloyd Ambler in the matter of
13 Veronica Egan versus Asbestos Corporation
14 Limited, et al. in the Court of Common Pleas
15 Philadelphia County, Pennsylvania, March term
16 2014, No. 140304513.

17 Today is January 11, 2016, and the
18 time is 10:59 a.m. This deposition is being
19 taken at 1570 Easton Road, Warrington,
20 Pennsylvania at the request of Cohen, Placitella
21 & Roth. The videographer is Ray Moore of Magna
22 Legal Services, and the court reporter is Lynn
23 Parlapiano of Magna Legal Services.

24 Will Counsel and all parties

1 present state their appearances and whom they
2 represent?

3 MR. PLACITELLA: I'm here,
4 Placitella, for the Egans.

5 MR. KUENY: Bernard Kueny,
6 Wilbraham, Lawler & Buba for CertainTeed.

7 MR. SKINNER: Jeff Skinner from
8 Schiff Hardin for CertainTeed and Mr. Ambler.

9 THE VIDEOGRAPHER: Will the court
10 reporter please swear in the witness?

11 LLOYD AMBLER, after having been
12 first duly sworn, was examined and testified as
13 follows:

14 DIRECT EXAMINATION

15 BY MR. PLACITELLA:

16 Q. Good morning, Mr. Ambler. How are you?

17 A. I'm well. No, I'm not well to tell you
18 the truth.

19 Q. Yeah, I know. I've heard you've had a
20 couple of bumps in the road lately.

21 A. I did. I have surgery next Tuesday,
22 thank God.

23 Q. We'll try to accommodate you. If, for
24 any reason, you need to take a break, just let me

1 know.

2 A. I do want to thank you for having the
3 deposition out here. It helps me immensely. I
4 can't drive either.

5 Q. Not a problem.

6 We've met before?

7 A. We sure have, yes.

8 Q. We talked about a lot of things before.
9 I'm gonna try not to repeat myself. I'm here to
10 talk to you today about the Egan case. Are you
11 familiar with the case?

12 A. Yes.

13 Q. Okay. Have you ever had -- did you
14 know Mr. Egan?

15 A. No, I did not.

16 Q. Okay. Did you ever have a chance to
17 review his deposition in this case?

18 A. Yes.

19 Q. Okay. And last week I was given a
20 number of documents from your attorney and they
21 said they were gonna review the documents with
22 you. So I just want to mark them and then ask
23 you just some questions, preliminary questions
24 about them.

1 MR. PLACITELLA: Let's mark this.
2 What's this, four?

3 THE COURT REPORTER: Yes.

4 (A document was marked as Exhibit
5 Ambler-4 for identification.)

6 BY MR. PLACITELLA:

7 Q. The first is marked Ambler-4. It's
8 something called dust collection system data.
9 Did you look at this in preparation for today's
10 deposition?

11 A. No.

12 Q. Okay. Do you know what it is?

13 A. It's just a dust collection system data
14 for the Ambler plant.

15 Q. Okay. And what I am interested in
16 primarily in today is the years that Mr. Egan was
17 at CertainTeed, which was '67 to '69. Do you
18 understand that?

19 A. Yes.

20 Q. Okay. What's been marked Ambler-4, do
21 you know what relevance that has to Mr. Egan's
22 employment at the Ambler plant?

23 A. I didn't review this, Mr. Placitella,
24 'cause there were some other things that were

1 enclosed with this, which I did review --

2 Q. Okay.

3 A. -- which I thought were more clear.

4 Q. All right.

5 A. I have a list of everything I did
6 review.

7 Q. And I want to go through that with you.

8 A. Okay.

9 Q. So as far as you know, this is not
10 relevant to Mr. Egan's case?

11 A. I don't know if --

12 MR. SKINNER: Objection.

13 Go ahead.

14 THE WITNESS: I'm sorry. I don't
15 know if it is or isn't.

16 BY MR. PLACITELLA:

17 Q. Well, can you take a look at it and let
18 me know?

19 MR. SKINNER: And note my objection
20 based on it calls for a legal conclusion.

21 MR. PLACITELLA: Sure. All right.

22 THE WITNESS: This has -- this has
23 to do with equipment at the Ambler plant, not the
24 pilot plant, but the Ambler manufacturing plant.

1 And it has to do with various pieces of
2 equipment, silos, dust collection, machines, et
3 cetera, et cetera.

4 BY MR. PLACITELLA:

5 Q. And to your knowledge, what bearing
6 does that have on this case?

7 A. No bearing as far as I'm concerned.

8 Q. Okay.

9 MR. PLACITELLA: Another document
10 can we mark -- I don't know. What's --

11 THE COURT REPORTER: Ambler-5.

12 (A document was marked as Exhibit
13 Ambler-5 for identification.)

14 BY MR. PLACITELLA:

15 Q. I'm going to show you what's been
16 marked Ambler-5, which is another document
17 supplied to me by your Counsel last week.

18 Have you ever seen this before?

19 A. Yes, I have seen this.

20 Q. In what context?

21 A. Excuse me?

22 Q. In what context?

23 A. As far as the history of the dust
24 collectors in the Ambler manufacturing plant.

1 Q. Okay. The title says History of Dust
2 Collectors in Ambler Plant November 1978 prepared
3 for Ambler W.C. litigation.

4 What does this refer to?

5 A. I don't know.

6 Q. Does that stand for workers'
7 compensation litigation?

8 A. I can't guess on that. I don't know.

9 Q. Okay. Do any of the dust collectors --
10 does this refer to any dust collectors installed
11 in the pilot plant?

12 A. No, it does not. It's at the Ambler
13 plant.

14 Q. The main plant itself?

15 A. The manufacturing plant, yes.

16 Q. Okay. And what relevance does this
17 have to Mr. Egan's exposure to asbestos to your
18 knowledge?

19 A. Well, it was -- in Mr. Egan's -- one of
20 Mr. Egan's volumes, he stated that the dust in
21 the pilot plant was greater than what the dust
22 was at the Ambler plant, and this gives us --
23 this gave me an opportunity to see, based on the
24 dust collection system at the Ambler plant, what

1 the dust counts were at the Ambler plant and then
2 we could compare based on what he said as to
3 whether the pilot plant was greater or less than
4 the Ambler plant.

5 And he said there was less than the
6 Ambler plant, the actual dust at the pilot plant
7 was less than what he saw at the Ambler plant --
8 Ambler manufacturing plant.

9 Q. Okay. This document doesn't have any
10 dust counts on it, does it?

11 A. No, it does not.

12 Q. Okay. There's no dust counts related
13 to the pilot plant here, correct?

14 A. That's correct.

15 Q. Okay. And there's no pilot plant
16 equipment referenced in this document?

17 A. That's correct.

18 Q. Okay.

19 MR. PLACITELLA: Can we mark this
20 next?

21 (A document was marked as Exhibit
22 Ambler-6 for identification.)

23 BY MR. PLACITELLA:

24 Q. I'm going to show you what's been

1 marked P. Ambler-6, which is a December 15, 1977,
2 memo entitled Ambler Pipe Plant, ask if you've
3 ever seen that before?

4 A. Yes, I have.

5 Q. Okay. And does this document anywhere
6 reference any information related to the pilot
7 plant where Mr. Egan worked primarily?

8 A. No, it does not.

9 Q. Okay. And this document is ten years
10 after -- well, let's see. Eight years after
11 Mr. Egan left CertainTeed, correct?

12 MR. SKINNER: Objection to form.

13 THE WITNESS: It's -- well, he left
14 in '69.

15 BY MR. PLACITELLA:

16 Q. Correct. This document's 1977.

17 A. It's '71.

18 Q. Where's that?

19 A. The fiber dump No. 3 station, the
20 date's 12/71 --

21 MR. SKINNER: Why don't you tell
22 him the Bates number so he can find the page.

23 THE WITNESS: Oh, I'm sorry. Yeah.
24 06814.

1 BY MR. PLACITELLA:

2 Q. That's after he left?

3 A. Yeah, but it wasn't eight or nine years
4 after he left. I think that's what you're --

5 Q. No. I said the document is dated
6 nine years -- eight years after he left, correct?

7 A. This document is, yes, but it's -- yes,
8 you're right, but it's referring to test done --

9 Q. Are any tests on this document made
10 during the time that Mr. Ambler worked -- I
11 mean -- sorry -- Mr. Egan worked for CertainTeed?

12 A. No.

13 Q. And how, in your opinion, is this
14 document relevant to Mr. Egan's exposure to
15 asbestos while at CertainTeed?

16 MR. SKINNER: Objection to form.

17 THE WITNESS: Again, sir, it shows
18 what the dust counts were at the Ambler plant for
19 the decade of the '70s. And he -- Mr. Egan said
20 that when he went to the Ambler plant, the dust
21 at the Ambler plant was greater than what the
22 dust was at the pilot plant.

23 And this shows for the equipment
24 that was the same back in 1964, that the dust at

1 Ambler was well within any standard. So based on
2 what he testified to, I would assume that the
3 dust at the pilot plant was less than what these
4 -- what these results are for the Ambler plant.

5 BY MR. PLACITELLA:

6 Q. But you don't have any empirical
7 evidence for that, do you?

8 MR. SKINNER: Objection. Objection
9 to form.

10 THE WITNESS: I only have what I
11 said, sir.

12 BY MR. PLACITELLA:

13 Q. All right. You don't have any dust
14 counts -- are you aware of any dust counts as you
15 sit here today -- evidence of any dust counts
16 done at the pilot plant during the time Mr. Egan
17 was there?

18 A. I do not.

19 Q. They don't exist, correct?

20 A. Well, I don't have them. I'm assuming
21 that if they were existing, you would have them.

22 Q. Okay. You've never seen any?

23 A. I have not, no.

24 Q. Okay. And you are although

1 knowledgeable about CertainTeed, are not an
2 industrial hygienist, correct?

3 A. That is correct.

4 Q. Okay.

5 MR. PLACITELLA: Can we mark this
6 next?

7 (A document was marked as Exhibit
8 Ambler-7 for identification.)

9 BY MR. PLACITELLA:

10 Q. I want to show you what's been marked
11 P. Ambler-7, ask you if you've ever seen this
12 before?

13 A. I have seen it. It was sent to me for
14 this case, but I didn't spend any time on it at
15 all.

16 Q. Can you tell me what it is?

17 A. Well, I can only tell you what's
18 written on here. It's the dry mixing system for
19 asbestos cement pipe machine diagram.

20 Q. For where?

21 A. It doesn't say for where.

22 Q. So you don't know if it's even for the
23 Ambler plant?

24 A. I don't know what it's for.

1 Q. Okay.

2 A. I didn't spend any time on it.

3 Q. Can you tell me how it's relevant to
4 Mr. Egan's exposure to asbestos at the
5 CertainTeed plant?

6 MR. SKINNER: Objection to form.

7 THE WITNESS: At the pilot plant?

8 BY MR. PLACITELLA:

9 Q. Yes, sir.

10 A. No, I can't.

11 Q. Thanks. You can put it aside.

12 MR. PLACITELLA: Mark this.

13 (A document was marked as Exhibit
14 Ambler-8 for identification.)

15 BY MR. PLACITELLA:

16 Q. I'm going to show you what's been
17 marked P. Ambler-8 which is another document
18 supplied to me by your Counsel, ask if you've
19 ever seen that before? It's the CertainTeed
20 annual report from 1968.

21 A. Do you have a question? I'm sorry.

22 Q. Yeah. Have you ever seen that before?

23 A. Oh, I'm sorry. I'm really sorry. Yes.

24 Q. No. No. No problem.

1 A. Yes, I have.

2 Q. Okay. And can you tell me, did you
3 review that in preparation for today's
4 deposition?

5 A. I reviewed portions of it, yes, sir.

6 Q. Can you tell me what, if anything, in
7 there in your mind is relevant to Mr. Egan's
8 exposure to asbestos at the CertainTeed plant?

9 MR. SKINNER: Objection to form.

10 THE WITNESS: Yes. It does say
11 that there's a research laboratory in Ambler,
12 Pennsylvania and there's also a -- the two that
13 apply to our group, sir. There's a research
14 laboratory in Ambler, Pennsylvania and there's a
15 research laboratory in McPherson, Kansas.

16 BY MR. PLACITELLA:

17 Q. That's it?

18 A. Yes.

19 Q. Okay.

20 A. And that was one of the years that
21 Mr. Egan worked for...

22 Q. Okay. All right. You can put that
23 aside.

24 The next document --

1 (A document was marked as Exhibit
2 Ambler-9 for identification.)

3 BY MR. PLACITELLA:

4 Q. -- is Ambler-9, which is a '69
5 CertainTeed annual report. Did you review this
6 in preparation for your deposition?

7 A. Yes, I did.

8 Q. Okay. What, if any, relevance is there
9 in that report to Mr. Egan's exposure to asbestos
10 at the CertainTeed plant?

11 MR. SKINNER: Objection to form.

12 THE WITNESS: It just shows that
13 there's no research laboratory any longer in
14 Ambler, Pennsylvania.

15 BY MR. PLACITELLA:

16 Q. And when?

17 A. Excuse me?

18 Q. Excuse me?

19 A. During the year of -- during the year
20 '69 it wasn't there per the annual report.
21 There's a -- there's no pilot plant in Ambler,
22 Pennsylvania in '69, so that means the pilot
23 plant was shut down in '68.

24 And there's a research -- they did some

1 testing on some product in North Wales,
2 Pennsylvania, and then we also had the research
3 laboratory in McPherson, Kansas.

4 Q. Okay. And what page is that?

5 A. Twenty-eight.

6 Q. You can put that aside.

7 MR. SKINNER: Can we go off the
8 record for one second?

9 MR. PLACITELLA: Uh-huh.

10 THE VIDEOGRAPHER: The time is now
11 11:18 a.m. We're going off the record.

12 MR. SKINNER: I may be able -- it's
13 off by a year. I don't if you're gonna go into
14 the closing. We're not claiming that the pilot
15 plant was closed down in '68. I think Lloyd
16 misspoke.

17 Well, I don't want to be putting
18 words into his mouth or anything. '69, we're
19 just using this to show that it shut down in '69.
20 The annual report's actually published -- I don't
21 want to be putting words in his mouth. I just
22 don't want you wasting time or feeling like --

23 MR. PLACITELLA: I know the truth.
24 That's fine.

1 MR. SKINNER: Good. Good. That's
2 all I wanted to say.

3 THE VIDEOGRAPHER: The time is now
4 11:19 a.m. We are back on the record.

5 BY MR. PLACITELLA:

6 Q. You actually kind of walked in and out
7 of that pilot plant in 1969, didn't you,
8 yourself?

9 A. '69, I may have, yes.

10 Q. Right.

11 A. Yes. I'm not disputing what
12 Mr. Skinner just said.

13 Q. Okay. All right. I appreciate his
14 testimony.

15 MR. SKINNER: Well --

16 MR. PLACITELLA: Could you mark
17 this, please?

18 (Documents were marked as Exhibits
19 Ambler-10 through Ambler-18, respectively, for
20 identification.)

21 BY MR. PLACITELLA:

22 Q. Would you just take a look at that for
23 a second, please? What's the number on that?

24 MR. SKINNER: Ambler-10.

1 BY MR. PLACITELLA:

2 Q. Exhibit 10, have you seen that document
3 before?

4 MR. SKINNER: And I'm going to
5 object on the grounds of authenticity. It
6 doesn't have a CertainTeed Bates stamped.

7 BY MR. PLACITELLA:

8 Q. Have you seen this document before?

9 A. Not in this form, no.

10 Q. Do you know what it is?

11 A. Yes.

12 Q. What is it?

13 A. It's fiber that had been -- that had
14 been shipped to various plants for various years.

15 Q. And does it show the fiber shipments
16 for the Ambler plant during the years 1967 to
17 1969?

18 A. For the Ambler plant for sixty -- wait
19 a second. Well, it says the time period's
20 November '66 through June '68.

21 Q. So it's in that time period?

22 A. Yes, sir.

23 Q. Okay. And what kind of asbestos does
24 this document say that you were purchasing for

1 the Ambler plant during those years?

2 A. Chrysotile and Crocidolite.

3 Q. Thank you.

4 Now, you indicated to me -- put that
5 aside.

6 You indicated to me you made a list of
7 documents that you reviewed in preparation for
8 today's deposition?

9 A. Yes, sir, I did.

10 Q. Okay. Can I have that list, please?

11 A. Sure.

12 MR. PLACITELLA: Can you just mark
13 this whatever the next one is?

14 (A document was marked as Exhibit
15 Ambler-19 for identification.)

16 BY MR. PLACITELLA:

17 Q. Ambler-19 has a list that says things
18 reviewed. It says David Egan's depositions. You
19 looked at all of them?

20 A. Those three volumes, that's right.

21 Q. You looked at John Hoover's deposition?

22 A. Yes, sir, for the Ungerman case.

23 Q. And who's John Hoover?

24 A. He was really overall in charge of the

1 pilot plant.

2 Q. And where did you get that deposition?

3 A. It was sent to me by Schiff Hardin.

4 Q. Do you have it here?

5 A. No.

6 MR. PLACITELLA: Do you have it
7 here?

8 MR. SKINNER: I have my copy of it
9 marked up.

10 MR. PLACITELLA: When am I going to
11 get a copy?

12 MR. SKINNER: I guess I can see if
13 I can e-mail you one.

14 MR. PLACITELLA: Well, how about
15 I'm here to take his deposition and he reviewed
16 it. I want to see it.

17 MR. SKINNER: I'll see if I can
18 e-mail you one.

19 MR. PLACITELLA: That's not gonna
20 help me now. Where's the deposition? You knew
21 the witness reviewed the stuff in preparation for
22 today and you didn't bring it for me?

23 MR. SKINNER: I don't know what to
24 tell you. I don't have it with me.

1 MR. PLACITELLA: Why not?

2 MR. SKINNER: I don't have it with
3 me.

4 MR. PLACITELLA: Okay. So we're
5 gonna do this on more than two days, I guess.

6 MR. SKINNER: Well, I don't think
7 we're doing it on two days.

8 MR. PLACITELLA: Oh, I think we
9 are.

10 MR. SKINNER: We can confer about
11 that.

12 MR. PLACITELLA: Mr. Block sent me
13 the information he said he was giving to the
14 witness. Now all of a sudden he's seen other
15 things. You have a copy. The witness has seen a
16 copy. I've never seen a copy. Okay.

17 BY MR. PLACITELLA:

18 Q. Who's Joe Jackson?

19 A. Who is he?

20 Q. Yes.

21 A. Well, he's deceased now. He was -- he
22 was a vice president of -- I don't believe it was
23 CertainTeed. He was vice president in charge of
24 research and development.

1 Q. And when did you review his deposition?

2 A. When?

3 Q. Yes.

4 A. For this deposition.

5 Q. When was that?

6 A. Just recently.

7 Q. When was that?

8 A. Last week or so, two weeks.

9 Q. And when did you receive that
10 deposition?

11 A. Right before I reviewed it.

12 Q. Did you bring it with you?

13 A. No.

14 MR. PLACITELLA: Counsel, do you
15 have a copy of Mr. Jackson's deposition?

16 MR. SKINNER: I don't have a clean
17 copy with me.

18 MR. PLACITELLA: Can I have your
19 copy?

20 MR. SKINNER: You cannot.

21 MR. PLACITELLA: Is there a reason
22 why I did not get the copy in advance of the
23 deposition?

24 MR. SKINNER: I don't know.

1 BY MR. PLACITELLA:

2 Q. Next is deposition of James Moorhead
3 you have listed. Who's he?

4 A. He was a -- he was a technician in the
5 pilot plant. He was there for like a one-year
6 period. I believe it was '67 -- parts of '67 and
7 '68.

8 Q. And when did you review that?

9 A. Same time I did Mr. Jackson's.

10 Q. And where did you get that?

11 A. From Schiff Hardin.

12 Q. Okay. Did you make any notes related
13 to either Mr. Hoover or Mr. Jackson's deposition
14 in preparation for today's deposition?

15 A. I made notes for -- to have
16 conversation with my lawyer.

17 Q. Did you make notes while you were
18 reviewing the deposition?

19 A. Yes.

20 Q. Where are those notes?

21 A. I have them in my files at home.

22 Q. Where's that?

23 A. Where?

24 Q. Yeah. How far is your home?

1 A. It's up in Furlong, Pennsylvania.

2 Q. Okay. Is there some reason why you
3 didn't bring your notes with you?

4 A. 'Cause they were confidential, I
5 understood that, between my lawyer and myself.

6 Q. Well, they weren't notes from your
7 lawyer, were they?

8 MR. SKINNER: No. His
9 communications -- notes to talk about issues with
10 his lawyer.

11 THE WITNESS: Yeah, that's what
12 they are.

13 BY MR. PLACITELLA:

14 Q. So did you make notes of things you
15 thought were relevant to this case after
16 reviewing those depositions?

17 A. I made notes that I thought were
18 important in the case to discuss -- to answer any
19 questions you may have.

20 Q. So the notes were made in order to
21 prepare yourself to answer my questions?

22 A. Yes.

23 Q. Okay. The next thing here it says
24 Travelers reports in the Ambler plant?

1 A. Yes.

2 Q. Okay.

3 MR. PLACITELLA: Can you mark this?

4 (A document was marked as Exhibit

5 Ambler-20 for identification.)

6 BY MR. PLACITELLA:

7 Q. By the way, was Mr. Hoover's deposition
8 significant to you in terms of your preparation
9 for this deposition?

10 A. Just what he did and what he -- you
11 know, what he was in charge of and some of the
12 things that he did at the pilot plant.

13 Q. So is the answer yes?

14 A. Yes.

15 Q. Okay. Was Mr. Jackson's deposition
16 significant to you in terms of your preparation
17 for this deposition?

18 A. Somewhat, yes.

19 Q. I'm going to show you what's been
20 marked Ambler-20. Are these the Travelers
21 reports you're talking about?

22 A. This is what I received. I didn't
23 review all of it, but this is what I received,
24 yes.

1 Q. Well, how much of it did you review?

2 A. Enough to try to answer the question as
3 to what did I think was the conditions of the
4 Ambler plant.

5 Q. How many pages in Ambler-20 relate
6 directly to the years that Mr. Egan worked at
7 CertainTeed?

8 MR. SKINNER: Objection to form.

9 BY MR. PLACITELLA:

10 Q. You know what, I'll do more of that
11 later. Don't answer the question.

12 A. Okay.

13 Q. You can give that one back to me.
14 You have here on your list, summary of
15 dust counts at the Ambler plant '71 to '77?

16 A. Correct.

17 Q. What document is that? I don't have
18 that document. What are you referring to?

19 A. It's a document showing what the dust
20 counts were for each year for the Ambler plant
21 for the period '71 through '77.

22 MR. PLACITELLA: Do you have a copy
23 of that?

24 MR. SKINNER: You attached it as an

1 exhibit. Ambler-6.

2 BY MR. PLACITELLA:

3 Q. Is this what you're referring to, sir,
4 Ambler-6?

5 A. Yes, it is.

6 Q. Are they all the dust counts that were
7 done at the Ambler plant between 1971 and 1977?

8 MR. SKINNER: Objection to form.

9 THE WITNESS: I don't know the
10 answer to that question.

11 BY MR. PLACITELLA:

12 Q. Do you believe that they are all the
13 dust counts that were done between '71 and '77 at
14 the Ambler plant?

15 MR. SKINNER: Objection to form.

16 THE WITNESS: I can only tell you
17 what it says in the cover letter that the front
18 three sheets are a summary of the results
19 recorded on the monitoring reports for dust
20 counts taken at the Ambler plant for each of
21 these years, and it gives the date for the
22 month -- the month and the year.

23 BY MR. PLACITELLA:

24 Q. Are you aware of any other documents

1 concerning dust counts done at the Ambler plant
2 between 1971 and 1977?

3 MR. SKINNER: Objection to form.

4 THE WITNESS: I'm not aware of any.

5 BY MR. PLACITELLA:

6 Q. Okay. And this is after Mr. Egan left
7 CertainTeed, correct?

8 A. Yes.

9 Q. Okay. Next on your list on Ambler-19
10 is chart showing tons of fiber shipped to Ambler,
11 '62 to '81?

12 A. Yes.

13 Q. Did I show you that document?

14 A. No.

15 Q. Okay. Do you have that document?

16 A. You showed me -- you showed me a
17 portion of it. The document I reviewed had it
18 for all the plants and for -- and for all the
19 years that I mentioned here, '62 through '81.

20 MR. PLACITELLA: Why don't we just
21 mark this.

22 (A document was marked as Exhibit
23 Ambler-21 for identification.)

24 BY MR. PLACITELLA:

1 Q. Is that what you're referring to?

2 A. Yes.

3 Q. Okay. And what --

4 A. Excuse me. Did I say it was for all
5 the plants?

6 Q. Yes, sir.

7 A. No. It was just for the Ambler plant.
8 The document I reviewed was just for the Ambler
9 plant.

10 Q. Okay. Thank you.

11 Then lastly on your sheet, you have
12 respirator policy?

13 A. Yes.

14 Q. Is the respirator policy in the
15 documents that I've shown you so far?

16 A. No.

17 Q. Your Counsel just flipped me a --

18 MR. PLACITELLA: Let's mark this.

19 (A document was marked as Exhibit
20 Ambler-22 for identification.)

21 BY MR. PLACITELLA:

22 Q. Ambler-22 is a document dated
23 October 13, 1960 from Leon Horowitz, correct?

24 A. Correct.

1 Q. That document was written before
2 CertainTeed owned the Ambler plant, correct?

3 MR. SKINNER: Objection to form,
4 misstates the document.

5 THE WITNESS: It was written in
6 1960, yes, and we bought the plant in '62, right.

7 BY MR. PLACITELLA:

8 Q. Okay. You can give that back to me.
9 Put it in your pile. And now I'll give you 19
10 back.

11 A. I have one. That's for you.

12 Q. Well, I want to put it right in the
13 pile.

14 A. I'm sorry.

15 MR. SKINNER: He wants to keep the
16 original exhibits together.

17 THE WITNESS: Yeah. I'm sorry.
18 I'm sorry. Excuse me.

19 BY MR. PLACITELLA:

20 Q. So let me just show you P-11, see if
21 you can identify that.

22 MR. SKINNER: Objection to form.

23 THE WITNESS: Do you want to see
24 it?

1 BY MR. PLACITELLA:

2 Q. Do you know what that's a picture of?

3 A. I can tell you what I believe it is.

4 Q. Go ahead.

5 A. I believe it's a picture of the yard
6 for the Ambler plant.

7 Q. Okay. Why do you --

8 A. Well, I was just going to tell you why
9 I think.

10 Q. Go ahead.

11 A. It's because of the homes in the
12 background.

13 Q. Okay. You recognize the homes?

14 A. It sure looks like what was behind that
15 one street. I could be wrong.

16 Q. Okay.

17 A. But that's my opinion.

18 Q. I'm going to show you what's been
19 marked P. Ambler-12, ask if you know what this is
20 a photo of?

21 MR. SKINNER: Objection to form.

22 THE WITNESS: It looks like an
23 individual working in the lab.

24 BY MR. PLACITELLA:

1 Q. At the R&D lab?

2 A. I don't know that.

3 Q. Okay. I'm going to show you what's
4 Ambler-13. Do you know what this is a photo of?

5 MR. SKINNER: Objection to form.

6 THE WITNESS: Do I know who this
7 gentleman is?

8 BY MR. PLACITELLA:

9 Q. Yes.

10 A. No.

11 Q. Okay. I want to show you what's been
12 marked Ambler-16. Can you tell me what that's a
13 photo of?

14 MR. SKINNER: Objection to form.

15 THE WITNESS: Just more work being
16 done in a lab.

17 BY MR. PLACITELLA:

18 Q. Okay. Do you see there's designations
19 on the lab samples; do you know what they stand
20 for?

21 A. No.

22 Q. Okay. I'm going to show you what's
23 been marked Ambler-17. Do you know what this is
24 a picture of?

1 MR. SKINNER: Objection to form.

2 THE WITNESS: Yes. That's the --
3 that's the pipe crusher in a plant. I don't know
4 which plant it is though.

5 BY MR. PLACITELLA:

6 Q. CertainTeed plant?

7 A. Yeah. Well, I don't know that, but we
8 had pipe crushers in our plants.

9 Q. It's an accurate depiction of what a
10 pipe crusher looked like in the CertainTeed
11 plants?

12 A. In some, yes.

13 Q. Okay. I'm going to show you P-18,
14 Ambler-18, ask you if you know what that's a
15 photo of?

16 MR. SKINNER: Objection to form.

17 THE WITNESS: It's fiber stored in
18 the warehouse.

19 BY MR. PLACITELLA:

20 Q. Okay. What warehouse?

21 A. I don't know that.

22 Q. Okay. It's a CertainTeed warehouse?

23 A. Well, every pipe plant had a warehouse.

24 Q. Okay. So now I want to go just briefly

1 through your background. You started at
2 CertainTeed in 1967?

3 A. Correct.

4 Q. In technical engineering; is that
5 correct?

6 A. Yes.

7 Q. And your office was located where?

8 A. At that time in Ambler, Pennsylvania.

9 Q. What was the exact address, do you
10 know?

11 A. I don't know the exact address. It's
12 the same building that the pilot plant was in.

13 Q. And when you were in technical
14 engineering, just tell us briefly what were your
15 job responsibilities?

16 A. Most -- I worked generally working with
17 the sales and marketing group on any issues they
18 may have as far as asbestos cement or for that
19 matter, PVC pipe.

20 Q. Okay. Well, what would a typical day
21 be for you in the '67 to '69 timeframe?

22 MR. SKINNER: Objection to form.

23 You can answer.

24 THE WITNESS: Yeah, I'm think --

1 when I went to work for the company, I worked
2 with Joe Jackson on developing an asbestos cement
3 fluid transmission line and I worked pretty much
4 a lot of my time on that, but I also had issues
5 where there would be a failure in the field with
6 an asbestos cement pipe of some sort and then I'd
7 go in the pilot plant and work with some of the
8 technicians on running tests as to why the pipe
9 failed.

10 And then I was also given the
11 responsibility to develop a PVC fluid type
12 gasketed joint. CertainTeed purchased a
13 plastic -- a PVC pipe company in '65, but they
14 didn't have a gasketed joint, so I developed the
15 joint and I worked in the pilot plant on some of
16 that. And I traveled extensively introducing
17 this fluid transmission pipeline that we had
18 designed.

19 BY MR. PLACITELLA:

20 Q. Now, am I correct that upon your
21 arrival at CertainTeed, you were briefed on what
22 CertainTeed believed to be the potential dangers
23 associated with asbestos exposure?

24 MR. SKINNER: Objection to form.

1 THE WITNESS: Well, I have already
2 testified what I was told, and I was told that,
3 you know, if you're subjected to large amounts of
4 asbestos over long periods of time, there could
5 be an issue. I was told that.

6 BY MR. PLACITELLA:

7 Q. You were told more than that though,
8 weren't you?

9 MR. SKINNER: Objection to form.

10 THE WITNESS: Well, I only can tell
11 you what I remember I was told. I've already
12 testified to what I was told and I told the truth
13 each time.

14 BY MR. PLACITELLA:

15 Q. I understand that, sir, but this is a
16 new deposition.

17 A. Yes.

18 Q. So I have to ask you the questions. I
19 can't go look at all your other transcripts.

20 A. Well, you already have.

21 Q. No, I have not, sir.

22 A. Somebody has.

23 Q. Okay. I'll be respectful of you if
24 you'd be respectful of me.

1 A. I'm trying to be very respectful of
2 you.

3 Q. Okay. You've been deposed at this
4 point hundreds of times?

5 A. Not hundreds, no. About 170.

6 Q. A hundred and seventy?

7 A. Yes.

8 Q. And you've been deposed as the
9 corporate representative of CertainTeed most
10 knowledgeable concerning CertainTeed's historical
11 knowledge of the dangers of asbestos?

12 MR. SKINNER: Objection to form.

13 You can answer that.

14 THE WITNESS: I don't really know.
15 I mean I was asked to give a deposition in these
16 various cases. And I understand a lot of them I
17 was the person most knowledgeable put up by
18 CertainTeed.

19 BY MR. PLACITELLA:

20 Q. Right.

21 A. And I answered any questions to the
22 best of my ability that were asked of me.

23 Q. Right. CertainTeed prepared you to
24 provide testimony as a representative of

1 CertainTeed concerning what CertainTeed knew
2 about asbestos and when, correct?

3 MR. SKINNER: Objection to form.

4 THE WITNESS: That was part of it,
5 yes.

6 BY MR. PLACITELLA:

7 Q. Okay. And they also prepared you and
8 had you testify as a representative about what
9 CertainTeed did or did not do in response to what
10 they knew about the dangers of asbestos, correct?

11 MR. SKINNER: Objection to form.

12 THE WITNESS: I can tell you what
13 we did as a company, yes.

14 BY MR. PLACITELLA:

15 Q. Okay. Now, the research facility --
16 the pilot plant was a research facility; is that
17 correct?

18 MR. SKINNER: Objection to form.

19 THE WITNESS: The pilot plant was a
20 plant that manufactured asbestos cement pipe for
21 testing purposes, yes.

22 BY MR. PLACITELLA:

23 Q. Okay. And it tested various
24 combinations of asbestos and cement sewer pipe,

1 correct?

2 MR. SKINNER: Objection to form.

3 THE WITNESS: I don't understand
4 that question.

5 BY MR. PLACITELLA:

6 Q. It tested various combinations of
7 asbestos in asbestos cement pipe?

8 A. Well, that's a different -- asbestos
9 cement -- all asbestos cement pipe?

10 Q. That was made by CertainTeed?

11 A. Yes.

12 Q. Okay. And this plant, the pilot plant,
13 was approximately six blocks away from the main
14 production facility?

15 A. That sounds -- well, it's one street
16 over. I don't know how many streets back. It's
17 fairly close. That's within reason, yes.

18 Q. Okay. And at the Ambler main plant,
19 they manufactured asbestos cement pipe, correct?

20 A. Yes.

21 Q. Okay.

22 (A document was marked as Exhibit
23 Ambler-23 for identification.)

24 BY MR. PLACITELLA:

1 Q. I want to show you what's been marked
2 Ambler-23, which is the 1962 annual report. I'll
3 flip to the page I want to ask you. Is the page
4 I opened to on the annual report a picture of the
5 pilot plant as it existed in 1962?

6 MR. SKINNER: What's the Bates
7 number?

8 MR. PLACITELLA: There is no Bates
9 number.

10 THE WITNESS: There is no Bates
11 number. This is from the annual report for '62,
12 correct?

13 BY MR. PLACITELLA:

14 Q. Yeah.

15 A. Okay. This is not just the pilot
16 plant. This is the research and development
17 center.

18 Q. Okay. Does that include the pilot
19 plant?

20 A. Yes, it does.

21 Q. Okay.

22 A. But they're -- I just -- I just -- so
23 there's no misunderstanding, there was a -- there
24 was offices for the research people there, and in

1 fact, there was an office for the salespeople.

2 Q. All right. I'm going to ask you about
3 that.

4 A. Okay.

5 Q. So this building had a number of
6 different sections; is that fair?

7 A. Yes, it did.

8 Q. Okay. And did it have a number of
9 different levels in terms of height?

10 A. Yes.

11 Q. Okay. And was the highest level or
12 the, say, the first level where management was?

13 MR. SKINNER: Objection to form.

14 THE WITNESS: When I walked in the
15 door, my offices were on the floor I walked in
16 on, so I mean I don't know how else to answer
17 your question.

18 BY MR. PLACITELLA:

19 Q. Was that the front door?

20 A. Yes, sir.

21 Q. Okay. And is that where management --
22 the management offices were?

23 MR. SKINNER: Objection to form.

24 THE WITNESS: For R&D --

1 (Phone ringing.)

2 BY MR. PLACITELLA:

3 Q. Go ahead. I'm sorry. Sorry. Go
4 ahead.

5 A. For R&D, research and development,
6 that's where most of the management were, yes.

7 Q. Was there engineering staff there as
8 well?

9 A. There was central engineering. They
10 were up on the top floor.

11 Q. Okay.

12 A. They didn't report to the R&D directly
13 though.

14 Q. And was administrative staff there?

15 A. Administration for who?

16 Q. For engineering?

17 A. Well, you mean like for the engineers
18 that were working in research?

19 Q. Yes.

20 A. Yes.

21 Q. Who else was in the office part of that
22 building?

23 A. You had them. Central engineering was
24 upstairs and the sales department -- Philadelphia

1 sales office -- excuse me. Philadelphia sales
2 office had a place in that building.

3 Q. All right.

4 A. And then the pilot plant of course.

5 Q. And the pilot plant was six to eight
6 steps down behind the office building?

7 A. I have no idea how far down it was. It
8 was a little lower than the office building.

9 Q. You have to take stairs, short stairs
10 down, correct?

11 A. Yeah, could be. I don't know the
12 number.

13 Q. Okay. And was the pilot plant
14 approximately 90 feet by 90 feet?

15 A. Well, I can only say that's what was in
16 the various depositions I read. I've never
17 measured it, so I don't know. It was pretty
18 large.

19 Q. Is that an accurate estimation in your
20 mind?

21 MR. SKINNER: Objection to form.

22 THE WITNESS: I have no reason to
23 say that's not accurate.

24 BY MR. PLACITELLA:

1 Q. Okay. And was the ceiling about
2 30 feet high in the pilot plant?

3 A. Jeez --

4 MR. SKINNER: Objection to form.

5 THE WITNESS: I don't know. It
6 could be.

7 BY MR. PLACITELLA:

8 Q. Okay. Is that a reasonable estimate?

9 MR. SKINNER: Objection to form.

10 THE WITNESS: Sure, it's
11 reasonable.

12 BY MR. PLACITELLA:

13 Q. Okay. And then within the pilot plant
14 or behind the pilot plant, was there still
15 another level where testing went on in soundproof
16 rooms?

17 MR. SKINNER: Objection to form.

18 THE WITNESS: Well, I don't know.
19 I mean -- there was, yes, but I don't know in
20 relation to the pilot plant. As I recall, when
21 you're walking down the steps, you could turn
22 right to go to the pilot plant and you can turn
23 left to go to these other testing laboratories.

24 BY MR. PLACITELLA:

1 Q. And they were down still another few
2 steps, correct?

3 A. Jeez. I believe they were.

4 Q. Okay. Down in that third level they
5 had soundproof rooms?

6 A. Yes.

7 MR. SKINNER: Objection to form.

8 THE WITNESS: I'm sorry.

9 MR. SKINNER: Objection to form.

10 BY MR. PLACITELLA:

11 Q. And did they have testing equipment in
12 those soundproof rooms?

13 MR. SKINNER: Objection to form.

14 Go ahead.

15 THE WITNESS: Yes.

16 BY MR. PLACITELLA:

17 Q. If somebody was in the front office
18 where you worked, could you walk through the
19 pilot plant out the back door and into the
20 parking lot?

21 A. I don't know the answer to that
22 question. I mean -- I mean the pilot plant had a
23 door that would go out and into the parking lot,
24 but I mean to say you had to walk from the

1 general offices through the pilot plant to go
2 outside, I don't know that.

3 Q. Okay. Did you ever do that, walk to
4 your car or to the parking lot through the pilot
5 plant?

6 MR. SKINNER: Objection to form.

7 THE WITNESS: Only if there was a
8 need for me to go through the pilot plant. I
9 could go to my car without going through the
10 pilot plant.

11 BY MR. PLACITELLA:

12 Q. Okay. But you could go right through
13 the pilot plant to your car if you wanted to,
14 correct?

15 A. Well, jeez, I don't know. We're
16 talking quite a few years ago, Mr. Placitella.
17 As far as I know you could, yes.

18 Q. Okay. And are you aware or have you
19 ever seen diagrams or blueprints of the pilot
20 plant and the administration building?

21 A. I have not.

22 Q. Okay. Would you be able, as you sit
23 here today, to draw a rough diagram of the pilot
24 plant?

1 MR. SKINNER: Objection to form.

2 BY MR. PLACITELLA:

3 Q. From your recollection?

4 A. No.

5 Q. You're not capable of doing that?

6 A. I don't believe so.

7 Q. Okay.

8 A. And not be accurate.

9 Q. Okay. In the pilot plant, was there an
10 area where a lathe was contained?

11 A. A what?

12 Q. A lathe, l-a-t-h-e.

13 A. There were two lathes in the plant.

14 Q. Okay. And where was that; was that in
15 the 90x90 space in the pilot plant?

16 A. It was in where the machines were, yes.

17 Q. Okay. Was it in the front, the back,
18 the sides?

19 A. Oh, I don't know. I mean depending on
20 how you looked at it. I don't know.

21 Q. Did John Hoover have an office in the
22 pilot plant?

23 A. Yes.

24 Q. Okay. And did they keep bags of raw

1 asbestos in the pilot plant?

2 A. There were bags of asbestos in -- I
3 mean obviously, when there had to be a test done,
4 they'd bring the asbestos in, but it -- I mean
5 materials were stored. I can't tell you where
6 exactly they were stored, but they were very
7 accessible to the pilot plant.

8 Q. Do you recall that they were stored
9 against the northern wall of the pilot plant?

10 MR. SKINNER: Objection to form.

11 THE WITNESS: They could have been.

12 I don't know.

13 BY MR. PLACITELLA:

14 Q. Okay. Do you recall that they were not
15 original bags, they were 20-pound bags of
16 asbestos?

17 MR. SKINNER: Objection to form,
18 misstates evidence.

19 THE WITNESS: No.

20 BY MR. PLACITELLA:

21 Q. Do you know one way or the other?

22 A. The asbestos bags that I saw were the
23 normal asbestos bags.

24 Q. You're sure about that?

1 A. Yes.

2 Q. Okay. Were you familiar with what a
3 technician did in the pilot plant, what their
4 jobs were?

5 MR. SKINNER: Objection to form.

6 THE WITNESS: You know, I could
7 give you my impression. I never saw a job
8 description, but I can tell you what I saw. I
9 mean I was in the pilot plant numerous times. I
10 can tell you what the technicians were doing.

11 BY MR. PLACITELLA:

12 Q. Did technicians who worked in the pilot
13 plant, could they see asbestos in the pilot
14 plant?

15 MR. SKINNER: Objection to form.

16 THE WITNESS: What do you mean, see
17 asbestos?

18 BY MR. PLACITELLA:

19 Q. Can they see asbestos being tested and
20 used in the pilot plant?

21 MR. SKINNER: Objection to form.

22 THE WITNESS: If the machines were
23 run like -- the machine, it was run like once
24 every two months. And if they were working at

1 the machine, they could see the asbestos being
2 added to the slurry for the machine.

3 BY MR. PLACITELLA:

4 Q. Could they touch asbestos in the pilot
5 plant?

6 MR. SKINNER: Objection to form.

7 BY MR. PLACITELLA:

8 Q. The technicians?

9 MR. SKINNER: Objection to form.

10 THE WITNESS: I mean they could.
11 I'm not so sure there was a need to do that.

12 BY MR. PLACITELLA:

13 Q. Did the pilot plants make smaller
14 asbestos cement pipes than were made in the main
15 plant?

16 A. By smaller, you mean in length?

17 Q. Yes.

18 A. Yes.

19 Q. Okay. Were the asbestos pipes made in
20 the pilot plant approximately four feet?

21 A. Yeah. It was a one meter machine, so
22 one meter would be four feet, correct.

23 Q. Okay. And the pilot plant that was --
24 the machine that was in the pilot plant, that was

1 a, for lack of a better term, scaled down pipe
2 machine from what was in the main plant?

3 MR. SKINNER: Objection to form.

4 THE WITNESS: It was a replica of
5 what the main machine was to make product for
6 testing, yes.

7 BY MR. PLACITELLA:

8 Q. And the pipe machine to make the pipe
9 was run approximately once every two months; is
10 that correct?

11 A. That's what I read in Mr. Egan's
12 deposition, and I think there was other -- other
13 testimony that's about the frequency of the runs.
14 I don't know from general knowledge.

15 Q. Is that your recollection?

16 A. No. I don't know how many times -- it
17 was run very -- I thought it was run
18 infrequently, so I'd say once every two months
19 would probably be a good number.

20 Q. And you base that not only Mr. Egan's
21 testimony, which you don't dispute, I take it?

22 A. I do not. For that issue, I don't.

23 Q. Right. But also other testimony you
24 reviewed?

1 A. Yeah. I believe somebody else said the
2 same thing, maybe Mr. -- I don't know who said
3 it, but that seems about to be right.

4 Let me just tell you this, Mr.
5 Placitella. I was in that building for, what,
6 two years maybe and I saw that machine run one
7 time, just one time.

8 Q. Okay. Were there -- do you know what a
9 mandrel is?

10 A. Yes.

11 Q. What's a mandrel?

12 A. A mandrel is a steel cylindrical piece
13 of material that you run the slurry on and build
14 up the wall thickness of the pipe and it's on the
15 mandrel. And then after you get the wall
16 thickness you want and the diameters you want,
17 you extract the mandrel.

18 Q. In the two years that you were at the
19 pilot plant, did you ever personally witness dust
20 counts being done?

21 A. Dust counts?

22 Q. Yes.

23 A. In the pilot plant?

24 Q. Yes, sir.

1 A. No.

2 Q. Okay. Are you aware of dust counts
3 ever being done in the pilot plant?

4 A. I'm not aware of any.

5 Q. The mandrels were in the pilot plant as
6 part of the process?

7 A. You couldn't make asbestos cement pipe
8 without a mandrel.

9 Q. Okay. In order to make the asbestos
10 cement pipe in the pilot plant, would the
11 asbestos have to be mixed with other ingredients?

12 A. Would you run that by me again, please?

13 Q. Yes, sir.

14 In order to make asbestos cement pipe
15 in the pilot plant, would you have to mix
16 asbestos with other ingredients?

17 A. Yes.

18 Q. Okay. Did the engineers who worked in
19 the pilot plant mix asbestos cement and water to
20 start the process?

21 A. Well, they -- they mixed asbestos.
22 They mixed asbestos and silica with water to make
23 the slurry to make the pipe.

24 Q. Okay. And are you aware that the

1 technicians carried the asbestos -- physically
2 carried the asbestos to the engineers for the
3 mixing process?

4 MR. SKINNER: Objection to form.

5 THE WITNESS: I don't know how the
6 asbestos got to that point. I didn't see how it
7 was done.

8 BY MR. PLACITELLA:

9 Q. So you don't know one way or the other
10 whether it was the technicians that carried the
11 asbestos to the engineers for the mixing?

12 MR. SKINNER: Objection to form.

13 THE WITNESS: Who are the
14 engineers? I don't understand that question at
15 all. I mean the technicians ran the pipe, ran
16 the machine, the technicians did.

17 BY MR. PLACITELLA:

18 Q. Well, didn't they have engineers in the
19 plant overseeing the production of the pipe?

20 A. They would have -- you'd have John
21 Hoover or his assistant, but I don't remember any
22 engineers necessarily. Well, that's not true. I
23 saw Joe Jackson there once and he was -- he was a
24 manager.

1 Q. All right. Do you have any information
2 that would contradict Mr. Egan's testimony that
3 he physically carried the asbestos in order to
4 make the asbestos cement pipe in the pilot plant?

5 MR. SKINNER: Objection to form.

6 THE WITNESS: I don't know one way
7 or the other.

8 BY MR. PLACITELLA:

9 Q. Do you have any information to
10 contradict Mr. Egan's testimony that he
11 physically carried the bags of asbestos as part
12 of making the asbestos pipe in the pilot plant?

13 MR. SKINNER: Objection to form.

14 THE WITNESS: I have no -- I don't
15 have anything to dispute that.

16 BY MR. PLACITELLA:

17 Q. Okay. Was there a second floor in the
18 pilot plant; was it two floors?

19 MR. SKINNER: Objection to form.

20 THE WITNESS: I don't -- you mean
21 within the area where the pipe was being made?

22 BY MR. PLACITELLA:

23 Q. Correct. Were there two levels?

24 A. I don't believe there were.

1 Q. Okay. After the pipe was made, was it
2 put on a pallet and put outside for drying?

3 A. I don't know whether we had a small
4 autoclave in that plant or not, but it had to be
5 cured somewhere, either that or it went into a
6 small autoclave for a while.

7 Q. Okay. Now, we talked before about a
8 lathe being in the pilot plant. Do you recall
9 that?

10 A. A lathe, yes.

11 Q. Yes.

12 A. Two of them, yes.

13 Q. Two of them. And what was the purpose
14 of the lathe?

15 A. Well, you have to -- when the pipe
16 comes out of the machine, it comes out -- the
17 outside diameter of the pipe is constant for the
18 whole four feet, but if you wanted to put the
19 pipe into an asbestos cement coupling, you had to
20 machine it to a certain dimension to install it
21 into the coupling.

22 The coupling had a rubber gasket in it.
23 So you had to machine the ends of the pipe to
24 install it into the coupling, and that's what the

1 lathe did.

2 Q. And in the pilot plant, who did that
3 machining?

4 A. It would be a technician.

5 Q. Who would be -- who would carry the
6 pipe from the pipe machine to the lathe for
7 machining?

8 MR. SKINNER: Objection to form.

9 BY MR. PLACITELLA:

10 Q. In the pilot plant?

11 A. I don't know.

12 Q. Okay. So if Mr. Egan testified that he
13 did that, do you have anything to dispute it?

14 A. No. I mean it'd be a pretty heavy
15 carry, but that doesn't mean one person couldn't
16 do it.

17 Q. Was there any cutting of the asbestos
18 cement pipe in the pilot plant?

19 MR. SKINNER: Objection to form.

20 THE WITNESS: There was no need to,
21 but I can't say it was never cut.

22 BY MR. PLACITELLA:

23 Q. Okay. Can you dispute Mr. Egan's
24 testimony that he saw technicians -- saw

1 machinists cutting the asbestos cement pipe in
2 the pipe plant?

3 MR. SKINNER: Objection to form.

4 THE WITNESS: I read that in his
5 deposition, but I don't know what he means by
6 cutting. Was it cut in sections, pieces or was
7 the lathing his definition of cutting.

8 BY MR. PLACITELLA:

9 Q. Would you call lathing cutting?

10 A. Yeah, absolutely.

11 Q. Was that done every day?

12 A. It was done on every piece of pipe.

13 Q. Okay.

14 A. No. I mean it wasn't done every day
15 because the pipe wasn't manufactured every day.

16 Q. Okay. Now, the -- on the -- was there
17 dust collection equipment installed in the pilot
18 plant to your recollection?

19 A. Yes.

20 Q. You recall physically seeing it
21 yourself?

22 A. Yes.

23 Q. Okay. Where was it installed?

24 A. Any place you could have fiber release.

1 There would be dust collection primarily at the
2 mixing area, and there would be dust collection
3 at the lathes for the machining.

4 Q. Okay. What about in the areas where
5 the asbestos was stored?

6 A. There wouldn't be any dust collection
7 that I'm aware of.

8 Q. When there was debris from the
9 manufacturing process in the pilot plant on the
10 floor, who would clean up that debris?

11 A. The people who really created it, the
12 technicians or maybe some engineers.

13 Q. Okay. And what would they clean it
14 with?

15 A. The policy was to use a vacuum or a
16 canister, vacuum canister. And I never saw
17 anybody really cleaning it up, but that was the
18 policy as to how you would clean it up.

19 Q. And do you know whether it was ever
20 swept up --

21 A. I don't --

22 Q. -- in the pilot plant?

23 A. I'm sorry.

24 Q. In the pilot plant?

1 A. Yeah, I'm sorry.

2 Q. Yeah, no problem.

3 A. I don't know one way or the other.

4 Q. Okay. So if Mr. Egan said he used a
5 movable dust bin to clean up the debris in the
6 pilot plant, do you have anything to dispute
7 that?

8 MR. SKINNER: Objection to form.

9 THE WITNESS: No, other than the
10 fact that we had -- we had a policy, as best I
11 can recall, that you would use a vacuum cleaner
12 to clean up any -- any -- any asbestos waste.

13 BY MR. PLACITELLA:

14 Q. And that vacuum cleaner had a 55-gallon
15 barrel attached to it?

16 A. It had some sort of a barrel and then
17 you'd have to -- obviously, you'd have to empty
18 that cylinder.

19 Q. And who did the emptying of that barrel
20 when it was full?

21 A. I don't know the answer to that.

22 Q. Was it the technicians?

23 A. Yes. It would be his responsibility.

24 Q. And where would they empty the barrel?

1 A. There was a place to do it.

2 Q. And was there dust collection equipment
3 in the place where you emptied the barrel of
4 debris?

5 A. Not that I'm aware of, no.

6 Q. And as the day went on when they were
7 using this vacuum that you described, would it
8 remain as efficient as the barrel filled up --

9 MR. SKINNER: Object to form.

10 BY MR. PLACITELLA:

11 Q. -- or would it lose efficiency?

12 MR. SKINNER: Objection to form.

13 THE WITNESS: I have no way of
14 knowing that.

15 BY MR. PLACITELLA:

16 Q. I want to talk now about the testing
17 area downstairs.

18 A. Okay. Can we take a five-minute break?

19 Q. Sure.

20 A. I need to walk.

21 Q. Go ahead. Go ahead. Take
22 five minutes.

23 THE VIDEOGRAPHER: The time is now
24 12:03 p.m. This is the end of DVD No. 1. We are

1 going off the record.

2 (Recess.)

3 THE VIDEOGRAPHER: The time is now
4 12:11 p.m. This is the beginning of DVD No. 2.
5 We are back on the record.

6 BY MR. PLACITELLA:

7 Q. Earlier today we talked about there was
8 a third level where testing was done. Do you
9 recall that?

10 MR. SKINNER: Objection to form.

11 THE WITNESS: Yes.

12 BY MR. PLACITELLA:

13 Q. Okay. And in one of the rooms that
14 they -- one of the rooms on the third level, did
15 they conduct chemical testing?

16 A. You mean -- this is on the lower floor,
17 right?

18 Q. Correct.

19 A. Yes.

20 Q. Okay. And there was no dust involved
21 in that process, am I correct, the chemical
22 testing?

23 A. Well, the -- I can tell you the
24 gentleman I saw working in there when I walked by

1 it once in a while was in there with a
2 respirator. He was working with raw asbestos and
3 it was a -- totally an airtight closed room, and
4 he was the only one allowed in there.

5 MR. SKINNER: Move to strike the
6 nonresponsive part. He's asking about the
7 testing downstairs in the basement.

8 THE WITNESS: I think that's where
9 the -- wasn't the asbestos being tested down
10 there, too?

11 MR. SKINNER: You're the witness.

12 THE WITNESS: Yeah. Well, there
13 was some room where the asbestos -- raw asbestos
14 was being tested.

15 BY MR. PLACITELLA:

16 Q. Were there rooms where destructive
17 testing was done?

18 A. Yes.

19 Q. Okay. Did they use a machine made by
20 Tinius Olsen as part of the destructive testing?

21 A. Yes.

22 Q. Okay. Did the destructive testing
23 include crushing pipe?

24 A. That was the -- the Tinius Olsen

1 machine did that.

2 Q. Did they also have air pressure
3 testing?

4 A. Air pressure?

5 Q. Yes.

6 A. You know, I read that. I just can't
7 believe that ever happened. The only reason
8 you'd use air testing would be to do the joint.
9 You would not try to blow a piece of pipe with
10 air testing. It's just -- just it doesn't pass
11 the litmus test.

12 Q. Do you know whether that happened or
13 not?

14 A. I don't think it ever happened. I
15 think they used air to test the integrity of the
16 joint.

17 Q. Okay. Did they also use water -- do
18 water testing?

19 A. Yes, hydrostatic water testing of the
20 pipe, yes.

21 Q. What was the size of the room where
22 they did the crush testing?

23 A. I don't know.

24 Q. Was it 20x20, is that reasonable?

1 A. I can't --

2 MR. SKINNER: Objection to form.

3 THE WITNESS: I can't estimate
4 that.

5 BY MR. PLACITELLA:

6 Q. Okay. How many pipes in a row would
7 they test when they did the crush testing?

8 MR. SKINNER: Objection to form.

9 THE WITNESS: Well, you're really
10 taking a section. You don't test -- in crush,
11 you don't test the whole pipe. You generally cut
12 a one-foot sample and test that. I mean if they
13 ran three or four in a row, they could. I don't
14 know. I never --

15 BY MR. PLACITELLA:

16 Q. How long would that take?

17 A. To run a test?

18 Q. Yeah.

19 A. It's done pretty quickly. You put the
20 -- you put the piece of pipe in there and you
21 bring the machine down on it and it breaks.

22 Q. And you elevate the pressure until it
23 breaks?

24 A. Well, you keep -- not the pressure.

1 It's the load. You elevate the load on the pipe.

2 You're doing a crush load.

3 Q. So tell me exactly what the machine

4 did.

5 A. It takes a piece of one-foot pipe. You

6 put it in there. And it's generally on a three

7 edge, two edges on the bottom and an edge on the

8 top and then you bring down this load on the pipe

9 and you bring it down 'til the pipe crushes or

10 splits or cracks.

11 Q. Okay. Would sometimes the pipe crack

12 into big pieces and other times small pieces?

13 A. Well, jeez.

14 MR. SKINNER: Objection to form.

15 THE WITNESS: I don't know how to

16 answer that question. It broke and it -- I never

17 measured the size of the pieces. I wasn't there

18 to see the test that often, but I mean it broke.

19 Sometimes it would crack and sometimes it would

20 be pieces, sure.

21 BY MR. PLACITELLA:

22 Q. And it was -- the purpose was to crush

23 the pipe, right?

24 A. To fail the pipe, yes.

1 Q. So at the end of the test, you'd have
2 crushed pipe?

3 MR. SKINNER: Objection to form.

4 THE WITNESS: Not necessarily. It
5 could crack and fall apart.

6 BY MR. PLACITELLA:

7 Q. Or crush?

8 A. Or crush. Either one.

9 Q. When that test was done, did you ever
10 see the technician running the test wearing a
11 respirator?

12 A. No.

13 Q. Do you know whether technicians were
14 ever told to wear respirators when they ran that
15 test?

16 MR. SKINNER: Objection to form.

17 THE WITNESS: A technician was told
18 to wear a respirator if any work that he was
19 doing would subject him to asbestos dust. And
20 you know, I don't know whether -- I can tell you
21 I've run a universal tester myself and I didn't
22 wear a respirator 'cause I didn't feel there was
23 any harm in doing it. There wasn't any fiber
24 being released necessarily.

1 BY MR. PLACITELLA:

2 Q. So if you didn't wear it, you didn't
3 tell anybody else to wear it?

4 A. I mean I don't -- who would I be
5 telling? I was there running the test with
6 another engineer.

7 Q. Who did the clean-up of the crushed
8 pipe after the test was conducted?

9 A. It would be done by the technician.

10 Q. And what would they clean it up with?

11 A. I mean if the pieces were big enough to
12 pick up and put into a -- into a disposable can
13 of some sort, that's the way they would do it.

14 If there was a lot of small pieces on
15 the floor for some odd reason, then they would
16 have vacuumed them up.

17 Q. Were dust counts ever run in the rooms
18 where the pipe was crushed?

19 A. I don't know of any.

20 Q. Did you ever witness dust counts?

21 A. No, not in those rooms, no.

22 Q. You're aware, are you not, that dust
23 counts can measure fibers in the air that you
24 can't see, correct?

1 MR. SKINNER: Objection to form.

2 BY MR. PLACITELLA:

3 Q. You know that?

4 A. I do? I don't know that.

5 Q. You don't know one way or the other?

6 A. I don't know one way or the other.

7 Q. Okay. Am I correct that your testimony
8 is you never saw air pressure testing done in the
9 pilot plant?

10 MR. SKINNER: Objection to form.

11 THE WITNESS: No, I'm not saying
12 that. I'm saying I didn't see any air testing
13 done to destruction on a piece of pipe. I've
14 seen air testing done to check the joint to see
15 if a joint leaked or not, but not to destruction.

16 BY MR. PLACITELLA:

17 Q. So you've never seen pressure air
18 testing done of the intent to which was to make
19 the pipe fail?

20 A. That's correct.

21 Q. Okay. Now, where -- the asbestos that
22 was used in the pipe plant, where did that come
23 from?

24 A. It was shipped in from a vendor.

1 Q. Okay. Do you know if the technicians
2 ever went specifically to the main plant to get
3 the asbestos themselves for their experiments?

4 A. I only know what Mr. Egan said in his
5 deposition. I've never known them to do it. And
6 I don't -- I don't think anybody else said that
7 they did it, but he sure said he did it, so I'm
8 not -- I can't -- you know. I can't say whether
9 he did or didn't.

10 Q. Do you have anything to dispute his
11 testimony that he went there to get asbestos
12 every couple of months while he was there?

13 A. It doesn't -- it doesn't pass the -- I
14 mean what would be the purpose of doing that? We
15 had asbestos -- asbestos was being shipped to
16 the -- right -- was shipped to the pilot plant.
17 There was no need for him to do that.

18 Q. So you're saying that never happened?

19 A. I don't think it happened.

20 Q. Okay. So he was lying?

21 A. No.

22 MR. SKINNER: Objection to form,
23 argumentative.

24 THE WITNESS: Sir, I'm not calling

1 anybody anything. I'm only telling you how I
2 feel about it.

3 BY MR. PLACITELLA:

4 Q. Well, you know he went into great
5 detail about what he did when he went to the main
6 plant when he went to go get asbestos, right?

7 A. I understand that.

8 MR. SKINNER: Objection to form.

9 THE WITNESS: I understand that,
10 but sir, I don't call anybody a liar. You asked
11 me to treat you as a gentleman. I am. Treat me
12 as a gentleman. I don't call people liars.

13 BY MR. PLACITELLA:

14 Q. Okay. You read Mr. Egan's testimony
15 where he went into great detail about what
16 happened when he went to the main plant on the
17 midnight shift every two months, correct?

18 MR. SKINNER: Objection to form.

19 THE WITNESS: Yes, I did.

20 BY MR. PLACITELLA:

21 Q. Are you saying that didn't happen?

22 A. I'm saying nobody else knows about it.

23 Q. I'm asking you from your personal
24 knowledge, do you know whether that happened or

1 not?

2 A. I don't know if it happened or not.

3 Q. Okay. And do you know anybody else who
4 works for CertainTeed or is a witness for
5 CertainTeed that can testify that that did not
6 happen as Mr. Egan described it?

7 MR. SKINNER: Objection to form.

8 THE WITNESS: I can't name anybody.

9 BY MR. PLACITELLA:

10 Q. All right. Do you have any documents,
11 personal recollection to contradict Mr. Egan's
12 testimony that he went to the pilot plant to get
13 asbestos every two months?

14 MR. SKINNER: Objection to form.

15 THE WITNESS: Documents, what kind
16 of documents?

17 BY MR. PLACITELLA:

18 Q. Any kind of documents, any kind of
19 records from CertainTeed?

20 A. I don't have anything other than my
21 opinion.

22 Q. Okay. Well, sir, during the years '67
23 to '69, were you -- did you ever work the
24 midnight shift?

1 A. The midnight shift?

2 Q. Yes, sir.

3 A. At the pilot plant, no, I did not.

4 Q. So do you know what went on in the
5 midnight shift?

6 A. I only know what he -- Mr. Egan said.

7 Q. Do you know what Mr. -- what time did
8 you leave work generally?

9 A. That's an unfair question. I can't
10 answer that question.

11 Q. Well, during the years '67 to '69 when
12 you worked in the administrative building in
13 Ambler, generally what time would you leave work?

14 MR. SKINNER: Objection to form.

15 THE WITNESS: I could generally
16 leave work by 6:00 o'clock, 7:00 o'clock, but I
17 worked 'til late at night many times.

18 BY MR. PLACITELLA:

19 Q. All right. Would you ever work or have
20 the opportunity to see what happened in the pilot
21 plant after 10:00 o'clock at night?

22 A. Not --

23 MR. SKINNER: Objection to form.

24 THE WITNESS: Not really, no.

1 BY MR. PLACITELLA:

2 Q. Okay. So if Mr. -- you have nothing,
3 no information, no evidence to contradict what
4 Mr. Egan said his job duties were when he had to
5 work the midnight shift at the pilot plant,
6 correct?

7 MR. SKINNER: Objection to form,
8 mischaracterizes Mr. Egan's testimony.

9 THE WITNESS: What midnight shift?
10 There's no midnight shift at the pilot plant.

11 BY MR. PLACITELLA:

12 Q. Okay. Did you read Mr. Egan's
13 testimony where he said that he went to the --
14 well, let me break it down.

15 You're aware that Mr. Egan said that he
16 worked nights after 5:00, correct?

17 MR. SKINNER: Objection to form,
18 mischaracterizes testimony.

19 THE WITNESS: I don't remember
20 reading that, but it wouldn't surprise me that he
21 did.

22 BY MR. PLACITELLA:

23 Q. Do you remember his testimony where he
24 said that he went to the Ambler plant during the

1 midnight shift between '67 and '69; do you recall
2 that?

3 A. Whose midnight shift?

4 Q. It's your company, sir.

5 A. Well, but you're asking the questions,
6 and I don't understand the question, so I can't
7 answer.

8 Q. He said he worked the midnight shift.

9 MR. SKINNER: Objection.

10 BY MR. PLACITELLA:

11 Q. Mr. Egan.

12 A. Oh, he said he worked the midnight --

13 Q. Correct.

14 MR. SKINNER: Objection to form,
15 mischaracterizes Mr. Egan's testimony.

16 THE WITNESS: There was no midnight
17 shift at the pilot plant.

18 BY MR. PLACITELLA:

19 Q. Was there a midnight shift at the main
20 plant?

21 A. Yes.

22 Q. Okay. And what hours was that?

23 A. Well, the plant ran 24 hours. I can't
24 tell you -- I mean obviously, there was somebody

1 working at midnight.

2 Q. All right. So if Mr. Egan said that he
3 was at the Ambler plant during the midnight
4 shift, do you have any information to contradict
5 that?

6 MR. SKINNER: Objection to form.

7 THE WITNESS: I never -- I asked
8 you whose main (sic) shift, and I'm saying the
9 pipe machine didn't have a midnight shift. The
10 plant had a midnight shift.

11 BY MR. PLACITELLA:

12 Q. Do you have any evidence to contradict
13 Mr. Egan's testimony that he was at the Ambler
14 plant during the midnight shift?

15 MR. SKINNER: Objection to form.

16 THE WITNESS: I have nothing to
17 dispute that other than nobody else heard about
18 it.

19 BY MR. PLACITELLA:

20 Q. When you say nobody else heard about
21 it, who is nobody else; who'd you talk to?

22 A. Well, I didn't talk to Mr. Moorhead,
23 but he said in his deposition he didn't hear of
24 it.

1 Q. That's not what he said, sir, but we'll
2 do that at trial.

3 A. Well, what did he say?

4 Q. We'll talk about that at trial. I'm
5 not here to answer your questions.

6 A. Oh, okay. I'm sorry.

7 Q. Okay.

8 A. I'm sorry.

9 Q. Tell me who else you spoke to about
10 what Mr. Egan did as his job as a technician?

11 A. Well, before we get off Mr. Moorhead,
12 he said he didn't hear of it being other -- he
13 didn't hear that happening other than he heard
14 from one person and he was asked who that person
15 was and he said Mr. Egan. That's what he said.

16 Q. Tell me --

17 A. Now, I talked to -- wait a second,
18 please. I talked to Mr. Hoover and asked him if
19 it ever happened, and he's said he's never known
20 of it happening.

21 Q. And when did you speak to Mr. Hoover?

22 A. Last week or two.

23 Q. Okay. How did you find Mr. Hoover;
24 where's he located?

1 A. I got his -- Mr. Skinner was on the
2 conversation with me.

3 Q. So it was you and Mr. Skinner and
4 Mr. Hoover?

5 A. Yes.

6 Q. Okay. And what exactly did Mr. Hoover
7 say to you?

8 A. On that issue, he never heard of it
9 happening. He didn't know of anybody going down
10 there to the Ambler plant to get asbestos.

11 He did say though that if an engineer
12 specifically wanted a certain type of an asbestos
13 out at the plant, something could be set up, but
14 it wasn't a routine function that was happening.

15 Q. Okay. And can you tell me what else
16 did you and Mr. Hoover talk about on that
17 conversation?

18 A. Just the general -- just the general
19 flow of the pilot plant and what was happening
20 and what wasn't happening. I mean it was just
21 general conversation.

22 Q. Well, be specific. What did you talk
23 about?

24 A. I can't be any more specific. I mean I

1 didn't spend a lot of time with him.

2 Q. How long were you on the phone?

3 A. Twenty minutes, 25 minutes.

4 Q. And other than Mr. Hoover, did you
5 speak to anybody else in preparation for today's
6 deposition?

7 A. No, I did not, other than obviously
8 Mr. Skinner.

9 Q. Okay. Did you -- was there a machine
10 known as a slitter at the -- in the main plant?

11 A. Up until what I read in the deposition,
12 I did not know of a machine called the slitter.

13 Q. Okay. Did you read Mr. Egan's
14 description of taking bags of asbestos and
15 putting them into a machine that then processed
16 that asbestos into a more refined product?

17 MR. SKINNER: Objection to form,
18 misstates testimony.

19 THE WITNESS: Yes.

20 BY MR. PLACITELLA:

21 Q. Okay. Did that happen in the Ambler
22 plant; was there a machine that did that?

23 MR. SKINNER: Objection to form.

24 THE WITNESS: I don't know of a

1 slitter. If we put asbestos into the -- into the
2 mix to make pipe at any plant, the asbestos was
3 put in on a conveyor belt. There was no
4 segregation of the asbestos. It was taken out of
5 the bag. It was put on a conveyor belt and it
6 went up to the Willow Mill. And if it had to be
7 somewhat unclumped, so to speak, the Willow Mill
8 did that.

9 BY MR. PLACITELLA:

10 Q. Okay.

11 A. But that was up before it went into the
12 mix with the cement and the silica.

13 Q. And what was -- describe the Willow
14 Mill.

15 A. It just split the asbestos if there was
16 clumps.

17 Q. Well, what did it look like?

18 A. I don't know. I mean it's enclosed. I
19 didn't go up and look at it.

20 Q. You never saw it?

21 A. I saw it from the outside. It was just
22 -- I mean I can't tell you exactly what it was.
23 It was in -- it was encased, enclosed.

24 Q. Did you ever see anybody dump asbestos

1 into the Willow Mill?

2 A. It didn't be dumped into the Willow
3 Mill. It goes from the conveyor up to the Willow
4 Mill. It's put on the conveyor.

5 Q. Is there a platform at the top of the
6 Willow Mill?

7 A. I don't know that.

8 Q. How high is the opening to the Willow
9 Mill where the asbestos goes in?

10 A. I never measured it. I don't know.

11 Q. Well, is it five feet, ten feet,
12 20 feet?

13 A. It was up near where the fiber's gonna
14 be mixed with the cement and the silica.

15 Q. Well, how high?

16 MR. SKINNER: Objection to form.

17 THE WITNESS: I can't answer that
18 question. I don't know how high. Twenty feet,
19 25 feet.

20 BY MR. PLACITELLA:

21 Q. Okay. That's your best estimate?

22 MR. SKINNER: Objection to form.

23 THE WITNESS: I already answered
24 that question, sir. Yes.

1 BY MR. PLACITELLA:

2 Q. Am I annoying you?

3 A. No.

4 MR. SKINNER: Objection to form.

5 THE WITNESS: Heavens, no.

6 Whatever would give you that idea?

7 BY MR. PLACITELLA:

8 Q. So is the Willow Mill, to your
9 knowledge, the only machine in the main plant
10 where asbestos would be shred or further
11 processed?

12 MR. SKINNER: Objection to form.

13 THE WITNESS: For production, yes.

14 BY MR. PLACITELLA:

15 Q. Okay. Was there a machine that did
16 that for some reason other than production?

17 A. No, not that I'm aware of.

18 Q. Do you ever recall bags of asbestos
19 being located in the main plant that had the word
20 Africa on them?

21 A. Yes, I'm pretty sure it did.

22 Q. Do you ever recall asbestos in the main
23 plant with the words Brazil on them?

24 A. No. I never saw that.

1 Q. Okay. Do you ever recall asbestos in
2 the main plant with a bluish -- of a bluish
3 color?

4 A. Well, that was Crocidolite.

5 Q. So the answer's yes?

6 A. Yes.

7 Q. Okay. Do you ever recall asbestos of a
8 grayish color in the main plant?

9 MR. SKINNER: Objection to form.

10 THE WITNESS: As compared to what?
11 I mean asbestos is either -- it's either white or
12 it's blue. Gray, that's a matter of opinion, I
13 guess.

14 BY MR. PLACITELLA:

15 Q. Okay. Just so we're clear for trial,
16 you were never in the Ambler plant during the
17 midnight shift, correct?

18 MR. SKINNER: Objection to form.

19 THE WITNESS: That's correct.

20 BY MR. PLACITELLA:

21 Q. Okay. So you have no personal
22 observation of what went on at the Ambler plant
23 on the midnight shift, correct?

24 MR. SKINNER: Objection to form.

1 THE WITNESS: I don't have any
2 personal, that's correct, yes.

3 BY MR. PLACITELLA:

4 Q. Okay. Now, CertainTeed purchased the
5 Ambler plant from Keasbey & Mattison in 1962,
6 correct?

7 A. Yes.

8 Q. And at that time the president of
9 CertainTeed was Malcolm Meyer?

10 MR. SKINNER: Objection. Objection
11 to form. It's going beyond the scope of personal
12 knowledge here, but...

13 THE WITNESS: Yes.

14 BY MR. PLACITELLA:

15 Q. You know that, correct?

16 A. Yes.

17 Q. Okay. And when CertainTeed purchased
18 the Ambler plant in 1962, Mr. Meyer was aware of
19 the disease asbestosis, correct?

20 MR. SKINNER: Objection to form,
21 calls for speculation.

22 THE WITNESS: I don't know what
23 Mr. Meyer was aware of.

24 BY MR. PLACITELLA:

1 Q. Have you ever testified that Mr. Meyer
2 knew that -- of the disease asbestosis in 1962?

3 A. I don't know --

4 MR. SKINNER: Objection to form as
5 well. Are you talking about testifying as a
6 corporate representative here?

7 MR. PLACITELLA: What he knows.

8 MR. SKINNER: Answer the question.

9 THE WITNESS: I'd say that
10 CertainTeed knew that you could get asbestosis
11 from asbestos if you're subjected to large
12 amounts over a long period of time. I can't tell
13 you whether I mentioned Mr. Meyer's name in
14 particular, but I can tell you what CertainTeed
15 knew.

16 BY MR. PLACITELLA:

17 Q. Did you testify in a case this year
18 known as Ortwein, O-r-t-w-e-i-n?

19 A. I testified at deposition, yes.

20 Q. Okay. You know that that case is being
21 tried right now as we're sitting here in
22 California?

23 A. Yes.

24 Q. Do you recall giving the following

1 testimony in the Ortwein case:

2 I've read your deposition --

3 Question: I've read your deposition
4 that Mr. Meyers obviously knew the hazards of
5 asbestos, correct?

6 Your answer: Yeah. I'm not quite sure
7 I know all Malcolm knew -- Malcolm Meyer knew
8 about asbestos, but he -- he obviously was very
9 much involved in the purchase of the assets of
10 the asbestos cement pipe plants.

11 Question: Well, if you testified last
12 time that in 1962 Mr. Meyers would have known
13 about the hazards of asbestos, you stick by that
14 testimony, correct?

15 Answer: Yeah. I don't know what
16 exactly. I may have said he was aware. There
17 were some knowledge about asbestosis. I don't
18 know whether I mentioned lung cancer or
19 mesothelioma back in 1962, but I did -- I know I
20 would have mentioned that, asbestosis.

21 Do you recall giving that testimony?

22 MR. SKINNER: I'm gonna object to
23 form. The transcript speaks for itself. Can
24 Mr. Ambler see a copy of the testimony?

1 BY MR. PLACITELLA:

2 Q. Do you recall giving that testimony,
3 sir?

4 A. How's that different than what I
5 already told you?

6 Q. Do you recall giving that testimony,
7 sir?

8 A. Well, obviously it's there. Yes.

9 Q. Okay.

10 A. And it's no different than what I've
11 said. Malcolm Meyer was probably aware of that,
12 but I don't know for sure. He was president of
13 the corporation.

14 Q. Okay. The president of the corporation
15 knew about the dangers of asbestos in 1962,
16 correct?

17 MR. SKINNER: Objection to form,
18 asked and answered, mischaracterizes testimony,
19 misleading.

20 THE WITNESS: The testimony's the
21 testimony.

22 BY MR. PLACITELLA:

23 Q. Okay. You've also been asked many
24 questions about Mr. Horowitz, correct?

1 A. Yes.

2 Q. Okay. Mr. Horowitz was an industrial
3 hygienist who worked at Keasbey & Mattison,
4 correct?

5 A. Yes.

6 Q. And he came over to CertainTeed when it
7 purchased the Keasbey & Mattison assets, correct?

8 A. CertainTeed didn't purchase the Keasbey
9 & Mattison assets.

10 Q. They took over the Keasbey & Mattison
11 plant, correct?

12 A. No. We purchased the Keasbey &
13 Mattison asbestos cement pipe assets. Keasbey &
14 Mattison owned a lot of assets we didn't
15 purchase.

16 Q. Okay. Fair enough.

17 And the asbestos cement pipe included
18 the Ambler plant, correct?

19 A. Yes, sir, it did.

20 Q. And before the purchase of the asbestos
21 cement pipe business, Mr. Horowitz worked for
22 Keasbey & Mattison, correct?

23 A. Yes.

24 Q. And then he went to work for

1 CertainTeed --

2 A. Yes.

3 Q. -- correct?

4 A. Yes.

5 Q. And everything he knew when he worked
6 at Keasbey & Mattison, he knew when he worked at
7 CertainTeed, correct?

8 MR. SKINNER: Objection to form,
9 calls for speculation, lacks personal knowledge.

10 You can answer.

11 THE WITNESS: Would you repeat that
12 question, please?

13 BY MR. PLACITELLA:

14 Q. Everything that he knew when he worked
15 about the dangers of asbestos when he worked at
16 Keasbey & Mattison, he knew when he worked at
17 CertainTeed, correct?

18 MR. SKINNER: Objection to form,
19 calls for speculation, lacks personal knowledge.

20 THE WITNESS: I believe everything
21 he heard concerning asbestos and asbestos and
22 health when he was with Keasbey & Mattison
23 transferred with him over to CertainTeed, yes.

24 BY MR. PLACITELLA:

1 Q. Okay. And he eventually became the
2 safety director for CertainTeed, correct?

3 A. Well, I don't know what the different
4 titles he had, but yes, he was very much in
5 charge -- involved in that.

6 Q. Well, you testified in the Delaware --
7 in Delaware that he became the safety director,
8 correct?

9 A. If I did, it's right then.

10 Q. Okay. I'm going to read you a
11 statement that the CertainTeed's lawyer just told
12 the jury last week in California. I want to see
13 if you agree with it. Okay?

14 Horowitz attended scientific meetings.
15 He tried to keep up with the information on
16 asbestos hazards. That was his job. That was
17 what he was supposed to do.

18 Is that a correct statement?

19 A. That's -- it was part of his job, yes.

20 Q. Mr. Horowitz knew about the disease
21 mesothelioma in 1960, correct?

22 MR. SKINNER: Objection to form.

23 THE WITNESS: I don't know that.

24 BY MR. PLACITELLA:

1 Q. Do you recall testifying in the Ortwein
2 case, sir, that Mr. Horowitz knew about the
3 disease mesothelioma in 1960?

4 MR. SKINNER: Objection.
5 Mr. Ambler's testimony in Ortwein speaks for
6 itself.

7 BY MR. PLACITELLA:

8 Q. Do you recall giving that testimony,
9 sir, under oath?

10 A. In the year 1960?

11 Q. Yes, sir.

12 A. Show me that, please.

13 MR. PLACITELLA: We'll take a break
14 and we'll pull it out.

15 BY MR. PLACITELLA:

16 Q. Am I correct that Mr. Horowitz
17 acknowledged that there was a relationship
18 between lung cancer and asbestos exposure dating
19 back to 1935?

20 MR. SKINNER: Objection to form.
21 Mr. Ambler's testimony in the Ortwein case speaks
22 for itself, calls for speculation.

23 You can answer.

24 THE WITNESS: I said that in the

1 Ortwein case, is that what you're asking me?

2 BY MR. PLACITELLA:

3 Q. I'm asking you, sir, whether
4 Mr. Horowitz acknowledged that there was a
5 relationship known between asbestos and lung
6 cancer dating back to 1935?

7 MR. SKINNER: Same objections.
8 Mr. Ambler's prior testimony speaks for itself.
9 I suggest if you have something like that, you
10 can show it to him.

11 THE WITNESS: Yeah, he may have --
12 he may have said he heard of that. I don't know
13 whether he confirmed that or not.

14 BY MR. PLACITELLA:

15 Q. Well, he put that in a memo, didn't he?

16 MR. SKINNER: Again, objection to
17 form. The memo will speak for itself.

18 THE WITNESS: That he heard of --
19 I'm sorry. That he heard of it, I'm sure he did.

20 BY MR. PLACITELLA:

21 Q. Mr. Horowitz was aware, was he not,
22 that by 1961 there were already 15 Ambler
23 employees who got sick from dust exposure?

24 MR. SKINNER: Objection to form,

1 calls for speculation, lacks personal knowledge.
2 I'm sure Mr. Horowitz's documents or testimony
3 will speak for itself.

4 THE WITNESS: What's your question,
5 sir? I'm sorry.

6 BY MR. PLACITELLA:

7 Q. Yes, sir.

8 Mr. Horowitz, when he came to
9 CertainTeed, he knew that there were at least 15
10 Ambler employees who were already sick from dust
11 exposure from the Ambler plant, correct?

12 MR. SKINNER: Same objections.
13 Objection to form as well.

14 THE WITNESS: I don't know that.
15 If he said that, I mean he's testifying.

16 BY MR. PLACITELLA:

17 Q. You don't know that?

18 A. I don't know whether he said that or
19 not.

20 MR. PLACITELLA: Can we mark this
21 next?

22 (A document was marked as Exhibit
23 Ambler-24 for identification.)

24 BY MR. PLACITELLA:

1 Q. I want to show you what's been marked
2 Ambler-24, ask if you've seen this document
3 before?

4 MR. SKINNER: Object. The document
5 speaks for itself and also on the grounds of
6 authenticity as this did not come from
7 CertainTeed's records.

8 BY MR. PLACITELLA:

9 Q. You've testified about this document
10 before, haven't you, sir?

11 A. I don't know -- I mean I've seen --
12 I've been asked questions about so many of
13 Horowitz's documents. I mean I can't
14 differentiate one from the other, but I mean if
15 there's evidence that I've seen this before -- it
16 looks like I've seen this where it says Horowitz
17 No. 15, June 30.

18 Q. Do you have any reason to dispute the
19 authenticity of this document, sir?

20 MR. SKINNER: Objection to form,
21 calls for a legal conclusion.

22 THE WITNESS: Well, as far as him
23 writing this?

24 BY MR. PLACITELLA:

1 Q. Yes, sir.

2 A. Well, it didn't come out of
3 CertainTeed's files. I'll say that.

4 Q. Well, it predated CertainTeed, correct?

5 A. Well, okay, but it doesn't mean it
6 couldn't be in their files under a Bates stamp
7 number. And I don't see a Bates stamp number, so
8 I don't know where this came from.

9 Q. Okay. Does this document indicate that
10 Mr. Horowitz was aware in 1961 of people who
11 worked at the Ambler plant who were sick from
12 exposure to dust? I've highlighted it for you.

13 MR. SKINNER: Objection. The
14 document speaks for itself.

15 THE WITNESS: It says what it says.
16 There were 15 had been reported as possible
17 pulmonary disease or damage. That's what it
18 says.

19 BY MR. PLACITELLA:

20 Q. Okay.

21 A. I'm sorry.

22 Q. Not a problem.

23 Remember when I asked you about whether
24 Mr. Horowitz knew about mesothelioma in 1960; do

1 you recall that?

2 A. Yes.

3 Q. Okay. And you said I never said that,
4 show it to me?

5 MR. SKINNER: Objection to form,
6 mischaracterizes testimony.

7 BY MR. PLACITELLA:

8 Q. Remember that?

9 A. Show it to me.

10 Q. Okay. I want you to look at page 1223
11 of your testimony in the Ortwein case, which was
12 less than a year ago. And can you read out loud
13 lines two through 11, please?

14 MR. SKINNER: I'm going to object.
15 Mr. Ambler's testimony in Ortwein as a whole
16 speaks for itself and he's been only provided
17 with an excerpt to that testimony here.

18 MR. PLACITELLA: Yes, sir.

19 THE WITNESS: Two through 11?

20 BY MR. PLACITELLA:

21 Q. Yes, sir.

22 MR. SKINNER: I also object that
23 doesn't -- well, where's the page -- where's the
24 previous page?

1 MR. PLACITELLA: I'm asking him to
2 read those pages.

3 MR. SKINNER: Well, I would just
4 note for the record the context is entirely
5 missing. We don't know what the preceding
6 testimony was.

7 BY MR. PLACITELLA:

8 Q. Could you just read it, sir?

9 MR. SKINNER: I'm just making this
10 clear for the record. You're taking the question
11 completely out of context.

12 MR. PLACITELLA: How do you know
13 that?

14 MR. SKINNER: I don't know that.

15 BY MR. PLACITELLA:

16 Q. Can you read that, sir?

17 MR. SKINNER: I wish I did know
18 that.

19 BY MR. PLACITELLA:

20 Q. Could you read that 'cause you said you
21 never testified about that? Could you read that,
22 sir, please?

23 MR. SKINNER: Objection. It
24 mischaracterizes testimony.

1 Mr. Ambler, you can read that. Of
2 course, the testimony speaks for itself, but
3 please read the testimony from the Ortwein case.

4 THE WITNESS: And what did you say
5 I testified?

6 BY MR. PLACITELLA:

7 Q. Sir, could you read the testimony?

8 A. No. I want to know --

9 Q. Sir, can you read the testimony,
10 please?

11 A. I want to know what you said -- I'd
12 like to know what you said I testified to.

13 MR. SKINNER: Mr. Ambler, he's
14 mischaracterizing your prior testimony. It's
15 fine. Just read the two to 11.

16 BY MR. PLACITELLA:

17 Q. Out loud, please.

18 A. And you mentioned that you did have the
19 opportunity to review at least -- at least a
20 couple of Mr. Horowitz's depositions. Did you
21 review Mr. Horowitz's deposition when he stated
22 that he learned in 1960 about mesothelioma.

23 Ms. Geiss (ph), objection to form,
24 misrepresents the deposition.

1 Go ahead.

2 Yeah. I don't think he said he
3 learned. He heard about it. And you asked me if
4 he learned --

5 MR. SKINNER: Mr. Ambler, it's
6 okay.

7 BY MR. PLACITELLA:

8 Q. So is it your testimony, sir, that
9 Mr. Horowitz heard about mesothelioma in 1960?

10 MR. SKINNER: Objection to form.
11 Mr. Ambler's prior testimony on this matter and
12 Mr. Horowitz's testimony on this matter, who's
13 the one who would actually has personal knowledge
14 of this, speaks for itself.

15 Mr. Ambler, you can answer.

16 THE WITNESS: Yeah. I mean he --
17 evidently, he --

18 MR. SKINNER: And again, for the
19 record --

20 MR. PLACITELLA: Why are cutting
21 off your own witness? Let him answer the
22 question.

23 MR. SKINNER: I am letting him
24 answer the question. Why aren't you giving my

1 witness an entire transcript?

2 MR. PLACITELLA: Because that's not
3 required under the rules and you know it. Stop
4 testifying and stop interrupting your own
5 witness.

6 MR. SKINNER: I am not testifying.
7 I am not testifying.

8 BY MR. PLACITELLA:

9 Q. Sir, is it your testimony as you sit
10 here today that Mr. Horowitz learned about
11 mesothelioma in 1960?

12 MR. SKINNER: And once again so the
13 record's clear, I'm going to make my objection
14 that Mr. Ambler's prior testimony on this matter
15 as a whole will speak for itself, that Mr.
16 Horowitz's testimony on this matter, which he did
17 have personal knowledge, will speak for itself,
18 and that Mr. Ambler has not been provided with
19 that complete testimony, but rather a single page
20 from -- page 1223, and so apparently a thousand
21 plus pages of deposition testimony, but based on
22 all that, Mr. Ambler, I object to the form and
23 the mischaracterization of your previous
24 testimony. You can answer.

1 THE WITNESS: The way I answered it
2 is I don't think he said he learned. He heard
3 about it.

4 BY MR. PLACITELLA:

5 Q. Okay.

6 A. That's right, he did hear about it.

7 Q. So let's just be clear. Mr. Horowitz
8 heard about the disease mesothelioma in 1960; can
9 we agree on that?

10 MR. SKINNER: Objection to form,
11 lacks personal knowledge. The prior testimony
12 will speak for itself.

13 THE WITNESS: That's what he says.

14 BY MR. PLACITELLA:

15 Q. Okay. Am I correct that in the early
16 1960s Mr. Horowitz believed that the safety
17 standard to protect human beings from asbestos
18 exposure needed to be cut in half?

19 MR. SKINNER: Objection to form,
20 lacks personal knowledge.

21 THE WITNESS: He recommended that
22 it should be cut from 5 million particles per
23 cubic foot of air to two-and-a-half million
24 particles per cubic foot of air. He did

1 recommend that, yes.

2 BY MR. PLACITELLA:

3 Q. Am I correct that within four months of
4 CertainTeed taking over the Ambler plant or
5 taking over for Keasbey & Mattison, that it was
6 starting to hear about asbestos and lung cancer?

7 MR. SKINNER: I'm gonna --
8 objection to form. Again, Mr. Ambler's here in
9 his personal capacity, so you're asking about
10 questions about what CertainTeed was hearing
11 four years, five years before he started, so it's
12 beyond scope, lacks foundation, lacks personal
13 knowledge, but you can answer if you can, Mr.
14 Ambler.

15 THE WITNESS: What's the question
16 again, please?

17 BY MR. PLACITELLA:

18 Q. Let me just -- let me back up for a
19 second.

20 You have been -- you have testified
21 numerous times, have you not, as the
22 representative for CertainTeed concerning what it
23 knew about the dangers of asbestos and when,
24 correct?

1 MR. SKINNER: And I'm gonna object.
2 That testimony speaks for itself. You show it to
3 Mr. Ambler if you want to ask him questions about
4 any specific testimony.

5 THE WITNESS: That is true, yes,
6 sir.

7 BY MR. PLACITELLA:

8 Q. Okay. Tell me on behalf of CertainTeed
9 if the following statement is true.

10 MR. SKINNER: I'm gonna object.
11 He's not here on behalf of CertainTeed. He's
12 here in his personal capacity.

13 BY MR. PLACITELLA:

14 Q. Okay.

15 We only owned -- not we, CertainTeed,
16 only owned the plant for four months.
17 CertainTeed was starting to hear about lung
18 cancer. This is through Leon Horowitz. He's the
19 industrial hygienist. He's the guy that
20 CertainTeed hired to keep up on that.

21 Is that a true statement?

22 MR. SKINNER: I'm gonna object.
23 Mr. Ambler's not speaking on behalf of
24 CertainTeed today. He's testifying in his

1 personal capacity. I object to the form. And
2 that prior testimony apparently -- apparently
3 comes from prior testimony. It will speak for
4 itself. Mr. Ambler has not been shown that
5 testimony, even that snippet, not only the entire
6 context, but that said, you may answer, Mr.
7 Ambler.

8 THE WITNESS: Can I see that, sir,
9 please?

10 BY MR. PLACITELLA:

11 Q. I'll read it to you again.

12 A. Why can't I see it?

13 Q. Because I'm asking the question, sir.
14 I'm asking if you agree with the statement?

15 MR. SKINNER: Mr. Ambler, it's
16 okay. He's not going to show you the
17 transcripts. He's doing this for his own -- he's
18 making his own choices in this front, and I'm
19 making the record that you are not being shown
20 any of these transcripts you're being asked
21 about.

22 I'm just making the point that your
23 prior testimony speaks for itself and if wants to
24 continue questioning you about that testimony,

1 that's fine. So just answer his question.

2 BY MR. PLACITELLA:

3 Q. I'm asking if you know the following
4 statement to be true:

5 Within four months of buying the K&M
6 pipe business, CertainTeed -- quote, CertainTeed
7 was starting to hear about lung cancer. This is
8 through Leon Horowitz. He's the industrial
9 hygienist. He's the guy that CertainTeed hired
10 to keep on top of that.

11 Is that a true statement?

12 MR. SKINNER: I'm going to, again,
13 object to the form. I'm also going to object the
14 prior testimony speaks for itself. And this
15 appears to be a quotation from your prior
16 testimony, Mr. Ambler. I'm gonna also object to
17 the question to the extent Mr. Ambler lacks
18 personal knowledge of events that happened five
19 years before he was hired by CertainTeed.

20 You can answer.

21 THE WITNESS: I don't know. I
22 don't remember the four months, Mr. Placitella,
23 but I have testified numerous times that in the
24 mid-'60s CertainTeed was certainly starting to

1 hear about lung cancer and the meso if you're
2 subjected to large amounts of asbestos over long
3 periods of time, and I have testified numerous
4 times about that.

5 BY MR. PLACITELLA:

6 Q. Okay. So you can't answer my question
7 whether that's a true statement?

8 A. Well, I don't know about the
9 four months.

10 MR. SKINNER: Objection to form,
11 mischaracterizes testimony.

12 BY MR. PLACITELLA:

13 Q. I'm just asking you a question, sir.

14 MR. SKINNER: Objection to form,
15 asked and answered.

16 BY MR. PLACITELLA:

17 Q. Just say I don't know. That's fine.

18 MR. SKINNER: I'm gonna object to
19 form, argumentative. Mr. Ambler, you can add --
20 you can amplify your answer if you'd like.

21 THE WITNESS: I've told you what
22 I've testified to in the past.

23 BY MR. PLACITELLA:

24 Q. Am I correct that by -- in 1962

1 executives at CertainTeed were discussing this
2 topic of asbestos and cancer?

3 MR. SKINNER: Objection to form,
4 lacks personal knowledge of events that happened
5 five years before his employment at CertainTeed
6 began and the document will speak for itself that
7 you're reading from.

8 THE WITNESS: It could -- they
9 could have been.

10 MR. PLACITELLA: Can you mark this,
11 please?

12 (A document was marked as Exhibit
13 Ambler-25 for identification.)

14 BY MR. PLACITELLA:

15 Q. I'm going to show you what's been
16 marked Ambler-25, a September 25, 1962, memo from
17 Mr. Horowitz. You've seen this before, correct?

18 A. I have seen this before, yes, sir.

19 Q. And you've testified about this before
20 as the representative of CertainTeed, have you
21 not?

22 MR. SKINNER: I'm gonna object to
23 form and to the authenticity of the document. It
24 didn't come from CertainTeed's files.

1 THE WITNESS: I mean what did I
2 testify about?

3 BY MR. PLACITELLA:

4 Q. You've testified about this document as
5 the CertainTeed corporate representative with the
6 most knowledge concerning the historical dangers
7 of asbestos, correct?

8 MR. SKINNER: Same objections, and
9 Mr. Ambler's prior testimony will speak for
10 itself.

11 THE WITNESS: I don't -- I mean --
12 I already told you what I've testified to, sir,
13 that CertainTeed was hearing information
14 concerning lung cancer and the mesothelioma in
15 the mid-'60s if you're subjected to large amounts
16 of asbestos over long periods of time.
17 Asbestosis was known in the '62 area and that's
18 what I've testified to.

19 BY MR. PLACITELLA:

20 Q. Okay. Well, let's look at this
21 document. This is dated 1962?

22 A. Yes.

23 Q. This is from Mr. Horowitz?

24 A. Yes.

1 Q. This is entitled Ambler Engineering on
2 the left?

3 A. Yes.

4 Q. Where was Ambler --

5 A. No. No. Oh, I'm sorry. You're right.

6 Q. Left and right?

7 A. Yes.

8 Q. And there's to a Mr. Johnson. Do you
9 know who he was?

10 A. No.

11 Q. Where was Ambler Engineering located in
12 1962?

13 A. I would think it was at the Broad Axe
14 office, but I'm not sure of that.

15 Q. Okay. And who was M.S. Davis, if you
16 know?

17 A. Yeah. He was -- in 1962 I believe he
18 was head of the asbestos cement pipe division. I
19 can only tell you he was when I came to work in
20 '67. I don't know whether he was in '62 or not.

21 MR. SKINNER: I'm gonna just insert
22 an objection there. Lacks foundation and lacks
23 personal knowledge.

24 BY MR. PLACITELLA:

1 Q. Did you know who he was, sir?

2 MR. SKINNER: He just testified.

3 THE WITNESS: I met Mr. Davis, yes.

4 BY MR. PLACITELLA:

5 Q. And who is Mr. Fink?

6 A. I don't know him.

7 Q. Okay. Do you have any reason to
8 dispute the authenticity of this document, sir?

9 MR. SKINNER: Objection to form,
10 calls for a legal conclusion.

11 THE WITNESS: None other than the
12 fact it doesn't have -- it didn't come out of
13 CertainTeed's files.

14 BY MR. PLACITELLA:

15 Q. Well, you didn't produce it, but it's a
16 CertainTeed document, isn't it, sir?

17 MR. SKINNER: Objection to form,
18 misstates documents, assumes facts not in
19 evidence.

20 THE WITNESS: It doesn't have a
21 CertainTeed Bates stamp on it, so it didn't come
22 out of their files. Now, it certainly looks like
23 a CertainTeed document to me.

24 BY MR. PLACITELLA:

1 Q. Well, it's from Mr. Horowitz who worked
2 for CertainTeed, correct?

3 A. Yes.

4 Q. To people who worked for CertainTeed,
5 correct?

6 A. Yes.

7 Q. Okay. And did you have an office in
8 Ardmore, Pennsylvania?

9 A. Did I personally?

10 Q. No. CertainTeed?

11 A. Yes.

12 Q. Okay. Are you aware that CertainTeed
13 was a member of the Asbestos Textile Institute at
14 one point?

15 MR. SKINNER: Objection to form,
16 assumes facts not in evidence, misstates
17 evidence, lacks foundation, lacks personal
18 knowledge.

19 You can answer.

20 THE WITNESS: CertainTeed was never
21 a member of the American (sic) Textile Institute.

22 BY MR. PLACITELLA:

23 Q. Do you know whether CertainTeed
24 attended meetings of the Asbestos Textile

1 Institute?

2 A. Yes.

3 MR. SKINNER: Same objection.

4 BY MR. PLACITELLA:

5 Q. They did?

6 A. Yes.

7 Q. And here Mr. Horowitz in 1962 writes,
8 there has been much concern by medical
9 authorities about the relationship of asbestosis
10 and cancer.

11 Do you see that?

12 MR. SKINNER: Objection. The
13 document speaks for itself.

14 THE WITNESS: Yes.

15 BY MR. PLACITELLA:

16 Q. Okay. The British and South Africans
17 have associated lung cancer and asbestosis since
18 1935.

19 Do you see that?

20 MR. SKINNER: Same objections.

21 THE WITNESS: With asbestosis, not
22 and.

23 BY MR. PLACITELLA:

24 Q. With?

1 A. With, yeah.

2 Q. Okay. Now, would you agree with me
3 that by 1964 the subject of asbestos and cancer
4 was extensively discussed and well-known within
5 CertainTeed?

6 MR. SKINNER: Objection to form,
7 vague, and -- you can answer.

8 THE WITNESS: Well, it was
9 certainly discussed because they were starting to
10 hear that there was a relationship between lung
11 cancer and -- what was the other one you said,
12 sir? I'm sorry.

13 BY MR. PLACITELLA:

14 Q. Mesothelioma.

15 A. And mesothelioma if you were subjected
16 to large amounts of asbestos over long periods of
17 time. Yes, it was being discussed.

18 Q. And Mr. Horowitz actually attended two
19 separate conferences that you've testified about
20 in the past concerning asbestos and lung cancer
21 in 1964, correct?

22 MR. SKINNER: Objection to form.
23 Prior testimony will speak for itself.

24 THE WITNESS: What were the

1 conferences?

2 BY MR. PLACITELLA:

3 Q. Well, did you testify that he attended
4 two separate conferences?

5 MR. SKINNER: Objection.

6 Mr. Ambler's prior testimony will speak for
7 itself.

8 THE WITNESS: Yeah. I'd like to
9 know what the conferences were. I mean I may
10 have. If you told me the conferences, I can tell
11 you whether he did or not.

12 MR. PLACITELLA: Can you mark this?

13 (A document was marked as Exhibit
14 Ambler-26 for identification.)

15 BY MR. PLACITELLA:

16 Q. I'm going to show you what's been
17 marked Ambler-26, ask you if you've ever seen
18 this document before?

19 A. I believe I have.

20 Q. And you've testified about it before,
21 correct?

22 A. I believe I have.

23 MR. SKINNER: Objection. Prior
24 testimony will speak for itself.

1 BY MR. PLACITELLA:

2 Q. And this is dated June 1, 1964,
3 correct?

4 A. Yes.

5 Q. And it's labeled private and
6 confidential. Do you see that?

7 A. Yes.

8 Q. And it's from Mr. Horowitz?

9 A. Yes.

10 Q. To Mr. Lanz?

11 A. Yes.

12 Q. Who's Mr. Lanz?

13 A. Back in 1964 he was -- he had some
14 management position within the asbestos cement
15 pipe division. I don't know what it was.

16 Q. At the Ambler plant, correct?

17 A. No. For the -- no. For the whole
18 company.

19 Q. For the whole company?

20 A. Yes.

21 Q. Okay. Do you have any reason to
22 dispute the authenticity of this document?

23 MR. SKINNER: And I'm gonna just
24 insert an objection. It didn't come from

1 CertainTeed's files.

2 MR. PLACITELLA: Well, that's too
3 bad.

4 MR. SKINNER: Calls for a legal
5 conclusion.

6 You can answer.

7 THE WITNESS: No, I don't. No, I
8 don't.

9 BY MR. PLACITELLA:

10 Q. Okay. He states in the first
11 paragraph, I have read the paper Asbestos
12 Exposure and Neoplasia with great interest
13 especially since I heard the author, Dr.
14 Selikoff, discuss the same subject at the
15 American Industrial Hygiene meeting in
16 Philadelphia on April 29, 1964.

17 Do you see that?

18 MR. SKINNER: Objection. The
19 document speaks for itself.

20 THE WITNESS: Yes.

21 BY MR. PLACITELLA:

22 Q. Okay. So according to this document,
23 Mr. Horowitz went to Philadelphia, heard Mr. --
24 Dr. Selikoff speak about the subject of asbestos

1 and cancer in April 1964, correct?

2 MR. SKINNER: Objection. The
3 document speaks for itself.

4 THE WITNESS: Yes.

5 BY MR. PLACITELLA:

6 Q. And one of the things that Mr. Horowitz
7 was concerned about in writing this document was
8 getting sued eventually, correct?

9 MR. SKINNER: Objection to form,
10 calls for speculation, lacks personal knowledge,
11 lacks foundation.

12 THE WITNESS: Mr. Horowitz was
13 concerned about being sued; is that your
14 question?

15 BY MR. PLACITELLA:

16 Q. Yes, sir.

17 A. I don't know that.

18 Q. Does he state -- does he talk about the
19 stigma of cancer?

20 A. Where? Where's that?

21 Q. In the third paragraph.

22 MR. SKINNER: Objection to form.
23 The document speaks for itself.

24 THE WITNESS: Yes. I read it.

1 BY MR. PLACITELLA:

2 Q. And does he relate that when he went to
3 a meeting of the Asbestos Textile Institute,
4 there was discussion about the high cost of
5 compensation and product liability litigation?

6 MR. SKINNER: Objection to the
7 form. The document speaks for itself.

8 THE WITNESS: Yes.

9 BY MR. PLACITELLA:

10 Q. In other words, being sued?

11 MR. SKINNER: Objection to form,
12 argumentative.

13 BY MR. PLACITELLA:

14 Q. Correct?

15 MR. SKINNER: The document speaks
16 for itself.

17 THE WITNESS: Yes.

18 BY MR. PLACITELLA:

19 Q. Did Mr. Horowitz then go to another
20 conference in the same year held by or hosted by
21 Dr. Selikoff?

22 MR. SKINNER: Objection to form.
23 The prior testimony will speak for itself.

24 THE WITNESS: I don't know if he

1 did or not. If you have it there, I'll
2 certainly...

3 BY MR. PLACITELLA:

4 Q. Have you ever testified about the
5 Selikoff conference that was held in October 1964
6 in New York City?

7 MR. SKINNER: Objection.
8 Mr. Ambler's prior testimony will speak for
9 itself.

10 THE WITNESS: I mean the date
11 doesn't jump out at me, but if you say I did, I
12 did.

13 BY MR. PLACITELLA:

14 Q. I'm just asking you questions.

15 A. Well, you have the --

16 MR. SKINNER: Mr. Ambler, it's
17 okay. He's doing this for a reason.

18 MR. PLACITELLA: Can you mark this,
19 please?

20 (A document was marked as Exhibit
21 Ambler-27 for identification.)

22 BY MR. PLACITELLA:

23 Q. I'm gonna show you what's been marked
24 Ambler-27 dated November 3, 1964, and ask you if

1 you've ever seen this document before?

2 MR. SKINNER: I'm gonna, again,
3 object as to grounds of authenticity and lacks
4 foundation, lacks personal knowledge.

5 THE WITNESS: Yes, I have.

6 BY MR. PLACITELLA:

7 Q. And you've testified about this
8 document as the representative for CertainTeed,
9 correct?

10 A. Yes.

11 Q. Okay. And this document is from an
12 M.C. Shaw. Who is he?

13 A. He was a consultant at that time for
14 CertainTeed Corporation.

15 Q. He's a medical doctor?

16 A. I don't know the answer to that
17 question.

18 Q. Okay. What was his job as a
19 consultant, do you know?

20 A. I don't know what his job description
21 was.

22 Q. And it's to a Mr. Hutchcroft. Do you
23 see that?

24 A. Yes.

1 Q. Who is he?

2 A. At that time he could have been in
3 charge of research for the asbestos cement pipe
4 division, but he was in research up 'til the time
5 that he left the company.

6 Q. Right. He worked right in the same
7 building where Mr. Egan eventually worked, didn't
8 he?

9 A. Yes, he did. He had an office in that
10 same building, yes.

11 Q. Right. And this memo went directly to
12 the same building that Mr. Egan went to work,
13 didn't it?

14 MR. SKINNER: Objection to form.

15 THE WITNESS: It went to Clyde
16 Hutchcroft, yes.

17 BY MR. PLACITELLA:

18 Q. Okay. And do you have any reason to
19 dispute the authenticity of this document, sir?

20 A. No.

21 Q. Okay. The title of the document is
22 Conference on Biological Effects of Asbestos, New
23 York Academy of Sciences. Do you see that?

24 A. Yes.

1 Q. Okay. And he states, does he not, the
2 conference on Biological Effects of Asbestos was
3 held from Monday, October 19th through Wednesday,
4 October 21st and was attended by some two hundred
5 medical authorities and pathologists, asbestos
6 fiber authorities and air hygienists from many
7 countries throughout the world.

8 Did I read that correctly?

9 MR. SKINNER: Objection to form.
10 The document speaks for itself.

11 THE WITNESS: Yes.

12 BY MR. PLACITELLA:

13 Q. Okay. He goes on to say, Mr. Horowitz
14 and I arrived in New York on Sunday afternoon,
15 October 18th and immediately contacted certain of
16 those members of Turner Brothers Asbestos Company
17 who were in attendance representing the
18 Asbestosis Research Council of England.

19 Did I read that correctly?

20 MR. SKINNER: Objection. The
21 document speaks for itself.

22 THE WITNESS: Yes.

23 BY MR. PLACITELLA:

24 Q. What was the relationship at that time,

1 if you know, between CertainTeed and Turner
2 Brothers Asbestos Company?

3 MR. SKINNER: Objection, beyond the
4 scope, lacks personal knowledge. If he said you
5 testified about it before, your testimony will
6 speak for itself.

7 THE WITNESS: I don't know what the
8 relationship is or was.

9 BY MR. PLACITELLA:

10 Q. Was there a relationship?

11 THE WITNESS: I don't know.

12 MR. SKINNER: Same objections.

13 BY MR. PLACITELLA:

14 Q. You have no idea?

15 A. There must have been if they met with
16 them, but I don't know what it was.

17 Q. You didn't know whether they were part
18 owner of CertainTeed at that point in time?

19 MR. SKINNER: Objection to form,
20 misstates evidence.

21 THE WITNESS: I don't know who the
22 Turner Brothers Asbestos Company, what their --
23 what their relationship, if any, was with Turner
24 & Newall.

1 BY MR. PLACITELLA:

2 Q. Turner & Newall?

3 A. Yes.

4 Q. What was the relationship between
5 Turner & Newall and CertainTeed in 1964 to your
6 knowledge?

7 MR. SKINNER: Objection. Again,
8 beyond the scope, lacks personal knowledge, lacks
9 foundation, calls for speculation.

10 THE WITNESS: Well, Turner & Newall
11 had something to do with the sale of the asbestos
12 cement pipe assets from K&M to CertainTeed.

13 BY MR. PLACITELLA:

14 Q. And Turner & Newall became an equity
15 owner of CertainTeed, did it not?

16 MR. SKINNER: Objection to form and
17 same objections as stated previously.

18 THE WITNESS: Yes.

19 BY MR. PLACITELLA:

20 Q. Okay. And Turner & Newall had doctors
21 on staff that CertainTeed had access to and
22 discussed issues of asbestos and health with, did
23 they not?

24 MR. SKINNER: Objection to form,

1 misstates evidence, again, lacks foundation,
2 lacks personal knowledge, calls for speculation.

3 THE WITNESS: I don't know.

4 BY MR. PLACITELLA:

5 Q. Did Turner & Newall supply asbestos
6 fiber to CertainTeed during the 1960s?

7 MR. SKINNER: Objection to form,
8 lacks foundation, lacks personal knowledge, calls
9 for speculation.

10 THE WITNESS: There was some
11 involvement, but I don't know what the total
12 involvement was, but yes, there was some
13 involvement.

14 BY MR. PLACITELLA:

15 Q. And it says a little bit further down
16 on this document that Horowitz and Shaw, quote,
17 we contacted and talked with most of the members
18 of this group as well as members of the Council
19 representing Cape Asbestos and British Belting
20 and Asbestos Limited.

21 Do you see that?

22 A. No.

23 Q. Right here. Make it easy.

24 A. Oh, okay. Okay.

1 Q. Okay. Was Cape Asbestos a supplier of
2 raw asbestos fiber to CertainTeed during the
3 1960s?

4 MR. SKINNER: Objection to form,
5 lacks foundation, calls for speculation.

6 You can answer.

7 THE WITNESS: I don't know.

8 BY MR. PLACITELLA:

9 Q. Okay. Can you go to the second page,
10 please? It talks about what happened at the
11 conference.

12 It says, the conference was organized
13 under the direction of Dr. Irvin Selikoff, Mount
14 Sinai Hospital.

15 Do you see that?

16 A. Yes.

17 Q. And then it goes down a little further.
18 It talks about the subjects covered. The
19 subjects covered ranged from the geology and
20 physical and chemical properties of the several
21 asbestiform minerals to such medical
22 consideration as pulmonary asbestosis, neoplasia
23 and mesothelioma tumors presumably resulting
24 therefrom.

1 Do you see that?

2 MR. SKINNER: Objection. The
3 document speaks for itself.

4 THE WITNESS: You read it
5 correctly.

6 BY MR. PLACITELLA:

7 Q. He goes on to tell the people in
8 research where Mr. Egan eventually worked. On
9 the next page, tumorous growths were shown not
10 only in animals, but in men and women who had
11 autopsies and the evidence apparently served to
12 prove that asbestos was the cause of malady.

13 Do you see that?

14 MR. SKINNER: Objection to form.
15 The document speaks for itself.

16 THE WITNESS: What page are you on?

17 BY MR. PLACITELLA:

18 Q. Same page, No. 2.

19 A. You read it right.

20 Q. And then he talks about some of the
21 papers and presentations that he heard when he
22 went to this conference, correct?

23 MR. SKINNER: Objection to form.
24 The document speaks for itself.

1 THE WITNESS: Yes.

2 BY MR. PLACITELLA:

3 Q. And one of the papers was where they
4 found asbestos in the donkeys and the dogs who
5 were in the neighborhoods where there was
6 asbestos factories and mines, correct?

7 MR. SKINNER: Objection to form.
8 The document speaks for itself.

9 THE WITNESS: That's what it says.

10 BY MR. PLACITELLA:

11 Q. All right. And then he talks about a
12 report of a case in England where a little girl
13 developed mesothelioma from living next door to
14 an asbestos factory, right?

15 MR. SKINNER: Objection to form.
16 The document speaks for itself.

17 THE WITNESS: That's what it says.

18 BY MR. PLACITELLA:

19 Q. And then he goes on to say that he
20 learned from another doctor that even a few
21 asbestos bodies can cause disease, correct?

22 MR. SKINNER: Objection to form.
23 The document speaks for itself.

24 THE WITNESS: Where are you reading

1 that, sir?

2 BY MR. PLACITELLA:

3 Q. No. 3, Dr. Magelschmidt reported that
4 the amount of asbestos exposure in time and
5 quantity is not necessarily the important factor.
6 One or very few asbestos bodies can serve as the
7 mechanism for the development of the malady.

8 Do you see that?

9 A. Yes. You read it right.

10 Q. Okay. On the next page he talks about
11 -- and I'm not going to go through each one.

12 More about cancer and asbestos, correct?

13 MR. SKINNER: Objection to form.

14 The document speaks for itself.

15 THE WITNESS: He's written what
16 he's written.

17 BY MR. PLACITELLA:

18 Q. And then he said he also had
19 discussions with Dr. Gaze from Cape Asbestos,
20 correct?

21 MR. SKINNER: Objection. The
22 document speaks for itself.

23 THE WITNESS: Yes.

24 BY MR. PLACITELLA:

1 Q. And he met with the doctor for Johns
2 Manville, correct?

3 MR. SKINNER: Objection. The
4 document speaks for itself.

5 THE WITNESS: Yes.

6 BY MR. PLACITELLA:

7 Q. And when this was all done, his
8 recommendation to CertainTeed was to combine
9 forces with the rest of the asbestos industry and
10 try to combat what he learned at that conference,
11 right?

12 MR. SKINNER: Objection to form,
13 mischaracterizes the document. The document
14 speaks for itself.

15 THE WITNESS: Would you show me
16 that, please?

17 BY MR. PLACITELLA:

18 Q. Yeah. Go to the last page. Does he
19 state and tell the people in research to combat
20 this sort of publicity, the overall industry
21 will have to combine forces and establish a case
22 history record file that will disprove such
23 claims?

24 MR. SKINNER: Objection. The

1 document speaks for itself.

2 THE WITNESS: And your question is?

3 MR. PLACITELLA: Read my question
4 back, please.

5 (The question was read back by the
6 court reporter.)

7 MR. SKINNER: Same objection. The
8 document speaks for itself.

9 THE WITNESS: I think in that
10 paragraph, sir, he was more concerned about
11 ingestion and the sale of pipe because of
12 ingestion.

13 BY MR. PLACITELLA:

14 Q. Okay. When Leon Horowitz got back to
15 the office, he also drafted a report that was
16 circulated at CertainTeed, correct?

17 MR. SKINNER: Objection to form,
18 lacks foundation, lacks personal knowledge.

19 THE WITNESS: Yes.

20 BY MR. PLACITELLA:

21 Q. And you've testified about that in the
22 past, correct?

23 A. Yes.

24 Q. Okay.

1 MR. PLACITELLA: Mark this, please.

2 (A document was marked as Exhibit
3 Ambler-28 for identification.)

4 BY MR. PLACITELLA:

5 Q. You have 28 in front of you?

6 A. Yes.

7 Q. You've testified about this before,
8 correct?

9 MR. SKINNER: Objection. Prior
10 testimony speaks for itself.

11 THE WITNESS: I believe I have.
12 I've certainly seen it.

13 BY MR. PLACITELLA:

14 Q. And this is a memo November 10, 1964
15 from Mr. Horowitz, correct?

16 MR. SKINNER: Objection. The
17 document speaks for itself.

18 THE WITNESS: Yes.

19 BY MR. PLACITELLA:

20 Q. And do you have any reason to dispute
21 the authenticity of this document?

22 A. No.

23 MR. SKINNER: I'm gonna just insert
24 an objection to the authenticity.

1 THE WITNESS: Well, then --

2 MR. PLACITELLA: Of course you
3 will.

4 THE WITNESS: I'm sorry.

5 BY MR. PLACITELLA:

6 Q. This is to a Mr. Davis. Who was Mr.
7 Davis?

8 A. At that time, he was general manager of
9 the asbestos cement pipe division.

10 Q. For the whole company?

11 A. No. The asbestos -- the asbestos
12 cement pipe division.

13 Q. Division --

14 A. Yes.

15 Q. -- for the company? All the plants?

16 A. Yes, sir.

17 Q. Okay.

18 A. All the plants. I mean he had
19 everything; plants, sales, marketing.

20 Q. Okay. And where was his office?

21 A. You know, I don't -- I don't know where
22 -- I believe his office had to be up at Broad
23 Axe, but it doesn't say it on this letter.

24 Q. Here and in CC to Mr. Lanz he worked at

1 the plant --

2 A. No.

3 Q. -- in Ambler?

4 A. No.

5 Q. Where did he work?

6 A. He worked in the R&D complex as best --

7 I don't know whether he did at this time, but

8 when I came to the company, that's where he was

9 working.

10 Q. Where Mr. Egan worked?

11 A. Well, Mr. Egan was in the pilot plant.

12 Mr. Lanz would have been up more in the

13 administrative part.

14 Q. He was in the front of the building?

15 A. I don't know where his office was.

16 When I came to work --

17 Q. Well, he was in the offices?

18 A. I don't know where he was at this time.

19 When I came to work, he had an office in that

20 complex, yes.

21 Q. And Mr. Anderson, who is he?

22 A. At that time he was in charge of

23 central engineering.

24 Q. So he would have been the boss of all

1 of the technicians who worked in the pilot plant?

2 A. Oh, no, no, no, no.

3 Q. No?

4 A. No.

5 Q. Who was he the boss of?

6 MR. SKINNER: Objection to form.

7 THE WITNESS: The central -- the
8 engineers that did the design work in the plants.

9 BY MR. PLACITELLA:

10 Q. Okay. So he was in charge of all the
11 engineers?

12 MR. SKINNER: Objection to form.

13 THE WITNESS: All the central
14 engineers that worked in the pipe plants.

15 BY MR. PLACITELLA:

16 Q. Okay. And then where was his office,
17 Mr. Anderson?

18 A. I believe he was in Broad Axe.

19 Q. And Mr. Shaw?

20 A. We already went through him.

21 Q. Where was his office?

22 A. He was a consultant.

23 Q. This says Dr. Shaw, correct?

24 A. Yes.

1 Q. And it says it went to him at Ambler.
2 Do you see that?

3 A. Yeah. Well, he could have had a
4 mailbox at Ambler.

5 Q. So he had an office there?

6 A. I don't --

7 MR. SKINNER: Objection to form.

8 THE WITNESS: Sir, I don't know.

9 MR. SKINNER: Lacks foundation,
10 lacks personal knowledge.

11 THE WITNESS: I don't know where
12 his office was.

13 BY MR. PLACITELLA:

14 Q. Mr. Horowitz in this memo relates what
15 he learned at the conference with Dr. Selikoff,
16 correct?

17 A. Correct.

18 MR. SKINNER: Objection. The
19 document speaks for itself.

20 BY MR. PLACITELLA:

21 Q. And the first thing he does in this
22 document is he refers back to the report from Dr.
23 Shaw --

24 MR. SKINNER: Objection. The

1 document speaks for itself.

2 BY MR. PLACITELLA:

3 Q. -- correct, that we just went through?

4 A. Yes.

5 Q. And he says that there were important
6 issues discussed at the conference, right?

7 MR. SKINNER: Objection to form.

8 The document speaks for itself.

9 THE WITNESS: Yes.

10 BY MR. PLACITELLA:

11 Q. And that he -- even after reading Dr.
12 Shaw's report, he wanted to emphasize certain
13 things, right?

14 MR. SKINNER: Objection to form.

15 The document speaks for itself.

16 THE WITNESS: Yes.

17 BY MR. PLACITELLA:

18 Q. And he gives a little more detail about
19 the meeting with the representatives of Turner
20 Brothers, correct?

21 MR. SKINNER: Objection to form.

22 The document speaks for itself.

23 BY MR. PLACITELLA:

24 Q. The meeting they had before the

1 conference started?

2 MR. SKINNER: Same objections.

3 THE WITNESS: Yeah. He -- well, he
4 says what he -- I don't know. What's the
5 question? I don't understand the question.

6 BY MR. PLACITELLA:

7 Q. All right. He talks about the meeting
8 that he attended with the representative of
9 Turner Brothers Asbestos Company, correct?

10 A. Yes.

11 MR. SKINNER: Objection. The
12 document speaks for itself.

13 BY MR. PLACITELLA:

14 Q. And he related directly to Mr. Horowitz
15 that Turner Brothers Asbestos Company was way
16 ahead of the U.S. in terms of awareness of the
17 medical problems related to asbestos, correct?

18 MR. SKINNER: Objection to form.
19 The document speaks for itself.

20 THE WITNESS: Now, who is he?

21 BY MR. PLACITELLA:

22 Q. What do you mean who's he?

23 A. Well, your question was, and he
24 reported to Mr. Horowitz that they were far head.

1 Who is he?

2 Q. All right. Well, let's read it.

3 Discussion at our meeting with the four
4 representatives from Turner Brothers Asbestos
5 Company the evening before the conference was
6 mostly on the accomplishments of the Asbestosis
7 Research Council of England.

8 Did I read that correctly?

9 MR. SKINNER: Objection to form.
10 The document speaks for itself.

11 THE WITNESS: Yes.

12 BY MR. PLACITELLA:

13 Q. Okay.

14 Although, we did not discuss the direct
15 help they could give us (CertainTeed Products
16 Corp), they did point out that they are many
17 years ahead of the U.S. in awareness of the
18 medical problems associated with asbestos by
19 emphasizing the following.

20 Correct?

21 MR. SKINNER: Objection to form.
22 The document speaks for itself.

23 THE WITNESS: Is that statement
24 correct or did you read --

1 BY MR. PLACITELLA:

2 Q. Did I read that correctly?

3 A. Yes, you did.

4 Q. Okay. And he talks about his
5 conversation he had with Dr. Knox, correct?

6 MR. SKINNER: Objection. The
7 document speaks for itself.

8 THE WITNESS: Yes.

9 BY MR. PLACITELLA:

10 Q. And what he related was that it was Dr.
11 Knox's opinion that the U.S. industry does not
12 want to accept how dangerous asbestos was,
13 correct?

14 MR. SKINNER: Objection to form.
15 The document speaks for itself.

16 THE WITNESS: That's what Dr. Knox
17 said, yes.

18 BY MR. PLACITELLA:

19 Q. Okay. And he also related that it was
20 the belief of Turner Brothers or Dr. Knox that
21 the dust sampling methods that were used in the
22 United States were inadequate, correct?

23 MR. SKINNER: Objection to the
24 form. The document speaks for itself.

1 THE WITNESS: That's what he's
2 saying.

3 BY MR. PLACITELLA:

4 Q. And he also related that the standard
5 that was being used in the United States was too
6 high to protect people, right?

7 MR. SKINNER: Objection to form.
8 The document speaks for itself.

9 THE WITNESS: That's what he's
10 saying.

11 BY MR. PLACITELLA:

12 Q. Okay.

13 A. That's his opinion.

14 Q. Yes.

15 And then Mr. Horowitz, having heard
16 everything at the conference, having had the
17 conversations with other members of the industry,
18 made some observations and recommendations,
19 correct?

20 MR. SKINNER: Objection to form.
21 The document speaks for itself. Also, Mr. Ambler
22 lacks foundation and lacks personal knowledge as
23 to what these folks knew or what their opinions
24 are.

1 You can answer.

2 THE WITNESS: And your question is
3 Mr. Horowitz recommended to CertainTeed what they
4 could do to meet the problem?

5 BY MR. PLACITELLA:

6 Q. Correct.

7 A. Okay. Yes.

8 Q. And one of his observations was that
9 malignant mesothelioma was found in people who
10 had no occupational exposure to asbestos,
11 correct?

12 MR. SKINNER: Objection to form.
13 The document speaks for itself.

14 THE WITNESS: Where are you reading
15 that?

16 BY MR. PLACITELLA:

17 Q. No. 1, some of the observations --

18 A. Whoa, whoa, whoa.

19 MR. SKINNER: He's on a different
20 page.

21 BY MR. PLACITELLA:

22 Q. Page two.

23 A. Yeah. Okay. But you told me --

24 MR. SKINNER: He's reading a

1 different part of the document.

2 THE WITNESS: Yeah, I understand
3 that, but that's not what he said. He said he --
4 okay.

5 BY MR. PLACITELLA:

6 Q. I don't want to misstate anything, so
7 let's be just clear.

8 A. Okay.

9 Q. Page two Mr. Horowitz relates to these
10 executives at CertainTeed, quote, some of the
11 observations made which, if proved conclusive,
12 would affect our industry are as follows.

13 Do you see that?

14 A. Yes.

15 Q. One, malignant mesothelioma, open
16 paren, cancer associated with asbestos, has been
17 found in cases with no occupational exposure to
18 asbestos.

19 Do you see that?

20 MR. SKINNER: Objection. The
21 document speaks for itself.

22 THE WITNESS: Yes.

23 BY MR. PLACITELLA:

24 Q. These have included people and animals

1 who lived in areas surrounding a factory or a
2 mine. People in the area may be affected by
3 waste dumps outside of a plant or mine.

4 Do you see that?

5 A. Yeah.

6 MR. SKINNER: Objection to form,
7 lacks foundation, lacks personal knowledge. The
8 document speaks for itself.

9 BY MR. PLACITELLA:

10 Q. He's not talking about there, is he,
11 long exposures, high dose exposures, is he?

12 MR. SKINNER: Objection,
13 argumentative. The document speaks for itself.
14 Mr. Ambler is testifying in his personal
15 capacity. He does not have personal knowledge or
16 foundation to talk about what somebody else meant
17 or what they were saying in a document they wrote
18 three years before he started at CertainTeed.

19 THE WITNESS: Yeah. I mean it
20 doesn't tell you what the exposure is and over
21 what time period. He's just saying there was
22 exposure to people and animals close to the
23 mines. It didn't say how long they were there.

24 BY MR. PLACITELLA:

1 Q. Mines and the factories, correct?

2 MR. SKINNER: Objection. The
3 document speaks for itself.

4 THE WITNESS: Factory or a mine.
5 It doesn't say how long they were there.

6 BY MR. PLACITELLA:

7 Q. Right. That's not high levels of
8 exposure over an extended period of time, is it?

9 MR. SKINNER: Objection to form,
10 vague. The document speaks for is itself, calls
11 for an expert opinion, lacks personal knowledge,
12 lacks -- calls for speculation.

13 THE WITNESS: He didn't say what it
14 was.

15 BY MR. PLACITELLA:

16 Q. Okay. When CertainTeed got -- the
17 executives at Ambler got this memo, what did they
18 do to tell the people living in the buildings on
19 Ambler-11 next to where your plant was?

20 MR. SKINNER: Objection to form,
21 lacks foundation, lacks personal knowledge.
22 Again, Mr. Ambler did not start at the company
23 until 1967. Also beyond the scope, irrelevant to
24 a case of occupational exposure at the pilot

1 plant.

2 To the extent you know, Mr. Ambler,
3 without speculating, you can answer.

4 THE WITNESS: Yeah. I don't know
5 of any communications that were made.

6 BY MR. PLACITELLA:

7 Q. Okay. He further told the people at
8 CertainTeed that there was suspicion that
9 asbestos fiber is virtually indestructible so
10 that even small concentrations have an effect if
11 lodged in the body for long periods, 20 years or
12 more, correct?

13 MR. SKINNER: Objection to form.
14 The document speaks for itself, lacks foundation,
15 lacks personal knowledge.

16 THE WITNESS: He said there's a
17 suspicion, yes.

18 BY MR. PLACITELLA:

19 Q. Okay. He also goes on to talk about
20 low exposure in workers developing mesothelioma,
21 correct?

22 MR. SKINNER: Objection to form.
23 The document speaks for itself.

24 THE WITNESS: Which number are you

1 reading from there, sir?

2 BY MR. PLACITELLA:

3 Q. No. 5.

4 A. What's low exposure? I mean he says
5 that, but what is low exposure?

6 Q. It's your safety director, sir. What
7 was low exposure?

8 MR. SKINNER: Objection to form.
9 It was CertainTeed's safety director. Lacks
10 personal knowledge, lacks foundation. The
11 document speaks for itself.

12 THE WITNESS: That's what he's
13 reporting. I don't know what low exposure is.

14 BY MR. PLACITELLA:

15 Q. Okay. Would you agree that as of 1964
16 CertainTeed had evidence in their files from
17 their industrial hygienist discussing low
18 exposure as a possible cause of mesothelioma?

19 MR. SKINNER: Objection to form,
20 mischaracterizes documents, calls for
21 speculation, lacks foundation, lacks personal
22 knowledge.

23 You can answer.

24 THE WITNESS: They had in their

1 file what Mr. Horowitz wrote that he heard at
2 this conference.

3 BY MR. PLACITELLA:

4 Q. Now, in response to this -- to Mr.
5 Horowitz's credit, he made some recommendations,
6 correct?

7 A. Are you talking about on page three?

8 Q. Yes, sir.

9 A. Yes, sir.

10 Q. One, he said we have to enforce our
11 respirator program, correct?

12 A. Yes.

13 Q. He said we have to cut the safe level
14 in our plants in half?

15 MR. SKINNER: I'm gonna object.

16 The document speaks for itself.

17 BY MR. PLACITELLA:

18 Q. Correct?

19 A. To two-and-a-half million particles per
20 cubic foot of air, yes.

21 Q. You're aware, sir, that you cannot see
22 two-and-a-half million particles per cubic foot
23 of air?

24 MR. SKINNER: Objection.

1 BY MR. PLACITELLA:

2 Q. Dust in two-and-a-half particles (sic)
3 per cubic foot of air, did you know that?

4 MR. SKINNER: Objection to form,
5 calls for an expert opinion, lacks foundation,
6 lacks personal knowledge.

7 THE WITNESS: That's 15 fibers per
8 cubic centimeter.

9 BY MR. PLACITELLA:

10 Q. Right.

11 A. You can't see that?

12 Q. You know that it's invisible?

13 A. I don't know if you can or not, but you
14 can certainly measure it.

15 Q. But you can't see it, did you know
16 that?

17 A. What difference does that make? You
18 can measure it.

19 MR. SKINNER: Objection,
20 argumentative.

21 BY MR. PLACITELLA:

22 Q. What difference does it make?

23 MR. SKINNER: Objection,
24 argumentative. He's arguing with you. Don't --

1 you've answered the question.

2 BY MR. PLACITELLA:

3 Q. Do you think it would be important to
4 your workers to know that they were being exposed
5 to fibers they can't see and that they were
6 dangerous to their human health?

7 MR. SKINNER: Objection to form,
8 lacks foundation, calls for speculation, lacks
9 personal knowledge, argumentative and harassing.

10 You can answer.

11 THE WITNESS: I don't know whether
12 you can see it or not, but you can certainly
13 measure it.

14 BY MR. PLACITELLA:

15 Q. Okay. But sir, how is somebody
16 supposed to know that they're in a dangerous
17 situation when it comes to asbestos if you can't
18 see it?

19 MR. SKINNER: Objection to form,
20 assumes facts not in evidence, calls for an
21 expert opinion, lacks foundation, lacks personal
22 knowledge, beyond the scope, argumentative.

23 You can answer.

24 THE WITNESS: I don't know what you

1 can see and what you can't see, but yours is
2 what -- he's saying reduce it from five million
3 particles per cubic foot of air to two-and-a half
4 million particles.

5 BY MR. PLACITELLA:

6 Q. Correct.

7 A. And then tested that.

8 Q. Right.

9 A. And you will have -- and per that, you
10 will have -- per ACGIH, per OSHA when they come
11 out with their temporary standard, you'd have a
12 safe environment.

13 Q. Well, you knew that this standard was
14 not to protect against cancer, it was just
15 asbestosis, right?

16 MR. SKINNER: Objection to form,
17 misstates evidence, also lacks foundation, lacks
18 personal knowledge, calls for an expert opinion,
19 calls for a legal conclusion.

20 You can answer.

21 THE WITNESS: What standard, the
22 ACGIH?

23 BY MR. PLACITELLA:

24 Q. Yes, sir.

1 A. No, I don't know that.

2 Q. You don't know that one way or the
3 other?

4 A. It's for all disease, all asbestos
5 disease.

6 Q. You're sure about that?

7 A. Yes.

8 MR. SKINNER: Objection. Again,
9 same objections.

10 BY MR. PLACITELLA:

11 Q. Okay. So in order to be safe, it was
12 Mr. Horowitz's recommendation that dust counts be
13 done to make sure that the level is under
14 two-and-a-half million particles per cubic foot,
15 correct?

16 MR. SKINNER: Same objections, and
17 the document speaks for itself.

18 THE WITNESS: At that time, yes.

19 BY MR. PLACITELLA:

20 Q. Yet, no dust count was ever done in the
21 pilot plant, true?

22 MR. SKINNER: Objection, misstates
23 evidence, misstates facts, assumes facts not in
24 evidence, form.

1 You can answer.

2 THE WITNESS: Well, as I've
3 testified earlier today, as far as I know, there
4 were no dust counts made in the pilot plant.

5 BY MR. PLACITELLA:

6 Q. It also says that x-rays should be
7 given for pre-employment and annually, correct?

8 MR. SKINNER: Objection. The
9 document speaks for itself.

10 BY MR. PLACITELLA:

11 Q. No. 7.

12 A. Yes. Yes.

13 Q. Why would you need x-rays?

14 A. To make sure you weren't having --
15 developing any lung disease.

16 Q. How come Mr. Egan didn't get any
17 x-rays?

18 MR. SKINNER: Objection to form,
19 assumes facts not in evidence, misstates
20 evidence.

21 THE WITNESS: That surprised me
22 when I read that. I don't know the answer to
23 that. I had one and other people had one.

24 BY MR. PLACITELLA:

1 Q. So the executives got them, but the
2 technicians didn't?

3 A. No, no, no, no.

4 MR. SKINNER: Objection.

5 THE WITNESS: No, no, no. Come on.

6 I mean Mr. -- who was the other gentleman?

7 Mr. Moorhead said he had one. He was a

8 technician.

9 BY MR. PLACITELLA:

10 Q. So you know that you have evidence that
11 the technicians got x-rays?

12 A. I know what he got. I didn't go around
13 checking to make sure who got it and who didn't
14 get it. I don't know.

15 Q. Okay. Well, whose job was that?

16 A. The person in charge of the facility.

17 Q. Do you have any reason to dispute

18 Mr. Egan's testimony that he never got any

19 x-rays?

20 MR. SKINNER: Objection to form.

21 You can answer it.

22 THE WITNESS: Sir, he certainly

23 knows what he got or what he didn't get. That's

24 what he wrote. I mean it's not up to me to

1 object to it or not.

2 BY MR. PLACITELLA:

3 Q. Well, do you have any independent
4 evidence to contradict his testimony that he did
5 not get any x-rays when he was at CertainTeed?

6 MR. SKINNER: Objection to form.

7 THE WITNESS: I do not.

8 MR. PLACITELLA: Do you want to eat
9 something?

10 MR. SKINNER: Sure.

11 MR. PLACITELLA: How long you want?

12 MR. SKINNER: As long as -- how
13 long do you need?

14 MR. PLACITELLA: Ten minutes, 15
15 minutes.

16 MR. SKINNER: That should be fine.
17 Yeah, let's take a break.

18 THE VIDEOGRAPHER: The time is now
19 1:37 p.m. This is the end of DVD No. 2. We are
20 going off the record.

21 (Recess.)

22 THE VIDEOGRAPHER: The time is now
23 2:10 p.m. This is the beginning of DVD No. 3.
24 We are back on the record.

1 BY MR. PLACITELLA:

2 Q. Okay. I'm gonna try to shorten things
3 up a little bit. How's that?

4 I want to skip ahead, cut out some
5 questions. I want to skip ahead to the time when
6 Mr. Egan was at the pilot plant and you were in
7 the office in the same building. Okay?

8 A. Yes, sir.

9 Q. Okay. In 1967 -- you were there in
10 October of '67, were you not?

11 A. I was in that building, yes, sir.

12 Q. Okay.

13 A. I started with the company in February
14 of '67.

15 Q. Okay. The subject of mesothelioma,
16 lung cancer and asbestosis continued to be
17 discussed amongst the executives at CertainTeed
18 in 1967, correct?

19 MR. SKINNER: Objection to form,
20 lacks foundation, lacks personal knowledge.

21 THE WITNESS: Yes.

22 BY MR. PLACITELLA:

23 Q. Okay. And you're familiar with an
24 organization known as the Industrial Hygiene

1 Foundation?

2 MR. SKINNER: Objection to form.

3 THE WITNESS: Yes.

4 BY MR. PLACITELLA

5 Q. What is that?

6 A. I'm not sure. I just know of it.

7 Q. Did you understand that it was an
8 organization that disseminated information on
9 health and safety in the workplace?

10 MR. SKINNER: Objection to form,
11 lacks foundation.

12 THE WITNESS: Not really, no. I
13 wasn't involved with that association at all.

14 BY MR. PLACITELLA:

15 Q. Okay. In October of 1967, at that
16 point Mr. Horowitz was the safety director
17 company-wide for the pipe operation?

18 MR. SKINNER: Objection to form.

19 THE WITNESS: I believe that was
20 his title. He was still with the company in '67,
21 yes.

22 BY MR. PLACITELLA:

23 Q. And where was his office?

24 A. You know, I don't know. Probably this

1 is bad. I never met him. He was -- he was --
2 Leon was -- I believe he was up in Broad Axe.

3 Q. Okay.

4 MR. PLACITELLA: Why don't you mark
5 this.

6 (A document was marked as Exhibit
7 Ambler-29 for identification.)

8 BY MR. PLACITELLA:

9 Q. This is Ambler-29. I'd ask you if you
10 have seen this and testified about this document
11 before?

12 MR. SKINNER: Object as to
13 authenticity, and that Mr. Ambler's prior
14 testimony speaks for itself.

15 THE WITNESS: I don't remember
16 seeing this. You say I -- you asked me if I
17 testified about it. I may have. It may have
18 been shown to me at prior depositions or
19 something. I don't recall.

20 BY MR. PLACITELLA:

21 Q. Well, it's got a Bates number with your
22 name on it from the deposition you gave in '09.
23 Do you see that on the top?

24 A. Yes.

1 Q. Okay.

2 A. So then I did see it.

3 Q. Okay. And this is a memo from
4 Mr. Horowitz to Mr. Alpine. Who was Mr. Alpine
5 in 1967; what job did he have?

6 A. He was in charge of all asbestos cement
7 pipe manufacturing.

8 Q. For the entire company?

9 A. Yes. For the division, yes, which was
10 the entire company.

11 Q. Okay. Where was his office?

12 A. Bert's office was in that same
13 building. I'm sorry. Mr. Alpine's office was in
14 that same complex, the research center.

15 Q. The same place where Mr. Egan worked
16 only in the front?

17 A. Well, he was up on the top floor.

18 Q. Okay.

19 A. He wasn't in the front. He was up on
20 the top floor.

21 Q. And where did Mr. Davis work at this
22 point in time, if you know? He's copied on this
23 letter.

24 A. He's still -- he was still general

1 manager of the asbestos cement pipe division.

2 Q. Okay. Where was his office?

3 A. Well, you've asked me that today
4 before.

5 Q. I'm talking about this point in time.

6 A. Well, I'm not sure it changed. I think
7 I told you he was up in Broad Axe.

8 Q. Okay. And do you have any reason to
9 dispute the authenticity of this document?

10 MR. SKINNER: Objection.

11 THE WITNESS: No, I don't.

12 BY MR. PLACITELLA:

13 Q. Okay. In this memo, Mr. Horowitz
14 indicates that about 20 percent of the fiber used
15 in your operations was Crocidolite; is that fair?
16 Is that your recollection?

17 MR. SKINNER: Objection. The
18 document speaks for itself.

19 THE WITNESS: Twenty percent of
20 fiber used in asbestos cement pipe manufacturing,
21 no, that's definitely wrong. Is that 20 or 10?

22 BY MR. PLACITELLA:

23 Q. It says, blue fiber mined in South
24 Africa makes up about 20 percent of fiber used in

1 asbestos cement pipe manufacturing.

2 A. Well, no. Blue wasn't nowhere near
3 that percentage of the fiber we used.

4 Q. So he's wrong?

5 A. Well, that statement's wrong, yes.

6 Q. Okay. And this document talks about
7 asbestosis?

8 A. Yes.

9 Q. Lung cancer?

10 MR. SKINNER: Objection. The
11 document speaks for itself.

12 BY MR. PLACITELLA:

13 Q. And mesothelioma, correct?

14 A. Yes, mesothelioma. Where's the -- I
15 didn't see the lung cancer.

16 Q. Bronchial carcinoma?

17 A. Oh, I'm sorry. Yes. You're right.

18 Q. And Mr. Horowitz repeats again on page
19 two of the document about people who never were
20 industrially exposed to asbestos getting
21 mesothelioma, correct?

22 MR. SKINNER: Objection to the
23 form. The document speaks for itself.

24 THE WITNESS: Yes.

1 BY MR. PLACITELLA:

2 Q. Okay. So this document was in the
3 files of the executives of CertainTeed in the
4 very same building when Mr. Egan was working
5 there, correct?

6 MR. SKINNER: Objection to form,
7 assumes facts not in evidence.

8 THE WITNESS: It was sent to
9 Mr. Alpine, yes.

10 BY MR. PLACITELLA:

11 Q. Okay. And while mesothelioma and
12 nonoccupational exposure causing mesothelioma was
13 being discussed in the front office, no one told
14 Mr. Egan that, did they?

15 MR. SKINNER: Objection to form,
16 argumentative, assumes facts not in evidence.

17 THE WITNESS: I don't know what
18 Mr. Egan was told about the different types of
19 fiber.

20 BY MR. PLACITELLA:

21 Q. Okay. Now, am I correct that while
22 Mr. Egan was working in the pilot plant where
23 they made asbestos cement pipe, CertainTeed
24 received information that the Crocidolite

1 asbestos that was used in that plant was so
2 potent that there was no safe limit of exposure?

3 MR. SKINNER: Objection to form,
4 assumes facts not in evidence, lacks foundation,
5 beyond the scope, lacks personal knowledge, calls
6 for speculation.

7 You can answer.

8 THE WITNESS: CertainTeed knew
9 there was no safe level for Crocidolite; is that
10 your question?

11 BY MR. PLACITELLA:

12 Q. My question was, while Mr. Egan was
13 working in the pilot plant making asbestos cement
14 pipe, CertainTeed was in receipt of information
15 indicating that there was no safe level to
16 exposure -- of exposure to Crocidolite that was
17 used in that product?

18 MR. SKINNER: Objection to form,
19 argumentative, lacks foundation, lacks personal
20 knowledge.

21 THE WITNESS: Well, there were
22 people who were saying that, but OSHA never said
23 that. Of course, OSHA wasn't involved at that
24 point, but it never came out that it was

1 differentiated between Crocidolite and
2 Chrysotile.

3 BY MR. PLACITELLA:

4 Q. That's pretty much the same?

5 A. No, but the control was for the total
6 fiber content.

7 Q. So while Mr. Egan was there, just to be
8 clear, CertainTeed, whether they believed it or
9 not, was in receipt of information that there was
10 no safe level of exposure to asbestos, true?

11 MR. SKINNER: Objection to form,
12 assumes facts not the evidence. This information
13 will speak for itself if it exists, lacks
14 foundation, lacks personal knowledge. You can
15 answer. Calls for speculation.

16 THE WITNESS: There were people who
17 were saying that, but it was never proved that
18 that was a point.

19 BY MR. PLACITELLA:

20 Q. And when CertainTeed got the
21 information indicating that there was no safe
22 level of exposure to asbestos used in their
23 plant, what did they do in response to verify or
24 not whether that was a true statement?

1 MR. SKINNER: Objection to form,
2 lacks foundation, lacks personal knowledge.
3 Again, Mr. Ambler is testifying in his personal
4 capacity, not as a representative of the company.

5 You can answer to the extent you
6 know.

7 THE WITNESS: Well, Mr. Placitella,
8 CertainTeed didn't set the standards. They were
9 set by hygienists and doctors and scientists.
10 And it was CertainTeed's understanding and
11 opinion that if we could manufacturer a piece of
12 pipe that met the applicable standards, then we
13 were doing the right job.

14 BY MR. PLACITELLA:

15 Q. Well, you did set the standards.

16 A. Who did?

17 Q. You did.

18 MR. SKINNER: Objection,
19 argumentative, assumes facts not in evidence.

20 BY MR. PLACITELLA:

21 Q. Didn't you, sir, testify already today
22 that it was CertainTeed's judgment that they had
23 to go half the standard in order to be safe?

24 MR. SKINNER: Objection.

1 BY MR. PLACITELLA:

2 Q. So you did set the standards?

3 MR. SKINNER: Objection to form,
4 argumentative, mischaracterizes prior testimony,
5 mischaracterizes evidence, assumes facts not in
6 evidence, lacks foundation, lacks personal
7 knowledge.

8 You can testify again in your
9 personal capacity, Mr. Ambler.

10 MR. PLACITELLA: Is there at some
11 point today you're gonna stop testifying? I'm
12 just curious.

13 MR. SKINNER: I'm not testifying.

14 MR. PLACITELLA: I'm just curious.

15 MR. SKINNER: I'm not testifying.

16 MR. PLACITELLA: Okay. Okay.

17 MR. SKINNER: I'm going to continue
18 to make objections on the record.

19 MR. PLACITELLA: Okay. We'll swear
20 when you when we're done.

21 MR. SKINNER: I'm not testifying.
22 I will continue to make records in this personal
23 deposition, the deposition of Mr. Ambler in his
24 personal capacity.

1 MR. PLACITELLA: Well, you're
2 absolutely wrong about that, and you'll find out
3 about that later, but we won't talk about that
4 now.

5 MR. SKINNER: I'm waiting with
6 bated breath.

7 MR. PLACITELLA: Oh, yes.

8 MR. SKINNER: I'm working off the
9 notice of deposition --

10 MR. PLACITELLA: No. You're not
11 working about the agreement between counsel, but
12 we'll deal with that later, but we'll deal with
13 that later.

14 MR. SKINNER: Again, Mr.
15 Placitella --

16 MR. PLACITELLA: We'll deal with
17 that later. Okay?

18 MR. SKINNER: Mr. Placitella, I
19 mean I -- while we're on the record, I would like
20 to see the deposition notice. The deposition
21 notice I have is calling for Mr. Ambler in his
22 personal capacity.

23 MR. PLACITELLA: Yes, sir. We'll
24 deal with that later.

1 BY MR. PLACITELLA:

2 Q. Sir, you at CertainTeed set the
3 standards for safety in your plant, did you not?

4 MR. SKINNER: Objection to form,
5 assumes facts not in evidence, misstates prior
6 testimony, misstates the evidence, lacks
7 foundation, lacks personal knowledge, calls for
8 speculation.

9 You can answer in your personal
10 capacity, Mr. Ambler.

11 THE WITNESS: The standards were
12 set by, depending on the year, ACGIH or OSHA.
13 What we did is we always tried to do better than
14 what the standards said.

15 BY MR. PLACITELLA:

16 Q. Yes, because Mr. Horowitz reached the
17 conclusion, as the safety director, that you had
18 to be at least half of what the standard was at
19 the time for safety, correct?

20 MR. SKINNER: Objection to form.
21 The documents speak for themselves, lacks
22 foundation, lacks personal knowledge, misstates
23 evidence.

24 You can answer in your personal

1 capacity, Mr. Ambler.

2 THE WITNESS: Mr. Horowitz thought
3 that we should try as a company to go lower than
4 what the ACGH (sic) standard was of five million
5 particles per cubic foot of air and cut it down
6 to two-and-a-half as a company and we strived to
7 do that.

8 BY MR. PLACITELLA:

9 Q. Right. So CertainTeed set the standard
10 of safety in its plants, true?

11 MR. SKINNER: Objection to form.
12 The documents speaks for themselves, lacks
13 foundation, lacks personal knowledge.

14 THE WITNESS: False.

15 BY MR. PLACITELLA:

16 Q. You did not set the standard for what
17 you considered safe in your plant for exposure to
18 asbestos?

19 MR. SKINNER: Same objections.

20 THE WITNESS: I told you, sir. It
21 was our philosophy if we could manufacture a
22 product that met the applicable standards, then
23 we were doing our job. If we tried to do better
24 than what the standard said, we thought we were

1 doing a better job.

2 BY MR. PLACITELLA:

3 Q. You set a standard in your operation
4 plant-wide, company-wide of 2.5 million particles
5 per cubic foot of air of exposure to asbestos,
6 true?

7 MR. SKINNER: Objection to form.
8 The documents speak for themselves, lacks
9 foundation, lacks personal knowledge.

10 THE WITNESS: True.

11 BY MR. PLACITELLA:

12 Q. Okay. When you learned that there were
13 respected scientists that believed that there was
14 no safe level of exposure to asbestos, what did
15 you, CertainTeed, do in response to that?

16 MR. SKINNER: Objection.
17 Mr. Ambler's testifying here in his personal
18 capacity, lacks foundation, lacks personal
19 knowledge, calls for speculation, but to the
20 extent you know, you can answer.

21 THE WITNESS: We tried everything
22 possible to make certain that we met the
23 applicable standards or even do better than the
24 applicable standards.

1 BY MR. PLACITELLA:

2 Q. No safe limit means no exposure,
3 correct?

4 MR. SKINNER: Objection to form,
5 vague.

6 You can answer to the extent you
7 understand.

8 THE WITNESS: That was somebody's
9 opinion. That certainly wasn't ACGIH and it
10 certainly wasn't OSHA.

11 BY MR. PLACITELLA:

12 Q. Okay. OSHA was not in effect when
13 Mr. Egan worked at CertainTeed, was it?

14 A. That is correct.

15 Q. Okay. The answer to my question is,
16 sir, that when you found out or you learned that
17 there was no safe level of exposure to asbestos,
18 you did nothing to investigate as to whether that
19 was true or false, correct?

20 MR. SKINNER: Objection to form,
21 assumes facts not in evidence, mischaracterizes
22 evidence, lacks foundation, lacks personal
23 knowledge.

24 Again, Mr. Ambler, testifying in

1 your personal capacity, you can answer that.

2 THE WITNESS: We didn't set the
3 standards, but we did everything possible to do
4 better than the standards.

5 BY MR. PLACITELLA:

6 Q. Did you do anything to determine
7 whether there was a safe level of exposure to
8 asbestos; did you do any independent research?

9 MR. SKINNER: Objection to form,
10 lacks foundation, assumes facts not in evidence,
11 lacks personal knowledge.

12 You can testify in your personal
13 capacity, Mr. Ambler.

14 THE WITNESS: I don't know of any
15 personal investigation that we made. We went
16 with what either ACGIH said or what OSHA said
17 when OSHA became effective in 1970.

18 BY MR. PLACITELLA:

19 Q. Let's just talk about '67 to '69.

20 A. I've answered your question, sir. I
21 can't answer it any way differently.

22 MR. SKINNER: Lloyd, it's all
23 right.

24 BY MR. PLACITELLA:

1 Q. Okay. You won't answer any way
2 different?

3 A. No. I am answering it.

4 MR. SKINNER: Lloyd, you testified
5 truthfully. You're fine.

6 BY MR. PLACITELLA:

7 Q. That's fine. We'll let a jury decide.

8 A. What was that comment?

9 MR. SKINNER: No, no, no. It's
10 okay. He's doing all this for a reason. Don't
11 worry about it. Just keep answering the
12 questions.

13 MR. PLACITELLA: I am doing it for
14 a reason. I am doing it for a reason. You got
15 that right.

16 Can you mark this, please?

17 (A document was marked as Exhibit
18 Ambler-30 for identification.)

19 BY MR. PLACITELLA:

20 Q. This is Ambler-30. Was this one of the
21 documents that you reviewed in preparation for
22 today's deposition?

23 A. No, I didn't. This doesn't have
24 anything to do with the Ambler plant.

1 Q. So what went on in other CertainTeed
2 plants in your mind has nothing to do with this
3 case?

4 A. I didn't say that, sir.

5 MR. SKINNER: Objection, calls for
6 a legal conclusion.

7 BY MR. PLACITELLA:

8 Q. Are you familiar with this document,
9 sir?

10 A. I probably seen it, but didn't do
11 anything with it for this. We're talking about
12 Ambler plant and we're talking about the pilot
13 plant.

14 Q. Okay. Is it dated May 21, 1968?

15 A. Yes, it is.

16 Q. And does it go to Ambler safety; do you
17 see that?

18 A. To Mr. Monoky who worked in Ambler
19 safety. That's the building he worked in, the
20 Ambler -- the Ambler -- in Ambler there was like
21 an executive place for these people to be and
22 that's what that means. It's being sent to that
23 location.

24 Q. And where is that?

1 A. It was in Ambler.

2 Q. Is it where Mr. Egan worked?

3 A. No. He worked in the pilot plant.

4 Q. Okay. What about Mr. Alpine, was he
5 still there?

6 A. Mr. Alpine, no. He was up -- as I told
7 you earlier today, I told you where he was. He
8 was in the research building.

9 Q. Okay. And this is a -- attached to the
10 memo is a letter to the plant manager from the
11 United States Government, correct?

12 MR. SKINNER: Objection. The
13 document speaks to itself.

14 THE WITNESS: No. It's to the
15 plant manager for Santa Clara, California. He's
16 the plant manager of the Santa Clara plant.

17 BY MR. PLACITELLA:

18 Q. Right.

19 A. Well, I'm not here to discuss Santa
20 Clara.

21 Q. Right. This letter was written by the
22 Federal Government to CertainTeed in May 1968,
23 correct?

24 MR. SKINNER: Objection. The

1 document speaks for itself.

2 THE WITNESS: That's what it says.

3 Not to CertainTeed necessarily. To Mr. William

4 Carl, plant manager of Santa Clara.

5 BY MR. PLACITELLA:

6 Q. With a copy to the safety director for
7 the entire company, correct?

8 MR. SKINNER: Objection to form.

9 The document speaks for itself.

10 THE WITNESS: That's right.

11 BY MR. PLACITELLA:

12 Q. Okay. And what happened here was the
13 Federal Government went into the Santa Clara
14 plant and did dust counts, correct?

15 MR. SKINNER: Objection to form.

16 The document speaks for itself.

17 THE WITNESS: Yes. They went
18 into -- they went into the Santa Clara plant and
19 did dust counts.

20 BY MR. PLACITELLA:

21 Q. All right. And when they did dust
22 counts, is it your belief that there was
23 ventilation in place and working?

24 MR. SKINNER: Objection to form.

1 The document speaks for itself, lacks foundation,
2 lacks personal knowledge.

3 THE WITNESS: I don't understand
4 why I have to answer any questions concerning the
5 Santa Clara plant. It has nothing to do with why
6 we're here today. There's a trial going on about
7 the Santa Clara plant.

8 MR. SKINNER: Mr. Ambler, it's
9 okay. You can -- look, you're not to -- again,
10 Mr. Ambler is testifying in his personal
11 capacity, not as a representative of CertainTeed
12 today.

13 MR. PLACITELLA: That's what you
14 say.

15 MR. SKINNER: That's what he is.

16 MR. PLACITELLA: Well, we'll see.

17 MR. SKINNER: And Mr. Ambler has
18 not been prepared or seen any documents --
19 reviewed any documents relating to the Santa
20 Clara plant. There's been no notice provided
21 with any topic of testimony that would relate to
22 that. And Mr. Ambler is -- you can continue to
23 read documents into the record if you'd like, but
24 Mr. Ambler is not talking on behalf of

1 CertainTeed as to those documents.

2 So in his personal capacity, he's
3 welcomed to read them and answer your questions.

4 BY MR. PLACITELLA:

5 Q. You've testified about this document
6 before, have you not?

7 MR. SKINNER: Objection.

8 Mr. Ambler's prior testimony will speak for
9 itself. If you'd like to show it to him, I'm
10 sure he'd review it.

11 THE WITNESS: Yeah, I did testify
12 about this.

13 BY MR. PLACITELLA:

14 Q. And you testified about this document
15 as the representative of CertainTeed, correct?

16 MR. SKINNER: Objection. That
17 testimony will speak for itself.

18 THE WITNESS: I believe that's
19 right, yes.

20 BY MR. PLACITELLA:

21 Q. Okay. And you testified truthfully
22 about this document, correct?

23 A. Every testimony I give, sir, I try to
24 be as truthful as I know how to be.

1 Q. I'm not arguing with you there at this
2 point.

3 This document was written to
4 CertainTeed, it went to the company-wide safety
5 director by the Federal Government, true?

6 MR. SKINNER: Objection to form,
7 assumes facts not in evidence. The document
8 speaks for itself.

9 THE WITNESS: No. It was sent to
10 the plant manager at Santa Clara. Mr. Horowitz
11 happened to get a copy of it.

12 BY MR. PLACITELLA:

13 Q. Okay. Could you go to the front page,
14 sir?

15 A. Sure.

16 Q. This went to Ambler, the offices at
17 Ambler, didn't it?

18 MR. SKINNER: Objection to form.
19 The document speaks for itself, lacks foundation,
20 lacks personal knowledge.

21 THE WITNESS: Mr. Placitella, I'm
22 not here to argue with you, but Mr. Bill Carl
23 sent the letter with his cover letter to
24 Mr. Monoky and Mr. Monoky happened to have had an

1 office in Ambler. It had nothing to do with the
2 Ambler plant.

3 BY MR. PLACITELLA:

4 Q. Where was the engineering office in
5 Ambler?

6 A. There was an engineering office in the
7 research building and then there were engineers
8 up in Broad Axe.

9 Q. Okay. Is Broad Axe in Ambler,
10 Pennsylvania?

11 A. Yes, it is.

12 Q. Okay. Does it say here that this
13 document was received in Ambler, Pennsylvania at
14 the engineering department in 1968?

15 MR. SKINNER: Objection. The
16 document speaks for itself.

17 THE WITNESS: It says it was
18 received in Ambler, Pennsylvania, engineering
19 department CertainTeed Products Corporation.

20 BY MR. PLACITELLA:

21 Q. Okay. Now, in this document from the
22 Federal Government, let's go to the next page.
23 The Federal Government states in the second
24 paragraph, the dust concentration as measured by

1 impinger exceeded the five million particle per
2 cubic foot threshold limit value currently in use
3 in a few locations.

4 Do you see that?

5 MR. SKINNER: Objection to form.
6 The document speaks for itself, beyond the scope.

7 THE WITNESS: Yes. You read that
8 correctly.

9 BY MR. PLACITELLA:

10 Q. It says to your statement, the membrane
11 filter method is experimental and no standard has
12 been adopted for its interpretation in this
13 country.

14 Do you see that?

15 MR. SKINNER: Objection to the
16 form. The document speaks for itself, lacks
17 foundation, lacks personal knowledge, calls for
18 speculation.

19 THE WITNESS: Are you saying I said
20 that?

21 BY MR. PLACITELLA:

22 Q. No. That's what the Federal Government
23 said?

24 A. Okay.

1 MR. SKINNER: He's just reading you
2 the document.

3 BY MR. PLACITELLA:

4 Q. That's what it says?

5 A. Okay. You're right.

6 Q. It says, however, the British
7 Occupational Hygiene Society has issued hygiene
8 standards for Chrysotile asbestos dust for the
9 five -- what's the U stand for?

10 A. I don't know.

11 Q. Okay. Plus or minus fiber counts?

12 A. Plus fiber counts.

13 Q. Plus fiber counts averaged over a
14 three-month period as follows.

15 Do you see that?

16 A. Uh-huh.

17 MR. SKINNER: Objection to form.
18 The document speaks for itself.

19 BY MR. PLACITELLA:

20 Q. And then it gives ranges from
21 negligible to high. Do you see that?

22 MR. SKINNER: Objection to form.
23 The document speaks for itself.

24 THE WITNESS: Yes.

1 BY MR. PLACITELLA:

2 Q. Okay. Medium exposure, according to
3 this Government document, is from two to ten
4 fibers per CC. Do you see that?

5 MR. SKINNER: Objection to form.
6 The document speaks for itself.

7 THE WITNESS: That's what it says.

8 BY MR. PLACITELLA:

9 Q. High exposures are more than ten fibers
10 per CC, correct?

11 MR. SKINNER: Objection to form.
12 The document speaks for itself.

13 THE WITNESS: That's what it says.

14 BY MR. PLACITELLA:

15 Q. Okay. So let's go to the next page.
16 This was samples taken in June of 1967, correct?

17 MR. SKINNER: Objection to the
18 form. The document speaks for itself.

19 THE WITNESS: Yes.

20 BY MR. PLACITELLA:

21 Q. You're working in the -- CertainTeed at
22 the time, correct?

23 A. Yes.

24 Q. Mr. Egan's working at CertainTeed in

1 the time, correct?

2 MR. SKINNER: In June 1967?

3 THE WITNESS: I don't --

4 MR. SKINNER: I'm gonna object,
5 misstates evidence.

6 THE WITNESS: Yeah. I believe he
7 came in September, didn't he, of '67?

8 BY MR. PLACITELLA:

9 Q. You might be right.

10 This is 1967 at the Santa Clara plant,
11 correct?

12 A. Yes.

13 Q. Okay. The person who was doing the
14 mixing in the Santa Clara plant, according to the
15 Federal Government's numbers, are -- is exposed
16 to high levels of asbestos fibers even with
17 ventilation in place, correct?

18 MR. SKINNER: Objection to form.
19 The document speaks for itself.

20 THE WITNESS: Where's that, sir?

21 BY MR. PLACITELLA:

22 Q. Look at where it says -- see where it
23 says mixing mixer?

24 A. Yes.

1 Q. Do you see over to the right where it
2 says fibers per CC total?

3 A. I don't see -- you mean --

4 Q. Do you see where it says membrane
5 filter?

6 A. Oh, yeah. I'm sorry. You're right.
7 Yes, sir. Yes, sir.

8 Q. Okay. Do you see where it says 17.1?

9 A. Right.

10 Q. 19.6?

11 A. Yes.

12 Q. And 18.8?

13 A. Yes, sir.

14 MR. SKINNER: Objection. The
15 document speaks for itself.

16 BY MR. PLACITELLA:

17 Q. All according to the standard on the
18 page before would be high exposure, correct?

19 MR. SKINNER: Objection. The
20 document speaks for itself, lacks foundation,
21 lacks personal knowledge.

22 THE WITNESS: But it also says,
23 sir -- I mean I don't want to argue with you, but
24 the applicable standard at that time was the

1 ACGIH. And you show me, please, where we've
2 exceeded the applicable ACGIH at the Santa Clara
3 plant per this report.

4 BY MR. PLACITELLA:

5 Q. Sir, I'm gonna show you --

6 A. No. Wait. I'm not done yet.

7 Q. Oh, you're not done yet?

8 A. No, I'm not.

9 Q. Okay. Well, then you'll answer my
10 question when you're all done.

11 A. I'm not trying to answer your --

12 Q. What was my question?

13 A. I'm telling you that --

14 Q. Do you remember what my question was?

15 MR. SKINNER: Please allow

16 Mr. Ambler to finish his answer.

17 MR. PLACITELLA: No. 'Cause
18 he just not answered. Strike it. I'll do it
19 again. Okay?

20 MR. SKINNER: Just let the record
21 reflect Mr. Ambler's not permitted to finish his
22 answer.

23 MR. PLACITELLA: That's correct
24 'cause he's not answering the question, so

1 I'll --

2 THE WITNESS: I was trying to
3 answer your question --

4 MR. PLACITELLA: No, you weren't.

5 THE WITNESS: -- 'til you rudely
6 interrupted me.

7 MR. PLACITELLA: Okay. Let's try
8 it again.

9 MR. SKINNER: Mr. Ambler, it's
10 okay. This is way he does things. It's okay.

11 BY MR. PLACITELLA:

12 Q. According to the standard where they
13 are evaluating fibers per CC using the membrane
14 filter method, the mixer is exposed to high
15 levels of asbestos, correct?

16 MR. SKINNER: And again, objection
17 to form. The document speaks for itself, lacks
18 foundation, lacks personal knowledge.

19 Mr. Ambler, you can testify as to
20 what the document says.

21 THE WITNESS: Based on a study that
22 is experimental and no standard has been adopted
23 for its interpretation in this country.

24 BY MR. PLACITELLA:

1 Q. According to the standard set forth by
2 the British Occupational Hygiene Society, which
3 is quoted by the Federal Government, the mixer is
4 exposed to high levels of asbestos, correct?

5 MR. SKINNER: Objection to form.
6 The document speaks for itself, lacks foundation,
7 lacks personal knowledge.

8 Mr. Ambler, you can testify as to
9 what the document says.

10 THE WITNESS: That's true, except
11 the cover letter says the membrane filter method
12 is experimental and no standard has been adopted
13 for its interpretation in this country.

14 Then if you go back to the standard
15 that is in this country, that mixer man is within
16 the standard.

17 BY MR. PLACITELLA:

18 Q. Okay. I'm gonna get to that part,
19 okay, I promise you. Right now I'm asking you
20 about the British standard.

21 A. I already answered your question. It
22 is what it is.

23 MR. SKINNER: Asked and answered.

24 BY MR. PLACITELLA:

1 Q. The answer is under the British
2 standard, the mixer is exposed to high levels of
3 asbestos, correct?

4 MR. SKINNER: Objection to form.
5 The document speaks for itself, lacks foundation,
6 lacks personal knowledge, asked and answered.

7 THE WITNESS: Per this document,
8 yes.

9 BY MR. PLACITELLA:

10 Q. What does a machine tender do? What
11 job does a forming machine tender have; what does
12 he do in a plant?

13 A. He's just working on a machine that's
14 needed for forming the product.

15 Q. What's that mean?

16 A. Well, just what I said. He works on a
17 machine that helps form the product into a
18 finished product. It could be -- it could be in
19 the wet part of the factory or it could even be
20 in the finishing part of the factory.

21 Q. So he's not handling raw asbestos at
22 that point?

23 MR. SKINNER: Objection to form,
24 assumes facts not in evidence, lacks foundation.

1 THE WITNESS: I don't believe he
2 is, no.

3 BY MR. PLACITELLA:

4 Q. All right. He would be exposed as a
5 bystander?

6 MR. SKINNER: Objection to form,
7 mischaracterizes evidence, lacks foundation,
8 vague.

9 THE WITNESS: He'd be exposed to
10 what, sir?

11 BY MR. PLACITELLA:

12 Q. As a bystander, not hands-on using the
13 asbestos?

14 A. I don't know that.

15 Q. Okay. According to this document,
16 using the British standard, he would be exposed
17 to a medium level of asbestos fiber, correct?

18 MR. SKINNER: Objection to form.
19 The document speaks for itself, lacks foundation,
20 lacks personal knowledge.

21 Mr. Ambler, you can testify as to
22 what the document says.

23 THE WITNESS: That's what the
24 document says.

1 BY MR. PLACITELLA:

2 Q. He would also be exposed in excess of
3 your own standard used in the plant, true?

4 MR. SKINNER: Objection to form,
5 calls for speculation. The document speaks for
6 itself, lacks foundation, lacks personal
7 knowledge.

8 THE WITNESS: He would be -- he
9 would be exposed to the two-and-a-half -- he'd be
10 exposed to 2.8 million particles cubic foot of
11 air, which is a little bit above the
12 two-and-a-half million particles per cubic --
13 yes.

14 BY MR. PLACITELLA:

15 Q. Even with ventilation in place?

16 MR. SKINNER: Objection to form.
17 The document speaks for itself, lacks foundation.

18 THE WITNESS: The plant has exhaust
19 systems.

20 BY MR. PLACITELLA:

21 Q. So we know now that the man who doesn't
22 handle asbestos directly is being exposed in
23 excess of your own standard in 1967 in one of
24 your plants, correct?

1 MR. SKINNER: Objection to form,
2 assumes facts not in evidence, lacks foundation,
3 lacks personal knowledge. The document speaks
4 for itself.

5 Mr. Ambler, you can testify.

6 THE WITNESS: I don't know what the
7 job description is of the forming machine tender.
8 I just don't know exactly what his job
9 description is.

10 BY MR. PLACITELLA:

11 Q. What's a mandrel fuller do -- a mandrel
12 puller do; isn't he the guy that just takes the
13 wet stuff and pulls it through?

14 MR. SKINNER: Objection.

15 BY MR. PLACITELLA:

16 Q. The formed pipe? What's a mandrel
17 puller do?

18 MR. SKINNER: Objection to form.

19 THE WITNESS: I want to see where
20 you see that.

21 BY MR. PLACITELLA:

22 Q. Page two.

23 A. I'm sorry. A mandrel puller. As I
24 told you, the pipe has to be rolled up on

1 something, okay. I told you that at the
2 beginning of this deposition. And it's rolled up
3 on a mandrel. And once it reaches the thickness
4 that you want, then it has to go through the
5 first curing tunnel.

6 Q. Uh-huh.

7 A. And it's the mandrel with the pipe on
8 top -- rolled up on top of this mandrel. When it
9 gets through the first curing tunnel, there's a
10 gentleman there and what he does is he puts a
11 clamp on the eye of the mandrel and then it is
12 hydraulically pulled out of the pipe and then
13 it's sent back up to the front end of the machine
14 to be used again.

15 And then the pipe from that point goes
16 into the second curing tunnel. And after it goes
17 through the second curing tunnel, it goes down
18 and goes into loading for the autoclaves.

19 Q. Is that a wet or a dry process right at
20 that point?

21 A. At which point?

22 Q. Where he's pulling the stuff off the
23 mandrel as you described it?

24 A. Well, he's not pulling it physically.

1 He's hooked -- he's hooked the pulling machine up
2 to the mandrel and it's pulled out. All he does
3 is hook it up.

4 Q. Okay. Is there a cutting of the pipe
5 at that point?

6 A. No.

7 Q. Is there raw fiber exposure at that
8 point?

9 A. No.

10 MR. SKINNER: Objection. Objection
11 to form.

12 BY MR. PLACITELLA:

13 Q. But the mandrel puller, his exposure
14 also exceeded your company standard, didn't it?

15 MR. SKINNER: Objection to form,
16 assumes facts not in evidence. The document
17 speaks for itself, lacks foundation, lacks
18 personal knowledge.

19 THE WITNESS: It's 2.7 million
20 particles per cubic foot of air. It exceeds our
21 internal standard, yes.

22 BY MR. PLACITELLA:

23 Q. Okay. The person who is the pipe
24 finishing lathe operator, do you see him down a

1 little bit further?

2 A. Yes.

3 Q. Two of the dust counts for that person
4 also exceed your internal standard recommended by
5 Mr. Horowitz, correct?

6 MR. SKINNER: Objection to form
7 assumes facts not in evidence, lacks foundation,
8 the document speaks for itself.

9 THE WITNESS: Yes.

10 MR. SKINNER: You can testify to
11 what the document says.

12 THE WITNESS: I'm sorry, Jeff.

13 MR. SKINNER: Go ahead.

14 THE WITNESS: Yes, but it doesn't
15 exceed the standard as ACGIH.

16 BY MR. PLACITELLA:

17 Q. It exceeds the standard that you
18 believe was safe, correct?

19 MR. SKINNER: Objection to form,
20 misstates prior testimony, mischaracterizes
21 evidence, assumes facts not in evidence, lacks
22 foundation, lacks personal knowledge. Mr. Ambler
23 is testifying in his personal capacity.

24 You can answer as best you can.

1 THE WITNESS: I don't believe we
2 ever said that the ACGIH wasn't a safe standard.
3 We're saying we try to do better than that and
4 exceeds what we've set as our internal goal.

5 BY MR. PLACITELLA:

6 Q. It exceeds your own standard that you
7 strive for in your plant, correct?

8 MR. SKINNER: Objection to form,
9 mischaracterizes evidence, mischaracterizes prior
10 testimony, assumes facts not in evidence, lacks
11 foundation, lacks personal knowledge.

12 MR. PLACITELLA: Why don't you just
13 get a tape and just play it.

14 MR. SKINNER: It would make this
15 easier.

16 MR. PLACITELLA: Yeah, it would
17 make it a lot easier. I'm sure you'll do that in
18 the courtroom right in front of jury, too.

19 BY MR. PLACITELLA:

20 Q. Go ahead.

21 A. Our internal goal, it exceeded our
22 internal goal, yes.

23 Q. Okay. The next thing on page three,
24 the pipe finishing -- what's that, beller?

1 A. Yes.

2 Q. What's pipe finishing beller; what's he
3 do?

4 MR. SKINNER: Objection to form.

5 THE WITNESS: He -- he -- he
6 finishes the end of the pipe. We went over that
7 earlier today. You have to have the ends of the
8 pipe machined so that you can put a coupling on
9 them.

10 BY MR. PLACITELLA:

11 Q. And he's got like a big thing there to
12 suck the air -- ventilate the air so there's no
13 exposure, right?

14 MR. SKINNER: Objection to form,
15 assumes facts not in evidence, lacks foundation,
16 lacks personal knowledge.

17 THE WITNESS: He has a dust
18 collector right there, yes.

19 BY MR. PLACITELLA:

20 Q. But this study done by the Federal
21 Government shows that he was exposed above your
22 internal standard, doesn't it?

23 MR. SKINNER: Objection to form,
24 mischaracterizes prior testimony, misstates

1 evidence. The document speaks for itself, lacks
2 foundation, lacks personal knowledge.

3 THE WITNESS: Our internal goal,
4 yes.

5 BY MR. PLACITELLA:

6 Q. What's a hydro flex tester do?

7 MR. SKINNER: Objection to form.

8 THE WITNESS: I don't know exactly
9 what he does do. He's obviously -- he's doing --
10 well, he's -- every piece of pressure pipe has to
11 be hydrostatically tested in the plant, and
12 that's probably his job.

13 BY MR. PLACITELLA:

14 Q. Well, that was one of Mr. Egan's jobs,
15 wasn't it?

16 A. No.

17 Q. He did that in the lab?

18 A. No, no, no, no.

19 Q. He didn't --

20 A. He wasn't doing production testing. He
21 was doing design and quality testing in the lab.

22 Q. He wasn't doing hydro tests in the lab?

23 A. Oh, there was a hydro test, yes.

24 Q. Okay. And this man who did this hydro

1 test, he also exceeded your internal standard for
2 safety, didn't he?

3 MR. SKINNER: Objection to form.

4 BY MR. PLACITELLA:

5 Q. His exposure by this reading done by
6 the Federal Government?

7 MR. SKINNER: Objection to form,
8 mischaracterizes prior testimony,
9 mischaracterizes evidence, lacks foundation,
10 lacks personal knowledge, and the document speaks
11 for itself.

12 THE WITNESS: Our internal goal,
13 yes.

14 BY MR. PLACITELLA:

15 Q. And he also on three out of the four
16 using the British method -- using the British
17 method far exceeded high exposures to asbestos
18 fiber, didn't he?

19 MR. SKINNER: Objection to form,
20 vague, argumentative, lacks foundation, lacks
21 personal knowledge, assumes facts not in
22 evidence, and the document speaks for itself.

23 BY MR. PLACITELLA:

24 Q. Let me rephrase that 'cause I got it

1 wrong.

2 A. Yeah, you did.

3 Q. What about the next one? The hydro
4 flex tester, one of the -- the same reading that
5 exceeded your safety standard also would have
6 been a high fiber reading using the British
7 standard, correct?

8 MR. SKINNER: Objection to form,
9 mischaracterizes prior testimony, misstates
10 evidence, lacks foundation, lacks personal
11 knowledge. The document speaks for itself.

12 THE WITNESS: Yes, it would exceed
13 the experimental British standard, yes.

14 BY MR. PLACITELLA:

15 Q. Okay. Now, the next person listed here
16 is the coupling cutter. What's he do?

17 MR. SKINNER: Objection to form.

18 BY MR. PLACITELLA:

19 Q. What's his job?

20 A. Wait a second, please. I think that's
21 the boring mill, but I could be wrong on that.

22 Q. The coupling cutter works in the boring
23 mill?

24 A. It could be the boring mill. You have

1 to put grooves in the coupling to retain the
2 rings. And what it is, you put the blank in
3 there and then you pull the machine down and it
4 cuts the grooves in the coupling.

5 Q. Okay. Does he do his job with
6 ventilation in place?

7 A. Yes, sir.

8 Q. And --

9 A. Dust collection. Not ventilation, dust
10 collection.

11 Q. Dust collection. And does every single
12 reading done by the Federal Government at the
13 Santa Clara plant for this operation exceed your
14 internal safety standard?

15 MR. SKINNER: Objection to form,
16 mischaracterizes prior testimony, misstates
17 evidence, lacks personal foundation -- lacks
18 foundation, lacks personal knowledge. The
19 document speaks for itself.

20 THE WITNESS: It's hard for me to
21 answer that question. I can only tell you it
22 exceeds the -- it exceeds the ACGIH.

23 BY MR. PLACITELLA:

24 Q. Well, every reading exceeds your

1 internal standard, true?

2 MR. SKINNER: Objection to form,
3 mischaracterizes prior testimony, misstates
4 evidence. The document speaks for itself.

5 THE WITNESS: What internal
6 standard? We don't --

7 BY MR. PLACITELLA:

8 Q. 2.5 million particles per cubic foot?

9 A. I tried to answer your question, sir.
10 We don't have any internal standard for this
11 experimental testing.

12 Q. So the 2.5 million particles per cubic
13 foot that you follow does not apply to this man?

14 A. Oh, sure.

15 MR. SKINNER: Objection to form,
16 misstates evidence, mischaracterizes testimony,
17 lacks foundation, lacks personal knowledge.

18 THE WITNESS: Sure, it does.

19 BY MR. PLACITELLA:

20 Q. Okay. And every test done for this man
21 exceeded your internal safety standard, correct?

22 MR. SKINNER: Objection to form,
23 mischaracterizes prior testimony, misstates
24 evidence, lacks foundation, lacks personal

1 knowledge. The document speaks for itself.

2 THE WITNESS: It exceeds -- the one
3 series it says exceeds the -- oh, all the tests.
4 You're right. All the tests exceed our goal, our
5 internal goal.

6 BY MR. PLACITELLA:

7 Q. And two of the tests exceed the ACGIH
8 standard, correct?

9 MR. SKINNER: Objection to form.
10 The document speaks for itself.

11 THE WITNESS: Yes, it does.

12 BY MR. PLACITELLA:

13 Q. One time -- one test is four times
14 greater than the ACGIH standard, correct?

15 MR. SKINNER: Objection to form.
16 The document speaks for itself.

17 THE WITNESS: That's right.

18 BY MR. PLACITELLA:

19 Q. Which would be more than eight times
20 greater than your internal standard, correct?

21 MR. SKINNER: Objection to form,
22 mischaracterizes prior testimony, misstates
23 evidence. The document speaks for itself.

24 THE WITNESS: That would be right.

1 BY MR. PLACITELLA:

2 Q. Using the British standard, the Federal
3 Government demonstrates here that three out of
4 the four samples for the coupling cutter with
5 ventilation in place demonstrate high levels of
6 asbestos fiber, correct?

7 MR. SKINNER: Objection to form.
8 The document speaks for itself.

9 THE WITNESS: That's what this
10 says, yes.

11 BY MR. PLACITELLA:

12 Q. The next standard -- the next person
13 who was tested worked on the coupling lathe. Do
14 you see that?

15 A. Yes.

16 Q. They have one of those in the pilot
17 plant, don't they?

18 A. Well, I don't know whether it's
19 designated for couplings. They have lathes. I
20 mean lathes are lathes. They're lathes.

21 Q. Okay.

22 A. Something that cuts or machines.

23 Q. The readings done by the Federal
24 Government for the person working on the coupling

1 lathe exceeded your internal standard of safety,
2 correct?

3 MR. SKINNER: Objection to form,
4 mischaracterizes prior testimony, misstates
5 evidence, lacks foundation, lacks personal
6 knowledge. The document speaks for itself.

7 THE WITNESS: It exceeds our
8 internal goal, yes.

9 BY MR. PLACITELLA:

10 Q. Okay. And two of the tests under the
11 British standard would be considered high fiber
12 exposure, correct?

13 MR. SKINNER: Objection to form.
14 The document speaks to itself -- for itself.

15 THE WITNESS: Yes.

16 BY MR. PLACITELLA:

17 Q. I want to skip down a little bit.
18 The next person is a forklift operator.
19 Do you see that?

20 A. Yes.

21 Q. He's not handling raw asbestos, is he?

22 A. He could be if he was -- had a pallet
23 of his asbestos fibers on his forklift truck.

24 Q. Okay. So the forklift operator, we

1 don't have any measurements at all for the
2 impinger, correct?

3 MR. SKINNER: Objection. The
4 document speaks for itself.

5 THE WITNESS: That's correct.

6 BY MR. PLACITELLA:

7 Q. But the British standard measurement is
8 high for exposure to asbestos, correct?

9 MR. SKINNER: Objection to form.
10 The document speaks to itself -- for itself.

11 THE WITNESS: That's what it says,
12 yes.

13 BY MR. PLACITELLA:

14 Q. The next guy down here is a foreman,
15 correct?

16 A. Yes.

17 Q. Under the -- there's nothing at all
18 here for the impinger, correct?

19 A. Correct.

20 MR. SKINNER: Objection to form.
21 The document speaks for itself.

22 BY MR. PLACITELLA:

23 Q. But the foreman under the British
24 standard would have medium exposure, correct?

1 MR. SKINNER: Objection to form.
2 The document speaks for itself, lacks foundation,
3 lacks personal knowledge.

4 THE WITNESS: That's what it says,
5 yes.

6 BY MR. PLACITELLA:

7 Q. I'm just going to go to one more and
8 then I'll back up.

9 The last page, packing -- packer. Do
10 you see that?

11 A. Yes.

12 Q. Okay. What's a packer do?

13 MR. SKINNER: Objection to form.

14 THE WITNESS: He is probably --
15 he's probably palletizing the pipe.

16 BY MR. PLACITELLA:

17 Q. What does that mean?

18 A. Banding it. Banding it.

19 Q. Just putting bands around it?

20 A. Yes, and wooden struts.

21 Q. Okay. And according to this Federal
22 Government document, under the British standard,
23 he would be exposed to a medium level of asbestos
24 fiber, correct?

1 MR. SKINNER: Objection to form.
2 The document speaks for itself, lacks foundation,
3 lacks personal knowledge.

4 THE WITNESS: Yes.

5 BY MR. PLACITELLA:

6 Q. Now, let me just go back through. Are
7 you aware of any similar document or any dust
8 counts in the Ambler plant for 1967?

9 MR. SKINNER: Objection to form.

10 THE WITNESS: No. I'm not aware of
11 any.

12 BY MR. PLACITELLA:

13 Q. The Santa Clara plant was a new plant
14 compared to the Ambler plant, was it not?

15 MR. SKINNER: Objection to form.

16 THE WITNESS: I don't think it was.

17 BY MR. PLACITELLA:

18 Q. I thought it was built in the 1960s?

19 A. What, Santa Clara?

20 Q. Yes.

21 A. No.

22 Q. No?

23 A. No.

24 Q. Did it have comparable dust control to

1 what existed in the Ambler plant?

2 MR. SKINNER: Objection to form.

3 THE WITNESS: I'd have to go back
4 and check that. I can't answer that question,
5 but it wasn't built in the 1960s.

6 BY MR. PLACITELLA:

7 Q. Okay. Is there any reason to believe
8 that the Ambler plant was cleaner than the Santa
9 Clara plant?

10 MR. SKINNER: Objection to form,
11 calls for speculation.

12 THE WITNESS: Well, we have the
13 dust counts per the fiber per CC standards and
14 you can look at those for the whole decade of the
15 '70s and they're pretty clean.

16 BY MR. PLACITELLA:

17 Q. Well, I'm looking for '67 to '69, sir.

18 A. Well, okay. We can read the Travelers
19 report and see what they said. They said the
20 plant's clean and it looked very good.

21 Q. There are no dust counts for the 1960s
22 in the Travelers' reports, are there?

23 MR. SKINNER: Objection to form.

24 THE WITNESS: In those reports we

1 have there are none, but that doesn't mean we
2 don't have them.

3 BY MR. PLACITELLA:

4 Q. Where are they, sir?

5 A. I said I don't know the answer to that
6 question.

7 Q. Well, if you had them, wouldn't you
8 have produced them here today?

9 A. We just don't have them.

10 Q. Am I correct, sir, that the only dust
11 counts that exist for the 1967 to 1969 timeframe
12 that we can rely upon and look at are the dust
13 counts contained in this document?

14 MR. SKINNER: Objection to form,
15 misstates evidence, misstates facts, relevance.

16 THE WITNESS: It may be the only
17 thing you have other than this document.

18 BY MR. PLACITELLA:

19 Q. Now, let me just go back and ask you
20 some questions about this document.

21 A. Which document?

22 Q. The one we have right in front of us.

23 A. The Santa Clara one?

24 Q. Yes, sir.

1 Did they mix asbestos -- I'm looking at
2 the mixer. Did they mix asbestos in the pilot
3 plant?

4 A. They mixed asbestos with the cement and
5 silica, sure, to make pipe.

6 Q. Did they stack asbestos in the pilot
7 plant?

8 A. Well, if they had bags of asbestos in
9 the bags, they would probably have them stacked
10 on top of each other someplace in inventory. In
11 which plant? I'm sorry.

12 Q. The pilot plant.

13 A. Yes. Okay. I answered that. Yes.

14 Q. I'm looking at page two, the different
15 functions. Did they have somebody who stacked
16 pipe in the pilot plant?

17 MR. SKINNER: Objection to form.

18 THE WITNESS: They didn't package
19 any pipe that I'm aware of. They may have had
20 some pieces of pipes on some boards or some --
21 they could have been stacked, you know, to take
22 somewhere for testing, but I mean the guy, the
23 stacker in the plant, he's stacking them for
24 resale. And obviously as pipe's made, it has to

1 be packed somewhere in the pilot plant.

2 BY MR. PLACITELLA:

3 Q. Right. And when they make the pipe in
4 the pilot plant, they stack it?

5 MR. SKINNER: Objection to form,
6 argumentative.

7 THE WITNESS: They probably do,
8 yes, depending on how many pieces they made.

9 BY MR. PLACITELLA:

10 Q. I'm looking down a little further. The
11 mandrel puller. Did they have people work on
12 mandrels in the pilot plant?

13 A. They took the mandrel out of the pipe
14 once it was made, yes.

15 Q. Okay. Did they have people -- looking
16 at page three -- in the pipe finishing section of
17 the pilot plant where they work on the bell part
18 of the pipe?

19 MR. SKINNER: Objection to form.

20 THE WITNESS: They had some
21 finishing where they finished the end of the pipe
22 for a coupling, yes.

23 BY MR. PLACITELLA:

24 Q. Okay. Did they have people --

1 A. On a lathe. That was on a horizontal
2 lathe.

3 Q. Going down a little further looking
4 at -- did they also have people like here that
5 cut couplers -- couplings in the pilot plant?

6 A. I don't --

7 MR. SKINNER: Objection to form.

8 THE WITNESS: I don't know the
9 answer to that question. I'm sorry.

10 MR. SKINNER: Just objection to
11 form. Go ahead.

12 THE WITNESS: I don't know the
13 answer to the question.

14 BY MR. PLACITELLA:

15 Q. Next it says underneath -- this on page
16 three -- lathe. Did they have people working on
17 the lathes?

18 A. That's -- we already went through that.
19 That's they're machining the ends of the pipe.

20 Q. Right. That's what Mr. Egan did,
21 right?

22 MR. SKINNER: Objection to form,
23 mischaracterizes Mr. Egan's testimony.

24 THE WITNESS: Yeah. I'm not so

1 sure he said he lathed the end of the pipe, but
2 he may have. I could stand corrected on that.

3 BY MR. PLACITELLA:

4 Q. Okay. Did they have a forklift
5 operator in the pilot plant?

6 MR. SKINNER: Objection to form.

7 THE WITNESS: Yes.

8 BY MR. PLACITELLA:

9 Q. Okay. Am I correct, sir, that in
10 reviewing this document, May 21, 1968, there's no
11 doubt that people who are working in the
12 CertainTeed plant in 1968 doing jobs similar to
13 the technicians in the pilot plant are being
14 exposed to asbestos?

15 MR. SKINNER: Objection to form.

16 THE WITNESS: Would you -- would
17 you run that by me again?

18 BY MR. PLACITELLA:

19 Q. Yes, sir.

20 THE WITNESS: Can I see that?

21 MR. SKINNER: Yeah.

22 BY MR. PLACITELLA:

23 Q. There are people in the Santa Clara
24 plant --

1 A. Yes.

2 Q. -- despite all of the precautions that
3 you've taken for ventilation and exhaust, that
4 are still being exposed to asbestos, correct?

5 MR. SKINNER: Objection to form.

6 BY MR. PLACITELLA:

7 Q. According to this document?

8 A. According to this document. And it's
9 dust collection, sir.

10 Q. Dust collection?

11 A. Yes.

12 Q. And some of these operations are the
13 same operations that were being performed or
14 similar operations that were being performed in
15 the pilot plant during the same period of time?

16 MR. SKINNER: Objection to form.

17 THE WITNESS: It could be, yes.

18 BY MR. PLACITELLA:

19 Q. Okay. Before you talked about
20 respirators. Do you recall that?

21 A. Yes, sir.

22 Q. Do you distinguish between respirators
23 and masks?

24 A. Well, generally a -- I do, but you

1 know, I can't say everybody does. There's the --
2 obviously the cloth mask and then there's a
3 respirator with an air canister on it.

4 Q. All right. What was used in the
5 plants?

6 MR. SKINNER: Objection to form.

7 BY MR. PLACITELLA:

8 Q. In the '67 to '69 timeframe?

9 MR. SKINNER: Objection to form.

10 THE WITNESS: Depending on the job,
11 either one could be used.

12 BY MR. PLACITELLA:

13 Q. Am I correct that despite knowing that
14 people were being exposed to asbestos in the
15 plants in 1967, that respirators were not
16 mandatory, they were optional?

17 MR. SKINNER: Objection to form,
18 misstates evidence, mischaracterizes documents.

19 THE WITNESS: Well, they certainly
20 shouldn't have been optional.

21 BY MR. PLACITELLA:

22 Q. But they were optional?

23 A. How do you know that?

24 MR. SKINNER: Objection to form,

1 argumentative.

2 THE WITNESS: I don't think they
3 were optional. They were told -- excuse me. I
4 shouldn't have said that. They were told what
5 the company rules were and they should have worn
6 them. And they were told if there was a
7 dangerous situation there, they should be wearing
8 a respirator.

9 BY MR. PLACITELLA:

10 Q. Unless -- the only time they were
11 mandatory is when a determination was made that
12 there was just too much asbestos fiber being
13 released into the air, correct?

14 MR. SKINNER: Objection to form.

15 THE WITNESS: In the plants?

16 BY MR. PLACITELLA:

17 Q. Yes, sir.

18 A. The pipe plants?

19 Q. Yes, sir.

20 A. If the fiber was in excess of what the
21 standard was, then they had to wear a respirator.

22 Q. In excess of 2.5 million particles per
23 cubic foot?

24 MR. SKINNER: Objection to form,

1 mischaracterizes prior testimony, misstates
2 evidence.

3 THE WITNESS: I can't answer that
4 question. I would assume that was happening, but
5 the standard for that was still 5 million
6 particles per cubic foot of air. I mean if we
7 had a company goal at two-and-a-half, we'd have
8 asked them to wear a respirator, yes.

9 BY MR. PLACITELLA:

10 Q. All right. So that's what I'm trying
11 to understand.

12 If the exposure was above 2.5, then it
13 was mandatory they wear a respirator?

14 MR. SKINNER: Objection to form,
15 mischaracterizes prior testimony.

16 THE WITNESS: Well, I don't know
17 whether it was mandatory, but the plant manager
18 would certainly ask them to wear a respirator.
19 It was mandatory when you'd be exceeding the
20 applicable standards.

21 BY MR. PLACITELLA:

22 Q. When you walked into an area in the
23 plant where the product was being mixed and
24 manufactured, was it mandatory you put a

1 respirator on?

2 MR. SKINNER: Objection to form.

3 THE WITNESS: Only if your exposure
4 was greater than the applicable standards.

5 BY MR. PLACITELLA:

6 Q. How would you know that without a dust
7 count?

8 A. You take dust counts in the plants.
9 And you also know what the operation is, and
10 there's an operation that was having an issue or
11 a problem, that you'd have to wear a dust
12 collector -- excuse me, a respirator until the
13 operation was remedied.

14 Q. So the only way you would know whether
15 it was safe for you to work in the plant was to
16 have a dust count done?

17 MR. SKINNER: Objection to form,
18 misstates prior testimony, mischaracterizes
19 evidence.

20 THE WITNESS: We took dust counts
21 in the plant. We knew what the various dust
22 counts were at the various operations. And if an
23 operation was malfunctioning, then you would have
24 to wear a respirator to do that function.

1 BY MR. PLACITELLA:

2 Q. So only if an operation was
3 malfunctioning would you have to wear a
4 respirator?

5 MR. SKINNER: Objection to form,
6 misstates prior testimony, mischaracterizes
7 facts.

8 THE WITNESS: Or if the function
9 for some odd reason -- that's, I guess,
10 malfunction, if some odd reason would be
11 generating asbestos fiber greater than -- greater
12 than what the standard was, you'd have to wear a
13 respirator until it was corrected.

14 BY MR. PLACITELLA:

15 Q. Okay. And the only way you would know
16 that is by doing a test, correct?

17 MR. SKINNER: Objection to form,
18 argumentative.

19 THE WITNESS: Or if you would see
20 the operation and you can see the operation was
21 malfunctioning. I mean people can look at an
22 operation and see if it's malfunctioning and they
23 shut it down until it's fixed, but if they run
24 it, they have to wear a respirator.

1 BY MR. PLACITELLA:

2 Q. The last document that we looked at, P.
3 Ambler-30, where the dust counts exceeded your
4 internal standard, is there any indication that
5 there was any malfunction going on?

6 MR. SKINNER: Objection to form,
7 mischaracterizes prior testimony, misstates
8 evidence. The document speaks for itself, lacks
9 foundation, lacks personal knowledge.

10 THE WITNESS: It doesn't say one
11 way or the other. The report is the report.

12 BY MR. PLACITELLA:

13 Q. There's not an indication in there that
14 there's any malfunction going on, is there?

15 MR. SKINNER: Objection to form.
16 The document speaks for itself, lacks foundation,
17 lacks personal knowledge.

18 THE WITNESS: It doesn't say.

19 BY MR. PLACITELLA:

20 Q. Okay. The only way to be certain as to
21 whether you're working in a safe environment is
22 to do dust counts, correct?

23 MR. SKINNER: Objection to form,
24 calls for an expert conclusion.

1 To the extent you know, you can
2 answer in your personal capacity.

3 THE WITNESS: You should be
4 taking -- in the manufacturing plants, you should
5 be taking dust counts under a planned procedure,
6 be sure you know what's happening at all the
7 operations.

8 BY MR. PLACITELLA:

9 Q. Okay. The only way to know whether
10 somebody is working safely and whether they need
11 a respirator is to take a dust count, correct?

12 MR. SKINNER: Objection to form,
13 asked and answered.

14 You can answer in your personal
15 capacity, Mr. Ambler.

16 THE WITNESS: I don't know how else
17 to answer it. I mean if you take a dust -- yes.
18 If you take a dust count and you see you're well
19 within the standard, you can run that operation
20 for some time period until you take the next dust
21 count unless you see something that's
22 malfunctioning.

23 BY MR. PLACITELLA:

24 Q. Okay. You never took a dust count in

1 the pilot plant, correct?

2 MR. SKINNER: Objection to form,
3 assumes facts not in evidence, lacks foundation,
4 lacks personal knowledge.

5 You can answer.

6 THE WITNESS: Not that I'm aware
7 of. I can't say it was never done, but not that
8 I'm aware of.

9 BY MR. PLACITELLA:

10 Q. Do you know whether wearing respirators
11 was actually mandatory for every worker in the
12 California plant; was it part of the union
13 agreement?

14 MR. SKINNER: Objection to form,
15 beyond the scope, lacks foundation, lacks
16 personal knowledge.

17 You can answer.

18 THE WITNESS: Well, we had a
19 respirator policy and it was our own policy. I
20 don't know what was in the union contract. I'd
21 have to read it, but you had to wear a respirator
22 if, in fact, there was a potential to have fiber
23 release greater than the standard.

24 BY MR. PLACITELLA:

1 Q. Okay. So you don't know whether it was
2 in the union contract?

3 A. Not without reading the union contract.

4 MR. SKINNER: Same objections.

5 BY MR. PLACITELLA:

6 Q. Okay. You had union employees in the
7 main plant in Ambler?

8 A. Yes.

9 Q. Okay. The technicians that worked in
10 the pilot plant, they were nonunion, right?

11 A. That's correct.

12 Q. They didn't have a union there to look
13 out for them, right?

14 MR. SKINNER: Objection to form.

15 THE WITNESS: There was no union
16 there, in the pilot plant.

17 BY MR. PLACITELLA:

18 Q. Am I correct that you held safety
19 meetings in the main plant?

20 A. Yes.

21 Q. Okay. Do you have any evidence as you
22 sit here today that between 1967 and 1969 you
23 ever held a single safety meeting relating to the
24 dangers of asbestos in the pilot plant?

1 MR. SKINNER: Objection to form.

2 THE WITNESS: I don't -- other than
3 I talked to John Hoover about that and John says
4 he was sure that there were safety meetings held
5 periodically in the pilot plant.

6 BY MR. PLACITELLA:

7 Q. But from your own knowledge, sir?

8 A. I didn't go into any safety meetings at
9 the pilot plant.

10 Q. Did you ever witness a safety meeting?

11 A. At the pilot plant?

12 Q. Yes.

13 A. No, I did not.

14 Q. Did you ever get notice of there being
15 a safety meeting at the pilot plant?

16 A. I never got notice that there was a
17 safety meeting anywhere.

18 Q. I said I'd give you the opportunity to
19 talk about the Travelers documents before I go to
20 the rest.

21 A. To do what?

22 Q. To address what you call the Travelers
23 document which your attorney gave me. It's
24 Ambler-20. By the way, before we do that --

1 Do you have it?

2 A. Yes, sir.

3 Q. Are you familiar with this document?

4 A. Yes, sir.

5 Q. Okay. So just to confirm, this
6 document is sequentially Bates numbered?

7 MR. SKINNER: What's the exhibit
8 number?

9 BY MR. PLACITELLA:

10 Q. Well, it's not really sequentially
11 Bates numbered, is it?

12 A. You say it's not?

13 Q. No. There are pages entitled the
14 engineering report that are a different set of
15 Bates numbers. So let's just go through it.

16 Looking at this document marked what in
17 front of you?

18 MR. SKINNER: Ambler-20.

19 THE WITNESS: I'm sorry. 20.

20 BY MR. PLACITELLA:

21 Q. Ambler-20?

22 A. Yes.

23 Q. Okay. During the 1960s, there are no
24 dust counts available, correct?

1 MR. SKINNER: Objection to form,
2 misstates evidence, assumes facts not in
3 evidence.

4 THE WITNESS: I don't know if there
5 are any available or not.

6 BY MR. PLACITELLA:

7 Q. There's none indicated in this
8 document --

9 MR. SKINNER: Objection.

10 BY MR. PLACITELLA:

11 Q. -- during the 1960s?

12 MR. SKINNER: Objection to form.
13 The document speaks for itself.

14 THE WITNESS: For 1968, that's
15 correct or -- yes, that's correct.

16 BY MR. PLACITELLA:

17 Q. Or '69?

18 A. That's correct.

19 Q. Okay.

20 A. But it doesn't mean there aren't any.

21 Q. It's just saying that they're not
22 available, they don't exist?

23 A. Not available. Oh, I don't know that.
24 They're not available today.

1 Q. Okay. Now, let's flip forward to the
2 engineering report Bates number 18600.

3 A. Okay.

4 Q. And that's dated December 1977. That's
5 what you referred to before, correct?

6 MR. SKINNER: Objection to form,
7 mischaracterizes prior testimony.

8 THE WITNESS: Yes. I'm sorry.
9 Yes.

10 BY MR. PLACITELLA:

11 Q. Okay. And this is an engineering
12 report prepared by the Travelers division?

13 A. Yes.

14 Q. And this is now eight years after
15 Mr. Egan leaves the pilot plant, correct,
16 approximately?

17 A. He left in '69, right, so this was,
18 what, '78.

19 Q. '77?

20 A. Yeah.

21 Q. All right. Presumably you have all of
22 the state-of-the-art dust collection equipment
23 available in this plant when this is done in
24 1977, correct?

1 A. Yes.

2 Q. Probably better than you had in the
3 '60s?

4 A. No, not necessarily. There's a report
5 that was put out in '78 that said all the dust
6 collections -- most of the dust collections were
7 the same as we had in -- starting in 1964.

8 Q. I thought you improved it in the 1970s?

9 A. There may have been some, but you got a
10 report saying that it -- it tells us what each of
11 the dust collectors, when it was installed as of
12 1978.

13 Q. Okay. Who gets this report is the --
14 go to the second page on the distribution list.
15 Do you recognize any of these names?

16 A. No.

17 Q. Okay. The purpose of this survey was
18 to determine, as of 1977, whether people who were
19 working in your plant were still being exposed to
20 asbestos, correct?

21 MR. SKINNER: Objection to form.

22 The document speaks for itself.

23 THE WITNESS: Well, what do you
24 mean by still being exposed to asbestos?

1 Certainly they're working in an asbestos plant,
2 there's exposure to asbestos, making certain that
3 the exposure be within the applicable standards.

4 BY MR. PLACITELLA:

5 Q. Okay. Go to page three.

6 A. Okay.

7 Q. What's the standard in 1977 for
8 exposure to asbestos, by the way; isn't it 2
9 fibers per CC?

10 A. Yes, on a time-weighted average, yes.

11 Q. The introduction says, in December 13th
12 and 14th, 1977, the CertainTeed pipe division
13 plant in Ambler, Pennsylvania was surveyed. The
14 purpose of the survey was to determine if the
15 plant workers were exposed to asbestos as a
16 result of their work environment?

17 A. Right.

18 Q. Did I read that correctly?

19 A. Yes.

20 Q. And under the summary in the fifth
21 paragraph they say, workers are exposed to
22 asbestos fibers in the workplace, as well as
23 taking contaminated clothing home since no change
24 of work clothes was observed at this plant,

1 correct?

2 MR. SKINNER: Objection to form.

3 The document speaks for itself.

4 THE WITNESS: That's what it says.

5 BY MR. PLACITELLA:

6 Q. Now, let's go to the table one. Do you
7 see that?

8 A. Yes, sir.

9 Q. Do you see there's a Mr. Semioes? Do
10 you see that?

11 A. Yes.

12 Q. Okay. He's a fiber mixer, right?

13 A. Yes.

14 Q. They did that in the pilot plant,
15 right?

16 MR. SKINNER: Objection to form.

17 THE WITNESS: Yes.

18 BY MR. PLACITELLA:

19 Q. His exposure exceeded the OSHA level in
20 this test, did it not?

21 A. Yeah.

22 MR. SKINNER: Objection to form.

23 THE WITNESS: Well, it depends.

24 It says the fibers per CC tested. I don't know

1 whether that's a TWA or that's a maximum.

2 BY MR. PLACITELLA:

3 Q. It's above 2 fibers per CC, isn't it?

4 A. Yeah, but it's 2 fibers per CC is a
5 time-weighted average.

6 Q. Okay. We'll get there.

7 A. It is above that.

8 Q. Okay.

9 A. But it's not above ten.

10 Q. Okay. Then there's another fiber
11 mixer, Mr. Edleman. He's also above the OSHA
12 standard, correct?

13 MR. SKINNER: Objection to form.
14 The document speaks for itself.

15 THE WITNESS: Yep. Yes.

16 BY MR. PLACITELLA:

17 Q. Then there's a man who worked the
18 lathe, a Mr. Silva. Do you see that?

19 A. Yes.

20 Q. They had a lathe in the pilot plant,
21 did they not?

22 A. Yes.

23 Q. He was exposed above the OSHA standard,
24 wasn't he?

1 MR. SKINNER: Objection to form.

2 The document speaks for itself.

3 THE WITNESS: Above the

4 time-weighted average standard, yes.

5 BY MR. PLACITELLA:

6 Q. And then there was a man who did a

7 crushing operation. What's that?

8 A. Well, you have a scrap crusher in all

9 the main plants. If you make some bad pipe for

10 some reason, you can cut it up and send it

11 through the crusher and then recirculate the

12 fines.

13 Q. And those two guys were also exposed

14 above OSHA limits, right?

15 MR. SKINNER: Objection to form.

16 The document speaks for itself.

17 THE WITNESS: Yes.

18 BY MR. PLACITELLA:

19 Q. And then what they did is --

20 A. Above the TWA.

21 Q. Right. And then what they did is they

22 just went around the plant to see where the dust

23 settled in the plant, right?

24 MR. SKINNER: Objection to form.

1 The document speaks for itself.

2 THE WITNESS: They did that at the
3 boring mill and at the vacuum.

4 BY MR. PLACITELLA:

5 Q. And they found that there was asbestos
6 settled on the boring mill, right?

7 MR. SKINNER: Objection to form.
8 The document speaks for itself.

9 THE WITNESS: It didn't say that.
10 I'm sorry. Yes, it does.

11 BY MR. PLACITELLA:

12 Q. And then on the vacuum box crusher,
13 there was also asbestos fibers settled, correct?

14 A. Yes.

15 MR. SKINNER: Objection to form.
16 The document speaks for itself.

17 BY MR. PLACITELLA:

18 Q. Go to page six. It talks about
19 observations for the crushing operation, correct?

20 A. Yes.

21 MR. SKINNER: Objection to form.
22 The document speaks for itself.

23 BY MR. PLACITELLA:

24 Q. It says shift one showed --

1 MR. PLACITELLA: I thought you
2 wanted me to talk to him about this document.
3 You gave it to him.

4 MR. SKINNER: That's fine. Keep
5 asking your questions.

6 MR. PLACITELLA: Oh, okay. I keep
7 hearing background.

8 BY MR. PLACITELLA:

9 Q. Shift one showed an air concentration
10 of 2.4 fibers per CC while shift two averaged 5.3
11 fibers per CC, correct?

12 MR. SKINNER: Objection. The
13 document speaks for itself.

14 THE WITNESS: Yes.

15 BY MR. PLACITELLA:

16 Q. The time sampled was 67 minutes and
17 55 minutes, respectively. The results are
18 typical of their respective exposures for an
19 eight-hour day since the work did not vary during
20 the observed process work, correct?

21 MR. SKINNER: Objection. The
22 document speaks for itself.

23 THE WITNESS: You read that
24 correctly.

1 BY MR. PLACITELLA:

2 Q. So this man was exposed, on average,
3 double the OSHA limit, correct?

4 MR. SKINNER: Objection to form.
5 The document speaks for itself.

6 THE WITNESS: The one man did, 5.3
7 fibers per CC, yes.

8 BY MR. PLACITELLA:

9 Q. Okay. They also comment that there was
10 settled dust showing asbestos fibers as well as
11 quartz fibers, correct?

12 A. Yes.

13 MR. SKINNER: Objection. The
14 document speaks for itself.

15 BY MR. PLACITELLA:

16 Q. And then they go on and say, both of
17 these workers wore street clothes which were
18 obviously contaminated with asbestos fibers,
19 there was no change of clothes before leaving
20 work, correct?

21 MR. SKINNER: Objection. The
22 document speaks for itself.

23 THE WITNESS: That's what it says.

24 BY MR. PLACITELLA:

1 Q. So despite the fact that you were told
2 in 1964 that little girls were getting
3 mesothelioma from living near a factory, you were
4 letting these workers go home to their families
5 with asbestos on their clothes, correct?

6 MR. SKINNER: Objection to form,
7 argumentative, misstates evidence,
8 mischaracterizes prior testimony, assumes facts
9 not in evidence, lacks foundation, lacks personal
10 knowledge.

11 Mr. Ambler, you can testify in your
12 personal capacity.

13 THE WITNESS: We had a change of --
14 locker room change and we had showers and these
15 gentlemen knew what we had.

16 BY MR. PLACITELLA:

17 Q. But you didn't require them --

18 MR. SKINNER: Same objections.

19 THE WITNESS: Yeah, it was not
20 required.

21 BY MR. PLACITELLA:

22 Q. It was not required?

23 MR. SKINNER: Same objections.

24 THE WITNESS: That's right.

1 BY MR. PLACITELLA:

2 Q. Why didn't you require it to protect
3 their families?

4 MR. SKINNER: Objection to form,
5 well beyond the scope of this case involving
6 exposure at the pilot plant, lacks foundation,
7 lacks personal knowledge. And you can answer in
8 your personal capacity.

9 BY MR. PLACITELLA:

10 Q. All right. Let me lay a foundation for
11 it.

12 If you bring home asbestos on your
13 clothes, doesn't that contaminate the house you
14 live in?

15 MR. SKINNER: Mr. Ambler, again,
16 objection, lacks foundation, lacks personal
17 knowledge, again, well beyond the scope of this
18 case. You can answer if your personal capacity.

19 THE WITNESS: I don't know what the
20 contamination would be when you got home.

21 BY MR. PLACITELLA:

22 Q. Did you ever ask?

23 MR. SKINNER: Objection.

24 BY MR. PLACITELLA:

1 Q. Did you ever test -- did you ever --
2 did you ever test any of your employees' homes?

3 A. Sir --

4 MR. SKINNER: Mr. Ambler, objection
5 to form, beyond the scope, irrelevant, beyond the
6 scope of this case, lacks foundation, lacks
7 personal knowledge. You can testify in your
8 personal capacity to the extent you know the
9 answer to this, and calls for speculation.

10 THE WITNESS: I don't know of any
11 testing that was done in the house.

12 BY MR. PLACITELLA:

13 Q. So you knew your employees were
14 bringing asbestos contaminated clothing home to
15 their families and to themselves, but you never
16 conducted a single test to see how contaminated
17 their homes were?

18 MR. SKINNER: Objection.

19 BY MR. PLACITELLA:

20 Q. Correct?

21 MR. SKINNER: Objection to form,
22 misstates evidence, assumes facts not in
23 evidence, lacks foundation, lacks personal
24 knowledge.

1 You can testify in your personal
2 capacity to the extent you know, Mr. Ambler.

3 THE WITNESS: I don't know of any
4 testing that was done at the homes.

5 BY MR. PLACITELLA:

6 Q. You didn't do it in the 1960s, correct?

7 MR. SKINNER: Objection to form,
8 lacks foundation, lacks personal knowledge,
9 beyond the scope of this case.

10 You can answer in your personal
11 capacity to the extent you know, Mr. Ambler.

12 THE WITNESS: I don't know of any
13 testing that was done.

14 BY MR. PLACITELLA:

15 Q. Okay. And your employees, even when
16 you gave them the 3M mask, that's not a
17 respirator, right? A 3M mask is not a
18 respirator?

19 MR. SKINNER: Objection to form,
20 asked and answered, argumentative.

21 THE WITNESS: What do you mean it's
22 not a respirator?

23 BY MR. PLACITELLA:

24 Q. Well, is that a respirator, a

1 disposable 3M mask; do you call that a
2 respirator?

3 MR. SKINNER: Objection to form,
4 argumentative.

5 THE WITNESS: It depends what your
6 definition of a respirator -- it was approved
7 against the exposure of asbestos.

8 BY MR. PLACITELLA:

9 Q. Okay. The guys who were doing the
10 crushing operations whose exposures exceeded the
11 OSHA limits by double, they were not given air
12 canisters, they were just given paper masks,
13 right?

14 MR. SKINNER: Objection to form,
15 beyond the scope of this case, lacks foundation,
16 lacks personal knowledge, assumes facts not in
17 evidence.

18 You can answer.

19 THE WITNESS: I don't know what
20 they were given, but they were supposed to be
21 given something to protect them.

22 BY MR. PLACITELLA:

23 Q. And when you gave them this paper mask,
24 you didn't even train them on how to wear it?

1 MR. SKINNER: Objection to form,
2 assumes facts not in evidence, lacks foundation.

3 THE WITNESS: I don't know that.

4 BY MR. PLACITELLA:

5 Q. You never looked to see whether they
6 had it on right or not?

7 MR. SKINNER: Objection to form,
8 assumes facts not no evidence, lacks foundation,
9 lacks personal knowledge.

10 You can answer in your personal
11 capacity.

12 THE WITNESS: I don't know about
13 that. Do you know about a plant that that
14 happened?

15 BY MR. PLACITELLA:

16 Q. Yeah. Why don't we look at the next
17 page, sir.

18 A. Oh, okay. Please.

19 Q. See where it says respirators were also
20 worn, 3M disposable?

21 A. Wait. Where? Which page? Oh, I'm
22 sorry. Yes.

23 Q. All right. But not properly?

24 MR. SKINNER: Objection. The

1 document speaks for itself.

2 BY MR. PLACITELLA:

3 Q. This is a two-strap mask and only one
4 strap was used allowing unfiltered air to be
5 brought around the chin of the wearer?

6 A. Yeah.

7 Q. Did I read that correctly?

8 MR. SKINNER: Objection to form.
9 The document speaks for itself.

10 THE WITNESS: You did, yes.

11 BY MR. PLACITELLA:

12 Q. And then what you did as a matter of
13 procedure to make things worse is you had the
14 people use an air hose to blow the dust off them?

15 MR. SKINNER: Objection to form,
16 argumentative, assumes facts not in evidence,
17 lacks foundation, lacks personal knowledge.

18 You can answer in your personal
19 capacity, Mr. Ambler.

20 THE WITNESS: It was a company
21 policy you were not allowed to use an air hose.

22 BY MR. PLACITELLA:

23 Q. But as of 1977, eight years after
24 Mr. Egan left, you still had air hoses being used

1 in the plant and you knew it and the people were
2 blowing the dust off their clothes with an air
3 hose, correct?

4 MR. SKINNER: Objection to form,
5 assumes facts not in evidence, well, well, beyond
6 the scope of this case, lacks foundation, lacks
7 personal knowledge.

8 Mr. Ambler, you can testify in your
9 personal capacity.

10 THE WITNESS: If we saw people
11 using an air hose to blow asbestos off their
12 clothes or off a machine when it should have been
13 being vacuumed, they were told to stop it and
14 don't do it.

15 BY MR. PLACITELLA:

16 Q. Okay. It says here, observed was the
17 use of an air hose to blow off the dust on the
18 workers' clothing.

19 Do you see that?

20 A. Yes.

21 MR. SKINNER: Objection to form.
22 The document speaks for itself.

23 BY MR. PLACITELLA:

24 Q. And it doesn't say here, does it, that

1 you use a vacuum to clean up the dust; it says
2 what you are using still in 1977 was a broom and
3 a shovel, right?

4 MR. SKINNER: Objection. The
5 document speaks for itself.

6 THE WITNESS: I already answered
7 your question, sir. The policy was not to use
8 it. This says it was being used. Somebody
9 should have stopped it.

10 BY MR. PLACITELLA:

11 Q. Somebody should have stopped it in
12 1969, right?

13 MR. SKINNER: Objection to form,
14 assumes facts not in evidence, mischaracterizing
15 Mr. Egan's and Mr. Moorhead's testimony.

16 THE WITNESS: Yeah.

17 MR. SKINNER: You can answer in
18 your personal capacity.

19 THE WITNESS: I don't know what was
20 happening in --

21 BY MR. PLACITELLA:

22 Q. Well, you heard Mr. Egan say he used a
23 broom and a pan?

24 A. Yeah.

1 Q. He was doing it then and it was still
2 going on in 1977, wasn't it?

3 MR. SKINNER: Objection to form,
4 beyond the scope, lacks foundation, lacks
5 personal knowledge.

6 THE WITNESS: The way I understand
7 it in the pilot plant, sir, that they were told
8 also to use the vacuum. They're told to use the
9 canister vacuum. And there were compounds there
10 if, in fact, they had to use a pan and a dust
11 broom to mix it up so they could sweep it in.

12 BY MR. PLACITELLA:

13 Q. Okay. So are you saying that this man
14 that worked in the crusher, this was an isolated
15 thing that he brought the asbestos home to his
16 family, that his respirator wasn't fitted right
17 and he used an air hose?

18 MR. SKINNER: Objection to form,
19 mischaracterizes evidence, lacks foundation,
20 lacks personal knowledge, beyond the scope of the
21 issues in this case.

22 Mr. Ambler, you may testify in your
23 personal capacity.

24 THE WITNESS: I never said it was

1 an isolated case.

2 BY MR. PLACITELLA:

3 Q. It happened all over the plant, didn't
4 it?

5 MR. SKINNER: Objection to form.

6 THE WITNESS: I didn't know that.

7 MR. SKINNER: Mr. Ambler, hold on.
8 Objection to form, misstates evidence, assumes
9 facts not in evidence, lacks foundation, lacks
10 personal knowledge.

11 You can answer in your personal
12 capacity.

13 THE WITNESS: I don't know that.

14 BY MR. PLACITELLA:

15 Q. You don't know that. The guy was doing
16 the mixing operation -- look on page seven. Does
17 it say he was exposed over the OSHA limit on
18 paragraph three?

19 MR. SKINNER: Objection. The
20 document speaks for itself.

21 THE WITNESS: That's what it's
22 saying, yes.

23 BY MR. PLACITELLA:

24 Q. And does it say that he also wore

1 street clothing?

2 A. Yes.

3 MR. SKINNER: Objection to form.

4 The document speaks for itself.

5 BY MR. PLACITELLA:

6 Q. Does it say that he wore a 3M mask
7 incorrectly using one strap?

8 MR. SKINNER: Objection to form.

9 The document speaks for itself.

10 THE WITNESS: That's what it says.

11 BY MR. PLACITELLA:

12 Q. Okay. Does it say that the respirators
13 that you were handing the workers to wear already
14 had asbestos on them when you gave it to them?

15 MR. SKINNER: Objection to form.

16 The document speaks for itself.

17 THE WITNESS: It says it had some
18 settled dust in them from the process. You read
19 that.

20 BY MR. PLACITELLA:

21 Q. So the people who were supposed to get
22 the protection, what they get is a mask, a cloth
23 mask with asbestos already on it so when they
24 start breathing, there's asbestos on the mask

1 already?

2 MR. SKINNER: Objection to form,
3 misstates evidence, assumes facts not in
4 evidence, lacks foundation, lacks personal
5 knowledge, beyond the scope of the issues in this
6 case.

7 You can answer, Mr. Ambler, in your
8 personal capacity.

9 THE WITNESS: I don't know to what
10 the degree there was asbestos on some of the
11 respirators and how much was going in before they
12 start using them -- into the person before they
13 start using them. I just don't know that.

14 BY MR. PLACITELLA:

15 Q. Did you tell me in the beginning of
16 this deposition I needed to look at the Travelers
17 reports from the '70s because that would indicate
18 what was going on in the 1960s; did you tell me
19 that?

20 A. Yeah, but for different reasons.

21 Q. Okay.

22 A. Let's bring them back out and we'll
23 look at them together.

24 Q. I got them right here, sir.

1 A. No. There's different ones.

2 Q. Oh, there are?

3 A. Yes.

4 Q. Show me them. Well, let me finish this
5 and we'll go to them. Okay?

6 A. Okay.

7 Q. The guy who worked the saw -- they had
8 a saw in the pilot plant, right?

9 MR. SKINNER: Objection to form,
10 assumes facts not in evidence.

11 THE WITNESS: Yeah. I believe they
12 had a cut-off saw in the pilot plant. I'm not a
13 hundred percent sure of that though.

14 BY MR. PLACITELLA:

15 Q. And he wore street clothing home,
16 correct?

17 MR. SKINNER: Objection to form,
18 beyond the facts of this case.

19 THE WITNESS: Yes.

20 MR. SKINNER: The document speaks
21 for itself.

22 BY MR. PLACITELLA:

23 Q. And he also used a respirator with one
24 strap, right?

1 MR. SKINNER: Objection to form.

2 The document speaks for itself.

3 THE WITNESS: Which gentleman

4 is the coupling --

5 BY MR. PLACITELLA:

6 Q. The rework saw, No. 3.

7 A. Yes.

8 Q. And then the man who ran the lathe --

9 they had a lathe, didn't they, in the pilot
10 plant?

11 A. Yes.

12 MR. SKINNER: Objection to form.

13 BY MR. PLACITELLA:

14 Q. And the man who had a lathe -- ran the

15 lathe, according to this, he was also exposed

16 above the OSHA limit, correct?

17 MR. SKINNER: Objection to form.

18 The document speaks for itself.

19 THE WITNESS: Yes.

20 BY MR. PLACITELLA:

21 Q. But this guy didn't even have a

22 respirator on when he was exposed above the OSHA

23 limit, correct?

24 MR. SKINNER: Objection to form.

1 The document speaks for itself.

2 THE WITNESS: Per this document,
3 that's correct.

4 BY MR. PLACITELLA:

5 Q. And he also then wore his street
6 clothes home to his family, correct?

7 MR. SKINNER: Objection to form,
8 beyond the issues in this case. The document
9 speaks for itself.

10 THE WITNESS: That's what this
11 document says.

12 BY MR. PLACITELLA:

13 Q. The guy who worked in the boring mill,
14 No. 6, he didn't wear a respirator and he wore
15 his street clothes home to his family, correct?

16 MR. SKINNER: Objection to form,
17 beyond the issues in this case. The document
18 speaks for itself.

19 THE WITNESS: Yes.

20 BY MR. PLACITELLA:

21 Q. And what happened here was that they
22 actually went and they tested his clothing,
23 right?

24 MR. SKINNER: Objection to form.

1 The document speaks for itself.

2 THE WITNESS: Yes.

3 BY MR. PLACITELLA:

4 Q. And they found there was asbestos on
5 his clothing, right?

6 MR. SKINNER: Objection to form.
7 The document speaks for itself.

8 THE WITNESS: Yes.

9 BY MR. PLACITELLA:

10 Q. And that he brought that home to his
11 wife and kids?

12 MR. SKINNER: Objection to form.
13 The document speaks for itself, beyond the issues
14 in this case.

15 THE WITNESS: I don't know that.

16 BY MR. PLACITELLA:

17 Q. Okay. Does it say anywhere they made
18 him change before he went home?

19 A. No.

20 MR. SKINNER: Objection to form.
21 The document speaks for itself.

22 THE WITNESS: But you assume he had
23 a wife and kids.

24 BY MR. PLACITELLA:

1 Q. I'm sorry. Well, he certainly brought
2 it home to the house he was living in and
3 contaminated that, right?

4 MR. SKINNER: Objection to form,
5 assumes facts not in evidence. The document
6 speaks for itself.

7 THE WITNESS: I don't know whether
8 he contaminated anything, but according to this,
9 he took it home, yes.

10 BY MR. PLACITELLA:

11 Q. The ultimate conclusion was that every
12 worker in the plant was exposed to asbestos at
13 some level or another, correct?

14 MR. SKINNER: Objection to form.
15 The document speaks for itself.

16 THE WITNESS: Where are you reading
17 that, sir?

18 BY MR. PLACITELLA:

19 Q. Last paragraph, page eight.

20 A. Yeah. It says all workers are exposed,
21 correct, the lowest of which was .3 fibers per
22 CC.

23 Q. Well, they say, however all workers are
24 exposed to asbestos and then they give the

1 reasons, correct?

2 MR. SKINNER: Objection to form.
3 The document speaks for itself.

4 THE WITNESS: I don't understand
5 your response.

6 BY MR. PLACITELLA:

7 Q. Well, when they say all workers were
8 exposed to asbestos, they base that on, one, dust
9 counts, correct?

10 MR. SKINNER: Objection to form.
11 The document speaks for itself.

12 THE WITNESS: I don't know what --
13 I mean they're saying that all workers are
14 exposed to asbestos fibers as witnessed by the
15 air sample, the lowest of which was .3 fibers per
16 CC. That's all it says.

17 BY MR. PLACITELLA:

18 Q. And swipe samples, right?

19 A. The swipe samples, yeah.

20 MR. SKINNER: Objection to form.
21 The document speaks for itself.

22 BY MR. PLACITELLA:

23 Q. And observed dust on their clothing?

24 MR. SKINNER: Objection to form.

1 The document speaks for itself.

2 THE WITNESS: Okay.

3 BY MR. PLACITELLA:

4 Q. And the dust that settled around the
5 plant?

6 MR. SKINNER: Objection to form.
7 The document speaks for itself.

8 THE WITNESS: Which equated to .3
9 fibers per CC.

10 BY MR. PLACITELLA:

11 Q. Okay. So we now know -- you said
12 there's another document from Travelers that you
13 want to talk to me about?

14 A. No. There were two documents that says
15 -- has the dust collection listing in it and then
16 it has the results of the dust counts taken in
17 the decade of the '70s.

18 Q. I thought you told me that was in these
19 Travelers documents?

20 A. Well, it was in the Traveler document I
21 had.

22 Q. Do you know of any other document
23 besides this one?

24 A. I just told you what I -- there's a

1 1978 document that gives the age of the dust
2 collection at the Ambler plant and all the dust
3 -- and this was 1978. And all the dust
4 collection had been -- in there had been in use
5 since 1964.

6 Q. Right.

7 A. And then there's another --

8 Q. We did that already.

9 A. Well, you asked me. And then also
10 there's dust collections for the decade of 1970
11 at the Ambler plant and they're all within the
12 OSHA standards.

13 Q. Well, no, they're not because I just
14 showed you --

15 A. Well, I'm telling you there's another
16 document.

17 Q. Okay. But we know that -- we now know
18 that eight years after Mr. Egan left, there were
19 people doing jobs similar to his at the Ambler
20 plant exposed over the OSHA limits, correct?

21 MR. SKINNER: Objection to form.

22 The document speaks for itself, beyond the issues
23 in this case.

24 You can answer in your personal

1 capacity.

2 THE WITNESS: That's what it says,
3 but there's also these other two documents.

4 BY MR. PLACITELLA:

5 Q. Okay. Let me -- do you have them
6 there?

7 A. No.

8 Q. You don't have them?

9 A. No.

10 Q. Do you want to take a break and have
11 your lawyer get them? I'll ask you questions
12 about them.

13 A. It's up to my lawyer.

14 MR. SKINNER: You have the
15 documents in front of you, Mr. Placitella. You
16 can ask the questions or not. It's up to you.

17 MR. PLACITELLA: Well, I only have
18 the documents you gave me. Apparently they
19 are documents that I never got, so why don't you
20 give them to me.

21 MR. SKINNER: They were well
22 highlighted in everything you have there. I'm
23 not sure how you didn't get them, but --

24 MR. PLACITELLA: I went over every

1 document on his list, every document you gave me,
2 so what am I missing?

3 MR. SKINNER: The documents he
4 received are in front of him. I mean if you want
5 me to point them out. The documents are right
6 there.

7 MR. PLACITELLA: Well, where's the
8 documents -- have you given me any documents --

9 MR. SKINNER: There's a Travelers
10 document dated December 4, 1968. There's a
11 Travelers document dated March 24, 1969.

12 MR. PLACITELLA: We did those.

13 MR. SKINNER: There's a Travelers
14 document dated it looks like -- well, 1970 or
15 1972.

16 MR. PLACITELLA: Right. It's in
17 the same group of documents, right?

18 MR. SKINNER: You've asked your
19 questions about them, yes.

20 BY MR. PLACITELLA:

21 Q. In the Travelers documents in front of
22 you, there are no dust counts from the 1960s,
23 right?

24 MR. SKINNER: Objection to form.

1 THE WITNESS: I didn't see any.

2 BY MR. PLACITELLA:

3 Q. Okay. Go to that same document, 6807.

4 A. 6807?

5 Q. Correct.

6 A. I'm sorry. Okay.

7 Q. Okay. Is this the document you're
8 talking about?

9 A. No.

10 Q. Go to 6809. Is this the document
11 you're talking about?

12 A. No.

13 Q. Okay. Is there any other -- is the
14 document that you're referring to on your list in
15 front of you 'cause I can't find it?

16 A. I have a summary of dust counts at the
17 Ambler plant '71 through '77. And then I have --
18 and then in conjunction with that, there's
19 showing the dust collections that were at the
20 Ambler plant that were all put in in '64 except
21 for one. It was a shot blaster that was put in
22 later in '64 and that document was put together
23 in 1978.

24 Q. Right. We talked about that.

1 A. Well, I don't --

2 Q. I'm trying to understand. You said
3 there were documents -- I was somehow being
4 unfair because there were documents I didn't go
5 over with you.

6 A. Yeah. I'm just telling you we haven't
7 looked at those two documents. I told you about
8 them earlier.

9 Q. That's the document you're referring
10 to, sir.

11 A. No, it's not.

12 Q. Sir, look at your notes --

13 MR. SKINNER: Look. This isn't a
14 memory -- you have all the documents. Ask him
15 the question about the documents.

16 Mr. Ambler, if he doesn't ask you a
17 question about it, don't worry about it.

18 MR. PLACITELLA: No. I'm gonna ask
19 him all the questions. We're gonna stay here
20 'til we're done so there's no ambiguity.

21 MR. SKINNER: We're not trying to
22 create any ambiguity here.

23 MR. PLACITELLA: Okay.

24 MR. SKINNER: You've gone through

1 the documents.

2 He's chosen documents to talk about
3 and you're answering the questions. That's all
4 you can do.

5 BY MR. PLACITELLA:

6 Q. Okay. Remember when I asked you before
7 have we gone through all the documents where you
8 reviewed and you've told me yes?

9 A. No, I never said that.

10 Q. Okay. Well, let's do it again then.
11 We'll spend another hour.

12 Is this the document that you're
13 talking about, sir?

14 MR. SKINNER: Before we do that,
15 can we take a break?

16 MR. PLACITELLA: Sure.

17 MR. SKINNER: Thank you.

18 THE VIDEOGRAPHER: The time is now
19 3:47 p.m. This is the end of DVD No. 3. We're
20 going off the record.

21 (Recess.)

22 THE VIDEOGRAPHER: The time is now
23 3:56 p.m. This is the beginning of DVD No. 4.
24 We are back on the record.

1 BY MR. PLACITELLA:

2 Q. I have your list. Travelers reports,
3 we got that, right?

4 A. Yes, sir.

5 Q. We did that. Ambler-6, which is -- is
6 this the summary of dust counts we talked about
7 before?

8 A. Yes. Yes.

9 Q. Okay. Some of the counts in there are
10 above the OSHA limit and some below, correct?

11 MR. SKINNER: Objection to form.
12 The document speaks for itself.

13 THE WITNESS: No.

14 BY MR. PLACITELLA:

15 Q. No?

16 A. I didn't see any above.

17 Q. Okay. Well, let's back up for a
18 second. This six which we identified before,
19 this was -- these were studies in the '70s that
20 CertainTeed did themselves?

21 A. Yes.

22 Q. Okay. Who did these studies?

23 A. Somebody from the industrial hygiene
24 department. I can't tell you exactly who it was.

1 Q. Do we know what their level of training
2 was?

3 MR. SKINNER: Objection to form.

4 THE WITNESS: No. I never checked
5 into that.

6 BY MR. PLACITELLA:

7 Q. Okay. So all these postdate Mr. Egan's
8 employment, correct?

9 A. Yes.

10 Q. Okay. So let's just pick a few out.
11 On the very first page, the person who is
12 unloading the bags, right, as late as 1975, his
13 exposure is above the OSHA limit, right?

14 MR. SKINNER: Objection to form.
15 The document speaks for itself.

16 THE WITNESS: No.

17 BY MR. PLACITELLA:

18 Q. It doesn't say 3.651 fibers? It says
19 location fiber railroad car unloading. Does one
20 of the readings from 1975 say that he's above the
21 OSHA limit?

22 A. The OSHA limit in '75 was 5 fibers per
23 CC.

24 Q. Is it above 2 fibers per CC?

1 A. Well, that's not '75.

2 Q. Okay. Was there a temporary limit in
3 place at that point in time in 1975?

4 A. Not that I'm aware of 'cause when --
5 no, not that I'm aware of.

6 Q. Okay. The person unloading the
7 railroad car is exposed to asbestos above 2
8 fibers per CC, right?

9 MR. SKINNER: Objection to form.
10 The document speaks for itself.

11 THE WITNESS: That's correct.

12 BY MR. PLACITELLA:

13 Q. The person who worked at the fiber dump
14 station was exposed to asbestos, at least some of
15 these counts, above 2 fibers per CC, correct?

16 MR. SKINNER: Objection to form.
17 The document speaks for itself.

18 THE WITNESS: Yes.

19 BY MR. PLACITELLA:

20 Q. Okay. The next page. The person who
21 ran the coupling boring mill has exposures above
22 2 fibers per CC, correct?

23 MR. SKINNER: Objection to form.
24 The document speaks for itself.

1 THE WITNESS: But within the OSHA
2 standard.

3 BY MR. PLACITELLA:

4 Q. The standard then, but not the standard
5 six months later?

6 A. The standard --

7 Q. I'm just asking you a question, sir.

8 A. And I'm tell -- giving --

9 Q. Are those exposures above 2 fibers per
10 CC?

11 MR. SKINNER: Objection to form,
12 argumentative, asked and answered.

13 THE WITNESS: Yes.

14 BY MR. PLACITELLA:

15 Q. Okay. The person on the next page who
16 was unloading the railroad car, was his exposure
17 above OSHA standard -- I mean above 2 fibers per
18 CC?

19 A. No. I wanna answer your question. No.

20 Q. Was it above two fibers per CC?

21 MR. SKINNER: Objection to form.

22 The document speaks for itself.

23 THE WITNESS: Yes.

24 BY MR. PLACITELLA:

1 Q. Okay. Was the person who did the fiber
2 dumping station three, was his exposure above 2
3 fibers per CC?

4 MR. SKINNER: Objection to form.
5 The document speaks for itself.

6 THE WITNESS: Some were. One was I
7 think. One was. No. I'm sorry. Two were.

8 BY MR. PLACITELLA:

9 Q. Okay. The person on the next page who
10 ran the coupling boring mill, did he have
11 exposures above 2 fibers per CC?

12 MR. SKINNER: Objection to form.
13 The document speaks for itself.

14 THE WITNESS: Boring mill No. 2,
15 yes.

16 BY MR. PLACITELLA:

17 Q. Okay. So let's make sure we've
18 identified the documents so we're all on the same
19 page. We have this document, which is?

20 A. Ambler-6.

21 Q. Ambler-6?

22 A. Yes.

23 Q. We have the Travelers documents, right?

24 A. Yes.

1 Q. Okay. We have the document that talks
2 about the history of dust collectors from '78,
3 you have that in front of you?

4 A. No. 5?

5 Q. Correct.

6 A. Yes.

7 Q. That has no dust counts on it, correct?

8 A. No. It just tells you what the
9 installation date was for the dust collection.

10 Q. Okay. So have we now gone through all
11 of the documents that you've reviewed?

12 A. Yes.

13 Q. And relied upon?

14 A. Yes, sir, we have.

15 Q. Okay. Are you aware of any other
16 documents relevant to dust counts at the Ambler
17 plant that you've reviewed other than what we've
18 gone through today?

19 MR. SKINNER: Objection to form.

20 THE WITNESS: No.

21 BY MR. PLACITELLA:

22 Q. Can you -- I want to play you -- I'm
23 almost done. I'm going to play you six clips.
24 Tell me whether you agree or disagree with

1 what's said.

2 MR. PLACITELLA: Can you play clip
3 one, please?

4 Write it down.

5 (Video clip playing.)

6 (Did Lloyd Ambler ever come to the
7 90 even to pass through the 90x90 room?

8 Yes.

9 Was that on one occasion or more
10 than one occasion?

11 More than one occasion.

12 Do you know the purpose for which
13 he would come in?

14 He might have been in to ask John
15 Hoover some questions or have a little discussion
16 with them or be passing through.)

17 (End of video clip.)

18 BY MR. PLACITELLA:

19 Q. Did you recognize that man?

20 A. No. Was that Mr. Egan?

21 Q. Yeah. Is that an accurate statement
22 that he just made?

23 A. Can you play it back again, please?

24 Q. Sure.

1 (Video clip playing.)

2 (Did Lloyd Ambler ever come to the
3 90 even to pass through the 90x90 room?)

4 Yes.

5 Was that on one occasion or more
6 than one occasion?

7 More than one occasion.

8 Do you know the purpose for which
9 he would come in?

10 He might have been in to ask John
11 Hoover some questions or have a little discussion
12 with them or be passing through.)

13 (End of video clip.)

14 MR. SKINNER: And I think maybe it
15 could help. I believe when Mr. Egan's referring
16 to the 90x90 room, he's referring to the pilot
17 plant.

18 MR. PLACITELLA: Correct.

19 THE WITNESS: Oh, okay. I just
20 didn't go in there, sir, just to walk through it.
21 As I told you earlier today, I did some work in
22 the pilot plant. And I worked with PVC a lot
23 because we were developing a fluid type PVC
24 joint. We didn't have a gasketed joint for our

1 PVC business and I had the responsibility to
2 develop one.

3 And then we had an AC pipe failure
4 at a location and we brought some samples back.
5 And I went in there to work with the technicians
6 on what was wrong with those fibers -- those
7 samples.

8 MR. PLACITELLA: Fair. Can you go
9 to clip two, please?

10 (Video clip playing.)

11 (These discussions you had with Mr.
12 Ambler, did you ever have them in the 90x90 lab
13 in which you spent your days?

14 Yes.

15 Did it happen on one occasion or
16 more than one occasion?

17 More than one occasion.)

18 (End of video clip.)

19 BY MR. PLACITELLA:

20 Q. Is he correct? Did he ever talk to you
21 when you were in the plant?

22 A. I read that in his transcripts, and you
23 know, I -- contrary to what you may think, I
24 tried very hard to be nice to everybody and say

1 hello to them and speak to them. That would be
2 the only reason that I would have talked with
3 Mr. Egan 'cause I don't believe he was doing any
4 specific job for me.

5 Q. Okay.

6 MR. PLACITELLA: Next clip.

7 (Video clip playing.)

8 (When you would have short
9 conversations with Lloyd Ambler in the 90x90
10 room --

11 Right.

12 -- would this be during your
13 workday?

14 Yes.

15 Would this be just stopping for a
16 moment or two or three to talk to him while you
17 were working?

18 Correct.

19 So were you actively working rather
20 than on a break?

21 That is correct, but if I stopped
22 to talk to him, I would stop working obviously.

23 For some short period of time?

24 For some short period of time just

1 to manage.

2 Right. You didn't ask him to hold
3 a pipe?

4 Oh, no.

5 When Lloyd Ambler would stop and
6 chat with you, were you ever wearing a mask?

7 No.

8 Were you ever wearing a respirator?

9 No.

10 Were you ever in a safety meeting
11 when he would come in?

12 No.

13 Did Lloyd Ambler ever mention masks
14 to you when you saw him?

15 No.

16 Did Lloyd Ambler ever mention
17 respirators when you spoke with him?

18 No.

19 When Lloyd Ambler would chat with
20 you, however briefly, did he ever mention
21 potential dangers of asbestos?

22 No.

23 Did he ever mention asbestos at
24 all?

1 No.

2 After Lloyd Ambler would speak with
3 you or do whatever or sometimes do something with
4 John Hoover -- and you don't know what they might
5 have been talking about, correct?

6 That is correct.

7 After he left, did John Hoover or
8 Jerry, your two supervisors, ever come and impart
9 any information to you about asbestos?

10 No.

11 After Lloyd Ambler visited or
12 passed through your work room of 90x90 feet, did
13 either of the supervisors, John Hoover or Jerry,
14 ever discuss with you wearing masks or
15 respirators while working with or around the
16 asbestos cement pipes?

17 They did not.)

18 (End of video clip.)

19 BY MR. PLACITELLA:

20 Q. From your own personal knowledge, is
21 there anything that he just testified to that you
22 know is not accurate?

23 A. No.

24 Q. Okay.

1 MR. PLACITELLA: Next.

2 (Video clip playing.)

3 (Were there ever any brochures left
4 in plain sight in your 90x90 foot room for you to
5 read?

6 No.

7 Were you ever physically given or
8 handed brochures related to asbestos or safety by
9 anybody at CertainTeed?

10 No.)

11 (End of video clip.)

12 BY MR. PLACITELLA:

13 Q. From your own personal knowledge, do
14 you know whether what he said was true or not
15 true?

16 A. As far as I'm concerned, it was true.

17 Q. Okay.

18 MR. PLACITELLA: Next.

19 (Video clip playing.)

20 (Did Lloyd Ambler ever give you any
21 materials regarding safety in the workplace?

22 No.

23 Did he ever give you any materials
24 regarding the potential dangers of asbestos

1 exposure?

2 No.)

3 (End of video clip.)

4 BY MR. PLACITELLA:

5 Q. True or not true?

6 A. That's true.

7 (Video clip playing.)

8 (Did any of your superiors ever
9 describe to you or tell you any ways to minimize
10 the amount of dust to which you were exposed
11 generally in the air in that 90x90 foot floor?

12 No.)

13 (End of video clip.)

14 BY MR. PLACITELLA:

15 Q. From your personal knowledge, do you
16 know if that's true or not true?

17 A. I don't know. I wasn't a superior of
18 his, so I don't know what anybody else told him
19 or didn't tell him.

20 MR. PLACITELLA: Last one.

21 THE VIDEOGRAPHER: There's two more
22 left.

23 MR. PLACITELLA: It's one more. Is
24 this five?

1 THE VIDEOGRAPHER: This is clip 7.

2 MR. PLACITELLA: Okay.

3 (Video clip playing.)

4 (Did Lloyd Ambler ever speak to you
5 about going to a safety meeting or the existence
6 of safety meetings or even the word safety
7 meetings?

8 No.)

9 (End of video clip.)

10 BY MR. PLACITELLA:

11 Q. True or not true?

12 A. That's true.

13 Q. Okay. Let me -- I'm almost done, by
14 the way.

15 A. What was that comment?

16 Q. I said I'm almost done except for some
17 housekeeping. Remember Columbo? Take this back.
18 I want to go back to -- what's this marked?

19 MR. SKINNER: 28.

20 THE WITNESS: 28.

21 BY MR. PLACITELLA:

22 Q. 28, which is the Horowitz memo from
23 November 10, 1964. If we can just go to his
24 recommendations on the last page.

1 A. Yes, sir.

2 Q. Do you see where it says we must
3 enforce our respirator program in all areas where
4 dust exposure may be intermittent or even
5 slightly negligible; do you see that?

6 A. Right.

7 Q. Do you have any evidence that that was
8 ever done with respect to Mr. Egan?

9 A. I don't know one way or the other.

10 Q. Okay. His third recommendation, more
11 frequent monitoring of dust areas to evaluate
12 effectiveness of dust control.

13 Do you have any evidence that this was
14 ever done for Mr. Egan?

15 MR. SKINNER: Objection to form,
16 lacks foundation.

17 THE WITNESS: No, other than the
18 fact I know that obviously they tried to monitor
19 the dust exposure and control it in the pilot
20 plant.

21 BY MR. PLACITELLA:

22 Q. They never did any dust counts though,
23 right?

24 MR. SKINNER: Objection to form,

1 assumes facts not in evidence, mischaracterizes
2 prior testimony.

3 THE WITNESS: Not that I know of.

4 BY MR. PLACITELLA:

5 Q. No. 4 says, use a lower limit, perhaps
6 2.5 -- two-and-a-half million particles per cubic
7 foot as an allowable concentration.

8 Do you know whether Mr. Egan was ever
9 told that the dust had to be less than the ACGIH
10 standard in order to be safe?

11 MR. SKINNER: Objection to form,
12 lacks foundation.

13 THE WITNESS: That's not what -- I
14 don't think he was ever told that. That's not
15 what this is saying either.

16 BY MR. PLACITELLA:

17 Q. Do you have any information that
18 Mr. Egan was ever told about the risk of cancer
19 while working -- as a result of working at
20 CertainTeed?

21 MR. SKINNER: Objection to form,
22 lacks foundation.

23 THE WITNESS: Yeah. I don't know
24 one way or the other, sir.

1 BY MR. PLACITELLA:

2 Q. I'm just looking for some clean-up
3 stuff. Give me a minute. I'm almost done. I
4 promise. I'm looking for something specifically.

5 MR. KUENY: Do you want to go off
6 the record while you're...

7 MR. PLACITELLA: No. I'm just
8 looking for one thing. We can take two minutes
9 and I'll probably be faster. Hold on.

10 I have the document production
11 request. I'm going to mark it in this case.

12 Could you mark this, please?

13 (A document was marked as Exhibit
14 Ambler-31 for identification.)

15 BY MR. PLACITELLA:

16 Q. I just want to know what you know or
17 what you've seen from the documents that we've
18 requested.

19 The second request made of CertainTeed
20 is all documents in Defendant's possession
21 relating to the need to protect its employees or
22 contract workers from exposure to asbestos.

23 Are you aware of any documents other
24 than the ones we went through today?

1 MR. SKINNER: I'm going to just
2 insert an objection that I believe we responded
3 to these and --

4 MR. PLACITELLA: Yeah. You said --

5 MR. SKINNER: To the extent there
6 are documents, they're in our repository. You
7 are invited and you are free and welcomed to
8 visit the repository.

9 MR. PLACITELLA: I just want to
10 know what you've identified.

11 MR. SKINNER: Mr. Ambler -- I'll
12 represent this document has not been provided to
13 Mr. Ambler.

14 MR. PLACITELLA: Do you have such a
15 document?

16 MR. SKINNER: Do I have that
17 request for production?

18 MR. PLACITELLA: No. The document
19 requested in No. 2, all documents? Have we
20 gotten everything?

21 MR. SKINNER: If we have it, it's
22 in the repository. All documents that we have,
23 you've either been given or you've been provided
24 access to.

1 MR. PLACITELLA: I want to know
2 whether we got all the documents that you have
3 that you've identified, not something sitting in
4 a haystack in a repository. Okay?

5 MR. SKINNER: To answer again. You
6 have now all documents that were provided to
7 Mr. Ambler. To the extent there are additional
8 documents, they're in the repository and you can
9 come view them at your convenience.

10 BY MR. PLACITELLA:

11 Q. Okay. Have you identified or at least
12 addressed all documents that you're aware of
13 concerning the need to protect employees from
14 exposure to asbestos?

15 MR. SKINNER: I'm gonna also object
16 as beyond the scope. Mr. Ambler's testifying in
17 his personal capacity.

18 THE WITNESS: I don't understand
19 the question. Could you --

20 BY MR. PLACITELLA:

21 Q. Sure. I asked them for certain
22 documents.

23 A. Okay.

24 Q. All right. They told me to go fish, go

1 to the repository and figure it out for yourself.
2 All I want to know is what documents you've seen
3 in the course of your testimony.

4 A. For this case?

5 Q. Either here or elsewhere.

6 MR. SKINNER: And I'm going to
7 object.

8 BY MR. PLACITELLA:

9 Q. I just want to know.

10 MR. SKINNER: Objection,
11 mischaracterization of our responses,
12 CertainTeed's responses, also beyond the scope of
13 this deposition.

14 Mr. Ambler, to the extent that
15 you're aware of any documents that would be
16 responsive to that -- also, I guess it calls for
17 a legal conclusion. To the extent you're aware
18 of any documents that would be responsive to
19 that, you can testify.

20 THE WITNESS: I'm not aware of any,
21 sir.

22 BY MR. PLACITELLA:

23 Q. Okay. The next thing, all documents in
24 the Defendant's possession -- when I say

1 Defendant, I mean CertainTeed -- relating to
2 industrial hygiene surveys of Defendant's
3 facilities where the subject of potential
4 asbestos exposure was discussed.

5 Have we addressed all the ones you're
6 aware of?

7 MR. SKINNER: I'm gonna, again,
8 object as beyond the scope, lacks foundation,
9 lacks personal knowledge. He's testifying in his
10 personal capacity.

11 You can answer.

12 THE WITNESS: For the applicable
13 plants?

14 BY MR. PLACITELLA:

15 Q. Correct.

16 A. Yes.

17 Q. Okay. All documents in Defendant's
18 possession relating to the information provided
19 to this Defendant from any insurance carrier
20 related to the dangers of asbestos exposure.

21 MR. SKINNER: Same objections.

22 BY MR. PLACITELLA:

23 Q. Have we addressed all the documents
24 that you're aware of?

1 MR. SKINNER: Same objections.

2 THE WITNESS: Yes.

3 BY MR. PLACITELLA:

4 Q. Okay. All documents in the Defendant's
5 possession relating to workers' compensation
6 claims filed against this Defendant alleging
7 asbestos-related disease.

8 Have you ever seen any such documents?

9 MR. SKINNER: Objection, beyond the
10 scope, lacks foundation, lacks personal
11 knowledge.

12 You can answer in your personal
13 capacity.

14 THE WITNESS: As far as an
15 individual requesting workers' comp because of an
16 injury from asbestos?

17 BY MR. PLACITELLA:

18 Q. Yes, sir.

19 A. I've never seen any of them.

20 Q. Okay. All documents in Defendant's
21 possession relating to the respiratory protection
22 provided to Defendant's employees to prevent the
23 inhalation of potentially harmful dust.

24 MR. SKINNER: Same objections.

1 THE WITNESS: Yes.

2 BY MR. PLACITELLA:

3 Q. Have we identified everything that
4 you're aware of?

5 A. Yes.

6 Q. Okay. Copies of all state regulations
7 concerning asbestos that were in effect in those
8 states where you had manufacturing facilities up
9 to '72.

10 Are you aware of anything that we
11 haven't talked about?

12 MR. SKINNER: Objection to form,
13 beyond the scope, lacks foundation.

14 You can answer in your personal
15 capacity.

16 THE WITNESS: I don't have any
17 knowledge of any of them, so I mean --

18 BY MR. PLACITELLA:

19 Q. That's fine.

20 A. We got what I got is the right ones for
21 what I need, ACGIH and OSHA and things of that
22 nature.

23 Q. Well, ACGIH was never a governmental
24 standard?

1 A. No. That's true.

2 Q. Okay. All industrial hygiene manuals
3 relating to protecting employees or contract
4 workers from inhaling asbestos fibers or
5 asbestos-containing dust.

6 Have we identified all the ones you're
7 aware of today?

8 MR. SKINNER: Same objections.

9 THE WITNESS: All what?

10 BY MR. PLACITELLA:

11 Q. Industrial hygiene manuals, if there
12 are any, relating to protecting employees from
13 inhaling asbestos fibers or asbestos-containing
14 dust?

15 MR. SKINNER: Objection to form,
16 lacks foundation, beyond the scope.

17 You can answer in your personal
18 capacity.

19 THE WITNESS: I don't know what an
20 industrial hygiene manual is, but I mean I don't
21 know of anything that we haven't talked about
22 today.

23 BY MR. PLACITELLA:

24 Q. Okay. All documents relating to or

1 which mention warnings, written or oral, given to
2 CertainTeed employees regarding the dangers of
3 asbestos exposure and/or steps to prevent
4 exposure prior to 1970?

5 MR. SKINNER: Same objections.

6 THE WITNESS: Yes, as far as I'm
7 concerned, we've gone over them.

8 BY MR. PLACITELLA:

9 Q. We've gone everything that you're aware
10 of?

11 A. Everything I'm aware of.

12 Q. Okay. All documents related to or
13 which mention protective equipment, written or
14 oral, given to CertainTeed employees regarding
15 the use around asbestos prior to 1970.

16 Have we addressed them all that you're
17 aware of today?

18 MR. SKINNER: Same objections.

19 THE WITNESS: Yeah. Yeah. I mean
20 are we still talking about the Ambler facilities?

21 BY MR. PLACITELLA:

22 Q. If you think there are documents that
23 apply to the Ambler facility or the pilot plant?

24 A. Yeah. Okay. No. I think we've

1 addressed them all.

2 Q. All documents including but not limited
3 to -- forget that one.

4 Are you aware of any written formulas
5 relating to the making of slurry for the asbestos
6 cement pipe for the Ambler facility or the
7 research -- or the research plant?

8 MR. SKINNER: Objection to form,
9 beyond the scope, lacks foundation.

10 You can answer in your personal
11 capacity.

12 THE WITNESS: Am I aware of any
13 making particulars?

14 BY MR. PLACITELLA:

15 Q. No. Are you aware of any documents
16 that give you the formula; have you seen
17 documents?

18 MR. SKINNER: Same objections.

19 THE WITNESS: That's a making
20 particular. I mean through the course of my work
21 time, I've seen that kind of stuff, yeah.

22 BY MR. PLACITELLA:

23 Q. Okay. In the course of your testifying
24 on behalf of CertainTeed, have you reviewed or

1 testified about formulas for the manufacturer of
2 asbestos cement pipe?

3 MR. SKINNER: Same objections.

4 THE WITNESS: Well, I mean the only
5 thing I've seen is how much fiber went in here,
6 how much cement and stuff of that nature through
7 the course of some depositions I've given, but
8 nothing for this case.

9 MR. PLACITELLA: Okay. I'll make a
10 request for that specifically since the witness
11 has seen them.

12 BY MR. PLACITELLA:

13 Q. All written formulas, all
14 representations of CertainTeed's Ambler,
15 Pennsylvania laboratory -- I'm talking about the
16 pilot plant -- including but not limited to
17 photographs, videos, diagrams and maps of the
18 building and/or production and testing floors.

19 Are you aware of any?

20 A. No.

21 MR. SKINNER: Same objections.

22 MR. PLACITELLA: I think if you
23 give me two minutes to look at my notes, I'm
24 done.

1 MR. SKINNER: Great.

2 MR. PLACITELLA: With one
3 exception.

4 MR. SKINNER: Are we off the
5 record?

6 MR. PLACITELLA: Sure.

7 MR. SKINNER: Let's go off the
8 record for one minute.

9 THE VIDEOGRAPHER: The time is now
10 4:22 p.m. We're going off the record.

11 (Discussion off the record.)

12 THE VIDEOGRAPHER: The time is now
13 4:24 p.m. We are back on the record.

14 MR. PLACITELLA: So I finished my
15 initial questioning subject to bringing the
16 witness back because I was not provided with all
17 the materials that he reviewed. I will review
18 them when you send me and I'll make a
19 determination whether we got to do it on another
20 day.

21 And subject to whatever you ask him
22 because the more you ask him, the more likely I'm
23 going to have follow-up questions.

24 MR. SKINNER: Understood.

1 MR. PLACITELLA: Pick your poison.

2 MR. SKINNER: And CertainTeed
3 objects to Mr. Ambler being called back again
4 particularly in his personal capacity here.

5 MR. PLACITELLA: Then you probably
6 should have given me the documents.

7 CROSS EXAMINATION

8 BY MR. SKINNER:

9 Q. Mr. Ambler, have you seen any
10 specific -- have you seen any formulations or
11 making particulars specific to the Ambler plant
12 or the pilot plant?

13 A. No, not that I can recall.

14 Q. And to your knowledge, are the making
15 particulars that CertainTeed has in its records,
16 are they available in its document repository?

17 A. Yes.

18 Q. In the approximately two years that you
19 worked at the R&D facility in Ambler, you had
20 occasion to go to the pilot plant on multiple
21 occasions, correct?

22 A. Yes.

23 Q. Did you ever witness conditions in the
24 pilot plant that you understood to be hazardous?

1 A. No, I did not.

2 Q. Did you ever witness conditions in the
3 pilot plant -- during the 1967 to '69 time
4 period, did you ever witness conditions that you
5 understood -- where you understood a mask to be
6 required?

7 A. I did not.

8 Q. Did you ever witness conditions during
9 this 1967 to '69 period in the pilot plant where
10 you understood a respirator to be required?

11 A. No, I did not.

12 Q. In all the times that you personally
13 went into the pilot plant, did you ever wear a
14 mask yourself?

15 A. Never.

16 Q. Did you ever see -- well, you testified
17 earlier about Joe Jackson who -- he managed
18 the --

19 A. The whole R&D.

20 Q. The whole R&D?

21 A. Yes.

22 Q. And did you ever see Mr. Jackson in the
23 pilot plant?

24 A. Yes.

1 Q. Did you ever see Mr. Jackson wearing a
2 mask in the pilot plant?

3 A. No.

4 Q. Did you ever see Mr. Hutchcroft in the
5 pilot plant?

6 A. I can't say I ever saw Clyde there or
7 not. You know, he was an older gentleman. I
8 don't think I saw him there.

9 Q. He had the prerogative not to go on the
10 work floor then?

11 A. I saw him enough in his office.

12 Q. Did you ever see any management level
13 employee at CertainTeed wearing a mask or
14 respirator in the pilot plant between 1967 and
15 '69?

16 A. No.

17 Q. To your knowledge --

18 A. Except the only one I can tell you is
19 that gentleman that was doing the actual -- in
20 that secured sealed room when he was working with
21 raw fiber he wore a respirator.

22 Q. To your knowledge, did CertainTeed
23 understand the conditions in the pilot plant
24 between 1967 and 1969 to be hazardous?

1 A. They did not.

2 MR. SKINNER: Mr. Placitella, can
3 you hand me the pile of exhibits? I think you --

4 MR. PLACITELLA: Good luck.

5 MR. SKINNER: Yeah. It'll take me
6 a second.

7 THE WITNESS: I have this one.

8 MR. SKINNER: You can put that one
9 to one side. Bear with me for one second.

10 BY MR. SKINNER:

11 Q. I'm gonna hand you the document that's
12 labeled Exhibit Ambler-20, the Travelers
13 documents, and I want to refer first to the
14 December 1968 document on the top. Do you see
15 that?

16 A. Yes.

17 Q. Excuse me. We only have one copy, so
18 we'll have to work on this together.

19 Can you read the first two paragraphs?
20 Well, let me -- can you read the first paragraph
21 and the first two sentences of the second
22 paragraph into the record, please, from this
23 document?

24 A. This is to confirm our recent meeting

1 with Mr. Monoky, safety director, and discussion
2 of plant safety activities and analysis of
3 accidents occurring since our last meeting. At
4 this time, we reviewed the engineering services,
5 list of safety films, warning signs and various
6 forms of safety material that is available upon
7 request. A safety survey of the Ambler plant was
8 made and in general, conditions were found to be
9 satisfactory.

10 Q. And can you read the next sentence?

11 A. Floor surfaces were clean, aisles were
12 unobstructed. There was no evidence of airborne
13 dust indicating that the ventilation system is
14 effective in controlling the possible dust
15 hazard.

16 Q. What's the date of this document?

17 A. Well, the date of the inspection was
18 12/4/68. And it says date of confirmation --
19 whatever that means -- 12/17/68.

20 Q. And just for the record, that is read
21 from the page with the Bates stamp CTD 006803.

22 And just so I'm clear then, that as of
23 1968 while you and Mr. Egan were working in the
24 pilot plant, the R&D facility of the pilot plant,

1 CertainTeed had safety films, warning signs and
2 safety material available upon request at the
3 main plant, correct?

4 A. At the main plant, yes.

5 Q. And Travelers, the workers'
6 compensation insurance carrier, on its inspection
7 found that the ventilation system was effective
8 and there was no evidence of airborne dust in the
9 main plant, correct?

10 A. That's right. This is all for the main
11 plant, yes.

12 Q. Now, I want to turn your attention to
13 the document that's Bates stamped CTD 006805.
14 I'd like you to read the -- well, first, what is
15 this document; what's the date of it and what
16 does it describe?

17 A. The date of inspection is March 24,
18 1969, and it's a letter from Travelers to
19 Mr. S.E. Monoky, safety director, CertainTeed
20 Products Corporation, and it concerns a March 24,
21 1969, safety survey of the Ambler pipe plant was
22 made in company with Mr. Monoky, safety director.

23 Q. And can you read the fourth paragraph
24 down?

1 A. There was no dust exposure evidence at
2 this time and the dust collecting system now
3 employed appears to be completely effective.

4 Q. And again, so in March 1969 when both
5 you and Mr. Egan were employed at the pilot plant
6 or the R&D facility, at the main plant the dust
7 collection system was observed by Travelers to be
8 completely effective, correct?

9 A. Yes.

10 Q. And do you know one way or the other
11 whether any dust counts were taken by Travelers
12 at either of these last two inspections in '68 or
13 '69?

14 A. I don't know one way or the other.

15 Q. I want to turn your attention to the
16 document that bears the Bates stamp CTD 006807.
17 What is that document and what is the date of it?

18 A. It's another document sent by Travelers
19 to S.E. Monoky and the date is -- well, the date
20 of the survey was 12/3 through 12/9/1971.

21 Q. And can you read the last paragraph of
22 the -- that page?

23 A. On the basis of the sampling performed
24 on these particular days, we did not find an

1 excessive amount of dust in the area; however,
2 you realize that conditions may change from
3 day-to-day and we may not have detected the worst
4 condition. For the many visits I've made to the
5 Ambler pipe plant, I do not feel that we may
6 consider these samples to be representative of
7 the average condition found at this plant and may
8 be considered representative of the average
9 condition of the air that workers -- wait. And
10 may -- let me start that again.

11 For the many visits I have made to the
12 Ambler plant, I do not feel that we may consider
13 these samples to be representative of the average
14 condition found at this plant and may be
15 considered representative of the average
16 condition of the air that workers in this
17 particular area breathe.

18 Q. So what Travelers is saying here is
19 that this sample where they did not find
20 excessive amounts of dust in the air are
21 consistent or representative of the air quality
22 from the many visits that Travelers made to the
23 Ambler plant for that, correct?

24 A. Yeah.

1 MR. PLACITELLA: Object, leading.

2 THE WITNESS: Yes.

3 BY MR. SKINNER:

4 Q. Okay. Now, Mr. Placitella went through
5 the 1977 Travelers engineering report at some
6 length with you and he pointed out a number of
7 dust measurements taken in 1977 that exceeded the
8 OSHA permissible exposure limit in place then.

9 Let me ask you, did any of the dust
10 limits in that document exceed the ACGIH standard
11 that was in place from 1967 to 1969?

12 A. No, it did not.

13 Q. Did any of the dust counts taken in --
14 noted in the 1977 report exceed the 2.5 million
15 standard or goal that CertainTeed set internally
16 between 1967 and '69?

17 A. No. Whoa, whoa, whoa. I'm sorry. The
18 question --

19 Q. The question -- let me -- thank you.
20 Let me make this more clear.

21 Did any of the dust counts reflected in
22 that document exceed the internal goal of
23 2.5 million particles per cubic foot that
24 CertainTeed had in place between 1967 and '69?

1 A. 2.5 million particles per cubic foot,
2 which would be 12 -- 15 fibers per CC, no, they
3 did not.

4 Q. And you would agree with me that all of
5 the fiber counts noted in the 1977 report are a
6 fraction of the then existing ACGIH levels in
7 1967 to '69, right?

8 A. Yeah.

9 MR. PLACITELLA: Objection,
10 leading.

11 BY MR. SKINNER:

12 Q. And with respect to the work practices
13 described in the 1977 document -- let me ask you,
14 did you -- have you seen any testimony or
15 evidence that Mr. Egan ever used an air hose
16 while he was employed at the pilot plant?

17 A. No.

18 Q. And is it -- was -- were locker and
19 shower facilities available at the pilot plant?

20 A. Yes.

21 Q. And were uniforms provided to employees
22 of the pilot plant?

23 A. Yes.

24 Q. Did CertainTeed launder those uniforms?

1 A. If they were used, yes.

2 Q. Have you seen any evidence that Mr. --
3 or testimony that Mr. Egan did not take advantage
4 of the laundering?

5 A. Yeah. I don't know if he did or
6 didn't.

7 Q. To your knowledge, did the pilot plant
8 follow -- to your knowledge, was the pilot plant
9 subject to company policies?

10 A. Oh, absolutely.

11 Q. So to your knowledge, policies that
12 would have been applicable in any of the
13 production plants, would have been applicable to
14 the pilot plant as well, correct?

15 A. Yes.

16 Q. And for example, to your knowledge,
17 would the respirator policy have been applicable
18 in the pilot plant?

19 A. Yes.

20 Q. To your knowledge, would the policy
21 requiring annual medical check-ups have been
22 applicable to employees in the pilot plant?

23 A. Yes. Yes. I don't know why it was so
24 sporadic, but yes, it would have been. They

1 should have been -- they should have had the
2 opportunity to have a physical.

3 Q. And again, before you were hired, you
4 received a physical you testified, correct?

5 A. Yes, I did.

6 Q. And to your knowledge, that policy
7 requiring a pre-employment physical applied
8 equally to employees in the pilot plant, correct?

9 A. For at least the technicians.

10 Q. Are you aware of any instances where
11 Mr. Egan was exposed to asbestos in an amount
12 that would have exceeded the ACGIH limit in
13 effect between '67 and '69 in the pilot plant?

14 MR. PLACITELLA: Objection, no
15 competence to testify to that.

16 THE WITNESS: No.

17 BY MR. SKINNER:

18 Q. Are you aware of any instances where
19 Mr. Egan was exposed in the pilot plant to
20 asbestos that would have exceeded CertainTeed's
21 internal goal of 2.5 million particles per cubic
22 foot?

23 MR. PLACITELLA: Objection,
24 foundation. He already testified they never did

1 tests.

2 THE WITNESS: Would you run that by
3 me again, please?

4 BY MR. SKINNER:

5 Q. Are you aware of any instances where
6 Mr. Egan was exposed to asbestos in the amount
7 exceeding CertainTeed's internal goal of half the
8 ACGIH limit?

9 A. I'm not, but you know, I mean -- I'm
10 not aware of any test done in the pilot plant
11 either.

12 Q. Now, you recall Mr. Egan's testimony
13 that the -- and I believe you testified that the
14 air at the pilot plant was cleaner than the air
15 in the main plant, correct?

16 A. Yes.

17 Q. And I believe you testified that the
18 pilot plant machine was run once every few
19 months; is that right?

20 A. Yes.

21 MR. PLACITELLA: Objection. You're
22 leading your own witness. I object to all your
23 leading questions.

24 MR. SKINNER: Understood. And I

1 believe you testified to that earlier.

2 BY MR. SKINNER:

3 Q. Now, how often did the pipe making
4 machines in the main plant run?

5 A. Well, it depends on the time. It
6 ran -- we tried to run it at least six days a
7 week. I'm sorry. Five days a week, but if we
8 got backed up, we'd have to run it six days a
9 week.

10 Q. So at the main plant, if I understand
11 it then, the pipe making machine was running five
12 to six days a week every week of the year?

13 A. Well, I couldn't go that far because if
14 we had a slow-down or -- I mean Ambler sits in an
15 area where you could have some bad weather and so
16 forth. We might have to shut down.

17 We did take maintenance over major
18 holidays like between Christmas and New Years.
19 And we would -- if we were slow, we might shut
20 down, you know, Thursday, Friday to give the
21 workers a long weekend. Ambler was pretty busy
22 up 'til when it came time to shut the plant down.

23 Q. And so whereas, then -- well, you would
24 agree that the -- well, how would you

1 characterize the volume of operation at the main
2 plant versus the volume of operation at the pilot
3 plant?

4 A. Well, over at the main plant the
5 machine ran three shifts a day; whereas, the
6 pilot plant -- the pilot plant ran, what, once
7 every two months.

8 Q. You've reviewed Mr. Egan's testimony in
9 this case, correct?

10 A. Yes.

11 Q. Did Mr. Egan testify that he ever
12 worked on a crusher machine?

13 A. On the Tinius Olsen, yes.

14 Q. Okay. But is the Tinius Olsen the same
15 as a scrap crusher like in the main plant?

16 A. Oh, no, no, no, no, no.

17 Q. And is the dust emitted from the Tinius
18 Olsen crush test, is that comparable to the dust
19 from the scrap crusher at the main plant?

20 A. Oh, heavens, no. I mean comparable --
21 I mean yeah. The Tinius Olsen, there was hardly,
22 if at all, any dust. I mean what you're doing is
23 you're bringing a flat load down on it and once
24 the sample breaks, that's it; whereas, a scrap

1 crusher, you're putting sticks of pipe in and the
2 goal is to crush it up to fine so you can run it
3 back through the system.

4 Q. So the scrap crusher would have
5 significantly more dust than the Tinius Olsen?

6 A. Oh, yeah.

7 MR. PLACITELLA: Will you stop
8 leading your own witness, please.

9 THE WITNESS: Absolutely.

10 MR. PLACITELLA: I want to get
11 through this. You lead him on every question.

12 MR. SKINNER: And you can make your
13 objection. That's fine.

14 MR. PLACITELLA: I don't want to do
15 the wind-up like you do every time. I just want
16 to get through the deposition.

17 MR. SKINNER: I'm working on that.

18 MR. PLACITELLA: Just ask him
19 regular questions.

20 MR. SKINNER: I'm working on that.

21 MR. PLACITELLA: Because you know
22 it's improper.

23 BY MR. SKINNER:

24 Q. Now, did you see Mr. Egan's

1 testimony -- did you see any testimony from
2 Mr. Egan about his personal use of the lathes in
3 the pilot plant?

4 A. He didn't use the lathes that I can
5 remember.

6 Q. And -- okay. And certainly you don't
7 have any knowledge -- do you have any knowledge
8 beyond what Mr. Egan testified to as to what he
9 did with the lathes in the pilot plant?

10 A. No, not at all.

11 Q. Did Mr. Egan testify at all to using a
12 saw of any sort in the pilot plant?

13 MR. PLACITELLA: Objection.

14 THE WITNESS: Yeah, I don't believe
15 he did.

16 BY MR. SKINNER:

17 Q. Is there any -- I should say with all
18 these work practices we talked about, is there
19 any testimony in this case about Mr. Egan working
20 with -- doing -- with a saw of any sort?

21 MR. PLACITELLA: Objection. The
22 testimony speaks for itself.

23 THE WITNESS: Not that I can
24 remember, no.

1 BY MR. SKINNER:

2 Q. And is there any testimony besides Mr.
3 Egan's about his work on the lathes in the pilot
4 plant?

5 A. Not that I can recall, no.

6 Q. Now, when was the pilot plant built?

7 A. Well, it was actually constructed in
8 1962 right after the assets of K&M -- pipe assets
9 of K&M were bought.

10 Q. Do you know, as you sit here today,
11 when the Santa Clara plant was built?

12 A. I believe Santa Clara was back in the
13 '40s. It could have even been the early '50s. I
14 know a guy that I'm fairly close to, he started
15 his employment at Santa Clara. It was '58.

16 Q. Do you know who built the pilot plant
17 machine?

18 A. Yes.

19 Q. And who was that?

20 A. John McGinley and Joe Jackson.

21 Q. What is your understanding of -- did
22 the pilot plant machine when it was built use new
23 technology or old, obsolete technology?

24 A. Well, we used the technology that was

1 applicable when it was constructed in '62 by
2 CertainTeed.

3 Q. How would you characterize the
4 technology that CertainTeed used in 1962 in
5 building the pilot plant machine?

6 A. I thought it was pretty good. I mean
7 I -- obviously, I wasn't there then, but the two
8 people that built the plant I knew personally and
9 they knew all aspects of it.

10 Q. I want to show you the photo that was
11 marked as Ambler-12. Do you know whether that
12 picture is taken at the pilot plant in the R&D
13 facility in Ambler?

14 A. I don't believe it was.

15 Q. Why do you say that?

16 A. Because I don't remember any testing
17 being done in that kind of an environment.

18 Q. Let me hand you what's been marked as
19 Ambler-16, another photograph. Do you know
20 whether that photo was taken in the R&D facility
21 or the pilot plant in Ambler?

22 A. I don't know one way or the other.

23 Q. I'm going to hand you what's been
24 marked as Ambler-27.

1 MR. PLACITELLA: Can I see which
2 one?

3 MR. SKINNER: It's November 3,
4 '64 --

5 MR. PLACITELLA: You're going to
6 ask him about the questioning -- about the
7 document you objected to? That's interesting.

8 MR. SKINNER: I'm just gonna make
9 sure it fully gets in the record.

10 BY MR. SKINNER:

11 Q. Can you read -- can you turn to the
12 last page?

13 MR. PLACITELLA: What's the
14 document?

15 MR. SKINNER: It's Ambler-27. It's
16 the November 3, 1964 memo.

17 MR. PLACITELLA: Okay. Give me a
18 second.

19 BY MR. SKINNER:

20 Q. I'm sorry. Can you turn to page --

21 MR. PLACITELLA: Just off the
22 record for a second.

23 MR. SKINNER: Sure.

24 THE VIDEOGRAPHER: The time is

1 now --

2 MR. PLACITELLA: You can do this.
3 I skipped a lot of stuff. If you're gonna start
4 asking him, I'm gonna have a lot to say. It's up
5 to you.

6 MR. SKINNER: Okay. I'm just gonna
7 read a couple --

8 MR. PLACITELLA: All right. We're
9 gonna be here for a while. Sorry. I skipped a
10 lot of stuff in these documents.

11 MR. SKINNER: The documents speak
12 for themselves. I just want to get it into the
13 record here.

14 BY MR. SKINNER:

15 Q. On page four.

16 A. Okay.

17 Q. The second sentence of the top
18 paragraph, can you read that? I believe you were
19 asked about this paragraph, but starting where it
20 says CertainTeed must, of course, can you read
21 that, please?

22 A. CertainTeed must, of course, make every
23 effort to provide maximum safety and minimum dust
24 count conditions in the manufacturing operation.

1 Q. And to your understanding, did
2 CertainTeed do that?

3 A. Yes.

4 Q. And I believe --

5 MR. PLACITELLA: Are you going to
6 finish reading the sentence or are you gonna
7 just stop?

8 BY MR. SKINNER:

9 Q. In here when they're talking about
10 adverse publicity, what are they talking about?

11 MR. PLACITELLA: Are you going to
12 have him read the whole sentence or just the
13 piece you want?

14 MR. SKINNER: I'm just following
15 your lead.

16 BY MR. SKINNER:

17 Q. You can read the rest after the
18 semicolon, if you'd like.

19 A. If I'd like?

20 Q. Go ahead and read after the semicolon
21 for Mr. Placitella here.

22 A. However, it seems to me that the
23 effects of any adverse publicity in this regard
24 will be felt more potentially in our sales

1 effort. The implication of asbestos fibers maybe
2 placed in the air serve as a pollutant as a
3 result of the asbestos bearing brake linings
4 disintegrating or asbestos bearing floor tile
5 being disintegrated just as easily be extended to
6 imply that AC pipe maybe released a few fibers
7 that could be waterborne and ingested as a human
8 being.

9 Q. And what is your understanding of the
10 health hazards of the ingestion of asbestos
11 fibers?

12 A. There is none.

13 Q. Turn to the last paragraph on that
14 page. Can you read the last sentence there?

15 A. We should rely on the work that has
16 been established and proven thus far and
17 cooperate with Allied Industrial interests along
18 those lines that are legally, logically and
19 morally open to us.

20 Q. And to your understanding, did
21 CertainTeed work along lines that were legally
22 open to them?

23 A. Yes.

24 Q. Did they work along lines that were

1 morally open to them?

2 A. Yes.

3 Q. And in your time at the company, is it
4 your understanding that the company did act
5 morally?

6 A. Yes.

7 MR. PLACITELLA: Objection,
8 leading.

9 BY MR. SKINNER:

10 Q. And in your time at the company, is it
11 your understanding that CertainTeed did act
12 legally?

13 A. Yes.

14 MR. PLACITELLA: Objection.

15 BY MR. SKINNER:

16 Q. And on page three of that -- of that
17 memo, in the last paragraph about halfway through
18 you see a dispassionate appraisal?

19 A. Yes.

20 Q. Can you read that sentence, please?

21 A. A dispassionate appraisal of the
22 contents of each paper is presented -- of each
23 paper here presented must be made and an
24 evaluation and a differentiation be made between

1 the fact and fiction.

2 Q. Is it your understanding that the
3 author of this memo believed that everything
4 stated at this meeting he's reporting on was true
5 and proven?

6 MR. PLACITELLA: Objection,
7 leading.

8 THE WITNESS: No, he didn't.

9 BY MR. SKINNER:

10 Q. What's your understanding?

11 A. Well, he said facts and information was
12 presented, but we should look into it and be
13 certain we know what's really going on.

14 Q. And let me ask you, in terms of this
15 meeting that Mr. Shaw and Mr. Horowitz attended,
16 why did they attend the meeting, to your
17 knowledge?

18 A. Well, I mean it was our responsibility
19 as a company to make certain we knew what all was
20 being said about asbestos.

21 Q. To your knowledge, Mr. Shaw and
22 Mr. Horowitz attended the meeting for that
23 purpose?

24 A. Yes.

1 Q. I'm going to hand you what has been
2 marked as Ambler-26.

3 MR. SKINNER: And Mr. Placitella,
4 this is the June 1, 1964, memo from Mr. Horowitz
5 to Mr. Lanz.

6 MR. PLACITELLA: Uh-huh. Well,
7 November 10th you mean?

8 MR. SKINNER: June 1, 1964.

9 BY MR. SKINNER:

10 Q. Mr. Ambler, I refer you to the first
11 two paragraphs of this document. First -- well,
12 review the first two paragraphs. Have you ever
13 seen -- have you seen the enclosure that came
14 with this memo or the memo purports that it came
15 with it?

16 A. I don't remember whether I did or
17 didn't.

18 Q. Has that newspaper clipping that's said
19 to be enclosed, was that provided to you today?

20 A. What newspaper clipping?

21 Q. So look at the last sentence of the
22 first paragraph.

23 A. I don't have a newspaper clipping.

24 Q. So no newspaper clipping was provided

1 to you today?

2 A. No.

3 Q. And can you read the first sentence of
4 the second paragraph?

5 A. This paper's an example of the many
6 discussions of the relationship between lung
7 cancer and asbestosis with opinions pro and con
8 based on the inconclusive data and statistics.

9 Q. Can you read the next sentence as well?

10 A. There is much erroneous thinking and
11 irresponsible reporting and technical hygiene and
12 medical literature on this subject.

13 Q. What does that paragraph mean to you?

14 MR. PLACITELLA: Objection,
15 competence. What does it matter what it means to
16 him?

17 BY MR. SKINNER:

18 Q. Do you understand this to mean that
19 Mr. Horowitz believed the science was settled as
20 to the relationship between cancer and asbestos?

21 MR. PLACITELLA: Objection,
22 leading.

23 THE WITNESS: Oh, no. No. He
24 feels that there has to be a lot more

1 investigation done to determine what really is
2 happening as far as asbestos and health.

3 BY MR. SKINNER:

4 Q. What is your understanding of
5 CertainTeed's knowledge at this time of the
6 relationship between asbestos exposure and
7 disease?

8 A. Well, as I said earlier today, in the
9 mid-'60s certainly CertainTeed was certainly
10 hearing reports of asbestos and lung cancer and
11 asbestos and mesothelioma, and you know, they
12 were getting -- if you were subjected to large
13 amounts over long period of times, but it was
14 heard earlier about asbestosis in the early '60s.

15 Q. Let me hand you what's been marked as
16 Ambler-25. This is the September 25, 1962, memo
17 from Mr. Horowitz to Mr. Johnson.

18 A. Okay.

19 Q. Allow Mr. Placitella to find it in his
20 files.

21 MR. PLACITELLA: Go ahead.

22 BY MR. SKINNER:

23 Q. Do you see the paragraph under the
24 heading U.S. Public Health Survey?

1 A. Yes.

2 Q. And Mr. Placitella asked you about that
3 first sentence. So the first two sentences about
4 the association between lung cancer and
5 asbestosis going back to 1935, do you recall
6 that?

7 A. Yes.

8 Q. What is the next sentence immediately
9 after that?

10 A. This relationship has been the subject
11 of some discussion in the U.S. only in recent
12 years with opinions pro and con based on
13 inconclusive data and statistics.

14 Q. So do you understand that sentence to
15 mean that Mr. Horowitz was sure about the
16 association between cancer and asbestosis?

17 A. No.

18 MR. PLACITELLA: Objection,
19 leading.

20 THE WITNESS: Just the opposite.

21 BY MR. SKINNER:

22 Q. Okay. Can you explain that, please?

23 A. Well, he wanted to be sure that -- I
24 mean he's hearing reports about it, but he wants

1 to be certain that enough information is gotten
2 or enough evaluation given to find out if the
3 reports were factual or not.

4 Q. In this memo as well, does Mr. Horowitz
5 make a recommendation with respect to the U.S.
6 Public Health Service?

7 A. Yeah. I believe he was saying that we
8 should have him visit our plants. I forget where
9 he said that, but -- yeah.

10 It says, the members of the ATI
11 considered it best to invite the U.S. PHS to make
12 this study to the best interest of the industry
13 since it's the only organization that can provide
14 unbiased research as well as the necessary funds.

15 What he was saying is we should be
16 cooperative in this study, but he also invited
17 them into our plants, too.

18 Q. Let me hand you -- put Ambler-26 back
19 in front of you. Look at the last paragraph on
20 that first page.

21 A. Yes. He's saying we should cooperate
22 with the U.S. PHS when they want to come into
23 various plants, and they had been to the Ambler
24 plant.

1 Q. Right. That's -- my next question. To
2 your knowledge, did the U.S. Public Health
3 Service -- was the U.S. Public Health Service
4 invited in to study the CertainTeed plants?

5 A. Yes, the Ambler plant.

6 Q. I'm going to hand you what was marked
7 as -- hold on one second.

8 MR. PLACITELLA: While you're doing
9 that, I got to take a two-minute break.

10 MR. SKINNER: Of course. Let's go
11 off the record.

12 THE VIDEOGRAPHER: The time is now
13 5:01 p.m. This is the end of DVD No. 4. We're
14 going off the record.

15 (Recess.)

16 THE VIDEOGRAPHER: The time is now
17 5:05 p.m. This is the beginning of DVD No. 5.
18 We are back on the record.

19 BY MR. SKINNER:

20 Q. Mr. Ambler, I'm going to hand you
21 what's been marked as Ambler-24. You were
22 questioned about this document earlier today. Do
23 you recall that?

24 A. Yes.

1 Q. And in particular, Mr. Placitella
2 questioned you about Mr. Horowitz's reference to
3 a number of Keasbey & Mattison employees with
4 possible pulmonary disease. Do you recall that?

5 A. Yes.

6 Q. First, what's the date of this
7 document?

8 A. October 9, 1961.

9 Q. Can you read the paragraph -- the
10 second paragraph immediately following the
11 highlighted portion?

12 A. It is significant that most of these
13 people are older employees who have been employed
14 by K&M for 19 years or more. Although, there is
15 no dust concentration data available, it is
16 possible that dust concentrations in the past
17 were much greater than in recent years. The
18 beater man operation, which in general has not
19 had adequate dust control, appears several times
20 on the list. This would indicate that more
21 adequate dust control is necessary at this
22 operation.

23 Q. So first, is this a CertainTeed
24 document?

1 Well, let me ask it differently.

2 MR. PLACITELLA: Let him answer the
3 question.

4 BY MR. SKINNER:

5 Q. What's the date of the document?

6 MR. PLACITELLA: Why don't you ask
7 the -- answer the question.

8 THE WITNESS: October 9, 1961. Is
9 this the remaining part of the document? Yeah.
10 I really don't know. I mean it doesn't come out
11 of our repository, so it must be a K&M document.

12 BY MR. SKINNER:

13 Q. And based on the date of the
14 document --

15 A. Yeah, 1961.

16 Q. And what does that 1961 date mean to
17 you?

18 A. It is a K&M document.

19 Q. When did CertainTeed acquire the pipe
20 assets?

21 A. June of '62.

22 Q. Now, following along that, if you'll
23 flip further into the memo, Mr. Horowitz makes a
24 number of recommendations, correct?

1 A. Yes.

2 Q. And to your knowledge, by the time
3 CertainTeed acquired the pipe plants, had some of
4 these recommendations been put into place?

5 A. I mean it's hard for me to sit here and
6 say they all were, but I mean the ones I
7 certainly do know about would be the x-ray
8 programs and the follow-up physicals.

9 And I mean, you know, I came six years
10 after this, so I'm assuming that a lot of these
11 recommendations were put in practice by
12 CertainTeed.

13 Q. And just so the record's clear, by the
14 time you started in 1967, was the x-ray and
15 follow-up physical program in place at
16 CertainTeed?

17 A. Oh, yeah. That's why I say I know that
18 for a fact.

19 Q. And was the respirator policy in place?

20 A. Oh, absolutely, that was, too, yes.

21 Q. And let me -- Mr. Ambler, you can put
22 that aside. Sorry.

23 Let me hand you what's been marked
24 Ambler-28. This is the November 10, 1964, memo

1 from Mr. Horowitz to Mr. Lanz. You were
2 questioned on this earlier today as well,
3 correct?

4 A. It's sent to Mr. Davis with a copy to
5 Mr. Lanz.

6 Q. I'm sorry. I misspoke.
7 Again, this is -- why did -- why did
8 Mr. Horowitz attend this conference?

9 A. Well, for the simple reason of keeping
10 up and knowledgeable of what was being said
11 concerning the health effects of asbestos.

12 Q. And on page three of that memo, there's
13 a list of recommendations, correct?

14 A. Yes.

15 Q. To your knowledge, by the time you
16 started at CertainTeed in 1967, had these
17 recommendations been put into practice by
18 CertainTeed?

19 A. Yes.

20 MR. PLACITELLA: Objection, asked
21 and answered.

22 THE WITNESS: Yes. I've been
23 through these before. Yes, absolutely. I'm
24 sorry. I didn't mean it.

1 MR. PLACITELLA: It's not a
2 problem.

3 BY MR. SKINNER:

4 Q. There was some testimony earlier about
5 a midnight shift at the pilot plant. I think we
6 clarified that, but just for the record, did the
7 pilot plant have a midnight shift?

8 A. I didn't know of any midnight shift,
9 no.

10 Q. And do you recall from reviewing the
11 testimony of Mr. Egan and Mr. Moorhead what their
12 shift was?

13 A. Yeah.

14 MR. PLACITELLA: Objection.

15 THE WITNESS: It was a day shift.
16 I believe it was from like 8:00 'til 4:30.

17 BY MR. SKINNER:

18 Q. And with respect to Mr. Egan's
19 testimony about going to the main Ambler plant to
20 collect asbestos fibers, do you recall
21 Mr. Moorhead being asked about that?

22 A. Yes.

23 Q. Did Mr. Moorhead testify that he went
24 to the plant --

1 MR. PLACITELLA: Objection.

2 BY MR. SKINNER:

3 Q. -- to collect fibers?

4 MR. PLACITELLA: Hearsay.

5 THE WITNESS: He said he didn't
6 know anything about it. He said he had heard it
7 from Mr. Egan.

8 BY MR. SKINNER:

9 Q. What was Mr. Egan's testimony as to
10 which technicians went on these collection runs
11 to the main plant?

12 MR. PLACITELLA: Objection, speaks
13 for itself.

14 THE WITNESS: He said that they --
15 well, they took turns. There were -- six went at
16 one time. Maybe it was three at one time, but
17 they took turns. And he may have mentioned some
18 names, but I can't tell you what they were.

19 BY MR. SKINNER:

20 Q. And so Mr. Egan said all the
21 technicians took turns?

22 A. All the technicians took part because
23 it happened every two -- every, what, two months.

24 Q. Again, Mr. Moorhead didn't have no

1 recollection of doing that, right?

2 A. He did not.

3 MR. PLACITELLA: Objection,
4 hearsay.

5 BY MR. SKINNER:

6 Q. Was Mr. Moorhead calling Mr. Egan a
7 liar?

8 A. I can't answer that. I hope not.

9 Q. One more thing just to be clear. Based
10 on your review of the annual reports and your
11 personal knowledge, when did CertainTeed shut
12 down the pilot plant and R&D facility in Ambler?

13 A. I believe it was in the '69 report that
14 they -- Malcolm said that they had shut it down
15 and they had a -- some sort of a testing plant up
16 in North Wales. And the actual -- the actual
17 physical testing now was being done out at
18 McPherson, Kansas.

19 Q. And do you have any reason to dispute
20 Mr. Egan's testimony that he worked at the R&D
21 and pilot plant facility in Ambler, Pennsylvania
22 from 1967 to 1969?

23 A. No, not at all.

24 MR. SKINNER: No further questions.

1 REDIRECT EXAMINATION

2 BY MR. PLACITELLA:

3 Q. Okay. I apologize in advance. I'll
4 try to be as brief as possible.

5 So we're clear, the entire time that
6 you worked or observed what was going on in the
7 pilot plant, the only time you ever saw anybody
8 wear a mask or respirator was in the test room
9 downstairs; is that fair?

10 A. Yeah. As I could specifically say,
11 yes.

12 Q. Okay. That was your observation?

13 A. Yes.

14 Q. Okay. So did you ever go into the main
15 plant and observe with your own eyes what
16 happened in the main plant?

17 A. You know what I mean, I didn't walk
18 around looking for people with respirators, but
19 generally in the main plant people -- some people
20 wore respirators 'cause they wanted to.

21 Q. Right. It was voluntary?

22 A. Excuse me?

23 Q. It was voluntary?

24 A. Well, it was involuntary -- it was

1 voluntary if, in fact, there was no problem as
2 far as the amount of asbestos being released. If
3 there was an issue or a question, they were
4 required to wear one.

5 Q. Okay. When you were in the main plant,
6 did you ever see people cutting the asbestos wear
7 a mask or respirator?

8 A. Cutting --

9 MR. SKINNER: Objection.

10 BY MR. PLACITELLA:

11 Q. Cutting the pipe?

12 A. Oh, the pipe?

13 Q. Yes.

14 MR. SKINNER: Objection to form,
15 beyond the issues in this case.

16 THE WITNESS: I can't remember too
17 many people at all wearing a respirator in the
18 Ambler plant.

19 BY MR. PLACITELLA:

20 Q. Okay. And the people who were dumping
21 the asbestos in the mixer in the Ambler plant,
22 were they wearing respirators?

23 MR. SKINNER: Objection to form,
24 beyond the scope of the issues of this case.

1 THE WITNESS: Yeah. I just know
2 there were mixer men that did wear a respirator
3 when they put the asbestos on the conveyor belt
4 to go up, and it was done at certain plants and
5 it was -- you know.

6 I can't say I can sit here and say
7 I saw guys adding the asbestos on the conveyor
8 belt at Ambler, but if they -- they would wear a
9 respirator. There was always a risk there. They
10 would wear a respirator.

11 BY MR. PLACITELLA:

12 Q. So if the person, what, carried or
13 handled the fiber bag, they wore a respirator?

14 MR. SKINNER: Objection to form,
15 mischaracterizes evidence.

16 THE WITNESS: The asbestos is
17 brought over to the man who puts it on the
18 conveyer. It's generally brought over by a
19 forklift truck.

20 BY MR. PLACITELLA:

21 Q. Now, when you say put on a conveyor,
22 you mean taken out and put on the conveyor?

23 A. Yes.

24 Q. And that person wore a mask or

1 respirator?

2 A. A lot of times they did, yes.

3 Q. And did somebody take the asbestos out
4 of the bag in the pilot plant and put it in the
5 machine?

6 MR. SKINNER: Objection to form.

7 THE WITNESS: It was mixed with the
8 cement and silica, yes.

9 BY MR. PLACITELLA:

10 Q. So somebody, like they did in the main
11 plant, handled the raw asbestos as part of making
12 the pipe?

13 MR. SKINNER: Objection to form.

14 THE WITNESS: Yes.

15 BY MR. PLACITELLA:

16 Q. All right. In the main plant, they had
17 a respirator?

18 MR. SKINNER: Objection to form.

19 THE WITNESS: Some did, yes.

20 BY MR. PLACITELLA:

21 Q. In the pilot plant, you never saw any
22 respirator?

23 MR. SKINNER: Objection to form.

24 THE WITNESS: To answer that

1 question truthfully -- well, of course, I try to
2 answer everything truthfully -- I never saw a man
3 mixing it in the pilot plant, so I can't say
4 whether they were wearing -- I never saw anybody
5 wearing a respirator that I can recall in the
6 pilot plant, but I never saw anybody mixing the
7 asbestos with the cement and silica.

8 BY MR. PLACITELLA:

9 Q. So you never saw a single person, other
10 than downstairs in that one room, ever wear a
11 respirator in the pilot plant?

12 MR. SKINNER: Objection to form,
13 asked and answered.

14 THE WITNESS: Not that I can
15 recall.

16 BY MR. PLACITELLA:

17 Q. So was it voluntary in the pilot plant,
18 too?

19 MR. SKINNER: Objection to form,
20 mischaracterizes evidence, misstates facts.

21 THE WITNESS: Only if they thought
22 that -- it was voluntary unless they thought
23 there was a mix-up or a problem, then they were
24 told to wear one.

1 BY MR. PLACITELLA:

2 Q. Okay. So did you ever see people
3 working on a lathe in the main plant wear a
4 respirator?

5 MR. SKINNER: Objection to form.

6 THE WITNESS: No, I did not.

7 BY MR. PLACITELLA:

8 Q. Okay.

9 A. A horizontal lathe, I did not.

10 Q. Right. So the respirator policy only
11 came into effect if your exposures were above
12 your internal standards?

13 MR. SKINNER: Objection to form.

14 BY MR. PLACITELLA:

15 Q. Is that fair?

16 MR. SKINNER: Mischaracterizes
17 testimony, misstates facts, lacks foundation,
18 lacks personal knowledge.

19 You can answer in your personal
20 capacity.

21 THE WITNESS: If they felt that you
22 would have an exposure greater than what the
23 standards were, then you'd have to wear a
24 respirator.

1 BY MR. PLACITELLA:

2 Q. And the only way you could do that is
3 to take a dust count to know?

4 MR. SKINNER: Objection to form,
5 asked and answered.

6 You can answer it again if you
7 want.

8 THE WITNESS: Yeah. I mean when
9 you take a dust count to find out what's
10 happening, yes.

11 BY MR. PLACITELLA:

12 Q. But that was never done in the pilot
13 plant to your knowledge?

14 MR. SKINNER: Objection to form,
15 asked and answered, misstates prior testimony,
16 mischaracterizes facts, assumes facts not in
17 evidence, lacks foundation, lacks personal
18 knowledge.

19 MR. PLACITELLA: Okay. You turn
20 that machine off now. Okay.

21 THE WITNESS: What was not done in
22 the pilot plant, sir?

23 BY MR. PLACITELLA:

24 Q. No dust counts?

1 MR. SKINNER: Same objections.

2 THE WITNESS: Not that I'm aware
3 of.

4 BY MR. PLACITELLA:

5 Q. Right. So no one would know whether
6 they had to wear a mask or not because no dust
7 counts were ever done?

8 A. Well, I didn't say --

9 MR. SKINNER: Objection.

10 MR. PLACITELLA: Withdraw the
11 question.

12 THE WITNESS: I didn't say that.

13 BY MR. PLACITELLA:

14 Q. Okay. Are you aware of other
15 CertainTeed employees developing mesothelioma?

16 A. Yes.

17 MR. SKINNER: Objection to form.

18 BY MR. PLACITELLA:

19 Q. Who?

20 A. Well, Joseph Jackson died from it, but
21 he wasn't a CertainTeed employee when he died
22 from it, but he did work for CertainTeed.

23 Q. And what was his job?

24 A. He was in charge of R&D. Now, keep in

1 mind now, he worked for K&M and he worked for
2 Nicolet.

3 Q. Right. And then he worked for you?

4 A. No.

5 Q. He never worked for CertainTeed?

6 A. Yes.

7 Q. He did?

8 A. Yes, but that's not what you asked me.
9 He didn't work for K&M, Nicolet and CertainTeed.
10 He worked for K&M, CertainTeed and then
11 eventually he went to Nicolet.

12 Q. Okay. And he was -- was he one of
13 Mr. Egan's bosses?

14 A. Well, pretty far up the pole. I mean,
15 you know, he was vice president in charge of all
16 research and development for asbestos cement
17 pipe.

18 Q. So he was the top of the food chain?

19 A. For -- yeah, until you got to the
20 general manager of the group.

21 Q. Right.

22 A. Or of the division. Excuse me.

23 Q. So in the chain of command, he was Mr.
24 Egan's boss, not his immediate boss, but the

1 boss?

2 MR. SKINNER: Objection to form.

3 THE WITNESS: I mean obviously he
4 was everybody's -- for the most part, everybody's
5 boss.

6 BY MR. PLACITELLA:

7 Q. And he worked in the pilot plant?

8 A. Well, he was out there at times, but
9 his office was in the main area where you walked
10 in the research center.

11 Q. You mean where you worked?

12 A. Yes.

13 Q. Okay. So he worked in the research --
14 in the office building and he would be out as
15 part of his job in the pilot plant?

16 MR. SKINNER: Objection to form,
17 lacks foundation, lacks personal knowledge.

18 THE WITNESS: He wasn't out there
19 too much in the pilot plant when I came to work
20 for CertainTeed. I can't answer how much he was
21 out there prior to that, but he did -- I think he
22 did almost 80 to 90 percent of his work in
23 administration and in his office.

24 BY MR. PLACITELLA:

1 Q. So even though he only did a small
2 percentage of his work out in the plants, he
3 still developed mesothelioma?

4 MR. SKINNER: Objection to form,
5 mischaracterizes testimony, assumes facts not in
6 evidence, misstates evidence and lacks
7 foundation, lacks personal knowledge.

8 THE WITNESS: He worked for K&M.

9 BY MR. PLACITELLA:

10 Q. And CertainTeed?

11 A. But K&M first.

12 Q. Okay.

13 A. Have you ever been through a K&M plant?
14 You wouldn't be asking me those questions.

15 Q. Okay. He worked for CertainTeed, did
16 he not?

17 A. After he worked for K&M, yes.

18 Q. And he never wore a respirator when he
19 was in the pilot plant at CertainTeed, did he?

20 A. Not that I can recall, but I wasn't in
21 there with him at the pilot plant.

22 Q. And he would have worked around the
23 lathes?

24 A. What lathes, in the pilot plant?

1 Q. Yeah.

2 A. I don't know whether he would or not.

3 Q. All right. Would he have been where
4 they were making the pipe as part of his job?

5 MR. SKINNER: Objection. Objection
6 to form, lacks foundation, lacks personal
7 knowledge.

8 THE WITNESS: I'm sorry.

9 MR. SKINNER: No. It's okay.

10 THE WITNESS: It's been a long day.

11 I only remember him being out there
12 one time when pipe was being made.

13 BY MR. PLACITELLA:

14 Q. Okay. And did he work in the pilot
15 plant at CertainTeed from '62 until '69 when they
16 closed it?

17 MR. SKINNER: Objection to form,
18 misstates evidence, assumes facts not in
19 evidence.

20 You can answer to the extent you
21 know and you have personal knowledge.

22 THE WITNESS: The pilot plant
23 wasn't the main part of his job. He was in
24 charge of all R&D, all R&D.

1 BY MR. PLACITELLA:

2 Q. I understand.

3 A. He went out in the pilot plant very,
4 very infrequently.

5 Q. He developed mesothelioma?

6 A. He died from that, yes.

7 Q. Did you know him at the time he died?

8 MR. SKINNER: Objection to form.

9 BY MR. PLACITELLA:

10 Q. Did you have contact with him?

11 A. I called him a couple times on some of
12 these asbestos cases I was working on, pipe cases
13 and talked to him. He transferred down to or
14 relocated down to the Jersey shore. And I hadn't
15 seen him for quite -- I hadn't seen him for quite
16 a few years. I talked to him a couple times and
17 then I heard he had meso.

18 Q. Did you talk to him after he had the
19 meso?

20 A. No.

21 Q. Okay. Who else worked for CertainTeed
22 developed mesothelioma that you know of?

23 A. John McGinley.

24 Q. And what was his job?

1 A. When?

2 Q. When he worked for CertainTeed?

3 MR. SKINNER: Objection to form.

4 THE WITNESS: He was -- he was --
5 John was in central engineering and then he
6 became plant manager for a while at Ambler and
7 then he became general manufacturing supervisor
8 for all the plants. And then he -- he had
9 responsibility for all the asbestos cement and
10 all the PVC pipe plants.

11 BY MR. PLACITELLA:

12 Q. Okay. Did he work hands-on with the
13 asbestos or was he exposed as a bystander?

14 MR. SKINNER: Objection to form.

15 THE WITNESS: No. He worked with
16 asbestos, but also, sir, you didn't ask me, but
17 he -- can I say something? He worked for K&M and
18 he worked in the insulation plant. And I want to
19 tell you something. When you walked through that
20 insulation plant at K&M, you had to go like this
21 to see where you were walking. (Gesturing.)

22 BY MR. PLACITELLA:

23 Q. You've been there?

24 A. No, but I talked to John. John was one

1 of my -- wait a second. John was one of my best
2 friends and I lived with him through his death,
3 and I went over every reason for it. And I
4 believe the origin of his contracting meso was
5 with the K&M insulation plants.

6 Q. You were never in a K&M plant to make
7 an observation?

8 A. No. I'm telling you what the man dying
9 told me. I was never in a K&M insulation plant.

10 Q. Okay. Okay. So you have no personal
11 knowledge as to what you observed in a K&M plant,
12 correct?

13 MR. SKINNER: Objection to form,
14 argumentative.

15 THE WITNESS: I already told you
16 what I know.

17 BY MR. PLACITELLA:

18 Q. You have never personally been in any
19 K&M plant while K&M operated it, correct?

20 MR. SKINNER: Objection to form,
21 asked and answered, argumentative.

22 THE WITNESS: Yeah, that's correct.

23 BY MR. PLACITELLA:

24 Q. Okay. He was a good friend of yours?

1 A. John, yes, very close friend.

2 Q. Did he die a horrible death?

3 MR. SKINNER: Objection to form.

4 THE WITNESS: It wasn't pleasant.

5 BY MR. PLACITELLA:

6 Q. Who else that you know that worked at
7 CertainTeed develop mesothelioma?

8 A. I can't answer for anybody else because
9 I don't know for sure.

10 Q. Have you heard of anybody else dying
11 from mesothelioma that worked for CertainTeed?

12 A. No.

13 MR. SKINNER: Objection to form,
14 lacks foundation, beyond the scope.

15 THE WITNESS: No.

16 MR. SKINNER: Lacks personal
17 knowledge.

18 THE WITNESS: I'm sorry. No.

19 BY MR. PLACITELLA:

20 Q. Are you aware of any salespeople who
21 worked for CertainTeed that developed
22 mesothelioma?

23 MR. SKINNER: Lacks foundation,
24 beyond the scope, lacks personal knowledge.

1 THE WITNESS: Salespeople, no.

2 BY MR. PLACITELLA:

3 Q. Are you aware of any wives or children
4 of CertainTeed employees who developed
5 mesothelioma?

6 MR. SKINNER: Objection to form,
7 lacks foundation, beyond the scope.

8 THE WITNESS: No.

9 BY MR. PLACITELLA:

10 Q. You didn't testify in the Ortwein case
11 where it was that family's belief that the wife
12 develop mesothelioma from her husband?

13 MR. SKINNER: Well, object to form.
14 Well beyond the scope of the issues in this case
15 where a family with a BAP 1 genetic mutation
16 developed the unfortunate history of
17 mesothelioma.

18 MR. PLACITELLA: Let's see if you
19 win that one.

20 THE WITNESS: I have nothing to say
21 about that case.

22 BY MR. PLACITELLA:

23 Q. Okay. You talked about lockers and
24 showers --

1 A. Yes.

2 Q. -- at the pilot plant?

3 A. Yes.

4 Q. Was Mr. Egan ever told to take a shower
5 or take his clothes off and if he didn't do it,
6 he would place his family at risk to your
7 knowledge?

8 MR. SKINNER: Objection to form,
9 lacks foundation, beyond the scope, lacks
10 personal knowledge.

11 You can answer in your personal
12 capacity to the extent you know.

13 THE WITNESS: I don't know one way
14 or the other.

15 BY MR. PLACITELLA:

16 Q. Was anybody at the pilot plant ever
17 told that they should either change their clothes
18 or take a shower there or risk contaminating
19 their household and their families?

20 MR. SKINNER: Lacks foundation,
21 beyond the scope of the issues in this case,
22 lacks personal knowledge.

23 You can answer in your personal
24 capacity to the extent you know.

1 THE WITNESS: I don't know one way
2 or the other.

3 MR. PLACITELLA: Didn't you ask him
4 these same questions? I thought you did.

5 MR. SKINNER: I did not ask him --

6 MR. PLACITELLA: I thought you
7 asked him about lockers and showers at the pilot
8 plant. Okay.

9 THE WITNESS: I thought you were
10 testing my recall.

11 BY MR. PLACITELLA:

12 Q. Okay. You talked about the U.S. Public
13 Health Service?

14 A. Yes.

15 Q. Okay. Isn't it true that the U.S.
16 Public Health Service never did a dust study of
17 the Ambler plant?

18 MR. SKINNER: Objection to form,
19 lacks foundation.

20 THE WITNESS: I honestly don't know
21 one way or the other.

22 BY MR. PLACITELLA:

23 Q. The only time the U.S. Public Health
24 Service ever went into the Ambler plant was to

1 make an observation as to what a pipe plant
2 looked like; isn't that correct?

3 MR. SKINNER: Objection to form,
4 lacks foundation.

5 THE WITNESS: I don't know the
6 answer to that.

7 BY MR. PLACITELLA:

8 Q. All right. So what did the U.S. Public
9 Health Service do in the Ambler plant?

10 MR. SKINNER: Objection to form,
11 lacks foundation.

12 THE WITNESS: They visited the
13 plant and may have even issued the report. I
14 have not seen any report.

15 BY MR. PLACITELLA:

16 Q. Were you there when this plant visit
17 supposedly took place?

18 MR. SKINNER: Objection to form,
19 lacks foundation.

20 THE WITNESS: I was an employee,
21 but I was like the abalone, you know. Everything
22 was passing over top of me then.

23 BY MR. PLACITELLA:

24 Q. You have no idea whether they ever did

1 a study of the plant, correct?

2 A. I don't know.

3 MR. SKINNER: Objection to form,
4 asked and answered.

5 THE WITNESS: I don't know what
6 their purpose was, other than what's in
7 Mr. Horowitz's memos.

8 BY MR. PLACITELLA:

9 Q. Right. Did you ever read Mr.
10 Horowitz's testimony about what the U.S. Public
11 Health Service did in the Ambler plant?

12 MR. SKINNER: Objection to form.

13 THE WITNESS: Not that I can
14 recall.

15 BY MR. PLACITELLA:

16 Q. Do you recall him testifying that the
17 only thing they did was come in and look around
18 and that no inspections were done?

19 MR. SKINNER: Objection to form.
20 Mr. Horowitz's testimony speaks for itself.

21 THE WITNESS: I already answered
22 that question. I don't know what they did at the
23 plant.

24 BY MR. PLACITELLA:

1 Q. So when you said they were cooperating
2 with the U.S. Public Health Service, you didn't
3 mean to imply somehow that the U.S. Public Health
4 Service gave a stamp of approval to what was
5 going on in the Ambler plant, correct?

6 MR. SKINNER: Objection to form,
7 argumentative, mischaracterizes testimony.

8 THE WITNESS: No, I didn't give any
9 comments. My comment was -- my testimony had to
10 be that they were -- the people with ATI were
11 asking to give some sort of an industry-wide
12 cooperation with the U.S. PS.

13 BY MR. PLACITELLA:

14 Q. And you know that never happened,
15 correct?

16 MR. SKINNER: Objection to form,
17 mischaracterizes testimony, lacks foundation,
18 lacks personal knowledge.

19 BY MR. PLACITELLA:

20 Q. The plan that you went over with
21 counsel that the ATI talked about having the
22 plants studied by the public health service, that
23 never happened?

24 MR. SKINNER: Objection to form,

1 lacks foundation.

2 THE WITNESS: I don't know one way
3 or the other.

4 BY MR. PLACITELLA:

5 Q. Okay. Well, why were you asked
6 questions about the U.S. Public Health Service
7 and what they did at the Ambler plant if you had
8 no idea what they did?

9 MR. SKINNER: Objection to form,
10 mischaracterizes testimony.

11 THE WITNESS: I don't know. I
12 didn't ask to have what questions were asked of
13 me. You'd have to ask my attorney why they asked
14 questions. And I answered them very honestly.

15 BY MR. PLACITELLA:

16 Q. I'm sure you did. I'm not saying that
17 you didn't.

18 You were asked about the Travelers
19 document from 1968, 12/4/68. There is no
20 indication in there that any dust studies were
21 done with respect to the 12/4/68 report, correct?

22 MR. SKINNER: Objection. The
23 document speaks for itself. Form.

24 THE WITNESS: There is no dust

1 counts that were with this report.

2 BY MR. PLACITELLA:

3 Q. It was strictly a visual observation?

4 A. Well, I don't know that.

5 Q. That's what it says, doesn't it?

6 MR. SKINNER: Objection to form.
7 The document speaks for itself, lacks foundation.

8 THE WITNESS: They didn't say
9 whether they took dust counts or didn't take dust
10 counts, but I don't know of any that's in
11 captivity right now.

12 BY MR. PLACITELLA:

13 Q. Okay. And when they finally did take
14 dust counts in 1977, they found that you exceeded
15 OSHA standards multiple times, correct?

16 MR. SKINNER: Objection to form.
17 The document speaks for itself, beyond the scope
18 of the issues in this case.

19 THE WITNESS: There was -- there
20 were results that were greater than what the
21 applicable standards were, yes.

22 BY MR. PLACITELLA:

23 Q. And you were also asked about
24 Mr. Horowitz and what he knew about cancer back

1 in 1962 and 1964, do you recall that, by your
2 attorney?

3 A. Today?

4 Q. Yes.

5 MR. SKINNER: Objection to form.

6 THE WITNESS: Yes, I do. I mean
7 I -- I know what he wrote that he said was going
8 on in those time periods.

9 BY MR. PLACITELLA:

10 Q. He said that there were still some --
11 in his mind, still some questions that needed to
12 be answered, correct?

13 A. Yes.

14 Q. That's after he came back from the
15 Selikoff conference in 1964; is that what you
16 said?

17 MR. SKINNER: Objection to form.

18 The document speaks for itself.

19 BY MR. PLACITELLA:

20 Q. Isn't that what you just testified to?

21 A. Yes.

22 Q. Okay. Can you tell me after he came
23 back from the conference in 1964 what he did to
24 answer those questions, the things that were in

1 doubt in his mind?

2 MR. SKINNER: Objection to form,
3 calls for speculation, lacks foundation, lacks
4 personal knowledge.

5 You can answer in your personal
6 capacity to the extent you know.

7 THE WITNESS: I don't know what he
8 personally did.

9 BY MR. PLACITELLA:

10 Q. Can you tell me what CertainTeed did
11 after Dr. Horowitz -- I mean Mr. Horowitz and Dr.
12 Shaw came back in 1964 to find out exactly how
13 bad asbestos was?

14 MR. SKINNER: Objection to form,
15 argumentative, lacks foundation. The document
16 speaks for itself and lacks personal knowledge.

17 You can answer in your personal
18 capacity.

19 BY MR. PLACITELLA:

20 Q. Specifically in response to that
21 conference?

22 MR. SKINNER: Same objections.

23 THE WITNESS: Well, I mean they --
24 we tried to stay very close to what was being

1 talked about at other conferences or conventions.
2 And then AIA was I think formulated, what, in '71
3 or '72. And you know, that was a lot of work
4 being done there that they were trying to
5 correlate what kind of work was being done by the
6 various scientists and hygienists, et cetera, et
7 cetera.

8 BY MR. PLACITELLA:

9 Q. What did CertainTeed do in response to
10 going to the conference in '64 through the time
11 that Mr. Egan worked there in '69; what
12 investigation did it take -- undertake on its own
13 to evaluate just how dangerous asbestos was and
14 how much exposure it took to kill people?

15 MR. SKINNER: Objection to form,
16 argumentative, harassing, assumes facts not in
17 evidence, lacks foundation, lacks personal
18 knowledge.

19 To the extent in your personal
20 capacity you can testify about steps taken before
21 you even worked there, go ahead.

22 THE WITNESS: I don't know of any
23 effort that was made by CertainTeed other than
24 trying to keep on top of what all was being said

1 throughout the industry.

2 BY MR. PLACITELLA:

3 Q. How many other conferences did they go
4 to other than -- after the '64 conference through
5 1969?

6 MR. SKINNER: Objection to form,
7 lacks foundation, lacks personal knowledge.

8 You can answer in your personal
9 capacity.

10 THE WITNESS: I've never -- I've
11 never counted them up, so I don't know, but if
12 you wanted those kind of answers, would you have
13 put it in the notice. I would have tried to get
14 them for you.

15 BY MR. PLACITELLA:

16 Q. The truth of the matter is despite
17 testifying for more than 170 times for multiple
18 days, you're not aware of anything that
19 CertainTeed did between 1964 and 1969 to
20 determine just how dangerous exposure to asbestos
21 was in their plants, true?

22 MR. SKINNER: Objection.

23 THE WITNESS: False.

24 MR. SKINNER: Okay. Objection to

1 form, lacks foundation, argumentative, lacks
2 personal knowledge.

3 THE WITNESS: False. Mr.
4 Placitella --

5 MR. SKINNER: Mr. Ambler.

6 THE WITNESS: -- please don't
7 attack me all the time. Okay. I'm trying to be
8 very, very polite and carry this through, but I
9 mean my goodness.

10 CertainTeed, as far as I know,
11 tried very hard to keep on track of what was
12 being said in the industry about asbestos and
13 asbestos and health.

14 BY MR. PLACITELLA:

15 Q. What did they do specifically; did they
16 hire any doctors to investigate the problem?

17 MR. SKINNER: Objection to form,
18 lacks foundation, lacks personal knowledge.

19 THE WITNESS: We had hygienists
20 working for us and it's in our standard
21 interrogatory answers who these hygienists were.
22 And then we had -- we had a medical director,
23 too, but he was more involved with actually the
24 employees.

1 BY MR. PLACITELLA:

2 Q. He didn't do any studies of your
3 employees, did he?

4 MR. SKINNER: Objection to form,
5 lacks foundation, lacks personal knowledge.

6 THE WITNESS: What do you mean by
7 studies of our -- if somebody got sick or there
8 was a problem and there were bad results on a
9 physical, he would work with the employee.

10 BY MR. PLACITELLA:

11 Q. He did not do any medical literature
12 review and report back to CertainTeed exactly
13 what he found was in the medical literature about
14 the dangers of asbestos, correct?

15 MR. SKINNER: Objection to form,
16 lacks foundation, lacks personal knowledge.

17 THE WITNESS: Not as far as I know.

18 BY MR. PLACITELLA:

19 Q. None of your hygienists ever did
20 independent reviews of the medical literature to
21 confirm or not what they learned at the
22 conference -- that was learned at the Selikoff
23 conference in '64, correct?

24 MR. SKINNER: Objection to form,

1 lacks foundation, lacks personal knowledge.

2 THE WITNESS: I don't know what
3 they did.

4 BY MR. PLACITELLA:

5 Q. The AIA, that didn't come about until
6 1971 or two, correct?

7 A. That's correct, yes.

8 Q. And the expressed purpose of AIA was to
9 protect the industry from lawsuits, right?

10 MR. SKINNER: Objection to form
11 misstates evidence.

12 THE WITNESS: No.

13 BY MR. PLACITELLA:

14 Q. You're aware that the executive
15 director made a speech that CertainTeed was at
16 about the purpose of the AIA?

17 MR. SKINNER: Objection to forms,
18 misstates evidence.

19 BY MR. PLACITELLA:

20 Q. Are you aware of that?

21 MR. SKINNER: Assumes facts not in
22 evidence, lacks foundation, lacks personal
23 knowledge.

24 THE WITNESS: I just know what

1 their charter is. And I mean it wasn't to
2 necessarily just protect the industry. It was to
3 keep everybody abreast of what was happening with
4 asbestos.

5 BY MR. PLACITELLA:

6 Q. Well, you say that. Do you know that
7 the AIA predicted in 1972 how many people were
8 gonna die from asbestos exposure?

9 MR. SKINNER: Objection to form,
10 lacks foundation, lacks personal knowledge.

11 THE WITNESS: No, I don't.

12 BY MR. PLACITELLA:

13 Q. Do you know the AIA ran a survey that
14 was supplied to CertainTeed about whether the
15 public was aware or not of asbestos dangers; did
16 you know that?

17 MR. SKINNER: Objection to form,
18 misstates evidence, assumes facts not in
19 evidence, lacks foundation, lacks personal
20 knowledge.

21 THE WITNESS: I don't know of any
22 of that -- I don't know of anything along that
23 subject.

24 BY MR. PLACITELLA:

1 Q. Did you know that CertainTeed was told
2 that the AIA found good news and bad news; the
3 bad news was that people were going to die, did
4 you know that?

5 MR. SKINNER: Objection to form,
6 misstates evidence, assumes facts not in
7 evidence, lacks foundation, lacks personal
8 knowledge.

9 THE WITNESS: I'd like to see that.
10 I'm not aware of that.

11 BY MR. PLACITELLA:

12 Q. Did you know that the good news as
13 related by the executive director of AIA was that
14 despite all the negative publicity, "Very few
15 people have been paying attention"; did you know
16 that happened?

17 MR. SKINNER: Objection to form,
18 misstates evidence, assumes facts not in
19 evidence, lacks foundation, lacks personal
20 knowledge.

21 THE WITNESS: I don't know that
22 being done.

23 BY MR. PLACITELLA:

24 Q. You indicated when you were looking at

1 the Travelers document, your Counsel asked you
2 about safety films, warning signs, various safety
3 material available upon request. Do you recall
4 that?

5 A. Yes. May I see that, please?

6 Q. Sure.

7 MR. SKINNER: You got it right in
8 front of you.

9 THE WITNESS: Oh, okay.

10 BY MR. PLACITELLA:

11 Q. As you sit here today, do you know
12 whether Mr. Egan was ever told that that
13 information was available to him?

14 MR. SKINNER: Objection to form,
15 lacks foundation.

16 THE WITNESS: I don't know if that
17 was related to Mr. Egan or not. I don't know one
18 way or the other.

19 BY MR. PLACITELLA:

20 Q. Should it have been?

21 MR. SKINNER: Objection to form,
22 calls for speculation.

23 THE WITNESS: Well, every employee
24 had a right to see that kind of information.

1 BY MR. PLACITELLA:

2 Q. Is there some reason why you think
3 Mr. Egan was treated with less respect than the
4 employees in the plant and not told the same
5 thing the plant employees were told?

6 MR. SKINNER: Objection to form,
7 argumentative and harassing, misstates evidence,
8 assumes facts not in evidence, lacks foundation.

9 You can answer in your personal
10 capacity.

11 THE WITNESS: I don't even
12 understand the question. I mean nobody tried to
13 treat anybody at the pilot plant as an inferior
14 citizen. Believe me.

15 BY MR. PLACITELLA:

16 Q. Except they didn't get the same
17 information as the employees got in the main
18 plant, did they?

19 MR. SKINNER: Objection to form,
20 assumes facts not in evidence, misstates
21 evidence, calls for speculation.

22 You can answer in your personal
23 capacity to the extent you can.

24 THE WITNESS: Well, in 1968 the

1 pilot plant wasn't even -- well, that's not true.
2 '69 the pilot plant was no longer involved,
3 right?

4 BY MR. PLACITELLA:

5 Q. Right.

6 A. But any information we had was
7 passed -- passed along to the managers of the
8 pilot plant just like they were passed on to the
9 plant managers of the various operating plants.

10 Q. And who made sure those managers told
11 the employees?

12 MR. SKINNER: Objection to form,
13 lacks foundation, lacks personal knowledge.

14 THE WITNESS: I can't answer that.
15 I don't know that.

16 BY MR. PLACITELLA:

17 Q. As you sit here today, you can't
18 testify that any information was related by the
19 managers to the employees, including Mr. Egan,
20 about the dangers of asbestos from your own
21 personal knowledge, correct?

22 MR. SKINNER: Objection to form,
23 asked and answered, lacks foundation.

24 THE WITNESS: No, not from my own

1 personal knowledge. Just what I was told when I
2 talked to Mr. Hoover.

3 BY MR. PLACITELLA:

4 Q. Well, that's hearsay? You know --

5 A. Well, you know, it is what it is.

6 Q. It is what it is?

7 A. That's right. But let me tell you
8 something, Mr. Placitella. I walked through that
9 pilot plant numerous times and I never saw any
10 asbestos dust flying around.

11 I mean that plant to me was I thought
12 in pretty good shape honestly.

13 Q. So when Mr. Egan and Mr. Moorhead said
14 they saw asbestos dust in the pilot plant, they
15 were not telling the truth?

16 MR. SKINNER: Objection to form,
17 mischaracterizes evidence.

18 THE WITNESS: No, I never said
19 that.

20 MR. SKINNER: Calls for an expert
21 conclusion.

22 THE WITNESS: I never said that.
23 They said it wasn't as bad as what it was at the
24 Ambler plant.

1 BY MR. PLACITELLA:

2 Q. Thank God, right?

3 MR. SKINNER: Objection.

4 THE WITNESS: 1970 results were
5 pretty good.

6 BY MR. PLACITELLA:

7 Q. The '68 results from the U.S. Public
8 Health Service weren't so good though?

9 A. No. That wasn't U.S. Public Service.

10 MR. SKINNER: Objection to form.

11 BY MR. PLACITELLA:

12 Q. The Federal Government?

13 A. No.

14 MR. SKINNER: Objection to form,
15 beyond the scope of this case.

16 THE WITNESS: No. I mean what are
17 you talking about, the Ambler plant or Santa
18 Clara?

19 BY MR. PLACITELLA:

20 Q. Does it matter, sir?

21 A. Yeah, 'cause we're talking about the
22 Ambler plant.

23 MR. SKINNER: Mr. Ambler, don't
24 argue with him.

1 BY MR. PLACITELLA:

2 Q. So the people in the Ambler plant,
3 what, they deserve less than the Santa Clara
4 people?

5 MR. SKINNER: Objection to form.
6 This is harassing, misstates prior testimony,
7 calls for speculation.

8 You can --

9 THE WITNESS: I never said that.

10 BY MR. PLACITELLA:

11 Q. Okay. So just to be clear, do you have
12 any evidence that Mr. Egan was ever told about
13 mesothelioma?

14 MR. SKINNER: Objection to form,
15 asked and answered.

16 BY MR. PLACITELLA:

17 Q. I just want to make sure we know.

18 A. Any firsthand knowledge?

19 Q. Yes, sir.

20 A. I don't have any firsthand knowledge.
21 Just what I was told.

22 Q. Do you have any firsthand knowledge
23 that he was ever warned about the dangers of
24 asbestos?

1 MR. SKINNER: Objection to form,
2 asked and answered.

3 BY MR. PLACITELLA:

4 Q. And why he should protect himself?

5 MR. SKINNER: Asked and answered.

6 BY MR. PLACITELLA:

7 Q. Firsthand knowledge?

8 A. No. Other than what I know I was told
9 and what other people were told when they were
10 hired. And I talked to people about that and
11 they tried to keep everybody abreast when they're
12 hired, but I wasn't sitting there while he was
13 hired.

14 Q. You cannot testify, can you, as to what
15 Mr. Egan was told?

16 MR. SKINNER: Objection to form,
17 asked and answered.

18 THE WITNESS: I personally cannot.

19 MR. PLACITELLA: That's all the
20 questions I have. Thank you.

21 MR. SKINNER: I have no further
22 questions. Mr. Ambler will reserve the right to
23 read and sign.

24 MR. PLACITELLA: I reserve the

1 right to recall him after I get the transcripts,
2 which I'm assuming you're gonna send me right
3 away.

4 MR. SKINNER: We certainly object
5 to Mr. Ambler being recalled again, but I will
6 get you those transcripts.

7 MR. PLACITELLA: I'm sure you'll
8 explain to the judge why I didn't get the
9 transcripts and why he reviewed and relied upon
10 them.

11 THE VIDEOGRAPHER: The time is now
12 5:45 p.m. This concludes the deposition of Lloyd
13 Ambler. We are off the record.

14 (Witness excused.)

15 (Deposition concluded.)

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CERTIFICATE

I HEREBY CERTIFY that the witness was
duly sworn by me and that the deposition is a
true record of the testimony given by the
witness.

Lynn Parlapiano,
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1 INSTRUCTIONS TO WITNESS

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3 Please read your deposition over
4 carefully and make any necessary corrections.
5 You should state the reason in the appropriate
6 space on the errata sheet for any corrections
7 that are made.

8 After doing so, please sign the errata
9 sheet and date it.

10 You are signing same subject to the
11 changes you have noted on the errata sheet, which
12 will be attached to your deposition.

13 It is imperative that you return the
14 original errata sheet to the deposing attorney
15 within thirty (30) days of receipt of the
16 deposition transcript by you. If you fail to do
17 so, the deposition transcript may be deemed to be
18 accurate and may be used in court.

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