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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Jean Hoefer Toal, Circuit Court Judge

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Case No. 2020-CP-40-02098

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Appellate Case No. 2024-000674

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Covil Corporation, by and through its duly appointed Receiver, Peter D. Protopapas, Respondent,

v.

Pennsylvania National Mutual Casualty Insurance Company; Sam J. Crain & Co., Inc.; and  
South Carolina Property and Casualty Insurance Guaranty Association..... Defendants,

Of which Pennsylvania National Mutual Casualty Insurance Company is the .....Appellant.

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**RECORD ON APPEAL**  
**VOLUME 31**

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23

24 Deposition reported by: Deanna M. Bair, CCR

25

⬆2

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20

21

22

23

24

25

4

1       STIPULATIONS: Taken pursuant to the South Carolina  
2       Rules of Civil Procedure. It is agreed by all parties  
3       that the witness can be used at trial by the Plaintiffs  
4       for those plaintiffs designated in the co-worker and  
5       exposure witness list provided to Defendants pursuant to  
6       the pretrial order.

7

8       WAIVER: Examination and reading of the deposition  
9       are waived by the witness and by the parties.

10

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▲5

1 JERRY CAMPBELL, being duly sworn, testified as  
2 follows:  
3 EXAMINATION BY MR. CAUSBY:  
4 Q. Mr. Campbell, good morning. Thank you for coming  
5 today. Would you give us your full name and  
6 address, please?  
7 A. Jerry Campbell, Post Office Box 209, Salem, South  
8 Carolina.  
9 Q. How long have you lived in Salem?  
10 A. About 35 years I guess.  
11 Q. All right. Have you ever given a deposition before?



- 12 A. Yes.
- 13 Q. How long ago about did you give one?
- 14 A. About 18 months.
- 15 Q. Was it in an asbestos-related lawsuit?
- 16 A. Yes.
- 17 Q. Was it in your lawsuit?
- 18 A. Yes.
- 19 Q. Is your case still pending?
- 20 A. I'm not sure, it could have been settled.
- 21 Q. Where was it filed or where is it filed?
- 22 A. Dallas, Texas.
- 23 Q. Represented by Barron & Budd and Wallace and Graham?
- 24 A. Yes.
- 25 Q. Have you only given the one deposition?

⬆6

- 1 A. Yes.
- 2 Q. No others?
- 3 A. No.
- 4 Q. I know you have experience with depositions, then.
- 5 Let me just briefly remind you of how they work.
- 6 This lady is a court reporter. She takes down
- 7 everything we say in here. You're under oath just
- 8 as if you were in a courtroom. I'm a lawyer. I

9 represent a number of companies that were sued in  
10 eight cases that you've been named as a witness in.  
11 There are others sitting around the table, and two  
12 on the telephone, are also lawyers and we each  
13 represent different clients.

14 Since the court reporter is taking down  
15 everything we say, make sure you give us a  
16 verbal answer to questions. And if you can,  
17 keep your voice up a little bit so people on  
18 the phone can hear you.

19 A. Yes.

20 Q. And also if you will try not -- or work with me and  
21 the other lawyers so that we don't talk over top of  
22 each other. Let the lawyer completely finish the  
23 question. Even if you can anticipate what the  
24 question is, let us finish the question so it can be  
25 complete on the record, and we will let you finish

▲7

1 your answer before we start another question, all  
2 right, sir?

3 A. Okay.

4 Q. Let me begin by asking you if you know these people  
5 who named you as a witness. I will just read the

6 names and you tell us whether or not you know them.

7 A. All right.

8 Q. Ben Anthony?

9 A. Yes.

10 Q. Jerry Durham?

11 A. I can't recall him.

12 Q. William Hicks?

13 A. I can't recall him.

14 Q. Ronald Jennings?

15 A. Yes.

16 Q. Ralph Merck?

17 A. Yes.

18 Q. Ronald Mullinax?

19 A. I can't recall him.

20 Q. James Padgett?

21 A. Yes.

22 Q. James Turner?

23 A. Yes.

24 Q. You've been named because of two locations where you

25 may have worked, and I want to ask you if you worked

↑8

1 there.

2 Did you work at the Oconee Nuclear plant?

- 3 A. Yes.
- 4 Q. And did you work at the McGuire Nuclear plant?
- 5 A. Yes.
- 6 Q. When did you work at Ocone, what years?
- 7 A. '69 to '73.
- 8 Q. And did you work for Duke?
- 9 A. Yes.
- 10 Q. When did you work at McGuire?
- 11 A. From '73 to '77.
- 12 Q. Did you work at Ocone any time other than the '69
- 13 to '73 time period?
- 14 A. Yes, I worked from '79 to '91.
- 15 Q. And did you work at McGuire any time other than the
- 16 '73 to '77 time period?
- 17 A. No.
- 18 Q. Did you retire from Duke --
- 19 A. Yes.
- 20 Q. -- in '91?
- 21 A. Yes.
- 22 Q. Did you have a regular retirement? Time in service
- 23 type of retirement or was it medically related?
- 24 A. No, it was just --
- 25 Q. Just a regular retirement?

- 1 A. Right.
- 2 Q. And in the 1969 to '73 time period at Oconee, what
- 3 was your job title then?
- 4 A. I was a carpenter.
- 5 Q. Carpenter?
- 6 A. Yes.
- 7 Q. How about '79 to '91, what was your job title at
- 8 Oconee?
- 9 A. I was in mechanical maintenance.
- 10 Q. And from '73 to '77, what was your job title at
- 11 McGuire?
- 12 A. Carpenter.
- 13 Q. I'm going to now focus on the '69 to '73 time period
- 14 at Oconee, okay.
- 15 A. Yes.
- 16 Q. As a carpenter, what were your job duties?
- 17 A. Well, scaffold building, worked on a lot of fire
- 18 walls.
- 19 Q. Fire walls?
- 20 A. Yes. Hanging drywall.
- 21 Q. Anything else?
- 22 A. Cad welding.
- 23 Q. Say that again?
- 24 A. Cad welding.

25 Q. All right, anything else?

↑10

1 A. That would have been about it.

2 Q. Okay. In your job as a carpenter between '69 and  
3 '73, did you ever have to directly apply or install  
4 any types of asbestos-containing materials?

5 A. Yes.

6 Q. What did you have to install or handle directly?

7 A. Well, National Gypsum and US Gypsum, Gold Bond,  
8 Durabond.

9 Q. What was the National Gypsum material?

10 A. National Gypsum?

11 Q. Yes.

12 A. That was the Gold Bond.

13 Q. It was a mud?

14 A. Yes.

15 Q. What did you have to use that on?

16 A. Cracks.

17 Q. Cracks in what?

18 A. That was it, just finishing mud, like where your  
19 Gypsum come together, that's the thing you put the  
20 mud in that and take --

21 Q. On the drywall, you mean?

- 22 A. Yes.
- 23 Q. So you used that on drywall?
- 24 A. Yeah, drywall and any kind of cracks.
- 25 Q. What was the -- you said US Gypsum?

↑11

- 1 A. Right.
- 2 Q. What was that material?
- 3 A. That was Durabond, the same thing.
- 4 Q. That was the Durabond?
- 5 A. A joint compound.
- 6 Q. You used it for the same purposes as the Gold Bond?
- 7 A. Yes, the same thing.
- 8 Q. Now, during this time period, '69 to '73, were
- 9 there -- do you know whether or not there were any
- 10 trades that were using asbestos-containing products
- 11 in your general vicinity?
- 12 A. Yes.
- 13 Q. What trades would they have been, if you know?
- 14 A. Trades of the people?
- 15 Q. Yes, sir.
- 16 A. The mechanics, insulators, and I guess that would
- 17 have been about it.
- 18 Q. Do you know either by brand name, manufacturer's

19 name or even just general type, of  
20 asbestos-containing products these mechanics and  
21 insulators were using during this time period, '69  
22 to '73?  
23 A. Well, mechanics would have been using the  
24 Flexitallic gaskets, Victor, Armstrong.  
25 Q. The Flexitallic, Victor and Armstrong were all

▲12

1 gaskets?  
2 A. Correct. And Anchor, Anchor may have been one.  
3 Q. Anchor?  
4 A. Yes.  
5 Q. Was that a gasket as well?  
6 A. It was a packing.  
7 Q. A what, sir?  
8 A. Packing.  
9 Q. Packing?  
10 A. Yes.  
11 Q. Anchor packing. What else?  
12 A. That would have been about it for mechanics.  
13 Q. Do you recall the insulators using any type of  
14 insulation products? Did you pay any attention to  
15 that?



16 A. Yes.

17 Q. What did they use?

18 A. Kaylo, Unibestos, that's the only two I recall; they  
19 used a lot more than that but that's all I recall.

20 Q. Kaylo and Unibestos?

21 A. Right.

22 Q. Was that the pipe covering?

23 A. Right.

24 Q. The preformed type?

25 A. Yeah.

▲13

1 Q. Can you think of any other brand name,  
2 manufacturer's name or type of asbestos-containing  
3 product that was used by anybody at the Ocone plant  
4 between '69 and '73?

5 A. Well, on the mud, now, for the insulators there,  
6 W.R. Grace.

7 Q. The insulators used that?

8 A. Right.

9 Q. Anything else?

10 A. That's the only one I can recall but they used a lot  
11 more than that.

12 Q. Can you think of any other type of

13 asbestos-containing product other than what you have  
14 already named, or is this pretty much what you can  
15 remember?

16 A. That's about what I remember.

17 Q. All right.

18 A. Well, Certainteed, now, that was a -- I used some of  
19 that.

20 Q. What was that?

21 A. That was a plastic cement.

22 Q. I'm sorry, sir?

23 A. Plastic cement.

24 Q. Plastic cement. And what would you use that on?

25 A. The roof flashing, pipe.

▲14

1 Q. Anything else?

2 A. Flintkote, the same thing.

3 Q. Can you think of any other asbestos-containing  
4 materials in this time period?

5 A. That's the only ones I'm sure about.

6 Q. I'm going to now jump ahead and go to McGuire. You  
7 were there from '73 to '77 as a carpenter. Were  
8 your job duties essentially the same as they were at  
9 Ocone?

10 A. The same thing.

11 Q. Were there asbestos-containing products used at  
12 McGuire during this time period?

13 A. Yes.

14 Q. Do you know the brand names, manufacturers' names of  
15 any of those products?

16 A. The same ones you've got there.

17 Q. Nothing different?

18 A. No. Also in Cad welding I used asbestos material.

19 Q. You mean here at McGuire or at both places?

20 A. Both places.

21 Q. What did you use in the Cad welding?

22 A. Well, you had an asbestos packing that went in  
23 there.

24 Q. A packing material?

25 A. Right.

▲15

1 Q. Do you know who manufactured that or the brand name  
2 of it?

3 A. I'm not sure.

4 Q. Then in '79 you went back to Ocone and somewhere in  
5 there your job title changed to mechanical  
6 maintenance, right?

7 A. Yes.

8 Q. What were your duties in mechanical maintenance?

9 A. Well, we basically -- the same thing that I had been

10 doing, maybe scaffolding or stuff like that.

11 Q. The same duties different title?

12 A. Correct. Correct.

13 Q. During this time period, do you know whether or not,

14 by this time whether or not, any insulation

15 materials or whatever, whether they became

16 asbestos-free? Are you aware of anything like that

17 ever happening at Duke Power?

18 A. Now, what time period was that?

19 Q. About '79 when you went to Oconee?

20 A. No.

21 Q. You're not aware of that?

22 A. No.

23 Q. Do you know of your own knowledge whether or not

24 there were actually asbestos-containing materials

25 used at Oconee between '79 and '91, I mean, new

↑16

1 materials, not what was already in place but new

2 materials?

3 A. No, sir, I don't know about anything new. There was

4 a lot of removal but no new.

5 Q. A lot of removal of material but no new

6 asbestos-containing materials?

7 A. Right.

8 Q. Who was doing the removal in this time period?

9 A. Insulators.

10 Q. Insulators?

11 A. Yes.

12 Q. Is that what you were saying?

13 A. Right.

14 Q. Who were they working for?

15 A. Duke.

16 Q. So Duke insulators were removing the old material?

17 A. Right. They did have some vendors now but I don't

18 know where they were from.

19 Q. Okay. Do you know why they were removing this

20 material in this time period?

21 A. Yes.

22 Q. What is your understanding of why they removed it?

23 A. Because it's a hazardous material.

24 Q. When did you learn that it could be hazardous?

25 A. Maybe up in the middle '70s, late '70s.

- 1 Q. Who passed that information onto you?
- 2 A. Co-workers, media.
- 3 Q. Nobody at Duke did? I mean, nobody in, say, Duke
- 4 management did?
- 5 A. No.
- 6 Q. No official Duke spokesperson did?
- 7 A. Later maybe in the '80s.
- 8 Q. You first heard it from I think you said co-workers
- 9 and from the media?
- 10 A. Right.
- 11 Q. And then you said in the '80s somebody from Duke
- 12 said it?
- 13 A. Yes.
- 14 Q. All right. You told me that you did not recall
- 15 Jerry Durham, William Hicks, and Ronald Mullinax; is
- 16 that correct?
- 17 A. That's correct.
- 18 Q. Therefore am I correct at least based on your own
- 19 knowledge and what you would have witnessed
- 20 yourself, you would be unable to testify one way or
- 21 the other of whether those three gentlemen worked
- 22 with or around any asbestos containing products?
- 23 A. That's correct.
- 24 Q. Okay. All right, I want to then ask you about the
- 25 individuals you did remember. I will just take them

▲18

1           one at a time.

2     A.    Okay.

3     Q.    The first one was Ben Anthony.  When did you meet

4           Mr. Anthony?

5     A.    Probably '69.

6     Q.    So that was at Oconee?

7     A.    Right.

8     Q.    Was he there at Oconee up through '73?

9     A.    Right.

10    Q.    Did you work with him anywhere else other than

11          Oconee between '69 and '73?

12    A.    I don't think so.

13    Q.    What do you recall his job title being?

14    A.    I believe he was a painter and worked with a turbine

15          crew.

16    Q.    Do you know who manufactured the turbines at Oconee?

17    A.    At Oconee?

18    Q.    Yes.

19    A.    General Electric.

20    Q.    How often would you see Mr. Anthony at Oconee during

21          this time period; say, in a given week, how often

22          would you see him?

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23 A. In a given week, maybe five or six times.

24 Q. So fairly often?

25 A. Yeah.

▲19

1 Q. You said you recalled Ronald Jennings also. Did you  
2 work with Mr. Jennings at some point?

3 A. Yes.

4 Q. Where did you work with him?

5 A. At Ocone.

6 Q. The same time period?

7 A. The same time period.

8 Q. '69 to '73?

9 A. Yes.

10 Q. All right. Any other time besides that?

11 A. I think he was at McGuire but I'm not sure.

12 Q. In the '69 to '73 time period, you are sure about  
13 that, though, right?

14 A. Right.

15 Q. What was his job title there?

16 A. Steel rigger.

17 Q. I'm sorry?

18 A. Steel rigger.

19 Q. Steel rigger?



20 A. Yes.

21 Q. How often would you see Mr. Jennings in a given week  
22 between '69 and '73?

23 A. About every day.

24 Q. What do you recall his -- can you describe his job?  
25 What would a steel rigger have done, just based on

▲20

1 what you saw?

2 A. He could be working on hangers or hanging steel or  
3 whatever. I seen him a lot, you know, working on  
4 hangers, pipe hangers.

5 Q. You said you recalled Ralph Merck?

6 A. Right.

7 Q. Where did you work with Mr. Merck?

8 A. Ocone.

9 Q. '69 to '73 time period?

10 A. Yes.

11 Q. Any other time?

12 A. Yes, back at Ocone, he was there.

13 Q. When you came back in '79, he was there?

14 A. Right.

15 Q. Do you know how long he was there once you got back  
16 in '79?

- 17 A. He was still there when I left.
- 18 Q. So he was there the whole time you were there?
- 19 A. Right.
- 20 Q. What do you recall Mr. Merck's job title being
- 21 between '69 and '73?
- 22 A. He was a utility supervisor.
- 23 Q. How about between '79 and '91?
- 24 A. The same thing.
- 25 Q. The same thing?

▲21

- 1 A. Yes.
- 2 Q. Between '69 and '73, how often in a given week would
- 3 you see Mr. Merck on the job?
- 4 A. Every day.
- 5 Q. How about between '79 and '91?
- 6 A. Just occasionally then.
- 7 Q. It was less often?
- 8 A. Right.
- 9 Q. All right. You said you recalled James Padgett?
- 10 A. Yes.
- 11 Q. When did you work with Mr. Padgett?
- 12 A. '69 to '73.
- 13 Q. Any other time?

- 14 A. No.
- 15 Q. What was Mr. Padgett's job title?
- 16 A. He was an electrician.
- 17 Q. How often would you see Mr. Padgett in a given week?
- 18 A. Every day.
- 19 Q. And then you said you recalled James Turner also?
- 20 A. Right.
- 21 Q. Where did you work with Mr. Turner?
- 22 A. Oconee.
- 23 Q. Was it the '69 to '73 time period?
- 24 A. Right.
- 25 Q. How about in '79 when you got back?

↑22

- 1 A. No, I didn't see him then.
- 2 Q. Okay. So it was just '69 to '73 at Oconee?
- 3 A. Right.
- 4 Q. What was his job title?
- 5 A. Quality control.
- 6 Q. How often would you see Mr. Turner in a given week?
- 7 A. Oh, maybe a couple of times a week.
- 8 Q. Of the five gentlemen that you said you recall, have
- 9 you spoken to any of them either about their lawsuit
- 10 or about your lawsuit?

11 A. No.

12 Q. Never have?

13 A. No.

14 Q. Have you spoken to any of the five concerning what  
15 asbestos products may have been used at any of the  
16 job sites?

17 A. No.

18 Q. Either for your case or for their case?

19 A. No.

20 Q. Never have?

21 A. No.

22 Q. Have you spoken to any of the five, let's say, in  
23 the last five years?

24 A. No.

25 Q. Those are all of the questions I have now but some

↑23

1 of the other lawyers will probably want to ask you  
2 some.

3 EXAMINATION BY MR. HANAHAN:

4 Q. Mr. Campbell, my name is Bill Hanahan and I  
5 represent several the companies named in these  
6 suits. I have a couple of questions for you. I  
7 guess the easiest way to do this is by person.

8 I guess we'll start with Mr. Anthony. Do  
9 you have any specific recollection of having  
10 seen him work with any asbestos products hands  
11 on?  
12 A. No, not hands on.  
13 Q. Let me just go down the list. How about  
14 Mr. Jennings?  
15 A. No.  
16 Q. How about Mr. Merck?  
17 A. No.  
18 Q. Mr. Padgett?  
19 A. No.  
20 Q. The same question for Mr. Turner.  
21 A. Right.  
22 Q. No?  
23 A. No.  
24 Q. How about around, have you seen -- do you have a  
25 specific recollection of having seen any of them

▲24

1 working around products that you believed contained  
2 asbestos?  
3 A. Yes.  
4 Q. Go down the list again and can you tell me which

5 products you remember seeing them around starting  
6 with Mr. Anthony?

7 A. Well, I've seen him around Unibestos piping, Kaylo  
8 piping -- I mean covering. And the mud pipe, High  
9 Temp cement. He was around a lot of that. A lot of  
10 that was going on right in there in that area.

11 Q. What area would that have been in?

12 A. That would have been in the basement and the main  
13 steam lines and stuff like that.

14 Q. Let's see. How about Mr. Jennings?

15 A. The same thing.

16 Q. Which products would they have been?

17 A. I've seen him around Flexitallic gaskets, where they  
18 would be installing. Armstrong.

19 Q. What was the Armstrong product?

20 A. It was a cork gasket used in chill water system and  
21 feed water system.

22 Q. How about Mr. Merck?

23 A. I have seen Mr. Merck around about all of this that  
24 I've named.

25 Q. Mr. Padgett, how about Mr. Padgett?

▲25

1 A. Mr. Padgett, he was a cable puller so he would have

2           been -- I've seen him around just about all of this.

3       Q.   And Mr. Turner?

4       A.   I've seen him around I guess Kaylo, maybe

5           Flexitallic gaskets and Armstrong.

6       Q.   That's all of my questions that I have for you right

7           now.

8           Thank you.

9       EXAMINATION BY MS. BURRELL:

10      Q.   Hi, my name is Kristin Burrell. I'm not sure I

11           understood something that you testified about

12           earlier.

13           Which products did you say you saw

14           Mr. Jennings working around?

15      A.   Mr. Jennings?

16      Q.   Correct.

17      A.   Well, around Kaylo, Unibestos, High Temp cement,

18           Flexitallic, and Armstrong.

19      Q.   Is the High Temp cement the same as the mud, in your

20           mind?

21      A.   Yes.

22      Q.   Do you know what company manufactured that cement?

23      A.   High Temp?

24      Q.   Yes.

25      A.   W.R. Grace.

▲26

- 1 Q. And I'm not sure if I understood your testimony  
2 about Mr. Merck. I'm just not sure if I heard you.  
3 Did you say all of this?
- 4 A. Yeah, I've seen him around everything that I've  
5 named, yes.
- 6 Q. Do you know what company employed the insulators at  
7 Ocone during your first stint there?
- 8 A. I believe Covil, Bronson.
- 9 Q. Were there any other companies and employed  
10 insulators during that time?
- 11 A. There could have been but I didn't know it at that  
12 time.
- 13 Q. Do you recall approximately what years you saw these  
14 two companies there?
- 15 A. From '69 to '73; I left.
- 16 Q. Were both companies there the entire time?
- 17 A. Yes.
- 18 Q. And how did you know -- I guess, how were companies  
19 identified to you?
- 20 A. How were they identified?
- 21 Q. Yes.
- 22 A. Well, names would be on the materials or some of it.
- 23 Q. Do you recall whether you saw the name Covil



24 anywhere?

25 A. Covil?

↑27

1 Q. Yes.

2 A. Well, that was on all of these trailers out there.

3 Q. Did you ever see Mr. Anthony, Mr. Jennings,  
4 Mr. Merck, Mr. Padgett, or Mr. Turner working around  
5 Covil insulators?

6 A. Yes.

7 Q. Which of those plaintiffs did you see working around  
8 the Covil insulators?

9 A. Which ones?

10 Q. Right.

11 A. All of the ones that I named.

12 Q. What were the Covil insulators doing when you saw  
13 the plaintiffs working in their area?

14 A. They were installing the pipe covering, putting mud  
15 on the pipes for the finished product.

16 Q. Do you recall what products Covil insulators were  
17 using when you saw them working around Mr. Anthony?

18 A. Unibestos and Kaylo, and using the mud.

19 Q. Do you recall what products the Covil insulators  
20 were using when they were working around Mr.

- 21 Jennings?
- 22 A. The same thing.
- 23 Q. And the same question for Mr. Merck.
- 24 A. The same thing.
- 25 Q. The same question for Mr. Padgett.

↑28

- 1 A. Right.
- 2 Q. The same products you listed?
- 3 A. Yes.
- 4 Q. And how about Mr. Turner, what products were they
- 5 using around Mr. Turner?
- 6 A. It would have been the same ones.
- 7 Q. Did you see any these plaintiffs working around a
- 8 boiler?
- 9 A. Maybe Mr. Anthony and Jennings.
- 10 Q. Do you recall approximately when you saw Mr. Anthony
- 11 working around the boiler?
- 12 A. I don't recall the time but it was maybe one or two
- 13 times.
- 14 Q. And what was going on in the area around the boiler
- 15 when you saw Mr. Anthony there?
- 16 A. They were using the Monocote spraying inside of the
- 17 boiler.

18 Q. Did you ever see Mr. Anthony go inside of the  
19 boiler?

20 A. Yes.

21 Q. Did you ever see him open the boiler casing?

22 A. Yes.

23 Q. Other than the products that you've already  
24 testified about today, do you recall seeing any  
25 other types of products around the boiler when

↑29

1 Mr. Anthony was in the area?

2 A. There would have been a lot of other work going on  
3 there which would have been the insulators' work  
4 using the products I've named. The insulators were  
5 close by.

6 Q. But other than the products that you've already  
7 testified about, can you think of any different  
8 products?

9 A. No.

10 Q. And do you recall when you saw Mr. Jennings around  
11 the boiler?

12 A. I only seen him there maybe two or three times.

13 Q. And this would have -- do you recall approximately  
14 what years that was?

- 15 A. No, it would have been between '69 to '73.
- 16 Q. And what was going on in the area when you saw
- 17 Mr. Jennings around the boiler?
- 18 A. The same thing: Insulating.
- 19 Q. The same as you testified about for Mr. Anthony?
- 20 A. Right.
- 21 Q. Did you ever see Mr. Jennings go inside of the
- 22 boiler?
- 23 A. I didn't see him go inside, just he was close by.
- 24 Q. Did you ever see Mr. Jennings open the boiler
- 25 casing?

↑30

- 1 A. No.
- 2 Q. Other than the products that you've already
- 3 testified about, do you recall seeing any other
- 4 types of products around the boiler when
- 5 Mr. Jennings was in the area?
- 6 A. All the other products would have been the
- 7 insulation.
- 8 Q. What type of insulation was that?
- 9 A. Kaylo, Unibestos.
- 10 Q. Maybe you didn't understand my question. What I
- 11 meant to ask for both Mr. Anthony and Mr. Jennings

12 is, other than the products that you testified about  
13 earlier today, such as, Kaylo and so forth --

14 A. No.

15 Q. -- do you recall seeing any other types of products  
16 around the boiler?

17 A. No.

18 Q. Those are all of my questions.

19 Thank you.

20 EXAMINATION BY MS. SHUTT:

21 Q. Hi, Mr. Campbell. My name is Nekki Shutt.

22 In your job at Duke Power, did you do any  
23 vehicle repair?

24 A. No, I didn't.

25 Q. Okay. Can you testify that Mr. Anthony and

▲31

1 Mr. Jennings and Mr. Merck and Mr. Padgett or  
2 Mr. Turner did any vehicle repair while they were at  
3 Duke?

4 A. I can't recall.

5 Q. Do you know if they were around any vehicle repair?

6 And when I say "they," I mean Mr. Anthony, Jennings,  
7 Merck, Padgett, and Turner when they worked at Duke?

8 A. I wouldn't know, I was never around it.

9 Q. What?

10 A. I was never around it, I wouldn't know.

11 Q. Do you know if any of these gentlemen: Mr. Anthony,

12 Jennings, Merck, Padgett, or Turner, did any vehicle

13 repair on or off the job?

14 A. No.

15 Q. Thank you, sir. Oh, one more question: Can you

16 give me your social security number?

17 A. [REDACTED].

18 Q. And your date of birth?

19 A. [REDACTED].

20 Q. Thank you, sir.

21 EXAMINATION BY MR. CARDWELL:

22 Q. Mr. Campbell, my name is Ron Cardwell.

23 In response to earlier questions, you

24 mentioned the name W.R. Grace?

25 A. Yes.

↑32

1 Q. Also, if my notes are correct, you mentioned Grace

2 in association with high temperature cement?

3 A. Right.

4 Q. Is there any other product at the Oconee site that

5 you attribute to W.R. Grace, other than the high

6 temperature cement?

7 A. The Monocote.

8 Q. And what was the Monocote used for?

9 A. You spray inside of boilers.

10 Q. Let me talk with you first about the high

11 temperature cement. Do you know how that material

12 was packaged?

13 A. In bags.

14 Q. Do you remember the color or size of the bags?

15 A. I think -- I believe they were brown bags.

16 Q. Did the bags have lettering on them?

17 A. I think so, but I don't know what was in it.

18 Q. Do you recall the size of the bag or the weight?

19 A. They were pretty good size bags but I have no idea

20 what the weight would be.

21 Q. Did you ever see the bags when they were brought to

22 the site?

23 A. Yes.

24 Q. Did you see where the bags were stored on site?

25 A. Yes, I seen where they were stored.

↑33

1 Q. And how were the bags taken from where they were

2 stored to where they were used on the site?

- 3     A.    They had -- might be carried on a dolly or maybe  
4           insulators would carry them, whatever.
- 5     Q.    And did you ever see the material that was inside of  
6           the bag?
- 7     A.    Yes.
- 8     Q.    Would you describe that material for me?
- 9     A.    It was just a powdery material.  It was mixed with  
10          water.
- 11    Q.    And do you recall the color?
- 12    A.    It was a kind of a grayish-looking color, light  
13          gray.
- 14    Q.    Did you ever have occasion to dump out the contents  
15          of those bags yourself?
- 16    A.    No.
- 17    Q.    Did you ever see the material when it was being  
18          mixed?
- 19    A.    Yes.
- 20    Q.    Would you describe how it was mixed for me?
- 21    A.    I've seen it mixed in a bucket.  I've seen it mixed  
22          in wheelbarrows.  I've seen it mixed in boxes,  
23          depending on the size of the job is how they mixed  
24          it.
- 25    Q.    And --



- 1 A. The amount.
- 2 Q. I'm sorry. I assume when you say it was mixed, it  
3 was mixed with water?
- 4 A. Yes.
- 5 Q. What would have been the trade or craft that would  
6 have been mixing this product?
- 7 A. Insulators.
- 8 Q. Okay. And do you recall seeing this product used at  
9 the Oconee site?
- 10 A. Yes.
- 11 Q. Tell me what you remember it being used for?
- 12 A. Mostly on the main steam line.
- 13 Q. And was it used to coat the steam line?
- 14 A. Well, after the -- the pipe covering was on, yes,  
15 sir.
- 16 Q. And was the material put on with your hands or did  
17 they use a trowel?
- 18 A. I seen a trowel and I've seen a few put a little bit  
19 on their hand but mostly with the trowel.
- 20 Q. Was there one particular area in the building at the  
21 Oconee facility that this product would have been  
22 used as opposed to others?
- 23 A. Yes, it was -- the auxiliary, a lot of it used in  
24 there, the auxiliary building, steam lines.

25 Q. Now, the five plaintiffs that we've discussed, did

↑35

1 you ever see either of those plaintiffs use or  
2 handle the high temperature cement?

3 A. No, not use or handle, maybe -- maybe Ralph Merck;  
4 he was a utility -- he done all of the cleanup and  
5 things. That would be after, you know, dried on  
6 pipes, scaffolding, where it fell on scaffolding,  
7 that's where I was in contact with it all of the  
8 time. Where it dried, fell on this -- you dumped  
9 the boards onto the floor and then Mr. Merck brings  
10 the crew, he sweeps all of this up, so.

11 Q. I see. Now, do you recall during the 1969 to 1973  
12 period when the last time that the high temperature  
13 cement would have been used at the Ocone facility?

14 A. From 1969 to '73?

15 Q. Yes.

16 A. It was being used when I left.

17 Q. During the '69 to '73 period, it's your recollection  
18 that the High Temp cement was used during that  
19 entire four-year period?

20 A. Right.

21 Q. Let me talk with you a moment about the Monocote

22            spray that you mentioned. Do you recall seeing that  
23            material packaged?

24        A.    Yes, in bags.

25        Q.    And were those bags similar to the ones that the

▲36

1            High Temp cement came in?

2        A.    As far as I remember, yes.

3        Q.    Would the size and color of the bag been about the  
4            same?

5        A.    I believe it was.

6        Q.    Did you see the material that was inside the bags  
7            and I'm talking about the Monocote?

8        A.    Yes.

9        Q.    And would you describe that material for me?

10       A.    It was a powdery -- it was about the same thing,  
11           just about powdery stuff.

12       Q.    About the same color as the High Temp cement?

13       A.    I believe it was a little different color but I'm  
14           not sure; I didn't see very much of that.

15       Q.    Now, how do you remember the name Monocote?

16       A.    Might have been on the bags. It was just something  
17           different that I remember. It was the only time I  
18           seen it; it was sprayed in the boilers. And I did

19           see it sprayed on a diesel generator, which I reckon  
20           is using it for fireproofing and they sprayed beams,  
21           walls, everything right around the diesel generator.

22       Q.   Did you see the Monocote material mixed before it  
23           was sprayed?

24       A.   I seen them mix it but I think it was mixed about  
25           the same way as the High Temp was and then they

▲37

1           sprayed it.

2       Q.   Did either of the five plaintiffs that we've  
3           discussed this morning ever mix any of the Monocote  
4           material?

5       A.   No.

6       Q.   Do you recall if any of the five plaintiffs ever  
7           sprayed any of the Monocote material on any surface  
8           at the Ocone plant?

9       A.   No.

10      Q.   And you said that the Monocote was sprayed inside  
11          the boilers; is that correct?

12      A.   Yes.

13      Q.   And how many boilers were there at the Ocone plant?

14      A.   I only seen it use one.

15      Q.   And then you mentioned one other location.

16 A. That was a diesel generator inside of the plant.  
17 Q. And is that in the same building where the boilers  
18 were?  
19 A. Yes.  
20 Q. Or is that in a different location?  
21 A. It's in a little different location but in the  
22 basement.  
23 Q. Did you see the Monocote material sprayed on, on one  
24 occasion or more than one occasion during this 1969  
25 to '73 time frame?

▲38

1 A. One occasion.  
2 Q. Do you recall when that was?  
3 A. No, I don't. Between '69 and '73.  
4 Q. Mr. Campbell, that's all I have.  
5 Thank you.  
6 EXAMINATION BY MR. MCDONALD:  
7 Q. Mr. Campbell, my name is Mont McDonald and I was  
8 interested in the other insulation companies that  
9 you saw at Ocone.  
10 You mentioned Covil. Did you ever see  
11 anybody else doing any insulation work there  
12 that was not either working for Covil or for

13 Duke?

14 A. Yes.

15 Q. Who?

16 A. Bronson.

17 Q. I'm sorry?

18 A. Bronson.

19 Q. I'm sorry?

20 A. Bronson.

21 Q. Bronson?

22 A. Yes.

23 Q. Any other outside companies doing insulation work  
24 there?

25 A. No, not in that time period, no.

▲39

1 Q. Did you ever see anybody from Daniel or Fluor Daniel  
2 or anybody like that out there doing any  
3 installation or removal?

4 A. In later years, yes.

5 Q. Later years?

6 A. Yes.

7 Q. But not in this '69 to '73 time period; is that  
8 right?

9 A. Right.

10 Q. And Mr. Anthony, you only knew him in the early  
11 years at Ocone; is that right?

12 A. Right.

13 Q. So he was never around, as far as you know, anybody  
14 from Daniel or Fluor Daniel doing anything related  
15 to insulation work; is that right?

16 A. That's right.

17 Q. Now, Mr. Jennings, you knew him at Ocone only from  
18 the early time period as well; is that right?

19 A. Yes.

20 Q. So you don't have any information to indicate that  
21 he was around anybody from Daniel doing any  
22 insulation work; is that right?

23 A. Correct.

24 Q. Now, Mr. Turner would be the same way: You knew him  
25 only in the early period of Ocone, so you wouldn't

40

1 have any information indicating whether he was  
2 around anybody from Daniel doing any installation  
3 work; is that right?

4 A. Right.

5 Q. The only person I think you mentioned would be  
6 Mr. Merck. You knew him both from the early period

- 7 at Oconee and the later period at Oconee?
- 8 A. That's right.
- 9 Q. Is that right?
- 10 A. Right.
- 11 Q. During the later period at Oconee, what was
- 12 Mr. Merck doing, what kind of work was he assigned
- 13 to?
- 14 A. The same thing: Utility supervisor.
- 15 Q. And was he ever around anybody from Daniel or Fluor
- 16 Daniel or I think there was a company called FD
- 17 Services and another company called SOS, when they
- 18 would have been either removing or installing
- 19 insulation products?
- 20 A. Yes.
- 21 Q. Can you kind of tell me about the circumstances?
- 22 A. Well, he was a cleanup man. In other words, they
- 23 removed the insulation and he would have been there,
- 24 you know; he would come by for the final cleanup.
- 25 Q. All right. And he worked -- who did he work for at

41

- 1 that time?
- 2 A. He worked for Duke.
- 3 Q. And what years would he have been doing cleanup? I



4 know you said he was there from '79 until after you  
5 left --

6 A. That's all he did the whole time that I knew him.

7 Q. And he was doing cleanup for Duke crews and whoever  
8 was doing work; is that right?

9 A. Right.

10 Q. Do you specifically --

11 A. These vendors didn't have -- they were the craft  
12 people; Duke furnished the cleanup. They didn't  
13 have cleanup people.

14 Q. Okay. If he was there all the way into the '90s,  
15 was there a time when he was given breathing  
16 protection and that kind of thing doing cleanup  
17 work?

18 A. Yes, I would say maybe the mid '80s they started  
19 wearing respirators.

20 Q. All right. Before this time period in the mid '80s,  
21 do you ever remember him being around anybody from  
22 Daniel doing insulation?

23 A. No.

24 Q. Either insulation or removal of asbestos?

25 A. No.

1 Q. What you remember is him sometime -- Mr. Merck maybe  
2 being around some Daniel or Fluor Daniel people  
3 after the mid 1980s?

4 A. Right, that would have been from '79 up until then.

5 Q. Well, what I'm trying to distinguish now is, you  
6 said after the mid '80s he would have had breathing  
7 protection or a respirator when doing his cleanup  
8 work?

9 A. Right.

10 Q. Do you remember him ever being around any Daniel  
11 crews or any Fluor Daniel crews or anybody related  
12 to Daniel, Fluor Daniel before that mid 1980s when  
13 he wouldn't have had the breathing protection?

14 A. No.

15 Q. So the only time he would have been around them, he  
16 would have had some type of breathing protection?

17 A. Right.

18 Q. That's all of the questions I have.

19 EXAMINATION BY MR. ELLIOTT:

20 Q. Mr. Campbell, you testified earlier that you didn't  
21 know if any of these plaintiffs ever did any vehicle  
22 repair work. Do you know specifically if they ever  
23 did any brake work on cranes or equipment or  
24 anything like that at the plant?

25 A. No.

43

1 Q. Okay. Do you know if they did any of that type of  
2 work on their own outside of the plant?

3 A. No.

4 Q. Okay, thank you. That's all I have.

5 Thank you.

6 EXAMINATION BY MR. ODOM:

7 Q. Mr. Campbell, you talked about Mr. Anthony and  
8 Mr. Jennings doing some work around the boiler at  
9 Ocone?

10 A. Yes.

11 Q. Do you recall the manufacturer of that boiler?

12 A. I believe it's Babcock Wilcox. I'm not sure but I  
13 believe that's true.

14 Q. You also indicated -- you were talking about some  
15 High Temp mud and you talked about the High Temp mud  
16 associated with W.R. Grace. And you talked about --  
17 you were questioned about products that other  
18 people, other trades handled. You also talked about  
19 some mud products that you actually yourself handled  
20 and that was the National Gypsum Gold Bond and US  
21 Gypsum Durabond; is that right?

22 A. That's correct.

23 Q. You were asked about Mr. Jennings -- when you were  
24 asked about Mr. Merck and Mr. Padgett and what  
25 products you remember them being around when other

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1 people were using, and you indicated that they were  
2 around when all that you had named previously were  
3 being used. Does that include the Gold Bond and  
4 Durabond? Do you remember those two being around  
5 when those two products were being used?

6 A. Yes.

7 Q. Do you remember Mr. Anthony being around when Gold  
8 Bond or Durabond was being used?

9 A. Yes.

10 Q. What about Mr. Turner?

11 A. Yes.

12 Q. And what about Mr. Jennings?

13 A. Yes.

14 Q. Where is the boiler located at Ocone?

15 A. It's in the basement.

16 Q. That's all. Thanks.

17 (There being no further questions, this deposition  
18 was concluded at 11:51 a.m.)

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CERTIFICATE

3

4

I, the undersigned, Deanna Bair, notary public

5

in and for the State of South Carolina, do hereby certify

6

that the foregoing deposition was taken on the 21st

7

Day of October, 1999;

8

That the within deponent was sworn to tell the

9

truth and that the foregoing is an accurate transcription

10

of the testimony taken under oath;

11

That all exhibits entered herein are attached

12

hereto and made a part of the deposition.

13

I further certify that I am neither counsel nor

14

solicitor to any of the parties in said suit, nor

15

interested in the event of the cause.

16

In witness whereof, I have hereunto set my hand

17 and seal this 27th Day of October, 1999.

18

19

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DEANNA M. BAIR, CCR  
NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: 5/4/2004

21

22 (SEAL)

23

24 (NOTE: Recorded deposition tapes are retained for six  
25 months from date of certification.)



Jerry Campbell Vol I  
July 28, 2021

STATE OF SOUTH CAROLINA : IN THE COURT OF COMMON PLEAS  
COUNTY OF RICHLAND : FOR THE FIFTH JUDICIAL CIRCUIT  
JERRY V. CAMPBELL and :  
DARLENE R. CAMPBELL, :  
Plaintiffs, : C/A No.  
v. : 2021-CP-40-02286  
Armstrong International, :  
Inc. :  
Defendants. :

Video-Recorded Deposition of

JERRY V. CAMPBELL

VOLUME I

Via Zoom Videoconferencing

Wednesday, July 28, 2021

10:13 a.m.

Reported stenographically by:

Adam D. Miller, Registered Professional Reporter

PLAINTIFF'S  
EXHIBIT

**18M**

**Jerry Campbell Vol I**  
**July 28, 2021**

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;"><b>Page 2</b></p> <p>1 APPEARANCES:</p> <p>2 On Behalf of Plaintiffs:</p> <p>3 RACHEL A. GROSS, ESQUIRE</p> <p>4 rgross@dobslegal.com</p> <p>5 DEAN OMAR BRANHAM SHIRLEY, LLP</p> <p>6 302 North Market Street, Suite 300</p> <p>7 Dallas, Texas 75202</p> <p>8 214.722.5990</p> <p>9 On Behalf of Alfa Laval Inc.; Carboline Company; ERICO</p> <p>10 International Corporation; Goulds Pumps LLC; Grinnell</p> <p>11 LLC; ITT LLC; Pfizer Inc.; TWC The Valve Company; Viad</p> <p>12 Corp.; and Zurn Industries, LLC:</p> <p>13 NICHOLAS A. CHARLES, ESQUIRE</p> <p>14 nick.charles@nelsonmullins.com</p> <p>15 NELSON MULLINS RILEY &amp; SCARBOROUGH LLP</p> <p>16 Meridian - 1320 Main Street, 17th Floor</p> <p>17 Columbia, South Carolina 29201</p> <p>18 800.237.2000</p> <p>19 On Behalf of IMO Industries, Inc.:</p> <p>20 WILLIAM A. COLLINS, JR., ESQUIRE</p> <p>21 wcollins@dougallfirm.com</p> <p>22 DOUGALL &amp; COLLINS</p> <p>23 1700 Woodcreek Farms Road</p> <p>24 Elgin, South Carolina 29045</p> <p>25 803.865.8858</p>                          | <p style="text-align: right;"><b>Page 4</b></p> <p>1 On Behalf of The Goodyear Tire and Rubber Company;</p> <p>2 Kinney Vacuum Company, improperly named as "SPX</p> <p>3 Corporation (Individually and as Successor in Interest</p> <p>4 to Kinney Vacuum Company)"; and Aurora Pump Company:</p> <p>5 YANCEY A. MCLEOD, III, ESQUIRE</p> <p>6 Yancey.McLeod@wbd-us.com</p> <p>7 WOMBLE BOND DICKINSON (US) LLP</p> <p>8 5 Exchange Street</p> <p>9 PO Box 999 (29402)</p> <p>10 Charleston, South Carolina 29401</p> <p>11 803.609.4361</p> <p>12 On Behalf of Crane Co.:</p> <p>13 TARA C. SULLIVAN, ESQUIRE</p> <p>14 Tara.Sullivan@klgates.com</p> <p>15 K&amp;L GATES LLP</p> <p>16 134 Meeting Street, Suite 200</p> <p>17 Charleston, South Carolina 29401</p> <p>18 843.579.5600</p> <p>19 On Behalf of 3M Company:</p> <p>20 ANGELA G. STRICKLAND, ESQUIRE</p> <p>21 angela.strickland@bowmanandbrooke.com</p> <p>22 BOWMAN AND BROOKE LLP</p> <p>23 1441 Main Street, Suite 1200</p> <p>24 Columbia, South Carolina 29201</p> <p>25 803.726.7420</p> |
| <p style="text-align: right;"><b>Page 3</b></p> <p>1 On Behalf of Air and Liquid Systems Corporation f/k/a</p> <p>2 Buffalo Pumps, Inc.; Atwood &amp; Morrill n/k/a Weir Valves</p> <p>3 &amp; Controls USA, Inc.; and Anchor Darling Valve Company:</p> <p>4 G. MARK PHILLIPS, ESQUIRE</p> <p>5 mark.phillips@nelsonmullins.com</p> <p>6 NELSON MULLINS RILEY &amp; SCARBOROUGH LLP</p> <p>7 Meridian</p> <p>8 1320 Main Street, 17th Floor</p> <p>9 Columbia, South Carolina 29201</p> <p>10 800.237.2000</p> <p>11 On Behalf of BW/IP, Inc. and its wholly-owned</p> <p>12 subsidiaries:</p> <p>13 MEGAN C. WHITE, ESQUIRE</p> <p>14 MWhite@RichardsonPlowden.com</p> <p>15 RICHARDSON PLOWDEN ROBINSON, P.A.</p> <p>16 235 Magrath Darby Blvd., Suite 100</p> <p>17 Mount Pleasant, South Carolina 29464</p> <p>18 843.805.6550</p> <p>19 On Behalf of Velan Valve Corp.:</p> <p>20 BRITTANY T. BIHUN, ESQUIRE</p> <p>21 bbihun@grsm.com</p> <p>22 GORDON REES SCULLY MANSUKHANI, LLP</p> <p>23 40 Calhoun Street, Suite 350</p> <p>24 Charleston, South Carolina 29401</p> <p>25 843.278.5900</p> | <p style="text-align: right;"><b>Page 5</b></p> <p>1 On Behalf of Starr Davis Companies:</p> <p>2 BENJAMIN C. SMOOT II, ESQUIRE</p> <p>3 bensmoot@piercesloan.com</p> <p>4 PIERCE SLOAN KENNEDY &amp; EARLY LLC</p> <p>5 The Blake-Grimké House</p> <p>6 321 East Bay Street (29401)</p> <p>7 P.O. Box 22437</p> <p>8 Charleston, SC 29413-2437</p> <p>9 843.722.7733</p> <p>10 On Behalf of Southern Insulation, Inc.:</p> <p>11 JAMES G. KENNEDY, ESQUIRE</p> <p>12 jameskennedy@piercesloan.com</p> <p>13 PIERCE SLOAN KENNEDY &amp; EARLY LLC</p> <p>14 The Blake-Grimké House</p> <p>15 321 East Bay Street (29401)</p> <p>16 P.O. Box 22437</p> <p>17 Charleston, SC 29413-2437</p> <p>18 843.722.7733</p> <p>19 On Behalf of The Sherwin-Williams Company:</p> <p>20 ROBERT H. HOOD, JR., ESQUIRE</p> <p>21 bobbyjr.hood@hoodlaw.com</p> <p>22 HOOD LAW FIRM, LLC</p> <p>23 172 Meeting Street - P.O. Box 1508</p> <p>24 Charleston, South Carolina 29402</p> <p>25 843.577.4435</p>                                                                     |



**Jerry Campbell Vol I**  
**July 28, 2021**

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| <p style="text-align: right;"><b>Page 6</b></p> <p>1 On Behalf of Southern Engineering:</p> <p>2 ASHLEY P. CUTTINO, ESQUIRE</p> <p>3 ashley.cuttino@ogletree.com</p> <p>4 OGLETREE, DEAKINS, NASH, SMOAK &amp; STEWART, P.C.</p> <p>5 The Ogletree Building</p> <p>6 300 North Main Street, Suite 500</p> <p>7 Greenville, South Carolina 29601</p> <p>8 864.240.8302</p> <p>9 On Behalf of A.O. Smith Corporation:</p> <p>10 WILL BLOUNT, ESQUIRE</p> <p>11 will@milliganlawfirm.com</p> <p>12 MILLIGAN HERNS, PC</p> <p>13 721 Longpoint Road, Suite 401</p> <p>14 Mt. Pleasant, South Carolina 29464</p> <p>15 843.971.6750</p> <p>16 On Behalf of Vistra Intermediate Company, LLC (special</p> <p>17 and limited appearance):</p> <p>18 ELIZABETH A. OPARA, ESQUIRE</p> <p>19 eopara@grsm.com</p> <p>20 GORDON REES SCULLY MANSUKHANI, LLP</p> <p>21 2200 Ross Avenue, Suite 3700</p> <p>22 Dallas, Texas 75201</p> <p>23 214.231.4660</p> <p>24</p> <p>25</p> | <p style="text-align: right;"><b>Page 8</b></p> <p>1 On Behalf of Union Carbide Corporation; Gorman-Rupp Co.;</p> <p>2 Daniel International Corporation; Fluor Enterprises,</p> <p>3 Inc.; Fluor Daniel Services Corporation; and Fluor</p> <p>4 Constructors International, Inc.:</p> <p>5 SCOTT E. FRICK, ESQUIRE</p> <p>6 sfrick@hsblawfirm.com</p> <p>7 HAYNSWORTH SINKLER BOYD, P.A.</p> <p>8 ONE North Main, 2nd Floor (29601)</p> <p>9 Post Office Box 2048 (29602)</p> <p>10 Greenville, South Carolina</p> <p>11 846.240.3200</p> <p>12 On Behalf of Yuba Heat Transfer, LLC:</p> <p>13 JOSEPH L. NELSON, ESQUIRE</p> <p>14 jnelson@dmclaw.com</p> <p>15 DICKIE, MCCAMEY &amp; CHILCOTE, P.C.</p> <p>16 2101 Rexford Road - Suite 250E</p> <p>17 Charlotte, North Carolina 28211-3463</p> <p>18 704.998.5184</p> <p>19 On Behalf of John Crane Inc.:</p> <p>20 JAMES H. ELLIOTT, JR., ESQUIRE</p> <p>21 Jelliott@richardsonplowden.com</p> <p>22 RICHARDSON PLOWDEN ROBINSON, P.A.</p> <p>23 235 Magrath Darby Blvd., Suite 100</p> <p>24 Mount Pleasant, South Carolina 29464</p> <p>25 843.805.6550</p> |
| <p style="text-align: right;"><b>Page 7</b></p> <p>1 On Behalf of Chicago Bridge and Iron Company:</p> <p>2 ZACH STOHR, ESQUIRE</p> <p>3 zstohr@milliganlawfirm.com</p> <p>4 MILLIGAN HERNS, PC</p> <p>5 721 Longpoint Road, Suite 401</p> <p>6 Mt. Pleasant, South Carolina 29464</p> <p>7 843.971.6750</p> <p>8 On Behalf of Flowserve US Inc.:</p> <p>9 RACHEL M. HUTCHENS, ESQUIRE</p> <p>10 rhutchens@robinsongray.com</p> <p>11 ROBINSON GRAY STEPP &amp; LAFFITTE, LLC</p> <p>12 1310 Gadsden Street</p> <p>13 PO Box 11449</p> <p>14 Columbia, South Carolina 29211</p> <p>15 803.929.1400</p> <p>16 On Behalf of Covil Corporation:</p> <p>17 ASHLEY BRATHWAITE, ESQUIRE</p> <p>18 ashley.brathwaite@elliswinters.com</p> <p>19 ELLIS &amp; WINTERS LLP</p> <p>20 4131 Parklake Avenue, Suite 400</p> <p>21 P.O. Box 33550</p> <p>22 Raleigh, North Carolina 27636</p> <p>23 919.865.7000</p> <p>24</p> <p>25</p>                                          | <p style="text-align: right;"><b>Page 9</b></p> <p>1 On Behalf of TopBuild Corp. and United States Fidelity</p> <p>2 &amp; Guaranty Company:</p> <p>3 BRIAN ZEMIL, ESQUIRE</p> <p>4 Brian.Zemil@wbd-us.com</p> <p>5 WOMBLE BOND DICKINSON (US) LLP</p> <p>6 100 Light Street, 26th Floor</p> <p>7 Baltimore, Maryland 21202</p> <p>8 410.545.5800</p> <p>9 On Behalf of Bahnson, Inc.:</p> <p>10 DANIEL B. WHITE, ESQUIRE</p> <p>11 dwhite@gwblawfirm.com</p> <p>12 WILLIAM P. MAURIDES, ESQUIRE</p> <p>13 wmaurides@gwblawfirm.com</p> <p>14 GALLIVAN, WHITE &amp; BOYD, P.A.</p> <p>15 55 Beattie Place, Suite 1200</p> <p>16 Greenville, South Carolina 29601</p> <p>17 864.271.9580</p> <p>18 On Behalf of Armstrong International, Inc. and Viking</p> <p>19 Pump, Inc.:</p> <p>20 ALLYSON R. TWILLEY, ESQUIRE</p> <p>21 ATwilley@foxrothschild.com</p> <p>22 FOX ROTHSCHILD LLP</p> <p>23 2 West Washington Street, Suite 1100</p> <p>24 Greenville, South Carolina 29601-2784</p> <p>25 704.343.2000</p>                                                                                                    |



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**GPS LLC**  
**gpscalendar@gps.llc ~ 214.347.4781**

**Jerry Campbell Vol I**  
**July 28, 2021**

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| <p style="text-align: right;"><b>Page 10</b></p> <p>1 On Behalf of Carver Pump Company; Schneider Electric<br/>2 Systems USA, Inc. f/k/a Invensys Systems, Inc.; and<br/>3 Union Pump Company (named as Clyde Union Inc. f/k/a<br/>4 Union Pump Company):<br/>5 NICK CHERRY, ESQUIRE<br/>6 NCherry@foxrothschild.com<br/>7 FOX ROTHSCILD LLP<br/>8 2 West Washington Street, Suite 1100<br/>9 Greenville, South Carolina 29601-2784<br/>10 704.343.2000<br/>11 On Behalf of AECOM Energy &amp; Construction, Inc.:<br/>12 JOSEPH E. THOENSEN, ESQUIRE<br/>13 JThoensen@richardsonplowden.com<br/>14 RICHARDSON PLOWDEN ROBINSON, P.A.<br/>15 1900 Barnwell Street<br/>16 Columbia, South Carolina 29201<br/>17 803.771.4400<br/>18 On Behalf of Bechtel Corporation:<br/>19 KELLY B. JONES, ESQUIRE<br/>20 KJones@nexsenpruet.com<br/>21 NEXSEN PRUET, PLLC<br/>22 4141 Parklake Avenue, Suite 200<br/>23 Raleigh, NC 27612<br/>24 919.755.1800<br/>25</p> | <p style="text-align: right;"><b>Page 12</b></p> <p>1 THE VIDEOGRAPHER: Good morning.<br/>2 We're on record. The date is July 28th,<br/>3 2021. The time on the monitor is<br/>4 10:13 a.m.<br/>5 This is the video-recorded deposition<br/>6 of Jerry Campbell, being taken in the<br/>7 matter of Jerry V. Campbell and Darlene R<br/>8 Campbell versus Armstrong International,<br/>9 Inc., et al. This deposition is being<br/>10 held remotely.<br/>11 My name is Talitha Pollok, and I'm<br/>12 the videographer. The court reporter is<br/>13 Adam Miller. And we're both representing<br/>14 GPS LLC.<br/>15 Appearance of counsel will appear of<br/>16 the stenographic record. And then will<br/>17 the court reporter please swear in the<br/>18 witness.<br/>19 - - - - -<br/>20 JERRY V. CAMPBELL, having first been<br/>21 duly sworn according to law, was examined<br/>22 and testified as follows:<br/>23 - - - - -<br/>24 BY ATTORNEY GROSS:<br/>25 Q. All right. Good morning,</p>                                                                                                                             |
| <p style="text-align: right;"><b>Page 11</b></p> <p>1 On Behalf of ViacomCBS Inc.; General Electric Company;<br/>2 Spirax Sarco, Inc.; and Foster Wheeler Energy<br/>3 Corporation:<br/>4 ANDREW S. ROGERS, ESQUIRE<br/>5 ASRogers@ewhlaw.com<br/>6 EVERT WEATHERSBY HOUFF<br/>7 3455 Peachtree Road NE, Suite 1550<br/>8 Atlanta, Georgia 30326<br/>9 678.651.1200<br/>10 On Behalf of Fisher Controls International LLC; Crosby<br/>11 Valve, LLC; Henry Pratt Company, LLC; ASCO, L.P.; and<br/>12 Emerson Electric Co.:<br/>13 RHYAN J. LINDLEY, ESQUIRE<br/>14 rlindley@vonbriesen.com<br/>15 VON BRIESEN &amp; ROPER, S.C.<br/>16 10 East Doty Street, Suite 900<br/>17 Madison, Wisconsin 53703<br/>18 608.441.0300<br/>19 ALSO PRESENT: TALITHA POLLOK, THE VIDEOGRAPHER<br/>20 - - - - -<br/>21 INDEX<br/>22 DEPONENT: JERRY V. CAMPBELL<br/>23 EXAMINATION BY: PAGE<br/>24 ATTORNEY GROSS 12<br/>25 ATTORNEY CHARLES 79</p>                      | <p style="text-align: right;"><b>Page 13</b></p> <p>1 Mr. Campbell.<br/>2 A. Good morning.<br/>3 Q. Nice to finally see what you look<br/>4 like in these crazy, weird times. So I know<br/>5 this is a little weird; we're doing this over an<br/>6 iPad. I know there was some technical issues<br/>7 this morning. I think I speak for everybody<br/>8 here: If you don't catch my question or anybody<br/>9 else's question or you need us to re-ask it<br/>10 because you didn't quite catch it over the<br/>11 phone, make sure to just give us a holler and<br/>12 let us know; okay?<br/>13 A. Okay.<br/>14 Q. All right. So with all that stuff<br/>15 out of the way, can you go ahead and introduce<br/>16 yourself to us this morning, sir.<br/>17 A. I am Jerry Vernon Campbell.<br/>18 ATTORNEY CHARLES: Rachel, this is<br/>19 Nick Charles. I'm sorry to interrupt you.<br/>20 Do you mind if I just state the<br/>21 stipulations real quick?<br/>22 ATTORNEY GROSS: I'll do it. I<br/>23 was -- I had a time where I was going to<br/>24 do it. But I'll do it now.<br/>25 ATTORNEY CHARLES: I'm sorry about</p> |



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**Jerry Campbell Vol I**  
**July 28, 2021**

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| <p style="text-align: right;"><b>Page 14</b></p> <p>1 that.</p> <p>2 ATTORNEY GROSS: Mr. Campbell, I've</p> <p>3 been asked to do this now before we go any</p> <p>4 further, so let me just get this out of</p> <p>5 the way.</p> <p>6 We're going to take this deposition</p> <p>7 pursuant to the South Carolina Rules of</p> <p>8 Civil Procedure. One objection by a</p> <p>9 defendant is good for all, so Adam can</p> <p>10 just mark "Defense Counsel" in the record.</p> <p>11 All objections except those as to the form</p> <p>12 of the question are reserved until the</p> <p>13 time of trial. And appearance by any</p> <p>14 defendant here today does not waive of</p> <p>15 their personal defenses, which may or may</p> <p>16 not include a jurisdictional challenge.</p> <p>17 Did I get everything, Nick?</p> <p>18 ATTORNEY CHARLES: I think so. Thank</p> <p>19 you. Sorry to interrupt.</p> <p>20 ATTORNEY GROSS: That's fine.</p> <p>21 BY ATTORNEY GROSS:</p> <p>22 Q. All right. Mr. Campbell, let's start</p> <p>23 over. Can you go ahead and introduce yourself</p> <p>24 to us, sir.</p> <p>25 A. Jerry Vernon Campbell.</p> | <p style="text-align: right;"><b>Page 16</b></p> <p>1 you?</p> <p>2 A. 87.</p> <p>3 (Telephone interruption.)</p> <p>4 ATTORNEY GROSS: Okay. All right.</p> <p>5 Hang on one second. Let's go off the</p> <p>6 record real quick.</p> <p>7 THE VIDEOGRAPHER: The time is</p> <p>8 10:17 a.m., and we are now off the record.</p> <p>9 (Discussion held off the record.)</p> <p>10 THE VIDEOGRAPHER: The time is</p> <p>11 10:17 a.m., and now we are back on the</p> <p>12 record.</p> <p>13 BY ATTORNEY GROSS:</p> <p>14 Q. All right, sir. You said that you</p> <p>15 lived in Salem, South Carolina since the 1960s.</p> <p>16 Where were you born?</p> <p>17 A. Walhalla, South Carolina.</p> <p>18 Q. How long did you live in Walhalla?</p> <p>19 A. Well, to about -- I don't know --</p> <p>20 probably 17 years old.</p> <p>21 Q. Okay.</p> <p>22 A. Around 1960, somewhere around there.</p> <p>23 I went into the military then.</p> <p>24 Q. Right. We're going to talk about</p> <p>25 your military here in a minute. Let me stick</p> |
| <p style="text-align: right;"><b>Page 15</b></p> <p>1 Q. All right. And, Mr. Campbell, have</p> <p>2 you ever done anything like this before, meaning</p> <p>3 have you ever had like a video call with a bunch</p> <p>4 of lawyers like this before?</p> <p>5 A. No.</p> <p>6 Q. How are you feeling about it this</p> <p>7 morning?</p> <p>8 A. Well, it's, it's something new.</p> <p>9 That's all.</p> <p>10 Q. Yeah. Well, we'll work through it.</p> <p>11 I know it's a little weird. But hang in there</p> <p>12 with us; okay?</p> <p>13 A. Right.</p> <p>14 Q. All right. Let's start with the easy</p> <p>15 questions this morning, ease you into this</p> <p>16 process a little bit.</p> <p>17 Where do you live today, sir?</p> <p>18 A. I live in Salem, South Carolina.</p> <p>19 Q. How long have you lived there in</p> <p>20 Salem?</p> <p>21 A. About -- well, since, since about</p> <p>22 1960.</p> <p>23 Q. Okay. What's your date of birth?</p> <p>24 A. [REDACTED].</p> <p>25 Q. I am very bad at math. How old are</p>                                                                                                             | <p style="text-align: right;"><b>Page 17</b></p> <p>1 with a couple more questions about you growing</p> <p>2 up in Walhalla.</p> <p>3 Did you have any siblings growing up,</p> <p>4 sir?</p> <p>5 A. Any siblings --</p> <p>6 Q. Yes, sir --</p> <p>7 A. -- yes.</p> <p>8 Q. -- brothers and sisters?</p> <p>9 A. Yes. I have five sisters and three</p> <p>10 brothers.</p> <p>11 Q. So you're one of nine children.</p> <p>12 That's a, that's a busy household. Okay.</p> <p>13 Are any of your siblings still</p> <p>14 living, sir?</p> <p>15 A. Yes; all but two.</p> <p>16 Q. Okay.</p> <p>17 A. Three, all but three.</p> <p>18 Q. All but three; okay. Which are the</p> <p>19 three that passed away? Do you remember what</p> <p>20 they passed away from?</p> <p>21 A. As far as I know, it's natural death.</p> <p>22 Q. Okay. All right. What did your</p> <p>23 parents do when you were growing up in Walhalla,</p> <p>24 for a living?</p> <p>25 A. My father was a cabinet builder; and</p>                                       |

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| <p style="text-align: right;"><b>Page 18</b></p> <p>1 my mother, she was a home mother.</p> <p>2 Q. Okay. What is the last grade you</p> <p>3 completed in school, sir?</p> <p>4 A. Eighth grade.</p> <p>5 Q. Okay. And then you brought it up</p> <p>6 earlier, but I'm going to circle back to it now.</p> <p>7 You said that you actually enlisted in the</p> <p>8 military; right?</p> <p>9 A. Right.</p> <p>10 Q. When was that?</p> <p>11 A. In September of 1951.</p> <p>12 Q. Which branches did you serve in?</p> <p>13 A. Marine Corps and Army.</p> <p>14 Q. All right. Let's start with the</p> <p>15 Marine Corps. Were you -- you were in the</p> <p>16 Marine Corps first, before the Army; right?</p> <p>17 A. Right.</p> <p>18 Q. Okay. When do you remember serving</p> <p>19 in the Marines? If you know the exact year,</p> <p>20 that's great. But if not, that's fine too.</p> <p>21 A. I don't remember all the places.</p> <p>22 Q. No. When. What years.</p> <p>23 A. Camp Lejeune -- let me start over.</p> <p>24 Let's go to Guantanamo Bay, Cuba. It was</p> <p>25 my first place. Arlington, Virginia. And Camp</p> | <p style="text-align: right;"><b>Page 20</b></p> <p>1 Q. We're going to talk a little bit more</p> <p>2 about Miss Darlene later. But for now, tell us,</p> <p>3 how long have you and your wife been married</p> <p>4 for.</p> <p>5 A. About since about '67, I think.</p> <p>6 Q. A long time; fair?</p> <p>7 All right. Did you and Miss Darlene</p> <p>8 have any children?</p> <p>9 A. Yes. We have three -- four; one</p> <p>10 deceased.</p> <p>11 Q. Okay. How did that one die, sir?</p> <p>12 A. Say that again.</p> <p>13 Q. How -- your one child that passed</p> <p>14 away, how did that happen?</p> <p>15 A. Accidental.</p> <p>16 Q. Let's talk about why we're here</p> <p>17 today; okay? What's your understanding,</p> <p>18 Mr. Campbell, of why we are here doing this</p> <p>19 today?</p> <p>20 A. Well, I have mesothelioma. That's</p> <p>21 it.</p> <p>22 Q. Okay. Hold on one second. Oh, there</p> <p>23 you go. All right.</p> <p>24 Has anyone told you, like a doctor,</p> <p>25 sir, what caused your mesothelioma?</p>                                                                                        |
| <p style="text-align: right;"><b>Page 19</b></p> <p>1 Lejeune. And that's about it.</p> <p>2 Q. So my understanding is you were in</p> <p>3 the Marine Corps from 1951 to 1956; is that</p> <p>4 right?</p> <p>5 A. Right.</p> <p>6 Q. Okay. I meant after that, is that</p> <p>7 when you went into the Army?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Where were you stationed when</p> <p>10 you were serving in the Army?</p> <p>11 A. Fort Jackson; Fort Lawton,</p> <p>12 Washington; and, and went to Korea. And I guess</p> <p>13 that's it.</p> <p>14 Q. Okay. That's a lot. My</p> <p>15 understanding is you were in the Army from 1957</p> <p>16 to '59; is that right?</p> <p>17 A. Yeah.</p> <p>18 Q. What was your rank in both the Marine</p> <p>19 Corps and the Army?</p> <p>20 A. Corporal.</p> <p>21 Q. For both? Okay.</p> <p>22 Are you married, sir?</p> <p>23 A. I am.</p> <p>24 Q. What's your lovely wife's name?</p> <p>25 A. Darlene Ridley Campbell.</p>                                                                                                                                                                  | <p style="text-align: right;"><b>Page 21</b></p> <p>1 A. Yes. When they -- when I was</p> <p>2 diagnosed.</p> <p>3 Q. What did they say?</p> <p>4 A. It was caused from asbestos.</p> <p>5 Q. Okay. Hang on one second. There we</p> <p>6 go.</p> <p>7 So, Mr. Campbell, the jury later on</p> <p>8 is going to hear about your asbestos exposure.</p> <p>9 They're going to hear about it from many years</p> <p>10 and, most times, honestly, many decades ago;</p> <p>11 okay? So I want to spend some time, maybe the</p> <p>12 next hour or so or a little bit less, asking you</p> <p>13 about what work you've done throughout your</p> <p>14 life, some of it going way, way, way back in</p> <p>15 time; okay?</p> <p>16 A. Okay.</p> <p>17 Q. All right. So hang in there. We'll</p> <p>18 get through it. Okay?</p> <p>19 Before today, we provided some</p> <p>20 information to the other attorneys that are on</p> <p>21 the call about your work history. So let's just</p> <p>22 jump right into that; okay?</p> <p>23 A. Okay.</p> <p>24 Q. Everybody here knows, sir, but you</p> <p>25 worked for Duke; is that correct?</p> |

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| <p style="text-align: right;"><b>Page 22</b></p> <p>1 A. That's correct.</p> <p>2 Q. All right. So we're going to start</p> <p>3 with your Duke work; okay?</p> <p>4 A. Okay.</p> <p>5 Q. When did you start working for Duke?</p> <p>6 A. In April of 1969.</p> <p>7 Q. How long did you work for Duke for?</p> <p>8 A. Well, I worked till 1991. I retired</p> <p>9 in 1991.</p> <p>10 Q. Okay. Perfect. Do you remember what</p> <p>11 facilities or plants you worked at while you</p> <p>12 were working for Duke?</p> <p>13 A. The different plants?</p> <p>14 Q. Yeah. Do you remember which ones?</p> <p>15 A. I worked at Oconee at the beginning.</p> <p>16 I went to McGuire. And I went to Cherokee. And</p> <p>17 then I worked some short times at Keowee and</p> <p>18 Jocassee; real short times.</p> <p>19 Q. Okay. What was your job title while</p> <p>20 you were working for Duke?</p> <p>21 A. Well, I started out as a carpenter.</p> <p>22 Q. And I take it from you saying you</p> <p>23 started out that that job changed over time?</p> <p>24 A. Yes; to nuclear maintenance</p> <p>25 technician.</p>                                                                                          | <p style="text-align: right;"><b>Page 24</b></p> <p>1 a little while then; okay?</p> <p>2 A. Okay.</p> <p>3 Q. All right. Do you remember what</p> <p>4 years you worked at Oconee?</p> <p>5 A. Yes; from '69 to '73.</p> <p>6 Q. And did you ever go back to Oconee</p> <p>7 after '73?</p> <p>8 A. Yes.</p> <p>9 Q. When?</p> <p>10 A. In '77 -- '79.</p> <p>11 Q. Okay. And did you stay at Oconee</p> <p>12 until you retired in 1991?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. So let's stick with Oconee in</p> <p>15 the time period of 1969 through 1973 for now;</p> <p>16 okay?</p> <p>17 A. (Nodded.)</p> <p>18 Q. What did you do at Oconee in that</p> <p>19 four-year window?</p> <p>20 A. Well, CAD welding, rebar, forms,</p> <p>21 and -- let's see, '73. I'd have been -- done</p> <p>22 some scaffolding, a lot of scaffolding in there</p> <p>23 and that was mostly all what I done right then.</p> <p>24 Q. When you returned to Oconee in '79,</p> <p>25 was your job any different than it was when</p>                                                                                                                          |
| <p style="text-align: right;"><b>Page 23</b></p> <p>1 Q. Okay. So tell us to start, what are</p> <p>2 the job responsibilities of a carpenter. What</p> <p>3 did you do?</p> <p>4 A. Well, that was, that was building</p> <p>5 forms, rebar, CAD welding, firewalls,</p> <p>6 scaffolding. That's all I remember right now.</p> <p>7 Q. That's a lot. That's a lot to</p> <p>8 remember. So that's good.</p> <p>9 All right. How about the maintenance</p> <p>10 job you said was your last -- what you wound up</p> <p>11 being before you retired? What were your job</p> <p>12 responsibilities then?</p> <p>13 A. Mostly working with outages.</p> <p>14 Worked -- I worked some with pipefitters and</p> <p>15 valve mechanics; worked with them some. What</p> <p>16 they done at -- it's cross-training, and you</p> <p>17 might be working with anybody.</p> <p>18 Q. Okay. So which of those Duke sites</p> <p>19 did you start working at in 1969?</p> <p>20 A. Oconee.</p> <p>21 Q. All right. My understanding is that</p> <p>22 you spent the biggest part of your time while</p> <p>23 working for Duke at Oconee; is that right?</p> <p>24 A. Right.</p> <p>25 Q. Okay. So let's stick with Oconee for</p> | <p style="text-align: right;"><b>Page 25</b></p> <p>1 you first started there in 1969?</p> <p>2 A. Well, yeah. The -- that was -- the</p> <p>3 CAD welding was over. All the form work was</p> <p>4 over. It was mostly scaffolding for valve</p> <p>5 people and insulators and what have you.</p> <p>6 Q. Okay. So when you got there to</p> <p>7 Oconee, sir, in 1969, was the plant already</p> <p>8 being built? Were you helping to build it?</p> <p>9 What was the status of what was going?</p> <p>10 A. They were coming out of the ground</p> <p>11 with unit 1.</p> <p>12 Q. How many units were there at Oconee</p> <p>13 eventually?</p> <p>14 A. Three units.</p> <p>15 Q. Did you work in all three units once</p> <p>16 it was all built?</p> <p>17 A. All three.</p> <p>18 Q. Okay. When you were there during the</p> <p>19 initial construction phase of Oconee, were</p> <p>20 there -- this seems like a silly question. But</p> <p>21 were there other kinds of trades you were</p> <p>22 working around while you were doing that work as</p> <p>23 a carpenter?</p> <p>24 A. Yes.</p> <p>25 Q. Who? What do you remember?</p> |

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| <p style="text-align: right;"><b>Page 26</b></p> <p>1           A. I remember Covil -- Daniels. And</p> <p>2           there's several more; I just can't recall them</p> <p>3           now. There were several vendors in there.</p> <p>4           Q. Okay. Were there other kind of --</p> <p>5           was there other kind of work being done? I</p> <p>6           mean, were you working around insulators,</p> <p>7           pipefitters, electricians, like other kinds of</p> <p>8           trades?</p> <p>9           A. Oh, yes.</p> <p>10          Q. Okay.</p> <p>11          A. I worked with all trades.</p> <p>12          Q. Tell me which trades you remember</p> <p>13          working around when you first started at Oconee.</p> <p>14          A. Well, the first ones would have been</p> <p>15          insulators, I guess; because they just run in</p> <p>16          the pipe and started the insulation in there</p> <p>17          later. So that'd have been, kind of been</p> <p>18          the first ones. And then your valve people.</p> <p>19          And they'd been involved because you got to have</p> <p>20          a valve in a pipe to -- and then it's pretty</p> <p>21          well been all trades.</p> <p>22          Q. Okay. Fair enough. You started</p> <p>23          telling us today about something that you called</p> <p>24          cross-training that happened out at Duke; right?</p> <p>25          A. Yes.</p> | <p style="text-align: right;"><b>Page 28</b></p> <p>1           little bit about what CAD welding is.</p> <p>2           A. CAD welding is taking -- CAD welding</p> <p>3           is taking two bars, rebars. You CAD-weld them</p> <p>4           vertical or horizontal. Every bar in the</p> <p>5           reactor is CAD welding. There's no, theres no</p> <p>6           lapse in the bars. They're all together</p> <p>7           CAD-welded.</p> <p>8           In the CAD welding, you had a steel</p> <p>9           sleeve that you put it over one bar and slide</p> <p>10          the other bar in it. And you take cuffs and put</p> <p>11          on the bottom and the top.</p> <p>12          Q. Uh-huh.</p> <p>13          A. And you got a bag of molten metal you</p> <p>14          pour in the pot. And you got a starter you pour</p> <p>15          on that. But to get back to this, now, you wrap</p> <p>16          these -- the bottom of that with asbestos and</p> <p>17          put a cuff on it to hold that molten metal. It</p> <p>18          reaches about 2200 degrees. And the top. You</p> <p>19          used the asbestos up there.</p> <p>20          And the cuff up there, you set it</p> <p>21          off; the molten metal catches, runs in, turns to</p> <p>22          liquid, and goes and welds the two bars together</p> <p>23          in the metal sleeve. That's CAD welding.</p> <p>24          Q. Okay. That sounds complicated for</p> <p>25          little old me.</p> |
| <p style="text-align: right;"><b>Page 27</b></p> <p>1           Q. What is that. Tell us about that.</p> <p>2           A. That's like -- in your crew, they'll</p> <p>3           send you to work with maybe valve, valve</p> <p>4           mechanics or either pipefitters or whoever. It</p> <p>5           doesn't matter. They just send you to work with</p> <p>6           them.</p> <p>7           Q. Okay. So sounds like --</p> <p>8           A. Helper.</p> <p>9           Q. I'm sorry. Go ahead.</p> <p>10          A. More or less a helper with them.</p> <p>11          Q. Okay. So this is a big-picture</p> <p>12          question; okay? That's what I call these kinds</p> <p>13          of question, a big-picture question; okay?</p> <p>14          What equipment do you remember being</p> <p>15          present at Oconee? I know you've already</p> <p>16          brought up valves. But what else do you</p> <p>17          remember?</p> <p>18          A. Pumps, generators, moisture</p> <p>19          separators, and -- about everything in there. I</p> <p>20          worked all over the plant.</p> <p>21          Q. Okay. So you started -- the first</p> <p>22          things you brought up, sir, was something called</p> <p>23          CAD welding; right?</p> <p>24          A. Right.</p> <p>25          Q. This is a new one for me. Tell me a</p>                                                                                 | <p style="text-align: right;"><b>Page 29</b></p> <p>1           This CAD welding, was this a regular</p> <p>2           part of your job between 1969 and '73 when the</p> <p>3           plant was being built?</p> <p>4           A. It was.</p> <p>5           Q. Was this something you would do every</p> <p>6           day? How often would you do this?</p> <p>7           A. Not necessarily every day. Once you</p> <p>8           make one -- shoot everything in that section,</p> <p>9           you'd pour that and go over to another and do</p> <p>10          the same thing over again.</p> <p>11          And those shield walls, they went all</p> <p>12          the way to the top of the reactor. So that was</p> <p>13          about a hundred feet high.</p> <p>14          Q. Oh, wow. Okay. And just so I'm</p> <p>15          clear -- I know you mentioned where the asbestos</p> <p>16          was in a couple of different places on that</p> <p>17          system. Was any of that insulation? Or was</p> <p>18          that CAD welding system insulated anywhere?</p> <p>19          A. No.</p> <p>20          Q. Okay. Did you ever have to do any</p> <p>21          cleanup after you would do that CAD weld work?</p> <p>22          A. Done all the cleanup.</p> <p>23          Q. Tell me about that. How would you do</p> <p>24          that on that kind of a piece of equipment?</p> <p>25          A. The biggest thing was getting that</p>                                              |



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| <p style="text-align: right;"><b>Page 30</b></p> <p>1 asbestos. It would, it would burn into the<br/>2 steel where that hot metal hit it. It would be<br/>3 burned there. And it was hard to get off on<br/>4 that steel.<br/>5 So we could take -- you could take a<br/>6 hand brush, steel brush, and try brushing it.<br/>7 But we mostly used a 7-inch grinder with a steel<br/>8 brush on it. And you can about imagine what<br/>9 kind of dust that -- it's get so bad in there,<br/>10 you couldn't see. And then we swept it up and<br/>11 go on again.<br/>12 Q. You swept it up? I'm sorry?<br/>13 A. Yeah.<br/>14 Q. Okay. Another piece of equipment you<br/>15 mentioned earlier was you mentioned generators;<br/>16 right?<br/>17 A. Right.<br/>18 Q. Were those generators -- explain it<br/>19 to me, because my understanding is Oconee is a<br/>20 nuclear facility; right?<br/>21 A. Right.<br/>22 Q. So were those -- were those<br/>23 generators attached to turbines or anything like<br/>24 that?<br/>25 A. They were -- you had two generators</p>                                                                                          | <p style="text-align: right;"><b>Page 32</b></p> <p>1 had the scaffold in there for them to sit on and<br/>2 to the sides and whatever. I've done that for<br/>3 them.<br/>4 Q. Okay. So you scaffolded for people<br/>5 who were working on the turbines; right?<br/>6 A. (Nodded.)<br/>7 Q. Okay. Would that have been during<br/>8 your first time period at Oconee, from '69 to<br/>9 '73, when you returned in '79, or both?<br/>10 A. Both.<br/>11 Q. Both, okay. Did you yourself ever do<br/>12 any work on the turbines themselves?<br/>13 A. Not, not myself. But, I mean, I've<br/>14 worked around the scaffolding and everything<br/>15 else.<br/>16 Q. I totally understand that. Totally<br/>17 understand that. When you were building the<br/>18 scaffolding for the turbines, what work did you<br/>19 see being done on the turbines?<br/>20 A. They were, they were changing out<br/>21 the, as far as I remember, the bearings in them.<br/>22 Q. Okay. All right. Do you remember if<br/>23 those turbines were insulated at all?<br/>24 A. Yeah, they were insulated.<br/>25 Q. And just for those of us who don't</p> |
| <p style="text-align: right;"><b>Page 31</b></p> <p>1 in each reactor.<br/>2 Q. Okay.<br/>3 A. And they were setting, you know, by<br/>4 the vessel itself, one on one side, one on the<br/>5 other side.<br/>6 Q. All right. Do you remember -- and if<br/>7 you don't, that's okay. You're going to hear<br/>8 this question a lot over the next few days;<br/>9 okay?<br/>10 Do you remember the manufacturer of<br/>11 any of those?<br/>12 A. Babcock &amp; Wilcox. And they had<br/>13 something -- they had most to do with the<br/>14 reactor vessel itself. And General Electric had<br/>15 the, the generators and the turbine.<br/>16 Q. Okay. Let me ask you some questions<br/>17 about those turbines first; okay?<br/>18 Did you yourself -- I know you were a<br/>19 carpenter, but I have to ask. Did you yourself,<br/>20 sir, ever have to do any work on the turbines?<br/>21 A. Yes. I've done a little scaffolding<br/>22 where the -- they were near the ground, but<br/>23 these bearings, I remember the bearings went bad<br/>24 in one and they had to change the bearings out.<br/>25 So they was taking the front off there. And you</p> | <p style="text-align: right;"><b>Page 33</b></p> <p>1 know -- which is probably a lot -- my<br/>2 understanding is turbines and generators,<br/>3 especially in a nuclear plant, they're, they're<br/>4 pretty big pieces of equipment; is that fair?<br/>5 A. They're huge.<br/>6 Q. Okay. How big?<br/>7 A. I'd say the -- I'd just be guessing<br/>8 at the turbine. It'd probably be maybe 50 feet<br/>9 long and I don't know how big around. But it<br/>10 was big.<br/>11 Q. Big.<br/>12 A. And the generators in the reactor,<br/>13 they stood about, I'd say, 60 feet high. They<br/>14 was upright.<br/>15 Q. Where was the insulation you remember<br/>16 seeing on the turbines?<br/>17 A. It was all over the turbine.<br/>18 Q. Okay. Let's talk about valves.<br/>19 Let's shift, let's shift gears, because you<br/>20 brought valves up; okay?<br/>21 A. Okay.<br/>22 Q. How are you doing? Are you okay to<br/>23 keep going, or do you need a break?<br/>24 A. I'm good.<br/>25 Q. Okay. You sound good. So let's keep</p>                                                                                                |

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| <p style="text-align: right;"><b>Page 34</b></p> <p>1 going.</p> <p>2 So valves. Silly question: Were</p> <p>3 there valves on the pipe lines out there?</p> <p>4 A. Yes, all pipe lines had a valve.</p> <p>5 Q. Right. Exactly. So were there a lot</p> <p>6 of valves, would you say, out at Ocone?</p> <p>7 A. I wouldn't even want to guess.</p> <p>8 Q. Okay. Fair enough. And by that do</p> <p>9 you mean you don't know how many or -- so let me</p> <p>10 re-ask the question.</p> <p>11 Were there a lot of valves out at</p> <p>12 Ocone?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So you just don't want to</p> <p>15 guess how many; right?</p> <p>16 Did you hear me?</p> <p>17 A. No, I wouldn't.</p> <p>18 Q. All right. There you go.</p> <p>19 Did you ever have to do any work</p> <p>20 yourself, sir, on valves?</p> <p>21 A. Not on the valve itself.</p> <p>22 Q. Okay. Did you ever work with other</p> <p>23 people who were doing work on valves?</p> <p>24 A. Yes.</p> <p>25 Q. Okay.</p>                                                                                                                                                                                              | <p style="text-align: right;"><b>Page 36</b></p> <p>1 brand name of any of the valves out at a Ocone?</p> <p>2 A. The brand of the packing or what?</p> <p>3 Q. The brand of the valves. Did you see</p> <p>4 any of that?</p> <p>5 A. Yeah. I, I might have seen a few. I</p> <p>6 wasn't paying that much attention.</p> <p>7 Q. Fair enough. It --</p> <p>8 A. Crosby was --</p> <p>9 Q. -- wasn't your job.</p> <p>10 A. One of the valves, big valves.</p> <p>11 Q. Say that again. You cut out.</p> <p>12 A. Crosby.</p> <p>13 Q. Crosby; okay.</p> <p>14 Do you remember the names of any</p> <p>15 other brands?</p> <p>16 A. I can't think of them right off.</p> <p>17 Q. That's okay. We'll come back to it.</p> <p>18 No worries.</p> <p>19 So let's shift back around. You were</p> <p>20 talking about the packing and the stem. For</p> <p>21 those of us that don't know how valve packing</p> <p>22 work is done, do us the favor; walk us through</p> <p>23 what you saw them doing on valves.</p> <p>24 A. Well, they'd, they'd loosen that, the</p> <p>25 stem, and go in there. That where's your</p>                                                                                                                                                                                          |
| <p style="text-align: right;"><b>Page 35</b></p> <p>1 A. Scaffold valves; that's the big</p> <p>2 thing.</p> <p>3 Q. Say that again.</p> <p>4 A. I build their scaffolds. And I have</p> <p>5 sat on the scaffold with them while they was</p> <p>6 taking them out. But, I mean, I -- I mean, I</p> <p>7 wasn't working with the valve itself.</p> <p>8 Q. When you would be working with those</p> <p>9 people working on the valves, how close were</p> <p>10 you? I mean, it's hard for me to picture how</p> <p>11 big a scaffold is. So how close would you be to</p> <p>12 those people doing valve work?</p> <p>13 A. How close would I be to them?</p> <p>14 Q. Yes, sir.</p> <p>15 A. Right beside of them.</p> <p>16 Q. Did you see what kind of work they</p> <p>17 were doing on valves?</p> <p>18 A. Yeah. Sometimes they would,</p> <p>19 sometimes they would be packing in the stem.</p> <p>20 And sometimes they'd have to pull the flange and</p> <p>21 put the, put the -- you know, do that.</p> <p>22 Q. Okay. We're going to talk about that</p> <p>23 a little bit more; okay?</p> <p>24 While you were working side by side</p> <p>25 with them, were you close enough to see the</p> | <p style="text-align: right;"><b>Page 37</b></p> <p>1 packing would be. That's where, usually where</p> <p>2 you had the leak at, coming out your stem. So</p> <p>3 they had a tool that they used. And they would</p> <p>4 go run that tool in there. It was a T handle.</p> <p>5 And it was flexible. You could twist it around,</p> <p>6 sideways, up, down, whatever.</p> <p>7 And they'd run that back in there.</p> <p>8 And it, it had an auger on the end of it.</p> <p>9 They'd twist that insul- -- that packing up in</p> <p>10 that and pull it out.</p> <p>11 Sometimes it come out good, and</p> <p>12 sometimes it didn't. Especially the one that</p> <p>13 had a wire. Some of that packing had a wire in</p> <p>14 the middle of it, and that was rough to get it</p> <p>15 out. I didn't get it out myself, but I watched</p> <p>16 them try to get it out.</p> <p>17 Q. Fair enough. Similar question to</p> <p>18 what I've asked you about other pieces of</p> <p>19 equipment: Do you remember any insulation on</p> <p>20 those valves anywhere?</p> <p>21 A. There was insulation on all of</p> <p>22 them -- well, there might have been some, some</p> <p>23 little valves somewhere that there wasn't no</p> <p>24 insulation. But all of your big valves had</p> <p>25 insulation.</p> |



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| <p style="text-align: right;"><b>Page 38</b></p> <p>1 Q. On the outside? Where was the</p> <p>2 insulation?</p> <p>3 A. On the outside. The whole thing was</p> <p>4 insulated.</p> <p>5 Q. Okay. Now, this kind of work that</p> <p>6 people were doing on valves that you saw, was</p> <p>7 this something -- was this work being done your</p> <p>8 first time around at Oconee from '69 to '73,</p> <p>9 when you went back, or both?</p> <p>10 A. Both.</p> <p>11 Q. Both; okay. How often did you see</p> <p>12 this kind of work being done on valves around</p> <p>13 you?</p> <p>14 A. I wouldn't have no idea how many</p> <p>15 times.</p> <p>16 Q. No, I don't want to know how many</p> <p>17 times. Right? I mean you weren't walking</p> <p>18 around Oconee or, frankly, any of your plants,</p> <p>19 keeping a journal, writing down every time you</p> <p>20 saw somebody work on a valve; right?</p> <p>21 A. No.</p> <p>22 Q. That would be ridiculous. Yeah. So</p> <p>23 this is more of a general question. I mean, was</p> <p>24 that something that you saw happening a lot?</p> <p>25 A. A lot.</p>                                                                                                    | <p style="text-align: right;"><b>Page 40</b></p> <p>1 A. What, the insulation?</p> <p>2 Q. No. What was running through all of</p> <p>3 those pipes all over the Oconee plant?</p> <p>4 A. Steam.</p> <p>5 Q. This was the dumb question, but I'm</p> <p>6 going to ask it anyway; okay? That will happen</p> <p>7 from time to time.</p> <p>8 That steam, did that steam get pretty</p> <p>9 hot?</p> <p>10 A. Did it get pretty hot?</p> <p>11 Q. Yes, sir.</p> <p>12 A. Extremely hot.</p> <p>13 Q. Okay. Wouldn't want to touch it;</p> <p>14 right?</p> <p>15 A. (The witness shook his head.)</p> <p>16 Q. Okay. Another piece of equipment you</p> <p>17 mentioned at Oconee, you mentioned pumps; right?</p> <p>18 A. Right.</p> <p>19 Q. So let's shift gears and talk about</p> <p>20 the pumps for a couple minutes.</p> <p>21 Similar to what I asked you about</p> <p>22 valves, was it ever your job, sir, to do any</p> <p>23 work on pumps?</p> <p>24 A. Yes. I done some scaffolding around</p> <p>25 on them.</p>                                                                                                                                                                                                                                                                                        |
| <p style="text-align: right;"><b>Page 39</b></p> <p>1 Q. Okay. Do you know why the valves</p> <p>2 were insulated, by any chance?</p> <p>3 A. The heat.</p> <p>4 Q. You mean the heat of the, the pipes?</p> <p>5 A. Yeah.</p> <p>6 Q. When someone had to change the</p> <p>7 packing on the valve, like you just told us,</p> <p>8 would they have to ever take the valve off the</p> <p>9 pipe line to do it?</p> <p>10 A. No, no. Uh-uh. All they'd do is --</p> <p>11 there's a place in that valve where the stem's</p> <p>12 at. You can loosen and go into it. But, now,</p> <p>13 if you got to put a seal in it over that, it's</p> <p>14 got a -- there's bolts where it bolts onto the</p> <p>15 pipe. You take all them out and slide that</p> <p>16 flange out and then put your seal, your seals in</p> <p>17 there and then put it back.</p> <p>18 That's where you -- so usually --</p> <p>19 right there. So you wouldn't have to do much</p> <p>20 with insulation. I mean, you'd be into it, but</p> <p>21 not that much.</p> <p>22 Q. Okay. Fair enough. General</p> <p>23 question: Do you know what was being piped</p> <p>24 around in all the pipes, what was being</p> <p>25 transported at Oconee?</p> | <p style="text-align: right;"><b>Page 41</b></p> <p>1 Q. Okay. So you scaffolded around pump</p> <p>2 work. Did you yourself ever have to fix or</p> <p>3 maintain a pump in any way at Oconee?</p> <p>4 A. No.</p> <p>5 Q. So same thing with the valves.</p> <p>6 You're scaffolding for people working on pumps.</p> <p>7 How close was that work being done to you if you</p> <p>8 were scaffolding for them?</p> <p>9 A. Well, usually the, the pump, they</p> <p>10 were in an offset. They were in the basement of</p> <p>11 the turbine building. And that's how them</p> <p>12 pumps -- you know, and have handrail around this</p> <p>13 big offset that went down in the floor. And</p> <p>14 that pump would maybe sit down in that floor on,</p> <p>15 on steel legs up so high.</p> <p>16 And then go to the pump. Usually a</p> <p>17 lot of times they worked on the bottom of it or</p> <p>18 different place a little higher. But you'd have</p> <p>19 to scaffold them to go in.</p> <p>20 Q. Okay. Fair enough. I mean, with</p> <p>21 valves you told us that you were sitting right</p> <p>22 next to, right beside guys working on valves.</p> <p>23 Was it the same thing with pumps?</p> <p>24 A. Well, I've hung around them a little</p> <p>25 bit. You know, not that much. Maybe not stay</p> |

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| <p style="text-align: right;"><b>Page 42</b></p> <p>1 over 10, 15 minutes talking to the mechanics a<br/>2 little bit and go and move to another scaffold<br/>3 build.<br/>4 Q. Okay. That's fair enough. Were you<br/>5 ever close enough to that work being done on the<br/>6 pumps that you could see what someone was doing?<br/>7 A. Yeah.<br/>8 Q. What'd you see?<br/>9 A. They was -- there was something in<br/>10 there that they were taking out. There was some<br/>11 tubes in there they would cut out of there.<br/>12 That's about all I ever see them do.<br/>13 Q. Okay. I think I know the answer to<br/>14 this question, but do you remember the brand<br/>15 name or the manufacturer of any of the pumps you<br/>16 saw out there?<br/>17 A. Ingersoll -- I can't pronounce that.<br/>18 Ingersoll.<br/>19 Q. Okay.<br/>20 A. I believe that that was some of the<br/>21 names. I know they had these big Ingersoll<br/>22 pumps down there at every, at every -- at every<br/>23 pump they had these big Ingersoll deals down<br/>24 there --<br/>25 Q. Sure.</p> | <p style="text-align: right;"><b>Page 44</b></p> <p>1 gaskets?<br/>2 A. Well, whenever they take that end off<br/>3 of wherever they was going into that pump, you<br/>4 had to put a gasket back. And there was, there<br/>5 was two kinds of gaskets for -- that I seen for<br/>6 a pump. One was red; one was black. Rubber<br/>7 gaskets. I've seen a lot of rubber gaskets.<br/>8 Q. Okay. Did you see any other gaskets<br/>9 besides rubber ones?<br/>10 A. Oh, yeah. I've seen the white, gray.<br/>11 And -- I've seen all kinds. Some of them, some<br/>12 of them come from the factory, pre-cut. And then<br/>13 they'd get these big sheets in and cut their<br/>14 own.<br/>15 Q. Okay. So when you were talking about<br/>16 the valve work earlier, you told us about, like,<br/>17 a tool with handles that they would use doing<br/>18 that work; do you remember that?<br/>19 A. (Nodded.)<br/>20 Q. Was that a yes?<br/>21 A. Yes.<br/>22 Q. Okay, perfect. I just going to make<br/>23 sure.<br/>24 Did the guys that you saw working on<br/>25 pumps use any tools like that on the gaskets?</p> |
| <p style="text-align: right;"><b>Page 43</b></p> <p>1 A. -- I think. But I'm not going into<br/>2 that.<br/>3 Q. That's okay. Were there other types<br/>4 of pumps out there; you're just not sure who<br/>5 made them?<br/>6 A. Right. I, I'm not sure who made<br/>7 them.<br/>8 Q. That's fair. Were there -- I know<br/>9 you said there was a lot of valves at Oconee.<br/>10 Were there a lot of pumps too?<br/>11 A. There was a good many. Nothing like<br/>12 valves, though.<br/>13 Q. Okay. Fair enough. Did you ever see<br/>14 anybody -- well, let me ask it this way: What<br/>15 work, if any, did you see people do on gaskets<br/>16 while they were working on pumps?<br/>17 DEFENSE COUNSEL: Object to the form.<br/>18 THE WITNESS: Gasket work.<br/>19 BY ATTORNEY GROSS:<br/>20 Q. You didn't see any gasket work?<br/>21 A. Yeah.<br/>22 Q. You did or did not?<br/>23 A. I did.<br/>24 Q. You did; okay. What did you see them<br/>25 do? What did you see the workers doing on</p>                                                                             | <p style="text-align: right;"><b>Page 45</b></p> <p>1 A. No.<br/>2 Q. Okay.<br/>3 A. There was a different thing. You<br/>4 could get -- you had to pull a flange and pull<br/>5 the flange out when you had a gasket leak.<br/>6 Q. Uh-huh.<br/>7 A. Scrape all that off with scrapers and<br/>8 then put your gaskets on and put that back in<br/>9 the flange.<br/>10 Q. Okay. So they would use scrapers to<br/>11 scrape off the old gaskets?<br/>12 A. Yes.<br/>13 Q. Got it.<br/>14 A. Anything they could use to clean them<br/>15 up.<br/>16 Q. I understand. Was this work that you<br/>17 saw being done on pumps and gaskets work that<br/>18 you saw being done at Oconee when you were first<br/>19 there from '69 to '73, when you returned, or<br/>20 both?<br/>21 A. Both.<br/>22 Q. Got it. Let's talk about a<br/>23 big-picture topic. I walk to talk to you about<br/>24 cleanup. I know we talked about cleanup earlier<br/>25 with the CAD welding system stuff; right?</p>                                                                                                                     |

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| <p style="text-align: right;"><b>Page 46</b></p> <p>1 A. (Nodded.)</p> <p>2 Q. I want to talk to you about cleanup</p> <p>3 that was done, if any, around the valves and the</p> <p>4 pumps and the turbines and generators. So all</p> <p>5 of the equipment you already talked to us about;</p> <p>6 okay?</p> <p>7 A. Yeah.</p> <p>8 Q. Did you ever have to do any cleanup?</p> <p>9 A. Yes. You had to -- once, once they</p> <p>10 were through with the valves, you had to, you</p> <p>11 had to take the scaffolding down. So all the</p> <p>12 mess that they would make up there, whatever</p> <p>13 they -- whatever, all that stuff that they had</p> <p>14 dropped on the pipe, on the scaffold -- well,</p> <p>15 the first thing you do is get up there and turn</p> <p>16 your boards over. And all that goes to the</p> <p>17 floor, hits pipes and everything.</p> <p>18 And we'd take an air hose in and blow</p> <p>19 all that down. And it's another mess. I mean,</p> <p>20 you -- a lot of times we -- we wouldn't be the</p> <p>21 only ones on that. There would be other people</p> <p>22 doing the same thing. And it got so thick in</p> <p>23 there that you couldn't see hardly.</p> <p>24 Q. Sounds like was it pretty -- well,</p> <p>25 let me just ask you: Was that dusty work,</p> | <p style="text-align: right;"><b>Page 48</b></p> <p>1 Q. All right. And you said, too, I</p> <p>2 think, that there were others out there, you</p> <p>3 just couldn't remember them; right?</p> <p>4 A. Right.</p> <p>5 Q. How could you tell if a guy was</p> <p>6 working for a contractor?</p> <p>7 A. Well, really, you couldn't. But you</p> <p>8 around them so much, you knew.</p> <p>9 Q. Okay. You just knew from seeing them</p> <p>10 on the job every day?</p> <p>11 A. Right.</p> <p>12 Q. Did they wear any, like, hard hats</p> <p>13 that said -- you know, if it was Daniel, they</p> <p>14 had "Daniel" on it; if it was Covil; or</p> <p>15 something like that?</p> <p>16 DEFENSE COUNSEL: Object to the form.</p> <p>17 BY ATTORNEY GROSS:</p> <p>18 Q. Go ahead, sir. You can answer.</p> <p>19 A. They did. They wore hard hats.</p> <p>20 Q. Perfect. Did you -- I mean, this is</p> <p>21 a tough question. But how often did you see</p> <p>22 contractors out at Oconee?</p> <p>23 DEFENSE COUNSEL: Objection.</p> <p>24 THE WITNESS: About every day.</p> <p>25 BY ATTORNEY GROSS:</p> |
| <p style="text-align: right;"><b>Page 47</b></p> <p>1 cleaning up with the air hose?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 A. Especially on the insulation. Now,</p> <p>5 your insulation, when they were insulating the</p> <p>6 pipes, it was real bad.</p> <p>7 Q. Was any of the piping -- I should</p> <p>8 have asked you this earlier, but you just</p> <p>9 reminded me actually. Was any of the pipe</p> <p>10 insulation you saw a piping that was attached to</p> <p>11 pieces of equipment?</p> <p>12 A. Yeah; all of it.</p> <p>13 Q. Okay.</p> <p>14 A. All of your -- had to be valve on it</p> <p>15 somewhere.</p> <p>16 Q. Right. Exactly. When you did that</p> <p>17 cleanup that you just told us about -- and,</p> <p>18 frankly, when you were doing the cleanup on the</p> <p>19 CAD welding earlier -- all the dust you told us</p> <p>20 about, did you breathe it?</p> <p>21 A. Yes.</p> <p>22 Q. Different topic. I want to talk to</p> <p>23 you about contractors. Earlier you mentioned</p> <p>24 Covil and Daniel; is that right?</p> <p>25 A. That's right.</p>                                                                                                                                                                                                                  | <p style="text-align: right;"><b>Page 49</b></p> <p>1 Q. And is that true for when you first</p> <p>2 started at Oconee and when you returned later</p> <p>3 on?</p> <p>4 DEFENSE COUNSEL: Object to the form.</p> <p>5 THE WITNESS: Yes. They come in</p> <p>6 there about that time.</p> <p>7 BY ATTORNEY GROSS:</p> <p>8 Q. Okay.</p> <p>9 A. Covil had an office set up out there,</p> <p>10 right out of the turbine building. So was</p> <p>11 Daniel.</p> <p>12 Q. So Covil and Daniel both had offices</p> <p>13 out there?</p> <p>14 Is that right, sir? Did I hear that</p> <p>15 right?</p> <p>16 A. That's right.</p> <p>17 Q. Okay. All right. Have you ever</p> <p>18 heard the term "shutdown" before?</p> <p>19 A. Yes.</p> <p>20 Q. What's a shutdown?</p> <p>21 A. Well, that's a maintenance deal.</p> <p>22 They shut everything down to do maintenance.</p> <p>23 Q. Do they take any of the equipment</p> <p>24 off-line during a shutdown?</p> <p>25 A. Well, on -- when they have -- yeah,</p>                                                                                             |

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| <p style="text-align: right;"><b>Page 50</b></p> <p>1 everything comes offline in that one unit, what<br/>2 they'll do at a time. One unit at the time.<br/>3 Q. That was going to be what my next<br/>4 question was: Would they ever shut the hole<br/>5 plant down, or would they shut down one of those<br/>6 three units at a time?<br/>7 A. One.<br/>8 Q. Okay. Did you yourself, sir, ever --<br/>9 well, let me ask you this: Were there ever<br/>10 shutdowns at Oconee while you were out there?<br/>11 A. Several.<br/>12 Q. Several; okay. Did you ever work any<br/>13 of those shutdowns yourself at Oconee?<br/>14 A. All of them.<br/>15 Q. All of them; okay. What would you do<br/>16 personally -- so you, Mr. Campbell -- what would<br/>17 you do during shutdowns, commonly?<br/>18 A. Well, the first thing, when they shut<br/>19 down, we'd be, we'd be the first one to go in<br/>20 the reactor. Once they got it all the way down,<br/>21 we'd be one of the first ones to go and start<br/>22 scaffolding for a lot of different things in<br/>23 there.<br/>24 Your pressurizer, you'd have to<br/>25 scaffold it; because they, they -- that was a</p> | <p style="text-align: right;"><b>Page 52</b></p> <p>1 shutdowns were there, about, at Oconee --<br/>2 A. Well --<br/>3 Q. -- like in a year, let's say?<br/>4 A. They had one per year. That fuel<br/>5 lasted about a year. And then they shut down.<br/>6 So that would be three shutdowns every year. It<br/>7 wouldn't be together, but...<br/>8 In other words, the fuel is what they<br/>9 go by. It lasts a year. And then if they have<br/>10 problems in there, things that need to be fixed,<br/>11 they fix -- they do all that.<br/>12 Q. I got it. I got it. Okay. And<br/>13 those three shutdowns a year -- because it was<br/>14 one for each of those three units.<br/>15 A. Right.<br/>16 Q. Would you work those shutdowns in<br/>17 each of those three units?<br/>18 A. All three.<br/>19 Q. And did those kinds of shutdowns<br/>20 happen, sir, when you first went out to Oconee,<br/>21 or was it later on?<br/>22 A. It was later on. The -- it had to<br/>23 get started before that year went. And --<br/>24 Q. Do you, do you remember about when --<br/>25 I known when you went out there it was being</p> |
| <p style="text-align: right;"><b>Page 51</b></p> <p>1 Crosby valve on top of it. And they had to take<br/>2 those valves all the way out and had to ship<br/>3 them out to have them "calverated" -- I can't<br/>4 say that word too good -- somewhere else to do<br/>5 that procedure on them to "calverate" them.<br/>6 Q. Calibrate?<br/>7 A. Yeah. They'd bring them back in, and<br/>8 we'd put them back. That was our first job.<br/>9 Then it's working around the reactor.<br/>10 They'd pull the head off the reactor. They done<br/>11 about everything you had to do in that to keep<br/>12 that running another year. Refueling, refueling<br/>13 and all that.<br/>14 Q. Did you ever scaffold for people<br/>15 during shutdowns?<br/>16 A. Yeah. Sure.<br/>17 Q. Okay.<br/>18 A. About as much out the reactor as in<br/>19 it. It depends. If they needed you in the<br/>20 reactor, you went in there. If they needed<br/>21 scaffolding for valves or something outside -- I<br/>22 mean, turbine, auxiliary, you went there, so...<br/>23 It's just all over the plant, for<br/>24 that unit.<br/>25 Q. I got it. I got it. How many</p>                          | <p style="text-align: right;"><b>Page 53</b></p> <p>1 built.<br/>2 A. Yeah.<br/>3 Q. Do you remember when the first unit<br/>4 was getting ready to go online?<br/>5 A. Yeah; in '73.<br/>6 Q. Okay. I have heard before, sir, that<br/>7 shutdowns can be working in some pretty close<br/>8 quarters with a bunch of other guys. Is that<br/>9 how you remember it?<br/>10 DEFENSE COUNSEL: Object to the form.<br/>11 THE WITNESS: Yes.<br/>12 BY ATTORNEY GROSS:<br/>13 Q. Okay. Let's talk about 1973. You<br/>14 left Oconee for a little bit; right?<br/>15 A. Right.<br/>16 Q. Where did you go?<br/>17 A. McGuire.<br/>18 Q. McGuire; okay. How long were you at<br/>19 McGuire about?<br/>20 A. '73 to '77.<br/>21 Q. That's what I thought too. Now, were<br/>22 you at McGuire full-time for those years,<br/>23 meaning that was where you went every day?<br/>24 A. Every day.<br/>25 Q. Okay. Do you know why you were sent</p>                                                                                                                                                                                            |

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| <p style="text-align: right;"><b>Page 54</b></p> <p>1 to McGuire in '73?</p> <p>2 A. Well, if they -- like, if they needed</p> <p>3 a crew of people at one nuclear station, they</p> <p>4 had to pull them out of one that's a little</p> <p>5 farther along and send them out.</p> <p>6 Q. Okay. So when you show up at</p> <p>7 McGuire, had the plant already started being</p> <p>8 built?</p> <p>9 A. Oh, yeah. Yeah, it had been started.</p> <p>10 Q. All right.</p> <p>11 A. But then -- it wasn't operational,</p> <p>12 but it was about ready.</p> <p>13 Q. Okay. What was your job when you</p> <p>14 went out to McGuire in '73?</p> <p>15 A. About the same thing as I done at</p> <p>16 Oconee.</p> <p>17 Q. So were you a carpenter?</p> <p>18 A. Yes. There was a little CAD welding,</p> <p>19 but it didn't last long up there. They went off</p> <p>20 of CAD welding to something else.</p> <p>21 Q. Okay. I was going to ask you. That</p> <p>22 was the first thing I was going to ask you, was</p> <p>23 did you do any CAD welding out at McGuire. So</p> <p>24 you did a little bit but not as much as Oconee?</p> <p>25 A. Very little. Maybe -- I didn't do it</p> | <p style="text-align: right;"><b>Page 56</b></p> <p>1 A. About the same thing at Oconee, only</p> <p>2 it was Westinghouse had them at McGuire.</p> <p>3 Q. Got it. Were there any boilers at</p> <p>4 out McGuire?</p> <p>5 A. Yeah, there was boilers.</p> <p>6 Q. Did you ever work around the boilers</p> <p>7 out at McGuire?</p> <p>8 A. Yeah, some. Yeah, scaffolded some of</p> <p>9 them.</p> <p>10 Q. Okay. Let me circle back to the</p> <p>11 turbines. Did you ever work around the turbines</p> <p>12 at McGuire?</p> <p>13 A. Yes.</p> <p>14 DEFENSE COUNSEL: Object to form.</p> <p>15 BY ATTORNEY GROSS:</p> <p>16 Q. What did you do around the turbines</p> <p>17 at McGuire?</p> <p>18 A. I built scaffolding.</p> <p>19 Q. Sorry. Your computer cut out a tiny</p> <p>20 bit. Did you say you built the scaffolding?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay. Were those -- what -- talk to</p> <p>23 me about the turbines out at McGuire. Did</p> <p>24 they -- I know the vendor was different. But</p> <p>25 did they look the same as the ones at Oconee?</p> |
| <p style="text-align: right;"><b>Page 55</b></p> <p>1 but -- really, but one time.</p> <p>2 Q. Okay. When you did it that one time,</p> <p>3 was the process of doing it the exact same as</p> <p>4 what you told us earlier that you did at Oconee?</p> <p>5 A. Same thing.</p> <p>6 Q. Got it. Was your job title at</p> <p>7 McGuire for those four years carpenter?</p> <p>8 A. Yeah.</p> <p>9 Q. Did you have to do any cleanup, like</p> <p>10 you talked about at Oconee, out at McGuire?</p> <p>11 A. About the same thing.</p> <p>12 Q. So done the exact same way you</p> <p>13 already told us about at Oconee; yeah?</p> <p>14 A. Yeah.</p> <p>15 Q. How about the equipment? What kind</p> <p>16 of plant -- I know Oconee was a nuclear plant.</p> <p>17 What kind of plant was McGuire?</p> <p>18 A. Nuclear.</p> <p>19 Q. Okay. Was the equipment about the</p> <p>20 same out at McGuire as it was at Oconee, or were</p> <p>21 there any differences?</p> <p>22 A. They about the same. But the only</p> <p>23 thing is a different vendor on the generators.</p> <p>24 Q. What do you remember about the</p> <p>25 generators?</p>                                           | <p style="text-align: right;"><b>Page 57</b></p> <p>1 A. Yeah, looked about the same.</p> <p>2 Q. Were they insulated like the ones at</p> <p>3 Oconee?</p> <p>4 A. They were insulated.</p> <p>5 Q. How many units -- so I know there</p> <p>6 were three units at Oconee. How many units were</p> <p>7 out at McGuire?</p> <p>8 A. I believe there was only two at</p> <p>9 McGuire.</p> <p>10 Q. Okay. How about valves? What valves</p> <p>11 work, if any, did you see being done at McGuire?</p> <p>12 A. I seen a good bit of valve work.</p> <p>13 Q. Would it have been the same valve</p> <p>14 work you described seeing earlier at Oconee?</p> <p>15 A. Be the same.</p> <p>16 Q. Okay. Same question for pumps: What</p> <p>17 work, if any, did you see being done on pumps at</p> <p>18 McGuire?</p> <p>19 DEFENSE COUNSEL: Object to the form.</p> <p>20 THE WITNESS: Same thing.</p> <p>21 BY ATTORNEY GROSS:</p> <p>22 Q. Say that again, sir.</p> <p>23 A. Same thing.</p> <p>24 Q. Same exact thing; okay.</p> <p>25 At McGuire, did you ever work on</p>        |

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| <p style="text-align: right;"><b>Page 58</b></p> <p>1 valves yourself, with your own hands?</p> <p>2 A. No.</p> <p>3 Q. Same question for pumps: Did you</p> <p>4 ever work on pumps at McGuire?</p> <p>5 A. No.</p> <p>6 Q. Okay. How about shutdowns? Were</p> <p>7 there any shutdowns at McGuire?</p> <p>8 A. No. Not while I was there. Never</p> <p>9 had.</p> <p>10 Q. Okay. And then, finally,</p> <p>11 contractors. Do you remember seeing any</p> <p>12 contractors out at McGuire?</p> <p>13 A. Yes, there were contractors there.</p> <p>14 Q. Were Covil and Daniel there? Do you</p> <p>15 remember?</p> <p>16 DEFENSE COUNSEL: Object to the form.</p> <p>17 THE WITNESS: I believe Covil was.</p> <p>18 I'm sure -- I'm not sure about Daniels. I</p> <p>19 think they were.</p> <p>20 BY ATTORNEY GROSS:</p> <p>21 Q. Fair enough. Now, you told us</p> <p>22 earlier you did some work at the Cherokee plant;</p> <p>23 is that right?</p> <p>24 A. That's right.</p> <p>25 Q. When do you remember going to the</p> | <p style="text-align: right;"><b>Page 60</b></p> <p>1 A. Yeah.</p> <p>2 Q. Jocassee and Keowee?</p> <p>3 A. "Keowee," yeah.</p> <p>4 Q. "Keowee." Okay. So let me start</p> <p>5 over.</p> <p>6 You said that you did a little bit of</p> <p>7 work at Jocassee and Keowee plants; is that</p> <p>8 right?</p> <p>9 A. Yeah.</p> <p>10 Q. My understanding, sir, is that you</p> <p>11 did not do much time at all at either of those</p> <p>12 plants; is that right?</p> <p>13 A. No.</p> <p>14 Q. How much time do you think you did at</p> <p>15 those plants?</p> <p>16 A. It would have been, it would have</p> <p>17 been in the hours. I never spent a day there, a</p> <p>18 whole day.</p> <p>19 Q. Got it. Do you remember what</p> <p>20 timeframe that would have been in?</p> <p>21 A. No, I don't.</p> <p>22 Q. Would it have, would it have been --</p> <p>23 I mean, let me ask you this way: Do you know if</p> <p>24 it would have been while you were working at</p> <p>25 Oconee, McGuire, or Cherokee?</p>                                                                                        |
| <p style="text-align: right;"><b>Page 59</b></p> <p>1 Cherokee plant?</p> <p>2 A. In '77.</p> <p>3 Q. My understanding is you stayed at</p> <p>4 Cherokee for two years, till '79; right?</p> <p>5 A. Right.</p> <p>6 Q. And in '79 you went back to Oconee?</p> <p>7 A. Oconee.</p> <p>8 Q. Okay. Was that plant being built</p> <p>9 when you showed up in 1977?</p> <p>10 A. Yes.</p> <p>11 Q. What was your job at Oconee, sir --</p> <p>12 not Oconee. Strike that. Oh, my goodness.</p> <p>13 What was your job out at Cherokee</p> <p>14 when you showed up in '77?</p> <p>15 A. Well, the only work I done there was</p> <p>16 forming and rebar, concrete.</p> <p>17 Q. Did you work around any valve work or</p> <p>18 pump work like you told us earlier?</p> <p>19 A. At the Cherokee?</p> <p>20 Q. Yes.</p> <p>21 A. No.</p> <p>22 Q. And then the other two plants you</p> <p>23 mentioned, you said you did a very little bit of</p> <p>24 time Jocassee -- "Jocassee." Am I saying that</p> <p>25 right?</p>            | <p style="text-align: right;"><b>Page 61</b></p> <p>1 A. Been at Oconee.</p> <p>2 Q. Okay. Would it have been when you</p> <p>3 were first at Oconee or went back?</p> <p>4 A. Went back.</p> <p>5 Q. Perfect. So sometime after '79?</p> <p>6 A. Right.</p> <p>7 Q. All right. And when you went, even</p> <p>8 though you weren't there that long. What was</p> <p>9 your job when you were at those plants?</p> <p>10 A. I was still -- I believe I was maybe</p> <p>11 a maintenance technician then. I'm not sure</p> <p>12 when that happened, when I transferred over.</p> <p>13 Q. That's fair. That's fine.</p> <p>14 All right. We're going to way shift</p> <p>15 gears here, sir. Are you good to keep going,</p> <p>16 or, like -- you know what, we've been going</p> <p>17 almost an hour, and I'm kind of shifting</p> <p>18 categories. Do you want to take a five-minute</p> <p>19 break?</p> <p>20 A. I'm good myself.</p> <p>21 Q. Are you sure?</p> <p>22 A. Yeah.</p> <p>23 Q. You really want to get this over</p> <p>24 with, don't you? Okay. Let's keep going for a</p> <p>25 little bit.</p> |



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| <p style="text-align: right;"><b>Page 62</b></p> <p>1 All right. We're going to way shift</p> <p>2 gears here; okay?</p> <p>3 A. Okay.</p> <p>4 Q. Another big-picture question: Do you</p> <p>5 believe, sir, that you currently know what</p> <p>6 asbestos insulation looks like?</p> <p>7 A. I do, some of it, now.</p> <p>8 Q. Now, right. How about asbestos --</p> <p>9 any -- well, do you think you know what an</p> <p>10 asbestos gasket looks like?</p> <p>11 A. A what?</p> <p>12 Q. Asbestos gasket.</p> <p>13 A. Oh, yes. Yeah.</p> <p>14 Q. What do you -- what is your</p> <p>15 understanding of what asbestos insulation looks</p> <p>16 like now?</p> <p>17 A. Well, what it looks like now is they</p> <p>18 got mirror insulation on that after the change</p> <p>19 about 19- -- last of '89, the last. They put</p> <p>20 mirror insulation on the pipes.</p> <p>21 Q. Let me ask you it this way: What</p> <p>22 color do you think asbestos insulation is?</p> <p>23 A. Well, it was different colors. Like</p> <p>24 pipe insulation, it was, it was a brick. They</p> <p>25 called it "brick." But it was -- the radius in</p>                                                                    | <p style="text-align: right;"><b>Page 64</b></p> <p>1 protective clothing, shoes covers, all that.</p> <p>2 But that was for radiation.</p> <p>3 Q. Got it. Let me -- I'm going to ask</p> <p>4 you a big-picture question again. This is about</p> <p>5 any of the equipment you saw that you've talked</p> <p>6 about with me this morning so far, whether it's</p> <p>7 Ocone, McGuire -- okay?</p> <p>8 A. Okay.</p> <p>9 Q. Did you ever see any warnings of any</p> <p>10 kind on that equipment?</p> <p>11 A. No.</p> <p>12 Q. Did you see -- so I take it, then,</p> <p>13 that -- did you see anything on that equipment</p> <p>14 saying, you know, this has asbestos in it, be</p> <p>15 careful, don't breathe it? Anything?</p> <p>16 A. Never.</p> <p>17 Q. This is a hard question, sir. But</p> <p>18 you know yourself better than anybody,</p> <p>19 Mr. Campbell -- except maybe your wife. I'll</p> <p>20 put that caveat in there.</p> <p>21 If you had seen such a warning on any</p> <p>22 of the pieces of equipment you saw about don't</p> <p>23 breathe asbestos, asbestos can make you sick,</p> <p>24 would you have tried to take steps to protect</p> <p>25 yourself?</p> |
| <p style="text-align: right;"><b>Page 63</b></p> <p>1 it was to go around the pipe. They'd fit that</p> <p>2 around. They'd fit it all the way around the</p> <p>3 pipe, tie it with wire, and then they'd put the</p> <p>4 cloth on it. They'd go around it with the cloth</p> <p>5 then.</p> <p>6 And then they would do this mix in a</p> <p>7 5-gallon bucket or wheelbarrow -- or they'd mix</p> <p>8 it in a 5-gallon bucket and pour it in a</p> <p>9 wheelbarrow and take all them -- mix that up.</p> <p>10 And then they'd go over that whole pipe -- there</p> <p>11 was the cloth on it -- with that stuff and put</p> <p>12 that. And that was it.</p> <p>13 Q. Okay.</p> <p>14 A. And the same thing with valves.</p> <p>15 Q. Got it. While you were at Duke, sir,</p> <p>16 did anyone ever give you any sort of respiratory</p> <p>17 protection?</p> <p>18 A. No.</p> <p>19 Q. How about any protective clothing?</p> <p>20 A. No.</p> <p>21 Excuse me, now. When you went in the</p> <p>22 reactor for radiation, you dressed out. And</p> <p>23 you -- sometimes you had an air line mask. I</p> <p>24 had to make a jump or two in the generator. I</p> <p>25 had an air line on, plus three sets of</p> | <p style="text-align: right;"><b>Page 65</b></p> <p>1 A. Yes.</p> <p>2 Q. Is that an easy question for you to</p> <p>3 answer?</p> <p>4 A. If I had any idea I'd've got what</p> <p>5 I've got now, I'd have left there.</p> <p>6 Q. Okay. When is the first time you</p> <p>7 remember learning that asbestos is hazardous?</p> <p>8 A. It was up in the late '80s.</p> <p>9 Q. Okay. What do you associate with</p> <p>10 learning that? Like why, why do you think it</p> <p>11 was the late '80s that you learned asbestos is,</p> <p>12 is bad?</p> <p>13 A. Well, it's -- I think people done</p> <p>14 getting sick with it then.</p> <p>15 Q. Okay. You yourself, sir, were</p> <p>16 diagnosed with asbestosis in the late 1990s;</p> <p>17 right?</p> <p>18 A. Right.</p> <p>19 Q. When you were diagnosed with</p> <p>20 asbestosis, did you have any idea that you could</p> <p>21 get cancer too?</p> <p>22 A. No. I didn't think I'd ever get it.</p> <p>23 Q. You also had a previous diagnosis of</p> <p>24 prostate cancer in 1994; right?</p> <p>25 A. That's right.</p>                                                                                                               |

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| <p style="text-align: right;"><b>Page 66</b></p> <p>1 Q. Did you ever have to undergo<br/>2 chemotherapy or radiation for it?<br/>3 A. No.<br/>4 Q. Have you ever had any recurrence of<br/>5 that cancer since 1994?<br/>6 A. No.<br/>7 Q. Did you also smoke at one point in<br/>8 time?<br/>9 A. Yes; one time, I did.<br/>10 Q. When did you -- you don't still smoke<br/>11 anymore; right?<br/>12 A. No.<br/>13 Q. When did you quit?<br/>14 A. In 1980.<br/>15 Q. Why did you quit?<br/>16 A. Well, it might have been for health.<br/>17 I don't know. I had a friend died with lung<br/>18 cancer. And I went up to see him. And when I<br/>19 looked at him -- he, he smoked one right after<br/>20 another.<br/>21 Q. Mm-hmm. All right.<br/>22 A. That was my last.<br/>23 Q. Fair enough. That seems like a good<br/>24 reason.<br/>25 Has any doctor, sir, ever told you</p>                                                                                                                 | <p style="text-align: right;"><b>Page 68</b></p> <p>1 Army, you worked for a company called Pratt and<br/>2 Read. Does that ring a bell?<br/>3 A. That was it, Pratt and Read.<br/>4 Q. Do you remember what you did for work<br/>5 there?<br/>6 A. That was a piano place. And I, I was<br/>7 in space and travel.<br/>8 Q. Oh. What did you do?<br/>9 A. It's a board, you know, with the keys<br/>10 on it. I was working on the spacing and<br/>11 traveler, and that's what it was. I'm not sure<br/>12 now about that. Been too long.<br/>13 Q. It's a long time ago. I have that<br/>14 you were at Pratt and Read about a year. Is<br/>15 that what you remember?<br/>16 A. About right, I guess.<br/>17 Q. Where do you remember going next<br/>18 after Pratt and Read?<br/>19 A. I don't know. Might have went to<br/>20 Torrington.<br/>21 Q. Does Union Bleachery ring a bell?<br/>22 A. That's right; Union Bleachery.<br/>23 Q. Do you remember what you did at Union<br/>24 Bleachery?<br/>25 A. Ran a sanforizing machine.</p>                                                          |
| <p style="text-align: right;"><b>Page 67</b></p> <p>1 that your mesothelioma is due to your smoking<br/>2 history that ceased in 1980?<br/>3 A. No.<br/>4 Q. Say that again.<br/>5 A. I said no.<br/>6 Q. Sorry. Your computer cut out. I<br/>7 just want to make sure I hear your answer;<br/>8 that's all.<br/>9 Let me spend -- let's just spend five<br/>10 minutes going through the jobs you had between<br/>11 when you came out of the Army and when you<br/>12 started at Duke; okay?<br/>13 A. Okay.<br/>14 Q. And I will help you if you need it<br/>15 here. But what is the first job you remember<br/>16 after you got back from the Army?<br/>17 A. I think I might have worked at a<br/>18 plant in Central, South Carolina maybe.<br/>19 Q. So --<br/>20 A. One time. I just don't remember.<br/>21 Q. Let me -- it's a long time ago,<br/>22 right, decades ago?<br/>23 A. Yeah.<br/>24 Q. Let me see if I can help you. What I<br/>25 have is that when you first got back from the</p> | <p style="text-align: right;"><b>Page 69</b></p> <p>1 Q. What is that?<br/>2 A. That's to sanforize cloth, to take<br/>3 a -- you know, cloth that if wasn't sanforized<br/>4 on that machine, you might put them on and<br/>5 they'd stretch every way. But that took all the<br/>6 stretch out of the cloth and made it where it<br/>7 wouldn't stretch anymore.<br/>8 Q. Okay.<br/>9 A. That's a sanforizer.<br/>10 Q. Sanforizer, okay. All right. I have<br/>11 that you were doing that work for about five<br/>12 years or so. Is that what you remember?<br/>13 A. Something around that, yes.<br/>14 Q. And then did you go to Torrington?<br/>15 A. Right.<br/>16 Q. Okay. Excuse me. What did you do<br/>17 for -- at Torrington?<br/>18 A. They made needles there. And I run a<br/>19 punch machine, punched the holes in needles.<br/>20 Q. And then your next job, of course,<br/>21 after that was Duke; right?<br/>22 A. Right.<br/>23 Q. All right. I want to spend some<br/>24 time, sir, talking to you about why we're here<br/>25 today. And that is your cancer; okay? We all</p> |



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| <p style="text-align: right;"><b>Page 70</b></p> <p>1 have copies of your medical records, and we are</p> <p>2 all going to get them. So I don't want you to</p> <p>3 worry about specific dates or names of doctors</p> <p>4 when it comes to talking to me; okay?</p> <p>5 A. Okay.</p> <p>6 Q. All right. So we're going to shift</p> <p>7 gears way here; okay? We're not going to talk</p> <p>8 about your work anymore.</p> <p>9 When did you first start having any</p> <p>10 issues with your health, sir, that you now</p> <p>11 associate with your cancer diagnosis?</p> <p>12 A. Maybe, maybe about '19, 2019.</p> <p>13 Q. Okay. What started happening when</p> <p>14 you started feeling sick, whenever that was?</p> <p>15 A. Shortness of breath was the big</p> <p>16 thing.</p> <p>17 Q. Now, you previously had your</p> <p>18 asbestosis diagnosis in the late 1990s.</p> <p>19 A. Right.</p> <p>20 Q. Was -- that's right. Was the</p> <p>21 shortness of breath that you were dealing with</p> <p>22 recently different than anything you were</p> <p>23 dealing with back in the '90s?</p> <p>24 A. No.</p> <p>25 Q. Okay. Did it get any worse?</p> | <p style="text-align: right;"><b>Page 72</b></p> <p>1 December of '20 I went back to him; made an</p> <p>2 appointment in a year, and I went back to him.</p> <p>3 And it got worse, a little worse then. But he</p> <p>4 said the fluid -- there was more fluid.</p> <p>5 So, anyway, he, he made me another</p> <p>6 appointment then for March of '21. So, anyway,</p> <p>7 he said "I think your problem is your heart."</p> <p>8 So -- I have a cardiologist. And I</p> <p>9 went to him. And he said it wasn't my heart.</p> <p>10 He done all kinds of tests on me. And he said</p> <p>11 it wasn't my heart; it was my lungs.</p> <p>12 Q. Uh-huh.</p> <p>13 A. So he made me an appointment with</p> <p>14 some lung specialists over in Greenville, South</p> <p>15 Carolina. So I went to them.</p> <p>16 And the first thing they did, they</p> <p>17 draw'd that fluid, pulled out two liters the</p> <p>18 first time. And in a month's time -- that was</p> <p>19 in, I believe, February. Yeah, it was in</p> <p>20 February.</p> <p>21 And a little later, a month later, I</p> <p>22 went again. They pulled out almost another,</p> <p>23 another two liters. So he told me the next</p> <p>24 thing would be an operation.</p> <p>25 So I got that set up. That was for</p> |
| <p style="text-align: right;"><b>Page 71</b></p> <p>1 A. Yes.</p> <p>2 Q. All right.</p> <p>3 A. Still.</p> <p>4 Q. It got a lot worse?</p> <p>5 A. A lot, yeah.</p> <p>6 Q. How about right now, today? Are you</p> <p>7 having any breathing difficulties or any pains</p> <p>8 that you deal with on a daily basis?</p> <p>9 A. Yes. I'm getting -- this has just</p> <p>10 started. I'm getting a lot of pain in my, in my</p> <p>11 joints; my elbows and my shoulders, neck, and</p> <p>12 hips.</p> <p>13 Q. How about any breathing difficulties?</p> <p>14 A. They -- it's getting a little worse.</p> <p>15 Q. Yeah. When you started having that</p> <p>16 worsening shortness of breath, did you go to the</p> <p>17 doctor to have that checked out?</p> <p>18 A. Yeah.</p> <p>19 Q. So walk us through that process. I</p> <p>20 know sometimes with doctors you have to see like</p> <p>21 four before you can figure out what's going on.</p> <p>22 So tell us a little bit about that.</p> <p>23 A. Well, I had that shortness of breath.</p> <p>24 I went to a lung doctor. And he said I had some</p> <p>25 fluid in my lung. That was in '19. So in</p>  | <p style="text-align: right;"><b>Page 73</b></p> <p>1 March. That was March 15th, this year. So I</p> <p>2 went to him. Dr. Mann did it. And he was going</p> <p>3 to operate. But I don't know he -- that light</p> <p>4 or whatever they do, he seen the damage.</p> <p>5 So whatever he did, he just got</p> <p>6 biopsies. He got a bunch of biopsies and sent</p> <p>7 them off. And that's where it was when they</p> <p>8 found the cancer.</p> <p>9 Q. Take us back, if you can, to that day</p> <p>10 where your doctor, after all these appointments</p> <p>11 and testing and this surgery tell you you have</p> <p>12 mesothelioma, you have cancer. What went</p> <p>13 through your head? What were you thinking?</p> <p>14 A. I was thinking then that I never</p> <p>15 would get cancer -- I mean up to then. But,</p> <p>16 anyway, that's the way it turned out.</p> <p>17 Q. Were you -- I mean, this seems like a</p> <p>18 silly question, but were you upset when you got</p> <p>19 told you had cancer? I mean, how were you</p> <p>20 feeling?</p> <p>21 A. Not -- no, not really bad. I can</p> <p>22 take anything pretty well.</p> <p>23 Q. Were you worried? Is that a better</p> <p>24 word?</p> <p>25 A. Well, about certain things, yes.</p>                    |

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| <p style="text-align: right;"><b>Page 74</b></p> <p>1 Q. Like what?</p> <p>2 A. Like maybe my wife, you know, get</p> <p>3 that set up for her.</p> <p>4 Q. Were you the one who told your wife?</p> <p>5 A. No. Doctor told her --</p> <p>6 Q. How'd she --</p> <p>7 A. I was in the hospital at that time.</p> <p>8 Q. Okay. Okay. Do you know how your</p> <p>9 wife took it when she first found out?</p> <p>10 A. I think she took it bad.</p> <p>11 Q. Yeah. Bad's probably an</p> <p>12 understatement.</p> <p>13 Did you ever tell your doctor, sir,</p> <p>14 that you were exposed to asbestos?</p> <p>15 A. Yes.</p> <p>16 Q. Let's talk a little bit about a more</p> <p>17 pleasant talk. And that's Miss Darlene. That's</p> <p>18 your wife; right?</p> <p>19 A. (Nodded.)</p> <p>20 Q. How did you and Mrs. Campbell meet?</p> <p>21 A. I don't -- that's been a long time</p> <p>22 ago.</p> <p>23 Q. Do you remember at all?</p> <p>24 A. I think -- I met her at a little</p> <p>25 place in Walhalla. I think they called it the</p>                                                                                                                                                              | <p style="text-align: right;"><b>Page 76</b></p> <p>1 the 1990s and compare it to your life after you</p> <p>2 got your current cancer diagnosis; okay?</p> <p>3 A. Okay.</p> <p>4 Q. Did the asbestosis problems and your</p> <p>5 cancer problems affect your life in the same</p> <p>6 way? Are they even comparable?</p> <p>7 A. Well, when I got the asbestos</p> <p>8 diagnosis, I went on and did my work around</p> <p>9 here -- housework, I mean, and lawns and</p> <p>10 everything like that.</p> <p>11 But when I when this started, I don't</p> <p>12 do nothing now. I'm out. That was after I got</p> <p>13 my diagnosis with cancer.</p> <p>14 Q. Okay. So you took care of your lawn.</p> <p>15 Is there anything -- you, you live on a big</p> <p>16 piece of land; is that right? How big is it?</p> <p>17 A. I believe 17.</p> <p>18 Q. 17 acres?</p> <p>19 A. (Nodded.)</p> <p>20 Q. Okay. Is there anything else that</p> <p>21 you can think of in addition to taking care of</p> <p>22 your lawn that you can't really do anymore?</p> <p>23 A. No. I'll just have to have it done.</p> <p>24 Q. Okay. Did you help take care of the</p> <p>25 house?</p> |
| <p style="text-align: right;"><b>Page 75</b></p> <p>1 Huddle House. I met her there, I think.</p> <p>2 Q. So I know it's a long time ago, but I</p> <p>3 love asking everybody this question: Why did</p> <p>4 you fall in love with your wife?</p> <p>5 A. I don't know. It's -- I guess it's</p> <p>6 like everything. That's about it.</p> <p>7 Q. I mean, is she -- what kind of person</p> <p>8 is your wife?</p> <p>9 A. She's -- she was nice in every way.</p> <p>10 No faults. That's hard to say.</p> <p>11 Q. Okay. More recently, how is your</p> <p>12 wife's health?</p> <p>13 A. She's not doing good.</p> <p>14 Q. What's going on with her?</p> <p>15 A. I, I think it's -- she worrying about</p> <p>16 all this. That's probably it.</p> <p>17 Q. Okay. Has she had any recent health</p> <p>18 problems herself?</p> <p>19 A. No, not -- well, it's about like</p> <p>20 she's had. She had a heart attack in, in</p> <p>21 November, so she's got that problem. And she's</p> <p>22 got back, leg problems, and several things.</p> <p>23 Q. Okay. So this is again a tough</p> <p>24 question. But I want to try and compare your</p> <p>25 life after you got your asbestosis diagnosis in</p> | <p style="text-align: right;"><b>Page 77</b></p> <p>1 A. Yes. I help my wife now. She's not</p> <p>2 able to do a lot, and I helped her then. But</p> <p>3 everything's pretty messed up now. No</p> <p>4 housekeeper, don't feel like doing it anyway.</p> <p>5 Q. I was going to say, is it hard for</p> <p>6 you to help your wife around the house since</p> <p>7 your cancer diagnosis?</p> <p>8 A. (Nodded.)</p> <p>9 Q. Is it?</p> <p>10 A. Yes.</p> <p>11 Q. Yes. Okay. All right. Let me ask</p> <p>12 you this question: Have you lost any weight</p> <p>13 since your cancer diagnosis, that you know of?</p> <p>14 A. About 35 pounds.</p> <p>15 Q. Have you had any chemotherapy?</p> <p>16 A. No.</p> <p>17 Q. Are you undergoing immunotherapy?</p> <p>18 A. Yeah. I'm, I'm taking some treatment</p> <p>19 now.</p> <p>20 Q. Okay. When's your next one</p> <p>21 scheduled; do you know?</p> <p>22 A. It'll be Wednesday the -- it'll be</p> <p>23 August 4th.</p> <p>24 Q. So a week from today?</p> <p>25 A. Yes.</p>                                                                                                                                           |

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| <p style="text-align: right;"><b>Page 78</b></p> <p>1 Q. Has any doctor -- this is a hard</p> <p>2 question, and I apologize for asking it. But</p> <p>3 has any doctor, any of your doctors told you</p> <p>4 sort of what your official prognosis is, sir?</p> <p>5 A. Well, not really. The only thing</p> <p>6 they told me, it's not good.</p> <p>7 Q. Not good, yeah. Do you have any idea</p> <p>8 what your prognosis might be?</p> <p>9 A. Not really, but I'd, I'd say it</p> <p>10 wouldn't be long.</p> <p>11 (Reporter clarification.)</p> <p>12 BY ATTORNEY GROSS:</p> <p>13 Q. You started telling me earlier that</p> <p>14 you worry primarily about your wife since your</p> <p>15 cancer diagnosis; right?</p> <p>16 A. Right.</p> <p>17 Q. What do you worry about with your</p> <p>18 wife?</p> <p>19 A. Well, nobody lives anywhere close to</p> <p>20 where we live. And I think maybe she's -- she'd</p> <p>21 want to get out of here, sell this place, you</p> <p>22 know, and maybe get another place.</p> <p>23 Q. So you worry about her being alone?</p> <p>24 A. Well, yeah. I don't think she can,</p> <p>25 she can handle that too well unless she were</p> | <p style="text-align: right;"><b>Page 80</b></p> <p>1 A. Yeah.</p> <p>2 Q. Okay. My name is Nick Charles. I'm</p> <p>3 an attorney in Columbia, South Carolina. And</p> <p>4 I'm going to -- I'll have some questions for you</p> <p>5 that will be kind of general questions about</p> <p>6 your life and your work history to start out.</p> <p>7 So same basic ground rules as this</p> <p>8 was -- the first couple hours today. You're</p> <p>9 still under oath. If a question is unclear or</p> <p>10 you don't understand, please let me know. If</p> <p>11 you answer a question, I'm going to assume you</p> <p>12 understood. It is that fair?</p> <p>13 A. Fair.</p> <p>14 Q. Need to give verbal responses for the</p> <p>15 court reporter. So, you know, please say yes or</p> <p>16 no rather than shaking your head. And please</p> <p>17 don't guess and please don't speculate. I know</p> <p>18 we're talking about a long, long time ago. But</p> <p>19 if you don't know the answer or if you can't</p> <p>20 remember something, just tell me that.</p> <p>21 And I'll try to take a break every</p> <p>22 hour or so. But if you need a break, just let</p> <p>23 me know.</p> <p>24 We're on the same page? You</p> <p>25 understand, Mr. Campbell?</p> |
| <p style="text-align: right;"><b>Page 79</b></p> <p>1 somewhere else.</p> <p>2 ATTORNEY GROSS: Okay. Off the</p> <p>3 record real quick.</p> <p>4 THE VIDEOGRAPHER: Time is 11:32 a.m.</p> <p>5 We are now off the record.</p> <p>6 (Recess.)</p> <p>7 THE VIDEOGRAPHER: We're back on the</p> <p>8 record. The time is 11:46 a.m.</p> <p>9 ATTORNEY GROSS: All right,</p> <p>10 Mr. Campbell. We just took a very brief</p> <p>11 restrooms/stretch-our-legs break. I am</p> <p>12 done with my questions for you right now.</p> <p>13 I -- now is the fun time where a bunch of</p> <p>14 other people get to ask you some</p> <p>15 questions. Odds are you'll probably get</p> <p>16 to talk to me again at the end of all this</p> <p>17 for a few minutes. But for now,</p> <p>18 Mr. Charles has questions today. Okay?</p> <p>19 THE WITNESS: Okay.</p> <p>20 ATTORNEY GROSS: All right.</p> <p>21 BY ATTORNEY CHARLES:</p> <p>22 Q. Hi, Mr. Campbell. Can you hear me</p> <p>23 okay?</p> <p>24 A. I can hear you.</p> <p>25 Q. Can you see me?</p>                                                                                                                                  | <p style="text-align: right;"><b>Page 81</b></p> <p>1 A. Yeah.</p> <p>2 Q. Okay. You taking any medications or</p> <p>3 anything that might affect your ability to</p> <p>4 remember things clearly today?</p> <p>5 A. (No response.)</p> <p>6 Q. Can you hear me, Mr. Campbell?</p> <p>7 ATTORNEY GROSS: I think you're going</p> <p>8 to -- Nick, you're going to --</p> <p>9 THE WITNESS: Repeat that.</p> <p>10 ATTORNEY CHARLES: Rachel, you just</p> <p>11 kind of broke up. I couldn't hear what</p> <p>12 you said.</p> <p>13 ATTORNEY GROSS: I was just telling</p> <p>14 you, you're going to have to speak up a</p> <p>15 little bit.</p> <p>16 ATTORNEY CHARLES: Okay.</p> <p>17 BY ATTORNEY CHARLES:</p> <p>18 Q. Can you hear me okay, Mr. Campbell?</p> <p>19 A. I can hear you now.</p> <p>20 Q. Okay. Are you taking any medications</p> <p>21 or anything that might affect your ability to</p> <p>22 remember or testify clearly today?</p> <p>23 A. No. I'm not taking anything.</p> <p>24 Q. Okay. What is your current address?</p> <p>25 A. Post Office Box 209, Salem, South</p>                                                                                                                                                                         |

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| <p style="text-align: right;"><b>Page 82</b></p> <p>1 Carolina 29676.</p> <p>2 Q. And just for identification purposes,</p> <p>3 what are the last four digits of your Social</p> <p>4 Security number?</p> <p>5 A. 0906.</p> <p>6 Q. Thank you. At any point before this</p> <p>7 deposition did you look at any lists of any</p> <p>8 products or equipment names to refresh your</p> <p>9 memory?</p> <p>10 A. No.</p> <p>11 Q. You look at any photographs of old</p> <p>12 products or equipment?</p> <p>13 A. Say again.</p> <p>14 Q. Did you look at any photographs of</p> <p>15 any old product or equipment?</p> <p>16 A. No.</p> <p>17 Q. Did you make any lists of any</p> <p>18 products or equipment that you worked around?</p> <p>19 A. Give you the name of the equipment?</p> <p>20 Q. No, sir. I'm asking whether you made</p> <p>21 any list of equipment that you worked around?</p> <p>22 A. No.</p> <p>23 Q. Okay. Have you talked to any of your</p> <p>24 former co-workers?</p> <p>25 A. No.</p> | <p style="text-align: right;"><b>Page 84</b></p> <p>1 Q. Do you remember what case you took --</p> <p>2 you had your deposition taken in?</p> <p>3 A. It was in probably, I don't know, in</p> <p>4 of '90s, end of the '90s. I don't remember</p> <p>5 exactly.</p> <p>6 Q. Was it in the asbestosis case, or was</p> <p>7 it in a different case?</p> <p>8 A. Asbestos.</p> <p>9 Q. Okay. Have you ever filed any</p> <p>10 workers' compensation claims?</p> <p>11 A. One, for a place that I worked.</p> <p>12 Q. Which place was that?</p> <p>13 A. I believe it was York Construction</p> <p>14 Company.</p> <p>15 Q. Did that claim have anything to do</p> <p>16 with asbestos?</p> <p>17 A. No.</p> <p>18 Q. What was your injury or illness?</p> <p>19 A. Shoulder injury.</p> <p>20 Q. Have you ever sued Duke Power?</p> <p>21 A. No, never sued Duke Power.</p> <p>22 Q. Okay. Do you remember the result of</p> <p>23 your asbestosis lawsuit?</p> <p>24 ATTORNEY GROSS: Objection. Are you</p> <p>25 asking -- hold on, Mr. Campbell.</p> |
| <p style="text-align: right;"><b>Page 83</b></p> <p>1 Q. Did you review any documents?</p> <p>2 A. No.</p> <p>3 Q. Mr. Campbell, have you ever filed any</p> <p>4 other asbestos-related lawsuit?</p> <p>5 A. No.</p> <p>6 ATTORNEY GROSS: That...</p> <p>7 BY ATTORNEY CHARLES:</p> <p>8 Q. When you had asbestosis, did you file</p> <p>9 a lawsuit regarding your asbestosis?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Were you represented by</p> <p>12 counsel?</p> <p>13 A. Yes.</p> <p>14 Q. Do you remember who your lawyer was?</p> <p>15 A. Say that again.</p> <p>16 Q. Do you remember who your lawyer was</p> <p>17 in your asbestosis lawsuit?</p> <p>18 A. No.</p> <p>19 Q. Have you ever been deposed before?</p> <p>20 A. Have I ever been where?</p> <p>21 Q. Have you ever had your deposition</p> <p>22 taken before?</p> <p>23 A. Yes.</p> <p>24 Q. How many times?</p> <p>25 A. One.</p>                                                                                                                 | <p style="text-align: right;"><b>Page 85</b></p> <p>1 Are you asking him to give you, like,</p> <p>2 amounts of money or anything? because we</p> <p>3 all know that's confidential. So --</p> <p>4 ATTORNEY CHARLES: I was --</p> <p>5 ATTORNEY GROSS: -- what exactly are</p> <p>6 you trying to ask him?</p> <p>7 ATTORNEY CHARLES: I was just looking</p> <p>8 for a basic, did it -- did the case</p> <p>9 settle.</p> <p>10 BY ATTORNEY CHARLES:</p> <p>11 Q. Mr. Campbell, do you know whether</p> <p>12 you, whether you settled your asbestosis</p> <p>13 lawsuit, just a yes or no?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. What was your father's name?</p> <p>16 A. Fritz.</p> <p>17 Q. Fritz Campbell?</p> <p>18 A. Yeah.</p> <p>19 Q. What was his date of birth, if you</p> <p>20 remember?</p> <p>21 A. I don't remember.</p> <p>22 Q. Is he still living?</p> <p>23 A. No.</p> <p>24 Q. When did he pass away?</p> <p>25 A. I don't remember that.</p>                                                                                     |



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| <p style="text-align: right;"><b>Page 86</b></p> <p>1 Q. Do you remember a decade that he<br/>2 passed away?<br/>3 A. It was sometime maybe in the '80s. I<br/>4 don't remember.<br/>5 Q. Okay. Do you know his cause of<br/>6 death?<br/>7 A. Natural death.<br/>8 Q. Do you know whether your father ever<br/>9 had cancer?<br/>10 A. No.<br/>11 Q. You told us earlier that your father<br/>12 was a cabinetmaker, I believe. Is that true?<br/>13 A. That's true.<br/>14 Q. Did he, did he -- who did he work<br/>15 for?<br/>16 A. Self-employed.<br/>17 Q. Was that true for your whole life, or<br/>18 did he ever have a different job?<br/>19 A. No; as far as I know, he didn't.<br/>20 Q. Did he work at your house or did he<br/>21 have a storefront or where did he go to work?<br/>22 A. He had a cabinet shop.<br/>23 Q. Where was that?<br/>24 A. In Walhalla, South Carolina.<br/>25 Q. Did you ever go to visit your dad at</p> | <p style="text-align: right;"><b>Page 88</b></p> <p>1 A. She was born in -- May 7, '38.<br/>2 Q. Did she ever work outside the house?<br/>3 A. Yes, she has, a time or two, very<br/>4 short time. She was a seamstress. Worked in<br/>5 garment place, garment.<br/>6 Q. Did you said she was a -- strike<br/>7 that.<br/>8 Where's the first place that you<br/>9 remember your wife working?<br/>10 A. Walhalla Garment Company.<br/>11 Q. And what did she do there?<br/>12 A. She sewed. She was a sewing machine<br/>13 operator. I don't know what she done.<br/>14 Q. Do you remember when she worked at<br/>15 Walhalla Garment Company?<br/>16 A. I don't, no.<br/>17 Q. Do you remember any other places she<br/>18 worked?<br/>19 A. No.<br/>20 Q. You were married in 1967, you said;<br/>21 is that correct?<br/>22 A. That's correct.<br/>23 Q. Were you ever married before you met<br/>24 Darlene?<br/>25 A. No.</p> |
| <p style="text-align: right;"><b>Page 87</b></p> <p>1 work?<br/>2 A. No.<br/>3 Q. What was your mother's name?<br/>4 A. Ada.<br/>5 Q. Can you say that one more time.<br/>6 A. Ada, A-D-A.<br/>7 Q. Thank you. Do you happen to remember<br/>8 her date of birth?<br/>9 A. No, I don't.<br/>10 Q. I assume she's no longer with us?<br/>11 A. No.<br/>12 Q. Do you remember when she died?<br/>13 A. Sometime in the '70s.<br/>14 Q. Do you remember her cause of death?<br/>15 A. Natural.<br/>16 Q. Do you know whether she ever had<br/>17 cancer?<br/>18 A. No.<br/>19 Q. Was she employed outside the house?<br/>20 A. No.<br/>21 Q. She was a homemaker for your whole<br/>22 life?<br/>23 A. Yeah.<br/>24 Q. When was, when was your wife born, if<br/>25 you remember?</p>                                                                                                                                                                 | <p style="text-align: right;"><b>Page 89</b></p> <p>1 Q. You told us earlier that you have<br/>2 four children, three of whom are still living;<br/>3 correct?<br/>4 A. Correct.<br/>5 Q. What are the names of your three<br/>6 children who are still living?<br/>7 A. Jerry, Karen, and Joan.<br/>8 Q. What was the second one?<br/>9 A. Karen.<br/>10 Q. How do you spell that?<br/>11 A. K-A-R-E-N.<br/>12 ATTORNEY GROSS: "Karen."<br/>13 ATTORNEY CHARLES: Got it.<br/>14 Understood.<br/>15 BY ATTORNEY CHARLES:<br/>16 Q. And the third one John? Did you say<br/>17 the third one was John?<br/>18 A. Joan.<br/>19 ATTORNEY GROSS: Joan, Nick.<br/>20 J-O-A-N.<br/>21 ATTORNEY CHARLES: Okay. I<br/>22 apologize.<br/>23 BY ATTORNEY CHARLES:<br/>24 Q. And I'm sorry to --<br/>25 (Technical difficulties.)</p>                                                                                                            |

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| <div>1 (Discussion held off the record.)<br/>2 (Recess.)<br/>3 ATTORNEY GROSS: We're back on the<br/>4 record, just really briefly. We're going<br/>5 to close this out for today. We had some<br/>6 unfortunate technological issues with our<br/>7 videographer. We're going to resume<br/>8 tomorrow morning Mr. Charles' questions at<br/>9 9:00 a.m. Eastern Time, 8:00 a.m. Central.<br/>10 (Deposition adjourned at 12:20 p.m.)<br/>11<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</div>                                                                                                                                                                                                                                                                                                                                                                                | <div>Page 90</div> |
| <div>1 C E R T I F I C A T I O N<br/>2<br/>3<br/>4 I, ADAM D. MILLER, Registered<br/>5 Professional Reporter, certify that the<br/>6 foregoing is a true and accurate transcript<br/>7 of the foregoing deposition, that the<br/>8 witness was first sworn by me at the time,<br/>9 place and on the date herein before set<br/>10 forth.<br/>11 I further certify that I am neither<br/>12 attorney nor counsel for, not related to nor<br/>13 employed by any of the parties to the action<br/>14 in which this deposition was taken; further,<br/>15 that I am not a relative or employee of any<br/>16 attorney or counsel employed in this case,<br/>17 nor am I financially interested in this<br/>18 action.<br/>19 <br/>20<br/>21 /s/ Adam D. Miller<br/>22 Registered Professional Reporter<br/>23 and Notary Public<br/>24<br/>25</div> | <div>Page 91</div> |



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**GPS LLC**  
**gpscalendar@gps.llc ~ 214.347.4781**

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Index: 0906..Adam

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**Jerry Campbell Vol I**  
**July 28, 2021**

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Jerry Campbell Vol I  
July 28, 2021

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**Jerry Campbell Vol I**  
**July 28, 2021**

**Index: York..York**

**York 84:13**

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF RICHLAND ) FOR THE FIFTH JUDICIAL CIRCUIT

BETTY C. D'AMICO, individually  
and as Executor of the Estate of  
JULIAN D'AMICO, JR.,

Plaintiff,

v.

AIR & LIQUID SYSTEMS CORPORATION;

ANCHOR DARLING VALVE COMPANY;

A. O. SMITH CORPORATION;

ARMSTRONG INTERNATIONAL, INC.;

AURORA PUMP COMPANY;

BECHTEL CORPORATION;

BORGWARNER MORSE TEC, LLC;

BW/IP INC.;

CARRIER CORPORATION;

CARVER PUMP COMPANY;

CBS CORPORATION;

CERTAINTED CORPORATION;

CIRCOR INSTRUMENTATION  
TECHNOLOGIES, INC.;

COVIL CORPORATION;

CRANE CO.;

CROSBY VALVE, LLC;

C/A No. \_\_\_\_\_

In Re:  
Asbestos Personal Injury Litigation  
Coordinated Docket

**SUMMONS**

PLAINTIFF'S  
EXHIBIT

**19A**

DANIEL INTERNATIONAL )  
CORPORATION; )  
 )  
FISHER CONTROLS INTERNATIONAL )  
LLC; )  
 )  
FLOWSERVE US INC.; )  
 )  
FLUOR CONSTRUCTORS )  
INTERNATIONAL; )  
 )  
FLUOR CONSTRUCTORS )  
INTERNATIONAL, INC.; )  
 )  
FLUOR DANIEL SERVICES )  
CORPORATION; )  
 )  
FLUOR ENTERPRISES, INC.; )  
 )  
FMC CORPORATION; )  
 )  
FOSTER WHEELER ENERGY )  
CORPORATION; )  
 )  
GENERAL ELECTRIC COMPANY; )  
 )  
THE GOODYEAR TIRE & RUBBER )  
COMPANY; )  
 )  
THE GORMAN-RUPP COMPANY; )  
 )  
GOULDS PUMPS, INCORPORATED; )  
 )  
GRINNELL, LLC; )  
 )  
HAJOCA CORPORATION; )  
 )  
HENRY PRATT COMPANY, LLC; )  
 )  
IMO INDUSTRIES, INC.; )  
 )  
INGERSOLL-RAND COMPANY; )  
 )  
ITT LLC; )  
 )  
JOHN CRANE INC.; )





**SUMMONS**

TO DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the Plaintiff's counsel, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service. If you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Respectfully submitted,

s/Theile B. McVey

Theile B. McVey (SC Bar 16682)

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and

Mark J. Buha (MO 63737)

(To Be Admitted *Pro Hac Vice*)

**DEAN OMAR BRANHAM SHIRLEY, LLP**

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**ATTORNEYS FOR PLAINTIFF**

September 17, 2019

Columbia, South Carolina

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

BETTY C. D'AMICO, individually  
and as Executor of the Estate of  
JULIAN D'AMICO, JR.,

Plaintiff,

v.

AIR & LIQUID SYSTEMS  
CORPORATION  
individually and as successor-in-interest to  
BUFFALO PUMPS, INC.

ANCHOR DARLING VALVE  
COMPANY

A. O. SMITH CORPORATION

ARMSTRONG INTERNATIONAL, INC.

AURORA PUMP COMPANY

BECHTEL CORPORATION

BORGWARNER MORSE TEC, LLC  
as successor-by- merger to BORG-  
WARNER CORPORATION

BW/IP INC.  
individually and as successor-in-interest to  
BYRON JACKSON PUMPS

CARRIER CORPORATION

CARVER PUMP COMPANY

CBS CORPORATION  
a Delaware corporation f/k/a VIACOM,  
INC., successor-by-merger to CBS  
CORPORATION, a Pennsylvania  
corporation, f/k/a WESTINGHOUSE

C/A No. \_\_\_\_\_

In Re:

Asbestos Personal Injury Litigation  
Coordinated Docket

Mesothelioma  
Wrongful Death and Survival Action

COMPLAINT

(Jury Trial Demanded)

ELECTRIC CORPORATION and also as )  
successor-in-interest to BF STURTEVANT )  
)  
CERTAINTEED CORPORATION )  
)  
CIRCOR INSTRUMENTATION )  
TECHNOLOGIES, INC. )  
f/k/a HOKE INC. )  
)  
COVIL CORPORATION )  
)  
CRANE CO. )  
)  
CROSBY VALVE, LLC )  
)  
DANIEL INTERNATIONAL )  
CORPORATION )  
)  
FISHER CONTROLS )  
INTERNATIONAL LLC )  
)  
FLOWSERVE US INC. )  
)  
FLUOR CONSTRUCTORS )  
INTERNATIONAL, )  
f/k/a/ FLUOR CORPORATION )  
)  
FLUOR CONSTRUCTORS )  
INTERNATIONAL, INC. )  
)  
FLUOR DANIEL SERVICES )  
CORPORATION )  
)  
FLUOR ENTERPRISES, INC. )  
)  
FMC CORPORATION )  
on behalf of its former Peerless Pump )  
business )  
)  
FOSTER WHEELER ENERGY )  
CORPORATION )  
)  
GENERAL ELECTRIC COMPANY )  
)  
THE GOODYEAR TIRE & RUBBER )  
COMPANY )

**THE GORMAN-RUPP COMPANY** )  
)  
**GOULDS PUMPS, INCORPORATED** )  
)  
**GRINNELL, LLC** )  
d/b/a GRINNELL CORPORATION )  
)  
**HAJOCA CORPORATION** )  
)  
**HENRY PRATT COMPANY, LLC** )  
a subsidiary of MUELLER CO. LLC )  
)  
**IMO INDUSTRIES, INC.** )  
)  
**INGERSOLL-RAND COMPANY** )  
)  
**ITT LLC** )  
f/k/a ITT CORPORATION, ITT )  
INDUSTRIES, INC., ITT FLUID )  
PRODUCTS CORP., HOFFMAN )  
SPECIALTY MFG. CORP., BELL and )  
GOSSETT COMPANY, ITT MARLOW, )  
and KENNEDY VALVE COMPANY )  
)  
**JOHN CRANE INC.** )  
)  
**METROPOLITAN LIFE INSURANCE** )  
**COMPANY,** )  
a wholly owned subsidiary of METLIFE )  
INC. )  
)  
**PARKER-HANNIFIN CORPORATION** )  
)  
**PFIZER, INC.** )  
)  
**RESEARCH-COTTRELL, INC.** )  
n/k/a AWT AIR COMPANY, INC. )  
)  
**RILEY POWER INC.,** )  
f/k/a RILEY STOKER CORPORATION )  
and D.B. RILEY, INC. )  
)  
**SEQUOIA VENTURES, INC.** )  
f/k/a Bechtel Corporation )  
)

|                                                     |   |
|-----------------------------------------------------|---|
| <b>SOUTHERN INSULATION, INC.</b>                    | ) |
|                                                     | ) |
| <b>SPIRAX SARCO, INC.</b>                           | ) |
|                                                     | ) |
| <b>STARR DAVIS COMPANY, INC.</b>                    | ) |
|                                                     | ) |
| <b>STARR DAVIS COMPANY OF S.C.,</b>                 | ) |
| <b>INC.</b>                                         | ) |
|                                                     | ) |
| <b>STERLING FLUID SYSTEMS (USA)</b>                 | ) |
| <b>LLC</b>                                          | ) |
|                                                     | ) |
| <b>TRANE U.S. INC.</b>                              | ) |
| <b>f/k/a AMERICAN STANDARD INC.</b>                 | ) |
|                                                     | ) |
| <b>UNITED CONVEYOR CORPORATION</b>                  | ) |
|                                                     | ) |
| <b>UNIROYAL HOLDING INC.,</b>                       | ) |
| <b>f/k/a UNITED STATES RUBBER</b>                   | ) |
| <b>COMPANY, INC.</b>                                | ) |
|                                                     | ) |
| <b>VIAD CORP</b>                                    | ) |
| <b>f/k/a THE DIAL CORPORATION,</b>                  | ) |
| <b>individually and as successor-in-interest to</b> | ) |
| <b>GRISCOM-RUSSELL COMPANY</b>                      | ) |
|                                                     | ) |
| <b>VIKING PUMP, INC.</b>                            | ) |
|                                                     | ) |
| <b>WEIR VALVES &amp; CONTROLS USA,</b>              | ) |
| <b>INC.,</b>                                        | ) |
| <b>individually and as successor-in-interest to</b> | ) |
| <b>ATWOOD &amp; MORRILL CO., INC.</b>               | ) |
|                                                     | ) |
| <b>YORK INTERNATIONAL</b>                           | ) |
| <b>CORPORATION</b>                                  | ) |
|                                                     | ) |
| <b>YUBA HEAT TRANSFER, LLC</b>                      | ) |
|                                                     | ) |
| <b>ZURN INDUSTRIES, LLC,</b>                        | ) |
| <b>individually and as successor-in-interest to</b> | ) |
| <b>ZURN INDUSTRIES, INC.</b>                        | ) |
|                                                     | ) |
| <b>Defendants.</b>                                  | ) |
|                                                     | ) |

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**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff BETTY C. D'AMICO, individually and as Executor of the Estate of JULIAN D'AMICO, JR., sues the named Defendants for compensatory and punitive damages, by and through her attorneys, and comes before this court and alleges as follows:

**GENERAL ALLEGATIONS**

1. This action is brought pursuant to the Wrongful Death Act, S.C. Gen. Stat. 15-51-10 *et seq.*, for the wrongful death of the Decedent, JULIAN D'AMICO, JR., on behalf of all persons entitled to recover damages.

2. This Court has personal jurisdiction over Defendants because Plaintiff's claims arise from Defendants' conduct in:

- (a) Transacting business in this State, including the sale, supply, purchase, and/or use of asbestos and/or asbestos-containing products, within this State;
- (b) Contracting to supply services or things in the State;
- (c) Commission of a tortious act in whole or in part in this State;
- (d) Having an interest in, using, or possessing real property in this State; and/or
- (e) Entering into a contract to be performed in whole or in part by either party in this State.

3. The Defendants that manufactured, sold, and/or distributed asbestos-containing products or raw asbestos materials for use in South Carolina and other states at times relevant to this action are referred to herein as "Product Defendants." At all times relevant to this action, the Product Defendants and the predecessors of the Product Defendants for whose actions the Product Defendants are legally responsible, were engaged in the manufacture, sale, and distribution of asbestos-containing products and raw material. Defendants that owned and/or controlled the work

sites where Decedent experienced occupational exposure as a result of working with asbestos-containing equipment in his immediate vicinity are referred to herein as the "Premise Defendants."

4. Plaintiff's claims against the Product Defendants, as defined herein, arise out of Defendants' purposeful efforts to serve directly or indirectly the market for their asbestos and/or asbestos-containing products in this State, either through direct sales or through utilizing an established distribution channel with the expectation that their products would be purchased and/or used within South Carolina.

5. Plaintiff's claims against the Premise Defendants, as defined herein, arise out of Defendants' ownership and/or control of real property located in South Carolina and the purchase and use of asbestos-containing products on their premises located in South Carolina.

6. All of the named Defendants are corporations who purposefully availed themselves of the privilege of doing business in this State, and whose substantial and/or systematic business in South Carolina exposed Decedent Julian D'Amico, Jr. to asbestos in this State, subjecting them to the jurisdiction of the South Carolina courts pursuant to the South Carolina Long-Arm Statute and the United States Constitution.

7. Decedent Julian D'Amico, Jr.'s cumulative exposure to asbestos as a result of acts and omissions of Defendants and their defective products, individually and together, was a substantial factor in causing Decedent's mesothelioma and other related injuries and therefore under South Carolina law, is the legal cause of Decedent's injuries and damages.

8. Decedent was not aware at the time of exposure that asbestos or asbestos-containing products presented any risk of injury and/or disease.

9. Decedent worked with, or in close proximity to others who worked with, asbestos-containing materials including but not limited to asbestos-containing products and other asbestos-containing materials manufactured and/or sold by Defendants identified above.

10. Each of the named Defendants is liable for damages stemming from its own tortious conduct or the tortious conduct of an "alternate entity" as hereinafter defined. Defendants are liable for the acts of their "alternate entity" and each of them, in that there has been a corporate name change, Defendant is the successor by merger, by successor in interest, or by other acquisition resulting in a virtual destruction of Plaintiff's remedy against each such "alternate entity"; Defendants, each of them, have acquired the assets, product line, or a portion thereof, of each such "alternate entity"; such "alternate entities" have acquired the assets, product line, or a portion thereof of each such Defendant; Defendants, and each of them, caused the destruction of Plaintiff's remedy against each such "alternate entity"; each such Defendant has the ability to assume the risk-spreading role of each such "alternate entity;" and that each such defendant enjoys the goodwill originally attached to each "alternate entity."

| DEFENDANT                                 | ALTERNATE ENTITY                                                                                                                                                                                          |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AIR & LIQUID SYSTEMS CORPORATION          | as successor-in-interest to BUFFALO PUMPS, INC.                                                                                                                                                           |
| BORGWARNER MORSE TEC, LLC                 | successor-by-merger to BORG-WARNER CORPORATION                                                                                                                                                            |
| BW/IP INC.                                | as successor-in-interest to BYRON JACKSON PUMPS                                                                                                                                                           |
| CBS CORPORATION                           | a Delaware corporation f/k/a VIACOM, INC., successor-by-merger to CBS CORPORATION, a Pennsylvania corporation, f/k/a WESTINGHOUSE ELECTRIC CORPORATION and also as successor-in-interest to BF STURTEVANT |
| CIRCOR INSTRUMENTATION TECHNOLOGIES, INC. | f/k/a HOKE INC.                                                                                                                                                                                           |



| DEFENDANT                           | ALTERNATE ENTITY                                                                                                                                                     |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FLUOR CONSTRUCTORS INTERNATIONAL    | f/k/a FLUOR CORPORATION                                                                                                                                              |
| FMC CORPORATION                     | on behalf of its former Peerless Pump business                                                                                                                       |
| GRINNELL, LLC                       | d/b/a GRINNELL CORPORATION                                                                                                                                           |
| HENRY PRATT COMPANY, LLC            | a subsidiary of MUELLER CO. LLC                                                                                                                                      |
| ITT, LLC                            | f/k/a ITT CORPORATION, ITT INDUSTRIES, INC., ITT FLUID PRODUCTS CORP., HOFFMAN SPECIALTY MFG. CORP., BELL and GOSSETT COMPANY, ITT MARLOW, and KENNEDY VALVE COMPANY |
| METROPOLITAN LIFE INSURANCE COMPANY | a wholly owned subsidiary of METLIFE INC.                                                                                                                            |
| RESEARCH-COTTRELL, INC.             | n/k/a AWT AIR COMPANY, INC.                                                                                                                                          |
| RILEY POWER INC.                    | f/k/a RILEY STOKER CORPORATION and D.B. RILEY, INC.                                                                                                                  |
| SEQUOIA VENTURES, INC.              | f/k/a BECHTEL CORPORATION                                                                                                                                            |
| TRANE U.S. INC.                     | f/k/a AMERICAN STANDARD INC.                                                                                                                                         |
| UNIROYAL HOLDING INC.               | f/k/a UNITED STATES RUBBER COMPANY, INC.                                                                                                                             |
| VIAD CORP                           | f/k/a THE DIAL CORPORATION, individually and as successor-in-interest to GRISCOM-RUSSELL COMPANY                                                                     |
| WEIR VALVES & CONTROLS USA, INC.    | as successor-in-interest to ATWOOD & MORRILL CO., INC.                                                                                                               |
| ZURN INDUSTRIES, LLC                | as successor-in-interest to ZURN INDUSTRIES, INC.                                                                                                                    |

11. Plaintiff has been informed and believes, and thereon alleges, that at all times herein mentioned, Defendants or their “alternate entities” were or are corporations, partnerships, unincorporated associations, sole proprietorships and/or other business entities organized and existing under and by virtue of the laws of the State of South Carolina, or the laws of some other

state or foreign jurisdiction, and that said Defendants were and/or are authorized to do business in the State of South Carolina, and that said Defendants have regularly conducted business in the State of South Carolina.

12. Plaintiff has been informed and believes, and thereon alleges, that progressive lung disease, mesothelioma and other serious diseases are caused by inhalation of asbestos fibers without perceptible trauma and that said disease results from exposure to asbestos and asbestos-containing products over a period of time.

13. As a direct and proximate result of the conduct as alleged within, Decedent Julian D'Amico, Jr. suffered permanent injuries, including, but not limited to, mesothelioma and other lung damage, as well as the mental and emotional distress attendant thereto, from the effect of exposure to asbestos fibers, all to his damage in the sum of the amount as the trier of fact determines is proper.

14. As a direct and proximate result of the conduct as hereinafter alleged, Decedent Julian D'Amico, Jr. incurred liability for physicians, surgeons, nurses, hospital care, medicine, hospices, x-rays and other medical treatment, the true and exact amount thereof being unknown to Plaintiff at this time. Plaintiff requests leave to supplement this Court and all parties accordingly when the true and exact cost of Plaintiff's medical treatment is ascertained.

15. As a further direct and proximate result of the conduct as hereinafter alleged, Decedent Julian D'Amico, Jr. incurred, and will incur, loss of profits and commissions, a diminishment of earning potential, and other pecuniary losses, the full nature and extent of which are not yet known to Plaintiff. Plaintiff prays leave to supplement this Court and all parties accordingly to conform to proof at the time of trial.

16. Plaintiff hereby disclaims each and every claim or cause of action which does or may arise from any United States Army service or on any federal enclave. This disclaimer is not related solely to actions taken by or at the direction of a federal officer, but is, rather broader. Plaintiff is not making any claims and is not alleging any causes of action against any entity for any asbestos exposure of any kind which occurred as a result of Plaintiff's United States Army service. Moreover, Plaintiff is further disclaiming each and every claim or cause of action arising from any exposure to asbestos as a result of the Plaintiff's presence on or at any federal enclave. Plaintiff further disclaims each and every claim or cause of action arising under the United States Constitution and under any Federal Law or Regulation. Finally, Plaintiff disclaims each and every claim or cause of action which may be asserted under federal admiralty or maritime law. Courts across the Country have found that such disclaimers are proper and within the province of the Plaintiff to disclaim. Any removal by any defendant on the basis of the disclaimed claims will result in a motion for sanctions and seeking attorneys' fees.

#### **THE PARTIES**

17. The Plaintiff BETTY C. D'AMICO is currently a resident of the State of North Carolina. Decedent JULIAN D'AMICO, JR. was exposed to asbestos during the course of his career at various job sites, including but not limited to, locations in South Carolina and North Carolina.

18. Defendant, **AIR & LIQUID SYSTEMS CORPORATION**, individually and as successor-in-interest to BUFFALO PUMPS, INC., was and is a Pennsylvania corporation with its principal place of business in Pennsylvania. At all times material hereto, AIR & LIQUID SYSTEMS CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of



asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Buffalo pumps. AIR & LIQUID SYSTEMS CORPORATION is sued as a Product Defendant. Plaintiff's claims against AIR & LIQUID SYSTEMS CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

19. Defendant, **ANCHOR DARLING VALVE COMPANY**, was and is a Pennsylvania corporation with its principal place of business in Pennsylvania. At all times material hereto, ANCHOR DARLING VALVE COMPANY mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Darling valves. ANCHOR DARLING VALVE COMPANY is sued as a Product Defendant. Plaintiff's claims against ANCHOR DARLING VALVE COMPANY arise out of this Defendant's business activities in the State of South Carolina.

20. Defendant, **A. O. SMITH CORPORATION**, was and is a Delaware corporation with its principal place of business in Wisconsin. At all times material hereto, A. O. SMITH CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Burkay boilers. A. O. SMITH CORPORATION is sued as a Product Defendant. Plaintiff's claims against A. O. SMITH CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

21. Defendant, **ARMSTRONG INTERNATIONAL, INC.**, was and is a Michigan corporation with its principal place of business in Michigan. At all times material hereto, ARMSTRONG INTERNATIONAL, INC. mined, manufactured, processed, imported, converted,

compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Armstrong steam traps. ARMSTRONG INTERNATIONAL, INC. is sued as a Product Defendant. Plaintiff's claims against ARMSTRONG INTERNATIONAL, INC. arise out of this Defendant's business activities in the State of South Carolina.

22. Defendant, **AURORA PUMP COMPANY**, was and is a Delaware corporation with its principal place of business in Illinois. At all times material hereto, AURORA PUMP COMPANY mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Aurora pumps. AURORA PUMP COMPANY is sued as a Product Defendant. Plaintiff's claims against AURORA PUMP COMPANY arise out of this Defendant's business activities in the State of South Carolina.

23. Defendant, **BECHTEL CORPORATION**, was and is a Nevada corporation with its principal place of business in Virginia. At all times material hereto, BECHTEL CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, the installation and removal of asbestos-containing thermal insulation at numerous jobsites throughout the United States. BECHTEL CORPORATION is sued as a Product Defendant. BECHTEL CORPORATION is also sued for the work it did at the various industrial sites in the United States which exposed tens of thousands of people, including the Decedent Julian D'Amico Jr., to lethal doses of asbestos.

Plaintiff's claims against BECHTEL CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

24. Defendant, **BORGWARNER MORSE TEC, LLC**, as successor-by-merger to BORG-WARNER CORPORATION, was and is a Delaware limited liability company with its principal place of business in Michigan. At all times material hereto, BORGWARNER MORSE TEC, LLC mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing replacement parts. BORGWARNER MORSE TEC, LLC is sued as a Product Defendant. Plaintiff's claims against BORGWARNER MORSE TEC, LLC arise out of this Defendant's business activities in the State of South Carolina.

25. Defendant, **BW/IP INC.**, individually and as successor-in-interest to BYRON JACKSON PUMPS, was and is a Delaware corporation with its principal place of business in Texas. At all times material hereto, BW/IP INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Byron Jackson pumps. BW/IP INC. is sued as a Product Defendant. Plaintiff's claims against BW/IP INC. arise out of this Defendant's business activities in the State of South Carolina.

26. Defendant, **CARRIER CORPORATION**, was and is a Delaware corporation with its principal place of business in Florida. At all times material hereto, CARRIER CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-

containing products, materials, or equipment, including, but not limited to, asbestos-containing Carrier air compressors and HVAC products. CARRIER CORPORATION is sued as a Product Defendant. Plaintiff's claims against CARRIER CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

27. Defendant, **CARVER PUMP COMPANY**, was and is a Delaware corporation with its principal place of business in Iowa. At all times material hereto, CARVER PUMP COMPANY mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Carver pumps. CARVER PUMP COMPANY is sued as a Product Defendant. Plaintiff's claims against CARVER PUMP COMPANY arise out of this Defendant's business activities in the State of South Carolina.

28. Defendant, **CBS CORPORATION**, a Delaware corporation f/k/a VIACOM, INC., successor-by-merger to CBS CORPORATION, a Pennsylvania corporation, f/k/a WESTINGHOUSE ELECTRIC CORPORATION and also as successor-in-interest to BF STURTEVANT, was and is a Delaware corporation with its principal place of business in New York. At all times material hereto, CBS CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Westinghouse blowers and turbines and BF Sturtevant forced-draft blowers. CBS CORPORATION is sued as a Product Defendant. Plaintiff's claims against CBS CORPORATION arise out of this Defendant's business activities in the State of South Carolina.



29. Defendant, **CERTAINEED CORPORATION**, was and is a Delaware corporation with its principal place of business in Pennsylvania. At all times material hereto, CERTAINEED CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing CertainTeed Kalite and joint compound. CERTAINEED CORPORATION is sued as a Product Defendant. Plaintiff's claims against CERTAINEED CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

30. Defendant, **CIRCOR INSTRUMENTATION TECHNOLOGIES, INC.**, f/k/a HOKE INC., was and is a New York corporation with its principal place of business in South Carolina. At all times material hereto, CIRCOR INSTRUMENTATION TECHNOLOGIES, INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Hoke valves. CIRCOR INSTRUMENTATION TECHNOLOGIES, INC. is sued as a Product Defendant. Plaintiff's claims against CIRCOR INSTRUMENTATION TECHNOLOGIES, INC. arise out of this Defendant's business activities in the State of South Carolina.

31. Defendant, **COVIL CORPORATION**, was a South Carolina corporation with its principal place of business in South Carolina. At all times material hereto, COVIL CORPORATION manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, the installation and removal of asbestos-containing thermal insulation at numerous jobsites throughout the

southeastern United States. COVIL CORPORATION is sued as a Product Defendant. COVIL CORPORATION is also sued for the work it did at the various industrial sites in the southeastern United States which, during the actual operations of Covil Corporation, exposed tens of thousands of people, including the Decedent Julian D'Amico Jr., to lethal doses of asbestos. Plaintiff's claims against COVIL CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

32. Defendant, **CRANE CO.**, was and is a Delaware corporation with its principal place of business in Connecticut. At all times material hereto, CRANE CO. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Crane valves, Chapman Valves, Chempump and Deming pumps. CRANE CO. is sued as a Product Defendant. Plaintiff's claims against CRANE CO. arise out of this Defendant's business activities in the State of South Carolina.

33. Defendant, **CROSBY VALVE LLC**, was and is a Nevada limited liability company with its principal place of business in Missouri. At all times material hereto, CROSBY VALVE LLC mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Crosby valves. CROSBY VALVE LLC is sued as a Product Defendant. Plaintiff's claims against CROSBY VALVE LLC arise out of this Defendant's business activities in the State of South Carolina.

34. Defendant, **DANIEL INTERNATIONAL CORPORATION**, was and is a South Carolina corporation with its principal place of business in South Carolina. At all times material

hereto, DANIEL INTERNATIONAL CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, the installation and removal of asbestos-containing thermal insulation at numerous jobsites throughout the United States. DANIEL INTERNATIONAL CORPORATION is sued as a Product Defendant. DANIEL INTERNATIONAL CORPORATION is also sued for the work it did at the various industrial sites in the United States which exposed tens of thousands of people, including the Decedent Julian D'Amico Jr., to lethal doses of asbestos. Plaintiff's claims against DANIEL INTERNATIONAL CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

35. Defendant, **FISHER CONTROLS INTERNATIONAL LLC**, was and is a Delaware limited liability company with its principal place of business in Missouri. At all times material hereto, FISHER CONTROLS INTERNATIONAL LLC mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Fisher valves. FISHER CONTROLS INTERNATIONAL LLC is sued as a Product Defendant. Plaintiff's claims against FISHER CONTROLS INTERNATIONAL LLC arise out of this Defendant's business activities in the State of South Carolina.

36. Defendant, **FLOWERVE US INC.**, was and is a Delaware corporation with its principal place of business in Missouri. At all times material hereto, FLOWERVE US INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing

products, materials, or equipment, including, but not limited to, asbestos-containing Edward valves and Rockwell valves. FLOWSERVE US INC. is sued as a Product Defendant. Plaintiff's claims against FLOWSERVE US INC. arise out of this Defendant's business activities in the State of South Carolina.

37. Defendant, **FLUOR CONSTRUCTORS INTERNATIONAL**, was and is a California corporation with its principal place of business in Texas. At all times material hereto, **FLUOR CONSTRUCTORS INTERNATIONAL** mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, the installation and removal of asbestos-containing thermal insulation at numerous jobsites throughout the United States. **FLUOR CONSTRUCTORS INTERNATIONAL** is sued as a Product Defendant. **FLUOR CONSTRUCTORS INTERNATIONAL** is also sued for the work it did at the various industrial sites in the United States which exposed tens of thousands of people, including the Decedent Julian D'Amico Jr., to lethal doses of asbestos. Plaintiff's claims against **FLUOR CONSTRUCTORS INTERNATIONAL** arise out of this Defendant's business activities in the State of South Carolina.

38. Defendant, **FLUOR CONSTRUCTORS INTERNATIONAL, INC.**, was and is a California corporation with its principal place of business in Texas. At all times material hereto, **FLUOR CONSTRUCTORS INTERNATIONAL, INC.** mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, the installation and removal of asbestos-containing thermal insulation at numerous jobsites throughout the United States. **FLUOR CONSTRUCTORS**

INTERNATIONAL, INC. is sued as a Product Defendant. FLUOR CONSTRUCTORS INTERNATIONAL, INC. is also sued for the work it did at the various industrial sites in the United States which exposed tens of thousands of people, including the Decedent Julian D'Amico Jr., to lethal doses of asbestos. Plaintiff's claims against FLUOR CONSTRUCTORS INTERNATIONAL, INC. arise out of this Defendant's business activities in the State of South Carolina.

39. Defendant, **FLUOR DANIEL SERVICES CORPORATION**, was and is a Delaware corporation with its principal place of business in Texas. At all times material hereto, FLUOR DANIEL SERVICES CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, the installation and removal of asbestos-containing thermal insulation at numerous jobsites throughout the United States. FLUOR DANIEL SERVICES CORPORATION is sued as a Product Defendant. FLUOR DANIEL SERVICES CORPORATION is also sued for the work it did at the various industrial sites in the United States which exposed tens of thousands of people, including the Decedent Julian D'Amico Jr., to lethal doses of asbestos. Plaintiff's claims against FLUOR DANIEL SERVICES CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

40. Defendant, **FLUOR ENTERPRISES, INC.**, was and is a California corporation with its principal place of business in Texas. At all times material hereto, FLUOR ENTERPRISES, INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, the installation and removal of

asbestos-containing thermal insulation at numerous jobsites throughout the United States. FLUOR ENTERPRISES, INC. is sued as a Product Defendant. FLUOR ENTERPRISES, INC. is also sued for the work it did at the various industrial sites in the United States which exposed tens of thousands of people, including the Decedent Julian D'Amico Jr., to lethal doses of asbestos. Plaintiff's claims against FLUOR ENTERPRISES, INC. arise out of this Defendant's business activities in the State of South Carolina.

41. Defendant, **FMC CORPORATION**, on behalf of its former Peerless Pump business, was and is a Delaware corporation with its principal place of business in Pennsylvania. At all times material hereto, FMC CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Peerless pumps. FMC CORPORATION is sued as a Product Defendant. Plaintiff's claims against FMC CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

42. Defendant, **FOSTER WHEELER ENERGY CORPORATION**, was and is a Delaware corporation with its principal place of business in New Jersey. At all times material hereto, FOSTER WHEELER ENERGY CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Foster Wheeler boilers. FOSTER WHEELER ENERGY CORPORATION is sued as a Product Defendant. Plaintiff's claims against FOSTER WHEELER ENERGY CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

43. Defendant, **GENERAL ELECTRIC COMPANY**, was and is a New York corporation with its principal place of business in Massachusetts. At all times material hereto, **GENERAL ELECTRIC COMPANY** mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing General Electric turbines. **GENERAL ELECTRIC COMPANY** is sued as a Product Defendant. Plaintiff's claims against **GENERAL ELECTRIC COMPANY** arise out of this Defendant's business activities in the State of South Carolina.

44. Defendant, **THE GOODYEAR TIRE & RUBBER COMPANY**, was and is an Ohio corporation with its principal place of business in Ohio. At all times material hereto, **THE GOODYEAR TIRE & RUBBER COMPANY** mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Durabla gaskets. **THE GOODYEAR TIRE & RUBBER COMPANY** is sued as a Product Defendant. Plaintiff's claims against **THE GOODYEAR TIRE & RUBBER COMPANY** arise out of this Defendant's business activities in the State of South Carolina.

45. Defendant, **THE GORMAN-RUPP COMPANY**, was and is an Ohio corporation with its principal place of business in Ohio. At all times material hereto, **THE GORMAN-RUPP COMPANY** mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Gorman-Rupp pumps. **THE GORMAN-RUPP COMPANY** is sued as a Product Defendant.

Plaintiff's claims against THE GORMAN-RUPP COMPANY arise out of this Defendant's business activities in the State of South Carolina.

46. Defendant, **GOULDS PUMPS, INCORPORATED**, was and is a Delaware corporation with its principal place of business in New York. At all times material hereto, GOULDS PUMPS, INCORPORATED mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Goulds pumps. GOULDS PUMPS, INCORPORATED is sued as a Product Defendant. Plaintiff's claims against GOULDS PUMPS, INCORPORATED arise out of this Defendant's business activities in the State of South Carolina.

47. Defendant, **GRINNELL LLC**, d/b/a GRINNELL CORPORATION, was and is a Delaware limited liability company with its principal place of business in Florida. At all times material hereto, GRINNELL LLC mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Grinnell valves. GRINNELL LLC is sued as a Product Defendant. Plaintiff's claims against GRINNELL LLC arise out of this Defendant's business activities in the State of South Carolina.

48. Defendant, **HAJOCA CORPORATION**, was and is a Maine corporation with its principal place of business in Pennsylvania. At all times material hereto, HAJOCA CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing



transite pipe. HAJOCA CORPORATION is sued as a Product Defendant. Plaintiff's claims against HAJOCA CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

49. Defendant, **HENRY PRATT COMPANY, LLC** a subsidiary of MUELLER CO. LLC, was and is a Delaware limited liability company with its principal place of business in Illinois. At all times material hereto, HENRY PRATT COMPANY, LLC mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Pratt valves. HENRY PRATT COMPANY, LLC is sued as a Product Defendant. Plaintiff's claims against HENRY PRATT COMPANY, LLC arise out of this Defendant's business activities in the State of South Carolina.

50. Defendant, **IMO INDUSTRIES, INC.**, was and is a Delaware corporation with its principal place of business in New Jersey. At all times material hereto, IMO INDUSTRIES, INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing CH Wheeler air ejectors and DeLaval pumps and turbines. IMO INDUSTRIES, INC. is sued as a Product Defendant. Plaintiff's claims against IMO INDUSTRIES, INC. arise out of this Defendant's business activities in the State of South Carolina.

51. Defendant, **INGERSOLL-RAND COMPANY**, was and is a New Jersey corporation with its principal place of business in North Carolina. At all times material hereto, INGERSOLL-RAND COMPANY mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of

asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Ingersoll-Rand pumps. INGERSOLL-RAND COMPANY is sued as a Product Defendant. Plaintiff's claims against INGERSOLL-RAND COMPANY arise out of this Defendant's business activities in the State of South Carolina.

52. Defendant, **ITT LLC**, f/k/a ITT CORPORATION, ITT INDUSTRIES, INC., individually and as successor to ITT FLUID PRODUCTS CORP., ITT HOFFMAN, ITT BELL & GOSSETT COMPANY, ITT MARLOW and KENNEDY VALVE COMPANY, was and is an Indiana limited liability company with its principal place of business in New York. At all times material hereto, ITT LLC mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Bell and Gossett pumps and Kennedy valves. ITT LLC is sued as a Product Defendant. Plaintiff's claims against ITT LLC arise out of this Defendant's business activities in the State of South Carolina.

53. Defendant, **JOHN CRANE INC.**, was and is a Delaware corporation with its principal place of business in Illinois. At all times material hereto, JOHN CRANE INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing John Crane gaskets and packing. JOHN CRANE INC. is sued as a Product Defendant. Plaintiff's claims against JOHN CRANE INC. arise out of this Defendant's business activities in the State of South Carolina.

54. Defendant, **METROPOLITAN LIFE INSURANCE COMPANY**, was and is a company incorporated under the laws of the State of New York with its principal place of business in New York. METROPOLITAN LIFE INSURANCE COMPANY has done and does business in the State of South Carolina. METROPOLITAN LIFE INSURANCE COMPANY is named as a conspiracy defendant.

55. Defendant, **PARKER-HANNIFIN CORPORATION**, was and is an Ohio corporation with its principal place of business in Ohio. At all times material hereto, PARKER-HANNIFIN CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Sacomo gaskets and packing. PARKER-HANNIFIN CORPORATION is sued as a Product Defendant. Plaintiff's claims against PARKER-HANNIFIN CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

56. Defendant, **PFIZER, INC.**, was and is a Delaware corporation with its principal place of business in New York. At all times material hereto, PFIZER, INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing talc. PFIZER, INC. is sued as a Product Defendant. Plaintiff's claims against PFIZER, INC. arise out of this Defendant's business activities in the State of South Carolina.

57. Defendant, **RESEARCH-COTTRELL, INC.**, n/k/a AWT AIR COMPANY, INC., was and is a New Jersey corporation with its principal place of business in Massachusetts. At all times material hereto, RESEARCH-COTTRELL, INC. mined, manufactured, processed,

imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing precipitators. RESEARCH-COTTRELL, INC. is sued as a Product Defendant. Plaintiff's claims against RESEARCH-COTTRELL, INC. arise out of this Defendant's business activities in the State of South Carolina.

58. Defendant, **RILEY POWER INC.**, f/k/a RILEY STOKER CORPORATION and D.B. RILEY, INC., was and is a Massachusetts corporation with its principal place of business in Massachusetts. At all times material hereto, RILEY POWER, INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Riley boilers. RILEY POWER, INC. is sued as a Product Defendant. Plaintiff's claims against RILEY POWER, INC. arise out of this Defendant's business activities in the State of South Carolina.

59. Defendant, **SEQUOIA VENTURES, INC.**, f/k/a BECHTEL CORPORATION, was and is a Delaware corporation with its principal place of business in Virginia. At all times material hereto, SEQUOIA VENTURES, INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, the installation and removal of asbestos-containing thermal insulation at numerous jobsites throughout the United States. SEQUOIA VENTURES, INC. is sued as a Product Defendant. SEQUOIA VENTURES, INC. is also sued for the work it did at the various industrial sites in the United States which exposed tens of thousands of people, including the Decedent Julian D'Amico

Jr., to lethal doses of asbestos. Plaintiff's claims against SEQUOIA VENTURES, INC. arise out of this Defendant's business activities in the State of South Carolina.

60. Defendant, **SOUTHERN INSULATION INC.**, was a South Carolina corporation with its principal place of business in South Carolina. At all times material hereto, SOUTHERN INSULATION INC. manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, the installation and removal of asbestos-containing thermal insulation at numerous jobsites throughout the southeastern United States. SOUTHERN INSULATION INC. is sued as a Product Defendant. SOUTHERN INSULATION INC. is also sued for the work it did at the various industrial sites in the southeastern United States which, during the actual operations of Southern Insulation Inc., exposed tens of thousands of people, including the Decedent Julian D'Amico Jr., to lethal doses of asbestos. Plaintiff's claims against SOUTHERN INSULATION INC. arise out of this Defendant's business activities in the State of South Carolina.

61. Defendant, **SPIRAX SARCO, INC.**, was and is a Delaware corporation with its principal place of business in South Carolina. At all times material hereto, SPIRAX SARCO, INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Sarco steam traps and valves. SPIRAX SARCO, INC. is sued as a Product Defendant. Plaintiff's claims against SPIRAX SARCO, INC. arise out of this Defendant's business activities in the State of South Carolina.

62. Defendant, **STARR DAVIS COMPANY, INC.**, was a North Carolina corporation with its principal place of business in North Carolina. At all times material hereto, STARR DAVIS COMPANY, INC. manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, the installation and removal of asbestos-containing thermal insulation at numerous jobsites throughout the southeastern United States. STARR DAVIS COMPANY, INC. is sued as a Product Defendant. STARR DAVIS COMPANY, INC. is also sued for the work it did at the various industrial sites in the southeastern United States which, during the actual operations of Starr Davis Company Inc., exposed tens of thousands of people, including the Decedent Julian D'Amico Jr., to lethal doses of asbestos. Plaintiff's claims against STARR DAVIS COMPANY, INC. arise out of this Defendant's business activities in the State of South Carolina.

63. Defendant, **STARR DAVIS COMPANY OF S.C., INC.**, was a South Carolina corporation with its principal place of business in North Carolina. At all times material hereto, STARR DAVIS COMPANY OF S.C., INC. manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, the installation and removal of asbestos-containing thermal insulation at numerous jobsites throughout the southeastern United States. STARR DAVIS COMPANY OF S.C., INC. is sued as a Product Defendant. STARR DAVIS COMPANY OF S.C., INC. is also sued for the work it did at the various industrial sites in the southeastern United States which, during the actual operations of Starr Davis Company of S.C. Inc., exposed tens of thousands of people, including the Decedent Julian D'Amico Jr., to lethal doses of asbestos. Plaintiff's claims against STARR DAVIS

COMPANY OF S.C., INC. arise out of this Defendant's business activities in the State of South Carolina.

64. Defendant, **STERLING FLUID SYSTEMS (USA) LLC**, was and is a Delaware limited liability company with its principal place of business in Indiana. At all times material hereto, **STERLING FLUID SYSTEMS (USA) LLC** mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Peerless pumps. **STERLING FLUID SYSTEMS (USA) LLC** is sued as a Product Defendant. Plaintiff's claims against **STERLING FLUID SYSTEMS (USA) LLC** arise out of this Defendant's business activities in the State of South Carolina.

65. Defendant, **TRANE U.S. INC.**, f/k/a **AMERICAN STANDARD INC.**, was and is a Delaware corporation with its principal place of business in North Carolina. At all times material hereto, **TRANE U.S. INC.** mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing American Blowers and American Standard boilers and heaters. **TRANE U.S. INC.** is sued as a Product Defendant. Plaintiff's claims against **TRANE U.S. INC.** arise out of this Defendant's business activities in the State of South Carolina.

66. Defendant, **UNITED CONVEYOR CORPORATION**, was and is an Illinois corporation with its principal place of business in Illinois. At all times material hereto, **UNITED CONVEYOR CORPORATION** mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited

to, asbestos-containing ash hoppers. UNITED CONVEYOR CORPORATION is sued as a Product Defendant. Plaintiff's claims against UNITED CONVEYOR CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

67. Defendant, **UNIROYAL HOLDING INC.**, f/k/a UNITED STATES RUBBER COMPANY INC., was and is an New Jersey corporation with its principal place of business in Connecticut. At all times material hereto, UNIROYAL HOLDING INC., mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Asbeston cloth. UNIROYAL HOLDING INC. is sued as a Product Defendant. Plaintiff's claims against UNIROYAL HOLDING INC. arise out of this Defendant's business activities in the State of South Carolina.

68. Defendant, **VIAD CORP**, f/k/a THE DIAL CORPORATION, individually and as successor-in-interest to GRISCOM-RUSSELL COMPANY, was and is a Delaware corporation with its principal place of business in Arizona. At all times material hereto, VIAD CORP mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Griscom-Russell distilling plants, fuel oil heaters and turbines. VIAD CORP is sued as a Product Defendant. Plaintiff's claims against VIAD CORP arise out of this Defendant's business activities in the State of South Carolina.

69. Defendant, **VIKING PUMP, INC.**, was and is a Delaware corporation with its principal place of business in Iowa. At all times material hereto, VIKING PUMP, INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced,



repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Viking pumps. VIKING PUMP, INC. is sued as a Product Defendant. Plaintiff's claims against VIKING PUMP, INC. arise out of this Defendant's business activities in the State of South Carolina.

70. Defendant, **WEIR VALVES & CONTROLS USA, INC.**, individually and as successor-in-interest to ATWOOD & MORRILL CO., INC., was and is a Massachusetts corporation with its principal place of business in Massachusetts. At all times material hereto, WEIR VALVES & CONTROLS USA, INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Atwood & Morrill valves. WEIR VALVES & CONTROLS USA, INC. is sued as a Product Defendant. Plaintiff's claims against WEIR VALVES & CONTROLS USA, INC. arise out of this Defendant's business activities in the State of South Carolina.

71. Defendant, **YORK INTERNATIONAL CORPORATION**, was and is a Delaware corporation with its principal place of business in Wisconsin. At all times material hereto, YORK INTERNATIONAL CORPORATION mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing York compressors. YORK INTERNATIONAL CORPORATION is sued as a Product Defendant. Plaintiff's claims against YORK INTERNATIONAL CORPORATION arise out of this Defendant's business activities in the State of South Carolina.

72. Defendant, **YUBA HEAT TRANSFER, LLC**, was and is a Delaware limited liability company with its principal place of business in Oklahoma. At all times material hereto, YUBA HEAT TRANSFER, LLC mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Yuba water pre-heaters. YUBA HEAT TRANSFER, LLC is sued as a Product Defendant. Plaintiff's claims against YUBA HEAT TRANSFER, LLC arise out of this Defendant's business activities in the State of South Carolina.

73. Defendant, **ZURN INDUSTRIES, LLC**, individually and as successor-in-interest to ZURN INDUSTRIES, INC., was and is a Delaware limited liability company with its principal place of business in Wisconsin. At all times material hereto, ZURN INDUSTRIES, LLC mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Zurn boilers. ZURN INDUSTRIES, LLC is sued as a Product Defendant. Plaintiff's claims against ZURN INDUSTRIES, LLC arise out of this Defendant's business activities in the State of South Carolina.

#### **BACKGROUND FACTS**

74. Plaintiff Betty C. D'Amico brings this action for monetary damages as a result of Decedent Julian D'Amico, Jr. contracting an asbestos-related disease.

75. Decedent Julian D'Amico, Jr. was diagnosed with malignant Mesothelioma on or about August 16, 2019.

76. Decedent's mesothelioma was caused by his exposure to asbestos during the course of his employment.

77. During his work history, Decedent was exposed to Defendants' asbestos-containing products through his work as an engineer for Duke Energy Corporation from approximately 1951 to 1989 at various industrial jobsites primarily in South Carolina and North Carolina. Decedent performed a variety of tasks on the utilities and machinery throughout the facilities where he worked which included, but was not limited to, replacing valves, valve stem packing, gaskets and valve flange gaskets. Decedent installed instrumentation, removed, cut and installed insulation for piping, boilers, pumps, valves and steam traps, and applied asbestos cement to the insulation. He also worked with and around many other asbestos-containing products including joint compound, fire brick, electrical boards, asbestos gloves and blankets. All of these activities exposed Decedent to asbestos. During these periods, Decedent worked at various industrial locations, including but not limited to the following:

- Lee Steam Station in Belton, SC
- Tyger Plant in Duncan, SC
- Cliffside Steam Station in Mooresboro, NC
- Dan River Steam Station in Eden, NC
- Riverbend Steam Station in Gaston County, NC
- G. G. Allen Steam Station in South Point Township, Gaston County, NC
- Belews Creek Steam Station in Stokes County, NC
- Buck Steam Station in Salisbury Township, NC
- Marshall Steam Station in Catawba County, NC

78. During his work history, Decedent worked on new construction, renovations, and maintenance. Decedent was further exposed through his work around other trades, including carpenters, mechanics, pipefitters, boilermakers, insulators, and electricians. Decedent worked

closely to a variety of trades and often worked near tradesmen working on boilers, turbines, valves, steam traps, pumps and other equipment. All of these activities exposed Decedent to asbestos.

79. Decedent Julian D'Amico, Jr.'s cumulative exposure to asbestos as a result of acts and omissions of Defendants and their defective products, individually and together, was a substantial factor in causing Decedent's mesothelioma and other related injuries and therefore under South Carolina law, is the legal cause of Decedent's injuries and damages.

80. Decedent Julian D'Amico, Jr. was not aware at the time of exposure that asbestos or asbestos-containing products presented any risk of injury and/or disease.

81. Plaintiff is informed and believes, and thereon alleges, that progressive lung disease, mesothelioma and other serious diseases are caused by inhalation of asbestos fibers without perceptible trauma and that said disease results from exposure to asbestos and asbestos-containing products over a period of time.

82. As a direct and proximate result of the conduct as alleged within, Decedent suffered permanent injuries, including, but not limited to, mesothelioma and other lung damage, as well as the mental and emotional distress attendant thereto, from the effect of exposure to asbestos fibers, all to his damage in the sum of the amount as the trier of fact determines is proper.

83. As a direct and proximate result of the conduct as hereinafter alleged, Decedent incurred liability for physicians, surgeons, nurses, hospital care, medicine, hospices, x-rays and other medical treatment, the true and exact amount thereof being unknown to Plaintiff at this time. Plaintiff requests leave to supplement this Court and all parties accordingly when the true and exact cost of Decedent's medical treatment is ascertained.

84. As a further direct and proximate result of the conduct as hereinafter alleged, Decedent incurred, loss of profits and commissions, a diminishment of earning potential, and other

pecuniary losses, the full nature and extent of which are not yet known to Plaintiff. Plaintiff prays leave to supplement this Court and all parties accordingly to conform to proof at the time of trial.

**FOR A FIRST CAUSE OF ACTION**  
**(Product Liability: Negligence)**

**Plaintiff Complains of Defendants for a Cause of Action for Negligence Alleging as Follows:**

85. Plaintiff incorporates herein by reference, as though fully set forth herein, each and every paragraph of the General Allegations above.

86. At all times herein mentioned, each of the named Defendants was an entity and/or the successor, successor in business, successor in product line or a portion thereof, assign, predecessor, predecessor in business, predecessor in product line or a portion thereof, parent, subsidiary, or division of an entity, hereinafter referred to collectively as "alternate entities," engaged in the business of researching, studying, manufacturing, fabricating, designing, modifying, labeling, instructing, assembling, distributing, leasing, buying, offering for sale, supplying, selling, inspecting, servicing, installing, contracting for installation, repairing, marketing, warranting, re-branding, manufacturing for others, packaging and advertising a certain product, namely asbestos, other products containing asbestos, and products manufactured for foreseeable use with asbestos products.

87. At all times herein mentioned, Defendants and/or their "alternate entities" singularly and jointly, negligently and carelessly researched, manufactured, fabricated, designed, modified, tested or failed to test, abated or failed to abate, inadequately warned or failed to warn of the health hazards, failed to provide adequate use instructions for eliminating the health risks inherent in the use of the products, labeled, assembled, distributed, leased, bought, offered for sale, supplied, sold, inspected, serviced, installed, contracted for installation, repaired, marketed, warranted, rebranded, manufactured for others, packaged and advertised, a certain product, namely

asbestos, other products containing asbestos, and products manufactured for foreseeable use with asbestos products, in that said products caused personal injuries to Decedent and others similarly situated, (hereinafter collectively called "exposed persons"), while being used for their intended purpose and in a manner that was reasonably foreseeable.

88. The asbestos and asbestos-containing products were defective and unsafe for their intended purpose in that there was an alternative for asbestos that could have been used as the product or as a component instead of asbestos within a normally asbestos-containing/utilizing product. Said alternatives would have prevented Defendants' asbestos and asbestos-containing products from causing Decedent's mesothelioma, due to an inability of any asbestos-alternative to penetrate the pleural lining of Decedent's lung, even if inhaled. Said alternatives came at a comparable cost to each of the Defendants and/or their "alternate entities." Said alternatives were of comparable utility to the asbestos or asbestos-containing products of Defendants and/or their "alternate entities." The gravity of the potential harm resulting from the use of Defendants' asbestos or asbestos-containing products, and the likelihood such harm would occur to users of its products, far outweighed any additional cost or marginal loss of functionality in creating and/or utilizing an alternative design, providing adequate warning of such potential harm, and/or providing adequate use instructions for eliminating the health risks inherent in the use of their products, thereby rendering the same defective, unsafe and dangerous for use by Decedent. Defendants and/or their "alternate entities" had a duty to exercise due care in the pursuance of the activities mentioned above and Defendants, each of them, breached said duty of due care.

89. Defendants and/or their "alternate entities" knew or should have known, and intended that the aforementioned asbestos and asbestos-containing products would be transported by truck, rail, ship and other common carriers, that in the shipping process the products would

break, crumble or be otherwise damaged; and/or that such products would be used for insulation, construction, plastering, fireproofing, soundproofing, automotive, aircraft and/or other applications, including, but not limited to grinding, sawing, chipping, hammering, scraping, sanding, breaking, removal, "rip-out," and other manipulation, resulting in the release of airborne asbestos fibers, and that through such foreseeable use and/or handling by exposed persons, including Plaintiff, would use or be in proximity to and exposed to said asbestos fibers.

90. At all times relevant, Defendants and/or their "alternate entities" were aware of their asbestos and asbestos-containing products' defect but failed to adequately warn Decedent, Decedent's family members or others in their vicinity, as well as failed to adequately warn others of the known hazards associated with their products and/or failed to recall or retrofit their products. A reasonable manufacturer, distributor, or seller of Defendants' products would have, under the same or similar circumstances, adequately warned of the hazards associated with their products.

91. Decedent, Decedent's family members and others in their vicinity used, handled or were otherwise exposed to asbestos and asbestos-containing products referred to herein in a manner that was reasonably foreseeable. Decedent's exposure to asbestos and asbestos-containing products occurred at various locations as set forth in this Complaint.

92. Decedent suffered from mesothelioma, a cancer related to exposure to asbestos and asbestos-containing products. Decedent was not aware at the time was not aware at the time of exposure that asbestos or asbestos-containing products presented any risk of injury or disease.

93. Defendants' conduct and defective products as described in this cause of action were a direct cause of Decedent's injuries, and all damages thereby sustained by Decedent. Plaintiff therefore seeks all compensatory damages in order to make them whole, according to proof.

94. Furthermore, the conduct of Defendants and/or their "alternate entities" in continuing to market and sell products which they knew were dangerous to Decedent and the public without adequate warnings or proper use instructions was done in a conscious disregard and indifference to the safety and health of Decedent and others similarly situated.

95. In researching, manufacturing, fabricating, designing, modifying, testing or failing to test, warning or failing to warn, failing to recall or retrofit, labeling, instructing, assembling, distributing, leasing, buying, offering for sale, supplying, selling, inspecting, servicing, installing, contracting for installation, repairing, marketing, warranting, rebranding, manufacturing for others, packaging and advertising asbestos and asbestos-containing products or products manufactured for foreseeable use with asbestos products, Defendants and/or their "alternate entities" did so with conscious disregard for the safety of "exposed persons" who came in contact with asbestos and asbestos-containing products, in that Defendants and/or their "alternate entities" had prior knowledge that there was a substantial risk of injury or death resulting from exposure to asbestos, asbestos-containing products or products manufactured for foreseeable use with asbestos products, including, but not limited to, asbestosis, mesothelioma, lung cancer, and other lung damages. This knowledge was obtained, in part, from scientific studies performed by, at the request of, or with the assistance of Defendants and/or their "alternate entities."

96. Defendants and their "alternate entities" were aware that members of the general public and other "exposed persons," who would come in contact with their asbestos and asbestos-containing products, had no knowledge or information indicating that asbestos, asbestos-containing products, or products manufactured for foreseeable use with asbestos products, could cause injury, and Defendants and their "alternate entities," each of them, knew that members of the general public and other "exposed persons," who came in contact with asbestos and asbestos-



containing products or products manufactured for foreseeable use with asbestos products, would assume, and in fact did assume, that exposure to asbestos and asbestos-containing products was safe, when in fact said exposure was extremely hazardous to health and human life.

97. The above-referenced conduct of Defendants and their "alternate entities," was motivated by the financial interest of Defendants, their "alternate entities," and each of them, in the continuing, uninterrupted research, design, modification, manufacture, fabrication, labeling, instructing, assembly, distribution, lease, purchase, offer for sale, supply, sale, inspection, installation, contracting for installation, repair, marketing, warranting, rebranding, manufacturing for others, packaging and advertising of asbestos, asbestos-containing products and products manufactured for foreseeable use with asbestos products. Defendants, their "alternate entities," and each of them consciously disregarded the safety of "exposed persons" in pursuit of profit. Defendants were consciously willing and intended to permit asbestos and asbestos-containing products to cause injury to "exposed persons" without warning them of the potential hazards and further induced persons to work with and be exposed thereto, including Decedent.

98. Decedent and other exposed persons did not know of the substantial danger of using Defendants' asbestos, asbestos containing-products, and products manufactured for foreseeable use with asbestos products. The dangers inherent in the use of these products were not readily recognizable by Decedent or other exposed persons. Defendants and/or their "alternate entities" further failed to adequately warn of the risks to which Decedent and others similarly situated were exposed.

99. Defendants and/or their "alternate entities" are liable for the fraudulent, oppressive, and malicious acts of their "alternate entities," and each Defendant's officers, directors and managing agents participated in, authorized, expressly and impliedly ratified, and had full

knowledge of, or should have known of, the acts of each of their "alternate entities" as set forth herein.

100. The herein-described conduct of Defendants and their "alternate entities," was and is willful, malicious, fraudulent, and outrageous and in conscious disregard and indifference to the safety and health of persons foreseeably exposed. Plaintiff, for the sake of example and by way of punishing said Defendants, seeks punitive damages according to proof.

**FOR A SECOND CAUSE OF ACTION**

**(Product Liability: Strict Liability - S.C. Code Ann. sec. 15-73-10, et seq.)**

**As a Second and Distinct Cause of Action for Strict Liability, Plaintiff Complains of Defendants, and Alleges as Follows:**

101. Plaintiff incorporates herein by reference, as though fully set forth herein, each of the preceding paragraphs.

102. Decedent suffered from mesothelioma, a cancer related to exposure to asbestos, asbestos-containing products and products manufactured for foreseeable use with asbestos products. Decedent was not aware at the time of exposure that asbestos or asbestos-containing products presented any risk of injury and/or disease.

103. Defendants' conduct and defective products as described above were a direct cause of Decedent's injuries, and the injuries and damages thereby sustained by Decedent.

104. Furthermore, the Defendants' conduct and that of their "alternate entities" in continuing to market and sell products which they knew were dangerous to Decedent and the public without adequate warnings or proper use instructions, was done in a conscious disregard and indifference to the safety and health of Decedent and others similarly situated.

105. Defendants and/or their "alternate entities" knew or should have known, and intended that the aforementioned asbestos and products containing asbestos would be transported

by truck, rail, ship and other common carriers, that in the shipping process the products would break, crumble or be otherwise damaged; and/or that such products would be used for insulation, construction, plastering, fireproofing, soundproofing, automotive, aircraft and/or other applications, including, but not limited to grinding, sawing, chipping, hammering, scraping, sanding, breaking, removal, "rip-out," and other manipulation, resulting in the release of airborne asbestos fibers, and that through such foreseeable use and/or handling, "exposed persons," including Decedent, would use or be in proximity to and exposed to said asbestos fibers.

106. Decedent, Decedent's family members, and others in their vicinity used, handled or were otherwise exposed to asbestos, asbestos-containing products, and products manufactured for foreseeable use with asbestos products, referred to herein in a manner that was reasonably foreseeable. Decedent's exposure to asbestos, asbestos-containing products, and products manufactured for foreseeable use with asbestos products occurred at various locations as set forth in this Complaint.

107. Defendants and/or their "alternate entities" knew and intended that the above-referenced asbestos and asbestos-containing products would be used by the purchaser or user without inspection for defects therein or in any of their component parts and without knowledge of the hazards involved in such use.

108. The asbestos and asbestos-containing products were defective and unsafe for their intended purpose in that there was an alternative for asbestos that could have been used as the product or as a component instead of asbestos within a normally asbestos-containing/utilizing product. Said alternatives would have prevented Defendants' asbestos, asbestos-containing products, and products manufactured for foreseeable use with asbestos products from causing Decedent's mesothelioma, due to an inability of any asbestos-alternative to penetrate the pleural

lining of Decedent's lung, even if inhaled. Said alternatives came at a comparable cost to each of the Defendants and/or their "alternate entities." Said alternatives were of comparable utility to the asbestos or asbestos-containing products or products manufactured for foreseeable use with asbestos products of Defendants and/or their "alternate entities." The gravity of the potential harm resulting from the use of Defendants' asbestos or asbestos-containing products, and the likelihood such harm would occur, far outweighed any additional cost or marginal loss of functionality in creating and/or utilizing an alternative design, providing adequate warning of such potential harm, and/or providing adequate use instructions for eliminating the health risks inherent in the use of their products, thereby rendering the same defective, unsafe and dangerous for use.

109. The defect existed in the said products at the time they left the possession of defendants, their "alternate entities," and each of them. Said products were intended to reach the ultimate consumer in the same condition as it left defendants. Said products did, in fact, cause personal injuries, including mesothelioma, asbestosis, other lung damage, and cancer to "exposed persons," including Decedent herein, while being used in a reasonably foreseeable manner, thereby rendering the same defective, unsafe and dangerous for use.

110. Decedent and other exposed persons did not know of the substantial danger of using Defendants' asbestos, asbestos-containing products, or products manufactured for foreseeable use with asbestos products. The dangers inherent in the use of these products were not readily recognizable by Decedent or other exposed persons. Said Defendants and/or their "alternate entities" further failed to adequately warn of the risks to which Decedent and others similarly situated were exposed.

111. Defendants' defective products as described above were a direct cause of Decedent's injuries, and the damages thereby sustained.

112. In researching, manufacturing, fabricating, designing, modifying, testing or failing to test, warning or failing to warn, labeling, instructing, assembling, distributing, leasing, buying, offering for sale, supplying, selling, inspecting, servicing, installing, contracting for installation, repairing, marketing, warranting, rebranding, manufacturing for others, packaging and advertising asbestos, asbestos-containing products, and products manufactured for foreseeable use with asbestos products, Defendants, their "alternate entities," and each of them, did so with conscious disregard for the safety of Decedent and other exposed persons who came in contact with the asbestos, asbestos-containing products, and products manufactured for foreseeable use with asbestos products, in that Defendants and/or their "alternate entities" had prior knowledge that there was a substantial risk of injury or death resulting from exposure to asbestos or asbestos-containing products or products manufactured for foreseeable use with asbestos products, including, but not limited to, mesothelioma, asbestosis, other lung damages and cancers. This knowledge was obtained, in part, from scientific studies performed by, at the request of, or with the assistance of Defendants and/or their "alternate entities."

113. Defendants and/or their "alternate entities" were aware that members of the general public and other exposed persons, who would come in contact with their asbestos and asbestos-containing products, had no knowledge or information indicating that asbestos or asbestos-containing products or products manufactured for foreseeable use with asbestos products could cause injury. Defendants and/or their "alternate entities" further knew that members of the general public and other exposed persons, who came in contact with asbestos, asbestos-containing products, and products manufactured for foreseeable use with asbestos products would assume, and in fact did assume, that exposure to asbestos and asbestos-containing products was safe, when in fact exposure was extremely hazardous to health and human life.

114. The above-referenced conduct of Defendants and/or their "alternate entities" motivated by the financial interest of Defendants, their "alternate entities," and each of them, in the continuing and uninterrupted research, design, modification, manufacture, fabrication, labeling, instructing, assembly, distribution, lease, purchase, offer for sale, supply, sale, inspection, installation, contracting for installation, repair, marketing, warranting, rebranding, manufacturing for others, packaging and advertising of asbestos, asbestos-containing products, and products manufactured for foreseeable use with asbestos products. Defendants and/or their "alternate entities" consciously disregarded the safety of "exposed persons" in their pursuit of profit and in fact consciously intended to cause injury to Decedent and other exposed persons and induced persons to work with, be exposed to, and thereby injured by asbestos, asbestos-containing products, and products manufactured for foreseeable use with asbestos products.

115. Defendants are liable for the fraudulent, oppressive, and malicious acts of their "alternate entities," and each Defendant's officers, directors and managing agents participated in, authorized, expressly and impliedly ratified, and knew, or should have known of, the acts of each of their "alternate entities" as set forth herein.

116. The conduct of said defendants, their "alternate entities," and each of them as set forth in this Complaint, was and is willful, malicious, fraudulent, outrageous and in conscious disregard and indifference to the safety and health of exposed persons. Plaintiff, for the sake of example and by way of punishing said Defendants, seeks punitive damages according to proof.

117. At all times herein mentioned, each of the named Defendants was an entity and/or the successor, successor in business, successor in product line or a portion thereof, assign, predecessor, predecessor in business, predecessor in product line or a portion thereof, parent, subsidiary, or division of an entity, hereinafter referred to collectively as "alternate entities,"

engaged in the business of researching, studying, manufacturing, fabricating, designing, modifying, labeling, instructing, assembling, distributing, leasing, buying, offering for sale, supplying, selling, inspecting, servicing, installing, contracting for installation, repairing, marketing, warranting, re-branding, manufacturing for others, packaging and advertising a certain product, namely asbestos, other products containing asbestos and products manufactured for foreseeable use with asbestos products.

**FOR A THIRD CAUSE OF ACTION**  
**(Vicarious Liability of Defendants Based upon Respondeat Superior)**

**As a Third Distinct Cause of Action Against Defendants, Plaintiff Brings this Third Cause of Action for Vicarious Liability of Defendants Based upon Respondeat Superior and Alleges as Follows:**

118. Plaintiff incorporates herein by reference, as though fully set forth herein, each of the preceding paragraphs.

119. Prior to and during all relevant times Defendants employed workers (hereinafter "employees") in areas where defendants owned, maintained, controlled, managed and/or conducted business activities where Decedent worked and/or spent time as alleged above.

120. At all times herein mentioned, Defendants' employees frequently encountered asbestos-containing products, materials, and debris during the course and scope of their employment, and during their regular work activities negligently disturbed asbestos-containing materials to which Decedent was exposed.

121. Employees handling and disturbing asbestos-containing products in Decedent's vicinity were the agents and employees of defendants and at all times relevant were subject to the control of Defendants with respect to their acts, labor, and work involving (a) the removal, transport, installation, cleaning, handling, and maintenance of asbestos-containing products, materials, and debris, and (b) the implementation of safety policies and procedures. Defendants

controlled both the means and manner of performance of the work of their employees as described herein.

122. Employees handling and disturbing asbestos-containing products in Decedent's, Decedent's family members and others' vicinity received monetary compensation from Defendants in exchange for the work performed and these employees performed the work in the transaction and furtherance of Defendants' businesses.

123. Harmful asbestos fibers were released during Defendants' employees' use, handling, breaking, or other manipulation of asbestos-containing products and materials.

124. Once released, the asbestos fibers contaminated the clothes, shoes, skin, hair, and body parts of those exposed, including Decedent, who also inhaled those fibers, and on the surfaces of work areas, where further activity caused the fibers to once again be released into the air and inhaled by Decedent.

125. The asbestos and asbestos-containing materials were unsafe in that handling and disturbing products containing asbestos causes the release of asbestos fibers into the air onto surrounding surfaces, and onto persons in the area. The inhalation of asbestos fibers can cause serious disease and death.

126. Defendants' employees' use, handling and manipulation of asbestos-containing materials, as required by their employment and occurring during the course and scope of their employment, did in fact, cause personal injuries, including mesothelioma and other lung damage, to exposed persons including Decedent.

127. Defendants' employees were negligent in their use, handling and manipulation of said products in that they failed to isolate their work with asbestos and/or to suppress asbestos fibers from being released into the air and surrounding areas. They also failed to take appropriate



steps to learn how to prevent exposure to asbestos, failed to warn and/or adequately warn Decedent that he was being exposed to asbestos, failed to adequately warn Decedent of the harm associated with his exposure to asbestos, and provide him with protection to prevent his inhalation of asbestos.

128. Defendants' employees knew or should have known that failure to take such steps would result in exposure to bystanders including Decedent.

129. Defendants' employees owed Decedent a duty to exercise due care and diligence in their activities while he was lawfully on the premises so as not to cause him harm.

130. Defendants' employees breached this duty of care as described above.

131. At all times mentioned, Decedent was unaware of the dangerous condition and unreasonable risk of personal injury created by Defendants' employees' use of and work with asbestos-containing products and materials.

132. As a direct result of the Defendants' employees conduct, Decedent's exposure to asbestos, asbestos-containing materials, and products manufactured for foreseeable use with asbestos products, each individually and together, caused severe and permanent injury to Decedent and the damages and injuries as complained of herein by Plaintiff.

133. The risks herein alleged and the resultant damages suffered by the Decedent were typical of or broadly incidental to Defendants' business enterprises. As a practical matter, the losses caused by the torts of Defendants' employees as alleged were sure to occur in the conduct of Defendants' business enterprises. Nonetheless, Defendants engaged in, and sought to profit by, their business enterprises without exercising due care as described in this Complaint, which, on the basis of past experience, involved harm to others as shown through the torts of employees.

134. Based on the foregoing, Defendants as the employers of said employees are vicariously liable under the doctrine of respondeat superior for all negligent acts and omissions committed by their employees in the course and scope of their work that caused harm to Decedent.

**FOR A FOURTH CAUSE OF ACTION**

**(Premises Liability: Negligence as to Premise Owner/Contractor)**

**As a Fourth Distinct Cause of Action for General Negligence, Plaintiff Complains of Defendants, and Alleges as Follows:**

135. Plaintiff incorporates herein by reference, as though fully set forth herein, each of the preceding paragraphs.

136. Prior to and during all relevant times, Defendants employed workers in areas where Defendants owned, maintained, controlled, managed and/or conducted business activities where Decedent worked and/or spent time.

137. At all times herein mentioned, Defendants selected, supplied, and distributed asbestos-containing materials to their employees for use during their regular work activities, and said employees disturbed those asbestos-containing materials.

138. Defendants were negligent in selecting, supplying, distributing and disturbing the asbestos-containing products and in that said products were unsafe. Said products were unsafe because they released asbestos fibers and dust into air when used which would be inhaled by Decedent and settled onto Decedent's clothes, shoes, hands, face, hair, skin, and other body parts thus creating a situation whereby workers and by-standers including Decedent would be exposed to dangerous asbestos dust beyond the present.

139. The asbestos, asbestos-containing materials, and products manufactured for foreseeable use with asbestos products described herein were unsafe in that handling and disturbing products containing asbestos causes the release of asbestos fibers into the air, and the

inhalation of asbestos fibers causes serious disease and death. Here, the handling of the above-described asbestos-containing materials by Defendants' employees, as required by their employment and occurring during the course and scope of their employment, did, in fact, cause personal injuries, including mesothelioma and other lung damage, to exposed persons, including Decedent.

140. At all times herein mentioned, Defendants knew or should have known that its employees and bystanders thereto, including Decedent, frequently encountered asbestos-containing products and materials during the course and scope of their work activities.

141. At all times herein mentioned, Defendants knew or should have known that the asbestos-containing materials encountered by its employees and bystanders thereto including Decedent, were unsafe in that harmful asbestos fibers were released during the use, handling, breaking, or other manipulation of asbestos-containing products and materials, and that once released, asbestos fibers can be inhaled, and can alight on the clothes, shoes, skin, hair, and body parts of those exposed, where further activity causes the fibers to once again be released into the air where they can be inhaled, all of which causes serious disease and/or death.

142. At all times herein mentioned, Defendants, in the exercise of reasonable diligence, should have known that absent adequate training and supervision, their employees and bystanders thereto including Decedent were neither qualified nor able to identify asbestos-containing products nor to identify the hazardous nature of their work activities involving asbestos-containing products.

143. At all times herein mentioned, Decedent was unaware of the dangerous condition and unreasonable risk of personal injury created by the presence and use of asbestos-containing products and materials.

144. At all times herein mentioned, Defendants, in the exercise of reasonable diligence, should have known that workers and bystanders thereto, would bring dangerous dust home from the workplace and contaminate their family cars and homes, continuously exposing and potentially causing injury to others off the premises.

145. At all times herein mentioned, Defendants had a duty to use due care in the selection, supply, distribution and disturbance of asbestos-containing products and materials to its employees, to adequately instruct, train, and supervise their employees and to implement adequate safety policies and procedures to protect workers and persons encountering those workers, including Decedent, from suffering injury or death as a result of the asbestos hazards encountered and created by the work of Defendants' employees.

146. Defendants' duties as alleged herein exist and existed independently of Defendants' duties to maintain their premises in reasonably safe condition, free from concealed hazards.

147. Defendants negligently selected, supplied, and distributed the asbestos-containing materials and failed to adequately train or supervise their employees to identify asbestos-containing products and materials; to ensure the safe handling of asbestos-containing products and materials encountered during the course of their work activities; and to guard against inhalation of asbestos fibers and against the inhalation of asbestos fibers by those who would come into close contact with them after they had used, disturbed, or handled, said asbestos-containing products and materials during the course and scope of their employment by defendants.

148. Defendants failed to warn its employees and bystanders thereto, including Decedent, of the known hazards associated with asbestos and the asbestos-containing materials they were using and/or disturbing.

149. As a direct and proximate result of the conduct of Defendants in selecting, supplying, distributing and disturbing asbestos-containing materials or products manufactured for foreseeable use with asbestos products and failing to adequately train and supervise their employees and failing to adopt and implement adequate safety policies and procedures as alleged herein, Decedent became exposed to and inhaled asbestos fibers, which was a substantial factor in causing Decedent to develop asbestos-related mesothelioma, and to suffer all damages attendant thereto.

**FOR A FIFTH CAUSE OF ACTION**

**(Product Liability: Breach of Implied Warranties - S.C. Code Ann. 36-2-314)**

**As a Fifth Distinct Cause of Action for Breach of Implied Warranties, Plaintiff Complains of Defendants and Alleges as Follows:**

150. Plaintiff incorporates herein by reference, as though fully set forth herein, each of the preceding paragraphs.

151. Each of the Defendants impliedly warranted that their asbestos materials or asbestos-containing products were of good and merchantable quality and fit for their intended use.

152. The implied warranty made by the Defendants that the asbestos and asbestos-containing products were of good and merchantable quality and fit for the particular intended use, was breached. As a result of that breach, asbestos was given off into the atmosphere where Decedent carried out his duties and was inhaled by Decedent.

153. As a direct and proximate result of the breach of the implied warranty of good and merchantable quality and fitness for the particular intended use, Decedent was exposed to Defendants' asbestos, asbestos-containing products, and/or products manufactured for foreseeable use with asbestos products and consequently developed mesothelioma, causing Decedent to suffer all damages attendant thereto.

**FOR A SIXTH CAUSE OF ACTION**  
**(Fraudulent Misrepresentation)**

**For a Sixth Distinct Cause of Action for Fraudulent Misrepresentation, Plaintiff Complains of Defendants, and Alleges as Follows:**

154. Plaintiff repeats and re-alleges the portions of the above paragraphs where relevant.

155. That during, before and after Decedent Julian D'Amico, Jr.'s exposure to asbestos products manufactured by Defendants, the Defendants falsely represented facts, including the dangers of asbestos exposure to Decedent in the particulars alleged in the paragraphs above, while Defendants each had actual knowledge of said dangers of asbestos exposure to persons such as Decedent. At the same time of these misrepresentations, Defendants each knew of the falsity of their representations and/or made the representations in reckless disregard of their truth or falsity.

156. The foregoing representations were material conditions precedent to Decedent Julian D'Amico, Jr.'s continued exposure to asbestos-containing products. Defendants each intended that Decedent act upon the representations by continuing his work around, and thereby exposure to, the asbestos products. Decedent was ignorant of the falsity of Defendants' representations and rightfully relied upon the representations.

157. As a direct and proximate result of Decedent Julian D'Amico, Jr.'s reliance upon Defendants' false representations, Decedent suffered injury and damages as described herein.

**FOR A SEVENTH CAUSE OF ACTION**  
**(Conspiracy, Concert of Action – Defendant Metropolitan Life Insurance Company)**

158. Plaintiff repeats and re-alleges the portions of the above paragraphs where relevant.

159. Beginning in the late 1920's, conspirators including Defendant Metropolitan Life Insurance Company ("Met Life"), as well as Johns-Manville, Raybestos-Manhattan and others, undertook a duty to conduct research on asbestos-related health problems and to inform the public about any health risks that could be associated therewith. In or about 1929, Met Life, through its

agents and employees acting within the scope of their agency and employment, including but not limited to Dr. Anthony J. Lanza ("Lanza"), began an investigation of asbestos-related health hazards. In 1935, this study was altered by Lanza, with the full knowledge of Met Life, at the request of and in concert with the asbestos industry in order to wrongly influence the United States Public Health Service, the United States medical community and various state legislatures.

160. Thereafter, Defendant Met Life through the acts and omissions of its employees, most notably Lanza, undertook a series of activities with various members of the asbestos industry including but not limited to Johns-Manville, Raybestos-Manhattan/ Raymark Industries, Inc., United States Gypsum, American Brake Blok/Abex, and others to suppress and misrepresent the dangers of exposure to asbestos dust to employees of Met Life's insureds and the general public and the medical community.

161. The conspirators through their agent, Lanza of Met Life, made a concerted effort to discredit and to terminate the experiments of certain scientists who were developing data of profound importance for the area of public health in relation to the cancer hazard which existed for workers and bystanders in the asbestos industry.

162. As a direct and proximate result of Met Life's intentional publication of deceptive and misleading medical data and information, and other conspiratorial acts and omissions, Defendant caused asbestos to be used in the occupational settings from which Decedent breathed asbestos dust which resulted in Decedent's injuries. Defendant Met Life, through its agents and employees and officers, aided and abetted and gave substantial assistance to Johns-Manville and Raybestos-Manhattan in their tortious selling of asbestos products and voluntarily undertook a duty to warn the United States Public Health Service, the medical community, and others about the danger of asbestos and consciously and negligently misrepresented the dangers of asbestos to

the United States Public Health Service, the medical community, and others, all to the ultimate harm of Decedent herein.

163. Defendant Met Life rendered substantial aid and assistance to the manufacturers of asbestos-containing products to which Decedent was exposed, and such assistance by Met Life aided and abetted the negligence and the marketing of unreasonably dangerous asbestos-containing products by such manufacturers which proximately caused Decedent's illness.

164. In both conducting tests and in publishing their alleged results, Met Life failed to exercise reasonable care to conduct or publish complete, adequate and accurate tests of the health effects of asbestos. Met Life also caused to be published intentionally false, misleading, inaccurate and deceptive information about the health effects of asbestos exposure.

165. Decedent unwittingly and justifiably relied upon the thoroughness of Met Life's tests and information dissemination, the results of which Met Life published in leading medical journals.

166. As a direct and proximate contributing result of Met Life's failures to conduct or accurately publish adequate tests or disseminate accurate and truthful information, after undertaking to do so; (i) the risk of harm to Decedent from asbestos exposure was increased, and (ii) Decedent suffered the injuries described herein.

167. In failing to test fully and adequately for the adverse health effects from exposure to asbestos; in delaying the publication of such results; and in falsely editing such results as were obtained; in suppressing relevant medical inquiry and knowledge about those hazards to promote the sale and distribution of asbestos as a harmless product; and in collaborating with the other Defendants materially to understate the hazards of asbestos exposure, all for its own profit and



gain, Met Life acted recklessly, wantonly, and in calculated disregard for the welfare of the general public, including Decedent.

168. Additionally and alternatively, as a direct and proximate result of Met Life's actions and omissions, Decedent was caused to remain ignorant of all the dangers of asbestos resulting in Decedent's wife, his co-workers, his family, and the general public to be unaware of the true and full dangers of asbestos, depriving Decedent of the opportunity to decide for himself whether he wanted to take the risk of being exposed to asbestos, denied Decedent the opportunity to take precautions against the dangers of asbestos and proximately caused Decedent's damages herein.

169. During the relevant time period the Decedent was exposed to and did inhale and/or ingest asbestos dust, fibers, and particles, which dust, fibers, and particles came from the asbestos or asbestos-containing products which were mined, milled, manufactured, fabricated, supplied, and/or sold by the Johns Manville and/or Raybestos/Raymark.

170. Defendant, Met Life, together with Manville, Raymark and other persons and entities, known and unknown at times relevant hereto, engages in a conspiracy or concert of action to inflict injury on the Decedent, and to withhold, alter, suppress and misrepresent information about the health effects of asbestos exposure. One or more of said conspirators did cause tortious injury to the Decedent or his wife in the course of or as a consequence of the conspiracy or concert of action. At least the following enumerated acts were undertaken by the conspirators in the course of and in furtherance of the conspiracy or concert of action:

- (a) In 1932, Met Life, through Lanza and others, assisted Manville with medical examinations of over 1,000 employees of Manville's factory in Manville, New Jersey. The report of this study shows that a large percentage of the employees suffered from asbestosis including employees not directly involved in the manufacturing process. This 1932 medical survey was not published in the medical literature and, therefore, was unavailable to scientists studying the issue of asbestos-related disease. Further collaboration between Manville and Met Life continued the cover-up.

- (b) Beginning in approximately 1934, Manville, through its agents, Vandiver Brown and Attorney J.C. Hobart, suggested to Lanza, Associate Director of Met Life, which was then insurer of Manville and Raymark, that Lanza publish a study on asbestosis in which Lanza would affirmatively misrepresent material facts about the health consequences of asbestos exposure. This was accomplished through intentional deletion of Lanza's description of asbestosis as 'fatal' and through other selective editing that affirmatively misrepresent asbestosis as a disease process less serious than it actually is and was known to be. As a result, Lanza's study was published in the medical literature in this misleading fashion in 1935. The conspirators were motivated, in part, to effectuate this fraudulent misrepresentation and fraudulent nondisclosure by the desire to influence proposed legislation to regulate asbestos exposure and to provide a defense in lawsuits involving Manville, Raymark, and Met Life as insurer. Furthermore, upon information and belief, it is alleged that Met Life, at all times relevant hereto, had substantial monetary investments in Manville and Raymark, among other asbestos product manufacturers and distributors.
- (c) In 1936, the conspirators or some of them entered into an agreement with the Saranac Laboratories. Under this agreement, these conspirators acquired the power to decide what information Saranac could publish about asbestos disease and to control in what form such publications would occur. This agreement gave these conspirators power to affirmatively misrepresent the results of the work at Saranac, and also gave these conspirators power to material facts included in any study. On numerous occasions thereafter, the conspirators exercised their power to prevent Saranac scientists from disclosing material scientific data, resulting in numerous misstatements of fact being made at scientific meetings.
- (d) By November 1948, or earlier, Manville, Met Life (acting through Lanza), Raymark, and others decided to exert their influence to materially alter and misrepresent material facts about the substance of research started by Dr. Leroy Gardner at the Saranac Laboratories beginning in 1936. Dr. Gardner's research involved carcinogenicity of asbestos in mice and also included an evaluation of the health effects of asbestos on humans with a critical review of the then-existing standards of dust exposure for asbestos and asbestos products.
- (e) At a meeting on November 11, 1948, these conspirators and others intentionally and affirmatively determined that Dr. Gardner's work should be edited to specifically delete material facts about the cancer-causing propensities of asbestos and the health effects of asbestos on humans and they determined that only an edited version would be published. These conspirators thereby fraudulently misrepresented the risks of asbestos exposure to the public, in general, and to the class of persons exposed to asbestos, including the Decedent.
- (f) As a direct result of influence exerted by the above described conspirators, Dr. Arthur Vorwald published Dr. Gardner's edited work in the Journal of Industrial Hygiene, AMA Archives of Industrial Hygiene and Occupational Health in 1951 in a form that stressed those portions of Dr. Gardner's work that the conspirators

wished stressed, but which omitted references to human asbestosis and cancer, thereby fraudulently and affirmatively misrepresenting the extent of the risks. The conspirators affirmatively and deliberately disseminated this misleading Vorwald publication to universities, libraries, government officials, agencies and others.

- (g) Such action constituted a material affirmative misrepresentation of the material facts involved in Dr. Gardner's work and resulted in creating an appearance that inhalation of asbestos was a less serious health concern than Dr. Gardner's unedited work indicated.
- (h) For many decades, Met Life, individually, jointly and in conspiracy with Manville and Raymark, have been in possession of medical and scientific data, literature, and test reports which clearly indicated that the inhalation of asbestos dust and fibers resulting from the ordinary foreseeable use of said asbestos-containing products and/or machinery requiring or calling for the use of asbestos or asbestos-containing products were unreasonably dangerous, hazardous, deleterious to human health, carcinogenic, and potentially deadly.
- (i) Despite the medical and scientific data, literature and test reports possessed by and available to Met Life, individually and in conspiracy with Manville and Raymark, Fraudulently, willfully and maliciously withheld, concealed and suppressed said medical and scientific data, literature and test reports regarding the risks of asbestosis, cancer, mesothelioma, and other illnesses and diseases from Decedent who using and being exposed to Manville or Raymark asbestos-containing products and/or machinery requiring or calling for the use of asbestos and/or asbestos-containing products; caused to be released, published and disseminated medical and scientific data, literature and test reports containing information and statements regarding the risks of asbestosis, cancer, mesothelioma and other illnesses and diseases, which Metropolitan, Manville and Raymark knew were either incorrect, incomplete, outdated and misleading; distorted the results of medical examinations conducted upon workers who were using asbestos-containing products and/or machinery requiring or calling for the use of asbestos and/or asbestos-containing products and being exposed to the inhalation of asbestos dust and fibers by falsely stating and/or concealing the nature and extent of the harm which workers suffered; and failed to adequately warn the Decedent of the dangers to which he was exposed when they knew of the dangers.
- (j) By the false and fraudulent representations, omissions, failures, and concealments set forth above, Met Life, Manville and Raymark, individually, jointly, and in conspiracy with each other, intended to induce the Decedent to rely upon said false and fraudulent representations, omissions, failures, and concealments, to continue to expose themselves to the dangers inherent in the use of and exposure to their asbestos-containing products and/or machinery requiring or calling for the use of asbestos and/or asbestos-containing products. Said misrepresentations were false, incomplete, and misleading and constitute negligent misrepresentations as defined by Sections 311 and 522 of the Restatement (Second) of Torts.

171. Decedent reasonably and in good faith relied upon the false and fraudulent representations, omissions, failures, and concealments made by Met Life, Manville, and Raymark regarding the nature of their asbestos-containing products and/or machinery requiring or calling for the use of asbestos and/or asbestos-containing products.

172. As a direct and proximate result of the conspiracy and concert of action between Met Life, Manville and Raymark, the Decedent has been deprived of the opportunity of informed free choice and connection with the use of and exposure to Manville and Raymark's asbestos and asbestos-containing products, and therefore continued to work with and be exposed to the co-conspirator corporation's asbestos and asbestos-containing products and as a result brought home on his clothes, hair, shoes, and in his case asbestos dust or fibers contracted asbestos-related diseases and other conditions, and/or aggravated pre-existing conditions, as a result of which the Decedent has been damaged.

**FOR AN EIGHTH CAUSE OF ACTION**  
**(Wrongful Death Action, S.C. Code Ann. § 15-51-10 et seq.)**

**For an Eighth Distinct Cause of Action for Wrongful Death, Plaintiff Complains of Defendants, and Alleges as Follows:**

173. Plaintiff incorporates herein by reference, as though fully set forth herein, each of the preceding paragraphs, where relevant.

174. Plaintiff brings this cause of action for Julian D'Amico, Jr.'s wrongful death pursuant to S.C. Code Ann. § 15-51-10, for the benefit of Betty C. D'Amico, as the widow of Decedent, and on behalf of the heirs of Julian D'Amico, Jr., as defined by S.C. Code § 15-51-20.

175. As a direct and proximate result of the negligence, recklessness, carelessness, and intentional actions of Defendants as described above, Julian D'Amico, Jr. died on June 29, 2019, and his wife and heirs have and will endure pecuniary loss, mental shock and suffering, wounded feelings, grief,

sorrow, loss of love, loss of society with the Decedent, loss of guidance from the Decedent, loss of his companionship and deprivation of the use and comfort of the Decedent's experience, knowledge and judgment in managing the affairs of himself and his beneficiaries, and they have been otherwise seriously damaged. Moreover, reasonable funeral expenses were incurred, and Plaintiff prays for judgment against Defendants in such amount of actual and punitive damages as the trier of fact may determine.

**FOR A NINTH CAUSE OF ACTION**  
**(Loss of Consortium)**

**For a Ninth Distinct Cause of Action for Loss of Consortium, Plaintiff Betty C. D'Amico Complains of Defendants, and Alleges as Follows:**

176. Plaintiff incorporates herein by reference, as though fully set forth herein, each of the preceding paragraphs, where relevant.

177. Decedent Julian D'Amico, Jr. and Betty C. D'Amico were married on May 21, 1961, and at all times relevant to this action were husband and wife.

178. Prior to his injuries as alleged, Decedent Julian D'Amico, Jr. was able and did perform his spousal duties. As a proximate result thereof, subsequent to the injuries, Decedent was unable to perform his spousal duties and the work and service usually performed in the care, maintenance and management of the family home. As a proximate result thereof, Plaintiff Betty C. D'Amico was deprived of the consortium of her spouse, including the performance of duties, all to Plaintiff's damages, in an amount presently unknown to Plaintiff but which will be proven at time of trial.

179. As a direct and proximate result of the acts of Defendants and/or their "alternate entities" and the severe injuries and death caused to Decedent Julian D'Amico, Jr. as set forth herein, Decedent's spouse and Plaintiff Betty C. D'Amico suffered loss of consortium, including but not by way of limitation, loss of services, marital relations, society, comfort, companionship,

love and affection of her spouse, and has suffered severe mental and emotional distress and general nervousness. Plaintiff prays for judgment against defendants, their "alternate entities," and each of them, as hereinafter set forth.

**FOR A TENTH CAUSE OF ACTION**  
**(Survival Action, S.C. Code Ann. § 15-5-90)**

**For a Tenth Distinct Cause of Action, known statutorily as a Survival Action, Plaintiff Complains of Defendants, and Alleges as Follows:**

180. Plaintiff incorporates herein by reference, as though fully set forth herein, each of the preceding paragraphs, where relevant.

181. Plaintiff, Betty C. D'Amico, is the spouse of decedent Julian D'Amico, Jr. Plaintiff Betty C. D'Amico, individually and as Executor of the Estate of Julian D'Amico, Jr., deceased, and brings this survival action as allowed under S.C. Code Ann. § 15-5-90.

182. Plaintiff brings this cause of action for Decedent's medical, surgical and hospital bills, as well as for Decedent's conscious pain and suffering prior to his untimely death, as well as for the mental distress of Decedent due to knowledge of his impending death from his incurable disease.

183. As a direct and proximate result of the negligence, recklessness, carelessness, and in some cases intentional actions of Defendants as described, Decedent endured conscious pain, suffering, mental anguish and distress until his untimely death, and Plaintiff prays for judgment against Defendants in such amount of actual and punitive damages as the trier of fact may determine is just.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays judgment, joint and several, against Defendants and/or their "alternate entities" in an amount to be proved at trial, as follows:

1. For Decedents' actual damages according to proof, including Decedent's pain and suffering, Decedent's mental distress as well as Decedent's medical, surgical and hospital bills;

2. For Decedent's loss of income or earnings according to proof;
3. For loss of care, comfort and society of the Decedent;
4. For pecuniary loss of the beneficiaries/heirs including but not limited to funeral and burial costs, for mental shock and suffering of the beneficiaries/heirs, for wounded feelings of the beneficiaries/heirs, for grief and sorrow of the beneficiaries/heirs, loss of his companionship and deprivation of the use and comfort of the Decedent's experience, knowledge and judgment in managing the affairs of himself and his beneficiaries;
5. For punitive damages according to proof;
6. For Plaintiff's cost of suit herein;
7. For damages for fraudulent misrepresentation according to proof;
8. For damages for breach of implied warranty according to proof;
9. For damages for conspiracy, concert of action (as to Defendant Metropolitan Life Insurance Company);
10. All economic and non-economic damages allowed pursuant to the Survival and Wrongful Death Act; and
11. For such other and further relief as the Court may deem just and proper, including costs and prejudgment interest as provided by South Carolina law.

[ THIS SPACE WAS INTENTIONALLY LEFT BLANK ]

**A JURY IS RESPECTFULLY DEMANDED TO TRY THESE ISSUES.**

Respectfully submitted,

/Theile B. McVey

Theile B. McVey (SC Bar 16682)

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**ATTORNEYS FOR PLAINTIFF**

September 17, 2019

Columbia, South Carolina



**RIVERSIDE**

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## PATHOLOGY DEPARTMENT

**PATHOLOGISTS**  
L.E. DeFanti, D.O.  
T.S. Emory, M.D.  
J.C. Maddox, M.D.  
M.A. Schwartz, M.D.  
O.M. Smith, M.D.  
D.J. Tagliente, M.D.

**SURGICAL PATHOLOGY REPORT****\* Consult Report \***Patient Name: **D'AMICO, JULIAN JR**Accession #: **TL19-63**

Med. Rec. #:

Client: **Peninsula Pathology**Taken: **8/8/2019**

DOB:

Location: **ROP1**Received: **8/8/2019**

Gender:

Financial # **980012099420**Reported: **8/16/2019**

Physician(s):

Copy To: **WALLACE AND GRAHAM**

**525 NORTH MAIN ST  
SALISBURY, NC 28144  
PH: 704-633-5244  
FAX: 704-633-9434**

**Source of Specimen(s)**

CONSULT, TISSUE AND BLOCKS

**Final Diagnosis****PLEURA, RIGHT AND LEFT, AUTOPSY:**

**MALIGNANT MESOTHELIOMA, UNDIFFERENTIATED SARCOMATOID TYPE.  
PLEURAL PLAQUES.**

**LUNG, RIGHT AND LEFT, AUTOPSY: INCREASED ASBESTOS BURDEN.**

**NONSPECIFIC SMALL AIRWAY FIBROSIS.  
SLIGHT CENTRIOLOBULAR EMPHYSEMA.**

\*\*\*Electronically Signed Out\*\*\*

Primary Pathologist: John C. Maddox, M.D. 8/16/2019 16:29

jcm/8/16/2019

**Clinical History**

This year old man reportedly was exposed occupationally to asbestos. According to the patient's medical records (at age 61, respiratory evaluation, 10/25/93, Dr. Kelling)

"This patient worked for Duke Power for 33 years. For several of those years, he was intermittently exposed to asbestos without benefit of a mask or respirator. He does not have any shortness of breath or wheezing. Has occasional cough productive of a small amount of white sputum for 1-2 years. No tightness in the chest. Does not use any medicines for breathing. He has been told he has hayfever, but not asthma, bronchitis, emphysema, angina, heart failure or other heart problems. He smoked 1/2 pack for 2-3 years, stopping 35 years ago because of being tired of it." Dr. Kelling

## D'AMICO, JULIAN JR

## SURGICAL PATHOLOGY REPORT

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commented: "Based upon this patient's history of exposure to asbestos and findings on CT scan of the chest, we feel the patient does have asbestosis and asbestos related pleural disease."

According to a note by Dr. Surdulescu, dated 6/12/2017:

"Diagnosed with asbestosis in 1994. Worked for Duke Power from 1956-1989 in the power plant around asbestos most of the time without a mask."

His pulmonary medical history included:

- Normal PFTs (10/25/1993),
- Abnormal PFTs on 6/8/17 "Borderline obstructive defect, air trapping, and decreased diffusing capacity"
- Abnormal CT of chest on 6/3/93 "Changes consistent with but not diagnostic of asbestos exposure",
- Abnormal chest CT on 6/8/2017 "Stable pleural plaques; development of numerous tiny micronodular infiltrates at both lung apices, likely infectious or inflammatory in etiology..." Also described on 6/8/2017 were "...no new or enlarging pulmonary nodules" and "No basilar interstitial lung disease" and "multiple partially calcified and noncalcified pleural plaques persist and are approximately stable."
- "Negative" bronchoscopy in October 2017.
- Normal PFTs on 6/26/2018
- Abnormal chest CTA on 2/18/2019, showing "New pleural-based masses in the right chest, likely malignant, with moderate-sized loculated right pleural effusion. Lung carcinoma and mesothelioma are the 2 most likely possibilities in this patient with asbestos related pleural change."

His other medical history included: sleep apnea surgery (1988), appendectomy (1950), colitis (1986), gastritis, esophageal stricture, arthritis, enlarged prostate, hernia repair, basal cell skin cancer, and aortic valve annulus calcification.

He presented in the late winter of early 2019 with cough, right-sided chest pain, and shortness of breath. Initial chest x-ray reportedly showed a right-sided pleural effusion.

Thoracentesis on 2/7/2019 reportedly produced 550mL of bloody fluid, cytology of which (FP19-284) reportedly showed "malignant cells present." Immunostains on the cytology sample reportedly included CD34(-), CD117(-), HMB45(-), MART1(-), p40(-), AE1/3(-), and S100(-). From the same procedure, FNA core needle biopsy pathology (SP19-6119) reportedly showed "unclassified malignant epithelioid and spindle cell neoplasm." Immunohistochemical stains reportedly included: MLH1(intact), PMS2(intact), MSH2(intact), MSH6(intact), Calretinin(-), CEA(-), CK5/6(-), D2-40(-), NapsinA(-), TTF1(-), and WT1(-).

A pathology second opinion was obtained from Dr. Hornick at BWI (BS19-M11093), and he diagnosed "Unclassified malignant epithelioid and spindle cell neoplasm." He stated in his letter of 3/1/2019: "Unfortunately, I could not classify this tumor." Additional immunostains at the BWI lab included: AE1/3(-), CAM5.2(-), desmin(-), SOX10(-), CD34(-), and H3K27mc3(normal). [A letter from Dr. Ingram referencing the samples obtained on 2/7/2019 seems to have the incorrect date of 12/20/2018.]

Oncology note of Dr. Eagle on 3/7/2019 invokes the differential diagnosis of "malignant mesothelioma, sarcomatoid carcinoma, metastatic melanoma, and sarcoma." He stated: "Given the patient's history of known asbestos exposure and long history of asbestosis, I think mesothelioma is a most clinically likely diagnosis."

PET-CT scan on 4/5/2019 reportedly showed "Diffuse FDG avid right pleural thickening consistent with mesothelioma. Complicating features include a discrete mass between the second and third right anterior ribs extending into the ventral chest wall as well as irregularity of the posterior second anterior rib concerning for osseous erosion. Low level uptake at the interface of a left inferior posterolateral pleural plaque and the lung as well as in the left hilum for which left-sided mesothelioma lesions cannot be definitively excluded." No tumor was found outside the chest.

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## SURGICAL PATHOLOGY REPORT

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The patient was presented at a multidisciplinary tumor board, where the clinical picture was determined to be most consistent with mesothelioma. Treatment proceeded with the diagnosis of malignant mesothelioma, and this included palliative radiation therapy to the right chest performed in mid-April 2019, and chemotherapy with single agent Alimta (pemetrexed) started on 4/30/2019.

He died on 6/29/2019 of "mesothelioma" according to his death certificate.

A limited autopsy (AR19-6) was performed on 6/29/2019 by Dr. Cervin. He documented: "Broad areas of pleural and parenchymal tumor, right lung with apparent invasion through chest wall into right upper chest subcutaneous tissue" and "Pleural plaques, left parietal and diaphragmatic pleura." Three paraffin blocks were produced.

**Gross Description**

Received are 6 plastic bag containers labeled "right chest wall tumor", "RUL and RUL tumor", "Left Pleural Plaques", "LUL", "LLL" and "RLL and RLL tumor".

Right chest wall tumor: Consists of 2 x 1.5 x 0.5 cm soft tan tissue. RUL and RUL tumor: Consists of 2 ragged portions of tan-gray lung, 3 x 3 x 1 cm and 2 x 2 x 1 cm. The third piece is a 5 x 2 x 1 cm portion of lung with attached rubbery visceral pleural surface. Left pleural plaque: calcified plaque, 4 x 3 x 0.5 cm. LUL: multiple lung tissue fragments, 5 x 6 x 2 cm in aggregate. LLL: multiple lung tissue fragments, 6 x 5 x 2 cm in aggregate. RLL and RLL tumor: 4 pieces of tan-white tumor tissue, largest 5 x 1.5 x 1 cm.

**Summary of sections**

1A = right chest wall tumor  
1B = reps RUL 3 cm lung  
1C = reps RUL 2 cm lung  
1D = reps 5 cm lung with rubbery pleura  
1E = pleural plaque following decal  
1F-1H = LUL  
1I-1K = LLL  
1L-1N = RLL lung and tumor  
1O and 1P = RUL lung with rubbery tumor

ks/8/12/2019

**Microscopic Description**

Review of new H+E slides recut from the original 3 autopsy paraffin blocks (AR19-6-B, -G, -G, now labeled as TL19-63-Q, -R, -S) shows a moderately pleomorphic sarcomatoid tumor with patchy necrosis and patchy fibrosis. The tumor forms broad sheets, without any glands, tubules, or papillae. There is a haphazardly woven pattern, along with variable collagenization. There is "watershed" necrosis; in other words, viable tumor around vessels, necrosis farther away. The individual tumor cells have variable morphologies, including: thin-spindled, plump-spindled, large-pseudoepithelioid, large-multinucleate, and so forth. Nuclei are very variable, generally vesicular, usually with one or more nucleoli. Cytoplasm is sparse in some cells, plentiful in others, generally pink and with no secretory vacuoles. Other subtype-labels that could be applied to all or parts of this tumor include: undifferentiated, poorly differentiated, transitional, or pleomorphic.

Review of the new H+E slides prepared from formalin-fixed lung and pleural tumor tissue (TL19-63-1A through -1P) show similar, moderately pleomorphic, sarcomatoid malignancy. There is extensive tumor necrosis. The

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most viable tumor tissue is found in blocks -1D and -1O. Also, there are multiple portions of laminated acellular collagen, indicative of hyaline pleural plaque. Lung parenchyma in slides -1F, -1G, and -1H have thin-delicate alveolar walls, mild centrilobular emphysema, and focal small airway fibrosis. Lung parenchyma in slides -1I, -1J, and -1K additionally show patchy acute bronchopneumonia, congestion and some recent hemorrhage. In slides -1M and -1N, the tumor invades chest wall fibroadipose tissue. In slides -1D, -1O, and -1P, the tumor invades lung parenchyma. Polarized light exam of several lung slides is non-contributory. Iron stains cut from blocks -1B, -1C, -1G, and -1H show individual and small clusters of asbestos bodies. Careful scrutiny of iron slide -1H shows 16 asbestos bodies in an area of 23 x 18 mm<sup>2</sup>. According to the formula of Roggli, this is equivalent to:  $(16 \times 37,200) / (23 \times 18) = 1,438$  asbestos bodies per gram (wet weight). This is 700x greater than the average of 2 AB/g(wet) for this method. This is within the range found with mesothelioma and pulmonary asbestosis.

New immunoperoxidase stains (cut from paraffin block TL19-63-1O) include:

- Calretinin: all tumor cells, negative.
- Keratin CK5/6: all tumor cells, negative.
- Keratin OSCAR: multiple small foci, 1+ positive (?entrapped lung).
- Keratin CK7: patchy; many tumor cells 2+ positive (cytoplasm).**
- Keratin beta34-12: multiple small foci, 2+ positive (entrapped lung).
- WT1: all tumor cells, negative.
- D2-40: all tumor cells, negative.
- Mesothelin: all tumor cells, negative.
- BAP1: tumor cells positive; stromal cells positive (nuclei).
- GATA3: spindle and pleomorphic cells variably 0-3+ positive (cytoplasm).**
- Vimentin: all tumor cells, 2-3+ positive (cytoplasm).**
- CD34: all tumor cells, negative.
- BerEP4: all tumor cells, negative.
- NapsinA: all tumor cells, negative.
- TTF1: all tumor cells, negative.
- Ki-67: estimated about 10% (nuclei).

(\*Control slides stained appropriately) In summary, all of the tumor cells stain with vimentin (1-3+) and many of the tumor cells stain with CK7 (2+). Some cells stain variably with GATA3 (0-3+).

In support of the diagnosis of sarcomatoid mesothelioma, please see Tomaszefski, et al, editors. Dail and Hammar's Pulmonary Pathology, Volume II Neoplastic Lung Disease, 3rd edition, 2008, pub. by Springer Science+Business Media, LLC. Chapter 43 Neoplasms of the Pleura, by Hammar, Henderson, Klebe, and Dodson. Pages 608-610 discuss the histologic criteria for sarcomatoid mesothelioma, summarized as: 1) right location and distribution; 2) exclusion of sarcomas of soft tissue and bone, exclusion of metastatic melanoma; 3) abnormal cellularity; 4) cytologic atypia and pleomorphism; 5) focal tumor necrosis; 6) invasion; 7) exclusion of malignant solitary fibrous tumor; and 8) usually intense cytokeratin expression in the tumor.

Ibid, on pages 659-660. "However, rare mesotheliomas can show extreme cellularity, nuclear atypia, hyperchromatism, and pleomorphism, producing a close histologic resemblance to either an undifferentiated large cell carcinoma of lung or the pleomorphic variant of MFH [a type of sarcoma]." "Accordingly, we believe that pleural tumors showing extreme pleomorphism should not be dismissed as large cell carcinoma or secondary sarcoma and that when they are pleural-based and have an anatomic distribution consistent with mesothelioma, they should be investigated accordingly."

According to the Helsinki criteria (Scand J Work Environ Health 1997;23:311-316), in the introduction on page 311. "In general, reliable work histories provide the most practical and useful measure of occupational exposure."

## D'AMICO, JULIAN JR

## SURGICAL PATHOLOGY REPORT

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Ibid, in the section on attribution of mesothelioma on page 313: "A lung fiber count exceeding the background range for the laboratory in question or the presence of radiographic or pathological evidence of asbestos-related tissue injury (eg, asbestosis or pleural plaques) or histopathologic evidence of abnormal asbestos content (eg, asbestos bodies in histologic sections of lung) should be sufficient to relate a case of pleural mesothelioma to asbestos exposure on a probability basis. In the absence of such markers, a history of significant occupational, domestic, or environmental exposure to asbestos will suffice for attribution."

"The following points need to be considered in the assessment of occupational etiology:

- The great majority of mesotheliomas are due to asbestos exposure.
- Mesothelioma can occur in cases with low asbestos exposure. However, very low background environmental exposures carry only an extremely low risk.
- About 80% of mesothelioma patients have had some occupational exposure to asbestos, and therefore a careful occupational and environmental history should be taken.
- An occupational history of brief or low-level exposure should be considered sufficient for mesothelioma to be designated as occupationally related.
- A minimum of 10 years from the first exposure is required to attribute the mesothelioma to asbestos exposure, though in most cases the latency interval is longer (eg, on the order of 30 to 40 years).
- Smoking has no influence on the risk of mesothelioma."

With a reasonable degree of medical certainty:

- Based on the histology and immunostains, this is a malignant mesothelioma, undifferentiated sarcomatoid type.
- Based on the medical records, the patient died as a result of this mesothelioma and its complications.
- Based on the exposure history, increased lung asbestos burden, and pleural plaques, the patient's cumulative asbestos exposures caused this lethal malignant pleural mesothelioma.

John Coulter Maddox, MD, born 1-30-1950 in Bedford, VA, is certified by the American Board of Pathology in Anatomic and Clinical Pathology (unrestricted certificate issued in 1982, with voluntary recertification in 1998) and Hematology (unrestricted certificate issued in 1998). Both boards are currently active as of the date of this report. He is licensed in the Commonwealth of Virginia, #0101032554, expiration date 1-31-2020.

David M Smith, MD, born 8-26-1964 in Charleston SC, is certified by the American Board of Pathology in Anatomic and Clinical Pathology (unrestricted certificate issued in 1996). Board is currently active as of the date of this report. He is licensed in the Commonwealth of Virginia, #0101054006, expiration date 8-31-2020.

Theresa Swain Emory MD, born 5-28-1962 in Fairfax, VA, is certified by the American Board of Pathology in Anatomic and Clinical Pathology (unrestricted certificate issued in 1994, with voluntary recertification in 2013). Both boards are currently active as of the date of this report. She is licensed in the Commonwealth of Virginia, expiration date 5-31-2020.

Re: Texas CPRC 90.003(a): "I am a Board Certified Pathologist. My medical license was active during the preparation of this report. My medical license is active at the present time. As detailed in my report, I diagnose this patient with asbestos-related malignant mesothelioma with a reasonable degree of medical probability and medical certainty."

It is my opinion that the risk of developing mesothelioma is a dose-response process, and that the mesothelioma is the cumulative result of the exposures to asbestos that a person receives; this is the generally accepted medical opinion. This should not include trivial exposures. These points should be considered:

- Are they real exposures? Documented, witnessed, or inevitable given the circumstances.
- Are they significantly above normal background ambient air levels?
- How are exposure levels known? Either visible dusts or measurement (actual or simulated).
- Are the exposures repetitive? Better yet, routine and regular.
- The risk or rate of mesothelioma is a dose-response function. High component dose, high component risk; low component dose, low component risk.
- The exposures should be within a reasonable latency period (ie, 10 years by Helsinki criteria).

D'AMICO, JULIAN JR

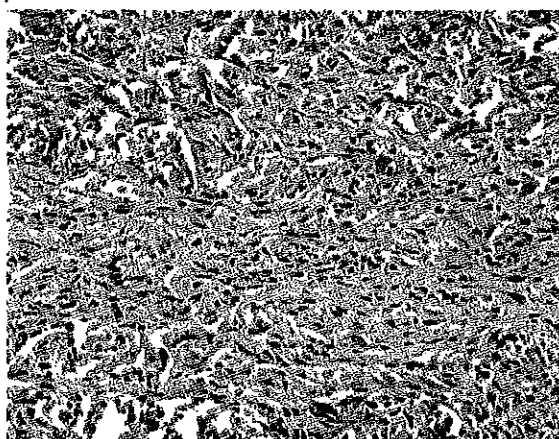
SURGICAL PATHOLOGY REPORT

TL19-63

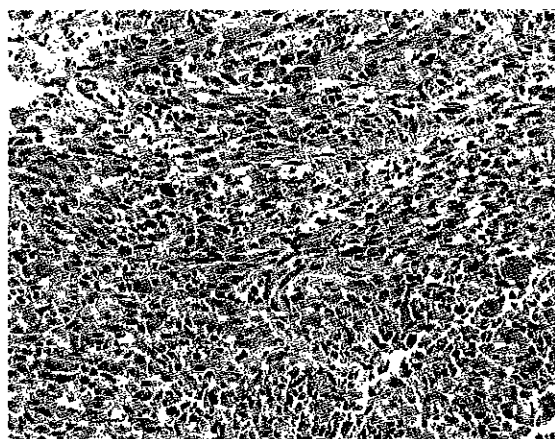
Abstract

Berg KB, Churg A. **GATA3 Immunohistochemistry for Distinguishing Sarcomatoid and Desmoplastic Mesothelioma From Sarcomatoid Carcinoma of the Lung.** Am J Surg Pathol. 2017 Sep;41(9):1221-1225. doi: 10.1097/PAS.0000000000000825.

The separation of sarcomatoid and desmoplastic malignant mesotheliomas from sarcomatoid carcinomas of the lung metastatic to the pleura may be difficult, since both types of tumor can be morphologically similar and are frequently positive only for pan-keratin. GATA binding protein 3 (GATA3) is most commonly used as an immunohistochemical marker of breast and urothelial carcinoma, but is also known to stain other types of tumors including some mesotheliomas. In this study we asked whether GATA3 stains could be used to distinguish sarcomatoid/desmoplastic malignant mesotheliomas (N=19) from sarcomatoid carcinomas of the lung (N=13). Tumor staining was scored for diffuseness and intensity, with a maximum possible score of 6. All 19 sarcomatoid/desmoplastic malignant mesotheliomas examined showed strong diffuse staining for GATA3 (no case scored <3, mean score $\pm$ SD for all 19 cases 5.4 $\pm$ 0.9), whereas only 2 of 13 sarcomatoid carcinomas of the lung stained positively for GATA3 and the staining was weak and patchy (score 2 for each case, mean $\pm$ SD for all 13 cases 0.4 $\pm$ 0.8). There was no correlation between the intensity and diffuseness of GATA-3 staining and staining for traditional mesothelioma markers. Overall, any positive staining for GATA3 was 100% sensitive and 85% specific for sarcomatoid/desmoplastic mesothelioma. We conclude that strong diffuse staining for GATA3 favors a diagnosis of sarcomatoid/desmoplastic malignant mesothelioma over metastatic sarcomatoid carcinoma of the lung; conversely, complete absence of GATA-3 staining is evidence against a diagnosis of sarcomatoid/desmoplastic malignant mesothelioma.



T119-63-1D H+E 20x



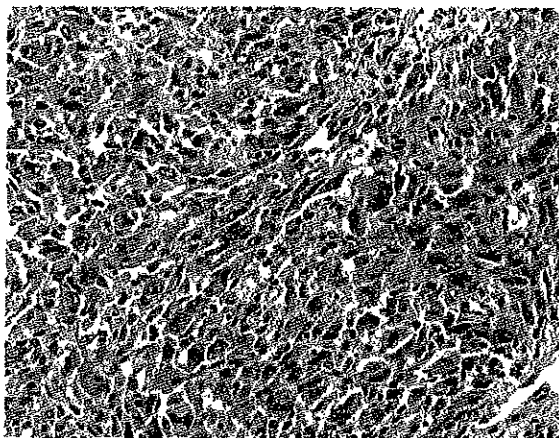
T119-63-1D H+E 20x

D'AMICO, JULIAN JR

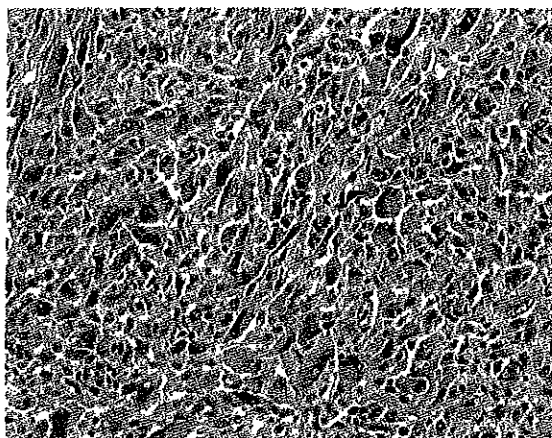
SURGICAL PATHOLOGY REPORT

TL19-63

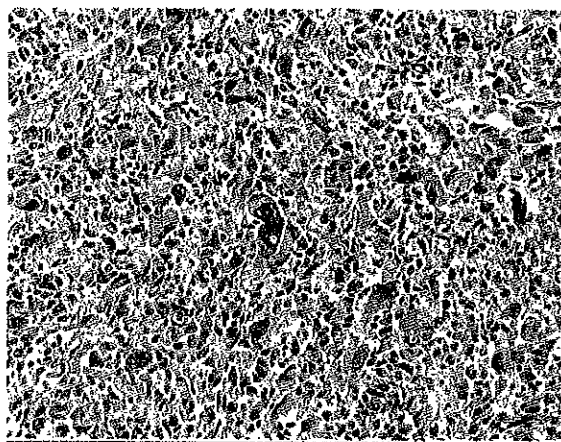
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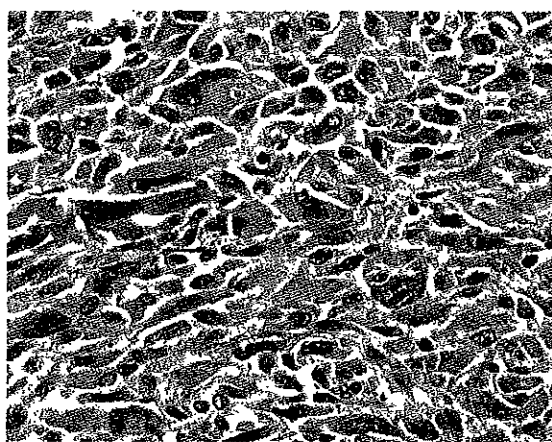
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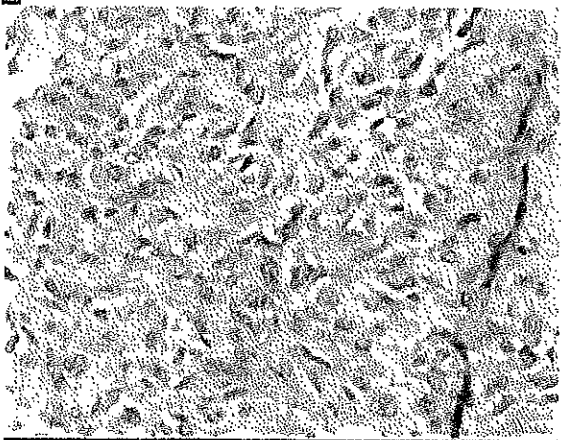
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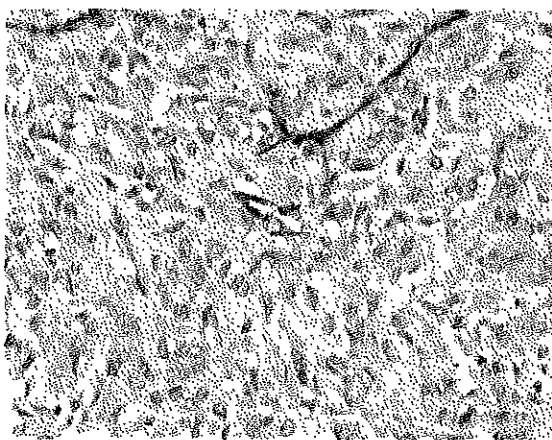
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TI19-63-1D H+E 40x



TI19-63-1D OSCAR(+) 40x



TI19-63-1D OSCAR(+) 40x

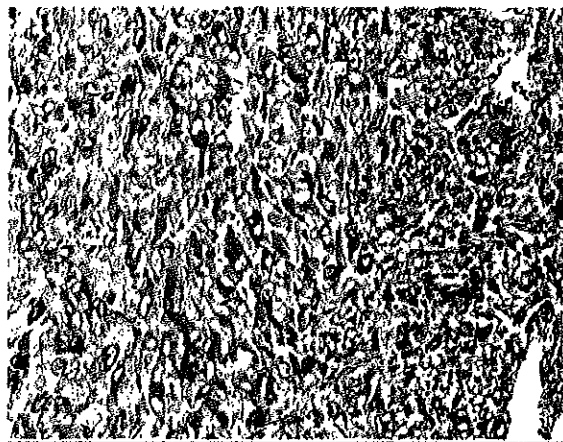


D'AMICO, JULIAN JR

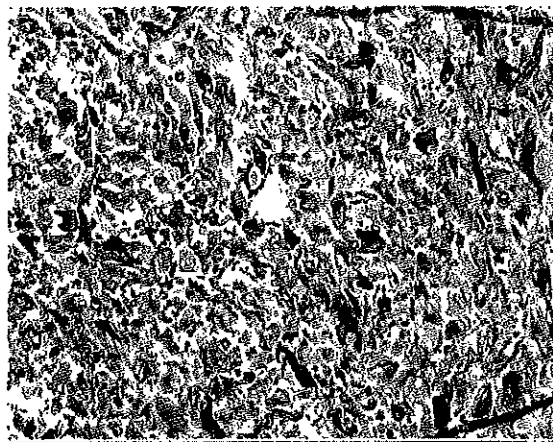
SURGICAL PATHOLOGY REPORT

TL19-63

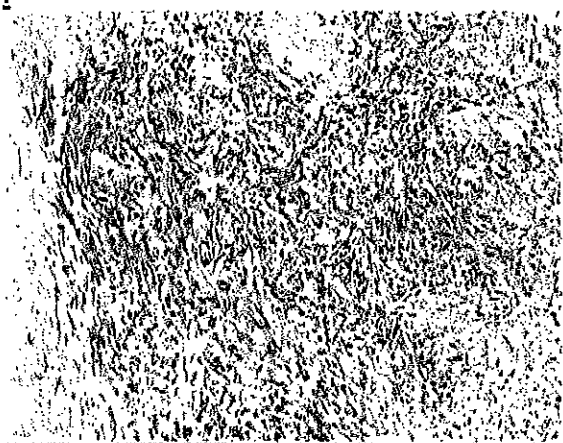
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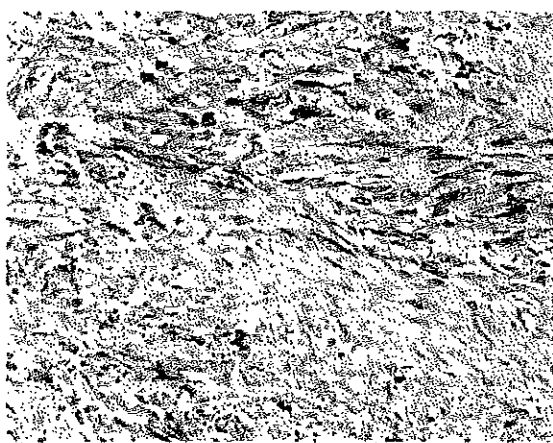
TI19-63-10 Vimentin(+) 20x



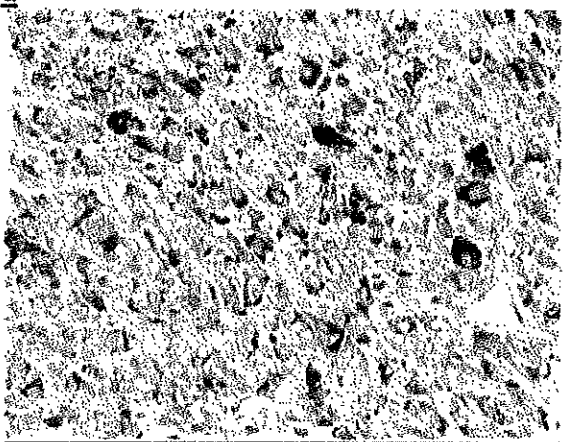
TI19-63-10 Vimentin(+) 20x



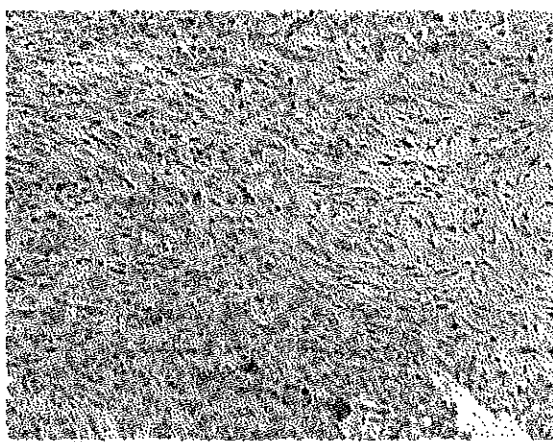
TI19-63-10 CK7(+) 10x



TI19-63-10 CK7(+) 20x



TI19-63-10 GATA3(+) 20x



TI19-63-10 GATA3(+) 20x



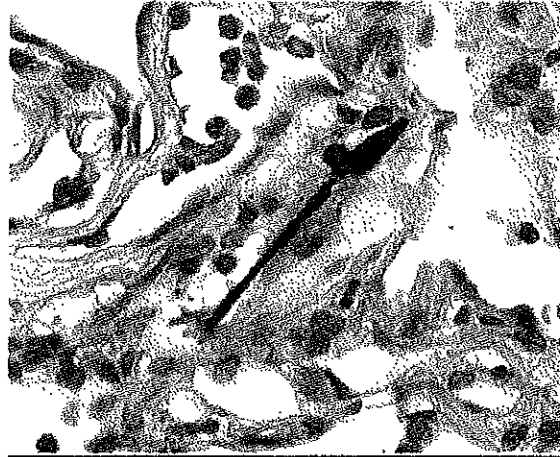
D'AMICO, JULIAN JR

SURGICAL PATHOLOGY REPORT

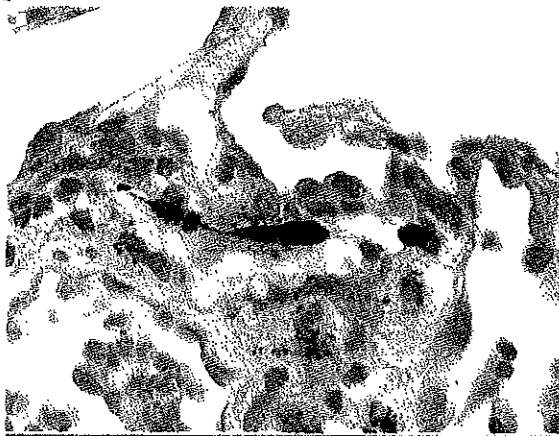
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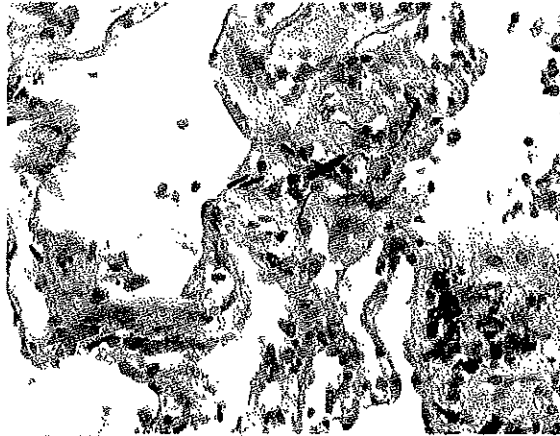
TL19-63-1H Iron(+) 80x asb.body



TL19-63-1H Iron(+) 80x asb.body



TL19-63-1H Iron(+) 80x asb.body



TL19-63-1H Iron(+) 40x 8 asb.bodies

**B****Block Description**

Received 8/8/19 are 5 bags of lung tissue and three blocks all labeled AR19-00006 from Rowan Medical Center Laboratory.

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|                                            |   |                                     |
|--------------------------------------------|---|-------------------------------------|
| STATE OF SOUTH CAROLINA                    | ) | IN THE COURT OF COMMON PLEAS        |
|                                            | ) |                                     |
| COUNTY OF RICHLAND                         | ) | FOR THE FIFTH JUDICIAL CIRCUIT      |
|                                            | ) |                                     |
| <b>BETTY D'AMICO</b> , Individually and as | ) | <b>C/A NO. 2019-CP-40-5235</b>      |
| Executor of the Estate of <b>JULIAN</b>    | ) |                                     |
| <b>D'AMICO, JR.</b> ,                      | ) | <i>In Re:</i>                       |
|                                            | ) | Asbestos Personal Injury Litigation |
| Plaintiffs,                                | ) | Coordinated Docket                  |
|                                            | ) |                                     |
| v.                                         | ) |                                     |
|                                            | ) |                                     |
| <b>ARMSTRONG INTERNATIONAL,</b>            | ) |                                     |
| <b>INC., et al.</b>                        | ) |                                     |
|                                            | ) |                                     |
| Defendants.                                | ) |                                     |

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**PLAINTIFF'S RESPONSES TO DEFENDANTS' STANDARD INTERROGATORIES**

TO: ALL DEFENDANTS, BY AND THROUGH THEIR COUNSEL OF RECORD

Plaintiff, Betty D'Amico, Individually and as Executor of the Estate of Julian D'Amico, Jr., by and through their counsel of record, files her Response to Defendants' Standard Interrogatories pursuant to the South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket.



**ANSWERS TO STANDARD INTERROGATORIES**

**INTERROGATORY NO. 1:**

State your full name, address and telephone number, date of birth, educational background and Social Security number.

**ANSWER:**

Betty Jean Cansler D'Amico  
550 Oak Tree Road  
Mooreville, NC 28117  
DOB: [REDACTED]  
SSN: xxx-xx-3295

Julian D'Amico (deceased)  
550 Oak Tree Road  
Mooreville, NC 28117  
DOB: [REDACTED]  
DOD: [REDACTED] (86 years old)  
SSN: xxx-xx-0546

Decedent Mr. D'Amico graduated high school in 1949 from a high school in Elberton, Georgia. He graduated Georgia Tech in 1956 with a Bachelor of Science in mechanical engineering. During the court of his studies, he alternated quarters while working at Duke Power as part of a co-operative program.

**INTERROGATORY NO. 2**

State the complete address of all places you have resided in the past twenty years giving the inclusive dates of residence for each place named.

**ANSWER:**

For more than twenty years, both Plaintiff and Mr. D'Amico lived at 550 Oak Tree Road, Mooreville, NC 28117.

**INTERROGATORY NO. 3**

If you are now or have ever been a member of a trade labor union, provide the following information:

- (a) the name of the union or unions to which you belonged;
- (b) the inclusive dates of your membership in each;
- (c) the numbers and complete address of the local unions to which you have belonged; and
- (d) all officers or other positions which you have held in each union, identifying the office, position, and union in which held and inclusive dates the position or office was held.

**ANSWER:**

**INTERROGATORY NO. 4**

Identify all jobs and projects on which you worked or around asbestos or materials containing asbestos and state separately as to each job or project the following:

- (a) the name and location of each job (stating the job site, city, county and state);
- (b) the name and address of each employer for whom you worked;
- (c) the beginning and ending dates of each job or project;
- (d) the name and manufacturer of each and every product containing asbestos with which you worked or to which you were exposed on each particular job or project and a general description of each such product;
- (e) the identity of your immediate superior or job superintendent on each such job or project;
- (f) the Identity of all persons with whom you worked on each such job or project;
- (g) the length of time that you worked on each such job or project;
- (h) whether or not you wore a respirator or mask on each such job or project; and
- (i) your specific duties on each job.

**ANSWER:**

Plaintiff objects to this interrogatory in that it is vague, ambiguous and overbroad. Additionally, portions of this interrogatory are not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto and without waiving these objections, please see Exhibit A attached hereto giving the worksites where Decedent worked with or around Defendants' asbestos-containing materials. Additionally, please see Plaintiff's Original Complaint filed in this case. Plaintiff will also provide information regarding potential co-workers, if any, that could provide may be responsive to this request.

Mr. D'Amico worked part-time for a Ford dealership part-time in and around Elberton in approximately 1949 to 1950. Mr. D'Amico worked in the parts department.

From 1951 to 1955, while attending Georgia Tech, Mr. D'Amico worked at Duke Energy as part of a co-operative program. He alternated spending approximately quarter (or three months) at the University and three months working at Duke Power locations. He worked primarily at the Dan River Steam Plant and Riverbend. Mr. D'Amico worked at Riverbend during the summer of 1954 with most of the rest of his time at Dan River. During this period from 1951 to 1955, his duties included, among other things, repairing and maintaining piping, valves and pumps. He was, at times, around repairs to boilers and turbines during this period. Mr. D'Amico, at times, removed and replaced thermal insulation, packing and gaskets on piping and equipment (and was, at times, around others doing the same). At Dan River, he sometimes worked in the presence of others during the construction of unit three. In the summer of 1954 at Riverbend, he sometimes worked in the test area.

In 1956, Mr. D'Amico began working full-time as a junior engineer at Duke Energy's Dan River location. Mr. D'Amico was assigned to the test department. He maintained instrumentation, controls and other equipment through the plant. At times, he worked around other trades repairing other equipment in his vicinity.

In approximately September 1956 to March 1957, Mr. D'Amico was in military service (after participating in ROTC in college). Mr. D'Amico remained in the reserves until about 1965 (and no longer needed to attend two-week camps after 1961).

From about the spring of 1957 to November 1959, Mr. D'Amico worked at Duke Energy's Riverbend location. He started as an assistant plant engineer and then became a plant engineer shortly thereafter. As an assistant plant engineer, he often worked in the test area and his duties involved, among other things, testing equipment and checking gauges. He, at times, worked around other trades repairing equipment. He was assigned to a Westinghouse turbine unit during an outage for training purposes.

In 1959, Mr. D'Amico got an office a Duke Energy's office in Charlotte. From 1959 to 1966, Mr. D'Amico worked as an operating engineer at all the surrounding Duke Energy sites. The sites included Riverbend, Dan River, Buck, Allen, Marshall and Lee Duke Energy sites. One of his primary responsibilities, among others, included overseeing the repair and maintenance to boilers, boiler systems and other major pieces of equipment. at Duke Energy sites. His duties as an operating engineer and production engineer were very similar.

From 1966 to 1971, Mr. D'Amico worked as a production engineer at all the surrounding Duke Energy sites. The sites included Riverbend, Dan River, Buck, Allen, Marshall and Lee Duke Energy sites. One of his primary responsibilities, among others, included overseeing the repair and maintenance to boilers, boiler systems and other major pieces of equipment at Duke Energy sites. Mr. D'Amico was in and out of the W.S. Lee station, including when the combustion turbines were installed (as he was the start-up engineer or coordinator). Some of his work at W.S. Lee overlapped with his work at Dan River.

From 1971 to 1973, Mr. D'Amico served as a superintendent at Duke Energy's Allen Station plant. He was responsible for many aspects of the operation of the plant.

From 1973 to 1974, Mr. D'Amico worked as a production system engineer for all surrounding Duke Energy sites. While based out of its office in Charlotte, Mr. D'Amico visited all the surrounding Duke Energy sites.

From 1974 to 1982, Mr. D'Amico acted as a manager for Duke Energy. While based out of its office in Charlotte, Mr. D'Amico visited all the surrounding Duke Energy sites.

From 1982 to 1989, Mr. D'Amico acted as a general manager for Duke Energy. While based out of its office in Charlotte, Mr. D'Amico visited all the surrounding Duke Energy sites.

Plaintiff refers generally to the testimony of Mr. D'Amico in his 1994, 1999 and 2001 depositions. While he was not asked questions about many products and brands, in such depositions Mr. D'Amico identified Thermobestos insulation, Kaylo insulation, Unibestos insulation, Calcrete, Westinghouse turbines, General Electric turbines, Combustion Engineering boilers, John Crane packing, Armstrong gaskets, Garlock gaskets, Flexitallic gaskets, transite on electrical board, Covil insulators and North Brothers insulators.

As discovery and investigation remains ongoing, Plaintiff reserves the right to supplement this response.

**INTERROGATORY NO. 5**

Identify all jobs you have had during your lifetime that are not listed in No. 4 above. As to each, state:

- (a) the general nature of the work you performed (i.e., coal miner, textile worker, etc.)
- (b) the name and location of each job (stating the job site, city; county and state);
- (c) the name and address of each employer for whom you worked;
- (d) the beginning and ending dates of each job or project.

**ANSWER:**

Plaintiff incorporates their objections and responses to Interrogatory No. 4 above as if fully restated here.

**INTERROGATORY NO. 6**

As to each exposure to each product listed in the answer to interrogatory number 4, describe by name or other description the person documents which you claim will establish either as a witness and/or documentary evidence the fact of your exposure to the product. For each witness listed, state the witness's complete name, job title or capacity, employer, address and telephone number. For each document listed, state a description of the document, its content and the name, address and telephone number of the custodian of the document.

**ANSWER:**

Plaintiff objects to this interrogatory in that it is vague, ambiguous and overbroad. Additionally, portions of this interrogatory are not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects that this interrogatory requires Plaintiff to marshal the entirety of their evidence and such is not required by the South Carolina Rules of Civil Procedure. Plaintiff also states that they are not aware of every potential witness and as such cannot speculate. Further, information responsive to this request is equally, if not more so, available to the defendants in this action. Subject to and without waiving these objections, Plaintiffs identify the depositions of Mr. D'Amico in 1994, 1999 and 2001. Plaintiff reserves the right to supplement this response should further responsive information comes to light.

**INTERROGATORY NO. 7**

Identify the disease or injuries for which claim is made by you in the above-captioned Complaint, and as to such disease or injury provide the following information:

- (a) a description of the symptoms of the disease or injury;
- (b) the date you first experienced any of the symptoms of the disease or injury described above;
- (c) the names and address of each doctor or other practitioner of the healing arts who has either examined or treated you for the disease or injury described above and the dates of such treatment or examination; and
- (d) the treatment provided by each doctor or other practitioner of the healing arts for the disease or injury identified above.

**ANSWER:**

Mr. D'Amico was diagnosed with mesothelioma and he died of mesothelioma. He previously suffered from asbestosis. Plaintiff attaches the medical records that Plaintiffs possess to date. Plaintiff also directs the Defendants to Plaintiff's List of Medical Providers. Plaintiff also refers to the report of Dr. Maddox. Plaintiff will provide authorizations to obtain any further records.

**INTERROGATORY NO. 8**

State the date of the diagnosis made by any physician or other practitioner of the healing arts of the disease or injury which you set forth in your answer to interrogatory number and identify the individual making such diagnosis.

**ANSWER:**

Decedent Mr. D'Amico was diagnosed on or about March 7, 2019 by Dr. Eagle at NH Lake Norman Oncology.

**INTERROGATORY NO. 9**

State the date you learned of the diagnosis of such disease or injury.

**ANSWER:**

See Answer to Interrogatory No. 8, same date as diagnosis or within the days thereafter.

**INTERROGATORY NO. 10**

If you have received any treatment with respect to the disease at issue set forth in your answer to interrogatory number 7, state:

- (a) the name and address of each hospital, clinic or other medical facility at which you were treated or admitted;
- (b) the dates on which said treatment or treatments were rendered including the dates of entry into and discharge from said hospitals, clinics or other medical facility;
- (c) an itemization of the charges rendered by each hospital, clinic or other medical facility;
- (d) the expenses of examination or treatment by any doctors who have examined or treated you.

**ANSWER:**

Plaintiff objects that this request is overly broad and unduly burdensome. Subject thereto and without waiving the same, Plaintiff refers to the medical records presently in Plaintiff's possession that Plaintiffs attach hereto, as well as Plaintiff's List of all Medical Providers. Plaintiff also refers to the report of Dr. Maddox. Plaintiff will provide authorizations to obtain any further records.

**INTERROGATORY NO. 11**

Identity each physician or other practitioner of the healing arts not previously identified herein who has examined or treated you for any reason and for each such individual so identified provide the following information:

- (a) the reason for such examination or treatment;
- (b) the date of each examination or treatment; and
- (c) the diagnosis resulting from each such examination or treatment.

**ANSWER:**

Plaintiff objects that this request is overly broad and unduly burdensome. Subject thereto and without waiving the same, Plaintiff refers to the medical records presently in Plaintiff's possession that Plaintiffs attach hereto, as well as Plaintiff's List of all Medical Providers. Plaintiff also refers to the report of Dr. Maddox. Plaintiff will provide authorizations to obtain any further records.

**INTERROGATORY NO. 12**

Identify each hospital, clinic or other medical facility not previously identified herein at which you had been examined or received medical treatment for each such facility identified provide the following information:

- (a) the reason for such examination or treatment;
- (b) the date of each such examination or treatment;
- (c) if you were an in-patient, the dates of admission to and discharge from such hospital, clinic or medical facility; and
- (d) the diagnosis resulting from each such examination or treatment.

**ANSWER:**

Plaintiff objects that this request is overly broad and unduly burdensome. Subject thereto and without waiving the same, Plaintiff refers to the medical records presently in Plaintiff's possession that Plaintiffs attach hereto, as well as Plaintiff's List of all Medical Providers. Plaintiff also refers to the report of Dr. Maddox. Plaintiff will provide authorizations to obtain any further records.

**INTERROGATORY NO. 13**

If you are currently receiving medical services or treatment of any nature whatsoever, state:

- (a) the name or names of the person or persons attending you;
- (b) the approximate frequency of said treatment or services; and
- (c) the date you last received said treatment or services.

**ANSWER:**

Mr. D'Amico is deceased.

**INTERROGATORY NO. 14**

If you have ever had x-rays taken of your chest, provide the following information for each set of x-rays taken:

- (a) the name and addresses of the office or hospital where the x-rays were taken;
- (b) the reason why such x-rays were taken;
- (c) the date of dates on which the x-rays were taken;
- (e) the information reported to you as being the x-ray diagnosis; and
- (f) the identity of the person or persons who took the x-ray and the person or persons who made the diagnosis.



**ANSWER:**

Plaintiff objects that this request is overly broad and unduly burdensome. Subject thereto and without waiving the same, Plaintiff refers to the medical records presently in Plaintiff's possession that Plaintiffs attach hereto, as well as Plaintiff's List of all Medical Providers. Plaintiff also refers to the report of Dr. Maddox. Plaintiff will provide authorizations to obtain any further records.

**INTERROGATORY NO. 15**

If you have made any Workers' Compensation claim as a result of any injuries or diseases, provide the following information:

- (a) the date you first reported to your employer the incident of your injury or disease;
- (b) the date and name of the agency with which you filed a claim for workers' Compensation benefits;
- (c) the date upon which you first received any Workers' Compensation benefits, either for disability or medical treatment;
- (d) the name and address of the employer against whom you made said claim; and
- (e) the nature of the injury or disease for which a claim was made.

**ANSWER:**

Plaintiff objects to this Interrogatory to the extent it requests confidential information that is not relevant to the pending litigation and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections and without waiving the same, Plaintiff states that Mr. D'Amico previously filed a tort claim and workers' compensation claim related to his asbestosis in the mid-1990s. Plaintiff attaches hereto his 1994 deposition from his tort matter. Plaintiff reserves the right to supplement this response if further information is obtained.

**INTERROGATORY NO. 16**

If you have filed any claim with the Social Security administration as a result of any injuries or disease, provide the following information:

- (a) the date you filed said claim;
- (b) the nature of such claim;
- (c) the date upon which you first received any benefits, either for disability or for medical treatment;
- (d) the amount of benefits you are receiving and the frequency with which you receive these benefits.

**ANSWER:**

Plaintiff objects to this Interrogatory to the extent it requests confidential information that is not relevant to the pending litigation and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections and without waiving the same, Plaintiff states that discovery remains ongoing and Plaintiff reserves the right to supplement this answer should further responsive information comes to light.

**INTERROGATORY NO. 17**

If you have ever been involved in any other legal action, including criminal charges against you, provide the following information:

- (a) whether you were a plaintiff or defendant;
- (b) the nature of the claim made by or against you, including the nature of any criminal charge made against you;
- (c) the date and place each such action was filed, giving the name of the Court, the name of the other party or parties involved, the number of such action or actions and the names of the attorneys representing each party; and
- (d) the result of each such action, whether there was an appeal and the result of the appeal, and whether such case was reported, and the name, volume number and page citation of the report.

**ANSWER:**

Plaintiff objects that this request is overbroad, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, to the best of Plaintiff's knowledge, not applicable. Discovery is ongoing and Plaintiff reserves the right to supplement this answer should further responsive information comes to light.

**INTERROGATORY NO. 18**

Do you or your counsel have written reports from any physician or practitioner of the healing arts respecting any injuries or diseases which; you have identified in your response to these interrogatories? If so, please attach; a copy of said report or reports to your answers to these interrogatories.

**ANSWER:**

Plaintiff objects that this request is overly broad and unduly burdensome. Subject thereto and without waiving the same, Plaintiff refers to the medical records presently in Plaintiff's possession that she attaches hereto. Dr. Maddox reviewed Mr. D'Amico slides and created a report to be provided herewith. Plaintiff also directs the Defendants to Plaintiff's List of Medical Providers. Plaintiff states that discovery remains ongoing and Plaintiff reserves the right to supplement this answer should further responsive information comes to light.

**INTERROGATORY NO. 19**

As to any job or jobs on which you allege you were injuriously exposed to asbestos—containing materials, was there any company other than your employer installing or handling asbestos—containing materials at the same job site? If so, please identify each job, its location, and the approximate dates on which you worked on that job and the other company alleged to be installing or handling asbestos-containing materials at that site.

**ANSWER:**

Plaintiff objects to this interrogatory as overly broad, vague and ambiguous. Moreover, information responsive to this request is equally, if not more so, available to Defendants in this case. Subject to and without waiving these objections, Plaintiff states that, although he was not asked many questions on this subject, he identified Covil insulators and North Brothers insulators. He described Westinghouse and General Electric employees being present during the installation of turbines. Plaintiffs reserve the right to supplement this response upon further investigation and the completion of discovery as to the contractors and entities present.

**INTERROGATORY NO. 20**

Do you now, or have you ever, chewed, smoked, consumed, or otherwise used tobacco or tobacco products? If so, please state:

- (a) the type or types of products (i.e., cigarettes, cigars, etc.);
- (b) the brand name of each product listed above;
- (c) the inclusive dates of use of each product listed above: and
- (d) the frequency of use or amount of use (i.e., one pack a day, etc.).

**ANSWER:**

Plaintiff objects as this Request is not relevant nor reasonably calculated to lead to admissible evidence. Subject to this objection, Mr. D'Amico smoked Chesterfield cigarettes briefly in the early 1950s.

Respectfully submitted,

s/ Jonathan H. Holder

Jonathan M. Holder, (SC Bar No. 77935)  
Charles W. Branham, III, To be admitted *Pro Hac Vice*

Mark J. Buha, To be admitted *Pro Hac Vice*

**DEAN OMAR BRANHAM SHIRLEY, LLP**

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**ATTORNEYS FOR PLAINTIFF**

November 15, 2019

Dallas, Texas.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing instrument was served on counsel for all parties via Certified U.S. Mail Return Receipt, U.S. Mail Standard First Class, and/or electronic mail this 15<sup>th</sup> day of November 2019.

s/ Jonathan M. Holder

Counsel for Plaintiffs

# EXHIBIT A

EXHIBIT A  
**Julian D'Amico**  
***WORK SITES\****

Plaintiff provides this information based on his and/or other witness's recollection of handling or being around products that may have caused Decedent Julian D'Amico to be exposed to asbestos. This information may be supplemented by information from witnesses, documentation gathered and/or investigation conducted by Plaintiff's counsel to date. This investigation continues and Plaintiff will supplement this information as needed. At the present time, Plaintiff believes that Julian D'Amico worked at the following sites:

Mr. D'Amico worked part-time for a Ford dealership part-time in and around Elberton in approximately 1949 to 1950. Mr. D'Amico worked in the parts department.

From 1951 to 1955, while attending Georgia Tech, Mr. D'Amico worked at Duke Energy as part of a co-operative program. He alternated spending approximately quarter (or three months) at the University and three months working at Duke Power locations. He worked primarily at the Dan River Steam Plant and Riverbend. Mr. D'Amico worked at Riverbend during the summer of 1954 with most of the rest of his time at Dan River. During this period from 1951 to 1955, his duties included, among other things, repairing and maintaining piping, valves and pumps. He was, at times, around repairs to boilers and turbines during this period. Mr. D'Amico, at times, removed and replaced thermal insulation, packing and gaskets on piping and equipment (and was, at times, around others doing the same). At Dan River, he sometimes worked in the presence of others during the construction of unit three. In the summer of 1954 at Riverbend, he sometimes worked in the test area.

In 1956, Mr. D'Amico began working full-time as a junior engineer at Duke Energy's Dan River location. Mr. D'Amico was assigned to the test department. He maintained instrumentation, controls and other equipment through the plant. At times, he worked around other trades repairing other equipment in his vicinity.

In approximately September 1956 to March 1957, Mr. D'Amico was in military service (after participating in ROTC in college). Mr. D'Amico remained in the reserves until about 1965 (and no longer needed to attend two-week camps after 1961).

From about the spring of 1957 to November 1959, Mr. D'Amico worked at Duke Energy's Riverbend location. He started as an assistant plant engineer and then became a plant engineer shortly thereafter. As an assistant plant engineer, he often worked in the test area and his duties involved, among other things, testing equipment and checking gauges. He, at times, worked around other trades repairing equipment. He was assigned to a Westinghouse turbine unit during an outage for training purposes.

In 1959, Mr. D'Amico got an office a Duke Energy's office in Charlotte. From 1959 to 1966, Mr. D'Amico worked as an operating engineer at all the surrounding Duke Energy sites. The sites included Riverbend, Dan River, Buck, Allen, Marshall and Lee Duke Energy sites. One of his primary responsibilities, among others, included overseeing the repair and maintenance to boilers, boiler systems and other major pieces of equipment. at Duke Energy sites. His duties as an operating engineer and production engineer were very similar.

\*Plaintiff reserves the right to supplement this response as discovery is ongoing.

EXHIBIT A  
**Julian D'Amico**  
***WORK SITES\****

From 1966 to 1971, Mr. D'Amico worked as a production engineer at all the surrounding Duke Energy sites. The sites included Riverbend, Dan River, Buck, Allen, Marshall and Lee Duke Energy sites. One of his primary responsibilities, among others, included overseeing the repair and maintenance to boilers, boiler systems and other major pieces of equipment at Duke Energy sites. Mr. D'Amico was in and out of the W.S. Lee station, including when the combustion turbines were installed (as he was the start-up engineer or coordinator). Some of his work at W.S. Lee overlapped with his work at Dan River.

From 1971 to 1973, Mr. D'Amico served as a superintendent at Duke Energy's Allen Station plant. He was responsible for many aspects of the operation of the plant.

From 1973 to 1974, Mr. D'Amico worked as a production system engineer for all surrounding Duke Energy sites. While based out of its office in Charlotte, Mr. D'Amico visited all the surrounding Duke Energy sites.

From 1974 to 1982, Mr. D'Amico acted as a manager for Duke Energy. While based out of its office in Charlotte, Mr. D'Amico visited all the surrounding Duke Energy sites.

From 1982 to 1989, Mr. D'Amico acted as a general manager for Duke Energy. While based out of its office in Charlotte, Mr. D'Amico visited all the surrounding Duke Energy sites.

**Medical Providers:**

NH Pulmonary and Critical Care  
NH Huntersville Medical Center  
NH Lakeside Family Physicians  
NH Lake Norman Oncology  
Novant Health Presbyterian  
Lake Norman Pulmonary & Sleep  
Lake Norman Pulmonary & Critical Care  
Lake Norman Regional Medical Center  
Dr. Douglas Kelling  
Brigham and Women's

|                                            |   |                                     |
|--------------------------------------------|---|-------------------------------------|
| STATE OF SOUTH CAROLINA                    | ) | IN THE COURT OF COMMON PLEAS        |
|                                            | ) |                                     |
| COUNTY OF RICHLAND                         | ) | FOR THE FIFTH JUDICIAL CIRCUIT      |
| <b>BETTY D'AMICO</b> , Individually and as | ) | <b>C/A NO. 2019-CP-40-5235</b>      |
| Executor of the Estate of <b>JULIAN</b>    | ) |                                     |
| <b>D'AMICO, JR.</b> ,                      | ) | <i>In Re:</i>                       |
|                                            | ) | Asbestos Personal Injury Litigation |
| Plaintiffs,                                | ) | Coordinated Docket                  |
|                                            | ) |                                     |
| v.                                         | ) |                                     |
|                                            | ) |                                     |
| <b>ARMSTRONG INTERNATIONAL,</b>            | ) |                                     |
| <b>INC., et al.</b>                        | ) |                                     |
|                                            | ) |                                     |
| Defendants.                                | ) |                                     |

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**PLAINTIFF'S RESPONSES TO DEFENDANTS' MASTER SET OF  
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: ALL DEFENDANTS, BY AND THROUGH THEIR COUNSEL OF RECORD

Plaintiff, Betty D'Amico, Individually and as Executor of the Estate of Julian D'Amico, Jr., by and through her counsel of record, serves her Responses to Defendants' Master Set of Interrogatories and Requests for Production of Documents pursuant to the South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket.





**ANSWERS TO STANDARD INTERROGATORIES**

**INTERROGATORY NO. 1:**

Identify all documents of which Plaintiff have knowledge which relate to the allegations that Plaintiff are entitled receive punitive or exemplary damages.

**ANSWER:**

Plaintiff objects that this Interrogatory is overly broad, unduly burdensome and premature. In particular, evidence of punitive damages in form of documents, if any, would be Defendants' documents and therefore (1) is equally, if not more so, available to the Defendants than the Plaintiff and (2) not in Plaintiff's possession because discovery of such documents has not been completed. Plaintiff further objects that this Interrogatory is vague and ambiguous in that is unclear whether this seeks information pertaining to all elements of a claim for punitive damages (including asbestos exposure, causation, etc.) or only those regarding Defendant's recklessness. Subject thereto and without waiving these objections, Plaintiff answers that evidence supporting punitive damages at this stage of the case is anticipated to be in the form of testimony (in addition to documents). Plaintiff will provide counsel with exhibit lists containing all Plaintiff documents they seek to use at trial, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiff generally identifies portions of the depositions of Defendants' corporate representatives, persons most knowledgeable and/or managers. Plaintiff further reserves the right to supplement or amend this answer should responsive documents come to light.

**INTERROGATORY NO. 2:**

Identify all persons which Plaintiff believes have knowledge of facts or opinions which relate to the allegations that Plaintiff is entitled to receive punitive or exemplary damages.

**ANSWER:**

Plaintiff objects that this Interrogatory is overly broad and unduly burdensome. Plaintiff further objects that this Interrogatory is vague and ambiguous in that is unclear whether this seeks information pertaining to all elements of a claim for punitive damages (including asbestos exposure, causation, etc.) or only those regarding Defendant's recklessness. Subject thereto and without waiving these objections, Plaintiff will provide counsel with witness lists containing the requested information pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiff reserves the right to supplement or amend their response to this Interrogatory as discovery and investigation remains ongoing.

Subject to and without waiving the foregoing objections, Plaintiff states that the following witnesses *may* have knowledge of facts or opinions responsive to this Interrogatory:

**Betty D'Amico** (Plaintiff)

c/o Mark Buha

Dean Omar Branham & Shirley, LLP

**Julian D'Amico** (Decedent)

Mr. D'Amico gave depositions on October 26, 1994, October 11, 1999 and January 30, 2001. Plaintiff will provide such depositions.

**Gary D'Amico (Plaintiff)**

c/o Mark Buha

Dean Omar Branham & Shirley, LLP

**Joseph D'Amico (Plaintiff)**

c/o Mark Buha

Dean Omar Branham & Shirley, LLP

**Any coworkers that worked with Mr. D'Amico including but not limited to the following and any coworkers identified in any deposition to be taken in this case.**

Plaintiff reserves the right to supplement or amend this portion of her response to this Interrogatory, in particular, as discovery and her investigation remains ongoing. In the above-identified prior depositions of Mr. D'Amico, he identified the names of various individuals who worked for Duke Power that he was familiar with. Plaintiff does not know whether such individuals possess any knowledge of Mr. D'Amico relevant to this case. Plaintiff is presently undergoing the investigative process of determining whether these individuals are alive and possess knowledge of facts relevant to this case (and whether other co-workers, not named in those depositions, are alive and possess relevant knowledge). In the October 26, 1994 deposition, D'Amico identified approximately 21 individuals employed by Duke Power at various times and at various locations (*see* 106:1-110:13, 130:13-131:4, 132:24-133:6, 136:13-137:25, 159:19-160:6, 160:16-161:7). He also identified individuals in his January 30, 2001 deposition.

**EXPERT WITNESSES**

**Dr. Hector Battifora**

1752 Wilson Avenue

Arcadia, CA 91006

626-836-9147

**Dr. Eugene Mark**

Massachusetts General Hospital

55 Fruit Street, Warren 244

Boston, MA 02114

617-726-8891

**Dr. John C. Maddox**

Riverside Regional Medical Center

500 J. Clyde Morris Boulevard

Newport News, VA 23601

757-594-2160

**Dr. Jerrold L. Abraham**

Upstate University Hospital  
750 East Adams Street  
Syracuse, NY 13210  
315-464-5540

**Dr. William Salyer**

PSI  
3017 Telegraph Avenue, Suite 100  
Berkley, CA 94705  
510-644-0951

**Dr. James R. Bruce**

700 Gaslight Boulevard  
Lufkin, TX 75904  
936-632-5992

**Dr. Brent C. Staggs**

Diplomat, American Board of Pathology  
1 Lile Court, Suite 101  
Little Rock, AR 72205

These doctors may testify, live or by deposition, concerning their review of the medical records, pathology and work history of Mr. D'Amico and his diagnosis of asbestos-related disease in this case. These doctors may testify that Mr. D'Amico contracted mesothelioma as a result of exposure to asbestos. Additionally, these doctors may testify that Mr. D'Amico's asbestos-related disease was caused by his exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants. These experts may also testify that Mr. D'Amico's diagnosis and symptoms were related to, and caused by, his exposure to asbestos and that all exposures to asbestos of an occupational level substantially contribute to the development of mesothelioma. They may testify that the effects of exposure to asbestos at occupational levels are cumulative in nature. Occupational levels of asbestos exposure to asbestos are typically many times (tens to hundreds or a thousand-fold and greater) above background levels experienced by those with no exposure to asbestos at occupational levels. These experts may also testify that individuals can be exposed to asbestos outside of the workplace or in a bystander fashion, but still experience exposure at levels one would expect to see occupationally or directly. These exposures contribute to the development of asbestos diseases and particularly mesothelioma. Further, these doctors may testify concerning the increased risk of cancer faced by asbestos-exposed workers and the epidemiological link between asbestos and cancer. More specifically, these doctors may testify as to Mr. D'Amico's increased risk of developing an asbestos-related cancer during his lifetime as a result of his exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants. These doctors may testify as to the hazardous nature of asbestos and/or asbestos-containing products and as a result, that such asbestos and/or asbestos-containing products are

unreasonably dangerous. These doctors may testify concerning the reasonable and necessary medical expenses that Mr. D'Amico incurred and/or will incur in the future as a result of his asbestos-related disease. Defense counsel are in possession of numerous transcripts within which these doctors' opinions have been fully explored.

These experts will testify as to the procedures and treatments experienced by Mr. D'Amico and Mr. D'Amico's pain and suffering attributable to the disease mesothelioma. They may further testify as to facts and circumstances regarding the nature of the injuries and damages experienced by mesothelioma victims. They may testify regarding Mr. D'Amico's prognosis and life expectancy had he not been diagnosed with mesothelioma.

Additionally, these experts will testify about asbestos and the diseases caused by asbestos generally. These experts may testify that based on epidemiological studies, Mr. D'Amico's asbestos-related disease was caused by his exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants. Additionally, these experts may testify that based on the medical and scientific literature available to Defendants, Defendants knew or should have known that asbestos-containing products could cause disease. These experts may testify as to their review of the medical and scientific literature regarding asbestos and asbestos-related diseases. These experts may testify regarding the availability of materials as substitutes for asbestos and when information concerning these substitute materials appeared in the medical and scientific literature. These experts may testify regarding exposure levels of asbestos, at what levels asbestos may cause disease, and as to when this was known in the medical and scientific literature. These experts may also testify as to their review of the documents entered into evidence in this case or reviewed pertaining to Defendants, and as to their conclusions reached therefrom that Defendants were negligent, are strictly liable, and acted with wanton and willful disregard for the rights and safety of Mr. D'Amico. These experts may also testify as to the hazardous nature of asbestos and that asbestos-containing products are unreasonably dangerous. They may also testify that Defendants engaged in negligent and grossly negligent conduct in failing to recall their asbestos-containing products from the market or in failing to warn of the dangers of their products or the use of asbestos-containing products. Further, these experts may testify concerning the increased risk of cancer faced by asbestos-exposed workers and the epidemiological link between asbestos and cancer. More specifically, these experts may testify as to Mr. D'Amico's increased risk of developing an asbestos-related cancer as a result of his exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants and that Mr. D'Amico's fear of cancer is a reasonable fear. These experts may testify as to what caused and/or contributed to Mr. D'Amico's exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants. These experts may testify concerning fiber types of asbestos generally and that all types of asbestos fibers and all lengths of asbestos fibers are capable of causing all asbestos-related diseases and all forms of asbestos-related cancers. These experts may testify regarding the asbestos content of different products and/or pieces of equipment during different periods of

time. These experts may discuss the dangers of low-level exposure to asbestos and may testify that there is no safe level of exposure to asbestos. They may also testify regarding “bystander” and “household exposures” to asbestos and that these types of exposures are known to contribute to cause mesothelioma and other asbestos related diseases. These experts may testify regarding when it was known that bystander and household exposures were known to cause disease.

These doctors may testify that medical articles and journals indicated in the 1920s that asbestos could be hazardous and deadly, and in the 1930s and 1940s indicated that asbestos could cause cancer, and that it was known or knowable that asbestos was a hazardous and dangerous substance in those time frames. They may testify regarding the development of knowledge in the medical and scientific community regarding asbestos and asbestos diseases.

These doctors may testify that warnings placed on containers of asbestos-containing products, and/or asbestos equipment, and/or in technical manuals, if any, may have been inadequate to properly inform users and persons exposed of the significant hazards of asbestos inhalation.

These doctors’ opinions will be based upon their review of any and all medical records and available chest x-rays and/or pathology materials, as well as their expertise in the field, including experience and training, and their review of historical and more recent medical articles and journals.

These doctors may testify that pure chrysotile asbestos, in the absence of tremolite, causes mesothelioma. These doctors may further testify that, in their opinion, chrysotile asbestos mined in the vicinity of Coalinga, California, including in Union Carbide’s calidria mines, causes all of the asbestos disease caused by Canadian chrysotile. These doctors may testify that chrysotile in asbestos-containing products is contaminated with tremolite, actinolite, anthophyllite, amosite and/or crocidolite asbestos.

**Dr. Steven Haber**

Respiratory Medicine Consultants  
9337B Katy Freeway, Suite 267  
Houston, Texas 77024

Dr. Haber may testify, live or by deposition, concerning his examination and treatment of Plaintiff and his diagnosis of asbestos-related disease in this case. He may testify concerning asbestos, the effects of asbestos on the body and any other topics related thereto. He may also testify as to their review of recent medical information pertaining to Plaintiff and the progression of Plaintiff’s disease that occurred since his last examination. Additionally, he may testify that Plaintiff’s asbestos-related disease was caused by his exposure to Defendants’ asbestos-containing products, the use of asbestos-containing products on Defendants’ equipment or machinery, and/or the use of asbestos-containing products while working on Defendants’ premises and/or while employed by Defendants. He may testify as to the hazardous nature of asbestos and/or asbestos-containing products and as a result, that such asbestos and/or asbestos-containing products are unreasonably dangerous. He may also testify concerning the role of Plaintiff’s asbestos-related disease in causing and/or precipitating Plaintiff’s illnesses and/or resulting death. He may testify that Plaintiff required and/or requires medical monitoring and

treatment and/or hospitalizations as a result of his exposure to asbestos. He may also testify regarding the effects of asbestos-related disease on the body and more specifically, the pain and suffering of the Plaintiff, including his mental state. He may testify concerning the reasonable and necessary medical expenses the Plaintiff has incurred as a result of his asbestos-related disease.

**Dr. James Robb**

11613 Kensington Court  
Boca Raton FL 33428-2415  
561-901-8243

Dr. Robb is a practicing pathologist with board certifications in anatomic pathology, clinical pathology, dermatopathology and cytopathology. Dr. Robb may testify as to the physiological design and function of the lungs, the effect of asbestos on the lungs and other parts of the body, and on the body's defense mechanisms. He may also testify about asbestos, the diseases it causes, the progressive, irreversible effects of asbestos disease and the prognosis for an asbestos-exposed individual. He may also testify concerning the scientific literature on the biological and toxicological effects of asbestos written by himself and others. He may also testify about the body's biological responses to brief exposure to asbestos, the pathogenic effects produced by various asbestos fiber types, including chrysotile, and the mechanisms of asbestos-induced diseases including fibrosis and carcinogenesis. He may further testify concerning asbestos deposition and migration in and through the lungs and body. He may discuss all types of cancer risks from asbestos exposure. Dr. Robb may testify that all exposures are substantial contributing factors to an individual's disease and that there is no known safe level of exposure to asbestos. Dr. Robb's testimony is based on his review and knowledge of medical literature, his education and work experience, his research, and the research of others.

Dr. Robb may testify that, based on his review of the medical records, diagnosis, pathology and work/exposure history of the Decedent, that Decedent's asbestos-related disease was caused by exposure to asbestos. Dr. Robb may testify concerning the clinical course and progression of Decedent's asbestos-related disease. Dr. Robb may also testify regarding Mr. D'Amico's past and future reasonable and necessary medical treatments and costs. Dr. Robb may also discuss and explain the various treatments and procedures undergone or to be undergone by Plaintiff/Plaintiff's Decedent. Dr. Robb may discuss Plaintiff's/Plaintiff's Decedent's prognosis, life expectancy and expected cause of death.

**Dr. Edwin Holstein**

Environmental Health Associates PA  
10 Langley Road, Suite 306  
Newton Centre, MA 02459  
617-795-2238

**Dr. Mark Colella**

219 Royal Doulton Court  
Gibsonia, PA 15044  
724-226-7863

**Barry Horn, M.D.**

Berkley Pulmonary Medical Group  
2450 Ashby Avenue  
Berkeley, CA 94705510-204-1894

The above listed experts may testify, live or by deposition, concerning their examination of the Mr. D'Amico and/or their review of the Mr. D'Amico's work history, medical records, x-rays, and bills for medical services as well as their diagnosis of asbestos-related disease in this case. These doctors may testify that Mr. D'Amico contracted Mesothelioma as a result of exposure to asbestos, and that all exposures to asbestos of an occupational level substantially contribute to the development of Mesothelioma. They may testify concerning asbestos, and that the effects of exposure to asbestos at occupational levels are cumulative in nature. Occupational levels of asbestos exposure to asbestos are typically many times (tens to hundreds or a thousand fold and greater) above background levels experienced by those with no exposure to asbestos at occupational levels. These experts may also testify that individuals can be exposed to asbestos outside of the workplace or in a bystander fashion, but still experience exposure at levels one would expect to see occupationally or directly. These exposures contribute to the development of asbestos diseases and particularly mesothelioma. They may testify from hypothetical sets of facts and may give opinions regarding whether certain types of exposures would have substantially contributed to cause asbestos related disease, including mesothelioma. They may also testify that Mr. D'Amico's asbestos-related disease was caused by his exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants. They may also testify that Mr. D'Amico incurred medical expenses as a result of his exposure to asbestos and his development of an asbestos-related disease. The doctors may testify concerning the reasonable and necessary medical expenses that Mr. D'Amico incurred, and may incur in the future, as a result of his asbestos-related disease. They may also testify that asbestos-containing products are unreasonably dangerous due to their propensity to cause development of asbestos-related diseases. Defense counsel are in possession of numerous transcripts of the testimony within which the opinions concerning this subject have been fully explored.

These experts may testify based upon their review of Mr. D'Amico's medical records, x-rays, and bills for medical services and that such medical bills for medical services are reasonable and necessary. These experts may testify with regard to Mr. D'Amico's diagnosis of an asbestos-related disease, including Mesothelioma. These experts may testify that Mr. D'Amico required medical monitoring, treatment and/or hospitalization (and the reasonable medical expenses therefore) as a result of his exposure to asbestos, asbestos-related disease, asbestos-related cancer, the progression and/or recurrence of this cancer and general fear of cancer because of asbestos exposure.

Additionally, these experts will testify about asbestos and the diseases caused by asbestos generally. These experts will testify that smoking is addictive. These experts may testify that based on epidemiological studies, Mr. D'Amico's asbestos-related disease was caused by his exposure to Defendants' asbestos-containing products, the use of asbestos-containing products

on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants. Additionally, these experts may testify that based on the medical and scientific literature available to Defendants, Defendants knew or should have known that asbestos-containing products could cause disease. These experts may testify as to their review of the medical and scientific literature regarding asbestos and asbestos-related diseases. These experts may testify regarding the availability of materials as substitutes for asbestos and when information concerning these substitute materials appeared in the medical and scientific literature. These experts may testify regarding exposure levels of asbestos, at what levels asbestos may cause disease, and as to when this was known in the medical and scientific literature. They may also testify regarding "bystander" and "household exposures" to asbestos and that these types of exposures are known to contribute to cause mesothelioma and other asbestos related diseases. These experts may testify regarding when it was known that bystander and household exposures were known to cause disease. These experts may also testify as to their review of the documents entered into evidence in this case or reviewed pertaining to Defendants, and as to their conclusions reached therefrom that Defendants were negligent, are strictly liable, and acted with wanton and willful disregard for the rights and safety of Mr. D'Amico. These experts may also testify as to the hazardous nature of asbestos and that asbestos-containing products are unreasonably dangerous. They may also testify that Defendants engaged in negligent and grossly negligent conduct in failing to recall their asbestos-containing products from the market or in failing to warn of the dangers of their products or the use of asbestos-containing products. Further, these experts may testify concerning the increased risk of cancer faced by asbestos-exposed workers and the epidemiological link between asbestos and cancer. More specifically, these experts may testify as to Mr. D'Amico's increased risk of developing an asbestos-related cancer as a result of his exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants and that Mr. D'Amico's fear of cancer is a reasonable fear. These experts may testify as to what caused and/or contributed to Mr. D'Amico's exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants. These experts may testify concerning fiber types of asbestos generally and that all types of asbestos fibers are capable of causing all asbestos-related diseases and all forms of asbestos-related cancers. These experts may testify regarding the asbestos content of different products and/or pieces of equipment during different periods of time. These experts may discuss the dangers of low-level exposure to asbestos and may testify that there is no safe level of exposure to asbestos.

These doctors may testify that medical articles and journals indicated in the 1920s that asbestos could be hazardous and deadly, and in the 1930s and 1940s indicated that asbestos could cause cancer, and that it was known or knowable that asbestos was a hazardous and dangerous substance in those time frames. They may testify regarding the development of knowledge in the medical and scientific community regarding asbestos and asbestos diseases.



These doctors may testify that warnings placed on containers of asbestos-containing products, and/or asbestos equipment, and/or in technical manuals, if any, may have been inadequate to properly inform users and persons exposed of the significant hazards of asbestos inhalation.

These doctors' opinions will be based upon their review of any and all medical records and available chest x-rays and/or pathology materials, as well as their expertise in the field, including experience and training, and their review of historical and more recent medical articles and journals.

These doctors may testify that pure chrysotile asbestos, in the absence of tremolite, causes mesothelioma. These doctors will further testify that, in their opinion, chrysotile asbestos mined in the vicinity of Coalinga, California, including in Union Carbide's Calidria mines, causes all of the asbestos diseases caused by Canadian chrysotile. These doctors may testify that chrysotile in asbestos-containing products is contaminated with tremolite asbestos.

**Victoria Wells Wulsin, M.D., Dr.P.H.**

3581 Interwood Ave  
Cincinnati, OH 45220  
513-237-5043

Victoria Wulsin, M.D., Dr.P.H., specializes in occupational and preventive medicine. She is an expert in subjects including the medical, epidemiological, occupational, environmental, and regulatory aspects of asbestos and disease. Dr. Wulsin's fee for deposition testimony is \$400 per hour. Dr. Wulsin has agreed to testify at the trial of this matter, and will be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning the specific testimony, including any opinion and its basis, that she is expected to testify to at the trial of this matter.

Dr. Wulsin is a medical doctor and epidemiologist who will testify to matters related to the circumstances of Mr. D'Amico's exposure to defendants' asbestos and asbestos-containing products, and the use of defendants' asbestos and asbestos-containing products.

This expert may testify regarding Mr. D'Amico's exposures to asbestos at different times and may testify concerning her assessment of the various risks which were associated with such exposures. She may also testify regarding the material and characteristics of defendants' asbestos and asbestos-containing products, release of asbestos fibers from defendants' asbestos and asbestos-containing products, industry and regulatory protocols, constituent analysis with respect to the nature of the materials and the identity of the manufacturer of the materials, product formulae and product identification. She may further testify regarding the availability of materials as substitutes for asbestos and when information concerning these substitute materials appeared in the medical and scientific literature. This expert may also testify regarding the asbestos content of different products during different periods of time.

This expert may further testify concerning the conditions at the sites of Mr. D'Amico's exposure to asbestos based on testimony of the Mr. D'Amico, relevant documents, discovery responses and/or conversations with other workers who engaged in similar work. She may testify

concerning asbestos hazards resulting from maintenance, repair and construction operations taking place at those sites and defendants' failure to respond adequately or appropriately to those hazards. She may further testify that defendants' actions constituted negligence, gross negligence, conscious indifference to others and/or indicate that defendants were aware of the substantial certainty that their actions could or would result in significant illnesses and/or deaths.

She may further testify that defendants were in violation of asbestos regulations promulgated by state governments and the United States Government, and that defendants violated their duties under the Occupational Safety and Health Act and its implementing regulations. She may testify that defendants' failure to comply with these laws, regulations and standards constitutes negligence and gross negligence, and was a cause of Mr. D'Amico's injuries. She may further testify that defendants were aware, or should have been aware, of the hazards of asbestos by the time of Mr. D'Amico's use of, and exposure to, their products, as a result of medical, scientific and industrial hygiene literature available to all Defendants.

This expert may also testify, based on her experience, training and education, as to the health risks associated with exposure to asbestos. She may testify regarding direct exposure, bystander exposure to asbestos and "fiber drift," and specifically that these are occupational hazards associated with asbestos and that they were significant contributing factors in the Mr. D'Amico's asbestos exposure. She may also testify regarding "household exposures" to asbestos and that these types of exposures are known to contribute to cause lung cancer and other asbestos related diseases. This expert may testify regarding when it was known that direct, bystander and household exposures were known to cause disease. She may testify that the cumulative dose of asbestos that a person receives is what increases the risk of asbestos related diseases, including mesothelioma, lung cancer, and asbestos-related scarring. She may testify that all exposures to asbestos of an occupational level are substantial contributing factors to the development of an individual's disease, and that all of such of Mr. D'Amico's exposures contributed to the development of Mr. D'Amico's asbestos disease, including mesothelioma. Occupational levels of asbestos exposure to asbestos are typically many times (tens to hundreds or a thousand fold and greater) above background levels experienced by those with no exposure to asbestos at occupational levels. Dr. Wulsin may also testify that individuals can be exposed to asbestos outside of the workplace or in a bystander fashion, but still experience exposure at levels one would expect to see occupationally or directly. She may also testify that asbestos and asbestos products are toxic and unreasonably dangerous, and that they are more dangerous than would be contemplated by the ordinary user with ordinary skills and characteristics common to the community. She may also testify that there are no known safe levels of exposure to asbestos dust in that there is no level of exposure to asbestos that has been proven too low to cause malignant mesothelioma. She may testify further that all types of asbestos represent occupational hazards and that in the sciences of occupational, environmental, and preventive medicine, all types of commercial asbestos and tremolite asbestos are understood to cause all asbestos diseases, including but not limited to, mesothelioma. She may testify that "dose reconstruction" or similar efforts to specifically quantify and model in numeric terms the Mr. D'Amico's total and/or relative asbestos exposure, in the absence of measurements taken at the Mr. D'Amico's exposure sites during the relevant periods of time, have significant scientific limitations.

This expert may testify regarding the general background levels of asbestos release, bystander levels of exposure of the fiber release, and fiber release and contamination on clothing and other

personal contamination. She may also testify regarding results of dust studies by analysis of using both particles per cubic foot and fibers per cubic centimeter, as well as current and past techniques used to analyze asbestos content in dust. She may testify that the levels of asbestos dust to which the Mr. D'Amico was exposed during his working career would have likely exceeded established TLVs and PELs in many instances. This expert may discuss the dangers of low-level exposure to asbestos and may testify that there is no safe level of exposure to asbestos.

This expert has examined studies of the amount of asbestos fibers released into the breathing zone during ordinary and foreseeable operations of asbestos products. She may testify that during foreseeable uses of defendants' asbestos and asbestos-containing products that those products released asbestos fibers into the breathing zone of workers, including but not limited to, Mr. D'Amico, in levels that are above background. These asbestos products may include dry powders that are mixed with water and sanded, pre-mixed pastes that are sanded, thermal insulation products that are cut, sawed and/or torn out, adhered gaskets or packing that are removed in whole or in part by brushing or sanding, boards or flat sheets or tiles or siding that are cut or scored or abraded, brake linings that are ground, filed or sanded and/or blown out of drums with supplied air, and products scrap that is swept or blown or vacuumed or ripped out. She may testify that impregnated and/or encapsulated products, when disturbed or abraded, can release asbestos fibers into the breathing zone of workers, like Mr. D'Amico, in levels that are above background. She may compare and contrast the findings with other scientific findings. She may offer opinions concerning testing which has been performed on behalf of defendants or the lack of testing on defendants' asbestos and asbestos-containing products.

This expert may testify that dust levels measured in testing one defendant's asbestos product would be similar to the results from another defendant's similar product with similar ingredients.

It is anticipated, that this expert will testify that asbestos exposure of the Mr. D'Amico arising from defendants' asbestos products or activities involving the use of asbestos or asbestos products were substantial contributing factors in Mr. D'Amico's overall asbestos exposure and were the result of defendant's failure to exercise appropriate industrial hygiene controls for suppressing or reducing exposures to asbestos, including but not limited to adequately warning Mr. D'Amico of the dangers associated with asbestos and means to protect himself. She may testify that these failures by defendants were knowing and/or unreasonable in the time and place in which they occurred given the information that was available to defendants, medical and scientific literature, statutes, regulations and/or based on the defendant's actual knowledge. This expert's opinion may be based upon her review of any and all records and materials, published and or expressed opinions of other experts in the field, corporate documents, as well as her expertise in the field, including experience and training, and her review of historical and more recent scientific articles and journals as well as government regulations.

This doctor may testify that medical articles and journals indicated in the 1920s that asbestos could be hazardous and deadly, and in the 1930s and 1940s indicated that asbestos could cause cancer, and that it was known or knowable that asbestos was a hazardous and dangerous substance in those time frames. She may testify regarding the development of knowledge in the medical and scientific community regarding asbestos and asbestos diseases.

This expert may testify that pure chrysotile asbestos, in the absence of tremolite, represents a health hazard for all asbestos-related diseases that need to be controlled. This doctor may further testify that, in her opinion, chrysotile asbestos causes all types of asbestos disease, including but not limited to, malignant mesothelioma.

This expert may also testify concerning the presence of talc in the products Mr. D'Amico was exposed to. This expert may further testify that the talc was asbestos-containing and that said asbestos was in a form capable of causing asbestos-related diseases including mesothelioma, lung cancer, and asbestosis.

She may testify that in both historical and present day contexts what some people have termed controversies regarding the toxicity of chrysotile asbestos are rooted in conflicts of interest of asbestos product manufacturers and sellers. She may testify that some sectors of the industry had earlier and more detailed historical access to the relevant scientific information on asbestos health hazards than medical professionals and the consuming public. She may testify that industry efforts to suppress, and in some cases distort, scientific information on the adverse health effects of asbestos have shaped the medical and scientific literature, public policy, and regulatory requirements.

**Dr. Michael Freeman**

425 NW 10th Avenue, Suite 306

Portland, OR 97209

971-255-1008

Dr. Michael Freeman is a doctor of medicine and an epidemiologist specializing forensic medicine and forensic epidemiology. Dr. Freeman may testify at the trial of this matter, and will be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning the specific testimony, including any opinion and its basis, that he is expected to testify to at the trial of this matter.

Dr. Freeman is a medical doctor and epidemiologist who will testify to matters related to the circumstances of Mr. D'Amico's exposure to defendants' asbestos and asbestos-containing products, and the use of defendants' asbestos and asbestos-containing products.

This expert may testify regarding Mr. D'Amico's exposures to asbestos at different times and may testify concerning his assessment of the various risks which were associated with such exposures. He may also testify regarding the material and characteristics of defendants' asbestos and asbestos-containing products, release of asbestos fibers from defendants' asbestos and asbestos-containing products, industry and regulatory protocols, constituent analysis with respect to the nature of the materials and the identity of the manufacturer of the materials, product formulae and product identification. He may further testify regarding the availability of materials as substitutes for asbestos and when information concerning these substitute materials appeared in the medical and scientific literature. This expert may also testify regarding the asbestos content of different products during different periods of time.

This expert may further testify concerning the conditions at the sites of Mr. D'Amico's exposure to asbestos based on testimony of the Mr. D'Amico, relevant documents, discovery responses and/or conversations with other workers who engaged in similar work. He may testify concerning asbestos hazards resulting from maintenance, repair and construction operations taking place at those sites and defendants' failure to respond adequately or appropriately to those hazards. He may further testify that defendants' actions constituted negligence, gross negligence, conscious indifference to others and/or indicate that defendants were aware of the substantial certainty that their actions could or would result in significant illnesses and/or deaths. He may further testify that defendants were in violation of asbestos regulations promulgated by state governments and the United States Government, and that defendants violated their duties under the Occupational Safety and Health Act and its implementing regulations. He may testify that defendants' failure to comply with these laws, regulations and standards constitutes negligence and gross negligence, and was a cause of Mr. D'Amico's injuries. He may further testify that defendants were aware, or should have been aware, of the hazards of asbestos by the time of Mr. D'Amico's use of, and exposure to, their products, as a result of medical, scientific and industrial hygiene literature available to all Defendants.

This expert may also testify, based on her experience, training and education, as to the health risks associated with exposure to asbestos. He may testify regarding direct exposure, bystander exposure to asbestos and "fiber drift," and specifically that these are occupational hazards associated with asbestos and that they were significant contributing factors in the Mr. D'Amico's asbestos exposure. He may also testify regarding "household exposures" to asbestos and that these types of exposures are known to contribute to cause lung cancer and other asbestos related diseases. This expert may testify regarding when it was known that direct, bystander and household exposures were known to cause disease. He may testify that the cumulative dose of asbestos that a person receives is what increases the risk of asbestos related diseases, including mesothelioma, lung cancer, and asbestos-related scarring. He may testify that all exposures to asbestos of an occupational level are substantial contributing factors to the development of an individual's disease, and that all of such of Mr. D'Amico's exposures contributed to the development of Mr. D'Amico's asbestos disease, including mesothelioma. Occupational levels of asbestos exposure to asbestos are typically many times (tens to hundreds or a thousand fold and greater) above background levels experienced by those with no exposure to asbestos at occupational levels. Dr. Freeman may also testify that individuals can be exposed to asbestos outside of the workplace or in a bystander fashion, but still experience exposure at levels one would expect to see occupationally or directly. He may also testify that asbestos and asbestos products are toxic and unreasonably dangerous, and that they are more dangerous than would be contemplated by the ordinary user with ordinary skills and characteristics common to the community. He may also testify that there are no known safe levels of exposure to asbestos dust in that there is no level of exposure to asbestos that has been proven too low to cause malignant mesothelioma. He may testify further that all types of asbestos represent occupational hazards and that in the sciences of occupational, environmental, and preventive medicine, all types of commercial asbestos and tremolite asbestos are understood to cause all asbestos diseases, including but not limited to, mesothelioma. He may testify that "dose reconstruction" or similar efforts to specifically quantify and model in numeric terms the Mr. D'Amico's total and/or relative asbestos exposure, in the absence of measurements taken at the Mr. D'Amico's exposure sites during the relevant periods of time, have significant scientific limitations.

This expert may testify regarding the general background levels of asbestos release, bystander levels of exposure of the fiber release, and fiber release and contamination on clothing and other personal contamination. He may also testify regarding results of dust studies by analysis of using both particles per cubic foot and fibers per cubic centimeter, as well as current and past techniques used to analyze asbestos content in dust. He may testify that the levels of asbestos dust to which the Mr. D'Amico was exposed during his working career would have likely exceeded established TLVs and PELs in many instances. This expert may discuss the dangers of low-level exposure to asbestos and may testify that there is no safe level of exposure to asbestos.

This expert has examined studies of the amount of asbestos fibers released into the breathing zone during ordinary and foreseeable operations of asbestos products. He may testify that during foreseeable uses of defendants' asbestos and asbestos-containing products that those products released asbestos fibers into the breathing zone of workers, including but not limited to, Mr. D'Amico, in levels that are above background. These asbestos products may include dry powders that are mixed with water and sanded, pre-mixed pastes that are sanded, thermal insulation products that are cut, sawed and/or torn out, adhered gaskets or packing that are removed in whole or in part by brushing or sanding, boards or flat sheets or tiles or siding that are cut or scored or abraded, brake linings that are ground, filed or sanded and/or blown out of drums with supplied air, and products scrap that is swept or blown or vacuumed or ripped out. He may testify that impregnated and/or encapsulated products, when disturbed or abraded, can release asbestos fibers into the breathing zone of workers, like Mr. D'Amico, in levels that are above background. He may compare and contrast the findings with other scientific findings. He may offer opinions concerning testing which has been performed on behalf of defendants or the lack of testing on defendants' asbestos and asbestos-containing products.

This expert may testify that dust levels measured in testing one defendant's asbestos product would be similar to the results from another defendant's similar product with similar ingredients.

It is anticipated, that this expert will testify that asbestos exposure of the Mr. D'Amico arising from defendants' asbestos products or activities involving the use of asbestos or asbestos products were substantial contributing factors in Mr. D'Amico's overall asbestos exposure and were the result of defendant's failure to exercise appropriate industrial hygiene controls for suppressing or reducing exposures to asbestos, including but not limited to adequately warning Mr. D'Amico of the dangers associated with asbestos and means to protect himself. He may testify that these failures by defendants were knowing and/or unreasonable in the time and place in which they occurred given the information that was available to defendants, medical and scientific literature, statutes, regulations and/or based on the defendant's actual knowledge. This expert's opinion may be based upon her review of any and all records and materials, published and or expressed opinions of other experts in the field, corporate documents, as well as his expertise in the field, including experience and training, and his review of historical and more recent scientific articles and journals as well as government regulations.

This doctor may testify that medical articles and journals indicated in the 1920s that asbestos could be hazardous and deadly, and in the 1930s and 1940s indicated that asbestos could cause cancer, and that it was known or knowable that asbestos was a hazardous and dangerous

substance in those time frames. He may testify regarding the development of knowledge in the medical and scientific community regarding asbestos and asbestos diseases.

This expert may testify that pure chrysotile asbestos, in the absence of tremolite, represents a health hazard for all asbestos-related diseases that need to be controlled. This doctor may further testify that, in her opinion, chrysotile asbestos causes all types of asbestos disease, including but not limited to, malignant mesothelioma.

This expert may also testify concerning the presence of talc in the products Mr. D'Amico was exposed to. This expert may further testify that the talc was asbestos-containing and that said asbestos was in a form capable of causing asbestos-related diseases including mesothelioma, lung cancer, and asbestosis.

He may testify that in both historical and present day contexts what some people have termed controversies regarding the toxicity of chrysotile asbestos are rooted in conflicts of interest of asbestos product manufacturers and sellers. He may testify that some sectors of the industry had earlier and more detailed historical access to the relevant scientific information on asbestos health hazards than medical professionals and the consuming public. He may testify that industry efforts to suppress, and in some cases distort, scientific information on the adverse health effects of asbestos have shaped the medical and scientific literature, public policy, and regulatory requirements.

**Thomas O. McGarity**

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Professor McGarity is an expert in the historical development of knowledge about asbestos disease, including but not limited to, the role of industry in shaping what was known in the medical community and the mainstream public about hazards of asbestos. He is expected to testify that in both historical and present day contexts what some people have termed controversies regarding the toxicity of chrysotile asbestos are rooted in conflicts of interest of asbestos product manufacturers and sellers. He is expected to testify that some sectors of the industry had earlier and more detailed historical access to the relevant scientific information on asbestos health hazards than medical professionals and the consuming public. He is expected to testify that industry efforts to suppress, and in some cases distort, scientific information on the adverse health effects of asbestos have shaped the medical and scientific literature, public policy, and regulatory requirements. He is expected to testify about the ways in which historical changes in laws governing products liability and agency regulation affected industry responses to the health hazards posed by asbestos exposure.

**Jock McCulloch**

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Australia  
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Professor McCulloch is an expert in the historical development of knowledge about asbestos disease, including when it was known in the medical and scientific community and by industry that asbestos could cause asbestosis, lung cancer, mesothelioma and other asbestos related diseases. His testimony will include the role of industry in shaping what was known in the medical community and the mainstream public about hazards of asbestos. He is expected to testify that in both historical and present day contexts what some people have termed controversies regarding the toxicity of chrysotile asbestos are rooted in conflicts of interest of asbestos product manufacturers and sellers. He is expected to testify that some sectors of the industry had earlier and more detailed historical access to the relevant scientific information on asbestos health hazards than medical professionals and the consuming public. He is expected to testify that industry efforts to suppress, and in some cases distort, scientific information on the adverse health effects of asbestos have shaped medical and scientific literature, public policy, and regulatory requirements.

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**William Ewing, C.I.H.**  
Compass Environmental, Inc.  
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Kennesaw, GA 30144

The above experts are Certified Industrial Hygienists, Professional Engineers and/or Occupational Medicine Doctors who may testify about industrial hygiene and/or occupational medicine principles related to the circumstances of Mr. D'Amico's exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants.

These experts may testify regarding Mr. D'Amico's exposures to asbestos at different times and may testify concerning their assessment of the various risks which were associated with such exposures. They may also testify regarding the material and characteristics of Defendants' asbestos products, release of asbestos fibers from Defendants' products, industry and regulatory protocols, constituent analysis with respect to the nature of the materials and the identity of the manufacturer of the materials, product formulae and product identification. They may further testify regarding the availability of materials as substitutes for asbestos and when information concerning these substitute materials appeared in the medical and scientific literature. These experts may also testify regarding the asbestos content of different products and/or pieces of equipment during different periods of time.

These experts may further testify concerning the conditions at Mr. D'Amico's asbestos exposure sites based on testimony of the Mr. D'Amico, co-workers, documents, discovery responses and/or conversations with workers. They may testify concerning asbestos hazards resulting from maintenance, repair and construction operations taking place at those sites and Defendants' failure to respond adequately or appropriately to those hazards. They may further testify that Defendants' actions constituted negligence, gross negligence, conscious indifference to others and/or indicate that defendants were aware of the substantial certainty that their actions could or would result in significant illnesses and/or deaths. They may further testify that Defendants were in violation of asbestos regulations promulgated by state governments and the United States Government, and that Defendants violated their duties under the Occupational Safety and Health Act and its implementing regulations. They may testify that Defendants' failure to comply with these laws, regulations and standards constitutes negligence and gross negligence, and was a cause of Mr. D'Amico's injuries. They may further testify that Defendants were aware, or should have been aware, of the hazards of asbestos by the time of Mr. D'Amico's exposure to their products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants as a result of medical, scientific and industrial hygiene literature available to all Defendants.

These experts may also testify, based on their experience, training and education, as to the health risks associated with exposure to asbestos. They may testify regarding bystander exposure to asbestos, to asbestos and "fiber drift," and specifically that these are occupational hazards associated with asbestos and that they were significant contributing factors in the Mr. D'Amico's asbestos exposure. They may also testify regarding "household exposures" to asbestos and that these types of exposures are known to contribute to cause mesothelioma and other asbestos related diseases. These experts may testify regarding when it was known that bystander and household exposures were known to cause disease. These experts may also testify that Mr. D'Amico's diagnosis and symptoms were related to, and caused by, his/her exposure to asbestos and that all exposures to asbestos of an occupational level substantially contribute to the development of mesothelioma. They may testify that the effects of exposure to asbestos at occupational levels are cumulative in nature. Occupational levels of asbestos exposure to asbestos are typically many times (tens to hundreds or a thousand-fold and greater) above background levels experienced by those with no exposure to asbestos at occupational levels. These experts may also testify that individuals can be exposed to asbestos outside of the workplace or in a bystander fashion, but still experience exposure at levels one would expect to see occupationally or directly. These exposures contribute to the development of asbestos diseases and particularly mesothelioma. They may also testify that asbestos products are toxic and unreasonably dangerous, and that they are more dangerous than would be contemplated by the ordinary user with ordinary skills and characteristics common to the community. They may also testify that there are no safe levels of exposure to asbestos dust in that there is no level of exposure to asbestos that has been proven too low to cause the disease mesothelioma. They may testify further that all types of asbestos represent occupational hazards and that in the science of industrial hygiene, all types of commercial asbestos and tremolite asbestos are understood to cause all asbestos diseases, including but not limited to, malignant mesothelioma. These experts may testify regarding their estimation of the Mr. D'Amico's dose of exposure to Defendants' products.

These experts may testify regarding the general background levels of asbestos release, bystander levels of exposure of the fiber release, and fiber release and contamination on clothing and other personal contamination. They may also testify regarding results of dust studies by analysis of using both particles per cubic foot and fibers per cubic centimeter, as well as current and past techniques used to analyze asbestos content in dust. They may testify that the levels of asbestos dust to which the Mr. D'Amico was exposed during his working career would have likely exceeded established TLVs and PELs in many instances. These experts may discuss the dangers of low-level exposure to asbestos and may testify that there is no safe level of exposure to asbestos.

These experts have examined studies of the amount of asbestos fibers released into the breathing zone during ordinary and foreseeable operations of asbestos products. They may testify that during foreseeable uses of Defendants' asbestos products that those products released asbestos fibers into the breathing zone of workers, including but not limited to, Mr. D'Amico, in levels that are above background. These asbestos products include, but are not limited to, dry powders that are mixed with water and sanded, pre-mixed pastes that are sanded, thermal insulation products that are cut, sawed and/or torn out, adhered gaskets that are removed in whole or in part by brushing or sanding, removal of dry packing, boards or flat sheets or tiles or siding that are cut or scored or abraded, brake linings that are ground, filed or sanded and/or blown out of drums with supplied air, and products scrap that is swept or blown or vacuumed or ripped out. They may testify that impregnated and/or encapsulated products, when disturbed or abraded, can release asbestos fibers into the breathing zone of workers, like Mr. D'Amico, in levels that are above background. They may compare and contrast the findings with other scientific findings. They may offer opinions concerning testing which has been performed on behalf of Defendants or the lack of testing on Defendants' products. They may testify from hypothetical sets of facts and may give opinions regarding whether certain types of exposures would have substantially contributed to cause asbestos related disease, including mesothelioma.

These experts may testify that dust levels measured in testing one Defendants' asbestos product would be similar to the results from another Defendant's similar product with similar ingredients.

It is anticipated, that these experts will testify that asbestos exposure of the Mr. D'Amico arising from Defendants' asbestos products or activities involving the use of asbestos or asbestos products were substantial contributing factors in Mr. D'Amico's overall asbestos exposure and were the result of Defendant's failure to exercise appropriate industrial hygiene controls for suppressing or reducing exposures to asbestos, including but not limited to adequately warning Mr. D'Amico of the dangers associated with asbestos and means to protect himself. They will testify that these failures by Defendants were knowing and/or unreasonable in the time and place in which they occurred given the information that was available to Defendants, medical and scientific literature, statutes, regulations and/or based on the Defendant's actual knowledge. These experts' opinions may be based upon their review of any and all records and materials, published and or expressed opinions of other experts in the field, corporate documents, as well as their expertise in the field, including experience and training, and their review of historical and more recent scientific articles and journals as well as government regulations.

These doctors may testify that medical articles and journals indicated in the 1920s that asbestos could be hazardous and deadly, and in the 1930s and 1940s indicated that asbestos could cause cancer, and that it was known or knowable that asbestos was a hazardous and dangerous substance in those time frames. They may testify regarding the development of knowledge in the medical and scientific community regarding asbestos and asbestos diseases.

These experts may testify that pure chrysotile asbestos, in the absence of tremolite, represents an industrial hygiene hazard for all asbestos-related diseases that need to be controlled. These doctors may further testify that, in their opinion, chrysotile asbestos mined in the vicinity of Coalinga, California, including in Union Carbide's calidria mines, causes all of the asbestos disease caused by Canadian chrysotile.

These experts may testify that chrysotile in asbestos-containing products is contaminated with tremolite asbestos.

**Joe Burkhart, MS, CIH**  
Burkhart & Associates, LLC  
96 Clear Spring Drive  
Morgantown, WV 26508  
304-692-6096

Mr. Burkhart is a Certified Industrial Hygienist who may testify about industrial hygiene and/or occupational medicine principles related to the circumstances of Mr. D'Amico's exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants.

Mr. Burkhart may testify regarding Mr. D'Amico's exposures to asbestos at different times and may testify concerning his assessment of the various risks which were associated with such exposures. He may also testify regarding the material and characteristics of Defendants' asbestos products, release of asbestos fibers from Defendants' products, industry and regulatory protocols, constituent analysis with respect to the nature of the materials and the identity of the manufacturer of the materials, product formulae and product identification. He may further testify regarding the availability of materials as substitutes for asbestos and when information concerning these substitute materials appeared in the medical and scientific literature. He may also testify regarding the asbestos content of different products and/or pieces of equipment during different periods of time.

Mr. Burkhart may further testify concerning the conditions at Mr. D'Amico's asbestos exposure sites based on testimony of the Mr. D'Amico, co-workers, documents, discovery responses and/or conversations with workers. He may testify concerning asbestos hazards resulting from maintenance, repair and construction operations taking place at those sites and Defendants' failure to respond adequately or appropriately to those hazards. He may further testify that Defendants' actions constituted negligence, gross negligence, conscious indifference to others and/or indicate that defendants were aware of the substantial certainty that their actions could or would result in significant illnesses and/or deaths. He may further testify that Defendants were

in violation of asbestos regulations promulgated by state governments and the United States Government, and that Defendants violated their duties under the Occupational Safety and Health Act and its implementing regulations. He may testify that Defendants' failure to comply with these laws, regulations and standards constitutes negligence and gross negligence, and was a cause of Mr. D'Amico's injuries. He may further testify that Defendants were aware, or should have been aware, of the hazards of asbestos by the time of Mr. D'Amico's exposure to their products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants as a result of medical, scientific and industrial hygiene literature available to all Defendants.

Mr. Burkhardt may also testify, based on his experience, training and education, as to the health risks associated with exposure to asbestos. He may testify regarding bystander exposure to asbestos, to asbestos and "fiber drift," and specifically that these are occupational hazards associated with asbestos and that they were significant contributing factors in the Mr. D'Amico's asbestos exposure. He may also testify regarding "household exposures" to asbestos and that these types of exposures are known to contribute to cause mesothelioma and other asbestos related diseases. Mr. Burkhardt may testify regarding when it was known that bystander and household exposures were known to cause disease. He may also testify that Mr. D'Amico's diagnosis and symptoms were related to, and caused by, his/her exposure to asbestos and that all exposures to asbestos of an occupational level substantially contribute to the development of mesothelioma. He may testify that the effects of exposure to asbestos at occupational levels are cumulative in nature. Occupational levels of asbestos exposure to asbestos are typically many times (tens to hundreds or a thousand-fold and greater) above background levels experienced by those with no exposure to asbestos at occupational levels. Mr. Burkhardt may also testify that individuals can be exposed to asbestos outside of the workplace or in a bystander fashion, but still experience exposure at levels one would expect to see occupationally or directly. These exposures contribute to the development of asbestos diseases and particularly mesothelioma. He may also testify that asbestos products are toxic and unreasonably dangerous, and that they are more dangerous than would be contemplated by the ordinary user with ordinary skills and characteristics common to the community. He may also testify that there are no safe levels of exposure to asbestos dust in that there is no level of exposure to asbestos that has been proven too low to cause the disease mesothelioma. He may testify further that all types of asbestos represent occupational hazards and that in the science of industrial hygiene, all types of commercial asbestos and tremolite asbestos are understood to cause all asbestos diseases, including but not limited to, malignant mesothelioma. This expert may testify regarding his estimation of the Mr. D'Amico's dose of exposure to Defendants' products.

Mr. Burkhardt may testify regarding the general background levels of asbestos release, bystander levels of exposure of the fiber release, and fiber release and contamination on clothing and other personal contamination. He may also testify regarding results of dust studies by analysis of using both particles per cubic foot and fibers per cubic centimeter, as well as current and past techniques used to analyze asbestos content in dust. He may testify that the levels of asbestos dust to which the Mr. D'Amico was exposed during his working career would have likely exceeded established TLVs and PELs in many instances. Mr. Burkhardt may discuss the dangers

of low-level exposure to asbestos and may testify that there is no safe level of exposure to asbestos.

Mr. Burkhardt has examined studies of the amount of asbestos fibers released into the breathing zone during ordinary and foreseeable operations of asbestos products. He may testify that during foreseeable uses of Defendants' asbestos products that those products released asbestos fibers into the breathing zone of workers, including but not limited to, Mr. D'Amico, in levels that are above background. These asbestos products include, but are not limited to, dry powders that are mixed with water and sanded, pre-mixed pastes that are sanded, thermal insulation products that are cut, sawed and/or torn out, adhered gaskets that are removed in whole or in part by brushing or sanding, removal of dry packing, boards or flat sheets or tiles or siding that are cut or scored or abraded, brake linings that are ground, filed or sanded and/or blown out of drums with supplied air, and products scrap that is swept or blown or vacuumed or ripped out. He may testify that impregnated and/or encapsulated products, when disturbed or abraded, can release asbestos fibers into the breathing zone of workers, like Mr. D'Amico, in levels that are above background. He may compare and contrast the findings with other scientific findings. He may offer opinions concerning testing which has been performed on behalf of Defendants or the lack of testing on Defendants' products. He may testify from hypothetical sets of facts and may give opinions regarding whether certain types of exposures would have substantially contributed to cause asbestos related disease, including mesothelioma.

Mr. Burkhardt may testify that dust levels measured in testing one Defendants' asbestos product would be similar to the results from another Defendant's similar product with similar ingredients.

It is anticipated, that Mr. Burkhardt will testify that asbestos exposure of the Mr. D'Amico arising from Defendants' asbestos products or activities involving the use of asbestos or asbestos products were substantial contributing factors in Mr. D'Amico's overall asbestos exposure and were the result of Defendant's failure to exercise appropriate industrial hygiene controls for suppressing or reducing exposures to asbestos, including but not limited to adequately warning Mr. D'Amico of the dangers associated with asbestos and means to protect himself. He will testify that these failures by Defendants were knowing and/or unreasonable in the time and place in which they occurred given the information that was available to Defendants, medical and scientific literature, statutes, regulations and/or based on the Defendant's actual knowledge. Mr. Burkhardt's opinions may be based upon his review of any and all records and materials, published and or expressed opinions of other experts in the field, corporate documents, as well as his expertise in the field, including experience and training, and his review of historical and more recent scientific articles and journals as well as government regulations.

Mr. Burkhardt may testify that medical articles and journals indicated in the 1920s that asbestos could be hazardous and deadly, and in the 1930s and 1940s indicated that asbestos could cause cancer, and that it was known or knowable that asbestos was a hazardous and dangerous substance in those time frames. He may testify regarding the development of knowledge in the medical and scientific community regarding asbestos and asbestos diseases.

Mr. Burkhardt may testify that pure chrysotile asbestos, in the absence of tremolite, represents an industrial hygiene hazard for all asbestos-related diseases that need to be controlled. Mr.

Burkhart may further testify that, in his opinion, chrysotile asbestos mined in the vicinity of Coalinga, California, including in Union Carbide's calidria mines, causes all of the asbestos disease caused by Canadian chrysotile.

Mr. Burkhart may testify that chrysotile in asbestos-containing products is contaminated with tremolite asbestos.

**Carl Andrew Brodtkin, M.D.**

Clinical Associate Professor  
Occupational & Environmental Medicine  
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206-523-4180

Dr. Brodtkin, as a board-certified occupational medicine physician and a Fellow of the American College of Occupational and Environmental Medicine (FACOEM), has experience and training in biostatistics, epidemiology, toxicology and industrial hygiene, as well as occupational and environmental medicine.

Dr. Brodtkin may testify, live or by deposition, concerning his examination of the Mr. D'Amico and/or his review of the Mr. D'Amico's work history, medical records, x-rays, and bills for medical services as well as his evaluation of asbestos-related disease in this case. He may also testify about asbestos, the effects of asbestos on the body and the diseases caused by asbestos generally. Additionally, he may testify concerning Mr. D'Amico's increased risk of mesothelioma and other asbestos-related diseases as a consequence of his exposure to asbestos. Dr. Brodtkin may testify that based on epidemiological, industrial hygiene, medical, scientific and/or other studies, Mr. D'Amico's asbestos-related disease and his increased risk of cancer were caused by his exposure to Defendants' asbestos-containing products or use of asbestos-containing products on Defendants' machinery or equipment, and/or the use of asbestos containing products while working on Defendants premises or while employed by Defendants. He may also testify that Mr. D'Amico incurred medical expenses as a result of his exposure to asbestos and his development of an asbestos-related disease. Dr. Brodtkin may testify concerning the reasonable and necessary medical expenses that Mr. D'Amico incurred, and may incur in the future, as a result of his asbestos-related disease.

Dr. Brodtkin may testify about what asbestos is and how asbestos causes disease and which diseases are caused from exposure to asbestos.

Dr. Brodtkin may testify that asbestos was known to cause various diseases, including cancer, by the 1920s and 1930s, respectively. Dr. Brodtkin may testify as to his review of the literature and the opinions and conclusions contained in that literature regarding state of the art issues and specifically regarding medical knowledge of asbestos-related effects and recommended protections to exposed workers. Dr. Brodtkin may testify whether or not a specific identified exposure to asbestos is a contributing cause to asbestos-related disease, as well as the cumulative effect of Mr. D'Amico's asbestos exposures. He may testify whether Mr. D'Amico's cumulative exposure to asbestos is causally associated with his/her asbestos-related disease. Dr. Brodtkin

may testify as to when end product users, household-exposed individuals and bystanders developed asbestos-related diseases, including resulting mortality.

Dr. Brodtkin may testify about the levels of asbestos exposure released from asbestos materials/products. Dr. Brodtkin may testify to the nature and extent of Mr. D'Amico's exposure, including intensity of fiber release from specific activities. Dr. Brodtkin may testify, to the extent possible, to the levels of asbestos exposure that Mr. D'Amico received from Defendants' asbestos products and the increased risk of mesothelioma, if any, from these exposures. Dr. Brodtkin may also testify whether specific identified exposures substantially contributed to Mr. D'Amico's mesothelioma and/or other asbestos-related disease. Dr. Brodtkin will discuss general principles of occupational medicine. Further, Dr. Brodtkin may testify concerning the increased risk of cancer faced by asbestos-exposed workers and the epidemiological link between asbestos and cancer. More specifically, Dr. Brodtkin may testify as to this Mr. D'Amico's increased risk of developing an asbestos-related cancer as a result of his exposure to Defendants' asbestos-containing products and/or exposure at Defendants premises or place of employment. Dr. Brodtkin may also testify that Mr. D'Amico's increased risk of cancer was causally associated with Mr. D'Amico's exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' machinery or equipment, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants. Dr. Brodtkin will discuss the well characterized dose response of asbestos and may testify that risk for asbestos-related disease is substantially greater than ambient exposures. Dr. Brodtkin may testify concerning fiber types of asbestos generally and that all types of asbestos fibers are capable of causing all asbestos-related diseases and all forms of asbestos-related cancers, including mesothelioma. Dr. Brodtkin may testify with regard to Mr. D'Amico's diagnosis of an asbestos-related disease. He may also testify with regard to Mr. D'Amico's increased risk of contracting lung cancer or mesothelioma or other cancers as a result of his asbestos exposure. Dr. Brodtkin may also testify that Mr. D'Amico's diagnosis and symptoms were related to, and caused by, his exposure to asbestos and that all exposures to asbestos of an occupational level substantially contribute to the development of mesothelioma. Dr. Brodtkin may testify concerning asbestos, and that the effects of exposure to asbestos at occupational levels are cumulative in nature. Occupational levels of asbestos exposure to asbestos are typically many times (tens to hundreds or a thousand fold and greater) above background levels experienced by those with no exposure to asbestos at occupational levels. He may also testify that individuals can be exposed to asbestos outside of the workplace or in a bystander fashion, but still experience exposure at levels one would expect to see occupationally or directly. These exposures contribute to the development of asbestos diseases and particularly mesothelioma. Additionally, he may testify that Mr. D'Amico's exposure to asbestos contributed to his asbestos-related disease and/or asbestos-related cancer. Dr. Brodtkin may testify that Mr. D'Amico requires and/or required medical monitoring, treatment and/or hospitalization (and the reasonable medical expenses therefore) as a result of his exposure to asbestos, asbestos-related disease, asbestos-related cancer, the progression and/or recurrence of this cancer, and associated health concerns.

Dr. Brodtkin may testify that medical knowledge indicated during the late 1920s and 1930s that asbestos could be hazardous and deadly, that it could cause cancer during the 1930's and 1940's, and that additional information continued to be provided about asbestos hazards in the 1950s,



1960s and 1970s. He may testify that it was known or knowable that asbestos and products containing asbestos, were hazardous and dangerous in those time frames.

Within his review of occupational histories and/or exposure, Dr. Brodtkin will address whether asbestos warnings or related hazard training occurred or whether it impacted use of engineering controls or personal protective equipment that would impact exposure.

Dr. Brodtkin may testify regarding bystander indirect exposure to asbestos, as well as the development of TLV's and PEL's, and whether specific exposures were a proximate and substantial factor in causing Mr. D'Amico's asbestos-related disease. Dr. Brodtkin will address the nature and extent of Mr. D'Amico's exposure.

Dr. Brodtkin may testify as to the health aspects of asbestos exposure and to his own personal and professional writings, publications and editorials; the amount of asbestos exposure it takes to cause cancer and other asbestos-related diseases; the historical aspects of the development of OSHA/NIOSH and the history of OSHA/NIOSH regulations and other governmental regulations regarding asbestos and asbestos exposure.

This doctor's opinions will be based upon his review of any and all medical records and health-related documents, any exposure related documents, including discovery materials, depositions and available chest x-rays and/or pathology reports, as well as his expertise in the field, including experience and training, and his review of historical and more recent medical articles and journals. This doctor may testify that, based on a review of published information and unpublished data concerning the defendants' products, these products produce dangerous levels of asbestos dust that contributed to cause the Mr. D'Amico's disease.

Dr. Brodtkin may testify about issues relating to the toxicity of specific asbestos fiber types, and that pure chrysotile asbestos causes mesothelioma. Dr. Brodtkin may testify that Chrysotile asbestos is potent in causing mesothelioma. Dr. Brodtkin may also testify that there is no known safe level of exposure to asbestos in terms of causation of mesothelioma and other asbestos-related cancers.

**Arnold R. Brody, Ph.D.**

Department of Molecular Biomedical Sciences  
North Carolina State University  
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919-513-7662

Dr. Brody may testify as to the physiological design and function of the lungs, the effect of asbestos on the lungs and other parts of the body, and on the body's defense mechanisms. He may also testify about the irreversible effects of asbestos-related diseases and the prognosis for an asbestos-exposed individual. He may also testify concerning the scientific and medical literature on the biological and toxicological effects of asbestos written by him and others. He may testify regarding historical literature relating to asbestos related diseases, and when it was known and accepted in the medical and scientific community that asbestos could cause various

diseases. He may also testify about the body's biologic responses to brief exposures to asbestos, the pathogenic effects produced by various asbestos fiber types, including chrysotile, and mechanisms of asbestos-induced diseases including fibrosis and carcinogenesis. He may further testify concerning asbestos deposition and migration in and through the lungs and body. He will discuss all types of cancer risks from asbestos exposure, including mesothelioma. He will define what "injury" means and that asbestos-related diseases are injuries. Dr. Brody may further testify as to facts and circumstances regarding the nature of the injuries and damages that are the subject of this action. Dr. Brody may testify that all exposures to asbestos of an occupational level substantially contribute to the development of mesothelioma. He may testify that the effects of exposure to asbestos at occupational levels are cumulative in nature. Occupational levels of asbestos exposure to asbestos are typically many times (tens to hundreds or a thousand fold and greater) above background levels experienced by those with no exposure to asbestos at occupational levels. Dr. Brody may also testify that individuals can be exposed to asbestos outside of the workplace or in a bystander fashion, but still experience exposure at levels one would expect to see occupationally or directly. These exposures contribute to the development of asbestos diseases and particularly mesothelioma. Dr. Brody will testify that products which release asbestos fibers are unreasonably dangerous and that fibers will remain in the lungs until death. Dr. Brody may testify from hypothetical sets of facts and may give opinions regarding whether certain types of exposures would have substantially contributed to cause asbestos related disease, including mesothelioma. Dr. Brody may discuss the dangers of low-level exposure to asbestos and may testify that there is no safe level of exposure to asbestos. He may also testify regarding "bystander" and "household exposures" to asbestos and that these types of exposures are known to contribute to cause mesothelioma and other asbestos related diseases. He may testify regarding when it was known that bystander and household exposures were known to cause disease. He will testify that smoking is addictive. Dr. Brody's testimony is based on his review and knowledge of medical literature, his education and work experience, his research, and the research of others.

Dr. Brody may also testify that it has been known for decades that asbestos can cause asbestos related diseases, including mesothelioma.

Dr. Brody's opinions will be based upon his expertise in the field, including experience and training, and his review of historical and more recent medical and scientific articles and journals.

Dr. Brody may testify that pure chrysotile asbestos, in the absence of tremolite, causes mesothelioma. Dr. Brody may further testify that, in his opinion, chrysotile asbestos mined in the vicinity of Coalinga, California, including in Union Carbide's calidria mines, causes all of the asbestos disease caused by Canadian chrysotile.

Dr. Brody may testify that chrysotile in asbestos-containing products is contaminated with tremolite asbestos.

Dr. Brody will utilize teaching slides during his testimony. These slides have been produced to defendants in asbestos cases on numerous occasions. Additional copies can be made available upon reasonable request.

**Dr. Richard A. Lemen**

241 Rose Ridge Court

Canton, GA 30115

678-493-1736

Dr. Lemen will testify as an expert and fact witness about asbestos and the diseases caused by asbestos generally. Dr. Lemen may testify that based on epidemiological studies, Mr. D'Amico's asbestos-related disease was caused by his exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' machinery or equipment, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants. Additionally, Dr. Lemen may testify that based on the medical and scientific literature available to Defendants, Defendants knew or should have known that their asbestos-containing products or use of asbestos-containing products could cause disease. Dr. Lemen will testify as to his visits at various asbestos plants and manufacturing plants and about TLVs. Dr. Lemen may testify about TLVs using demonstrative aids. Dr. Lemen may testify as to his review of the literature and the opinions and conclusions contained in that literature. Dr. Lemen will testify that asbestos was known to cause various diseases and cancers before 1950. Dr. Lemen may testify regarding the availability of materials as substitutes for asbestos and when information concerning these substitute materials appeared in the medical and scientific literature. Dr. Lemen may testify regarding exposure levels of asbestos, at what levels asbestos may cause disease, and as to when this was known in the medical and scientific literature. Dr. Lemen may testify that Mr. D'Amico's diagnosis and symptoms were related to, and caused by, his/her exposure to asbestos and that all exposures to asbestos of an occupational level substantially contribute to the development of mesothelioma. He may testify that the effects of exposure to asbestos at occupational levels are cumulative in nature. Occupational levels of asbestos exposure to asbestos are typically many times (tens to hundreds or a thousand fold and greater) above background levels experienced by those with no exposure to asbestos at occupational levels. Dr. Lemen may also testify that individuals can be exposed to asbestos outside of the workplace or in a bystander fashion, but still experience exposure at levels one would expect to see occupationally or directly. These exposures contribute to the development of asbestos diseases and particularly mesothelioma. Dr. Lemen will testify as to when end product users, household exposed individuals and bystanders were known to get sick and die from asbestos. Dr. Lemen may also testify as to his review of the documents entered into evidence in this cause or reviewed pertaining to Defendants, and as to his conclusions reached therefrom that Defendants were negligent, are strictly liable, and acted with wanton and willful disregard for the rights and safety of Mr. D'Amico. Dr. Lemen may also testify as to the hazardous nature of asbestos and asbestos-containing products and as a result, that such asbestos and/or asbestos-containing products are unreasonably dangerous. He may also testify that Defendants engaged in negligent and grossly negligent conduct in failing to recall their asbestos-containing products from the market or in failing to adequately and timely warn of the dangers of their products or the use of asbestos-containing products. Further, Dr. Lemen may testify concerning the increased risk of cancer faced by asbestos-exposed workers and the epidemiological link between asbestos and cancer. He will testify that smoking is addictive. Dr. Lemen will specifically testify to activities listed in his curriculum vitae, including his factual knowledge of the conduct of asbestos companies from his work with the United States Government. More specifically, Dr. Lemen may testify as to Mr. D'Amico's increased risk of

developing an asbestos-related cancer as a result of his exposure to Defendants' asbestos-containing products and that Mr. D'Amico's fear of cancer is a reasonable fear. Dr. Lemen will discuss the dangers of low-level exposure to asbestos and will testify that there is no safe level of exposure to asbestos. He will testify that all the various types of asbestos fibers are capable of causing death, mesothelioma, asbestosis and all other asbestos-related diseases. Dr. Lemen may also testify that Mr. D'Amico's increased risk of cancer was caused and/or contributed to by Mr. D'Amico's exposure to Defendants' asbestos-containing products, the use of asbestos-containing products on Defendants' equipment or machinery, and/or the use of asbestos-containing products while working on Defendants' premises and/or while employed by Defendants. Dr. Lemen may testify concerning fiber types of asbestos generally and that all types of asbestos fibers are capable of causing all asbestos-related diseases and all forms of asbestos-related cancers. Defense counsel are in possession of transcripts within which Dr. Lemen's opinions have been fully explored.

This doctor may testify that medical articles and journals indicated in the 1920s that asbestos could be hazardous and deadly, and in the 1930s and 1940s indicated that asbestos could cause cancer, and that it was known or knowable that asbestos was a hazardous and dangerous substance in those time frames. He may testify regarding the development of knowledge in the medical and scientific community regarding asbestos and asbestos diseases.

This doctor may testify that warnings placed on containers of asbestos-containing products, if any, may have been inadequate to properly inform users and persons exposed of the significant hazards of asbestos inhalation.

Further, Dr. Lemen will testify as to the following specific issues: his background; ethical aspects of corporate responsibility; warnings; and the state of the art of the medical, scientific and/or technical literature regarding asbestos. Dr. Lemen will testify regarding bystander exposure to asbestos, "fiber drift," the fact that asbestos products are "toxic" and unreasonably dangerous, the TLV defense, and that all exposures to asbestos of an occupational level substantially contribute to the development of mesothelioma. He may testify that the effects of exposure to asbestos at occupational levels are cumulative in nature and that these exposures contribute to the development of asbestos diseases and particularly mesothelioma. He may also testify regarding "bystander" and "household exposures" to asbestos and that these types of exposures are known to contribute to cause mesothelioma and other asbestos related diseases. He may testify regarding when it was known that bystander and household exposures were known to cause disease. Further, Dr. Lemen may testify as to the level of asbestos exposure Mr. D'Amico would have received during his employment. Dr. Lemen may testify that there is no "safe level" of exposure to asbestos in terms of causation of asbestos diseases, including mesothelioma.

Dr. Lemen may testify as to the health aspects of asbestos exposure and to his own personal and professional writings, publications and editorials; the amount of asbestos exposure it takes to cause cancer and other asbestos-related diseases; the historical aspects of the development of OSHA/NIOSH and the history of OSHA/NIOSH regulations and other governmental regulations regarding asbestos and asbestos exposure. Dr. Lemen may also testify that Defendants' failure to comply with these regulations constitutes negligence and was a cause of Mr. D'Amico's injuries.

This doctor's opinions will be based upon his review of any and all medical records and available chest x-rays and/or pathology materials, as well as his expertise in the field, including experience and training, and his review of historical and more recent medical articles and journals.

Dr. Lemen may testify that pure chrysotile asbestos, in the absence of tremolite, causes mesothelioma. Dr. Lemen may further testify that, in his opinion, chrysotile asbestos mined in the vicinity of Coalinga, California, including in Union Carbide's calidria mines, causes all of the asbestos disease caused by Canadian chrysotile.

This doctor may testify that chrysotile in asbestos-containing products is contaminated with tremolite asbestos.

**Charles Ay**

19481 Jasper Hill Road  
Trabuco Canyon, CA 92679  
949-858-8212

Mr. Ay is a former asbestos worker/insulator who worked in that trade at various locations including shipyards, power plants, refineries and commercial construction sites.

He is certified by the United States Environmental Protection Agency to detect asbestos in place and on the proper removal methods of such asbestos. His certification and training includes methods of industrial hygiene, detection and identification of asbestos and non-asbestos materials, and on the risks posed by asbestos.

Mr. Ay has inspected numerous plants, refineries, paper mills, processing plants, ships, powerhouses, chemical plants, and other industrial facilities to determine potential asbestos exposure to workers.

He received training from the U.S. Navy on methods of asbestos detection and removal onboard ships and in shore side facilities. Mr. Ay may testify as to Mr. Howe's opportunities for exposure, and generally the practices, procedures, and types of asbestos products. He may testify as to the manner in which asbestos-containing products were used, the tendencies of asbestos-containing products to release dust into the atmosphere, to be deposited onto clothing, and to be transported with the exposed individual home exposing the worker's family. He also may testify as to the manner of proper recognition, the manner of removal particularly concerning the necessity of proper abatement procedures to remove asbestos from a premises or facility and finally the proper disposal methods of asbestos once properly abated.

**Dr. Barry Castleman**

1722 Linden Avenue  
Baltimore, MD 21217  
410-448-2648

Dr. Castleman may testify about asbestos and the diseases caused by asbestos generally. Dr. Castleman may testify that based on the medical and scientific literature available to Defendant(s), and/or on the studies they conducted or the information available to them as members of trade associations, or from state or federal governmental agencies, Defendant(s) knew or should have known that their asbestos-containing products or use of asbestos-containing products by Defendant(s), including Premises Defendant(s) and Railroad Defendant(s), could cause disease. Dr. Castleman may testify as to his review of the literature and the opinions and conclusions contained in that literature. Dr. Castleman may testify regarding the availability of materials as substitutes for asbestos and when information concerning these substitute materials appeared in the medical and scientific literature, Dr. Castleman may testify regarding exposure levels of asbestos, at what levels asbestos may cause disease, and as to when this was known in the medical and scientific literature. Dr. Castleman may also testify as to his review of the documents, including those entered into evidence, and testimony pertaining to Defendant(s), and as to his conclusions reached therefrom that Defendant(s) were negligent, are strictly liable, acted with wanton and willful disregard for the rights and safety of Mr. D'Amico and, with respect to the Railroad Defendant(s), violated the Federal Employer Liability Act and Boiler Inspection Act by using asbestos-containing products. Dr. Castleman may also testify as to the hazardous nature of all types of asbestos and all types of asbestos-containing products and as a result, that such asbestos and/or asbestos-containing products are unreasonably dangerous. He may also testify that Defendant(s) engaged in negligent and grossly negligent conduct in failing to recall their asbestos-containing products from the market, in failing to warn of the dangers of their products or, with respect to the Premises Defendant(s) and Railroad Defendant(s), suppliers, and contractors, in using asbestos-containing products. Further, Dr. Castleman may testify that all Defendant(s) conspired to suppress information pertaining to the hazards of asbestos, exposure to asbestos-containing products, and the diseases resulting therefrom. Dr. Castleman may testify that, based on epidemiological studies, Plaintiff's/Plaintiff's Decedent's asbestos-related disease was caused by his/her exposure to Defendant's asbestos-containing products, or, with respect to premises cases, to asbestos-containing products manufactured by other entities while working at Premises Defendant(s)' facilities. Dr. Castleman may also testify that Defendant(s) engaged in negligent and grossly negligent conduct in failing to warn its/their employees and persons working at Defendant's facility of the dangers of asbestos, in failing to provide safety equipment for protection from asbestos exposure and in failing to provide a safe working environment. Consequently, Defendant(s) deprived Plaintiff/Plaintiff's Decedent of the right to make an informed choice concerning his/her exposure to asbestos-containing products. Defense counsel are in possession of numerous transcripts of Dr. Castleman's prior testimony within which his opinions concerning this subject have been fully explored. Dr. Castleman may also testify as to his personal research of various companies, some of which are included in his book "ASBESTOS: Medical and Legal Aspects."

**Dr. Richard Cohen**

19242 Panorama Drive

Saratoga, CA 95070-6225  
415-424-5156

Dr. Cohen may testify about asbestos and the diseases caused by asbestos generally. He may testify that based on the medical and scientific literature available to Defendants, Defendants knew or should have known that their asbestos-containing products or the use of asbestos-containing products, could cause disease. He may testify as to his review of the literature and the opinions and conclusions contained in that literature. He may also testify regarding availability of materials as substitutes for asbestos and when information concerning these substitute materials appeared in the medical and scientific literature. He may also testify as to his review of the documents entered into evidence in this case or reviewed pertaining to Defendants, and as to their conclusions reached there from that Defendants were negligent, are strictly liable, and acted with wanton and willful disregard for the rights and safety of Mr. D'Amico. Additionally, he may testify as to the hazardous nature of all types of asbestos and that all types of asbestos-containing products are unreasonably dangerous. He may also testify that Defendants engaged in negligent and grossly negligent conduct in failing to recall their asbestos-containing products from the market or in failing to warn of the dangers of their products or the use of asbestos-containing products. Further, he may testify that all Defendants conspired to suppress information pertaining to the hazards of asbestos, exposure to asbestos-containing products, and the diseases resulting there from. Consequently, Defendants deprived Mr. D'Amico of the right to make an informed choice concerning his/her exposure to asbestos-containing products. Defense counsel are in possession of numerous transcripts of this experts' prior testimony within which his opinions concerning these subjects have been fully explored. Dr. Cohen may testify concerning the reasonable and necessary medical expenses that the Mr. D'Amico has incurred and will incur in the future, as a result of his/her asbestos-related disease.

Dr. Cohen may testify that medical articles and journals indicated in the 1920s that asbestos could be hazardous and deadly, and in the 1930s and 1940s indicated that asbestos could cause cancer, and that it was known or knowable that asbestos was a hazardous and dangerous substance in those time frames. He may testify regarding the development of knowledge in the medical and scientific community regarding asbestos and asbestos diseases.

Dr. Cohen may also testify that warnings placed on asbestos-containing products, if any, may have been inadequate to properly inform users and persons exposed of the significant hazards of asbestos inhalation.

Dr. Cohen's opinions will be based upon his review of any and all medical records and available chest x-rays and/or pathology materials, as well as his expertise in the field, including experience and training, and his review of historical and more recent medical articles and journals.

Further, Dr. Cohen will testify as to the following specific issues: his background; ethical aspects of corporate responsibility; warnings; and the state of the art of the medical, scientific and/or technical literature regarding asbestos. He will testify regarding bystander exposure to asbestos, "fiber drift," the fact that asbestos products are "toxic" and unreasonably dangerous, the TLV defense, and that all exposures to asbestos of an occupational level substantially contribute to the development of mesothelioma. He may testify that the effects of exposure to asbestos at

occupational levels are cumulative in nature. Occupational levels of asbestos exposure to asbestos are typically many times (tens to hundreds or a thousand-fold and greater) above background levels experienced by those with no exposure to asbestos at occupational levels. Dr. Cohen may also testify that individuals can be exposed to asbestos outside of the workplace or in a bystander fashion, but still experience exposure at levels one would expect to see occupationally or directly. These exposures contribute to the development of asbestos diseases and particularly mesothelioma. He may also testify regarding “bystander” and “household exposures” to asbestos and that these types of exposures are known to contribute to cause mesothelioma and other asbestos related diseases. This expert may testify regarding when it was known that bystander and household exposures were known to cause disease. Further, He may testify as to the level of asbestos exposure Mr. D’Amico would have received during his/her employment.

Dr. Cohen may testify as to the health aspects of asbestos exposure and to his own personal and professional writings, publications and editorials; the amount of asbestos exposure it takes to cause cancer and other asbestos-related diseases; the historical aspects of the development of OSHA/NIOSH and the history of OSHA/NIOSH regulations and other governmental regulations regarding asbestos and asbestos exposure. He may also testify that Defendants’ failure to comply with these regulations constitutes negligence and was a cause of Mr. D’Amico’s injuries.

This doctor may testify that pure chrysotile asbestos, in the absence of tremolite, causes mesothelioma. He may further testify that, in his opinion, chrysotile asbestos mined in the vicinity of Coalinga, California, including in Union Carbide’s calidria mines, causes all of the asbestos disease caused by Canadian chrysotile.

This doctor may testify that chrysotile in asbestos-containing products is contaminated with tremolite asbestos.

**Ronald F. Dodson, Ph.D.**

President: Dodson Environmental Consulting, Inc.

Senior Consultant: ERI Consulting, Inc.

2026 Republic Drive, Suite A

Tyler, TX 75701

903-534-5001

Dr. Ronald F. Dodson is a Ph.D. whose specialty is biological electron microscopy (cell biology). He spent thirty-four years in academia until his retirement in August 2005. His academic appointments at the time of his retirement were as Professor of Cell biology and Environmental Sciences at the University of Texas Health Center at Tyler and as Professor of Biology (with tenure) at the University of Texas at Tyler. His research over those years focused on pneumoconiosis with a particular emphasis on asbestos-related diseases. Much of the asbestos-related research involved the determination of ferruginous bodies and uncoated asbestos fibers in tissue and body fluids as related to establishing past exposures.

He will testify that malignant mesothelioma is a signal tumor for asbestos as its cause, and that virtually all diffuse malignant mesotheliomas in adult men in the U.S. are caused by asbestos. He



will testify about "fiber burden analysis" in general, and regarding the fiber burden analysis preformed in this case. He may also testify about testing that he has done on Defendants' products, as well as the results of those tests. He will testify that chrysotile asbestos fibers were a cause-in-fact of Mr. D'Amico's malignant pleural mesothelioma. He will testify that malignant mesothelioma is always fatal and that there are no cures for asbestos-related diseases. He will testify that asbestos diseases are incurable and progressive by nature. He will testify that asbestos fibers do not signal ordinary human senses as to their dangers, and that they are more dangerous than ordinary people with ordinary senses and characteristics will perceive. In that regard, he may testify that particular asbestos products are unreasonably dangerous as defined by The Texas Pattern Jury Charge. He will testify that there is no known safe level of asbestos exposure and that the permissible exposure level(s) described by OSHA will not, cannot, and are not intended to prevent all asbestos-related mesotheliomas. He will testify that malignant mesothelioma can be caused in humans by all asbestos fiber-types chrysotile, tremolite, actinolite, anthophyllite, amosite, and crocidolite. He will testify that all of these fiber-types are potent. He will testify that all of these asbestos fiber types cause all forms of asbestos-related disease, including but not limited to, diffuse malignant mesothelioma, lung cancer, asbestosis, pleural plaques, pleural thickening, diaphragmatic and pericardial plaques, and pleural effusions. He will testify that the proposition, if any, that chrysotile-containing products do not cause malignant mesothelioma in humans, or do so only as a result of asbestos exposures on the order of 25 fiber years, is false.

He may testify generally as to how asbestos diseases are caused, and specifically, as to asbestos causation in the case of the Mr. D'Amico within reasonable scientific probability. He may utilize visual aids, slides, photographs, drawings, a flip chart, power point, film, medical articles, and/or textbooks to assist in explaining any matter about which he may testify. He has published extensively in peer-reviewed literature on tissue burden of asbestos in occupationally exposed individuals who had asbestos diseases, including but not limited to, diffuse malignant mesothelioma, and he may testify regarding those publications, as well as any others that he has reviewed and identifies as reliable and/or authoritative. A copy of his curriculum vitae is attached to this supplemental designation.

He will testify that "short" asbestos fibers (those that are less than 5 microns in length) are capable of causing mesothelioma in humans, and that asbestos fibers, both longer and shorter than 5 microns in length were found pathologically in this case. He will testify that fiber burden analysis should account for asbestos fibers that are capable of being seen only in the transmission electron microscope and these analysis should include fibers shorter than 5 microns since these are the asbestos fibers which more readily relocate to extrapulmonary sites where asbestos induced diseases such as mesothelioma occur. He will testify that counting asbestos bodies is a poor indicator of the past presence of chrysotile in human lung and likewise as a marker which can be related to asbestos diseases, including but not limited to, diffuse malignant mesothelioma. He may testify that the fiber-burden analysis performed, if any, by the Defense Doctor(s) contains methodological variations which may result in an inaccurate representation of the nature and amount of a population of asbestos fibers found in the lung and pleura.

He will testify about the asbestos content and type of asbestos found in talc, and the presence or absence of talc in products at issue in this case. He will also testify that exposure to asbestos

from talc can and does cause asbestos related diseases, including mesothelioma. He may also testify that exposures to products containing talc were substantial contributing factors in causing Mr. D'Amico's mesothelioma, and/or other asbestos related disease. He will also testify about government regulations relating to asbestos in talc and other products.

He will testify that asbestos diseases are caused by cumulative asbestos exposure. He will testify that each exposure to asbestos adds to the total dose that causes malignant mesothelioma and is a substantial contributing factor in causing fatal asbestos disease. He will testify that asbestos diseases and their causes are well documented currently and historically.

He will testify based upon his review of medical records, pathology materials, expert reports, deposition testimony in the case, medical and scientific literature, his background, education, and professional training and all of his opinions will be offered within reasonable scientific probability.

He is available for deposition upon written request.

**Ronald E. Gordon, Ph.D.**

Mt. Sianai School of Medicine  
One Gustave L. Levy Place  
Atran Building 6th Floor, Room 622  
New York, NY 10029  
212-241-7362

Dr. Gordon's specialty is biological electron microscopy (cell biology). His research for the past twenty-five years has involved assessment of asbestos burden in asbestos-exposed individuals. Dr. Gordon has agreed to testify at the trial of this matter, and will be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning the specific testimony, including any opinion and its basis, that he is expected to testify to at trial.

He will testify that malignant mesothelioma is a signal tumor for asbestos as its cause, and that virtually all diffuse malignant mesothelioma in adult men in the U.S. are caused by asbestos. He will testify that Decedent's mesothelioma (and other asbestos-related conditions) was caused by his asbestos exposures and by no other cause. He will testify that malignant mesothelioma is always fatal and that there are no cures for asbestos-related diseases. He will testify that asbestos diseases are incurable and progressive by nature. He will testify that asbestos fibers do not signal ordinary human senses as to their dangers, and that he are more dangerous than ordinary people with ordinary senses and characteristics will perceive. He will testify that there is no known safe level of asbestos exposure and that the permissible exposure level(s) described by OSHA will not, cannot, and are not intended to prevent all asbestos-related mesotheliomas. He will testify that malignant mesothelioma can be caused in humans by asbestos fiber-types chrysotile, tremolite, actinolite, anthophyllite amosite, and crocidolite. He will testify that all of these fiber-types are potent. He will testify that all of these asbestos fiber types cause all forms of asbestos-related disease, including but not limited to, diffuse malignant mesothelioma, lung cancer, asbestosis, pleural plaques, pleural thickening, diaphragmatic and pericardial plaques, and pleural effusions. He will testify that the proposition that chrysotile-containing products do

not cause malignant mesothelioma in humans, or do so only as a result of asbestos exposures on the order of 25 fiber years, is false.

He will testify generally as to how asbestos diseases are caused, and specifically, as to asbestos causation in this case. He may utilize visual aids, slides, photographs, drawings, a flip chart, power point, film, medical articles, and/or textbooks to assist in explaining any matter about which he may testify. He has published extensively in peer-reviewed literature on tissue burden of asbestos in occupationally exposed individuals who had asbestos diseases, including but not limited to, diffuse malignant mesothelioma, and he may testify regarding those publications, as well as any others that he has reviewed and identifies as reliable and/or authoritative. A copy of his curriculum vitae is available upon request.

He will testify that "short" asbestos fibers (those that are less than 5 microns in length) are capable of causing mesothelioma in humans. He will testify about the methodology and results of any fiber-burden analyses performed on Decedent's tissue. He will testify that fiber burden analysis should account for asbestos fibers that are capable of being seen only in the transmission electron microscope and these analyses should include fibers shorter than 5 microns since these are the asbestos fibers which more readily relocate the extrapulmonary sites where asbestos induced diseases such as mesothelioma occur. He may testify that counting asbestos bodies is a poor indicator of the past presence of chrysotile in human lung and likewise as a marker which can be related asbestos diseases, including but not limited to, diffuse malignant mesothelioma. He will testify that asbestos diseases are caused by cumulative asbestos exposure. He will testify that each exposure to asbestos adds to the total dose that causes malignant mesothelioma and is a substantial contributing factor in causing fatal asbestos disease. He will testify that asbestos diseases and their causes are well documented currently and historically. He will testify that a causal relationship between asbestos and asbestosis was well documented by the 1930's, lung cancer by the 1940's, and diffuse malignant mesothelioma on or before 1960. If called upon to do so, he may perform a fiber burden analysis and testify to the results and his opinions and interpretation of same. He may also offer opinions concerning the analysis and/or findings submitted by any other expert who is retained, designated, or otherwise testifies in this matter.

**William Longo, Ph.D.**

Materials Analytical Services  
3945 Lakefield Court  
Suwanne, GA 30024  
770-866-3200

Dr. Longo is a scientist specializing in the measurement and analysis of materials, determining the constituent ingredients in materials, and characterizing those materials and ingredients. Dr. Longo has examined the amount of dust released by mixing and/or manipulating various asbestos-containing products, including, but not limited to, Kaylo, Unibestos, Carey products, Pabco products, Mundet products, W.R. Grace products, 85 percent magnesia thermal insulation, asbestos-containing refractory and castable products, asbestos containing joint compound products, asbestos-containing floor tile products, including but not limited to Congoleum and Flintkote floor tile and flooring products, United States Gypsum products, Kaiser Gypsum products, Micarta panels manufactured by Westinghouse, Flintkote products, asbestos-containing

gaskets and packing manufactured by Garlock, Anchor, Flexitallic, John Crane and other manufacturers, Johns Manville products (including pipe covering, block, and transite pipe), Certainteed pipe, as well as asbestos-containing brake components, assemblies and gaskets manufactured by Bendix, FelPro and Carlisle (Motion Control Industries), and has documented his investigation on videotape. These analyses include current and past techniques used to measure asbestos content in dust. Dr. Longo will testify on his results from the release of asbestos-containing dust from the various products that he has tested by either mixing, application, removal or the normal use of those products. Dr. Longo has quantified both the asbestos content and asbestos release generated from the aforementioned uses of these materials. Dr. Longo will testify regarding the general background levels of asbestos release, bystander levels of exposure of the fiber release, air samples in the personal breathing zone generated from the fiber release, and fiber release and contamination on clothing and other personal contamination. He will compare his results of these dust studies by analysis using both particles per cubic foot, fibers per cubic centimeter, as well as current and past techniques used to analyze asbestos content in dust. Dr. Longo will testify that the levels of asbestos dust measured during these tests exceeded established TLVs and PELs in many instances of his product testing. In addition, Dr. Longo has prepared and will use demonstrative aids regarding asbestos dust release from the various products that he has studied and the Defendants' TLV defense. Dr. Longo will compare and contrast his findings with other scientific findings. Dr. Longo will offer opinions concerning testing which has been performed on behalf of Defendants or the lack of testing of Defendants' products.

Dr. Longo may testify that the dust levels measured in testing one Defendant's asbestos product would be similar to the results expected from another Defendant's similar product with similar ingredients.

Dr. Longo's opinions will be based upon his review of any and all depositions, records and materials, as well as his expertise in the field, including experience and training, and his review of historical and more recent scientific articles and journals.

Dr. Longo has produced written reports and videotapes of each of the tests he has performed. Copies are available upon request.

Dr. Longo will testify that they have conducted a chrysotile digestion analysis on Garlock asbestos sheet gasketing and will testify that such gasketing is contaminated with tremolite asbestos.

**Dr. James R. Millette**  
Millette Technical Consulting  
220 Cricket Walk SW  
Lilburn, GA 30047  
404-375-0979

Dr. Millette is a scientist specializing in the measurement and analysis of materials, determining the constituent ingredients in materials, and characterizing those materials and ingredients. He has agreed to testify at the trial of this matter, and will be sufficiently familiar with the pending

action to submit to a meaningful oral deposition concerning the specific testimony, including any opinion and its basis, that he is expected to testify to at trial.

Mr. Millette may testify regarding Mr. D'Amico's exposures to asbestos at different times. Mr. Millette may also testify regarding the material and characteristics of defendants' asbestos and asbestos-containing products, release of asbestos fibers from defendants' asbestos and asbestos-containing products, industry and regulatory protocols, constituent analysis with respect to the nature of the materials and the identity of the manufacturer of the materials, product formulae and product identification.

This expert may further testify concerning the conditions at the sites of Mr. D'Amico's exposure to asbestos based on testimony of the Mr. D'Amico, relevant documents, discovery responses and/or conversations with other workers who engaged in similar work. He may testify concerning asbestos exposure resulting from maintenance, repair and construction operations taking place at those sites.

He may testify regarding direct exposure and bystander exposure to asbestos and specifically that they were significant contributing factors in the Mr. D'Amico's asbestos exposure. He may also testify regarding "household exposures" to asbestos. He may also testify that there are no known recognized safe levels of exposure to asbestos dust in that there is no level of exposure to asbestos that has been proven too low to cause the disease mesothelioma. He may testify further that all types of asbestos are considered by OSHA and EPA to represent hazards and there is no distinction for regulatory purposes.

Dr. Millette has examined the asbestos content and/or amount of dust released by mixing and/or manipulating various asbestos-containing products, including, but not limited to, Gaskets, Packing, Talc and friction products, and has documented many of his investigations on videotape. These analyses include current and past techniques used to measure asbestos content in dust. Dr. Millette will testify on his results from the asbestos content and release of asbestos-containing dust from the various products that he has tested by either application, removal or the normal use of those products. He will testify about the different types of asbestos likely to be in Defendants' products. Dr. Millette has quantified both the asbestos content and asbestos release generated from the aforementioned uses of these materials. Dr. Millette will testify regarding the general background levels of asbestos release, bystander levels of exposure of the fiber release, air samples in the personal breathing zone generated from the fiber release, and fiber release and contamination on clothing and other personal contamination. Dr. Millette may testify that the levels of asbestos dust measured during these tests exceeded background levels in many instances of his product testing. In addition, he will compare and discuss other publications and/or studies regarding asbestos dust content and release from these products. In addition, Dr. Millette has prepared and will use demonstrative aids regarding asbestos dust release from the various products that he has studied. Dr. Millette will compare and contrast his findings with other scientific findings. Dr. Millette will offer opinions concerning testing which has been performed on behalf of Defendants or the lack of testing of Defendants' products.

He will testify, if asked, that Garlock and Cranite gaskets, that he tested, as well as John Crane gaskets and packing, that he tested, were asbestos containing and that the asbestos is not fully encapsulated.

Dr. Millette will testify about the asbestos content and type of asbestos found in talc, and the presence or absence of talc in products at issue in this case. He may also testify about government regulations relating to asbestos in talc and other products.

This expert has examined studies of the amount of asbestos fibers released into the breathing zone during ordinary and foreseeable operations of asbestos products. He may testify that during foreseeable uses of defendants' asbestos and asbestos-containing products that those products released asbestos fibers into the breathing zone of workers, including but not limited to, Mr. D'Amico, in levels that are above background. These products include adhered gaskets or packing that are removed in whole or in part by scraping, brushing or sanding, brake linings that are ground, filed or sanded and/or blown out of drums with supplied air, and product scrap that is swept or blown or vacuumed. He may testify that impregnated and/or encapsulated products, when disturbed or abraded, can release asbestos fibers into the breathing zone of workers, like Mr. D'Amico, in levels that are above background. He may compare and contrast the findings with other scientific findings. He may offer opinions concerning testing which has been performed on behalf of defendants or the lack of testing on defendants' asbestos and asbestos-containing products.

Dr. Millette may testify that the dust levels measured in testing one Defendant's asbestos product would be similar to the results expected from another Defendant's similar product with similar ingredients.

This expert's opinion may be based upon his review of any and all records and materials, published and or expressed opinions of other experts in the field, corporate documents, as well as his expertise in the field, including experience and training, and his review of historical and more recent scientific articles and journals as well as government regulations.

Dr. Millette has produced written reports and, in some cases, videotapes of each of the tests he has performed. Copies are available upon request.

**Dr. Steve P. Compton**

MVA Scientific Consultants  
3300 Breckinridge, Suite 400  
Duluth, GA 30096  
770-662-8509

Dr. Compton is a scientist specializing in the measurement and analysis of materials, determining the constituent ingredients in materials, and characterizing those materials and ingredients. He has agreed to testify at the trial of this matter, and will be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning the specific testimony, including any opinion and its basis, that he is expected to testify to at trial. Mr. Compton's fee for testimony is \$440.00 per hour.

Mr. Compton may testify regarding Mr. D'Amico's exposures to asbestos at different times. Mr. Compton may also testify regarding the material and characteristics of defendants' asbestos and asbestos-containing products, release of asbestos fibers from defendants' asbestos and asbestos-containing products, industry and regulatory protocols, constituent analysis with respect to the nature of the materials and the identity of the manufacturer of the materials, product formulae and product identification.

This expert may further testify concerning the conditions at the sites of Mr. D'Amico's exposure to asbestos based on testimony of the Mr. D'Amico, relevant documents, discovery responses and/or conversations with other workers who engaged in similar work. He may testify concerning asbestos exposure resulting from maintenance, repair and construction operations taking place at those sites.

He may testify regarding direct exposure and bystander exposure to asbestos and specifically that they were significant contributing factors in the Mr. D'Amico's asbestos exposure. He may also testify regarding "household exposures" to asbestos. He may also testify that there are no known recognized safe levels of exposure to asbestos dust in that there is no level of exposure to asbestos that has been proven too low to cause the disease mesothelioma. He may testify further that all types of asbestos are considered by OSHA and EPA to represent hazards and there is no distinction for regulatory purposes.

Dr. Compton has examined the asbestos content and/or amount of dust released by mixing and/or manipulating various asbestos-containing products, including, but not limited to, Gaskets, Packing, Talc and friction products, and has documented many of his investigations on videotape. These analyses include current and past techniques used to measure asbestos content in dust. Dr. Compton will testify on his results from the asbestos content and release of asbestos-containing dust from the various products that he has tested by either application, removal or the normal use of those products. He will testify about the different types of asbestos likely to be in Defendants' products. Dr. Compton has quantified both the asbestos content and asbestos release generated from the aforementioned uses of these materials. Dr. Compton will testify regarding the general background levels of asbestos release, bystander levels of exposure of the fiber release, air samples in the personal breathing zone generated from the fiber release, and fiber release and contamination on clothing and other personal contamination. Dr. Compton may

testify that the levels of asbestos dust measured during these tests exceeded background levels in many instances of his product testing. In addition, he will compare and discuss other publications and/or studies regarding asbestos dust content and release from these products. In addition, Dr. Compton has prepared and will use demonstrative aids regarding asbestos dust release from the various products that he has studied. Dr. Compton will compare and contrast his findings with other scientific findings. Dr. Compton will offer opinions concerning testing which has been performed on behalf of Defendants or the lack of testing of Defendants' products.

This expert has examined studies of the amount of asbestos fibers released into the breathing zone during ordinary and foreseeable operations of asbestos products. He may testify that during foreseeable uses of defendants' asbestos and asbestos-containing products that those products released asbestos fibers into the breathing zone of workers, including but not limited to, Mr. D'Amico, in levels that are above background. These products include adhered gaskets or packing that are removed in whole or in part by scraping, brushing or sanding, brake linings that are ground, filed or sanded and/or blown out of drums with supplied air, and product scrap that is swept or blown or vacuumed. He may testify that impregnated and/or encapsulated products, when disturbed or abraded, can release asbestos fibers into the breathing zone of workers, like Mr. D'Amico, in levels that are above background. He may compare and contrast the findings with other scientific findings. He may offer opinions concerning testing which has been performed on behalf of defendants or the lack of testing on defendants' asbestos and asbestos-containing products. Dr. Compton may testify that the dust levels measured in testing one Defendant's asbestos product would be similar to the results expected from another Defendant's similar product with similar ingredients.

This expert's opinion may be based upon his review of any and all records and materials, published and or expressed opinions of other experts in the field, corporate documents, as well as his expertise in the field, including experience and training, and his review of historical and more recent scientific articles and journals as well as government regulations.

Dr. Compton is a consulting scientist with expertise in spectroscopy and microscopy, specializing in asbestos analysis and research, and particulate characterization by scanning electron and transmission electron microscopy. Dr. Compton may testify about his experience in the field of microscopy, his published papers, and presentations at various meetings/conferences.

Dr. Compton may also testify regarding materials-testing techniques, air sampling techniques, fiber counting techniques, physical characteristics of asbestos and other minerals, identification of asbestos and materials and other constituents, methods for analyzing asbestos materials, releasability of asbestos fibers, and his opinion of the releasability of asbestos fibers from asbestos-containing products. He may also testify generally as to the characteristics of the various types of asbestos fibers. His testimony is based on his review of literature, his education and work experience, and his own research.

Dr. Compton may testify on his results from the release of asbestos-containing dust from the various products that he and MVA Scientific Consultants has tested by installation, removal or the normal use of those products. Dr. Compton has quantified the asbestos release generated from the aforementioned uses of these materials. Dr. Compton may testify regarding the general



background levels of asbestos release, bystander levels of exposure of the fiber release, air samples in the personal breathing zone generated from the fiber release and fiber release and contamination on clothing and other personal contamination. He may compare his results of these dust studies by analysis using units of fibers per cubic centimeter as well as current and past techniques used to analyze asbestos content in dust. Dr. Compton may testify that the levels of asbestos dust measured during these tests exceeded background levels in many instances.

Dr. Compton may further testify as to the microscopic testing used to determine fiber release and/or the quantity of asbestos fibers emitted from the asbestos-containing products he has studied.

Dr. Compton may testify based on hypotheticals propounded by counsel for either the plaintiff or the defense. Such hypotheticals may include, but are not limited to, factual summaries related to specific exposures for which there is evidence in the case.

Dr. Compton has produced written reports and, in some cases, videotapes of each of the tests he has performed. Copies are available upon request.

**Tricia Yount, CPA, MAFF**

Director, DHG Forensics  
Dixon Hughes Goodman, LLP  
525 E. Bay St.  
Charleston, SC 29403  
(843) 722-6443

Ms. Yount is forensic economist. She may testify regarding the economic impact of the decedent's asbestos-related disease. She may calculate and testify regarding the past, present, and future economic damages incurred by the Mr. D'Amico and the family members of the Mr. D'Amico resulting from the decedent's asbestos-related damages, injuries, and death. Additionally, she may testify about past and future lost wages, past and future loss of earning capacity, and past and future medical expenses, and any other economic damages that the Mr. D'Amico has suffered or will suffer in the future. She may also testify about the financial condition of the defendants in the case. Her curriculum vitae will be provided upon specific request. She has been qualified as an expert in the field of economic and financial damages in both federal and state courts. Ms. Yount works and testifies on behalf of both plaintiffs and defendants.

**Dr. David Fractor**

Phillips, Fractor & Company, LLC  
750 E. Walnut Street  
Pasadena, CA 91101  
626-744-3540

Dr. Fractor is an economist. He may testify regarding the economic impact of the Mr. D'Amico's asbestos-related disease and/or injuries of the Mr. D'Amico and/or his family members. He may calculate and testify regarding the past, present, and future economic

damages incurred by the Mr. D'Amico and the family members of the Mr. D'Amico resulting from the plaintiff's/decedent's asbestos-related damages, injuries, and death (if applicable). Additionally, he may testify about past and future lost wages, past and future loss of earning capacity, and past and future medical expenses, and any other economic damages that the Mr. D'Amico has suffered or will suffer in the future. He may also testify about the financial condition of the defendants in the case. His curriculum vitae will be provided upon specific request.

**Karen Grossman Tabak, Ph.D., CPA**

Maryville University, John E. Simon School of Business  
12608 Royal Manor Drive  
St. Louis, MO 63141

Dr. Grossman is an economist. She may testify regarding the economic impact of the decedent's asbestos-related disease and/or injuries of the decedent and/or his family members. She may calculate and testify regarding the past, present, and future economic damages incurred by the decedent and the family members of the decedent resulting from the decedent's asbestos-related damages, injuries, and death (if applicable). Additionally, she may testify about past and future lost wages, past and future loss of earning capacity, and past and future medical expenses, and any other economic damages that the decedent has suffered or will suffer in the future. Her curriculum vitae will be provided upon specific request.

**Dr. Paul Torelli**

2600 2nd Avenue, Suite 2204  
Seattle, WA 98121

Dr. Torelli is an economist. Dr. Torelli will calculate the present value of any loss of wage, pension, benefits or other income to plaintiffs and/or the present value of any loss of pension, benefits or other income to plaintiff, as a result of the inability of Plaintiff to work due to his mesothelioma and/or premature death of plaintiff. He will base these calculations upon plaintiff's wages, loss and reduction in benefits, loss of expected benefits, and the additional burden of medical expenses. Dr. Torelli will calculate any other economic loss to the plaintiffs.

**G. Richard Thompson, Ph.D.**

John E. Walker Department of Economics  
Clemson University  
Clemson, SC 29634-1309

Dr. Thompson is an economist. He may testify regarding the economic impact of the Mr. D'Amico's asbestos-related disease and/or injuries of the Mr. D'Amico and/or his family members. He may calculate and testify regarding the past, present, and future economic damages incurred by the Mr. D'Amico and the family members of the Mr. D'Amico resulting from the plaintiff's/decedent's asbestos-related damages, injuries, and death (if applicable). Additionally, he may testify about past and future lost wages, past and future loss of earning capacity, and past and future medical expenses, and any other economic damages that the Mr.

D'Amico has suffered or will suffer in the future. His curriculum vitae will be provided upon specific request.

**William G. Brandt, CPA, ABV, MBA, CFF**

P.O. Box 10187

Bainbridge Island, WA 98110

Mr. Brandt is a forensic economist. He may testify regarding the economic impact of the decedent's asbestos-related disease and/or injuries of the decedent and/or his family members. He may calculate and testify regarding the past, present, and future economic damages incurred by the decedent and the family members of the decedent resulting from the decedent's asbestos-related damages, injuries, and death (if applicable). Additionally, he may testify about past and future lost wages, past and future loss of earning capacity, and past and future medical expenses, and any other economic damages that the decedent has suffered or will suffer in the future. His curriculum vitae will be provided upon specific request.

**Oliver G. Wood, Jr., Ph.D**

Economist in Residence, Charleston School of Law

121 Running Fox Rd.

Columbia, SC 29223-3020

Dr. Wood is an economist. He may testify regarding the economic impact of the Mr. D'Amico's asbestos-related disease and/or injuries of the Mr. D'Amico and/or his family members. He may calculate and testify regarding the past, present, and future economic damages incurred by the Mr. D'Amico and the family members of the Mr. D'Amico resulting from the plaintiff's/decedent's asbestos-related damages, injuries, and death (if applicable). Additionally, he may testify about past and future lost wages, past and future loss of earning capacity, and past and future medical expenses, and any other economic damages that the Mr. D'Amico has suffered or will suffer in the future. His curriculum vitae will be provided upon specific request.

**James S. Webber, Ph.D. Adjunct Asst. Prof.**

University of NY-Albany

School of Public Health 1400 Washington Ave.

Albany, NY 12222

James S. Webber, PhD, MS, BS, Adjunct Asst. Prof., University of New York-Albany, School of Public Health, 1400 Washington Ave., Albany, NY 12222. Dr. Webber may agree to testify at the trial of this matter. If so, he will be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning the specific testimony, including any opinion and its basis, that he is expected to testify to at trial. Dr. Webber's fee for deposition testimony is \$400.00 per hour.

Dr. Webber is an environmental health scientist specializing in the measurement and analysis of materials, determining the constituent ingredients in materials, and characterizing those materials and ingredients from a laboratory and public health perspective. Dr. Webber's expertise spans over 40 years and includes asbestos research, asbestos analysis, certification of laboratories for

asbestos testing and analysis, environmental chemistry, standards and regulation development, aerosol research, and trace metal analysis. Dr. Webber has expertise in the analysis of various substances, including asbestos and talc, through the use of various analytical methodologies and equipment including x-ray diffraction (XRD), polarized light microscopy (PLM), phase contrast microscopy (PCM) and transmission electron microscopy (TEM) with selected area electron diffraction (SAED) and Electron Dispersive Spectroscopy (EDS). He has conducted analysis for asbestos (measurement, identification, quantification) in thousands of samples of various products and materials in the public and private sector, and trained other technicians to do so as well. Dr. Webber received his Ph.D. from the School of Public Health at the State University A Paleolimnological Reconstruction of Airborne Asbestos Concentrations in the Fibrous-Talc Region of St. Lawrence County, New York, from 1872 to 1998. Dr. Webber developed the asbestos laboratory accreditation program for the New York State Department of Health, assisted in the development of criteria for EPA accreditation of asbestos laboratories, chaired the ASTM International Committee D22, Air Quality, and was a peer review group leader for the review of EPA and NIOSH publications.

Dr. Webber may testify regarding plaintiff's exposures to asbestos at different times and may testify concerning his assessment of the various risks which were associated with such exposures. He may also testify regarding the material and characteristics of defendants' asbestos-containing products, release of asbestos fibers from defendants' asbestos-containing products, industry and regulatory protocols, constituent analysis with respect to the nature of the materials and the identity of the manufacturer of the materials, product formulae and product identification. He may further testify regarding the availability of materials as substitutes for asbestos and asbestos-contaminated talc and when information concerning these substitute materials/sources appeared in the medical and scientific literature. Dr. Webber may also testify regarding the asbestos content of different products during different periods of time. Dr. Webber may further testify that defendants were aware, or should have been aware, of the hazards of asbestos by the time of Plaintiff's use of, and exposure to, their products, as a result of medical, scientific and industrial hygiene literature available to all Defendants.

Dr. Webber may also testify, based on his experience, training and education, as to the health risks associated with exposure to asbestos. He may testify regarding direct exposure, bystander exposure to asbestos and "fiber drift," household exposures, entrenchment and reaerosolization and specifically that these are hazards associated with asbestos and that they were significant contributing factors in the Plaintiff's asbestos exposure. He may also testify regarding "household exposures" to asbestos and that these types of exposures are known to contribute to cause mesothelioma and other asbestos related diseases. Dr. Webber may testify regarding when it was known that direct, bystander and household exposures were known to cause disease. He may testify that the cumulative dose of asbestos that a person receives is what increases the risk of asbestos related diseases, including mesothelioma. He may testify that all exposures above background are substantial contributing factors to an individual's disease, and that all of Plaintiff's exposures above background contributed to the development of Plaintiff's diagnosis in this case. He may also testify that asbestos and asbestos products are toxic and unreasonably dangerous, and that they are more dangerous than would be contemplated by the ordinary user with ordinary skills and characteristics common to the community, particularly consumer hygiene and cosmetic products like talcum powder. He may also testify that there are no safe

levels of exposure to asbestos dust in that there is no level of exposure to asbestos that has been proven too low to cause the disease mesothelioma. He may testify further that all types of asbestos represent hazards and that in the science of industrial hygiene, all types of asbestos are understood to cause all asbestos diseases, including but not limited to, malignant mesothelioma. He may testify that for asbestos disease risk, the human body cannot distinguish and does not distinguish between “fibers” and what geologists and mineralogist term “cleavage fragments.”

Dr. Webber may testify regarding the general background levels of asbestos release, bystander and household levels of exposure of the fiber release, and fiber release and contamination on clothing and other personal contamination. He may also testify regarding results of dust studies by analysis of using both particles per cubic foot and fibers per cubic centimeter, as well as current and past techniques used to analyze asbestos content in dust. Dr. Webber may discuss the dangers of low-level exposure to asbestos and may testify that there is no safe level of exposure to asbestos. Dr. Webber has examined studies of the amount of asbestos fibers released into the breathing zone during ordinary and foreseeable operations of asbestos products and talcum powder products. He may testify that during foreseeable uses of defendants’ asbestos-containing products that those products released asbestos fibers into the breathing zone of users, including but not limited to, Plaintiff, in levels that are above background. These asbestos products include talc, talcum powder, and talc-containing products and materials. He may compare and contrast the findings with other scientific findings regarding encapsulated and friable products and materials. He may offer opinions concerning testing which has been performed on behalf of Plaintiff and Defendants or the lack of testing on defendants’ asbestos-containing products. Dr. Webber may testify that dust levels measured in testing one defendants’ asbestos product would be similar to the results from another defendant’s similar product with similar ingredients.

Dr. Webber may testify that asbestos exposure of the Plaintiff arising from defendants’ asbestos products or activities involving the use of those products were substantial contributing factors in Plaintiff’s overall asbestos exposure and were the result of defendant’s failure to exercise appropriate industrial hygiene controls for suppressing or reducing exposures to asbestos, including but not limited to truthfully informing regulatory agencies of testing results and methodologies, removing/replacing the contaminating source(s), and adequately warning Plaintiff of the dangers associated with asbestos and means to protect herself. He will testify that these failures by defendants were knowing and/or unreasonable in the time and place in which they occurred given the information that was available to defendants, medical and scientific literature, statutes, regulations and/or based on the defendant’s actual knowledge. Dr. Webber’s opinion may be based upon his review of any and all records and materials, published and or expressed opinions of other experts in the field, his own publications, corporate documents, as well as his expertise in the field, including experience and training, and his review of historical and more recent scientific articles and journals as well as government regulations. Dr. Webber may testify that medical articles and journals indicated in the 1920s that asbestos could be hazardous and deadly, and in the 1930s and 1940s indicated that asbestos could cause cancer, and that it was known or knowable that asbestos was a hazardous and dangerous substance in those time frames. He may testify regarding the development of knowledge in the medical and scientific community regarding asbestos and asbestos diseases. Dr. Webber may testify about the research and testing of talc, talc-containing products, and talcum powder products, including but not limited to Johnson’s Baby Powder and Shower-to-Shower and other talcum powder products,

including historic testing, testing by government agencies, trade group testing, industry testing, and the testing of other experts in the field. He may further testify regarding the published work relating to talc, talc-containing products, and talcum powder products, including on Johnson's Baby Powder and Shower-to-Shower. He may testify that this testing has repeatedly shown that talcum powder products including Johnson's Baby Powder and Shower-to-Shower, and the source mines, contain asbestos, and have historically contained asbestos, including tremolite, anthophyllite, chrysotile, and others. He may further testify that the various talc mines where talc was sourced for talcum powder products, including Johnson's Baby Powder and Shower-to-Shower, contained asbestos fibers that can and did end up in the finished products. He may testify regarding historical literature about the presence of asbestos in talc, and reports specifically relating to the presence of asbestos in Johnson's Baby Powder and Shower-to-Shower and other talcum powder products. He may further testify regarding tests that show that asbestos is released into the air from use of talcum powder products, including but not limited Johnson's Baby Powder and Shower-to-Shower products, in amounts that are significantly above background levels. He may testify, based on his review of the case specific materials in this case, as well as all of the materials he has reviewed and personal tests he has done, that the Plaintiff was exposed to levels of asbestos from use of talcum powder products that were significantly above background levels. Dr. Webber may also testify about the historical knowledge regarding contamination of talc with asbestos, the evolution of methodologies for the sampling, identification, and quantification of asbestos in talc, and industry involvement (including in trade advocacy groups) in order to prevent regulation of talc for asbestos content, withhold information from the public, manipulate scientific data, and advocate for use of testing methodologies and equipment which would allow for a certain percentage of asbestos to be present in consumer hygiene and cosmetic products.

For additional information, plaintiffs refer defense counsel to the report, declaration and/or deposition testimony James S. Webber offered or will offer in this case, as well as their testimony on these issues in other pending or prior cases.

**Corporate Witnesses and Other Witnesses:** The following witnesses may offer factual testimony.

**Robert Marecek (Librarian & Custodian of Records for the N.S.C.)**  
**National Safety Council Office**  
**1121 Spring Lake Drive**  
**Itasca, IL 60143-3201**  
**630-285-1121**

Mr. Marecek will testify live or by deposition regarding the storage retention, authenticity and business records and/or ancient nature of National Safety Council (NSC) documents as well as different companies who were members of the National Safety Council. He may also testify regarding the distribution of NSC documents to members of the NSC. Copies of Mr. Marecek's prior deposition testimony in Plaintiff's possession will be made available for inspection upon request. Please see, for example, his deposition in Anderson v. Amoco, et al, cause number 00-10-06613, February 7<sup>th</sup>, 2003, In the 9<sup>th</sup> Judicial District, Montgomery County, Texas.

**Sally J. Wilke (Custodian of IHF documents)**  
**Industrial Hygiene Foundation**  
**34 Penn Circle West**  
**Pittsburgh, PA 15206**

Ms. Wilke will testify live or by deposition regarding the storage, retention, authenticity and business records and/or ancient nature of Industrial Hygiene Foundation (FKA Air Hygiene Foundation, NKA Industrial Health Foundation, collectively referred to here as IHF) documents as well as different companies who were members of the IHF. She may also testify regarding the distribution of IHF documents to members of the IHF. Copies of Ms. Wilke's prior deposition testimony in Plaintiff's possession will be made available for inspection upon request. Please see her depo in King v. Allied Signal, et al, cause number 2424C-03, January 8<sup>th</sup>, 2000, in the Circuit Court for the City of Newport News, Virginia.

The following are **American Standard Inc.** persons with knowledge of relevant facts, who may be called to testify by prior deposition at trial, some of whom will offer expert testimony. Many of the witnesses are unavailable for trial, but the most recent contact information would be within the care, custody or control of American Standard. They may be contacted by and through the attorney of record who represented them at the deposition:

- Cause No. 764451-5 & 752292-1; *Annie Ziemer, et al. v. Owens-Corning, et al.*; In the Superior Court of the State of California in and for the County of Alameda. Deposition of Deborah Bedard, September 11, 1996.
- Multiple Cause Nos.; In the Circuit Court, 3rd Judicial Circuit, Madison County, Illinois; Deposition of Carlos Diaz, July 14, 2003.
- Cause No. BC 332841; *Jim Henry, et al. vs. Alfa Laval, Inc., et al.*; Superior Court of the State of California County of Los Angeles; Deposition of Carlos Diaz, November 14, 2005.
- Cause No. 2005-11196; *Paul Sykes and Bonnie Sykes vs. American Standard, Inc. et al.*; In the District Court, Harris County, Texas, 11<sup>th</sup> Judicial District. Deposition of Dennis Dorman, December 21, 2005.
- Cause No. 403450; *Barbra Kuhl vs. A.P. Green Industries*; Superior Court of San Francisco; Deposition of Marilyn A. Gargano, June 2, 2003.
- Cause No. 938709; *Florence Wienhols, et al. vs. Abco Corporation, et al.*; Superior Court of the State of California in and for the County of San Francisco; Deposition of George Kasparian, March 1, 1995.
- Cause No. 938709; *Florence Wienhols, et al. vs. Abco Corporation, et al.*; Superior Court of the State of California in and for the County of San Francisco; Deposition of George Kasparian, March 2, 1995.

- Multiple Cause Nos.; Superior Court of New Jersey Law Division, Middlesex County; Deposition of George Kasparian, July 9, 1996.
- Multiple Cause Nos.; Superior Court of New Jersey Law Division, Middlesex County; Deposition of George Kasparian, July 10, 1996.
- Cause No. L-2159-90; *Edward & Helen Coffey vs. American Standard, et al.*; Superior Court of New Jersey Law Division, Middlesex County; Deposition of David Hurley, February 5, 1992.
- Cause Nos. 764451-5 *Annie Ziemer, et al. v. Owens Corning, et al.* & Cause No. 752292-1 *Annette Douglas Boynton vs. American Standard, et al.*; In the Superior Court of the State of California in and for the County of Alameda; Deposition of Colleen A. Koester, May 6, 1997.
- Cause No. CV33246-A; *Robert & Loy Wheeler vs. AC and S, Inc. et al.*; In the District Court of Hopkins County, Texas, 62<sup>nd</sup> Judicial; Deposition of Mary Jane Mahoney, September 7, 2001.
- Cause No. 991114; *Danny Harris, et al. vs. Asbestos Defendants (BHC)*; In the Superior Court of the State of California in and for the County of San Francisco; Deposition of Mary Jane Mahoney, May 27, 1999.
- Cause No. CC-99-08033-13; *Malcolm Murphy, et al. vs. Owens Corning, et al.*; In the County Court at Law #2, Dallas County, Texas; Deposition of Mary Jane Mahoney, May 16, 2001.
- Multiple Cause Nos.; In the Circuit Court 3<sup>rd</sup> Judicial Circuit, Madison County, Illinois; Deposition of Mary Jane Mahoney, August 27, 2003.
- Multiple Cause Nos.; In the District Court of Orange County, Texas, 128<sup>th</sup> Judicial District; Deposition of Jane Mahoney, September 13, 1994.
- Cause No. 01-CI- 01344; *James Rehm, et al. vs. Navistar International Corporation, et al.*; Commonwealth of Kentucky, Jefferson Circuit Court, Division Ten; Deposition of Janace McMonigal, July 31, 2001.
- Cause No. 084-004436; All Wise & Julian Asbestos Litigation Pending in Madison County, *Illinois vs. American Standard, Inc., et al.*; In the Circuit Court of the 3<sup>rd</sup> Judicial Circuit, Madison County, Illinois; Deposition of Conrad Arnold, April 9, 2003.
- Cause No. W-026197-87; *Frank Leogrande vs. Renee Corporation, et al.* & Cause No. L-042890-86; *James Loretto vs. Passaic Metal, et al.*; Superior Court of New Jersey Law Division, Middlesex County; Deposition of Vincent Olafsen, April 27, 1989.
- Deposition of John B. Uhl, October 31, 2001.



- Deposition of Janace McMonigal, August 21, 2003.
- Multiple Cause Nos.; In the Circuit Court of the 3<sup>rd</sup> Judicial Circuit, Madison County, Illinois; Deposition of Alan Greenhagen, June 24, 2003.
- Cause No. BC-332-170; *Michael & Marianne Robertson vs. Alfa Laval, Inc., et al.*; Superior Court of the State of California for the County of Los Angeles; Deposition of Dennis Dorman, May 8, 2006.
- Cause No. BC-332-560; *Tamara Kapraun, et al. vs. Crane Co., Inc. et al.*; Superior Court of the State of California County of Los Angeles; Deposition of Carlos Diaz, September 18, 2006.
- Case No. 06-1599; *Hebert, et al. v. Alfa Laval, Inc., et al.*; In Middlesex Superior Court, Cambridge, Massachusetts. Deposition of Dennis Dorman, October 18, 2007.
- Case No. 06-4644; *Wands, et al. v. Trane U.S. Inc., et al.*; Middlesex Superior Court, Cambridge, Massachusetts. Deposition of Dennis Dorman, September 3, 2009.
- Case No. 06-4644; *Wands, et al. v. Trane U.S. Inc., et al.*; Middlesex Superior Court, Cambridge, Massachusetts. Deposition of Carlos Diaz, October 19, 2009.

**Thomas Grubka**  
**c/o Armstrong Industries, Inc.**

Mr. Grubka, corporate representative and person most knowledgeable of Armstrong Industries, Inc. (and any predecessor or successors) will testify live or by video deposition regarding his experience with Armstrong Industries, Inc. (and any predecessor or successors), Armstrong Industries, Inc.'s (and any predecessor or successors) knowledge and conduct, and Armstrong Industries, Inc.'s (and any predecessor or successors) products. Please see his deposition in *Gary Lenz, et al v. Allis Chalmers Corporation, et al*, No. 2007-CP-40-5106, in the Court of Common Pleas, Richland County, South Carolina, dated May 29, 2008. Plaintiffs further identify Rex Scare and Mr. Mansari for Armstrong Industries.

**Jimmy L. Franklin**  
**c/o Aurora Pump Company**

Mr. Franklin will testify regarding his experience with Aurora Pump Company and Aurora Pump Company equipment and/or products. Please see his deposition taken May 2005 in *All May 2005 In Extremis Cases against Aurora Pump, et al*, in the Supreme Court of New York County, New York; and January 16, 2006 in *Paul Palmer, et al vs. Georgia-Pacific Corporation, et al*, No. 61900, Div. D, in the 18<sup>th</sup> Judicial District Court, Iberville County, Louisiana. Plaintiffs refer to and may use at trial other subsequent depositions of Mr. Franklin and/or other representatives of Aurora Pump Company.

**Louis Merz**

c/o Borg Warner Corporation

Mr. Merz, corporate representative of Borg Warner Corporation, will testify live or by deposition regarding various matters related to Borg Warner's knowledge of the hazards of asbestos, Borg Warner's actions in response to the hazards of asbestos, the asbestos content and other aspects of various Borg Warner friction products, the corporate history and financial condition of Borg Warner and any other matters relevant to this litigation. Please see his deposition taken in *Edward Guerra vs. Bondex International, Inc.*, Cause No. BC365479; In the Superior Court, Los Angeles County, California, December 18, 2007. Copies of Mr. Merz's deposition are in plaintiffs' possession and will be made available for inspection upon request.

**Robert Hornick**

c/o Borg Warner Corporation

Mr. Hornick, corporate representative of Borg Warner Corporation, will testify live or by deposition regarding various matters related to Borg Warner's knowledge of the hazards of asbestos, Borg Warner's actions in response to the hazards of asbestos, the asbestos content and other aspects of various Borg Warner friction products, the corporate history and financial condition of Borg Warner and any other matters relevant to this litigation. Please see his deposition in *Gerri S. Coogan, the spouse of Jerry D. Coogan, deceased James P. Spurgetis, solely in his capacity as the Personal Representative of the Estate of Jerry D. Coogan, Deceased, v. Borg-Warner Morse Tec, Inc., et al.*, No. 15-2-09504-3, in the Superior Court of Washington for Pierce County, Dated: January 27, 2017.

**Richard Anderson**

c/o Borg Warner Corporation (Borg-Warner Morse Tec)

Mr. Anderson, corporate representative of Borg Warner Corporation, will testify live or by deposition regarding various matters related to Borg Warner's knowledge of the hazards of asbestos, Borg Warner's actions in response to the hazards of asbestos, the asbestos content and other aspects of various Borg Warner friction products, the corporate history and financial condition of Borg Warner and any other matters relevant to this litigation. Please see his depositions taken on December 20, 2007 in *Edward Guerra vs. Bondex International, Inc.*, Cause No. BC365479; In the Superior Court, Los Angeles County, California; and June 21, 2011 in *John Cowan, et al v. Agco Corp., et al*, No. MID L-008122 09, in the Superior Court, Middlesex County, New Jersey.

**Martin Kraft**

c/o Buffalo Pumps Inc.

Mr. Kraft, corporate representative and person most knowledgeable of Buffalo Pumps (and any predecessor or successors) will testify live or by video deposition regarding his experience with Buffalo Pumps (and any predecessor or successors), Buffalo Pumps (and any predecessor or successors) knowledge and conduct, and Buffalo Pumps (and any predecessor or successors) products. Please see his depositions in *Charles White and Barbara Lorton vs. Buffalo Pumps*,

*Inc., et al*, Cause No: 2006-41943, In the District Court of Harris County, Texas, 11<sup>th</sup> Judicial District, dated February 7, 2007; June 16, 2004 in *Harkin v. American Optical Corporation, et al*; September 1, 2004 in *Waters, et al v. American Standard, Inc., et al*, in the 116<sup>th</sup> Judicial District, Dallas County, Texas; November 30, 2006 in *Lindquist, et al v. A.O. Smith Corporation, et al*, No. 06-2416, in the Superior Court, Providence County, Rhode Island; May 16, 2006 in *Learn, et al v. American Standard, Inc., et al*, No. BC 330606, in the Superior Court of Los Angeles County, California; May 17, 2006 in *Eaton, et al v. Alfa Laval, Inc, et al*, No. BC CJ-2005-6968, in the District Court of Oklahoma County, Oklahoma; May 17, 2006 in *Robertson, et al v. Alfa Laval, Inc, et al*, No. BC 332170, in the Superior Court of Los Angeles County, California; December 2, 2010 in *Carkhuff, et al v. Alfa Laval, Inc., et al*, No. 08-L-62 and 08-L-38 in the 13<sup>th</sup> Judicial Circuit Court, Grundy County, Illinois. Please see his deposition in *Lanny Johnson, as Trustee and Next-of-Kin of Roy Hays Johnson, Deceased, v. 3M Company, et al.*, NO. 62CV-15-6345, in the District Court Second Judicial District State of Minnesota – County of Ramsey, Dated: January 24, 2017.

**Martin Gregory Leslie**  
**c/o Buffalo Pumps Inc.**

Mr. Leslie, corporate representative and person most knowledgeable of Buffalo Pumps (and any predecessor or successors) will testify live or by video deposition regarding his experience with Buffalo Pumps (and any predecessor or successors), Buffalo Pumps (and any predecessor or successors) knowledge and conduct, and Buffalo Pumps (and any predecessor or successors) products. Please see his depositions in: September 2, 2004 in *Robert “Bob” Waters and Donald Tucker, et al v. American Standard, Inc, et al*, in the 116<sup>th</sup> Judicial District Court of Dallas County, TX.

**Frank J. Costanzo**  
**c/o BW/IP International, Inc. and Flowserve U.S., Inc.**

Mr. Costanzo, corporate representative and person most knowledgeable of BW/IP International, Inc. and Flowserve U.S., Inc. (and any predecessor or successors, including but not limited to Byron Jackson Pump Company) will testify live or by video deposition regarding his experience with BW/IP International Inc., Flowserve U.S., Inc. (and any predecessor or successors, including but not limited to Byron Jackson Pump Company), BW/IP International Inc., Flowserve U.S., Inc. (and any predecessor or successors, including but not limited to Byron Jackson Pump Company's) knowledge and conduct, and BW/IP International Inc., Flowserve U.S., Inc. (and any predecessor or successors, including but not limited to Byron Jackson Pump Company's) products. Please see his deposition in *Kenneth Balthazar, et al v. A.W. Chesterton Co., et al*, Case No. 06-3620 and *Charles S. McDaniel, et al v. A.W. Chesterton Co., et al*, No. 06-3020, dated April 12, 2007, in the Commonwealth of Massachusetts Superior Court.

**Douglas Ware**  
**c/o CBS Corp.**

Mr. Ware, corporate representative and/or person most knowledgeable of CBS Corp. (and any predecessor or successors) will testify live or by video deposition regarding his experience with

CBS Corp. (and any predecessor or successors), CBS Corp. (and any predecessor or successors) knowledge and conduct, and CBS Corp. (and any predecessor or successors) products. Please see his deposition in *Lois Stromberg v. Ametek, Inc., et al.*; No. 2006-12130; in the 11<sup>th</sup> Judicial District Court of Harris County, Texas, dated October 30, 2007. *Ronald Conda and Janella Conda v. CBS Corporation, f/k/a/ VIACOM, Inc.*, CA No. 62Cv15465, in the District Court Second Judicial District, Dated: 10/22/15. Deposition in *Thomas H. Hayden and Jacqueline S. Hayden v. 3M Company, et al.*, No. 2015-3732, in the Civil District Court for the Parish of Orleans State of Louisiana.

**Lloyd C. Ambler**  
**c/o Certainteed Corporation**

Mr. Ambler, corporate representative and person most knowledgeable of Certainteed Corporation (and any predecessor or successors) will testify live or by video deposition regarding his experience with Certainteed Corporation (and any predecessor or successors), Certainteed Corporation's (and any predecessor or successors) knowledge and conduct, and Certainteed Corporation's (and any predecessor or successors) products. Please see (among other transcripts from Mr. Ambler) his deposition on February 28, 2003 in *Robert Crowley, et al v. Bondex International, Inc., et al*, No. 02-11183-D, in the 95<sup>th</sup> Judicial District Court, Dallas County, Texas; and November 19, 2009 in *Kermit Kelley, et al v. American Cast Iron Pipe Company, et al*, No. 34-2008-11741, in the Superior Court of Sacramento County, California.

**Charles Blakinger**  
**c/o Certainteed Corporation**

Mr. Blakinger, corporate representative and person most knowledgeable of Certainteed Corporation (and any predecessor or successors) will testify live or by video deposition regarding his experience with Certainteed Corporation (and any predecessor or successors), Certainteed Corporation's (and any predecessor or successors) knowledge and conduct, and Certainteed Corporation's (and any predecessor or successors) products. Please see his deposition on July 20, 2011 in *McKinley, et al v. Agco Corporation, et al*, No. RG-10551575, in the Superior Court, Alameda County, California.

**John Himmelberger**  
**c/o Certainteed Corporation**

Mr. Himmelberger, corporate representative and person most knowledgeable of Certainteed Corporation (and any predecessor or successors) will testify live or by video deposition regarding his experience with Certainteed Corporation (and any predecessor or successors), Certainteed Corporation's (and any predecessor or successors) knowledge and conduct, and Certainteed Corporation's (and any predecessor or successors) products. Please see his deposition in *Patricia Lenhart, et al v. ACandS, et al.*, No. CC-00-131553-H, in the County Court at Law No. 1, Dallas County, Texas. Dated: October 16, 2002.

**Daniel Stockbarger**  
**c/o Certainteed Corporation**

Mr. Stockbarger, corporate representative and person most knowledgeable of Certainteed Corporation (and any predecessor or successors) will testify live or by video deposition regarding his experience with Certainteed Corporation (and any predecessor or successors), Certainteed Corporation's (and any predecessor or successors) knowledge and conduct, and Certainteed Corporation's (and any predecessor or successors) products. Please see his deposition in *Allen A. Solum, Sr., et al v. A.W. Chesterton, et al*, No. RG-08-393873, in the Superior Court, Alameda County, California. Dated December 19, 2008.

**Anthony Pantaleoni**  
**c/o Crane Co.**

Mr. Pantaleoni, corporate representative of Crane Co., will testify live or by video deposition regarding his experience with Crane Co., Crane Co. knowledge and conduct, and Crane Co. products. Please see his depositions on June 14, 2006 in *Robert Baxter v. Alfa Laval Inc, et al*, No# 05-4314, Commonwealth of Massachusetts, Middlesex; November 19, 2008 in *James Prough, et al v. Allis Chalmers Corporation Product Liability Trust, et al*, CA No. BC389423, in the Superior Court of Los Angeles County, California; July 8, 2009 in *David Kelemen, et al. v. Alfa Laval, Inc., et al.*, CA No. BC384059, in the Superior Court of Los Angeles County, California; March 11, 2010 (Vol. I) and April 14, 2010 (Vol. II) in *Jacoby, et al. v. A.W. Chesterton Co., et al.*, No. 07-3804, in the Superior Court, Middlesex County, Massachusetts; March 22, 2012 (Vol. I) and March 29, 2012 (Vol. II) in *Gerald McCarthy, et al. v. Baltimore Aircoil Company, et al.*, CA No. BC464985, in the Superior Court of Los Angeles, California; July 26, 2012 in *Donald Kent, et al. v. Alfa Laval, Inc., et al.*, CA No. BC473418, in the Superior Court of Los Angeles County, California; and February 26, 2013 in *Estenson, et al v. Borg-Warner Morse Tec, Inc., et al*, No. 11-2-25571-9 SEA, in the Superior Court, King County, Washington, CA No. 15-2441, in the Fourth Judicial District Court for the Parish of Quachita State of Louisiana; February 11, 2016 in *Lynda Berry v. ANCO Insulations, Inc.* Deposition in *Thomas H. Hayden and Jacqueline S. Hayden v. 3M Company, et al.*, No. 2015-3732, in the Civil District Court for the Parish of Orleans State of Louisiana, Dated: May 27, 2016. Please see his deposition in *Lanny Johnson, as Trustee and Next-of-Kin of Roy Hays Johnson, Deceased, v. 3M Company, et al.*, NO. 62CV-15-6345, in the Distric Court Second Judicial Distric State of Minnesota – County of Ramsey, Dated: January 5, 2017.

**Robert J. Martin**  
**c/o Crosby Valve, Inc.**

Mr. Martin, corporate representative and person most knowledgeable of Crosby Valve, Inc. (and any predecessor or successors) will testify live or by video deposition regarding his experience with Crosby Valve, Inc. (and any predecessor or successors), Crosby Valve, Inc.'s (and any predecessor or successors) knowledge and conduct, and Crosby Valve, Inc.'s (and any predecessor or successors) products. Please see his deposition in *Richard Merrill, et al v. Alfa Laval, Inc., et al*, No. BC352170, in the Superior Court, Los Angeles County, California, dated January 19, 2007.

**James P. Tucker**

**c/o Edward Valves, Inc. f/k/a Edward Valve & Manufacturing Company**

Mr. Tucker, corporate representative and person most knowledgeable of Edward Valves, Inc. f/k/a Edward Valve & Manufacturing Company will testify live or by video deposition regarding his experience with Edward Valves, Inc. f/k/a Edward Valve & Manufacturing Company, Edward Valves, Inc. f/k/a Edward Valve & Manufacturing Company's knowledge and conduct, and Edward Valves, Inc. f/k/a Edward Valve & Manufacturing Company's products. Please see his depositions in *James Howell vs. Alfa Laval, Inc., et al*, Case No. BC 353761, dated April 24, 2007, in the Superior Court of the State of California for the County of Los Angeles; April 14, 2009 in *Tommy L. Vernon, et al v. 3M Company, et al*, In the Superior Court Central District, Los Angeles County, California; and July 30, 2009 in *Thomas Lopez, et al v. Alfa Laval, Inc., et al*, No. BC397242, in the Superior Court, Los Angeles County, California.

**Edward Drislane**

Friction Materials Standards Institute (FMSI)  
23 Woodland Road, Suite B-3  
Madison, CT 06443  
203-245-8425

Mr. Drislane was the director of the Friction Materials Standards Institute, a trade organization involving manufacturers and distributors of friction products including brakes and clutches. Mr. Drislane is also the custodian of all of the records of the FMSI and is expected to authenticate the documents generated by that organization as well as testify regarding the distribution of those documents to the member organizations. Mr. Drislane will testify regarding the formation and activities of the Asbestos Study Committee which was developed to investigate and formulate policy on the friction companies' response to the awareness of the health hazards associated with asbestos in brakes. He will further testify about efforts made by the organization to influence OSHA and OSHA's adoption of standards regarding the inclusion of warnings on packaged products containing asbestos. Copies of Mr. Drislane's prior deposition testimony in Plaintiff's possession will be made available for inspection upon request. Please see, for example, his depositions taken August 23, 1982 in *Hughes v. Johns-Manville*; October 24, 2002 in *Cutright v. A-Best Products Co.*; and July 23, 1999 in *Book v. Asbestos Defendants*. Please see Deposition taken in August 12, 1982 in *Hughes v. Johns-Manville and Nancy W. Rees*, No. 4530 (811), No. 80-0662, No. 80-4034, in the United States District Court, Eastern District of Pennsylvania.

**Bernard McGrew**

**c/o FMC Corporation (sued individually and as successor-in-interest to Link-Belt Construction Equipment Company, LLP)**

Mr. McGrew, corporate representative and person most knowledgeable of FMC Corporation, sued individually and as successor-in-interest to Link-Belt Construction Equipment Company (and any predecessor or successors) will testify live or by video deposition regarding his experience with FMC Corporation, sued individually and as successor-in-interest to Link-Belt Construction Equipment Company (and any predecessor or successors), FMC Corporation, sued individually and as successor-in-interest to Link-Belt Construction Equipment Company's (and

any predecessor or successors) knowledge and conduct, and FMC Corporation, sued individually and as successor-in-interest to Link-Belt Construction Equipment Company's (and any predecessor or successors) products. Please see his depositions taken December 4, 2009 and February 2, 2010 in *Richard Randall, et al v. Bondex International, Inc., et al*, No. 62-CV-09-6373, in the 2<sup>nd</sup> Judicial District, Ramsey County, Minnesota.

The following are **Foster Wheeler Energy Corporation** persons with knowledge of relevant facts, who will appear by prior written deposition at any all trials against Foster Wheeler Energy Corporation, some of whom will offer expert testimony and some of whom will offer factual testimony. Most of the transcripts were provided by Foster Wheeler Energy Corporation counsel of record as witness statements, party opponent admissions or admissions against interest. Many of the witnesses are unavailable for trial, but the most recent contact information would be within the care, custody or control of Foster Wheeler Energy Corporation. They may be contacted by and through the attorney of record who represented them at the deposition:

- Robert W. Heckman, deposition taken July 11, 1989 in *Donald E. Short v. GAF Corporation et al.*, US District Court, Western District of Pennsylvania.
- James W. Egan, deposition taken July 12, 1989 in *Donald E. Short v. GAF Corporation et al.*, US District Court, Western District of Pennsylvania.
- Leslie A. Mattia, deposition taken July 27, 1989 in *Donald E. Short v. GAF Corporation et al.*, US District Court, Western District of Pennsylvania.
- Michael Kelly, deposition taken October 3, 1989 in *Nicola Spino v. Alltite Gasket Company et al.*, Superior Court of New Jersey Law Division, Middlesex County.
- Justin Winkin, deposition taken December 20, 1989 in *Nicola Spino v. Alltite Gasket Company et al.*, Superior Court of New Jersey Law Division, Middlesex County.
- Walter Loza, deposition taken February 6, 1991 in *Pirrong v. Alltite Gasket Company*, Superior Court of New Jersey, Law Division, Middlesex County.
- Robert F. Tracey, depositions taken June 26, 2008 in *Betty McBride, et al v. A.W. Chesterton Company, et al*, No. 07-002192, in the 14<sup>th</sup> Judicial Circuit Court, Bay County, Florida and April 15, 2009 in *Georgette Grau, et al v. Alfa Laval, Inc., et al*, No. L-7959-07, in the Superior Court, Middlesex County, New Jersey. Videotaped Deposition taken February 17, 2016, in in *Lynda Berry v. ANCO Insulations, Inc., et al.*, Case No. 15-24441, Fourth Judicial District, Ouachita Parish, Louisiana. Please see his deposition in *Ronald Conda and Janella Conda v. CBS Corporation, f/k/a/ VIACOM, Inc.*, CA No. 62Cv15465, in the District Court Second Judicial District, Dated: 11/18/2015. Please see his deposition on August 23, 2016 from *Thomas H. Hayden and Jacqueline S. Hayden v. 3M Company, et. al*, No. 2015-3732 in the Civil district court of the Parish of Orleans, State of Louisiana.

**Richard Johnson**  
**c/o Foster Wheeler Energy Corporation**

Mr. Johnson, corporate representative and person most knowledgeable of Foster Wheeler Energy Corporation (and any predecessor or successors) will testify live or by trial testimony and/or video deposition regarding his experience with Foster Wheeler Energy Corporation (and any predecessor or successors), Foster Wheeler Energy Corporation's (and any predecessor or successors) knowledge and conduct, and Foster Wheeler Energy Corporation's (and any predecessor or successors) products. Please see his June 20, 2008 deposition and April 22, 2009 trial testimony in *Betty McBride, et al vs. A.W. Chesterton Company, et al*, No. 07-002192-CA, in the Circuit Court, Broward County, Florida.

**Marjorie A. Drucker**  
**c/o General Electric Company**

Ms. Drucker, corporate representative and person most knowledgeable of General Electric Company will testify live or by video deposition regarding her experience with General Electric Company, General Electric Company's knowledge and conduct, and General Electric Company's products. Please see her deposition in *Gary W. Lenz, et al v. Allis Chalmers Corporation Product Liability Trust, et al*, Case No. 2007-CP-40-5106, dated April 1, 2008, in the State of South Carolina Court of Common Pleas.

The following are **General Electric Company** persons with knowledge of relevant facts, who will appear by prior written deposition at any all trials against General Electric Company, some of whom will offer expert testimony and some of whom will offer factual testimony. Most of the transcripts were provided by General Electric Company counsel of record as witness statements, party opponent admissions or admissions against interest. Many of the witnesses are unavailable for trial, but the most recent contact information would be within the care, custody or control of General Electric Company. They may be contacted by and through the attorney of record who represented them at the deposition:

- Paul Banaszewski, depositions taken July 22, 2003 in *Cotton, et al v. A.P. Green Refractories Company, et al*, No. B-150, 374-AK, In the 60<sup>th</sup> District Court, Jefferson County, Texas; July 24, 2008 in *McBride, et al v. A.W. Chesterton Company, et al*, No. 07-002192, in the 14<sup>th</sup> Judicial Circuit Court, Bay County, Florida; December 11, 2003 in *Branon, et al v. Owens-Corning Fiberglas Corp., et al*, No. 98-CI-00637, Division Two, McCracken Circuit Court, Commonwealth of Kentucky; June 23, 2004 in *Brown, et al v. ACandS, Inc., et al*, No. CJ-2001-10009-63, in the District Court of Oklahoma County, Oklahoma; January 9, 2004 (Vol. I) and February 11, 2004 (Vol. II) in *Ross, et al v. A.W. Chesterton, et al*, No. CTC 03-421637, Superior Court, San Francisco County, California; February 24, 2006 (Vol. I) and March 1, 2006 (Vol. II) in *French, et al v. Saberhagen Holdings, Inc., et al*, No. 05-2-09268-8 SEA, Superior Court, King County, Washington; June 3, 2005 in *Zygielbaum, et al v. Asbestos Corporation Limited, et al*, No. RG04152563, In the Superior Court, Alameda County, California; April 13, 2006 in *Samuel Stacey v. American Standard, Inc., et al*, No. LT-00835, in the Circuit Court, Richmond County, Virginia; and May 20, 2009 in *Gaia v. Allis Chalmers, et al*, No.



373142, Los Angeles Superior Court, in *Lynda Berry v. ANCO Insulations, Inc., et al.*, Case No. 15-24441, Fourth Judicial District, Ouachita Parish, Louisiana, on February 24, 2016.

- Joseph A. Falcon, deposition taken May 29, 1998 in *Shirley Hodge, et al v. Pittsburgh Corning Corporation, et al*, No. 94-08602, in the 98<sup>th</sup> Judicial District, Travis County, Texas.
- Andrew Forti, deposition taken October 9, 1991 in *Clarence Berkhimer, et al v. A-Best Products Company, et al*, No. 1991 of 1866, in the Court of Common Pleas, Cambria County, Pennsylvania.
- Frank Sam Frangione, deposition taken December 10, 2003.
- Robert Galvin, deposition taken February 6, 2003 in *Nolan, et al v. John Crane, et al*, No. 01-L-117, in the Fifth Judicial Circuit Court, Vermilion County, Illinois.
- David Hobson, deposition taken November 11, 2001.
- David Hobson, deposition taken April 12, 2005 in *Gudmundson, et al v. John Crane, Inc., et al*, No. 03-L-538, in the Third Judicial Circuit, Madison County, Illinois.
- David Hobson, deposition taken May 20, 2004 (Part I) and July 21, 2004 (Part II) in *In Re: New York City Asbestos Litigation*, in the Supreme Court, New York County, New York.
- David Hobson, deposition taken October 28, 1992.
- David Hobson, deposition taken December 17, 2001 in *Adams, et al v. AC&S, et al*, No. BA3-01-0380418S, in the Judicial District of Fairfield at Bridgeport.
- David Hobson, deposition taken March 25, 2002 in *Totman, et al v. ACandS, Inc., et al*, No. 00-5296, in the Superior Court, Providence, Rhode Island.
- David Hobson, trial testimony taken June 2, 2005 in *Jane Gudmundson, et al v. General Electric, et al*, No. 03-L-538, in the Third Judicial District, Madison County, Illinois.
- David Hobson, deposition taken April 27, 1999 in *Rudolph, et al v. Georgia Pacific Corporation, et al*, No. E-62295, in the Superior Court, Fulton County, Georgia.
- David Hobson, deposition taken June 30, 2005 in *Jean Grove, et al v. Dresser Industries, Inc., et al*, No. D030286-C, in the District Court, Orange County, Texas.
- Kurt Krueker, deposition taken February 6, 2003.
- Walter Martiny, deposition taken February 13, 2007.

- Walter Martiny, deposition taken March 18, 2004 in *In Re: Asbestos Personal Injury Litigation Mass Litigation Panel*, No. 03-C-9600, in the Circuit Court, Kanawha County, West Virginia.
- Bruce Mitchell, deposition taken October 9, 2003 in *In re: Asbestos Litigation*, No. C0048AB200000002, in the Court of Common Pleas, Northampton County, Pennsylvania.
- Michael Schwartz, trial testimony taken June 23, 2005.
- Mark Strife, deposition taken August 29, 2002.
- Ron Query, deposition taken May 25, 2005 in *Zygielbaum v. Asbestos Corporation Ltd.*, Superior Court of California, Alameda County.
- Paul Banaszewski, deposition taken June 3, 2005 in *Zygielbaum v. Asbestos Corporation Ltd.*, Superior Court of California, Alameda County.
- Paul Banaszewski, deposition taken March 1, 2006 in *Dale v. Saberhagen Holdings, et al.*, Superior Court of Washington, King County.
- David Skinner, deposition taken November 17, 2015 in *Ronald Eugene Conda and Jenella Joyce Conda v. Gagnon, Inc., et al*, No.62cv154651, in the District Court 2<sup>nd</sup> Judicial District, State of Minnesota, County of Ramsey. Deposition taken December 8, 2015 in *Ronald Eugene Conda and Jenella Joyce Conda v. Gagnon, Inc., et al*, No.62cv154651, in the District Court 2<sup>nd</sup> Judicial District, State of Minnesota, County of Ramsey.
- Tom Tarka, deposition taken December 10, 2015 in *Ronald Eugene Conda and Jenella Joyce Conda v. Gagnon, Inc., et al*, No.62cv154651, in the District Court 2<sup>nd</sup> Judicial District, State of Minnesota, County of Ramsey.
- Roland Doktor, Deposition taken November 20, 2015 in *Ronald Eugene Conda and Jenella Joyce Conda v. Gagnon, Inc., et al*, No.62cv154651, in the District Court 2<sup>nd</sup> Judicial District, State of Minnesota, County of Ramsey.

The following are **Goodyear Tire & Rubber Company** person(s) with knowledge of relevant facts, who will appear by prior written deposition at any all trials against Goodyear Tire & Rubber Company, some of whom will offer expert testimony and some of whom will offer factual testimony. Most of the transcripts were provided by Goodyear Tire & Rubber Company counsel of record as witness statements, party opponent admissions or admissions against interest. Many of the witnesses are unavailable for trial, but the most recent contact information would be within the care, custody or control of Goodyear Tire & Rubber Company. They may be contacted by and through the attorney of record who represented them at the deposition:

- Mr. Holthouser, corporate representative and person most knowledgeable of Goodyear Tire & Rubber Company will testify live or by video deposition regarding his experience with Goodyear, Goodyear knowledge and conduct, and Goodyear products. Please see his deposition in *Vicki Lynn Rogers v. The Goodyear Tire & Rubber Company, et al*, Cause No: CC-10-03294-E, In the District Court of Harris County, Texas, 11<sup>th</sup> Judicial District, dated: July 22, 2014. Please see deposition taken in *Thomas Hayden and Jacqueline S. Hayden vs. 3m Company, et al*. Case No. 2015-3732 Civil Court for the Parish of Orleans State of Louisiana, Dated: June 28, 2016.
- Dr. Clifford Johnson deposition taken November 12, 1991 in *Cunningham, et al v. Eagle Picher Industries, Inc.*, No. 150433, in the Common Pleas Court, Cuyahoga County, Ohio; and deposition taken February 24, 1998.
- Byron H. Frantz, taken on March 29, 2016 in *Jimmy D. Tracy and Lynda Tracy v. Asbestos Corporation Limited, et al*. No. 15-CV-01000-JFL-002 in the Superior Court of Floyd County State of Georgia.

**Ernest W. DeMarse**  
**c/o Goodyear Tire & Rubber Company**

Mr. DeMarse, corporate representative and person most knowledgeable of Goodyear Tire & Rubber Company (and any predecessor or successors) will testify live or by deposition regarding his experience with Goodyear Tire & Rubber Company (and any predecessor or successors), Goodyear Tire & Rubber Company's (and any predecessor or successors) knowledge and conduct, and Goodyear Tire & Rubber Company's (and any predecessor or successors) products. Mr. DeMarse also has knowledge regarding **Crane Co.** and **Durabla Manufacturing Company**. Please see his depositions in *Kelley & Ferraro-Group 5 Asbestos*, in the Court of Common Pleas, Cuyahoga County, Ohio on December 12, 2001; *John McNamara, et al v. Bondex International, Inc., et al*, No. BC342803, in the Superior Court, Los Angeles County, California on June 13, 2006; and *Chomo, et al v. American Standard, Inc., et al*, No. BC 362159, in the Superior Court, Los Angeles County, California on July 24, 2007.

**E. Barry Bradshaw**  
**c/o Goulds Pumps Inc.**

Mr. Bradshaw, corporate representative and person most knowledgeable of Goulds Pumps (IPG) Inc, Goulds Pumps (NY), Inc. and Goulds Pumps, Inc. (Goulds) will testify live or by video deposition regarding his experience with Goulds, Goulds knowledge and conduct, and Goulds products. Please see his deposition in *Charles D'Amico and Barbara Lorton vs. Buffalo Pumps, Inc., et al*, Cause No: 2006-41943, In the District Court of Harris County, Texas, 11<sup>th</sup> Judicial District, dated February 1<sup>st</sup>, 2007.

**Bruce H. Conner**  
**c/o Goulds Pumps Inc.**

Mr. Conner, corporate representative and person most knowledgeable of Goulds Pumps, Inc. (and any predecessor or successors) will testify live or by video deposition regarding his experience with Goulds Pumps, Inc. (and any predecessor or successors), Goulds Pumps, Inc.'s (and any predecessor or successors) knowledge and conduct, and Goulds Pumps, Inc.'s (and any predecessor or successors) products. Please see his deposition taken October 24, 2012 in *Hill, et al v. Waco, Inc., et al*, in the Circuit Court, Newport News, VA.

**Richard Salzmann**  
**c/o IMO Industries, Inc**

Mr. Salzmann, corporate representative and person most knowledgeable of IMO Industries, Inc, (FKA De Laval Steam Turbine Company) will testify live or by video deposition regarding his experience with IMO (De Laval), IMO (De Laval) knowledge and conduct, and IMO and De Laval. products. Please see his deposition in *Richard Merrill and Tamara Merrill vs. Alfa Laval, Inc., et al*, Case No. BC 352170, Volumes 1 and 2, January 9 & 18, 2007, Superior Court for the State of California for the County of Los Angeles. Please also see his deposition in *Kenneth Balthazar, et al v. A.W. Chesterton Co., et al*, Case No. 06-3620 and *Charles S. McDaniel, et al v. A.W. Chesterton Co., et al*, No. 06-3020, dated April 5, 2007, in the Commonwealth of Massachusetts Superior Court.

**Gerald Swimmer**  
**c/o Ingersoll-Rand Company**

Mr. Swimmer, corporate representative and person most knowledgeable of Ingersoll-Rand Company (and any predecessor or successors) will testify live or by video deposition regarding his experience with Ingersoll-Rand Company (and any predecessor or successors), Ingersoll-Rand Company's (and any predecessor or successors) knowledge and conduct, and Ingersoll-Rand Company's (and any predecessor or successors) products. Please see his deposition in *Schlotfeldt, et al v. Alfa Laval, Inc., et al*, No. 07-2-12398-9SEA, in the Superior Court of King County, Washington, dated October 15, 2008. Deposition taken February 4, 2016 in *Ronald Eugene Conda and Jenella Joyce Conda v. Gagnon, Inc., et al*, No.62cv154651, in the District Court 2<sup>nd</sup> Judicial District, State of Minnesota, County of Ramsey. Please see his Deposition in *Lanny Johnson, as Trustee and Next-of-Kin of, Roy Hays Johnson, Deceased, v. 3M Company, et al.*, No. 62CV-15-6345, in the District Court Second Judicial District, State of Minnesota County of Ramsey, Dated: February 1, 2017.

**Patrick Moyer**  
**c/o ITT Industries, Inc. (sued individually and as successor-in-interest to Bell & Gossett)**

Mr. Moyer, corporate representative and person most knowledgeable of ITT Industries, Inc. (sued individually and as successor-in-interest to Bell & Gossett) (and any predecessor or successors) will testify live or by video deposition regarding his experience with ITT Industries, Inc. (sued individually and as successor-in-interest to Bell & Gossett) (and any predecessor or successors), ITT Industries, Inc.'s (sued individually and as successor-in-interest to Bell & Gossett) (and any predecessor or successors) knowledge and conduct, and ITT Industries, Inc.'s (sued individually and as successor-in-interest to Bell & Gossett) (and any predecessor or

successors) products. Please see his depositions in *In Re: New York State Asbestos Litigation*, in the Supreme Court of New York, dated April 30, 2002; and *Schlotfeldt, et al v. Alfa Laval, Inc., et al*, No. 07-2-12398-9SEA, in the Superior Court of King County, Washington, dated October 14, 2008.

**Dr. Michael Matteson**  
**c/o John Crane, Inc.**

Dr. Matteson, corporate representative and/or person most knowledgeable of John Crane, Inc. (and any predecessor or successors) will testify live or by video deposition regarding his experience with John Crane, Inc. (and any predecessor or successors), John Crane, Inc.'s (and any predecessor or successors) knowledge and conduct, and John Crane, Inc.'s (and any predecessor or successors) products. Please see his trial testimony from January 10, 2008 through January 11, 2008 taken in the *Betty Werts, et al. v. John Crane, et al.* matter in the Court of Common Pleas, Cuyahoga County, Civil Division, Case No. CV 541869, C/A No. 08 091403.

**George McKillop**  
**c/o John Crane, Inc.**

Mr. McKillop, corporate representative and person most knowledgeable of John Crane will testify live or by video deposition regarding his experience with John Crane, John Crane knowledge and conduct, and John Crane products. Please see his deposition in *Charles D'Amico and Barbara Lorton vs. Buffalo Pumps, Inc., et al*, Cause No: 2006-41943, In the District Court of Harris County, Texas, 11<sup>th</sup> Judicial District, dated February 22nd, 2007.

**George Springs**  
**c/o John Crane, Inc.**

Mr. Springs, corporate representative and person most knowledgeable of John Crane, Inc. (and any predecessor or successors) will testify live or by video deposition regarding his experience with John Crane, Inc. (and any predecessor or successors), John Crane, Inc.'s (and any predecessor or successors) knowledge and conduct, and John Crane, Inc.'s (and any predecessor or successors) products. Please see his depositions taken November 14, 2008 in *James Robert Prough, et al. v. Allis Chalmers Corporation Product Liability Trust, et al.*, No. BC389423, in the Superior Court of Los Angeles County, California; May 20, 2010 in *Joan Johnston, et al. v. Afton Pumps, Inc., et al.*, No. 2008-36868, in the 11th Judicial District Court, Harris County, Texas; November 8, 2010 and November 9, 2010 in *William Pfeifer, et al. v. Buffalo Pumps, Inc., et al.*, No. BC416536, in the Superior Court of Los Angeles County, California; and December 21, 2011 in *Theresa M. Schott, Individually and as Personal Representative of the Estate of Robert Thomas Schott v. Alfa Laval, Inc., et al.*, No. BC390952, in the Superior Court of Los Angeles County, California. Please see his deposition in *Delvin E. Domagala and Eileen R. Domagala, v. 3M Company, f/k/a Minnesota Mining and Manufacturing, et al.*, No. 62-CV-163232 in the district Court, Dated: November 18, 2016.

**Stanley L. Bloom**  
**c/o Peerless Industries, Inc. and EAFCO, Inc.**

Mr. Bloom, corporate representative of Peerless Industries, Inc. and EAFCO, Inc. will testify live or by deposition regarding his experience with Peerless Industries, Inc. and EAFCO, Inc., Peerless Industries, Inc. and EAFCO, Inc. knowledge and conduct, and Peerless Industries, Inc. and EAFCO, Inc. products. Please see his deposition in *The Estate of Raymond J. Hebert, Jr., et al. v. Alfa Laval, Inc., et al.*; C.A. No. 06-1599 in Middlesex Superior Court, Cambridge, Massachusetts, on October 11, 2007.

**Noel Genco**  
**c/o Pfizer, Inc.**

Mr. Genco, corporate representative and person most knowledgeable of Pfizer, Inc. (and any predecessor or successors) will testify live or by video deposition regarding his experience with Pfizer, Inc. (and any predecessor or successors), Pfizer, Inc.'s (and any predecessor or successors) knowledge and conduct, and Pfizer, Inc.'s (and any predecessor or successors) products. Please see his deposition taken October 3, 2012 in *C.H. Dennis, Jr. and Rayma Dennis v. 3M Company, et al*, No. BC481310, in the Superior Court, Los Angeles County, California. Plaintiff also identifies the depositions of Nikhil Trivedi, Edward Gramling and Michael Nitsche.

**J. Michael Smith**  
**c/o Riley Power, Inc.**  
**f/k/a Riley Stoker Corporation and D.B. Riley, Inc.**

Mr. Smith, corporate representative and person most knowledgeable of Riley Power, Inc. (and any predecessor or successors) will testify live or by video deposition regarding his experience with Riley Power, Inc. (and any predecessor or successors), Riley Power, Inc.'s (and any predecessor or successors) knowledge and conduct, and Riley Power, Inc.'s (and any predecessor or successors) products. Please see his depositions taken in *Heather Von St. James, et al v. 3M Corporation, et al*, No. C5-06-50535, in the 2<sup>nd</sup> Judicial District Court, Ramsey County, Minnesota on January 7, 2009.

**Peter J. Novak**  
**c/o Viad Corporation f/k/a The Dial Corporation (sued individually and as successor-in-interest to Griscom-Russell Company)**

Mr. Novak, corporate representative and person most knowledgeable of Viad Corporation (and any predecessor or successors), will testify live or by video deposition regarding his experience with Viad Corporation (and any predecessor or successors), Viad Corporation's (and any predecessor or successors) knowledge and conduct, and Viad Corporation's (and any predecessor or successors) products and/or equipment. Please see his deposition dated April 9, 2009 in *Gary Lenz, et al v. Allis Chalmers Corporation, et al*, No. 2007-CP-40-5106, in the Common Pleas Court, Richland County, South Carolina.

**Henry Rentschler**

**c/o Viad Corporation f/k/a The Dial Corporation (sued individually and as successor-in-interest to Griscom-Russell Company)**

Mr. Rentschler, corporate representative and person most knowledgeable of Viad Corporation (and any predecessor or successors), will testify live or by video deposition regarding his experience with Viad Corporation (and any predecessor or successors), Viad Corporation's (and any predecessor or successors) knowledge and conduct, and Viad Corporation's (and any predecessor or successors) products and/or equipment. Please see his depositions dated January 7, 2005 in *Joseph A. Simonetta, et al v. Saberhagen Holdings, Inc., et al*, No. 04-2-02874-4, in the Superior Court, King County, Washington; October 20, 2005 in *Betty Riggle, et al v. Allis-Chalmers Corporation, et al*, No. 2004-03964, in the District Court, Harris County, Texas; and May 4, 2006 (Vol. 1) and May 22, 2006 (Vol. 2) in *Harold F. Payne, et al vs. Saberhagen Holdings, Inc., et al*, No. 05-2-35924-2, in the Superior Court, King County, Washington.

**John Petersen**

**c/o Viking Pump, Inc.**

Mr. Petersen, corporate representative and person most knowledgeable of Viking Pump, Inc. (and any predecessor or successors), will testify live or by video deposition regarding his experience with Viking Pump, Inc. (and any predecessor or successors), Viking Pump, Inc.'s (and any predecessor or successors) knowledge and conduct, and Viking Pump, Inc.'s (and any predecessor or successors) products. Please see his depositions dated September 1, 2004 in *Janet Lorenzini, et al v. A.W. Chesterton Company, et al*, No. RG-03088740, in the Superior Court, Alameda County, California; July 19, 2005 in *Helen Griffin, et al v. Buffalo Pumps, Inc., et al*, No. BC307929, in the Superior Court, Los Angeles County, California; November 1, 2005 in *Elmer Brodnax v. Agco Corporation, et al*, No. BC327773, in the Superior Court, Los Angeles County, California; and May 9, 2008 in *Arleen Pellegal v. Northrop Grumman Ship Systems, et al*, No. 07-7749, in the Civil District Court, Orleans Parish, Louisiana.

**Samuel N. Shields**

**c/o Weir Valves & Controls**

Mr. Shields, corporate representative and person most knowledgeable of Weir Valves & Controls (and any predecessor or successors) will testify live or by video deposition regarding his experience with Weir Valves & Controls (and any predecessor or successors), Weir Valves & Controls' (and any predecessor or successors) knowledge and conduct, and Weir Valves & Controls' (and any predecessor or successors) products. Please see his depositions taken December 29, 2004 in *Robert "Bob" Waters et al. v. American Standard et al.*, Dallas County, TX, Cause No. DV03-05009-D and April 13, 2007 in *James Howell v. Alfa Laval, Inc., et al*, No. BC353761, in the Superior Court of Los Angeles County, California. Please see deposition taken September 15, 2009 in *Charles Leonard Willis and Loretta Willis vs. Alcan Products Corporation* in the District court, 11<sup>th</sup> Judicial District Harris County, Texas. Please see his Deposition in *Thomas H. Hayden and Jacqueline S. Hayden v. 3M Company, et. al*. No. 2015-3732, Civil District Court for the Parish of Orleans, State of Louisiana, Dated: July 13, 2016.

Plaintiff also identifies the corporate representatives, persons most knowledgeable, custodians of records and managers of all defendants, including those not identified above such as the representatives of Air & Liquid, Anchor, A.O. Smith, Bechtel Corporation, Carrier, Carver Pump, Circor Instrumentation, Covil Corporation, Daniel International, Fisher Controls, Gorman-Rupp, Grinnell, Hajoca Corporation, Henry Pratt Company, Metropolitan Life, Parker-Hannifin, Research-Contrell, Sequoia, Southern Insulation, Spirax Sarco, Starr Davis, Sterling Fluid, Trane, United Conveyor, Uniroyal, York International, Yuba Heat and Zurn Industries.

Plaintiff also identifies:

All witnesses listed by all Defendants.

All witnesses listed in Plaintiff's Answers to Interrogatories and any and all supplements and/or amendments thereto.

All witnesses deposed in this case.

All witnesses listed in any deposition taken in this case.

Any physician who has examined and/or treated Plaintiff.

Any and all records custodians, live or by deposition upon written questions.

Any witness necessary for rebuttal.

**INTERROGATORY NO. 3:**

If Plaintiff contends that there is prior testimony that relates to the claim for punitive or exemplary damages, please state the following:

- (a) Date and place of the prior testimony and identity of cause in which it was taken;
- (b) Identify the person making the prior testimony;
- (c) Describe the form in which the prior testimony exists, (i.e., written, typed, recorded, etc.);
- (d) Identify the custodian of the prior testimony; and
- (e) Identify the person who obtained the prior testimony.

**ANSWER:**

Plaintiff objects that this Interrogatory is vague, overly broad, unduly burdensome and premature. Subject to and without waiving these objections, Plaintiff refers to her response to Interrogatory No. 2 above for responsive information. Further evidence supporting punitive damages at this stage of the case is anticipated to be in the form of future testimony yet to be taken. Plaintiff will provide counsel with page and line designations for all depositions Plaintiff plans to read or play at trial, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiff further reserves the right to supplement or amend this answer should further responsive information come to light.



**INTERROGATORY NO. 4:**

Identify all documents of which Plaintiff has knowledge, including but not limited to medical articles, medical journals, case reports, textbooks, abstracts, or synopses, which Plaintiff, believe relate to their position on the “state-of-the-art” defense.

**ANSWER:**

Plaintiff objects to this Interrogatory as overly broad, vague, ambiguous and unduly burdensome. Moreover, Plaintiff further objects that this information is equally, if not more so, available to Defendants. Subject to and without waiving these objections, Plaintiff reserves the right to supplement this response if necessary.

**INTERROGATORY NO. 5:**

Identify all persons whom Plaintiff expects to call as witnesses at trial, including a summary of the testimony that each witness is expected to give.

**ANSWER:**

Plaintiff objects that this Interrogatory is overly broad and unduly burdensome in that it requires the Plaintiff to marshal the entirety of her evidence and summarize it in a narrative form. Subject to and without waiving these objections, Plaintiff refers to her response to Interrogatory No. 2 above for responsive information. Plaintiff states that no decisions have yet been made regarding specific witnesses who will testify at trial of this matter. Plaintiff reserves the right to supplement this response after discovery and investigation.

**INTERROGATORY NO. 6:**

Identify all documents which Plaintiff expects to offer as evidence at trial.

**ANSWER:**

Plaintiff objects to this Interrogatory as unduly burdensome and premature. Subject to and without waiving this objection, Plaintiff states that no decisions have been made about which documents to offer as evidence at trial. Plaintiff reserves the right to supplement this response after discovery and investigation.

**INTERROGATORY NO. 7:**

Identify all persons whom Plaintiff expect to call as expert witnesses at trial, and as to each such person, provide a summary of the testimony each witness is expected to give.

**ANSWER:**

Plaintiff states that she has not yet made determinations about which experts she intends to call at trial. Plaintiff refers to her response to Interrogatory No. 2 above for potentially responsive information. Plaintiff reserves the right to supplement this response after discovery and investigation.

**INTERROGATORY NO. 8:**

Identify all persons whom Plaintiff have retained or employed in anticipation of litigation or for trial preparation purpose whom the Plaintiff do not expect to call as expert witnesses at trial.

**ANSWER:**

Plaintiff objects to this Interrogatory to the extent that it calls for documents provided by purely consulting experts who will not testify, and on whose opinions a testifying expert will not rely and is thus protected by the consulting expert privilege. Subject to and without waiving this objection, Plaintiff has no knowledge of information responsive to this request. Plaintiff agrees to supplement this Request in accordance with the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiff reserves the right to supplement this response after discovery and investigation.

**INTERROGATORY NO. 9:**

State all facts and opinions on which Plaintiff rely in alleging that Plaintiff is entitled to punitive or exemplary damages, include in your response a detailed description of all activities of each named defendant which plaintiff allege justify the imposition of punitive damages

**ANSWER:**

Plaintiff objects to this Interrogatory to the extent that it is overly broad, unduly burdensome and premature. In particular, evidence of punitive damages would be in Defendants' possession and therefore (1) is equally, if not more so, available to the Defendants than the Plaintiff and (2) not in Plaintiff's possession because discovery of such information has not been completed. Plaintiff further objects that this Interrogatory is vague and ambiguous in that is unclear whether this seeks information pertaining to all elements of a claim for punitive damages (including asbestos exposure, causation, etc.) or only those regarding Defendant's recklessness. Subject to, and without waiving these objections, Plaintiff alleges that each Defendant had actual knowledge that asbestos could cause permanent and fatal diseases prior to and during the time that the Mr. D'Amico was exposed. Despite this knowledge, the Defendants willfully failed to warn Mr. D'Amico nor take precautions to ensure that he and other individuals were not exposed to asbestos. Such actions and inactions constitute conscious indifference to the rights, safety, and welfare of the Decedent and others. In addition, in many cases, the Defendants affirmatively acted to conceal or minimize the knowledge of the dangers of asbestos. This conduct also indicates conscious indifference to the rights, safety and welfare of the Decedent and others. Plaintiff refers generally to portions of the depositions of the corporate representatives listed in response to these Interrogatories as well as any corporate representative depositions taken in this case and past cases. Plaintiff also refers generally Defendants to the exhibits accompanying these responses. Plaintiff reserves the right to supplement this answer as discovery continues.

**INTERROGATORY NO. 10:**

Identify all documents of which Plaintiff have knowledge including but not limited to sales literature, promotion material technical or education literature, or intra-corporate memoranda, which were produced, distributed or maintained by any defendant which Plaintiff believe relate to any matter at issue in this litigation.

**ANSWER:**

Plaintiff objects that this Interrogatory is overly broad, unduly burdensome and premature. Subject thereto and without waiving these objections, Plaintiff is not presently aware of any such responsive documents. Plaintiff's counsel will provide counsel for Defendants with exhibit lists containing all documents Plaintiff will seek to use at trial once that has been determined,

pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiff further reserves the right to supplement or amend this answer should responsive documents come to light (or upon further investigation and discovery).

**INTERROGATORY NO. 11:**

Identify and describe with particularity each written express warranty or guaranty, if any, which Plaintiff believe they received in connection with the use of any products sold or distributed by defendant.

**ANSWER:**

Plaintiff objects to this Interrogatory to the extent that it is overly broad and unduly burdensome. Moreover, documents responsive to this Interrogatory are equally, if not more so, available to the defendants. Subject thereto and without waiving these objections, Plaintiff reserves the right to supplement these responses pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiff further reserves the right to supplement or amend this answer should responsive documents come to light (or upon further investigation and discovery).

**INTERROGATORY NO. 12:**

Identify and describe with particularity each oral or express warranty or guaranty, if any, which Plaintiff believe they received in connection with the use of any products sold or distributed by defendant.

**ANSWER:**

Plaintiff objects to this Interrogatory to the extent that it is overly broad and unduly burdensome. Moreover, documents relevant to this interrogatory are equally, if not more so, available to the defendants. Subject thereto and without waiving these objections, Plaintiff has no knowledge of information responsive to this request. Plaintiff reserves the right to supplement these responses pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiff further reserves the right to supplement or amend this answer should responsive documents come to light (or upon further investigation and discovery).

**INTERROGATORY NO. 13:**

Identify and describe with particularity every implied warranty or guaranty, if any, which Plaintiff believe they received in connection with the use of any products sold or distributed by defendant.

**ANSWER:**

Plaintiff objects to this Interrogatory to the extent that it is overly broad and unduly burdensome. Moreover, documents relevant to this interrogatory are equally, if not more so, available to the defendants. Implied warranties attach to the sales of every product or service occurring in South Carolina. Further, Plaintiff will provide Defendants with exhibit lists detailing all documentary evidence Plaintiff will seek to admit at trial, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiff further reserves the right to supplement or amend this answer should responsive documents come to light (or upon further investigation and discovery).

**INTERROGATORY NO. 14:**

Identify all documents which relate to Plaintiff allegations that any defendant has breached any warranties given in connection with the sale or distribution of any asbestos products used by any plaintiff.

**ANSWER:**

Plaintiff objects that this request is overly broad, unduly burdensome and premature. Subject thereto and without waiving these objections, Plaintiff's counsel will provide counsel for Defendants with exhibit lists containing all Plaintiff documents they seek to use at trial, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiff further reserves the right to supplement or amend this answer should responsive documents come to light (or upon further investigation and discovery).

**INTERROGATORY NO. 15:**

State all facts and opinions on which Plaintiff rely in alleging that defendants breached any warranties which may have been given in connection with the sale or distribution of any asbestos products used by any plaintiff.

**ANSWER:**

Plaintiff objects that this request is overly broad, unduly burdensome and premature. Subject thereto and without waiving these objections, Plaintiff's counsel will provide counsel for Defendants with exhibit lists containing all Plaintiff documents they seek to use at trial, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Additionally, each Defendant had actual knowledge that asbestos could cause permanent and fatal diseases prior to and during the time that Mr. D'Amico was exposed. Despite this knowledge, the Defendants willfully failed to warn Mr. D'Amico or take precautions to ensure that he and other individuals were not exposed to asbestos. Such actions and inactions constitute conscious indifference to the rights, safety, and welfare of Mr. D'Amico and others. In addition, in many cases, the Defendants affirmatively acted to conceal or minimize the knowledge of the dangers of asbestos. This conduct also indicates conscious indifference to the rights, safety and welfare of Mr. D'Amico and others. Discovery is ongoing and Plaintiff reserves the right to supplement as discovery continues.

**INTERROGATORY NO. 16:**

State all facts and opinions on which Plaintiff rely in alleging that defendants acted negligently with respect to the Plaintiff.

**ANSWER:**

Plaintiff objects that this request is overly broad, unduly burdensome and premature. Subject thereto and without waiving these objections, Plaintiff's counsel will provide counsel for Defendants with exhibit lists containing all Plaintiff documents they seek to use at trial, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Additionally, each Defendant had actual knowledge that asbestos could cause permanent and fatal diseases prior to and during the time that Mr. D'Amico was exposed. Despite this knowledge, the Defendants willfully failed to warn Mr. D'Amico or take precautions to ensure that he and other individuals were not exposed to asbestos. Such actions

and inactions constitute conscious indifference to the rights, safety, and welfare of Mr. D'Amico and others. In addition, in many cases, the Defendants affirmatively acted to conceal or minimize the knowledge of the dangers of asbestos. This conduct also indicates conscious indifference to the rights, safety and welfare of Mr. D'Amico and others. Discovery is ongoing and Plaintiff reserves the right to supplement as discovery continues.

**INTERROGATORY NO. 17:**

Identify all documents of which Plaintiff has knowledge which relate to Plaintiff claim that defendants acted negligently with respect to the Plaintiff.

**ANSWER:**

Plaintiff objects that this request is overly broad, unduly burdensome and premature. Subject thereto and without waiving these objections, Plaintiff's counsel will provide counsel for Defendants with exhibit lists containing all Plaintiff documents they seek to use at trial, once that determination has been made, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Additionally, each Defendant had actual knowledge that asbestos could cause permanent and fatal diseases prior to and during the time that Mr. D'Amico was exposed. Despite this knowledge, the Defendants willfully failed to warn Mr. D'Amico or take precautions to ensure that he and other individuals were not exposed to asbestos. Such actions and inactions constitute conscious indifference to the rights, safety, and welfare of Mr. D'Amico and others. In addition, in many cases, the Defendants affirmatively acted to conceal or minimize the knowledge of the dangers of asbestos. This conduct also indicates conscious indifference to the rights, safety and welfare of the Mr. D'Amico and others. Discovery is ongoing and Plaintiff reserves the right to supplement as discovery continues.

**INTERROGATORY NO. 18:**

State all facts or opinions upon which Plaintiff rely in alleging that defendants are strictly liable in tort for injuries which may have been suffered by Plaintiff.

**ANSWER:**

Plaintiff objects that this request is overly broad, unduly burdensome and premature. Subject thereto and without waiving these objections, Plaintiff's counsel will provide counsel for Defendants with exhibit lists containing all Plaintiff documents they seek to use at trial, when such determinations have been made, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Additionally, by the prior to the last date Defendants were selling the asbestos-containing products to which Mr. D'Amico was exposed, it was known in the general scientific community as well as in industry that have asbestos as a component or ingredient in your product made the product defective in and of itself, from the moment it came from the manufacturers' facility.

Furthermore, each Defendant had actual knowledge that asbestos could cause permanent and fatal diseases prior to and during the time that Mr. D'Amico was exposed. Despite this knowledge, the Defendants willfully failed to warn Mr. D'Amico or take precautions to ensure that he and other individuals were not exposed to asbestos. Such actions and inactions constitute conscious indifference to the rights, safety, and welfare of Mr. D'Amico and others. In addition,

in many cases, the Defendants affirmatively acted to conceal or minimize the knowledge of the dangers of asbestos. This conduct also indicates conscious indifference to the rights, safety and welfare of the Mr. D'Amico and others. Discovery is ongoing and Plaintiff reserves the right to supplement as discovery continues.

**INTERROGATORY NO. 19:**

Identify all documents of which Plaintiff have knowledge which related to Plaintiff's claim that defendants are strictly liable in tort of injuries which may have been suffered by Plaintiff.

**ANSWER:**

Plaintiff objects that this request is overly broad, unduly burdensome and premature. Moreover, documents relevant to this interrogatory are equally, if not more so, available to the defendants. Subject thereto and without waiving these objections, Plaintiff's counsel will provide counsel for Defendants with exhibit lists containing all Plaintiff documents they seek to use at trial, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket.

Additionally, each Defendant had actual knowledge that asbestos could cause permanent and fatal diseases prior to and during the time that Mr. D'Amico was exposed. Despite this knowledge, the Defendants willfully failed to warn Mr. D'Amico or take precautions to ensure that he and other individuals were not exposed to asbestos. Such actions and inactions constitute conscious indifference to the rights, safety, and welfare of Mr. D'Amico and others. Additionally, in many cases, the Defendants affirmatively acted to conceal or minimize the knowledge of the dangers of asbestos. This conduct also indicates conscious indifference to the rights, safety and welfare of the Mr. D'Amico and others. Discovery is ongoing and Plaintiff reserves the right to supplement as discovery continues.

**INTERROGATORY NO. 20:**

State all facts and opinions upon which Plaintiff rely in claiming that products sold by defendants and used by Plaintiff were "unreasonably dangerous".

**ANSWER:**

Plaintiff objects that this request is overly broad, unduly burdensome and premature. Moreover, documents relevant to this interrogatory are equally, if not more so, available to the defendants. Subject thereto and without waiving these objections, Plaintiff's counsel will provide counsel for Defendants with exhibit lists containing all Plaintiff documents they seek to use at trial, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket.

Furthermore, Defendants acted in a manner that was unreasonable both in their actions and inactions when selling or manufacturing asbestos products. Additionally, each Defendant had actual knowledge that asbestos could cause permanent and fatal diseases prior to and during the time that Mr. D'Amico was exposed. Defendants also had reason to know asbestos could cause a permanent and fatal disease prior to the time Mr. D'Amico was exposed. Despite this knowledge, the Defendants failed to warn Mr. D'Amico or take precautions to ensure that he and other individuals were not exposed to asbestos. Such actions and inactions constitute conscious

indifference to the rights, safety, and welfare of Mr. D'Amico and others. In addition, in many cases, the Defendants affirmatively acted to conceal or minimize the dangers of asbestos. This conduct also indicates conscious indifference to the rights, safety and welfare of Mr. D'Amico and others. Discovery is ongoing and Plaintiff reserves the right to supplement as discovery continues. Please also see the depositions of the corporate representatives listed in response to these interrogatories as well as any corporate representative depositions taken in this case.

**INTERROGATORY NO. 21:**

Identify all documents of which Plaintiff have knowledge which relate to Plaintiff's claim that products sold by defendants and used by Plaintiff were "unreasonably dangerous".

**ANSWER:**

Plaintiff objects that this request is overly broad, unduly burdensome and premature. Moreover, documents relevant to this interrogatory are equally, if not more so, available to the defendants. Subject thereto and without waiving these objections, Plaintiff's counsel will provide counsel for Defendants with exhibit lists containing all Plaintiff documents they seek to use at trial, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket.

Furthermore, Defendants acted in a manner that was unreasonable both in their actions and inactions when selling or manufacturing asbestos products. Additionally, each Defendant had actual knowledge that asbestos could cause permanent and fatal diseases prior to and during the time that Mr. D'Amico was exposed. Defendants also had reason to know asbestos could cause a permanent and fatal disease prior to the time Mr. D'Amico was exposed. Despite this knowledge, the Defendants failed to warn Mr. D'Amico or take precautions to ensure that he and other individuals were not exposed to asbestos. Such actions and inactions constitute conscious indifference to the rights, safety, and welfare of Mr. D'Amico and others. In addition, in many cases, the Defendants affirmatively acted to conceal or minimize the dangers of asbestos. This conduct also indicates conscious indifference to the rights, safety and welfare of Mr. D'Amico and others. Discovery is ongoing and Plaintiff reserves the right to supplement as discovery continues. Please also see the depositions of the corporate representatives listed in response to these interrogatories as well as any corporate representative depositions taken in this case.

**INTERROGATORY NO. 22:**

If Plaintiff contend that there is prior testimony which relates to Plaintiff's claim that defendants' products used by Plaintiff were "unreasonably dangerous", please state the following:

- (a) date, location, jurisdiction and title of cause of said prior testimony;
- (b) identify the person making the prior testimony;
- (c) describe the form in which the prior testimony exists, (i.e., written, typed, recorded, etc.);
- (d) identify the custodian of the prior testimony; and
- (e) identify the person who obtained the prior testimony.

**ANSWER:**

Plaintiff objects that this request is vague, overly broad, unduly burdensome and premature. Subject to and without waiving these objections, Plaintiff answers that evidence supporting punitive damages at this stage of the case is anticipated to be in the form of future testimony yet

to be taken. Plaintiff will provide counsel with page and line designations for all depositions Plaintiff plays or read at trial, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiff further reserves the right to supplement or amend this answer should responsive information come to light.

Furthermore, Defendants acted in a manner that was unreasonable both in their actions and inactions when selling or manufacturing asbestos products. Additionally, each Defendant had actual knowledge that asbestos could cause permanent and fatal diseases prior to and during the time that Mr. D'Amico was exposed.

**INTERROGATORY NO. 23:**

Identify all written statements or transcriptions of oral statements of any defendant in this action, or agent, employee, representative, former agent, former employee, or former representative of any defendant which Plaintiff contend are relevant to the subject matter of these lawsuits.

**ANSWER:**

Plaintiff objects that this request is vague, overly broad, unduly burdensome and premature. Subject to and without waiving these objections, Plaintiff answers that evidence supporting punitive damages at this stage of the case is anticipated to be in the form of future testimony yet to be taken. Plaintiff will provide counsel with page and line designations for all depositions Plaintiff plays or read at trial, pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiff further reserves the right to supplement or amend this answer should responsive information come to light. Plaintiff attaches and provides the depositions of Mr. D'Amico from 1994, 1999 and 2001.

**INTERROGATORY NO. 24:**

Identify all photographs, charts, drawings, diagrams, or other graphic representations of documents made by or on behalf of Plaintiff which related to the illnesses, relevant working conditions, or other circumstances complained of in these actions or related to the subject matter of these actions.

**ANSWER:**

Plaintiff objects to this interrogatory in that it is overly broad, vague, premature and ambiguous and calls for the production of protected work product and invades the attorney-client privilege. Subject to and without waiving these objections, Plaintiff are still making determinations as to what representations of documents will be needed for trial in this matter, and accordingly has no information responsive to this request. Plaintiff reserves the right to supplement this response should responsive information come to light.

**INTERROGATORY NO. 25:**

Identify all written statements which Plaintiff have made which related to the facts of these lawsuits and the damages claimed, including but not limited to statements made to any police or law officer, insurance company representative, investigator, state or federal agent, representative or employee of any kind.



**ANSWER:**

Plaintiff objects to this interrogatory in that it is overly broad, vague and ambiguous and calls for the production of core work product and invades the attorney-client privilege. Subject to and without waiving these objections, Plaintiff are unaware of information responsive to this request.

**INTERROGATORY NO. 26:**

Identify all investigations or other reports which have been prepared, compiled, submitted, conducted, or made by Plaintiff or anyone acting in their behalf which related to the subject matter of this action.

**ANSWER:**

Plaintiff objects to this interrogatory in that it is overly broad, vague and ambiguous and calls for the production of core work product and invades the attorney-client privilege. Subject to and without waiving these objections, Plaintiff is unaware of information responsive to this request.

## **RESPONSES TO REQUEST FOR PRODUCTION**

### **REQUEST NO. 1:**

All documents identified in response to the foregoing Interrogatories.

### **RESPONSE:**

Plaintiff objects to this Request to the extent that it is overly broad and unduly burdensome, vague and ambiguous, calls for core work product and invades the attorney client privilege. Moreover, the documents relevant to this interrogatory are equally, if not more so, available to the Defendants. Subject to and without waiving these objections, Plaintiff attaches and provides the depositions of Mr. D'Amico from 1994, 1999 and 2001. Plaintiff attaches the medical records that Plaintiffs possess to date. Plaintiff also directs the Defendants to Plaintiff's List of Medical Providers. Plaintiff also refers to the report of Dr. Maddox. Plaintiff will provide authorizations to obtain any further records.

### **REQUEST NO. 2:**

All documents referred to in preparing the answers to the foregoing interrogatories.

### **RESPONSE:**

Plaintiff objects to this Request to the extent that it is overly broad and unduly burdensome, vague and ambiguous as Plaintiff did not "refer to" any documents "in preparing" their answers. Furthermore, this request calls for documents protected by work product doctrine and attorney client privilege. Moreover, the documents responsive to this request are equally, if not more so, available to the Defendants. Subject to and without waiving these objections, Plaintiff attaches and provides the depositions of Mr. D'Amico from 1994, 1999 and 2001. Plaintiff attaches the medical records that Plaintiffs possess to date. Plaintiff also directs the Defendants to Plaintiff's List of Medical Providers. Plaintiff also refers to the report of Dr. Maddox. Plaintiff will provide authorizations to obtain any further records.

### **REQUEST NO. 3:**

Each plaintiff's Federal income tax returns for the past three (3) years.

### **RESPONSE:**

Plaintiff objects to this Request to the extent it seeks the discovery of inadmissible evidence and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Plaintiffs will provide authorizations for and his Social Security Itemized Statement.

### **REQUEST NO. 4:**

All damage studies, damage reports or damage analyses, or any and all other documents containing any mention of facts or opinions which relate to Plaintiff's claims for damages suffered as a result of acts of any of the defendants.

### **RESPONSE:**

Plaintiff objects to this Request as it is overly broad, unduly burdensome, vague and ambiguous, calls for the production of core work product, invades the attorney client privilege and invades

the consulting expert privilege. Subject thereto and without waiving these objections, Plaintiff is not presently aware of any responsive documents.

**REQUEST NO. 5:**

All correspondences between any defendants and any other person which Plaintiff contends relate to any matter at issue in this litigation.

**RESPONSE:**

Plaintiff objects to this Request as it is overly broad, unduly burdensome, vague and ambiguous, calls for the production of core work product, invades the attorney client privilege and invades the consulting expert privilege. Subject thereto and without waiving these objections, Plaintiff is not presently aware of any such correspondence.

**REQUEST NO. 6:**

All documents which relate to or identify insulation projects or jobs upon which each plaintiff worked.

**RESPONSE:**

Plaintiff attaches and provides the depositions of Mr. D'Amico from 1994, 1999 and 2001.

**REQUEST NO. 7:**

All documents which relate to or identify asbestos-containing materials with which each plaintiff may have worked.

**RESPONSE:**

Plaintiff objects to this Request as it is overly broad, unduly burdensome, vague and ambiguous, calls for the production of core work product, invades the attorney client privilege and invades the consulting expert privilege. Subject thereto and without waiving these objections, Plaintiff attaches and provides the depositions of Mr. D'Amico from 1994, 1999 and 2001. Plaintiff attaches the medical records that Plaintiffs possess to date. Plaintiff also directs the Defendants to Plaintiff's List of Medical Providers. Plaintiff also refers to the report of Dr. Maddox. Plaintiff will provide authorizations to obtain any further records.

**REQUEST NO. 8:**

All packaging materials which Plaintiff alleges were used in packaging asbestos containing materials.

**RESPONSE:**

Plaintiff does not possess the packaging the asbestos containing materials, to which Mr. D'Amico was exposed, came in.

**REQUEST NO. 9:**

All medical, doctor or hospital reports, summaries, test results, or other records of any type which relate to each plaintiff's medical history and/or current medical condition.

**RESPONSE:**

Plaintiff attaches the medical records that Plaintiffs possess to date. Plaintiff also directs the Defendants to Plaintiff's List of Medical Providers. Plaintiff also refers to the report of Dr. Maddox. Plaintiff will provide authorizations to obtain any further records.

**REQUEST NO. 10:**

All x-rays which have ever been taken of each plaintiff's chest.

**RESPONSE:**

Plaintiff attaches the medical records that Plaintiffs possess to date. Plaintiff also directs the Defendants to Plaintiff's List of Medical Providers. Plaintiff also refers to the report of Dr. Maddox. Plaintiff will provide authorizations to obtain any further records.

**REQUEST NO. 11:**

All Plaintiff's Social Security Administration printout and work records.

**RESPONSE:**

Plaintiff will produce Mr. D'Amico's full Social Security Administration Earnings Statement and authorizations for the same.

Respectfully submitted,

s/ Jonathan H. Holder

Jonathan M. Holder, (SC Bar No. 77935)

Charles W. Branham, III, To be admitted *Pro Hac Vice*

Mark J. Buha, To be admitted *Pro Hac Vice*

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**ATTORNEYS FOR PLAINTIFF**

November 15, 2019  
Dallas, Texas.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing instrument was served on counsel for all parties via Certified U.S. Mail Return Receipt, U.S. Mail Standard First Class, and/or electronic mail this 15<sup>th</sup> day of November 2019.

s/ Jonathan M. Holder  
Counsel for Plaintiffs

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT  
2019-CP-40-05235

BETTY C. D'AMICO, individually and as )  
Executor of the Estate of JULIAN D'AMICO, )  
JR., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
AIR & LIQUID SYSTEMS CORPORATION, )  
et al., )  
 )  
Defendants. )

**COVIL CORPORATION'S  
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, Defendant Covil Corporation moves for summary judgment on Plaintiff's claims based on a lack of sufficient evidence of exposure.

**INTRODUCTION**

Plaintiff alleges that Covil and other defendants manufactured or are associated with asbestos-containing products that caused Julian D'Amico, Jr. to develop mesothelioma. (*See generally* Compl. ¶¶ 1-84). Plaintiff, however, has not adduced evidence that links Covil, or any product installed, supplied, or disturbed by Covil, to Mr. D'Amico's alleged asbestos exposure. Covil asks that the Court enter summary judgment in Covil's favor.

**FACTUAL BACKGROUND**

Plaintiff claims that Mr. D'Amico was exposed to asbestos while working as an engineer for Duke Energy Corporation from approximately 1951 to 1989 at nine job sites. *See* Compl.

¶ 77.

CONFIDENTIAL

PLAINTIFF'S  
EXHIBIT

**19D**

Plaintiff's written discovery responses make the same assertions about Mr. D'Amico's work history and alleged asbestos exposure. See Pl.'s Resps. to Standard Interrogs. at 3–4 & Ex. A (attached as Ex. 1). Those responses do not mention any product allegedly installed, supplied, or disturbed by Covil.

Plaintiff has put forth only one fact witness to testify about Mr. D'Amico's alleged asbestos exposure: a coworker named Richard Hovis, who was deposed on July 13, 2020. Mr. Hovis, who worked at Duke Energy's Allen Steam Station, did not testify about or even mention Covil.

Before his death, Mr. D'Amico testified in three other asbestos-related lawsuits on October 26, 1994; October 11, 1999; and January 30, 2001. Mr. D'Amico did not testify about or mention Covil in any of those depositions.

### **LEGAL STANDARD**

Under Rule 56, summary judgment must be granted if there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. See *Bishop v. S.C. Dep't of Mental Health*, 331 S.C. 79, 81, 502 S.E.2d 78, 85–86 (1998); *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 114–15, 410 S.E.2d 537, 545 (1991). The Court must view the evidence in the light most favorable to the non-moving party. *Cafe Assocs., Ltd. v. Gerngross*, 305 S.C. 6, 9, 406 S.E.2d 162, 164 (1991). The law makes clear that “it is not sufficient for a party [opposing summary judgment] to create an inference that is not reasonable or an issue of fact that is not genuine.” *Town of Hollywood v. Floyd*, 403 S.C. 466, 477, 744 S.E.2d 161, 166 (2013).

Once a defendant establishes an absence of evidence to sustain the plaintiff's claim, the burden shifts to the plaintiff, who may not rely on allegations in the pleadings, but instead must set forth specific facts showing that a genuine issue of material fact exists. See *Strother v.*

*Lexington Cty. Recreation Comm'n*, 332 S.C. 54, 61 n.3, 504 S.E.2d 117, 121 n.3 (1998) (citing *Baughman*, 306 S.C. at 115, 410 S.E.2d at 545). Moreover, the party opposing summary judgment may not rely on mere speculation or conjecture to survive a summary judgment motion. *See, e.g., Nelson v. Piggly Wiggly Cent., Inc.*, 390 S.C. 382, 390, 701 S.E.2d 776, 780 (2010) (holding that a non-moving party may not rely on speculation to defeat a motion for summary judgment). Indeed, “South Carolina courts have consistently held [that] evidence must amount to more than speculation and conjecture” to survive summary judgment. *McKnight v. S.C. Dep’t of Corr.*, 385 S.C. 380, 389, 684 S.E.2d 566, 570 (2009).

### **ARGUMENT**

#### **I. Covil Is Entitled to Summary Judgment Because Plaintiff Cannot Satisfy the “Frequency, Regularity and Proximity” Requirement under South Carolina Law.**

For a claim of asbestos exposure to be actionable, the plaintiff must establish sufficient proximate cause between the injury and exposure to asbestos from a particular product. *Henderson v. Allied Signal, Inc.*, 373 S.C. 179, 185, 644 S.E.2d 724, 727 (2007). The Supreme Court of South Carolina has adopted the “frequency, regularity and proximity test” established by the Fourth Circuit in *Lohrmann v. Pittsburgh Corning Corp.*, 782 F.2d 1156 (4th Cir. 1986). *See Henderson*, 373 S.C. at 185, 644 S.E.2d at 727. Under that standard, “[t]o support a reasonable inference of substantial causation from circumstantial evidence, there must be evidence of exposure to a specific product on a regular basis over some extended period of time in proximity to where the plaintiff actually worked.” *Lohrmann*, 782 F.2d at 1162. Importantly, “presence in the vicinity of static asbestos is not exposure to asbestos.” *Henderson*, 373 S.C. at 185, 644 S.E.2d at 727.

To prevail under the standards set forth in *Lohrmann* and *Henderson*, Plaintiff must produce evidence that Mr. D’Amico was substantially exposed to asbestos dust from an asbestos-



containing product supplied or installed by Covil on a regular basis, over an extended period of time. Plaintiff cannot meet that burden here. She has offered no evidence that Mr. D’Amico was ever near a product supplied, installed, or disturbed by Covil—much less an asbestos-containing product.

Because there is not even a “scintilla” of evidence that Mr. D’Amico was regularly, frequently, and proximately exposed to *any* product supplied or installed by Covil—much less an asbestos-containing product supplied or installed by Covil—it is, as a matter of law, impossible for Covil to be liable to Plaintiff. *Hancock v. Mid-S. Mgmt. Co.*, 381 S.C. 326, 330, 673 S.E.2d 801, 802–03 (2009); *see Henderson*, 373 S.C. at 185, 644 S.E.2d at 727. Thus, Covil is entitled to summary judgment as a matter of law.

### **CONCLUSION**

For the reasons explained above, Covil respectfully requests that the Court grant Covil’s motion for summary judgment and dismiss Covil from this case.

This the 28th day of July, 2020.

/s/ Ashley K. Brathwaite  
Ashley K. Brathwaite  
S.C. State Bar No. 76952  
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*Counsel for Defendant Covil Corporation*

|                                            |   |                                     |
|--------------------------------------------|---|-------------------------------------|
| STATE OF SOUTH CAROLINA                    | ) | IN THE COURT OF COMMON PLEAS        |
|                                            | ) |                                     |
| COUNTY OF RICHLAND                         | ) | FOR THE FIFTH JUDICIAL CIRCUIT      |
|                                            | ) |                                     |
| <b>BETTY D'AMICO</b> , Individually and as | ) | <b>C/A NO. 2019-CP-40-5235</b>      |
| Executor of the Estate of <b>JULIAN</b>    | ) |                                     |
| <b>D'AMICO, JR.</b> ,                      | ) | <i>In Re:</i>                       |
|                                            | ) | Asbestos Personal Injury Litigation |
| Plaintiffs,                                | ) | Coordinated Docket                  |
|                                            | ) |                                     |
| v.                                         | ) |                                     |
|                                            | ) |                                     |
| <b>ARMSTRONG INTERNATIONAL,</b>            | ) |                                     |
| <b>INC., et al.</b>                        | ) |                                     |
|                                            | ) |                                     |
| Defendants.                                | ) |                                     |
|                                            | ) |                                     |

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT COVIL  
CORPORATION'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Betty D'Amico, Individually and as Executor of the Estate of Julian D'Amico, Jr., opposes the motion for summary judgment filed by Defendant Covil Corporation and would respectfully show the Court that the motion should be denied in its entirety.

**INTRODUCTION<sup>1</sup>**

Julian D'Amico, Jr. began working at Duke Power in 1956 as an engineer and continued to work for the company until 1989. Mr. D'Amico's job duties required him to work with or in close proximity to other repairing or replacing asbestos containing-components at multiple facilities owned and operated by Duke Power. While working at Duke's facilities, Mr. D'Amico was required to remove asbestos-containing insulation and worked in close proximity to other individuals removing and/or repairing asbestos-containing insulation. Mr. D'Amico's worked practices and the work practices of others in close proximity to his work area generated dust which

<sup>1</sup> All exhibit references are to the Master Exhibits filed in support of all of Plaintiff's summary judgment responses in this case.

Mr. D'Amico breathed. Mr. D'Amico was diagnosed with asbestos-caused mesothelioma on approximately May 7, 2019, and subsequently died from this disease on June 29, 2019.

Covil has moved for summary judgment on the ground that Plaintiff has not adduced evidence that links Covil to Julian D'Amico's asbestos exposure. However, as explained herein, Plaintiff's evidence is sufficient for a factfinder to conclude that Julian D'Amico was regularly around Covil workers installing and removing asbestos-containing thermal insulation and that this exposure was a substantial factor in the subsequent development of Julian D'Amico's mesothelioma. As such, Covil's summary judgment motion should be denied.

### STATEMENT OF FACTS

#### **I. Julian D'Amico worked for Duke Energy for over 30 years.**

Between 1951 and 1989, Julian D'Amico worked for Duke Power in various capacities. He first worked for Duke Power from 1951 to 1955 while enrolled as a "co-op" student at Georgia Tech. **Ex. 1**, Deposition of Julian D'Amico, 10/26/1994, at 10:13-19, 11:5-7. While enrolled in this program, Julian took classes in the fall and spring and worked for Duke in the winter and summer. *Id.* at 11:21-24. Duke was the only company Julian worked for as a student. *Id.* at 11:8-10. Julian's work during this period was confined to the Dan River and River Bend plants. *Id.* at 17:17-18:24.

After Julian graduated from Georgia Tech, he took a full-time job with Duke Power in 1956 as a junior engineer at the Dan River plant. *Id.* at 12:18-20, 14:1-8. As a junior engineer, Julian worked with the test department and dealt with equipment all over the plant. *Id.* at 15:11-21. He also had an office in the plant, housed in the same building as and right next to the turbine and boiler area. *Id.* at 16:1-10. Most of his time was spent outside that office. *Id.* at 16:12-14.

Julian briefly left Duke to serve his country on a six-month tour of duty, after which he started working at Duke's River Bend plant in 1957. *Id.* at 16:24-17:5. There he was an assistant plant engineer in the test area and was later promoted to plant engineer. *Id.* at 17:3-9, 30:11-14. Julian left River Bend in November 1959. *Id.*

Julian also worked at Lee Steam Station while others were performing insulation work. **Ex. 1**, at 36:14-18. D'Amico worked intermittently at Lee, mostly during periods of large maintenance. **Ex. 4**, Deposition of Julian D'Amico, 1/30/2001, at 9:6-11, 30:18-25. Another source of exposure would be disconnecting flanges during turbine maintenance because of the asbestos gaskets. *Id.* at 17:4-9, 18:24-19:3.

From 1959 to 1971, Julian worked as an operating engineer and a production engineer. *Id.* at 112:11-113:18. This position took Julian "from plant to plant" where he would help other engineers "solve whatever problems they were having with a particular type of equipment." *Id.* He was then promoted to plant manager at Allen Steam Station where he worked from 1971 to 1973. *Id.* at 61:24-62:6, 62:25-63:5. Julian spent a significant amount of time on the plant floor in this position. **Ex. 2**, Deposition of Julian D'Amico, 10/11/1999, 10:13-23. He then returned to his position as an operating and production engineer from 1973 to 1982. **Ex. 1**, at 112:11-113:18.

Julian's final position with Duke was general manager of fossil stations from 1982-1989. *Id.* at 128:20-24. Similar to his previous position, Julian visited multiple plants on a regular basis in this capacity. *Id.* at 129:2-8. Julian retired from his career at Duke in 1989. *Id.* at 80:13-14.

## **II. Julian D'Amico was exposed to asbestos from thermal insulation.**

Every role Julian filled at Duke Power for 30 years exposed him to asbestos dust. As a co-op employee at both River Bend and Dan River, Julian was directly exposed while working on insulated valves and pumps. His subsequent positions continued to directly and indirectly expose

him to asbestos as he moved throughout plants and worked with and near others using asbestos products. Julian's own testimony and that of a coworker from Allen Steam Station, Richard Hovis, make this clear.

Pumps, valves, and the associated piping at Duke plants exposed Julian to asbestos numerous times. While describing his job, which required repairing pumps and valves, Mr. Hovis stated that he was taken "all over the plant." **Ex. 3**, Deposition of Richard Hovis, 07/12/2020, at 11:19-23. Julian similarly agreed that there were at least "hundreds of feet" of insulated steam piping at plants like River Bend. **Ex. 1**, at 27:8-13. To replace a valve, a worker first cut away its insulation. **Ex. 3**, at 12:8-17. Insulation was cut off section by section with a handsaw and placed in a bag. *Id.* at 13:13-19. Afterwards, the worker cleaned up the surrounding area with a broom or airhose. *Id.* at 13:20-25, 15:22-16:4. Both cutting the insulation and cleaning it up created airborne dust that the worker and those around him would have breathed. *Id.* at 13:13-19, 14:1-2. Workers also removed and cleaned up insulation while working on pumps and was it just as dusty as it was with valves. *Id.* at 14:25-15:17, 15:22-16:4.

Contractors at Duke exposed Julian to asbestos as well. Julian D'Amico specifically recalled Covil working at Duke facilities. **Ex. 1**, at 74:25-75:5. Insulation work at almost any time before Julian left would have involved asbestos insulation because abatement work at Duke plants did not begin until the 1980s. **Ex. 3**, at 28:6-12. Handling asbestos insulation would have created dust that Julian would have inhaled. *Id.*

### **III. Covil supplied and installed asbestos-containing insulation at Mr. D'Amico's identified worksites.**

Covil has previously testified, through its founding president, that Covil was a large insulating contract firm, probably the second largest in the southeast. **Ex. 28**, Deposition of Palmer Covil Vol. I (July 13, 1977) at 101:13-21. Covil purchased from a number of asbestos

manufacturers, including Johns-Manville, Rockwool, Keene, and Pittsburg-Corning. *Id.* at 103:4-9. Covil would then “sell [our] asbestos products to others.” *Id.* at 23-25.

Covil testified that he first saw a warning about asbestos in 1968, when Johns-Manville and Owens-Corning came out with warning labels on their cartons of insulation. *Id.* at 93:10-94:9. Nevertheless, Covil could not say that his company made any specific change in its procedures for its employees in response to the warning labels on packages regarding asbestos. *Id.* at 94:22-95:1. Covil never put any caution labels or warnings on its products. *Id.* at 104:18-20. Yet his company sold asbestos well after OSHA was enacted—Covil conceded that as of 1977, his company was still selling products that contained asbestos. *Id.* at 92:15-21.

James P. Covil is the son of Palmer Covil. **Ex. 29**, Deposition of James P. Covil, 3/27/18, at 25:19-21. James Covil worked in the warehouse in 1967 and 1970. *Id.* at 26:5-7. He confirmed that the company had pipe covering from Owens Corning and Johns-Manville, duct board in large cartons, and material in 55-gallon drums in its warehouse. *Id.* at 26:15-27:4. He admitted that there were no warnings on the packages. *Id.* 27:9-11.

As it relates specifically to Julian D’Amico, Covil testified, through its corporate representative Robert Glenn, that Julian D’Amico likely worked in close proximity to Covil’s insulators while working at the Duke Power facilities. **Ex. 30**, Oral & Via Zoom Videoconference 30(b)(6) Deposition of Covil Corporation, through its designated representative, Robert Glenn, 7/28/2020, at 17:16-25. Additionally, notes made and used by Covil during its deposition reflect its presence at a number of Duke Power facilities while Mr. D’Amico worked at the same site. For example, Mr. D’Amico worked as a superintendent at Duke Power’s Allen plant from 1971 to 1973. *See Ex. 31*. Covil worked onsite at Duke Power’s Allen plant from 1972 until 1991. *Id.* The

document also shows that Covil provided materials to multiple Duke Power sites throughout and after Mr. D'Amico's tenure at Duke. *Id.*

**IV. Covil knew that asbestos exposure could cause fatal disease but did not warn.**

Palmer Covil testified that by 1965 or 1966 he had become aware of asbestosis. **Ex. 28**, at 109:9-14. In about 1965, the union began to make "noises" about the harm asbestos caused, and he read some articles by Selikoff concerning those dangers. *Id.* at 95:6-96:9. In 1967 Covil attended a conference at which Dr. Selikoff spoke. **Ex. 28**, at 333:14-18. Dr. Selikoff is one of the preeminent asbestos researchers and has published widely on the dangers of asbestos. That conference included an article that Covil would have had that discussed the dangers of household exposure to asbestos. **Ex. 32**, W.C. Hueper, *Occupational and Nonoccupational Exposures to Asbestos*; **Ex. 63**, Deposition of James Covil (Feb. 7, 2018), at 173:16-180:2.

Covil was well aware of OSHA when it was enacted and what its limitations on asbestos exposure were. **Ex. 28**, at 90:15-91:22. He first learned of OSHA through trade magazines and discussion among manufacturers and contractors. *Id.* at 91:23-92:7. Covil found the OSHA regulations by ordering the Federal Register and stayed up to date on OSHA by ordering supplements to the Federal Register. *Id.* In 1972, Covil had its first worker's compensation claim against it for asbestosis. *Id.* at 106:10-20.

Covil testified that he first saw a warning about asbestos in 1968, when Johns-Manville and Owens-Corning came out with warning labels on their cartons of insulation. *Id.* at 93:10-94:9. Nevertheless, Covil could not say that his company made any specific change in its procedures for its employees in response to the warning labels on packages regarding asbestos. *Id.* at 94:22-95:1. ***Covil never put any caution labels or warnings on its products.*** *Id.* at 104:18-20. Yet his company

sold asbestos well after OSHA was enacted—Covil conceded that as of 1977, his company was still selling products that contained asbestos. *Id.* at 92:15-21.

Covil's current corporate representative, Robert Glenn, has testified that beginning in the 1960s, Daniel was one of Covil's largest customers. **Ex. 33**, Trial Tr., *Crawford v. Covil*, 7/17/18 (Rough), at 256:23-257:9, 278:13-24.

Covil knew as of 1965 that exposure to asbestos could cause death. *Id.* at 297:19-21; *see also id.* at 286:20-287:4, 289:22-290:3. Covil sold Kaylo insulation more than any other brand. *Id.* at 280:10-16. Although Kaylo stopped making asbestos insulation in November 1972, Covil continued to supply Kaylo asbestos-containing insulation for a full year, until November 1973, or even "a little longer." *Id.* at 280:17-281:1. Records show that Covil was still selling Thermobestos as late as February 1974. *Id.* at 283:23-284:12.

Given that Covil still sold asbestos insulation in late 1973 and early 1974, Covil was selling asbestos insulation for a couple of years after the OSHA asbestos regulations were published in 1971 and also sold other asbestos-containing products as late as 1977. *Id.* at 284:14-285:10, 293:21-294:5. Even after the OSHA regulations were in effect, Covil continued to sell asbestos insulation without a warning, now claiming that warning "wasn't a legal requirement." *Id.* at 296:13-297:3, 297:22-298:1, 298:21-25. Covil contends that it made a business decision not to warn and that it had no obligation to pass on its knowledge about asbestos hazards to its customers. *Id.* at 299:1-11.

A former Covil employee, Dwaine Waters, has testified in his own asbestos case that when he worked for Covil, Covil sometimes supplied asbestos-containing insulation in boxes labeled "asbestos free." **Ex. 34**, Deposition of Dwaine Waters, 11/3/17, at 527:6-536:13. This happened



at two different facilities where he worked. *Id.* Glenn agreed that it would be a hazard to sell asbestos-containing insulation in asbestos-free boxes. **Ex. 33**, at 295:17-24.

**V. Julian D’Amico’s mesothelioma was caused by exposure to products and materials supplied by Covil.**

Plaintiff’s medical expert, Dr. John C. Maddox, had confirmed, within a reasonable degree of medical certainty, that Julian D’Amico indeed suffered from malignant mesothelioma and that this disease was caused by his cumulative exposure to asbestos. **Ex. 15**, Maddox Linking Report, 8/16/19. Based on Dr. Maddox’s review of Julian D’Amico’s medical records, including the notation for pleural plaques, and a summary of Julian’s asbestos exposures, Dr. Maddox concluded that “[b]ased on the exposure history, increased lung asbestos burden, and pleural plaques, [Julian D’Amico’s] cumulative asbestos exposures caused this lethal malignant pleural mesothelioma.” *Id.* at p. 5.

**ARGUMENT and AUTHORITIES**

**I. Covil has failed to meet its summary judgment burden.**

“Summary judgment is a drastic remedy which should be cautiously invoked so that a litigant is not improperly deprived of a trial on disputed factual issues.” *Madison ex rel. Bryant v. Babcock Center, Inc.*, 371 S.C. 123, 134, 638 S.E.2d 650, 655 (2006); *Baughman v. American Tel. and Tel. Co.*, 306 S.C. 101, 112, 410 S.E.2d 537, 543 (1991). Under South Carolina Rule of Civil Procedure 56, summary judgment is only appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Rule 56(c), SCRCPP; *Cafe Assocs. Ltd. v. Gerngross*, 305 S.C. 6, 9, 406 S.E.2d 162, 164 (1991). The moving party has the burden of clearly establishing the absence of a genuine issue of material fact. *Singleton v. Sherer*, 377 S.C. 185, 659 S.E.2d 196 (Ct. App. 2008). If and when the party moving for summary judgment meets its initial burden of showing an absence of evidentiary support for the plaintiff’s

case, only then is the plaintiff required to come forward with specific facts showing there is a genuine issue for trial. *See Regions Bank v. Schmauch*, 354 S.C. 648, 660, 582 S.E.2d 432, 438 (Ct. App. 2003).

In determining whether a genuine question of fact exists, the court must view the evidence and all inferences which can be reasonably drawn from the evidence in the light most favorable to the nonmoving party. *Faile v. S. C. Dep't of Juvenile Justice*, 350 S.C. 315, 324, 566 S.E.2d 536, 540 (2002). Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. *Baugus v. Wessinger*, 303 S.C. 412, 401 S.E.2d 169 (1991). Even when there is no dispute as to the evidentiary facts, but only as to the conclusions or inferences to be drawn from them, summary judgment should be denied. *Koester v. Carolina Rental Ctr.*, 313 S.C. 490, 443 S.E.2d 392 (1994). Summary judgment should be denied unless reasonable minds cannot differ on plain, palpable, and indisputable facts. *See Ellis v. Davidson*, 358 S.C. 509, 518, 595 S.E.2d 817, 822 (Ct. App. 2004). Here, Covil has failed to meet its high burden of showing the absence of a genuine issue of material fact for trial.

**II. Plaintiff's evidence raises genuine issues of material fact regarding the causation of Mr. D'Amico's mesothelioma from exposure to asbestos from Covil's asbestos-containing products and work with such products.**

A plaintiff in an asbestos case may defeat summary judgment with evidence of "actionable exposure" to a defendant's asbestos product. *Henderson v. Allied Signal, Inc.*, 373 S.C. 179, 185, 644 S.E.2d 724, 727 (2007). To determine whether exposure is actionable, South Carolina courts apply the "frequency, regularity and proximity" factors set forth in *Lohrmann v. Pittsburgh Corning Corp.*, 782 F.2d 1156 (4th Cir. 1986). *Id.* Therefore, "[t]o support a reasonable inference of substantial causation from circumstantial evidence, there must be evidence of exposure to a

specific product on a regular basis over some extended period of time in proximity to where the plaintiff actually worked.” *Id.* (quoting *Lohrmann*, 782 F.2d at 1162).

The *Henderson* exposure standard is met here. The evidence establishes that Mr. D’Amico worked or in close proximity to others who were working with asbestos-containing material supplied by Covil at Duke Power’s facilities. Mr. D’Amico specifically identified Covil as one of the contractors working at Duke’s facilities, installing and or removing thermal insulation from the steam lines. Covil concedes that the products it supplied contained asbestos, and it supplied these products to Mr. D’Amico’s worksites. Dr. Maddox has confirmed that Julian D’Amico, after years of asbestos exposure, developed mesothelioma, which ultimately killed him. There is no question that the *Henderson* factors of Mr. D’Amico’s exposure to asbestos from Covil are met in this case. Accordingly, Defendant Covil’s motion for summary judgment should be denied.

### CONCLUSION

For the reasons explained herein, Plaintiff respectfully requests that this Court deny Covil’s motion for summary judgment.

### DEAN OMAR BRANHAM SHIRLEY, LLP

/s/ Jonathan M. Holder

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**ATTORNEYS FOR PLAINTIFF**

August 21, 2020

Columbia, South Carolina.

STATE OF SOUTH CAROLINA            IN THE COURT OF COMMON PLEAS  
COUNTY OF GREENVILLE

Hardy F. Butler, and wife            (98-CP-23-2625)  
Ronald F. Deaton, and wife        (98-CP-23-2622)  
                                         Plaintiffs,

vs.

ACandS, INC., et al.,  
                                         Defendants.

DEPOSITION OF JULIAN D'AMICO

Pursuant to notice of deposition and/or agreements in  
the above-entitled case, the deposition of JULIAN D'AMICO,  
was taken by the below-named Notary Public for South  
Carolina and Certified Verbatim Reporter at the Law Offices  
of Haynsworth, Marion, McKay and Guerard, 75 Beattie Place,  
Greenville, South Carolina, on the 11th day of October,  
1999, commencing at 10:00 a.m.

Deposition reported by: Susan E. McCall, CVR

GALLAGHER COURT REPORTING

15 Chatelaine Drive  
Greenville, South Carolina 29615  
(864) 234-5744

Certified Court Reporters

PLAINTIFF'S  
EXHIBIT

**19F**

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Owens-Corning Fiberglas Corporation

STIPULATIONS: The within deposition was taken pursuant to the South Carolina Rules of Civil Procedure. It is agreed by all parties that the witness can be used at trial by the Plaintiff(s) for those plaintiffs designated in the co-worker and exposure witness list provided to defendants pursuant to the pre-trial order.

WAIVER: Examination and reading of the deposition are waived by the witness and by the parties.

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Exhibits:

(No exhibits introduced)

(Note: This transcript contains quoted material. Such material is reproduced as read or quoted by the speaker.)



1 JULIAN D'AMICO, JR., being duly sworn, testified as  
2 follows:

3 EXAMINATION BY MR. GANDY:

4 Q Mr. D'Amico, would you state your full name for  
5 the record for us?

6 A Julian D'Amico Junior.

7 Q My name is Tripp Gandy, sir. We met a little  
8 while earlier. I'm going to be asking you some  
9 questions this morning about some other guys  
10 asbestos lawsuit. If you don't understand my  
11 question, let me know and I'll repeat it, okay?

12 A Okay.

13 Q She's taking down everything we say. So, it's  
14 important to say yes or no instead of shaking your  
15 head or nodding your head.

16 A Certainly.

17 Q All right. We won't be here very long. But if  
18 you need a break you just let me know, all right?  
19 Give us your home address, please.

20 A 550 Oaktree Road, Mooresville. The zip is 28117.

21 Q That's Mooresville, North Carolina?

22 A North Carolina. Pardon.

23 Q All right. How old are you today?

24 A Today is my birthday.

25 Q Is it?

1     A     I'm 67.

2     Q     Well, Happy Birthday.

3     A     Thank you.

4     Q     Didn't mean to drag you down here on your  
5            birthday.

6     MR. PRESSLEY:

7            He got a check.

8     EXAMINATION RESUMED BY MR. GANDY:

9     Q     Yeah, you got a birthday check. 25 dollars,  
10           right? Tell me what you did to prepare for this  
11           deposition, if anything?

12    A     I -- nothing.

13    Q     Have you looked at a book of photographs of  
14           asbestos products?

15    A     No, I have not.

16    Q     Have you looked a list of any asbestos  
17           manufacturers?

18    A     No.

19    Q     Are you a client of the Wallace and Graham Law  
20           Firm?

21    A     Yes.

22    Q     Do you have an asbestos lawsuit pending somewhere?

23    A     They are settled.

24    Q     Was your case in Texas and it got settled?

25    A     Yes.

1 Q Do you remember when it got settled?

2 A Oh Gee. They -- there were -- there were a number

3 of them that was settled over several years. And

4 I think the last one, as I recall, was

5 approximately two years ago.

6 Q You have no claims outstanding?

7 A There is a bankruptcy involved and that one is not

8 settled.

9 Q Are you retired?

10 A Yes.

11 Q When did you retire?

12 A I retired in 1989.

13 Q And where did you retire from?

14 A Duke Power Company.

15 Q How long did you work for Duke?

16 A 33 years.

17 Q You started with Duke in 1956?

18 A '56.

19 Q What was your trade with Duke?

20 A I started out as an engineer and I rose through

21 various positions in the company. And the last

22 position I had was a management position.

23 Q How long did you have the management position?

24 A I had the management position from seven -- 1970

25 -- well, it was approximately ten years.

1 Q Maybe from `79 to `89?

2 A Yes. Something on that order.

3 Q What was the management position?

4 A The last position I had was, General Manager of

5 the Fossil Stations.

6 Q Okay. And when you started in 1956 as an

7 engineer, how long did you have that title?

8 A I was a junior engineer at that -- that point and

9 that was for about two years.

10 Q And then you made engineer mechanic or whatever

11 the next stage up?

12 A Assistant engineer.

13 Q And how long was that title?

14 A You're stretching my memory.

15 Q The best of you can recollect.

16 A That was approximately two years also.

17 Q And then what was your next title?

18 A Then I was plant engineer.

19 Q How long did you have the title as plant engineer?

20 A That again was about two years. Year and a half,

21 two years.

22 Q And your next title?

23 A Operating assistant.

24 Q How long did you have that title?

25 A Approximately, five years, I believe it was.

1 Q And your next title?

2 A My next title, Manager of Allen Steam Station.

3 Q How long were you the manager of Allen Steam

4 Station?

5 A Two years.

6 Q Did you have any other titles before you went into

7 management?

8 A No. Other than engineering titles, no.

9 Q You've been listed as a co-worker in two cases.

10 Hardy Butler and Ronnie Deaton. My understanding

11 from talking to your lawyer this morning is you

12 don't know either man?

13 A Neither one of those names rings a bell with me at

14 this point. If I saw a picture, I might recall.

15 Q At this point sitting here today, you're not able

16 to testify under oath that you ever worked with or

17 around these two men?

18 A I am not.

19 Q Sitting here today, you're not able to testify

20 under oath whether these two men were ever exposed

21 to any asbestos products?

22 A I am not.

23 Q How much time did you spend at Allen Steam Plant?

24 Were you there your entire career until you went

25 into management?

1     A     I answered that a few minutes ago. Two years.

2     Q     Your only time at Allen was as plant manager?

3     A     Oh, okay. As plant manager. I did have positions

4           both before and after that, in which I visited

5           Allen on regular occasions, as I did other steam

6           stations.

7     Q     All right.

8     A     As a member of the general office staff in

9           Charlotte.

10    Q     Were you ever assigned to Allen on a continuous

11          basis, other than as the plant manager of Allen?

12    A     No.

13    Q     What years were you the plant manager of Allen?

14    A     1971 to 1973.

15    Q     What was your roll as plant manager?

16    A     Well, I had the overall responsibility for the

17          management of the stations -- station. And all of

18          the supervision and engineers reported to me.

19    Q     How much would -- how much of your time was

20          administrative compared to actually being out in

21          the plant?

22    A     I would say, 60/40. 60 percent administrative, 40

23          percent plant.

24    Q     When you were out in the plant, were you able to

25          observe asbestos products being used?

1     A     Yes.

2     Q     During this `71 to `73 time frame?

3     A     Yes.

4     Q     Can you just tell me generally what types of

5           asbestos products you remember being used at Allen

6           Steam Plant during this `71 to `73 time period?

7     A     John Crane valve packing was one.  Garlock valve

8           packing.  We had Armstrong gasket material that we

9           used on -- in making gaskets.  We had Johns-

10          Manville block and pipe insulation.  Flexitallic

11          gaskets, we used those all over the plant.  In

12          high press -- particularly high pressure

13          applications.  Those are the ones off the top of

14          my head.  I know that we used a lot -- a lot more.

15    Q     Yes, sir.

16    A     Those are the ones that I can recall.

17    Q     Are these products -- did you have any roll in

18          ordering these products or was that someone below

19          you?

20    A     I had the approval of the requisitions, as we

21          called them, that were submitted.

22    Q     Did you have a purchasing department at Allen?

23    A     It was not called that per say, but we had -- we

24          had people that wrote the requisitions, yes.

25    Q     Do you know who was in charge of ordering valve

1           packing or gasket material?

2     A     The specific individual?

3     Q     Yes, sir.

4     A     It came under the supervision of Bob Rhyne.

5     Q     Bob Ryan?

6     A     Rhyne. R-H-Y-N-E.

7     Q     What was his title at the time?

8     A     He was -- I'm trying to think, we changed titles

9           so many times for the same position. I believe

10          his title at that time was chief clerk.

11    Q     How is it that you recall Armstrong having a sheet

12          gasket material at the plant?

13    A     I have seen it many times at both Allen and other

14          stations.

15    Q     It's a sheet material?

16    A     Yes.

17    Q     Did Armstrong ever make any pre-formed gaskets

18          that you're aware of?

19    A     Yes, they did.

20    Q     Were those also used at Allen?

21    A     As I recall, there were some cases where we used

22          those.

23    Q     If a sheet of gasket material is just laying out

24          by itself, could you identify who the manufacturer

25          was?



1     A     Well, the ones that I recall had -- had -- were  
2           stamped on -- had a stamp on the back indicating  
3           manufacturer. One side of the material.  
4     Q     So the name Armstrong was actually stamped on one  
5           side of the sheet gasket material?  
6     A     As I recall it, that was.  
7     Q     In Flexitallic, that was a pre -- that was already  
8           a pre-formed gasket, right?  
9     A     It was -- it was -- yes. It was pre-formed.  
10    Q     It was metal with the holes already cut in it?  
11    A     Yes, the ones we used, yes. The ones I'm familiar  
12          with.  
13    Q     I'm sorry. I keep talking over you. That was  
14          used for high pressure lines only?  
15    A     Primarily used on high pressure lines. Because it  
16          was the most effective material that we could use.  
17    Q     That was not a dusty product when it was  
18          installed, was it?  
19    A     I would -- I would say it's -- the dust wasn't  
20          real evident when it was installed initially.  
21    Q     You also said Johns-Manville block and pipe  
22          covering was used at Allen?  
23    A     Yes.  
24    Q     That was a product that the insulators would have  
25          to cut to fit to get to go in the pipes or

1 vessels?

2 A Yes.

3 Q And that would generate a good bit of dust?

4 A Yes, it would generally.

5 Q Do you remember any other block or pipe covering  
6 used at Allen during this time period?

7 A I'm sure that we did. I cannot recall at this  
8 point.

9 Q Were there any outside insulation crews working at  
10 Allen during this time from '71 to '73?

11 A Yes, I believe there were.

12 Q Do you recall any of the names of the outside  
13 companies?

14 A We did utilize both Porter-Hayden and -- what was  
15 the other one? I cannot recall the name of the  
16 other one now. But I do not specifically remember  
17 during this time frame, which -- which one of  
18 those two companies it was.

19 Q What safety precautions, if any, were the men  
20 directed to take at this time when handling  
21 asbestos or working around asbestos?

22 MR. LUTZEL:

23 I'll object. You can answer it.

24 EXAMINATION RESUMED BY MR. GANDY:

25 A Okay. Well, at that particular point in time,

1           there were no specific procedures developed, you  
2           know, formal procedures.

3       Q     When do you recall formal procedures being  
4           developed by Duke Power?

5       A     Later in the 70's.

6       Q     Do you recall how that came about?

7       A     How it was?

8       Q     How were you notified about the procedures?

9       A     There was a group in Charlotte that -- that  
10          developed a -- a program. It was a respiratory  
11          protection program which, included not only  
12          asbestos but other -- other materials.

13      Q     And you recall that starting sometime in the late  
14          70's?

15      A     Sometime in the 70's. I can't recall a specific  
16          year.

17      Q     When you were the plant manager from '71 to '73,  
18          was there any dust masks or respirators available  
19          to the workers in the plant? If they wanted to  
20          use the dust mask or respirator?

21      A     Yes. They were available.

22      Q     And the men knew that they were available?

23      A     Yes.

24      MR. LUTZEL:

25          Objection.

1 EXAMINATION RESUMED BY MR. GANDY:

2 Q So, if they were in a dusty -- if they were in a

3 dusty area they could go get a dust mask?

4 MR. LUTZEL:

5 Objection.

6 EXAMINATION RESUMED BY MR. GANDY:

7 A Yes.

8 MR. GANDY:

9 Let's go off the record a second.

10 (Brief pause in the proceedings)

11 EXAMINATION RESUMED BY MR. GANDY:

12 Q Just let me make sure it's straight for the  
13 record. You cannot testify that Mr. Butler or Mr.

14 Deaton were ever exposed to any of these products  
15 that you just listed a little while ago?

16 A I cannot say that because, I do not specifically  
17 recall those two individuals.

18 Q I appreciate you time this morning. That's all  
19 the questions I have. Some of these other lawyers  
20 may have a few questions. But I thank you for  
21 your patience.

22 MR. CAUSBY:

23 No questions.

24 MS. BURRELL:

25 I have no questions.

1 MR. JOHNSEN:

2 No questions.

3 EXAMINATION BY MR. PRESSLEY:

4 Q I have one or two. Did you ever work at Blues  
5 Creek?

6 A Not -- not on a regular basis. I did visit Blue  
7 Creek as I did visit other stations when I was  
8 assigned to the general office.

9 Q What years would that have been?

10 A It would have been from the start up. The time  
11 that the first units were started in 1975 and '76  
12 in that time frame.

13 Q You would have been in and out?

14 A In and out, yes.

15 Q So you did not spend --

16 A Not there continuously, no.

17 Q How about Catawba?

18 A No. Never at Catawba.

19 Q How about Cliffside?

20 A Cliffside, yes. I was in and out of that plant.  
21 But I was never permanently assigned to that  
22 station.

23 Q And that was the same basis. You came out of the  
24 home office and went into Cliffside?

25 A Yes. Exactly.

1 Q Was that on shut downs or something?

2 A On shut downs, yes.

3 MR. PRESSLEY:

4 Okay. And that's all I have. Thank you.

5 MR. LUTZEL:

6 Trudy, any questions?

7 MS ROBERTSON:

8 No questions. Thank you.

9 MR. LUTZEL:

10 James?

11 MR. ELLIOTT:

12 No, I don't.

13 MR. LUTZEL:

14 Okay. We're done. That's it. Thank you, sir.

15 (Whereupon, this deposition concluded at 10:17 a.m.)

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C E R T I F I C A T E

I, the undersigned, Susan E. McCall, CVR, Notary Public in and for the State of South Carolina, do hereby certify that the foregoing deposition was taken on the aforementioned date;

That the within deponent was sworn to tell the truth, and that the foregoing is an accurate transcription of the testimony taken under oath;

That all exhibits entered herein are attached hereto (if requested by counsel) and made a part of this deposition.

I further certify that I am neither counsel nor solicitor to any of the parties in said suit, nor interested in the event of the cause.

In witness whereof, I have hereunto set my hand and seal.

---

SUSAN E. MCCALL, CVR  
Certified Court Reporter  
Certificate No. B-2064  
Notary Public for South Carolina  
My Commission Expires: 11/27/00

(Seal)

(NOTE: RECORDED DEPOSITION AUDIO TAPES ARE RETAINED FOR SIX MONTHS FROM DATE OF CERTIFICATION)

October 29, 1999

CAUSE NO. 94-02896

JEWELL MARTIN ALLEY, ET AL. ) IN THE DISTRICT COURT OF  
VS. ) TRAVIS COUNTY, TEXAS  
FIBREBOARD CORPORATION, ET AL.) 147TH JUDICIAL DISTRICT

ORAL DEPOSITION

OF

JULIAN D'AMICO

ORIGINAL

ANSWERS AND ORAL DEPOSITION OF JULIAN D'AMICO, a  
witness produced at the instance of the Defendant,  
Owens-Corning Fiberglas Corporation, taken in the  
above-styled and numbered cause on the 26th day of  
October 1994, at 12:30 o'clock p.m., before  
LORI VAN FLEET, a Certified Shorthand Reporter in and for  
the State of Texas, at the offices of Baron & Budd,  
located at 3102 Oak Lawn Avenue, in the City of Dallas,  
County of Dallas, State of Texas, in accordance with the  
Notice hereto attached and the Texas Rules of Civil  
Procedure and the stipulations hereinafter set forth.

PLAINTIFF'S  
EXHIBIT

19G



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24 ALSO PRESENT: MS. ARDITA VICK  
25 MR. ROB CRAIN

**CONFIDENTIAL**

I N D E X

Witness: JULIAN D'AMICO

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A G R E E M E N T S

AS PER RULE 11, the following agreements were agreed to by and between the parties hereto, through their respective attorneys appearing herein:

IT IS HEREBY AGREED, by and between the parties hereto, through their attorneys appearing herein, that any and all objections to any question, except as to form, or answer, except as to responsiveness contained herein may be made upon the offering of this deposition in evidence upon the trial of this cause with the same force and effect as though the witness were present in person and testifying from the witness stand.

IT IS FURTHER agreed by and between the parties hereto, through their attorneys appearing herein, that the Notary Public taking this deposition may return and file the same without the signature of the witness thereto, said signature of the witness being waived by all parties, and said deposition to be used upon the trial of this cause with the same force and effect as though the same had been read and signed by the said witness.



P R O C E E D I N G S

JULIAN D'AMICO

the witness hereinbefore named, being first duly  
cautioned and sworn to testify the truth, the whole truth  
and nothing but the truth, testified on his oath as  
follows:

DIRECT EXAMINATION

BY MR. THACKSTON:

Q. Sir, could you please state your full name  
for the record.

A. Julian D'Amico, Jr.

Q. What's your date of birth?

A. [REDACTED].

Q. How old does that make you here today?

A. Sixty-two.

Q. What is your Social Security number, please?

A. [REDACTED].

Q. And I believe you hold a North Carolina  
driver's license.

A. Yes.

Q. I think your driver's license is in your  
answers to --

A. I'll have to look it up if you want it.





1 Q. It's in the answers. What have you reviewed  
2 prior to coming to Dallas today for your deposition?

3 A. What have I reviewed?

4 Q. For instance, have you reviewed those  
5 (indicating)?

6 A. Well, yes. I looked through those.

7 Q. Have you reviewed any other material prior to  
8 today in preparation for this?

9 A. No, nothing in particular.

10 Q. Do you have any personal diaries or notes or  
11 anything that have to do with your career at Duke Power?

12 A. I really don't. When I retired, I had -- I  
13 didn't have that much that was left. And I pretty much  
14 got rid of everything I had. I didn't see any need to  
15 keep it at that time. So I don't have any notes.

16 Q. Other than meeting with your lawyers, I  
17 presume earlier today, have you talked with anyone about  
18 what you anticipate to be the subject matter of this  
19 deposition?

20 A. No.

21 Q. You haven't been in contact with any  
22 coworkers to talk about your lawsuit?

23 A. No.

24 Q. Now, sir, I'd like to review some family  
25 history with you if I could. Are both of your parents

1       deceased?

2           A.       Yes.

3           Q.       Any one of them have cancer at any time?

4           A.       My mother had breast cancer many years ago.  
5       That was successfully removed through surgery.

6           Q.       Do you know what your father's cause of death  
7       was?

8           A.       I really don't. I'm not sure. That was  
9       really not very clear.

10          Q.       Where were you born, sir?

11          A.       Elberton, Georgia.

12          Q.       And did you go to high school in Georgia?

13          A.       Yes, Elberton High School.

14          Q.       When did you move to North Carolina? I guess  
15       your current residence is in North Carolina, right?

16          A.       Yes.

17          Q.       What is your current address?

18          A.       We just moved into a new home. It may not be  
19       listed there. We moved in within the last two months,  
20       550 Oak Tree Road, Morresville, and the zip is 28115.

21          Q.       When did you first move to North Carolina,  
22       sir?

23          A.       That would be in 19 -- I have to stop and  
24       think, 1957.

25          Q.       When you say graduated, graduated from



1 Georgia Tech?

2 A. Georgia Tech -- excuse me, '56. I'm sorry.

3 I apologize.

4 Q. What's your wife's name?

5 A. Betty D'Amico.

6 Q. Does she work outside the home?

7 A. No.

8 Q. I believe you have two sons; is that true,  
9 sir?

10 A. Yes.

11 Q. Joseph Allen D'Amico and Gary Eugene D'Amico?

12 A. Yes.

13 Q. Do you provide any support to either of your  
14 two sons?

15 A. No.

16 Q. That's financial support. I'm sure there are  
17 other types of support you give them.

18 A. We buy them a meal every once in a while.

19 Q. I don't think that counts. Sir, if we could  
20 go back to the time you graduated from high school, I  
21 believe in Elberton, Georgia in 1949.

22 A. Uh-huh.

23 Q. Did you take any type of job out of high  
24 school or did you go straight to college?

25 A. I had some jobs during high school, part-time



1 jobs, but nothing -- no, I went from high school to  
2 college.

3 Q. And did you begin at Georgia Tech in 1951?

4 A. Yes.

5 Q. Did the Rambling Wreck have any kind of  
6 a football team then?

7 A. We had a national championship team in the  
8 early '50s.

9 Q. Those are old memories.

10 MR. THACKSTON: Off the record.

11 (Off-the-record discussion.)

12 BY MR. THACKSTON:

13 Q. Mr. D'Amico, during the time you were at  
14 Georgia Tech from 1951 to 1955, did you major in  
15 mechanical engineering?

16 A. Yes.

17 Q. Did you obtain a degree in mechanical  
18 engineering in 1955?

19 A. Yes.

20 Q. During the time you were there, were you a  
21 full-time student the whole time?

22 A. I was a co-op student.

23 Q. At Georgia Tech that means you worked every  
24 other semester?

25 A. On a quarter system. We alternated quarters.





1 MR. HAINES: Do you have a Social  
2 Security printout? They just came out. It's got the  
3 years for Duke Power in here somewhere.

4 BY MR. THACKSTON:

5 Q. As part of the co-op program, did you take a  
6 job with Duke Power Company in North Carolina?

7 A. Yes.

8 Q. Is that the only company you worked with  
9 while you were a student at Georgia Tech?

10 A. Yes.

11 Q. Was that primarily during any particular time  
12 of the year you were at Duke Power up in North Carolina?

13 A. I was on a rotation which allowed me to work  
14 in the winter and the summer so that I was in Georgia  
15 Tech the alternate quarters.

16 Q. And were you at Duke Power in the winter and  
17 summer for all the years of 1951 to 1955?

18 A. Except for the last year. The last year I  
19 went to Tech, I did not co-op any further. I went four  
20 straight quarters to graduate.

21 Q. So 1951 to 1954 you worked in the winter and  
22 summer, returning to Georgia Tech in the fall and the  
23 spring?

24 A. Yes.

25 Q. No work at all in --



1           A.       Let me modify that just a bit. I started in  
2       January of '51 to Tech. I really started in the fall of  
3       '50, but I had an appendectomy and dropped out. I  
4       started in Tech -- I did not work that first winter, but  
5       I did work the first summer of '51.

6           Q.       Thank you for clarifying that. By the way,  
7       have you ever given a deposition before?

8           A.       No.

9           Q.       Let me explain the procedure. I'm sure your  
10      counsel already has. I'm going to ask the questions as  
11      if we're in court. If at any time you don't understand  
12      my questions, please let me know and I'll rephrase it.  
13      Your answer needs to be based on a clear understanding of  
14      what I'm asking. Also, if you could, and you have so  
15      far, make sure you answer out loud so the court reporter  
16      can take it down.

17          A.       Okay.

18          Q.       After 1955 you didn't do any work other than  
19      you were a full-time employee of Duke Power in 1956?

20          A.       Yes, uh-huh.

21          Q.       I believe you also have some military  
22      history. Where does that fit in?

23          A.       After I started with Duke I was an ROTC  
24      graduate. I had a military commitment at that particular  
25      time. We were obligated for six months' active duty. So



1 I began that six-month active duty while I was working at  
2 Dan River. And I think the dates were, like, September  
3 to March -- September '56 to March of '57 as I recall, in  
4 that time frame anyway. It was six months.

5 Q. And after serving six months of active duty,  
6 did you become a reserve member?

7 A. Yes.

8 Q. Did you stay in the Army Reserves until 1965?

9 A. Yes.

10 Q. You obtained the rank of captain?

11 A. Yes.

12 Q. Did you have periods when you had to go off  
13 and serve in the reserves during that period?

14 A. Summer camp, summer training.

15 Q. How long were the summer camps?

16 A. Two weeks.

17 Q. Was that every summer between 1957 and 1965?

18 A. No. After -- let's see, how many summer  
19 camps I went to. I went about -- as I recall, about four  
20 and then they dropped the requirements so that I did not  
21 have to complete -- go to any other summer camps.

22 Q. Was there any period of time between 1957 and  
23 1965 that took you away from Duke Power for more than two  
24 weeks?

25 A. No.

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1 Q. When you began work for Duke Power in 1956,  
2 what was your job title?

3 A. Junior engineer.

4 Q. Were you stationed at a particular plant at  
5 that time?

6 A. Yes.

7 Q. What plant?

8 A. Dan River.

9 Q. To get a little context, is Duke Power the  
10 biggest power company in North Carolina?

11 A. Yes.

12 Q. In fact, it has most of the state utility  
13 area, covers all the state. Is that fair to say?

14 A. Area-wise, it covers a little less than half.  
15 It has more generating capacity than CP & L.

16 Q. Do you have any idea at the time you began to  
17 work at Duke Power in 1956 how many employees Duke Power  
18 had?

19 A. I don't recall.

20 Q. Was it as much as tens of thousands or --

21 A. It would be a pure guess on my part at this  
22 point. I really can't recall.

23 Q. Is it fair to say at the time you started  
24 Duke Power in 1956, they were in the process of  
25 expanding, a building program, at Duke and just building





1 plants throughout the state?

2 A. Oh, yes, yes.

3 Q. The '50s were a boom time for power plant  
4 construction, was it not?

5 A. Yes.

6 Q. I suspect it wasn't too tough to find a job  
7 in that area in 1956 with a power company.

8 A. I didn't have a problem.

9 Q. As a junior engineer at Dan River, what were  
10 your job responsibilities?

11 A. Okay. I was assigned to what was called the  
12 test department at that time. In the test department the  
13 responsibilities included maintenance of automatic  
14 instrumentation and controls throughout all of the plant,  
15 performance testing, lists of the equipment which  
16 included installing special instrumentation, testing  
17 instrumentation and taking data and analyzing the data  
18 and writing the reports, this sort of thing. It --

19 Q. Did you have -- I'm sorry.

20 A. It had to do with equipment throughout the  
21 whole plant.

22 Q. Did you have an office that you worked out of  
23 at Dan River?

24 A. I had an office and a desk, not a private  
25 office.

1 Q. Where was the desk located? What part of the  
2 plant?

3 A. In the administration part of the plant.

4 Q. Where is the administration part of the plant  
5 as compared to the turbine room and boiler area?

6 A. Right adjacent to it. It's really part of  
7 the same building, just offices.

8 Q. But the offices are separated by a wall or  
9 door?

10 A. Huh-uh.

11 Q. It had to be a noisy office.

12 A. I spent very little time at the desk. Most  
13 of my time was spent out at the plant working with  
14 technicians.

15 Q. What type of technicians did they have? Did  
16 they have a particular title?

17 A. Yes. They were the -- the titles have  
18 changed so much over the years. I may not have this  
19 correct, but we had titles like test technician.  
20 There were various levels leading up to that. The  
21 highest technician level at that time was test  
22 technician. I guess that was pretty much it at that time  
23 as far as the classifications.

24 Q. What years were you a junior engineer at Dan  
25 River, from 1956 until when?



1           A.       Until I went in the service in the fall of  
2       '56.

3           Q.       Then when you came out of the service in  
4       March of 1957, did you return to Dan River?

5           A.       No. I returned to River Bend.

6           Q.       What was your job title when you returned to  
7       River Bend?

8           A.       I was assistant plant engineer in the test  
9       area.

10          Q.       And was that the first time you worked at  
11       River Bend in 1957?

12          A.       Yes. Oh, let me back up just a minute. As a  
13       co-op I worked three months at River Bend in '54, in the  
14       summer of '54.

15          Q.       Thank you for adding that. Could you go back  
16       and tell me where you worked as a co-op?

17          A.       Just those two plants, Dan River and River  
18       Bend.

19          Q.       Can you tell me when you started in the  
20       summer of '54 at Duke Power? Can you tell me which  
21       quarters you spent at which plant? Are you able to do  
22       that?

23          A.       Well, I only spent one quarter at River Bend.  
24       All the rest were at Dan River.

25          Q.       Do you remember in 1954 whether the quarter

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1       you spent at River Bend was the winter or summer?

2           A.       It was the summer.

3           Q.       When you were at Dan River the other quarters  
4       between '51 and '54, was there any new construction going  
5       on?

6           A.       At Dan River?

7           Q.       Yes, sir.

8           A.       Yes.

9           Q.       What was being built at Dan River in those  
10       quarters while you were in college?

11          A.       Okay. Unit three was under construction.

12          Q.       Is it fair to say that the unit you're  
13       talking about is a boiler steam --

14          A.       Boiler, turbine combination. That's what we  
15       refer to as a unit.

16          Q.       I'll have to finish my question and you'll  
17       have to finish your answer because she can't record us at  
18       the same time. Would it be fair to say a boiler, steam  
19       piping, and turbine generators, those are the three  
20       components, the three main components, to the --

21          A.       Well, there's a lot of auxiliary pieces of  
22       equipment. Yes, that would.

23          Q.       And when Unit number three was under  
24       construction at Dan River, were they constructing the  
25       boiler, the steam piping, and the turbine generator?



1 A. Yes.

2 Q. During the periods of time you were there  
3 between 1951 and 1954, were they doing any insulation  
4 work on any of those components?

5 A. I really don't recall if it was under  
6 construction but -- I do not specifically remember.

7 Q. How about in 1954, summer of 1954, when you  
8 were at River Bend, do you recall whether there was any  
9 new insulation work being done there?

10 A. Yes, sir.

11 Q. What was being insulated in the summer of  
12 1954 at River Bend?

13 A. The units were -- being Unit six and seven  
14 were being prepared to start up and piping, steam piping,  
15 steam and hot water piping and turbines. And I'm sure  
16 there was some auxiliary equipment such as boiler feed  
17 pumps and that sort of thing.

18 Q. Do you have a specific recollection of which  
19 of these components was actually being insulated during  
20 the summer of '54?

21 A. No, I do not.

22 Q. Do you recall generally some insulation was  
23 going on?

24 A. Yes.

25 Q. What was your job responsibility there that





1 summer in 1954?

2 A. I was generally working in the test area  
3 really as more or less an assistant to the technicians.  
4 I was not actually on the job working with the  
5 technicians, installing instrumentations, doing the check  
6 out of control systems, that sort of things.

7 Q. Unit six and seven, those were General  
8 Electric, weren't they?

9 A. Yes.

10 Q. The piping and other components that were  
11 being insulated, do you recall what type of insulation  
12 products were being used with them?

13 MR. HAINES: Type, not brand?

14 MR. THACKSTON: Type.

15 BY MR. THACKSTON:

16 Q. Just what types of products were they using?

17 MR. HAINES: He means, what,  
18 generally. Do you understand that?

19 A. You mean like block and pipe insulation?

20 BY MR. THACKSTON:

21 Q. Yes.

22 A. We were using block and pipe, the cement that  
23 you put on for the joints before you put on the covering,  
24 the cloth covering over the pipes and so forth. They  
25 were doing all that.



1 Q. I believe you were telling me that being used  
2 during the summer 1954 at River Bend were block, pipe  
3 covering and cement on joints. Are those pipe joints  
4 that you're talking about?

5 A. Yes, pipe joints. And where you had flat  
6 surfaces and were using the flat block, of course, you'd  
7 have joints there, too.

8 Q. Was some of that block being put on the  
9 boilers?

10 A. Yes.

11 Q. Do you have a recollection, again, just from  
12 the summer of 1954 as to any brand names of any of those  
13 types of products that you just mentioned?

14 A. If you're talking specifically the summer of  
15 '54, I do not.

16 Q. And I take it that as an assistant to the  
17 technician that you weren't personally handling or  
18 installing any of the insulation, were you?

19 A. I was not installing it, but I was in very  
20 close proximity because of the work that we were doing  
21 installing instrumentation.

22 Q. Is it fair to say that these products were  
23 being manipulated in a matter that released dust?

24 A. Yes.

25 Q. Did you breathe that dust?

1 A. I'm sure that I did.

2 Q. In the summer of 1954 were you aware of  
3 whether Duke Power had any safety programs at all?

4 A. Yes, I was aware that they had a safety  
5 program.

6 Q. Did they have --

7 A. They conducted regular safety meetings with  
8 some frequency.

9 Q. I'm sorry. I didn't mean to cut you off.  
10 Did Duke Power have an industrial hygiene department back  
11 then that you're aware of?

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

13 Q. Did they have a plant safety engineer of some  
14 sort at River Bend in 1954?

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

16 Q. As a summer student and assistant to the  
17 technicians, do you recall how many safety meetings that  
18 you attended that summer?

19 A. I do not remember, no.

20 Q. Do you recall whether they ever discussed the  
21 need to protect oneself against dust hazards during any  
22 of those meetings?

23 A. I don't. I don't recall that subject ever  
24 coming up.

25 Q. Do you recall whether any of the people



1 actually working with the insulation back in 1954 were  
2 wearing any respiratory protection?

3 A. I did not see anyone using it, no.

4 Q. Do you know whether the people actually using  
5 the products during the summer of 1954 were Duke Power  
6 employees or outside insulators?

7 A. I really -- I'm really not certain of that.

8 Q. Does the name Reed Hayden ring a bell with  
9 you at all?

10 A. Yes.

11 Q. Is Reed Hayden an insulation company?

12 A. Yes.

13 Q. Does that ring a bell as the company that was  
14 doing insulation work there in 1954? Are you able to put  
15 those two together?

16 A. I know they did some work for Duke Power.  
17 Whether they were specifically there on that job, I  
18 really don't recall.

19 Q. Is it fair to say that during the entire  
20 three months that you were there in 1954, that you worked  
21 around -- well, what part of that three-month period did  
22 you work around insulation products being installed?

23 A. That would be -- I can't even come up with a  
24 guess on that.

25 Q. Okay.





1           A.       See, we were working all over the plant.  
2       When I say we, I was working with technicians. That's  
3       almost impossible to answer that question.

4           Q.       Is it fair to say the insulation work that  
5       you remember being done during the summer of 1954 was all  
6       being done on new equipment they were installing at the  
7       time?

8           A.       No, because repairs were being made to the  
9       other units.

10          Q.       Do you have a specific recollection of a  
11       repair job going on on another unit in the summer of  
12       1954?

13          A.       Not a specific recollection, no.

14          Q.       There could have been some repairs going on  
15       involving insulation, but you don't have a specific  
16       memory of that as we sit here today?

17          A.       Well, repair work is an ongoing thing in a  
18       power plant, and always have it going on. I do remember  
19       some instances -- not specific instances -- but some  
20       maintenance that was going on on the units that were in  
21       service at the time. I don't remember a specific case of  
22       that.

23          Q.       Do you have a specific recollection that any  
24       of the maintenance on the units already in service  
25       involved the removal or replacement of insulation?

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1           A.       Not a specific instance. But again, ongoing  
2 maintenance required that to be done.

3           Q.       Is it fair to say that Duke Power had a  
4 system of scheduled outages for its turbine generators?

5           A.       Yes.

6           Q.       And those scheduled outages, would it be fair  
7 to say, occurred once every four to five years for each  
8 unit?

9           A.       At that time it was more frequent than that.  
10 It was about every three to four years.

11          Q.       Three to four years. And it's fair to say  
12 that the goal, at least, at Duke Power was to only take  
13 those things off-line on that three or four year basis as  
14 opposed to sporadically?

15          A.       Yes, for major maintenance. But there was  
16 ongoing smaller maintenance, like, weekend maintenance  
17 that was an ongoing thing.

18          Q.       Is it fair to say that much of the  
19 maintenance that goes on, other than the scheduled  
20 maintenance, can be done without the removal of  
21 insulation?

22          A.       No. I don't agree with that.

23          Q.       Is it your testimony that no maintenance can  
24 be done on a turbine without removing insulation?

25          A.       No. Let me clarify. What I'm trying to say



1 is that a lot of maintenance on a unit does require  
2 removal of insulation, not necessarily on the turbine,  
3 but of areas like valves, for instance. A valve may be  
4 leaking and you would have to remove the asbestos to get  
5 to it to reweld a crack in the line or whatever it might  
6 be.

7 Q. Is it fair to say that there are valves  
8 associated with the boiler?

9 A. Well, there are valves associated with the  
10 boiler and the turbine.

11 Q. Well, if you would, try to limit your answer  
12 to the question that I ask you.

13 A. All right. Say it again. Ask it again then,  
14 please.

15 Q. Is it fair to say that there are valves  
16 associated with the boiler?

17 A. Yes.

18 Q. Is it fair to say that there are valves  
19 associated with the piping system?

20 A. Yes.

21 Q. And there are also valves associated with the  
22 turbine?

23 A. Yes.

24 Q. Would you agree that in a plant like River  
25 Bend that there's as much as miles of steam piping?

1           A.       I wouldn't say miles, but there's quite a lot  
2 of steam piping, yes.

3           Q.       Would you agree that there's thousands of  
4 feet of steam piping?

5           A.       I can't quantify it. I'm an engineer, but I  
6 can't quantify it that way. Yes, there's a lot of  
7 piping.

8           Q.       Would you at least give me that there are  
9 hundreds of feet of steam piping?

10          A.       Yes.

11          Q.       Is it true that the steam piping, all the  
12 steam piping is covered in insulation?

13          A.       Yes.

14          Q.       And the boiler is covered in insulation also,  
15 isn't it?

16          A.       Yes.

17          Q.       What are the size of the boilers at River  
18 Bend? Stories, if you could tell me the number of  
19 stories tall they are.

20          A.       Stories tall, they'd be equivalent of about  
21 an eight- to -ten-story building, perhaps even a little  
22 bit larger than that.

23          Q.       So at least a ten-story building?

24          A.       Yeah, yeah.

25          Q.       And is it fair to say that the boiler's

1 covered in insulation on all sides, all four sides of the  
2 boiler are covered in insulation?

3 A. Yes, essentially, yeah.

4 Q. And there's also some insulation on the  
5 inside of the boiler?

6 A. I don't quite understand that question.

7 Q. Have you done any work inside of boilers?

8 A. Yes.

9 Q. Obviously, before they started up, right?

10 A. Oh, yes, or during maintenance.

11 Q. In fact, you did a fair amount of work back  
12 when you were working in River Bend and Dan River. You  
13 did a fair amount of work with boilers, didn't you?

14 A. Yes.

15 Q. Would you say that that's the primary work  
16 that you did with boilers back in the days of, say, in  
17 the '50s?

18 A. No. I wouldn't say that was the primary area  
19 in the '50s.

20 Q. Was it the primary areas in the '60s?

21 A. Yes.

22 Q. Why was that?

23 A. Because I had a different job in the '60s.

24 Q. We'll get to that.

25 A. Okay.





1 Q. Back to turbines and the maintenance on  
2 turbines. Would you agree with me that at least the  
3 Westinghouse turbines had manholes to allow access to  
4 certain parts of the turbine without the necessity of  
5 removing any of the insulation?

6 A. In the low-pressure section there were  
7 manholes.

8 Q. And would you agree that the low-pressure  
9 section is not insulated anyway?

10 A. That's right.

11 Q. And the only thermal insulation on the  
12 turbine, at least the two turbines of four and five at  
13 River Bend, the only thermal insulation on the cylinder  
14 is on the high-pressure cylinder?

15 A. High pressure and intermediate pressure,  
16 yeah.

17 Q. And on the crossover pipe?

18 A. And crossover pipe, yes.

19 Q. Now, I take it that sometime later in your  
20 career you were around while they were doing some of  
21 these scheduled outages to units four and five at River  
22 Bend.

23 A. Yes.

24 Q. We'll get to that also. Back to River Bend  
25 in the fall of 1957, your position was assistant plant



1 engineer in the test area?

2 A. Yes.

3 Q. And how long did you have that title at River  
4 Bend?

5 A. I don't recall exactly when I was promoted to  
6 the next level? I really don't. It would have been one  
7 to two years.

8 Q. How long were you at River Bend when you went  
9 back there in 1957?

10 A. Until November of '59.

11 Q. Part of that time you were assistant plant  
12 engineer. Did you have another title during the rest of  
13 that time?

14 A. Yeah. I was plant engineer in the test area.

15 Q. And as assistant plant engineer, did your  
16 duties still involve primarily the testing of equipment  
17 and checking of gauges and things of that nature?

18 A. Yes.

19 Q. How did your job responsibilities change when  
20 you became plant engineer in the test area?

21 A. I had the overall supervisory responsibility  
22 for that whole room. And I -- well, that's pretty well  
23 self explanatory.

24 Q. At Duke Power is it fair to say that the  
25 trade responsible for turbine maintenance is primarily



1 the machinist?

2 A. No.

3 Q. What trades would be involved in a scheduled  
4 outage?

5 A. At Duke Power we utilized all trades, even  
6 electricians at times.

7 Q. On a scheduled outage of a turbine?

8 A. Yes.

9 Q. In the period between 1957 and 1959, was  
10 there a turbine maintenance group that traveled from  
11 plant to plant within the Duke Power system doing  
12 scheduled outages?

13 A. '57 to 59? I don't specifically recall that.

14 Q. Is it fair to say that as a plant engineer or  
15 assistant plant engineer it was not your responsibility  
16 to be on a crew that worked on the scheduled outage of a  
17 turbine?

18 A. I did not normally. I was not normally  
19 assigned to do that kind of thing. For training  
20 purposes, I was assigned to one of the Westinghouse  
21 units -- and I don't recall which one -- to follow the  
22 entire inspection, to report all -- make records of all  
23 of the findings of the turbine, the clearances, et cetera  
24 and to write a final report when the inspection was over.  
25 So I was literally all over the turbine as the people

1        were doing the maintenance work on the unit.

2            Q.        What year was that outage of the Westinghouse  
3        turbine?

4            A.        I -- I do not recall the year.

5            Q.        Is that the only outage of a Westinghouse  
6        turbine that you recall during the period 1957 to 1959 at  
7        River Bend?

8            A.        You mean that I was involved with?

9            Q.        Yes, sir, that you were involved in.

10          A.        The only outage that I served in that  
11        capacity, yes.

12          Q.        Do you recall -- I'm sorry if I just asked  
13        you this. Do you recall whether it was '57, '58 or '59  
14        when this outage took place with the Westinghouse unit?

15          A.        I do not recall.

16          Q.        And you do not recall which unit?

17          A.        No, I don't.

18          Q.        Was it one of the hundred megawatt units,  
19        either four or five?

20          A.        Yes.

21          Q.        Did Duke Power use its own crew for that  
22        maintenance outage?

23          A.        Yes.

24          Q.        Was there a Westinghouse representative  
25        there?

1           A.     I'm not sure. And the reason I'm saying that  
2           is because on many of the inspections Duke would not  
3           routinely call in a Westinghouse service person. But on  
4           a large number they would call -- I mean, you know, some  
5           numbers they would. It depended on the nature of the  
6           outage. If in the opinion of management, they needed  
7           Westinghouse's expertise, as example, if modifications  
8           were being made, obviously, they would want the  
9           Westinghouse service person there.

10          Q.     Were you aware of when the unit that you  
11          worked with sometime between 1957 and 1959 originally  
12          went into service?

13          A.     You're speaking of units one and -- excuse  
14          me -- four and five?

15          Q.     Well, whichever one that you worked on during  
16          that time, during that one outage. Are you aware of when  
17          that unit originally went on-line?

18          A.     No, because I don't remember which one of  
19          those two units I worked on.

20          Q.     Do you have a recollection of being on site  
21          nearby when they initially removed some insulation for  
22          that outage?

23          A.     Yes.

24          Q.     And is it true that there were blankets on  
25          the horizontal flange?

1           A.       I do not specifically recall blankets at that  
2 time. At one point in time we had block insulation; at  
3 another point in time we had blankets, and I don't  
4 recall.

5           Q.       To narrow it down a little bit, is it fair to  
6 say that the only outages that you're going to talk about  
7 today that involve Westinghouse turbines occurred at  
8 River Bend?

9           A.       As far as outages?

10          Q.       Yes, sir.

11          A.       Well, Duke didn't have any other Westinghouse  
12 units except at River Bend, other than Blues Creek. And  
13 that's not even the subject of this.

14          Q.       Blues Creek was nonasbestos, wasn't it, if  
15 you're aware of it?

16          A.       I'm not aware of whether it was completely  
17 free of asbestos or not.

18          Q.       To clarify, the only Westinghouse turbine  
19 generators that you're going to talk about today are at  
20 River Bend?

21          A.       Steam turbine generators.

22          Q.       Okay. Is there some other type of turbine  
23 generator you're going to talk about?

24          A.       Yes. Westinghouse -- Duke installed three  
25 Westinghouse W301 gas turbines at Lee Station and also



1 the same number at Dan River Station.

2 Q. Now, those 301s, those are gas turbines?

3 A. Gas turbines.

4 Q. And that is combustion turbines?

5 A. Yes, we call them combustion turbines, too.

6 Q. And they're not run on fossil fuel and steam  
7 like the steam turbines are.

8 A. Well, fuel oil is a fossil fuel.

9 Q. Good point, I'm sorry. They're not coal  
10 fired then?

11 A. They're not coal fired.

12 Q. There's no boiler associated with them?

13 A. No, no boiler.

14 Q. Do they sit out in individual buildings by  
15 themselves?

16 A. Yes.

17 Q. Pretty good ways from the rest of the  
18 building -- I mean, from the steam plant itself?

19 A. Yeah, a pretty fair distance.

20 Q. I mean, those are basically jet airplane  
21 engines, aren't they?

22 A. Similar to jet engines, yes.

23 Q. So that makes them very loud?

24 A. They're pretty noisy, yeah.

25 Q. We'll talk about the combustion turbines

1 separately. The only steam turbines that you're going to  
2 talk to us about today that were manufactured by  
3 Westinghouse were at the River Bend Steam Plant; is that  
4 fair to say?

5 A. Yes, uh-huh.

6 Q. Is it also fair to say that you worked at a  
7 number of other Duke Power plants where there were  
8 General Electric turbines?

9 A. Yes.

10 Q. And did you work on outages and other work  
11 that involved insulation on the General Electric  
12 turbines?

13 A. Yes, at times.

14 Q. At what other plants did you work around  
15 turbines where they were doing insulation work?

16 A. Well, River Bend and to some degree not  
17 exactly the same involvement, but to some degree, several  
18 of the other plants: Dan River, Buck, Lee.

19 Q. Are you familiar with the differences in the  
20 insulation systems for the General Electric turbines  
21 versus the Westinghouse turbines?

22 A. Clarify that. I don't --

23 Q. For instance, have you ever known a General  
24 Electric turbine to be insulated with blankets on the  
25 horizontal flange?

1 A. Yes, but not initially probably.

2 Q. When you say, "not initially," you mean when  
3 somebody went in and did some work they replaced  
4 insulation that was some other form with blankets?

5 A. Yes.

6 Q. Was that Duke Power's decision to go to  
7 blankets on those GE units?

8 A. I'm sure it was Duke Power's final decision.  
9 It may have been a recommendation from GE. I'm not sure  
10 about that.

11 Q. Well, I'm not asking you to speculate. You  
12 don't have any firsthand knowledge one way or another?

13 A. No, I have no firsthand knowledge.

14 Q. And you do have a recollection that the unit  
15 at River Bend, the Westinghouse unit, did have blankets  
16 on the horizontal flange?

17 A. I do not know specifically that it had  
18 blankets on the initial -- when it was initially  
19 installed.

20 Q. Well --

21 A. When they were initially installed.

22 Q. Is it fair to say that you weren't there when  
23 they were initially installed, right?

24 A. No, I was not.

25 Q. You were still down at Georgia Tech?

1           A.       That's right.

2           Q.       And so I'm only asking you about the  
3 insulation that you remember at the time that you worked  
4 on the outage there sometime between 1957 and '59.  
5 During that period do you have a specific recollection of  
6 how the horizontal flange was insulated on that  
7 Westinghouse unit?

8           A.       I really don't.

9           Q.       Do you have a specific recollection of being  
10 there the day or days when they were removing the  
11 insulation necessary to take the shell off and begin the  
12 inspection?

13          A.       I don't recall a specific date, but I know  
14 that I was there when insulation was being removed.

15          Q.       And do you have a specific recollection of  
16 which parts of the insulation they removed to conduct  
17 that scheduled outage?

18          A.       Again, I can't tell you for that specific  
19 outage, but I know that the normal procedure for  
20 maintenance, you know, removing parts of a turbine.

21          Q.       Is it fair -- well, would you agree with me  
22 that may differ depending on whether the turbine's  
23 insulated with blankets verses block on the horizontal  
24 flange?

25          A.       What may differ?

1 Q. That the general procedure for removing the  
2 insulation for an outage may differ depending on the type  
3 of insulation?

4 A. Well, you're removing block versus blankets,  
5 I mean, that's a difference. But other than that I  
6 don't --

7 Q. I'm sorry. I didn't mean to cut you off.  
8 You can finish.

9 A. I don't understand what your question is.

10 Q. Okay. Well, for the purposes of the work  
11 involved, the time it takes and whether you change the  
12 form of insulation, wouldn't you agree with me that it  
13 makes a difference whether it's block and blanket?

14 A. If your question is, is it easier to remove  
15 blankets than it is block and take less time? I would  
16 say, yes, it probably does.

17 Q. So is it fair to say that at some plant at  
18 some time you witnessed the process of removing blankets  
19 from a turbine for the purposes of getting into it to do  
20 an inspection?

21 A. Oh, I have witnessed that, yes.

22 Q. Is it fair to say that you've not  
23 specifically -- I mean, personally removed any insulation  
24 or replaced insulation on a turbine at any time?

25 A. Are you -- is this question concerning

1 Westinghouse now --

2 Q. No, sir.

3 A. -- or turbines in general?

4 Q. Yes, sir, turbines in general.

5 A. Okay.

6 Q. Have you ever personally removed insulation  
7 or put insulation --

8 A. Yes, I have.

9 Q. Where was that?

10 A. At Dan River.

11 Q. And was that on a GE unit?

12 A. Yes.

13 Q. And what type of insulation were you  
14 installing or removing?

15 A. That was block.

16 Q. What part of the turbine?

17 A. High pressure, intermediate pressure --

18 Q. What year?

19 A. -- in piping.

20 Q. Back in '56?

21 A. No. This was when I was co-opping at Dan  
22 River.

23 Q. Duke Power had you insulating that summer?

24 A. Yes.

25 Q. How much time did you spend doing that, do

1       you remember roughly?

2               A.       I worked quite a lot as an operator in the  
3       operating end of it, but when we weren't operating --  
4       when I wasn't -- when they didn't assign me to operating,  
5       I was working with another person on insulation. And I  
6       can't give you an idea of what percentage of the time  
7       that was. It was a fair amount of time.

8               Q.       Again, this was sometime between 1951 an  
9       1956?

10              A.       Yes.

11              Q.       Was that a dusty process of applying  
12       insulation?

13              A.       Yes.

14              Q.       Did you breathe that dust?

15              A.       Yes.

16              Q.       Any idea what product you were applying?

17              A.       Well, I know some of the materials that were  
18       being used at the plant at that time. Thermobestos was  
19       one that I specifically recall.

20              Q.       Do you know who the manufacturer of  
21       Thermobestos was?

22              A.       Thermobestos, I --

23              Q.       Did you see the name Johns-Manville on any  
24       boxes while you were working?

25              A.       Yeah. I'm sure I've seen Johns-Manville's

1 name on boxes.

2 Q. Do you remember any other names that you saw  
3 on boxes other than Thermobestos and Johns-Manville?

4 A. Well, things like Kaylo. Are you talking  
5 specifically about block and pipe now?

6 Q. Any insulation products that you worked with  
7 directly.

8 A. Any insulation products? Let's see, the  
9 Certainteed, which was a joint material, joint compound.

10 Q. Those are all the ones you can recall right  
11 off the --

12 A. I've got them on the tip of my tongue and I  
13 just can't -- yeah.

14 Q. If it comes to you later, let me know.

15 A. Okay. I'm sure it will.

16 Q. Now, are these all products that you worked  
17 with while you were co-opping back at Dan River between  
18 '51 and '54, the ones you just mentioned?

19 A. Yes, uh-huh.

20 Q. Is that the only time you personally worked  
21 either applying or removing insulation?

22 A. The only significant, yes.

23 Q. Let's get back to the difference between the  
24 blankets and the block. Now, you said that you have  
25 witnessed the removal of blankets from a turbine,



1 correct?

2 A. Yes.

3 Q. And would you agree that the design of the  
4 turbine is such that for the inspections all you need to  
5 remove -- if it's got blankets on it, all you need to  
6 remove are the blankets from that horizontal flange so  
7 that you can lift the top part off of it and get to the  
8 blade?

9 A. Well, you also have block and pipe insulation  
10 around the piping that comes off of the high-pressure  
11 shell, the high pressure and intermediate shell, and that  
12 has to be removed. So it's not -- those are not covered  
13 with blankets as a general rule.

14 Q. Have you not seen flanges on that piping that  
15 were insulated with blankets so that you could remove the  
16 blankets from the flanges and then take the flanges apart  
17 just like you take the blankets off the horizontal  
18 flange? Have you ever seen that?

19 A. I really don't recall having seen that.

20 Q. I take it that one of the pipes that needs to  
21 be removed is the crossover pipe between the high  
22 pressure and either the intermediate or the low-pressure  
23 turbine?

24 A. Yes.

25 Q. Now, do you recall whether on the

1 Westinghouse unit, the year that you were there, whether  
2 there were blankets on the flanges of the crossover pipe?

3 A. I don't recall them being there, no.

4 Q. Did this report that you did take the process  
5 all the way from the beginning of the removal of the  
6 insulation all the way back to the replacement of the  
7 insulation and the turbine going bank on-line, or did it  
8 begin at some other point, beginning or the end?

9 A. Well, generally those reports -- and I can't  
10 remember specifically this, you know, the specific one.  
11 Those reports did cover the period from the time that you  
12 started the inspection until you completed it. Now,  
13 whether it included information on removal of insulation  
14 and reinsulating, I really can't -- I don't know.

15 Q. Do you remember what that report was called?  
16 Did it have a specific name?

17 A. Well, we just -- those were just turbine  
18 outage reports.

19 Q. To your knowledge, did the individual plants  
20 maintain the turbine outage reports for future reference?

21 A. It probably varied from plant to plant. I  
22 don't know specifically.

23 Q. Do you know whether they maintained those at  
24 River Bend?

25 A. I can't speak to that. I really don't know

1 what's taking place at River Bend.

2 Q. When you began this report sometime between  
3 1957 and 1959, do you recall going and looking for the  
4 last turbine outage report for the unit that you were  
5 working on?

6 A. I don't remember looking for it, no.

7 Q. Did your report include the names of the  
8 persons working on the job?

9 A. I don't think so. I think it just listed a  
10 certain number of people that were utilized because there  
11 was a lot of swapping of people back and forth. You  
12 worked one person on there for a few days and he would go  
13 off to another job. And so I don't recall reports  
14 specifically mentioning individuals.

15 Q. How long did this outage last?

16 A. Generally, about six weeks as an average.

17 Q. Is it fair to say that of that six-week  
18 process it took about a day or two days to remove the  
19 insulation at the beginning?

20 A. I'd say one to three days, but that's here in  
21 the ball park.

22 Q. If I told you I'd deposed a couple of dozen  
23 people from Duke Power that told me it took about a shift  
24 to take blankets off of a turbine, would you have any  
25 reason to disagree with that eight hours?

1           A.       I wouldn't have any basis for disagreeing  
2 with it because I'm not expert on removal of insulation  
3 from the turbine.

4           Q.       Would you defer to the guys that did that  
5 work on how long it took on that question?

6           A.       Well, I have no basis to not defer to it.  
7 I --

8           Q.       Is it fair -- I'm sorry. I didn't mean to  
9 cut you off. Go ahead.

10          A.       No, go ahead.

11          Q.       Is it fair to say that on the outage that you  
12 witnessed there at River Bend between 1957 and 1959, that  
13 the only insulation that was removed from the turbine was  
14 the insulation on the flanges, that is the horizontal  
15 flanges and the pipe flanges?

16          A.       I can't say that because I don't specifically  
17 recall whether those units had, at that point in time,  
18 had blankets or not.

19          Q.       Do you know whether or not that unit had the  
20 original insulation on it at the time?

21          A.       I don't know. I would guess that --

22          Q.       I'm sorry. I'm not asking you to guess.

23          A.       Okay.

24          Q.       It wouldn't do us much good.

25          A.       No, I agree. I agree.

1 Q. To sum up on the removal of the insulation at  
2 this particular outage, is it fair to say that you don't  
3 have a specific recollection of what kind of insulation  
4 was taken off and how long it took?

5 A. I cannot tell you exactly how long it took,  
6 no. As far as what the specific insulation was on that  
7 unit at that time, I can't tell you exactly what that  
8 was.

9 Q. You've seen blankets removed and you've seen  
10 block removed. Is that fair to say?

11 A. Yes.

12 Q. At different times on different units?

13 A. Yes.

14 Q. Would you agree that the removal of the block  
15 is a dusty process?

16 A. It's pretty dusty, yeah.

17 Q. It can be. Would you agree that removal of  
18 blankets is not a dusty process?

19 A. Well, I wouldn't say it's not a dusty  
20 process. It's perhaps a little less dusty than the  
21 block.

22 Q. Are you familiar with whether the blankets  
23 that you've seen were numbered to go in a particular  
24 location on the turbine?

25 A. I know that they usually did use a numbering

1 system.

2 Q. And those blankets have eyelets on them,  
3 little steel eyelets, and they're wired on to the turbine  
4 through those eyelets. Is that fair to say?

5 A. Yes. That's my recollection.

6 Q. And so the removal of the blankets  
7 necessitates only cutting the wire and taking the blanket  
8 and setting it aside. Is that fair to say?

9 A. In general, if there was not any  
10 deterioration of the blankets themselves, and that  
11 sometimes did occur.

12 Q. Do you have any specific recollection --  
13 well, you don't have a recollection of there being  
14 blankets on that unit at River Bend so I guess you  
15 wouldn't have any recollection of there being a  
16 deteriorated blanket?

17 A. No.

18 Q. Are you familiar with the process of there  
19 being stainless steel plates or patches on the blankets  
20 in areas where they came in contact with metal?

21 A. I can't recall specifically that.

22 Q. Have you ever seen insulators manufacture  
23 blankets in the Duke Power plants to be used on the  
24 turbines?

25 A. I don't recall that.

1 Q. Do you have a recollection of how long it  
2 took to replace the insulation during the outage that you  
3 witnessed at River Bend between 1957 and 1959?

4 A. No, I don't.

5 Q. Would it have been about the same amount of  
6 time as it took to remove the insulation?

7 A. It would just be a supposition on my part to  
8 answer that.

9 Q. Is it fair to say, again, that wasn't part of  
10 your job, replacing insulation on the turbines?

11 A. No.

12 Q. If the outage lasts six weeks as you say and  
13 it was a couple of days to put it on and a couple days to  
14 take the insulation off and put the insulation back on,  
15 would you agree with me that that's a pretty minuscule  
16 part of the whole dismantling and inspection and  
17 reconstruction of the turbine?

18 MR. HAINES: Objection, assumes facts  
19 not in evidence.

20 BY MR. THACKSTON:

21 Q. You can answer it.

22 A. I wouldn't use the same terminology as you  
23 used "minuscule" because I think it is significant. But  
24 the entire amount of insulation on the turbine was never  
25 removed. There was a lot of insulation that was not

1 removed on the turbine: Underneath the turbine on the  
2 bottom side of just the turbine shells, for instance. A  
3 lot of work went on around the piping and underneath the  
4 turbine so there was still possibility for exposure to  
5 asbestosis -- to asbestos fibers in those areas.

6 MR. THACKSTON: I'm going to move to  
7 strike that as nonresponsive.

8 BY MR. THACKSTON:

9 Q. But again, it is true that the majority of  
10 the insulation on the turbine is not removed for the  
11 inspection. Is that fair to say?

12 A. The majority is not removed?

13 Q. Yes, sir.

14 A. Well, I don't know how to answer that because  
15 a large part of the insulation is removed. Whether it's  
16 a majority or --

17 Q. I'm sorry. Let's go back to what is removed  
18 and what isn't removed. Is it fair to say that what's  
19 removed when you go in to open up a turbine for a  
20 scheduled outage is the insulation on the horizontal  
21 flanges and the insulation on the flanges for the pipes  
22 that are attached to the high-pressure cylinder and maybe  
23 the intermediate pressure cylinder, is that fair to say?

24 A. Well, if I can put it in my own terms, it's  
25 essentially all of the insulation on the upper half of



1 the turbine and any other insulation that needs to be  
2 removed to get access to whatever maintenance may be  
3 done. For instance, if there are valves underneath the  
4 turbine, they'd have to be accesses and the insulation  
5 would have to be removed there.

6 Q. Now, is it your testimony that the turbine,  
7 the high-pressure shell being a top half and a bottom  
8 half, that the entire shell is covered in insulation,  
9 correct?

10 A. Essentially, yeah.

11 Q. And the shell has a horizontal flange around  
12 the middle of it, and that flange is where bolts go  
13 together that hold the two pieces together. Is that fair  
14 to say?

15 A. Yes.

16 Q. And that to remove the top half of it you  
17 have to take insulation off the flange and take the bolts  
18 out. Is that fair to say?

19 A. Yes.

20 Q. And then you hook a crane to an eyelet on the  
21 top of the crane on top of the cylinder and you lift that  
22 cylinder off, right?

23 A. Yes.

24 Q. Is it your testimony that they also took the  
25 insulation off the top half of that shell before they

1       lifted it off and set it aside?

2           A.       No.    In many cases, some of that insulation  
3       was left intact on the top of the shell, yes.

4           Q.       There'd be no reason to remove the insulation  
5       on top of the shell except what's around the flange.  Is  
6       that fair to say?

7           A.       Well, again, every inspection was a little  
8       bit different.  And to make a blanket statement that it  
9       happened like that every single time is tough to say  
10      because there may have been reasons for removing more of  
11      the insulation on a particular inspection.

12          Q.       Would you agree with me that it would be  
13      economical if you didn't have to take that insulation  
14      off?

15          A.       Certainly, yeah.

16          Q.       Did Duke Power generally try to be economical  
17      in its work practices?

18          A.       Yes.

19          Q.       Let me recap.  This is the only scheduled  
20      outage that you specifically recall working with or  
21      around on a Westinghouse turbine during your career at  
22      Duke Power.  Is that fair to say?

23          A.       The only specific one that I recall of that  
24      magnitude, yes.

25          Q.       Okay.

1           A.       Now, there were other inspections that I was  
2       very -- around the unit while it was being inspected and  
3       doing other activities, but I did not have that kind of  
4       responsibility.

5           Q.       When you say, "did not have that kind of  
6       responsibility," you didn't have an oversight or  
7       monitoring responsibility for any of these other jobs on  
8       turbines that you witnessed. Is that fair to say?

9           A.       Yeah. I guess you could say it that way,  
10      yeah.

11          Q.       During this period from 1957 to 1959 or any  
12      other period at River Bend, do you have a specific  
13      recollection of having worked around a Westinghouse  
14      turbine while insulation work was being done on that  
15      turbine?

16          A.       I don't recall a specific instance, but I do  
17      recall having been in the area and working around units  
18      one, two and three, which are also Westinghouse units,  
19      when they were being inspected and also on gas turbines  
20      at Lee and Dan river.

21          Q.       Again, just limiting --

22          A.       We'll leave those.

23          Q.       Limiting it to the steam plant and limiting  
24      it to River Bend, do you recall there being some work  
25      done on one, two and three, but these were not scheduled

1 outages that you had any role in?

2 A. I didn't have the same kind of role as I had  
3 on this unit we were talking about.

4 Q. When were those units retired, one, two and  
5 three?

6 A. I really don't recall a specific year.

7 Q. Were some of them retired while you were  
8 still working at River Bend?

9 A. No. No, those units were maintained for much  
10 longer.

11 Q. Do you have a specific recollection of the  
12 area on the turbine in which any insulation work was  
13 being done on one, two or three?

14 A. No.

15 Q. How many times do you recall there being work  
16 done on one, two and three that involved insulation, if  
17 you can give me an idea?

18 A. I can't give you an idea.

19 Q. Is it fair to say that if you could do some  
20 work on any of those turbines without removing the  
21 insulation, you would do it that way?

22 A. Well, certainly, if there was no reason to  
23 remove the insulation other than getting to -- access for  
24 maintenance.

25 Q. Did you generally have to shut the units off



1 to do any work that involved removing insulation?

2 A. At times maintenance was necessary with the  
3 unit on-line, but I'm not talking about an internal -- it  
4 would be something on the order of a leaking valve  
5 adjacent to the turbine, something like that that could  
6 be repaired on-line.

7 Q. Would you say that was an exception to the  
8 rule to do insulation work while the unit was operating?

9 A. It happened a little more frequently than we  
10 wanted.

11 Q. Well, is it fair to say that putting a  
12 turbine on-line and taking it off-line involves a whole  
13 lot more than just flipping a switch? It's a pretty  
14 involved process, isn't it?

15 A. It certainly is.

16 Q. How long does it take from the time you  
17 decide to put a unit on-line to get it actually running?

18 A. It varies with the unit. Some units can be  
19 bought on-line -- and it also depends on how long the  
20 unit was off before it came back on. But generally  
21 speaking, somewhere in the range of five to six to seven  
22 hours.

23 Q. The old units, one, two and three, do you  
24 have any idea when they were installed?

25 A. My best recollection is units one and two

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1           were installed in '29 and unit three in '38.

2           Q.       Do you have any recollection of what kind of  
3           insulation systems were on those turbines?

4           A.       I do not specifically.

5           Q.       Is it fair to say that when those turbines,  
6           all of them 1 through 5, were operating they were covered  
7           with a steel lagging?

8           A.       I can't say that. I don't know.

9           Q.       Do you recall seeing a steel lagging over  
10          those units?

11          A.       Oh, I understand your question now. You're  
12          talking about the steel seal covering over the high  
13          pressure, intermediate pressure?

14          Q.       Yes, sir.

15          A.       Yes, they had a steel lagging.

16          Q.       So the insulation that's on the high pressure  
17          cylinder is under a steel coating unless somebody removes  
18          that coating to do some type of work. Is that fair to  
19          say?

20          A.       Yes.

21          Q.       You're a mechanical engineer. Were you  
22          familiar with the vibration tolerances for a turbine  
23          generator?

24          A.       Yes.

25          Q.       It's a pretty highly machined piece of





1 equipment, isn't it?

2 A. Yes.

3 Q. The tolerances are in the mill range. Are  
4 you familiar with the tolerances, say, for one of those  
5 hundred megawatts Westinghouse turbines at the River  
6 Bend?

7 A. I don't recall specifically exact tolerance,  
8 no.

9 Q. It's not like a diesel engine, though. I  
10 mean, you can't have a turbine engine vibrating while  
11 spinning at 1,800 RPMs, can you?

12 A. Certainly not, not in any magnitude of  
13 vibration.

14 Q. Not a vibration that you could tell by  
15 looking at it or seeing it -- I'm sorry. I guess that  
16 would be the same thing -- looking at it or touching it.  
17 You wouldn't be able to feel the vibration of a turbine  
18 generator, would you?

19 A. By putting your hand on it?

20 Q. Yes, sir.

21 A. In some cases, that's possible.

22 Q. Are you familiar --

23 A. It depends on the magnitude of the vibration.

24 Q. Are you familiar with the tolerances at which  
25 either the alarm or the automatic shut off mechanism will

1 trigger?

2 A. No, I'm not.

3 Q. When the turbine generator is operating with  
4 the steel cover over it, you've never witnessed any dust  
5 coming out from under that steel cover, have you?

6 A. Well the steel cover, as you point out, is  
7 not -- doesn't cover -- it's not a dust tight enclosure.  
8 And there are openings in it, particularly around the  
9 valves on top of the turbine and those areas. So it's --  
10 dust can emanate from the steel casing. Q.

11 Is it fair to say that there in a fossil fuel plant  
12 there are a number of sources of dust?

13 A. Certainly there's a number, yes.

14 Q. Coal dust?

15 A. Yes.

16 Q. What are the other types of dust that are  
17 commonly found in the fossil plant environment?

18 A. Fly ash.

19 Q. General dust from out in the roadways and  
20 things like that that gets into the building?

21 A. Well, general dust you have everywhere, yeah.

22 Q. Are you able to give me any specific instance  
23 where you recall insulation work being done on a  
24 Westinghouse turbine other than the scheduled maintenance  
25 that we talked about at River Bend? Again, limited to

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1 steam plants.

2 A. Ask your question again.

3 MR. THACKSTON: Would you read that  
4 back.

5 (The reporter read back the  
6 requested text.)

7 A. I don't recall any specific instance, no.

8 BY MR. THACKSTON:

9 Q. You're not able to tell me what type of  
10 insulation was on any turbine other than the one that  
11 we -- well, including the one that we've talked about at  
12 River Bend. Is that fair to say?

13 MR. HAINES: Other than he can tell  
14 you it's either block or blankets. He just can't tell  
15 you which.

16 THE WITNESS: Yeah.

17 MR. THACKSTON: Well, I must object  
18 to the side bar. I don't believe he's told me that.

19 MR. HAINES: I believe that's exactly  
20 what he said.

21 BY MR. THACKSTON:

22 Q. Are you able to tell me the types of  
23 insulation that's on any particular Westinghouse turbine?

24 A. We covered that in an earlier question.

25 Q. Well, I think what you told me earlier was



1 that you know some types of insulation that are used on  
2 turbines generally, not limited to Westinghouse. I'm  
3 asking you if you're able to tell me specific types of  
4 insulation on these Westinghouse turbines at River Bend?

5 A. Okay. Yes, block, the pipe insulation around  
6 the flanges and so forth of the valve -- where the valves  
7 are and also blankets.

8 Q. Which unit do you recall blankets on?

9 A. I don't recall which one.

10 Q. And, again, you've seen a dozen GE turbines  
11 throughout the Duke Power system, too. So what I'm  
12 asking is if you today are able to differentiate the  
13 insulation system on particular Westinghouse turbines  
14 versus what you may have seen on GE turbines throughout  
15 the Duke Power system?

16 A. Well, I do recall that there definitely was  
17 pipe, block, and I'm almost certain the blankets on the  
18 Westinghouse units.

19 Q. All the Westinghouse units?

20 A. No, not all Westinghouse units.

21 Q. Some Westinghouse units?

22 A. Yes.

23 Q. And are you able to tell me which  
24 Westinghouse units had blankets on them?

25 A. No.

1 Q. Do you know how often Duke Power would  
2 replace those blankets?

3 A. Due to deterioration?

4 Q. Or any reason.

5 A. Any reason? No, I don't.

6 Q. When Duke Power replaced any insulation that  
7 was taken off of a turbine generator, did it get the  
8 replacement insulation out of its own storeroom?

9 A. To my knowledge.

10 Q. Do you know what types of insulation Duke  
11 Power kept in its storeroom?

12 A. What type of insulation are you talking about  
13 now?

14 Q. We're talking about insulation that they  
15 replaced on a turbine generator or, say, even a pipe or  
16 boiler. Any of that insulation that came out of their  
17 storeroom, do you know what brands they were?

18 A. I am sure that we used Thermobestos. That's  
19 one of them that I recall.

20 Q. Would it be the same products you mentioned  
21 earlier?

22 A. It would be the same products, these same  
23 products.

24 Q. Let me take you now to Allen Steam Plant  
25 where you worked between, I believe, 1971 and 1973?



1 A. Yeah.

2 Q. Is that the only other place where you were  
3 stationed in a particular plant as opposed to roving  
4 among plants?

5 A. Yes. After I left River Bend, that was the  
6 only plant, yes.

7 Q. Well, I said we were going to move on. Let  
8 me ask you one more question about River Bend.

9 A. Okay.

10 Q. While you were at River Bend between 1957 and  
11 1959, was there maintenance work done on insulation on  
12 pipes and boilers also?

13 A. Yes, uh-huh.

14 Q. Were you around that work?

15 A. To some degree.

16 Q. And were you around boilers a fair amount of  
17 the time while you were working at River Bend between '57  
18 and '59?

19 A. Yes.

20 Q. Were you around boilers as much as 75 percent  
21 of the time while you were there between '57 and '59?

22 A. Not as much as 75 percent, no.

23 Q. Would you say more than 50 percent?

24 A. Probably, yes.

25 Q. At the Allen Steam Plant between 1971 and

1 1973, you were the plant manager?

2 A. Yes.

3 Q. I take it that means you were in charge of  
4 the whole plant.

5 A. That's right.

6 Q. By the way, do you know Bill Kenzie?

7 A. Yes.

8 Q. Is he still at River Bend?

9 A. Last time I heard he was.

10 Q. And what is his title?

11 A. He was assistant -- let's see, wait a minute.  
12 I'm not sure what he is now.

13 Q. Is he plant manager for maintenance?

14 A. He was -- yeah, I think that's right. That  
15 was the last title that I was familiar with,  
16 maintenance -- superintendent of maintenance is what it  
17 was.

18 Q. Was he at River Bend when you were there in  
19 1957?

20 A. No.

21 Q. At any of the other plants: The Allen Steam  
22 Plant from '71 through '73, and any of other plants that  
23 you worked at between 1959 and 1982, was there new  
24 construction work going on that involved insulation?

25 A. Are you talking about just steam units now?

1 Q. Yes, sir.

2 A. If you're talking about just steam units,  
3 we -- let's see, new units from '57, you say?

4 Q. From '59 because that's -- '57 was River  
5 Bend. So after River Bend in '59, were you around any  
6 new construction of any units?

7 A. Let's see, well, the Allen units were brought  
8 on -- yes, Allen units.

9 Q. And those --

10 A. And Marshall also.

11 Q. How many units were being built at Allen when  
12 you were there?

13 A. Oh, they were already built when I was at  
14 Allen. They were already completed. They were built in  
15 the '60s, early '60s.

16 Q. I'm sorry. I thought I asked you whether  
17 there was new construction involving insulation going on  
18 at any of these plants. I thought you were going to tell  
19 me about the plant that was being built while you worked  
20 there.

21 A. I misunderstood your question. I'm sorry.

22 Q. Let me rephrase it. After 1959 at any of the  
23 plants where you worked, was there new construction of a  
24 unit going on, steam unit?

25 A. And let me qualify my answer because after



1 1959, my responsibilities included working in a number of  
2 plants on an ongoing basis. I was not -- I was not  
3 stationed at a particular plant, but I had  
4 responsibilities at a number -- well, really all of the  
5 plants. So during that period of time, I did work some  
6 at Allen when those units were under construction in the  
7 early '60s. Does that --

8 Q. Yes, sir. That's what I was asking.

9 A. -- clarify my answer?

10 Q. I think you mentioned Marshall. Was there  
11 new construction going on with Marshall when you worked  
12 there?

13 A. Yes. Well, it -- yes, new construction was  
14 going on, and I worked to some degree at Marshall while  
15 that new construction was going on.

16 Q. So is it fair to say that you were at both  
17 Allen and Marshall at some period while they were doing  
18 new construction?

19 A. At some period, yes.

20 Q. Were they doing any insulation work at the  
21 time that you were at either of those plants?

22 A. Yes.

23 Q. Do you know any of the products that were  
24 being used at either of those plants while you were  
25 there?

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1           A.       The same products we talked about before was  
2 what was pretty much being utilized in those units.

3           Q.       Now, I believe you mentioned that you are  
4 familiar with some combustion turbines --

5           A.       Yes.

6           Q.       -- manufactured by Westinghouse at the Lee  
7 and Dan River Plants?

8           A.       Lee and Dan River, yes.

9           Q.       Which ones of those were put in first?

10          A.       Lee.

11          Q.       What year?

12          A.       As I recall, 19 -- it began in 1968.

13          Q.       How many units?

14          A.       Three.

15          Q.       Those were 301 frame?

16          A.       W301s.

17          Q.       You weren't actually stationed at Lee, but  
18 you were in and out of Lee as part of your overall  
19 responsibilities. Is that fair to say?

20          A.       Yes. But I spent a fair amount of time at  
21 Lee because I was given the responsibility as the  
22 start-up engineer or coordinator, if you want to call it  
23 that, for those units from the general office and  
24 assisting and helping the stations in the overall start  
25 up of these units.





1 Q. Were you at Lee when these units came in?

2 A. Yes.

3 Q. When they were shipped in?

4 A. You mean -- well, they were shipped in in  
5 various pieces. I mean, they -- I wasn't there every day  
6 that a section of the components came in, no. But I was  
7 there a large amount of the time when they were being  
8 assembled, when the unit was constructed.

9 Q. Were those units outdoors when they were  
10 being constructed?

11 A. Well, the answer to that is yes and no. They  
12 were -- they started the construction of the unit and  
13 that was ongoing to a certain point. Then the building  
14 was built around the units. So it's kind of hard to say.  
15 The unit wasn't just constructed and then later on  
16 several months down the road the building was put up over  
17 it. They were --

18 Q. Were they all three in the same building?  
19 I'm sorry, I didn't mean to cut you off.

20 A. No, that's all right.

21 Q. Were they all three in the same building?

22 A. No, separate building.

23 Q. There's a separate little building for each  
24 turbine, right, and it's just like a little building like  
25 a metal garage or something or one of these metal tool



1 sheds that you go out and buy that just covers that unit.  
2 Is that fair to say?

3 A. These were a little bit larger than  
4 Westinghouse standard because we had a crane in each one.  
5 So they were a little bit higher buildings than normal.

6 Q. Was there an architect engineer of any type  
7 involved in the erection of those three gas turbines?

8 A. Duke Power did the site engineering, which  
9 involved things like fuel and electric distribution of  
10 the power transformers and that sort of thing.  
11 Westinghouse was responsible for the package, complete  
12 package.

13 Q. Who actually put it together?

14 A. To my recollection, Duke Construction.

15 Q. Duke Power had its own engineering department  
16 obviously, though?

17 A. Yes, at that time.

18 Q. Do you know if Duke Power engineers sent  
19 specifications to Westinghouse for those gas turbines?

20 A. Yes, sir.

21 Q. Duke told Westinghouse what it wanted them to  
22 build and they built them and sent it to them, correct?

23 A. I think it was more that Westinghouse -- Duke  
24 went out for bids on combustion turbines for so much  
25 capacity, and Westinghouse bid 301 units to meet the

1 capacity that Duke needed.

2 Q. As part of Duke's bid, would it put out  
3 specifications for what it was looking for and then  
4 various manufacturers like Westinghouse and General  
5 Electric would send in the unit that they thought would  
6 meet those Duke specifications?

7 A. Well, you have to define specifications a  
8 little more specifically because it -- as I recall, the  
9 Duke specification indicated that they were looking for  
10 this much capacity and et cetera. To my recollection, it  
11 was a pretty general specification and not as detailed as  
12 one for a steam turbine, for instance. And they were  
13 just looking for blocks of peaking power. Then  
14 Westinghouse quoted -- made their quote to meet that  
15 requirement. Did I answer your question?

16 Q. Yes, sir. And let me go back and ask for  
17 clarification of a term you used because I'm not sure the  
18 jury will understand. Blocks of peaking power, does that  
19 mean the gas turbines were used to bring the overall  
20 power rating of the utility up to a certain point to  
21 supplement what the steam turbines were doing?

22 A. Yes. It would be -- they would be used just  
23 to meet those periods of a day when the power was very  
24 high and we needed that additional boost of power. And  
25 generally, that occurred in the spring -- excuse me -- in

1 the summer or the winter.

2 Q. In the early morning and late afternoon?

3 A. When you have extremely high temperatures or  
4 extremely low temperatures.

5 Q. So these turbines are not operated in as  
6 continuous a manner as the steam turbines are?

7 A. That's correct.

8 Q. Are you familiar with the insulation system  
9 on these three gas turbines at the Lee Power Plant?

10 A. Yes.

11 Q. Were they insulated entirely with blankets?

12 A. No. They had block insulation, block and  
13 some pipe insulation you had to take off from the turbine  
14 that -- pipe connections and things.

15 Q. Did an outside contractor do the insulation  
16 work on those?

17 A. I don't recall.

18 Q. Do you have a specific recollection of having  
19 been present when someone was doing the insulation work  
20 on the three gas turbines at Lee Power Plant?

21 A. I was there when that work was going on, yes.

22 Q. How long did it take them to insulate each  
23 one of those units?

24 A. I can't give you an estimate on that. I have  
25 no idea.

1 Q. Did they do one unit, get it up on-line and  
2 then build a second unit and then the third unit, or did  
3 they do them concurrently?

4 A. They were done concurrent to some degree, in  
5 that, the first unit they were working, obviously, to get  
6 one unit at a time. And as I recall there was about a  
7 one month or maybe a two-month interval between the units  
8 when they were scheduled to come into service. So you  
9 had a -- one unit was essentially completed, the next  
10 unit might be two-thirds completed, and the third unit  
11 might be one-third completed as an example. They were in  
12 various stages.

13 Q. Did they do the insulation work all at once,  
14 or did they do it --

15 A. It was done on the individual unit.

16 Q. So you'd insulate number one and then a  
17 couple of months later you'd insulate number two and then  
18 number three?

19 A. Yeah, whatever is scheduled, yes.

20 Q. And you don't have a recollection at all of  
21 how long that insulation work took?

22 A. No, I don't.

23 Q. What's the cylinder size on one of those  
24 301s?

25 A. Cylinder size?



1 Q. In other words, about how long would it be?

2 A. You're talking about the turbine compressor?

3 Q. The area that's insulated.

4 A. Well, parts of the compressor even were  
5 insulated because you've got -- that air gets pretty hot.  
6 I'd say 25 to 30 feet for the compressor and the turbine.

7 Q. If you're looking at the unit from left to  
8 right, it's your testimony that 25 to 30 feet of that  
9 unit was insulated?

10 A. Yes.

11 Q. You're not talking about square feet?

12 A. Square feet, no. I'm talking about the  
13 length. You asked about the length, did you not?

14 Q. Yes. Is it your testimony that you have a  
15 recollection of being there the entire time they were  
16 insulating each one of those three units?

17 A. No. Not the entire time, no.

18 Q. Is it your testimony that you generally  
19 recall being around at some point while they were doing  
20 some insulation work on those three new units?

21 A. Yes.

22 Q. Any idea how much time you spent?

23 A. No idea.

24 Q. Is it fair to say that you didn't just stand  
25 there and watch them insulate. You were in and out while



1       they were doing insulation work?

2           A.       That's fair to say.

3           Q.       Are you able to tell me how many days maybe  
4       that you --

5           A.       No, I can't.

6           Q.       And was there any particular time that you  
7       stood there and just watched them as opposed to just  
8       passing by while they were doing the work?

9           A.       I'm sure there were times that I was there  
10       when other things were going on other than insulation. I  
11       was checking into or observing other work, not insulation  
12       work, but other work that was going on that I needed to  
13       find out about.

14          Q.       By the time they got to the point of applying  
15       the insulation to the unit, was it otherwise ready to  
16       operate?

17          A.       No. A lot of times they would be putting on  
18       insulation when we were doing -- I say we, when the  
19       workmen were doing other things. So it was kind of a ...

20          Q.       Is it fair to say that during the process of  
21       installing one of these, that the insulation work was  
22       generally done towards the end of the process?

23          A.       Toward the end of the process, yes.

24          Q.       Any idea how long it takes to install one  
25       unit from start to finish?

1 A. I do not specifically recall now.

2 Q. Well, is it fair to say that it's a whole lot  
3 less complicated than putting up steam turbines?

4 A. It's a lot less than a steam turbine, yes.

5 Q. Is it fair to say that it's a matter of weeks  
6 to put in one?

7 A. At that time, it was months, but you can do  
8 it now with much less -- with modern units, in much less  
9 time.

10 Q. Was any of the insulation already installed  
11 on any of the three units at Lee when the unit came in?

12 A. I don't recall having seen any already  
13 installed.

14 Q. Do you know who supplied the insulation that  
15 was eventually put on the units, the three gas units?

16 A. I do not.

17 Q. You never saw any insulation come in with the  
18 turbine parts, did you?

19 A. No. No, I didn't.

20 Q. Do you know whether an outside contractor did  
21 the insulation work on those three units as opposed to  
22 Duke Power worker?

23 A. Yeah, I understand what you're saying. I  
24 don't know.

25 Q. Does Covil, C-o-v-i-l, Insulation Company

1 ring a bell to you?

2 A. Yes.

3 Q. Did Covil do some work at some of the Duke  
4 Power Plants?

5 A. They did.

6 Q. Do you know if they did the work on the Lee  
7 gas turbines that we've been talking about?

8 A. I don't know specifically that they did.  
9 They could have, but I don't know specifically that they  
10 did.

11 Q. Do you know what brands of insulation Covil  
12 used, for example, who they were a distributor for?

13 A. I don't recall.

14 Q. How about the name North Brothers? Does that  
15 ring a bell to you as an insulation contractor?

16 A. I do recall that name, having heard that  
17 name, yes.

18 Q. Do you have a specific recollection of any  
19 power plant owned by Duke Power where North Brothers may  
20 have done the work?

21 A. No, I don't.

22 Q. How about Dan river? How many gas units were  
23 at Dan River?

24 A. The same number, three.

25 Q. What year or years were those installed?



1           A.       They were after the completion of the three  
2       Lee units, as I recall, the very next year.

3           Q.       1969?

4           A.       Yes.   Part of that work at Dan River, I  
5       believe, did overlap the last unit at Lee.   For instance,  
6       they were doing some work on Dan River before Lee was --  
7       all three units at Lee were completed.

8           Q.       Is it fair to say you weren't at both places  
9       at the same time so you didn't --

10          A.       Not on the same day.

11          Q.       This is during the period of time when you  
12       were traveling among the plants, right?

13          A.       Yes.

14          Q.       Any particular order -- or how did you decide  
15       which plant to go to on a given day?

16          A.       On a given day, well, it depended to a large  
17       extent on outage schedules, when units were out of  
18       service for maintenance.   At that time, particularly  
19       boiler maintenance, which was what I was concerned with  
20       in the '60s, primarily.   But it also included items of  
21       equipment, like, boiler feed pumps which were insulated  
22       also.

23                    I didn't answer your question specifically.  
24       But the outage schedule was one of the main factors.   The  
25       Lee and Dan River units were a primary responsibility

1       that I had to oversee so I visited those sites  
2       frequently.

3           Q.       Were you at those sites because of outage  
4       work that was being done on boilers?

5           A.       Yes.   That in addition to combustion  
6       turbines, yes.

7           Q.       Was there someone who was responsible for the  
8       oversight of the turbines like you were for the boilers?  
9       During outages, would you have another engineer who was  
10      responsible for that?

11          A.       There was an engineer in the general office,  
12      yes.

13          Q.       Who was that?

14          A.       At one point in time that was W.F. Lark.

15          Q.       Could you spell the last name, please.

16          A.       L-a-r-k.

17          Q.       And he was responsible for turbine  
18      maintenance or turbine outages?

19          A.       Yes.

20          Q.       During the '60s when you would go to outages  
21      involving boilers, would you be around insulation work  
22      done on those boilers?

23          A.       Primarily my work around boilers involved  
24      international inspection of the boilers, which meant  
25      going inside the boilers.   At times, yes, the skin

1 casing, as we called it, of the boilers would be removed  
2 and the insulation would be removed from the outside. I  
3 would be present at times like that.

4 Q. Let me make sure I got this right about Dan  
5 River. You don't know where any of the insulation came  
6 from that was put on the turbines at Dan River, do you?  
7 I'm sorry, at Lee.

8 A. Are you talking about the combustion  
9 turbines?

10 Q. Yes, sir.

11 A. I do not specifically recall that.

12 Q. Over to Dan River, the three gas units there,  
13 were they also size 301s?

14 A. Yes, uh-huh.

15 Q. Were they insulated in the same manner as the  
16 ones at Lee?

17 A. Yes, they were.

18 Q. Would your testimony be the same about how  
19 long it took to insulate it, that is, you don't  
20 specifically recall?

21 A. Yes.

22 Q. And is it fair to say that you weren't  
23 specifically there to supervise the insulation work so  
24 you weren't there every day that insulation work was  
25 going on?





1 A. Not every day, no.

2 Q. And the insulation work that you saw would be  
3 incidental to your being there for some other purpose?

4 A. Yes.

5 Q. Are you able to tell me how many days that  
6 you were there that you recall somebody doing some  
7 insulation work on one of those new turbines at Dan  
8 River?

9 A. No, I can't recall that.

10 Q. Do you recall whether insulation work was  
11 done before or after the building was erected? Could it  
12 have been one way or the other?

13 A. No. I'm positive that the building was  
14 completed before the insulation work was completed.

15 Q. Do you have a recollection of how many people  
16 would have been working on insulation of one of those  
17 turbines at a time?

18 A. No.

19 Q. I'm taking it there wasn't a whole lot of  
20 room in the building. Is that fair?

21 A. No, you can't get a lot of people around  
22 them, no. That's true.

23 Q. Is it fair to say that you can't get more  
24 than two or three people in there at a time working on  
25 the turbine?

1 A. You can get more than two or three, yes.

2 Q. You don't have a specific recollection of how  
3 many people were involved in the insulation of any one of  
4 the units?

5 A. No, I don't.

6 Q. At the Dan River Plant with those three gas  
7 turbines, do you have any idea where the insulation came  
8 from that was used on them? I asked you that for Lee.

9 A. No, I don't.

10 Q. Do you have any idea of whether it was an  
11 outside contractor versus Duke Power that did the work?

12 A. No. I don't remember that either.

13 Q. And what year did you retire from Duke Power?

14 A. 1989.

15 Q. And you retired on service, that is, you  
16 didn't retire on any type of disability?

17 A. No disability.

18 MR. HAINES: Robert, is this a good  
19 time for a break? Are you in a transition point here?

20 MR. THACKSTON: Sure.

21 MR. HAINES: Let's take a break.

22 MR. THACKSTON: By the way, let me  
23 know any time you want to take a break.

24 (A break was taken.)

25 BY MR. THACKSTON:

1 Q. Mr. D'Amico, as you sit here today, do you  
2 have some medical complaints?

3 A. Yes. I have, over a period of time, had some  
4 discomfort, I guess, is the best way to describe it, in  
5 my chest area. At times it feels like it's kind of a  
6 lump down in there and it's very uncomfortable.

7 I have -- I do get into spells where I cough  
8 for no reasons that I know. And these seem to be  
9 increasing as time goes on for the last several years.

10 Q. When's the first time you went to see a  
11 doctor about any cough or anything to do with your  
12 breathing or lungs?

13 A. That would be 1993.

14 Q. What doctor was that?

15 A. My personal physician, Dr. O'Bar.

16 Q. How do you spell that?

17 A. O apostrophe, capital B-a-r.

18 MR. THACKSTON: Off the record.

19 (Off-the-record discussion.)

20 BY MR. THACKSTON:

21 Q. You went to see Dr. O'Bar in 1993. Did he  
22 refer you to anyone?

23 A. Well, I had determined -- I had heard of some  
24 cases where some people that I knew very well that I had  
25 known and even worked close to in plants around the

1 system, had become sick, had developed cancer, you know,  
2 and then determined that this was due to asbestos  
3 exposure, asbestosis. At that point, you know, the point  
4 that I went to Dr. O'Bar, I became concerned myself. I  
5 simply wanted to know were these things that I was  
6 experiencing related to that and did I have any type of a  
7 problem like that.

8 MR. WHITTEN: Object as  
9 nonresponsive.

10 MR. THACKSTON: Move to strike that  
11 as nonresponsive.

12 THE WITNESS: Okay.

13 MR. HAINES: Don't worry about it.

14 BY MR. THACKSTON:

15 Q. I don't have a problem with your answer.  
16 It's just objectionable. Sorry about that.

17 A. Okay.

18 Q. Are you a member of any Duke Power retiree  
19 program or group?

20 A. Huh?

21 Q. Is there a Duke Power retiree group that  
22 you're a member of?

23 A. Duke Power retiree group? There is such a  
24 group, yes.

25 Q. Do you ever have retiree meetings?



1 A. Yes. I have not attended those.

2 Q. Did you say in that answer just now that I  
3 moved to strike that you did go see another doctor after  
4 Dr. O'Bar?

5 A. I thought we struck that answer?

6 Q. I think we will. I'm just trying to figure  
7 out whether there was a doctor somewhere in there.

8 MR. HAINES: He wants to use parts of  
9 it.

10 BY MR. THACKSTON:

11 Q. Did he refer you to another doctor?

12 A. Well, I did have a CT scan, and that was  
13 referred to Dr. Landis for evaluations.

14 Q. Who sent you to Dr. Landis?

15 A. That was -- I had spoken to counsel  
16 concerning the results of my asbestos. And Duke Power  
17 referred me to Dr. Landis.

18 Q. Did --

19 A. Excuse me -- my -- my --

20 Q. Your lawyer referred you to Dr. Landis?

21 A. Yes.

22 Q. Your lawyer being Mona Lisa Wallace?

23 A. Yes.

24 Q. In Salisbury, North Carolina?

25 A. Yes.

1 Q. And did you go see Mona Lisa Wallace before  
2 you went to see Dr. O'Bar?

3 A. No.

4 Q. Does Mona Lisa Wallace represent one of your  
5 friends that worked at Duke Power?

6 A. Well, I have no direct knowledge of that.

7 Q. I'm just trying to figure out how you found  
8 Mona Lisa Wallace from Salisbury when you live down in  
9 Mooresville.

10 A. Well, I heard that she -- her law firm was  
11 handling cases of that type.

12 Q. Did you file a workers' compensation claim  
13 against Duke Power?

14 A. Yes.

15 Q. Have you received some settlement in that  
16 claim?

17 A. Yes.

18 Q. Have you also filed a direct action against  
19 Duke Power? Do you understand the difference between the  
20 workers' compensation claim and a lawsuit against Duke  
21 Power?

22 A. I'm not -- I don't -- I'll have to ask my  
23 counsel.

24 MR. HAINES: You'll probably have to  
25 ask Mona Lisa actually.

1 THE WITNESS: I'm not sure about that  
2 difference.

3 MR. HAINES: That's okay.

4 BY MR. THACKSTON:

5 Q. You're not aware of having directly sued Duke  
6 Power?

7 A. No. I'm not aware of that, no.

8 Q. And Mona Lisa Wallace sent you to Dr. Landis.  
9 Did Dr. Landis send you a report after examining you?

10 A. Yes, he completed a report.

11 Q. Did you get a copy of that report?

12 A. Yes, I did.

13 MR. THACKSTON: Let me get this  
14 marked as Defendant's No. 1 and show you that.

15 (Defendant's Exhibit No. 1 was  
16 marked.)

17 BY MR. THACKSTON:

18 Q. Is that the report that Dr. Landis sent you?

19 A. Yes, uh-huh.

20 Q. And as part of the examination, did  
21 Dr. Landis or someone from his office sit down and take  
22 from you a personal history?

23 A. Yes, he did. I don't recall who specifically  
24 did it, but I was asked questions.

25 Q. Did the questions include questions about



1 your work history?

2 A. It did. It did include work-related  
3 questions.

4 Q. And did you describe to someone from  
5 Dr. Landis' office the exposure to asbestos that you  
6 thought that you'd experienced during your career?

7 A. In a general way, yes. He didn't ask a lot  
8 of specific questions.

9 Q. Other than Dr. Landis, have you been to  
10 anyone about anything to do with your chest?

11 A. Duke Power referred me to Dr. Kelling in  
12 Concord.

13 Q. Kelling?

14 A. I think it's spelled K-e-l-l-i-n-g.

15 Q. What type of doctor is Dr. Kelling?

16 A. He's a specialist in the same area of  
17 respiratory/pulmonary. It's very similar to Dr. Landis.  
18 He's very well known and very well respected.

19 Q. Did you understand Dr. Landis to tell you  
20 that your pulmonary function tests were normal?

21 A. No, I didn't understand that. Oh, okay. I  
22 misunderstood your question. The pulmonary -- the  
23 breathing --

24 MR. HAINES: He's talking about the  
25 breathing test.

1 THE WITNESS: The breathing part of  
2 it. I'm sorry.

3 MR. HAINES: That's okay.

4 BY MR. THACKSTON:

5 Q. So the breathing test, the pulmonary function  
6 tests, did you understand Dr. Landis to tell you that  
7 they were normal, they came back normal?

8 A. It was pretty much normal with a little bit  
9 of restriction or -- I forgot his terminology there.

10 Q. Did you understand Dr. Landis to tell you  
11 that you didn't need any further pulmonary treatment or  
12 diagnostic measures?

13 A. Yeah.

14 Q. Now, you have had some throat problems,  
15 haven't you?

16 A. Yes -- what, throat problems?

17 Q. Yes, sir, throat surgery.

18 A. Oh, oh, okay. That's a different --

19 Q. Yeah, way back, way back.

20 A. No, it wasn't that far back, but --

21 Q. I've got 1988 here.

22 A. Yes. What is your question concerning that?

23 Q. What was the nature of your throat surgery?

24 A. I had -- at one time I had my palate  
25 shortened, my tonsils removed and some restrictions in my

1 nasal passages cleared up. I had a sleep apnea problem.

2 Q. Can you tell me what that means in layman's  
3 terms?

4 A. Okay.

5 Q. Maybe those are laymen's terms, but they're  
6 not layman enough for me.

7 MR. HAINES: He snored a lot.

8 A. Well, that, too. That's one of the symptoms,  
9 but sleep apnea is when you sleep for very, very short  
10 intervals and wake up. You're constantly doing this all  
11 night long. The problem is, that for periods of time and  
12 usually it's in seconds, you're not breathing and it can  
13 be a very dangerous thing.

14 Now, I had a very mild case of it. Mine was  
15 not a real significant thing. More people have sleep  
16 apnea than they realize. If you have a bad snoring  
17 problem, then you might have sleep apnea.

18 BY MR. THACKSTON:

19 Q. I'll check into that.

20 A. You might want to do that.

21 Q. I've been told I snore. Are you currently  
22 receiving any type of treatment at all for any problems  
23 related to your lungs or your breathing?

24 A. Not current ongoing treatment, other than I  
25 plan to have regular checkups.

1 Q. Have you had regular checkups throughout your  
2 life for just general health reasons?

3 A. Yeah, on some frequency.

4 Q. How long has Dr. O'Bar been your family  
5 doctor?

6 A. Oh, gee, since the '60s, the early '60s, a  
7 little over 30 years, 32 --

8 Q. Do you currently have -- I'm sorry. I didn't  
9 mean to cut you off.

10 A. Thirty-two years.

11 Q. Do you currently have an appointment to see  
12 any doctor?

13 A. Not currently, no.

14 Q. Are you seeing any doctor on a regular basis  
15 other than Dr. O'Bar?

16 A. No. May I qualify that answer?

17 Q. Yes, sir.

18 A. I've been really busy building a house this  
19 year and I plan to have another checkup with Dr. Landis.  
20 However, when I found out that we were going to have a  
21 medical exam here, I postponed that, and I'm not going  
22 to. I don't like to have too many x-rays or CT scans  
23 over a period of time. But I plan to follow up with him  
24 about every two years.

25 Q. Follow up with --

1           A.       Dr. Landis. Or more frequently if he feels  
2       it's necessary.

3           Q.       I see in your answers to interrogatories it  
4       says something about your smoking history but it's not  
5       attached. Have you ever been a smoker?

6           A.       I smoked for a period of time when I was at  
7       Georgia Tech for a few years.

8           Q.       Would that be 1951 to 1954?

9           A.       I didn't really start as soon as I got to  
10      Tech. It's all in the history there.

11          Q.       Well, this says 1954 to 1957.

12          A.       Yeah. I started when I was at Tech and then  
13      I continued for a short period after I started work.

14          Q.       And you admit that you inhaled?

15          A.       I -- you're not going to believe this, but I  
16      really didn't. I couldn't stand to inhale. It bothered  
17      me to inhale.

18          Q.       Your answers to interrogatories says you did  
19      inhale. Seems to me I recall a famous person that says  
20      they didn't inhale. That wasn't cigarettes, though, was  
21      it? And you smoked Chesterfield?

22          A.       Yeah.

23          Q.       Chesterfield was unfiltered cigarettes,  
24      right?

25          A.       Yeah. At the time most of them were



1 unfiltered.

2 Q. Since 1957 when you quit smoking cigarettes,  
3 have you smoked tobacco of any sort, pipes or cigars?

4 A. I mention this: I have smoked some pipes.  
5 That was at Tech, and I didn't smoke any -- it was just a  
6 very small amount. It was more, you know, a fad than it  
7 was anything else. And occasionally during that period  
8 of time a good friend would have a baby, and I might  
9 smoke a cigar. That was very unusual. It probably  
10 wouldn't be more than one a year or something like that.

11 Q. You mentioned that you were busy recently.  
12 You didn't go to the doctor because you were busy  
13 recently on this house project.

14 A. Yes.

15 Q. Is this something that you were supervising  
16 or doing yourself?

17 A. Oh, I was just kind of general oversee -- no,  
18 I had a general contractor. I just wanted to be there to  
19 make sure that not too many problems went undetected.

20 Q. Is this a two-story house or one story?

21 A. It's basically a single level with a partial  
22 basement.

23 Q. Are there any activities that you can't do  
24 today that you could do, say, in 1988?

25 A. Well, I do notice that when I'm particularly





1 doing things, as an example yard work, that I do get a  
2 little bit short of breath and a little bit tired a  
3 little bit quicker.

4 Q. How big is your yard?

5 A. It's about 100 by 200 or something like that,  
6 about two-thirds of an acre.

7 Q. Do you mow it with a push mower?

8 A. Yeah. I haven't had much grass to mow yet.  
9 It's a brand new lawn.

10 Q. You do the other yard work yourself, the  
11 trimming and cutting and that type of stuff?

12 A. I will be doing it, yes.

13 Q. Just you and your wife live there?

14 A. Yes.

15 Q. As an engineer are you a member of any  
16 professional organizations?

17 A. I'm a member of ASME.

18 Q. Association of --

19 A. American Society of Mechanical Engineers,  
20 yes.

21 Q. Do they have a regular publication?

22 A. Yes.

23 Q. What's the name of that publication?

24 A. Mechanical Engineer I believe it is.

25 Q. Have you been a regular recipient of that

1 since you graduated from Georgia Tech?

2 A. Yes.

3 Q. When was the first time that you realized  
4 that breathing excessive levels of asbestos could be  
5 hazardous to your health?

6 A. As I -- my best recollection would be in the  
7 early '80s.

8 Q. You never saw anything in that digest or in  
9 any other publications regarding the hazards of asbestos  
10 until the early '80s?

11 A. I'll have to be honest and say I really  
12 didn't read the ASME magazine all that much. I would  
13 generally scan it and if there was an article or two in  
14 there that was of interest, I would read it. I didn't  
15 take it and read it like a normal magazine, and, no, I  
16 didn't see any articles about it.

17 Q. You retired again in what year?

18 A. '89.

19 Q. Was there a time during your career prior to  
20 your retirement in 1989 that Duke Power apprised you that  
21 breathing precautions needed to be taken around certain  
22 activities involving asbestos?

23 A. Duke Power came out with a respiratory  
24 protection program that included that, yes.

25 Q. What year was that?

1 A. I don't -- do not recall the specific year.

2 Q. Was it the 1970s?

3 A. My best recollection is it was in the early  
4 '80s.

5 Q. You testified earlier about safety meetings,  
6 I think, early on when you were in the co-op program.  
7 During the rest of your career at Duke Power, were there  
8 regular safety meetings in the departments in which you  
9 worked?

10 A. Yes, uh-huh.

11 Q. And how often were those meetings held?

12 A. They varied. In the plants, it was attempted  
13 to be held on a monthly basis, but it was -- it was --  
14 with activities going on, it really wasn't, you know, all  
15 quite that regular. In general office, when I was in  
16 general office positions, it was a little bit less  
17 frequent, perhaps on the order of once every two or three  
18 months.

19 Q. Do you recall any dust hazards ever being  
20 discussed at any of the Duke Power safety meetings?

21 A. Yes, I'm sure they were.

22 Q. Do you recall asbestos being discussed at any  
23 of the Duke Power safety meetings?

24 A. Yes. I think asbestos -- I'm sure asbestos  
25 was discussed.



1 Q. Was that in the 1970s or 1980s?

2 MR. HAINES: Objection, asked and  
3 answered. He's already stated his first knowledge of the  
4 hazards of asbestos were in early '80s.

5 MR. THACKSTON: Well, it's a little  
6 bit different question.

7 BY MR. THACKSTON:

8 Q. I'm asking about whether you recall Duke  
9 Power discussing asbestos at all in any of its safety  
10 meetings in the 1970s or in the 1980s?

11 A. My best recollection is it was the early  
12 '80s.

13 Q. Are you familiar with whether Duke Power had  
14 an official or an employee of any sort in charge of OSHA  
15 regulations or compliance with OSHA regulations?

16 A. That was -- yes, there was a group in the  
17 '80s that was responsible for that.

18 Q. Is it your recollection that in the 1970s  
19 that Duke Power had no one responsible for compliance  
20 with OSHA regulations?

21 A. No. They -- I can't -- restate your  
22 question, please.

23 MR. THACKSTON: Could you read it  
24 back, please, ma'am.

25 (The reporter read back the

1 requested text.)

2 MR. HAINES: If you know.

3 A. I'm trying to see -- the way you phrase that  
4 question, I'm not sure.

5 BY MR. THACKSTON:

6 Q. Well, let me rephrase it. Did Duke Power  
7 have anybody in charge of compliance with OSHA  
8 regulations in the 1970s?

9 A. Yes, I believe they did.

10 Q. Do you know who that person or department  
11 was?

12 A. It would have been the safety group.

13 Q. Do you know the name of anyone in the safety  
14 group in the 1970s?

15 A. There were a lot of personnel changes in and  
16 out of the safety area.

17 Q. If you don't know anybody from the 1970s,  
18 could you give me a name from the 1980s of someone from  
19 the safety group?

20 A. 1980s would be Wayne Eidson.

21 Q. What was the last name? I'm sorry.

22 A. Eidson, E-i-d-s-o-n.

23 Q. Do you know what his title was?

24 A. I don't -- I don't -- I can't remember his  
25 exact title.

1 Q. Was the safety group a corporate wide  
2 organization above all the plants?

3 A. It was a group within the fossil production  
4 department that made -- that worked with the stations in  
5 safety areas.

6 Q. Do you know when that group was first  
7 created?

8 A. I do not recall a specific date.

9 Q. From 1971 to 1973, you were the plant manager  
10 at Allen, right?

11 A. Yes.

12 Q. Does that mean you were the number one person  
13 at the Allen Plant?

14 A. I was responsible for the overall operation  
15 of the plant, yes.

16 Q. Did that responsibility include the  
17 responsibility for the safety of the workers at the  
18 plant?

19 A. Yes.

20 Q. Were you aware of OSHA regulations that came  
21 into effect during that time period regarding asbestos  
22 levels that were permissible to work around?

23 MR. HAINES: Objection, assumes facts  
24 not in evidence.

25 BY MR. THACKSTON:

1 Q. You can answer the question.

2 A. I really don't recall that.

3 Q. So you don't have any recollection of any  
4 time between 1971 and 1973 of Duke Power letting you know  
5 that there were any OSHA regulations regarding airborne  
6 asbestos levels?

7 MR. HAINES: Objection, asked and  
8 answered.

9 BY MR. THACKSTON:

10 Q. Is that a fair summary of what you told me?

11 A. Yeah.

12 Q. At any time during your career, did you ever  
13 know any Westinghouse employees by name?

14 A. Yes, I knew some.

15 Q. Could you tell me who?

16 A. I knew that was going to be the question.

17 Q. Wouldn't do me much good to know that you  
18 knew them unless you told me their names.

19 A. I can't right now. I can't. I'm drawing a  
20 blank.

21 Q. Well, some of these other lawyers are going  
22 to have some questions for you. If you think of a name,  
23 would you just tell me.

24 A. I'll probably come up with a name here in a  
25 few minutes.





1 Q. Mr. D'Amico, that's all I have for right now.  
2 Thank you very much.

3 A. Okay.

4 THE REPORTER: Are you going to put  
5 some agreements on the record?

6 MR. HAINES: The usual agreements?

7 MR. THACKSTON: Well, we'll agree  
8 that this deposition is taken subject to the Texas Rules  
9 and all objections except to the form of the question and  
10 responsiveness of the answer are waived until the time of  
11 trial.

12 I will state my preference that the  
13 witness read this deposition and sign it, but that's up  
14 to his lawyer as to their recommendation.

15 MR. HAINES: The Plaintiff will waive  
16 signature on the deposition. And one objection by any  
17 defense counsel present is good for any other counsel  
18 present.

19 MR. THACKSTON: Sir, you understand  
20 that your counsel told us that you're waiving signature,  
21 but you understand that once she types this up, she'll  
22 have a transcript and you have the right to go back and  
23 review that transcript to see if there are any errors  
24 made in the transcription of it.

25 THE WITNESS: Okay.

1 MR. THACKSTON: And you have a right  
2 to sign it, but your counsel is advising you to waive  
3 that right. I just want you to understand on the record  
4 that you have that right because this transcript can be  
5 used at trial and you'll have an opportunity to see it  
6 between now and then if your counsel decides you should.

7 THE WITNESS: Okay.

8 MR. HAINES: Are you doing all right?  
9 Some of these other lawyers are going to have questions  
10 as well.

11 THE WITNESS: Okay.

12 MR. HAINES: Mr. Thackston is done  
13 for a little bit.

14 CROSS-EXAMINATION

15 BY MR. TOUPS:

16 Q. Sir, I have a few questions for you. I want  
17 to go back to your medical history for a moment. It says  
18 here on your interrogatories that you were treated for a  
19 condition call colitis back in 1936. Does that sound  
20 right?

21 A. Yes, yes. You'd be surprised I do remember  
22 that.

23 Q. Tell me what that is.

24 A. Not only the amount of discomfort I had.  
25 It's some sort of disease or condition of the intestine,



1 kind of an infection as I understand it. I'm not a  
2 medical person, but as I understand it, it's some sort of  
3 infection. It was diagnosed as that; however, my mother  
4 and a lot of other people didn't think it was. But that  
5 was the medical diagnosis.

6 Q. It looks like you've had some colon  
7 examinations it looks like in the '80s and also in 1991.

8 A. Yes.

9 Q. Have you had any problems with your colon?

10 A. No problems other than just being on this  
11 regular checkup that I have ever three or four years.

12 Q. Has some doctor advised you to be on a  
13 regular check up for your colon?

14 A. Yes, sir.

15 Q. And who would that have been, Dr. O'Bar?

16 A. That was -- O'Bar referred me to  
17 Dr. Mertersdorf who did the first exam, and then he is  
18 the one that recommended that I have follow up about  
19 every three or four years.

20 Q. We talked about Dr. O'Bar earlier as being  
21 your family physician. It says here that he was your  
22 family doctor from '63 to the present time; is that  
23 correct?

24 A. That's correct.

25 Q. You told us that you mentioned your shortness



1 of breath problems to him, I think, in 1993. What my  
2 question is: What other types of things have you seen  
3 Dr. O'Bar for over the years, other than minor colds and  
4 the flu?

5 A. Just primarily minor things, nothing of a  
6 major nature certainly. I did consult with Dr. O'Bar  
7 before concerning my sleep apnea. He was the one that  
8 recommended the surgery -- or recommended the doctor that  
9 I go to -- went to, and I had an evaluation of that.

10 Q. It says here in 1991 you were treated for  
11 dizziness; is that correct?

12 A. Yes.

13 Q. What was the cause of that if you know?

14 A. He never really did give me a definite  
15 answer. He believes it was probably an ear infection,  
16 inner ear infection.

17 Q. Were you placed on any medication?

18 A. And he did give me some medication for that  
19 and it seemed to -- or it did clear it up.

20 Q. As you sit here today, are you on any  
21 medication for any reason at all?

22 A. No. Not on regular basis, no.

23 Q. Have you ever been diagnosed as having any  
24 cancer?

25 A. No.

1 Q. What about bronchitis?

2 A. No.

3 Q. Pneumonia?

4 A. No.

5 Q. Any heart problems?

6 A. Not that I'm aware of.

7 Q. Diabetes?

8 A. No.

9 Q. Emphysema?

10 A. No.

11 Q. Any type of allergies?

12 A. From time to time I have had allergies,

13 primarily it was like cutting grass and different kinds

14 of weeds, you know, as you cut the grass, those kinds of

15 things.

16 Q. We talked about your wife earlier, I believe.

17 Does she work outside the home?

18 A. Not any more.

19 Q. Is she a smoker?

20 A. No.

21 Q. Has she ever smoked?

22 A. No.

23 Q. What type of health is your wife in at the  
24 present time?

25 A. Generally good. She has a high cholesterol



1 problem.

2 Q. And you have two children; is that correct?

3 A. Yes.

4 Q. How is their health?

5 A. Good.

6 Q. Anyone related to you by blood ever been  
7 diagnosed as having cancer?

8 A. I answered that question early. My mother  
9 had cancer many, many years ago, and it was breast  
10 cancer. She had it removed, and she lived for quite a  
11 few years after that.

12 Q. Other than your mother, anyone else?

13 A. No.

14 Q. I apologize if I repeat some things.

15 A. That's all right. That's okay. Sure, I  
16 understand.

17 Q. I kind of got lost with the turbines.

18 A. I think we all did.

19 MR. HAINES: Come on, Ardita, step in  
20 and defend it.

21 THE WITNESS: It's been a long day.

22 BY MR. TOUPS:

23 Q. Did Dr. Landis place you on any type of  
24 physical restriction on any of your activities?

25 A. No.

1 Q. And you said you had an appointment scheduled  
2 in the future with --

3 A. No, I did not have -- I didn't mean to  
4 indicate that. I had planned to make an appointment.

5 Q. I'm talking about tomorrow. Do you have an  
6 examination scheduled?

7 A. Oh, yes, yes, I do have.

8 Q. Who is that with?

9 A. At Richardson. It's Dr. --

10 MR. HAINES: A defense doctor.

11 A. It's up at the little town of Richardson  
12 outside of Dallas. I can't --

13 BY MR. TOUPS:

14 Q. No other appointments scheduled with any  
15 other doctors; is that correct?

16 A. Not at the present time. That's correct.

17 Q. Let's jump back to your employment history  
18 with Duke. I'm going to ask you a few questions. First  
19 of all, you've listed some coworkers that you've worked  
20 with over the years. I'm going to run down the list  
21 right quick, and if any of these folks are deceased, tell  
22 me that and I'll go on to the next one, okay?

23 A. I may or may not know that.

24 Q. That's fine, just let me know.

25 A. Okay.

1 Q. Joe Finley, when did you work with him?

2 A. That was at Lee Steam Station. That was  
3 primarily in the '70s.

4 Q. Did you work side by side with Joe Finley?

5 A. Not side by side, no. I was in the areas  
6 where Joe was working from time to time.

7 Q. How often would that have been, roughly?

8 A. It primarily -- let me answer it this way:  
9 It primarily was when I was at Lee Steam Station to  
10 inspect boilers and work with the people at Lee  
11 concerning their boiler problem.

12 Q. What about T.E. Black?

13 A. He's at Dan River -- was at Dan River. He's  
14 retired.

15 Q. What was his position?

16 A. He was an operator at Dan River.

17 Q. What period of time did you work with him?

18 A. I worked with him as a co-op. He was in  
19 operations and I worked as a co-op in operations.

20 Q. Did you work side by side?

21 A. Yes, I did at that time, as a co-op when I  
22 was doing operating-type work. And over the years after  
23 that, yes, I would be in areas where he was working, but  
24 not on a real frequent basis.

25 Q. What about Fred Hoffman, Jr., where did you

1 work with him?

2 A. River Bend. He was in maintenance and again  
3 it was similar to Joe Finley. When I would go to River  
4 Bend to inspect boilers and work with people there, he  
5 was there.

6 Q. What time period was that?

7 A. That would have been in the '60s and '70s.

8 Q. Jewell Alley, where did you work with him?

9 A. Buck. Again, the same kind of answer as  
10 before. It was primarily concerning the boilers.

11 Q. What was that time period?

12 A. It would be the '60s and in the early '70s.

13 Q. Willie Rhyne, where did you work with him?

14 A. River Bend.

15 Q. And what time period was that?

16 A. In the '60s and '70s.

17 Q. Did you work side by side with him?

18 A. No. The same kind of basis as these other  
19 ones.

20 Q. William Turner, where did you work with him?

21 A. Marshall primarily.

22 Q. And what time period was that?

23 A. That was in the '70s.

24 Q. Did you work side by side with Mr. Turner?

25 A. No. It would be the same basis.

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1 Q. A.S. Homesley?

2 A. Yeah. He at one point in time was  
3 responsible for boilers at River Bend. Again, I worked  
4 with him. He and I would crawl through boilers together,  
5 et cetera. It was very similar to the work with these  
6 other people.

7 Q. What time period was that?

8 A. The '60s.

9 Q. Jimmie Ritchie, where did you work with  
10 Jimmie?

11 A. Same thing, Dan River.

12 Q. And what time period was that?

13 A. The '60s.

14 Q. E.H. Kuntz?

15 A. Bus Kuntz, he was at Buck.

16 Q. What time period was that?

17 A. That was the '60s also.

18 Q. What about Spanky Sellers?

19 A. Lee Steam Station and that was the '60s and  
20 early '70s.

21 Q. Did you work side by side with Spanky?

22 A. The same basis as these others.

23 Q. John Allred, where did you work with John?

24 A. He was at Lee on the same basis.

25 Q. What time period?

1 A. The '60s and early '70s.

2 Q. Keith Hager?

3 A. River Bend and Allen.

4 Q. What time period was that?

5 A. That would include the '50s, '60s and early  
6 '70s.

7 Q. E.B. Cox?

8 A. River Bend and that would include the '50s  
9 and '60s primarily.

10 Q. Did you work side by side with Mr. Cox?

11 A. No. The same basis as these other ones.

12 Q. You've listed some supervisors for us:

13 Hal B. Tucker, is he still alive?

14 A. Yes.

15 Q. During what time period was he your  
16 supervisor?

17 A. Let's see, from '73 to '74 and I think that  
18 was it. Seems like it was more than that.

19 Q. Mr. Powell, when was he your supervisor?

20 A. Let's see, that was at River Bend, '57 to  
21 '59.

22 Q. What about A. W Futrell?

23 A. That was at Dan River. That was 1956.

24 Q. And finally, Mr. Parker, W.O. Parker, when  
25 was he your supervisor?

1           A.       Let's see, 1959 until 1971 and then again  
2       from 1974 -- no wait a minute. Let's see here. Yeah, I  
3       guess it was '74, yes. 1974 until I retired.

4           Q.       It says here on your work history sheet that  
5       you were exposed to some welding fumes. My question to  
6       you is: How often would you have been around welding  
7       operations while you worked for Duke?

8           A.       That would have been primarily, but not  
9       limited to, the interior of the boilers as I was going  
10      inside the boilers with other engineers to inspect the  
11      boilers and the work in progress, while the work was  
12      going on. Guys would be in there doing welding and I  
13      would --

14          Q.       Did you personally ever do any welding?

15          A.       You mean at any time in my life?

16          Q.       Yes.

17          A.       Yes.

18          Q.       Where would that have been?

19          A.       At Georgia Tech I took a welding course.

20          Q.       Did you do any welding out at Duke?

21          A.       No.

22          Q.       What type of welding were they doing at Duke  
23      that you were around?

24          A.       Type?

25          Q.       What type of welding was it? It's my



1 understanding there's different types.

2 A. Yeah.

3 Q. What type were they doing out there?

4 A. It was regular --

5 MR. HAINES: Acetylene?

6 THE WITNESS: No, not acetylene.

7 MR. THACKSTON: Electrical?

8 THE WITNESS: Electric Arc, that's  
9 right. I have to ask and I'm an engineer to come up --

10 BY MR. TOUPS:

11 Q. Were you ever around any type of sandblasting  
12 operations out at Duke?

13 A. Not close to them, no.

14 Q. They had some going on?

15 A. Yes, yes. I was in the plant when that was  
16 going on, but they generally had a separate area for  
17 that.

18 Q. Were those fellows wearing any type of  
19 respiratory protection back when they were sandblasting?  
20 Any paper masks or any type of hoods or cartridge  
21 respirators or anything like that?

22 A. Yes. It was pretty dusty, yes.

23 Q. How far back do you recall them wearing that  
24 type of respiratory protection?

25 A. Oh, gee.

1 Q. Were they wearing it back in the '50s?

2 A. I really can't recall how far back that goes.

3 Q. Do you recollect it as early as the '60s?

4 A. I can't be sure of that. I really can't.

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

6 A. I don't know.

7 Q. Did you ever complain to any of your  
8 supervisors when you worked out at Duke about any dusty  
9 conditions out there?

10 A. Not that I recall.

11 Q. I want to take you back and talk about the  
12 time period 1959 roughly through about 1982. And that's  
13 where it appeared that you went from these different  
14 plants when you were an operating engineer. And limit it  
15 first to '59 to '71 when you were an operating engineer  
16 and production engineer.

17 A. Okay.

18 Q. Did you tell us earlier that you would just  
19 go from plant to plant and you couldn't tell us how much  
20 time you spent at any particular plant?

21 A. No, I really couldn't.

22 Q. Okay.

23 A. Some years it might be a lot more at one  
24 plant than it would at other plants. It depended on the  
25 outage schedule to a large extent, and it varied.



1           Q.       You may have been asked this already. If you  
2 have, I apologize. Tell me what you did as an operating  
3 engineer and production engineer, just briefly tell me.

4           A.       Well, the work was very similar. It was --  
5 an operating engineer -- and there were several of us --  
6 we would be assigned areas of responsibilities in the  
7 plant that we would have responsibility for working with  
8 the engineers in the plant to help solve whatever  
9 problems they were having with that particular type of  
10 equipment. I've already mentioned the boilers. And that  
11 was one of my major responsibilities.

12                   I also at one point had responsibility for  
13 other major pieces of equipment. As an example of which  
14 is boiler feed pumps, which is a very important piece of  
15 power plant equipment. In both of these positions I also  
16 was responsible for scheduling of all the large  
17 maintenance outages on the system, and that sort of  
18 thing.

19                   I can go into -- you know, I don't want to  
20 get the answer too detailed, but that gives you an idea  
21 of what I would do.

22           Q.       I want to ask you about -- I think you've  
23 already given me some of the types of asbestos products  
24 that you were around or worked with at Duke. I want to  
25 make sure I have a complete list of those. Would you go

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1 ahead and list for me the types of asbestos products that  
2 you believe that you were exposed to out at Duke. When I  
3 talk about types, I don't want the names of the  
4 manufacturers or brand names, just the type of asbestos.

5 A. Okay. Block, pipe insulation, the joint  
6 compound that goes on those on those items, the firebrick  
7 that was used in our ash hoppers, various types of  
8 packing that was used in valve stem packing, sheet  
9 packing, packing that was used on flanges, high  
10 temperature or steam flanges.

11 Q. Any other types that you can recall?

12 A. Some of the electrical boards that I worked  
13 around in close proximity to were made out of a  
14 board-type material that contained asbestos.

15 Q. Do you believe there were others that you  
16 just can't recall at this time?

17 A. Yes, I know there were, but I just --

18 Q. Do you recall being around any type of  
19 asbestos gloves at any time?

20 A. Yes.

21 Q. Okay.

22 A. I have used those gloves.

23 Q. What about blankets, asbestos blankets?

24 A. Yes.

25 Q. I now want to go back and if you can recall



1 any of the names of any of the manufacturers of any of  
2 these particular products that you listed -- and let's  
3 start with the block. Do you recall any manufacturers'  
4 names off the top of your head of that block?

5 A. Johns-Manville. Let's see, Thermobestos.  
6 That may be -- well, you asked --

7 Q. Just limit it to the block.

8 (Pause in the proceedings.)

9 BY MR. TOUPS:

10 Q. Did you think of any other manufacturers of  
11 any of the block? If you can't, that's fine, just let me  
12 know.

13 A. I don't know where my memory is on that.

14 Q. Do you believe there's others and you just  
15 can't recall?

16 A. Yes, I do.

17 Q. Moving on to the pipe insulation, do you  
18 recall any of the manufacturers off the top of your head  
19 of the pipe insulation?

20 A. Yeah. That was the same manufacturers  
21 basically as the block.

22 Q. You listed Johns-Manville and Thermobestos.

23 A. Yeah.

24 Q. Do you believe there were others that you  
25 can't recall at this time?





1 A. I do, yeah.

2 Q. What about the joint compound? Do you recall  
3 any of the names or manufacturers of the joint compound?

4 A. Let's see, Calcrete and -- gosh, I know it  
5 just as well as I know my name.

6 MR. HAINES: That's okay. You just  
7 do the best you can. If you can't remember it at this  
8 minute, that's fine.

9 A. I can't remember it. There was one other one  
10 that I can't recall.

11 BY MR. TOUPS:

12 Q. You think there were others and you just  
13 can't recall right now?

14 A. Yeah.

15 Q. What about, I think, you said some firebrick.  
16 Do you know who manufactured that?

17 A. Oh, gosh.

18 Q. You don't remember at this time?

19 A. That slips my memory right now.

20 Q. Do you believe there were more than one  
21 manufacturer of the firebrick if you know?

22 A. I really only recall -- well, obviously, I'm  
23 not recalling the name, but I only recall one specific  
24 brand. But there might have been more.

25 Q. You listed several different types of

1 packings. Do you recall any of those manufacturers?

2 A. Garlock, Anchor, let's see, John Crane.

3 Q. That's all you can remember at this time?

4 A. That's all I can remember, but I know there  
5 were a couple or two or three more that I should be able  
6 to recall. At one time I had responsibility on a system  
7 wide basis for evaluating the packing.

8 Q. You also mentioned electrical board. Do you  
9 know who manufactured that product?

10 A. Transite was one I know. No, I don't recall.  
11 I think there was another one.

12 Q. You've attached to your answers to  
13 interrogatories a work history sheet. Well, my question  
14 to you is: Do recall when you filled this out or when  
15 you completed that?

16 A. When?

17 Q. Yes.

18 A. The date?

19 Q. Yes, approximately.

20 A. It's been several months.

21 MR. HAINES: This year or a couple  
22 months ago?

23 THE WITNESS: It's this year, this  
24 summer.

25 BY MR. TOUPS:

1 Q. Do you recall having an opportunity to go  
2 through some picture books and look at some different  
3 products? Have you done that?

4 A. Yes.

5 Q. Did you fill out this list or complete this  
6 before you went through the books or after?

7 A. It was after.

8 Q. Did you ever fill out any type of list of the  
9 products that you had been around before you went through  
10 that book?

11 A. I don't recall doing that.

12 Q. Were the pictures in that book, were they in  
13 color or were they in black and white?

14 A. Black and white, I believe.

15 Q. I want to ask you about one of the products  
16 that you have listed on your work history sheet, a type  
17 of pipe covering called Unibestos pipe covering.

18 A. Unibestos.

19 Q. I haven't heard that mentioned here today but  
20 I do see it on your work history sheet. My question to  
21 you is: When did you first recall seeing that product  
22 out at any of the Duke facilities, just a rough  
23 approximation, '50s, '60s, '70s, '80s?

24 A. I would -- I feel it was in the '60s.

25 Q. Early '60s, mid '60s, late '60s?

1           A.       The '60s, I can't define it any closer than  
2       that.

3           Q.       Could you describe that product for me, what  
4       it looked like?

5           A.       What it looked like?

6           Q.       Yes, sir.

7           A.       It was a little bit darker. It had a little  
8       bit darker appearance.

9           Q.       What color was it?

10          A.       Kind of a cream color as I recall.

11          Q.       You never worked directly with that product;  
12       is that correct? You just worked around it?

13          A.       I don't recall working specifically directly  
14       with that but just around it, yes.

15          Q.       Did you ever see how this product came  
16       packaged?

17          A.       I'm sure I've seen boxes.

18          Q.       Do you recall what was written on the box?

19          A.       Other than the name, no.

20          Q.       Do you recall the name being written on the  
21       box?

22          A.       Yeah.

23          Q.       Do you recall either the size of the box or  
24       what was written on it changing over a period of time?

25          A.       Huh-uh, no, I really don't.

1 Q. Did you ever complain to any of your  
2 supervisors about dust while working specifically around  
3 the Unibestos pipe covering?

4 A. No.

5 Q. What would they be doing with the pipe  
6 covering when you had an opportunity to be around it, or  
7 was it just sitting on the pipe?

8 A. Well, in some cases they'd be replacing  
9 insulation where they had torn it off perhaps to replace  
10 something -- I mean, to repair something like a valve or  
11 leaking steam line, some sort of maintenance was going  
12 on.

13 Q. And they had a trade out there, some  
14 insulators, that would do that particular work; is that  
15 correct?

16 A. Generally, in most of the plants they did  
17 not. At some locations they had some people that did  
18 that pretty much most of the time, but frequently  
19 mechanics or other people in the plant would do that. It  
20 might even be the same people that repaired the valve  
21 would replace the insulation.

22 Q. But you never did that particular type of  
23 work; is that correct?

24 A. I did as a co-op.

25 Q. That was way back in the early '50s?