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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Honorable Jean H. Toal, Circuit Court Judge

Appellate Case No. 2019-002126

Jerry Howard Crawford, individually and as Personal Representative of the Estate of Evelyn Kay Crawford, Respondent,

v.

Celanese Corporation; Aurora Pump Company; Carrier Corporation; CNA Holdings, LLC f/k/a Hoechst Celanese Corporation; Covil Corporation; Crane Co.; Daniel International Corporation f/k/a/ Daniel Construction Company, Inc.; Flowserve Corporation, individually and as successor-in-interest to Anchor/Darling Valve Company, and individually as successor-in-interest to Durco Pumps; Flowserve, US Inc.; Fluor Constructors International, f/k/a Fluor Corporation; Fluor Constructors, International, Inc.; Fluor Daniel Services Corporation; Fluor Enterprises, Inc.; Ford Motor Company; Genuine Parts Company, d/b/a Rayloc (a/k/a NAPA); The Goodyear Tire & Rubber Company; Goulds Pumps, Inc.; Grinnell, LLC f/k/a Grinnell Corp., f/k/a ITT Grinnell Corp.; Honeywell International, Inc., f/k/a Allied-Products Liability Signal, Inc., sued as successor-in-interest to Bendix Corporation; Ingersoll-Rand Company; John Crane, Inc.; Metropolitan Life Insurance Company, a wholly owned subsidiary of MetLife Inc.; National Automotive Parts Association (NAPA); Parker-Hannifin Corporation; Pneumo Abex, LLC, successor-in-interest to Abex Corporation; Spirax Sarco, Inc.; SPX Cooling Technologies, Inc., individually and as successor-in-interest to Marley Cooling Towers, Co.; Standard Motor Products, Inc., sued as successor-in-interest to EIS Automotive; United States Fidelity & Guaranty Company; and The William Powell Company, Defendants,

Of which, Covil Corporation is the Appellant.

RECORD ON APPEAL

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1 A. Yeah.

2 Q. -- testifying today?

3 You were born in 1941. So how old does that

4 make you today?

5 A. 75.

6 Q. 75. So if my math is right, I've got you

7 about 27 years old when you started at Bowater?

8 A. Somewhere in that range. Yes, sir.

9 Q. Okay. And I think we can agree that's 48

10 years ago?

11 A. Yeah.

12 Q. Okay. Almost a half century ago?

13 A. Yeah.

14 Q. Okay. It's hard to believe the years go by

15 that fast.

16 A. It is. Sure enough.

17 Q. Okay. And let's -- some of the jurors that

18 may see this testimony, they weren't even born in 1968.

19 A. Yeah.

20 Q. Okay. So let's talk a little bit about 1968.

21 A. Okay.

22 Q. If you don't mind. That's when we had the

23 Vietnam War going on.

24 A. Yes.

25 Q. You remember that era, I'm sure.

1 A. Yeah.

2 Q. People were protesting all over the country.
3 They were upset about the war. Do you remember that?

4 A. Yeah.

5 Q. Okay. Coca-Colas cost about 15 cents back
6 then, is my memory.

7 A. Maybe a dime.

8 Q. Yeah. Might have been less than that.

9 I don't know if you remember, one thing I
10 thought about was air conditioning. Was your home air
11 conditioned in 1968?

12 A. No, sir.

13 Q. Okay. Everybody ran those -- they kept the
14 windows open and ran electric fans?

15 A. Yeah.

16 Q. Do you remember that?

17 A. Yeah.

18 Q. Every little kid had to be told, "Don't put
19 your finger in the electric fan." Do you remember
20 that?

21 A. Uh-huh.

22 Q. Okay. So it was a different era; isn't that
23 right?

24 A. Yeah.

25 Q. Okay. And the guys from Daniel -- I know

1 you're proud of your work at Daniel, aren't you?

2 A. Yeah.

3 Q. That was kind of a can-do crowd; is that
4 right?

5 A. Yeah.

6 Q. You were the guys in blue jeans and shirts
7 that went into these plants as part of the construction
8 trade and built these plants, right?

9 A. Yeah.

10 Q. And if you and I rode up and down I-85,
11 Daniel built all kind of plants that put all kind of
12 people to work, right?

13 A. That's right.

14 Q. Okay. And these plants were very complex
15 things to construct; is that -- is that fair?

16 A. Yeah.

17 Q. I mean, the jury may see some pictures of
18 something, but you and I can talk about it. I mean,
19 there's piping going all over the place and electrical
20 things and equipment. It's a very complicated thing,
21 right?

22 A. Yeah.

23 Q. Okay. And the Daniel employees would be
24 handling hundreds of different types of materials; is
25 that right?

1 A. That's right. Yeah.

2 Q. Because Daniel didn't just have insulators.

3 I mean, they were a general contractor, right?

4 A. Yeah.

5 Q. All right. So they had electricians, right?

6 A. Yeah.

7 Q. They had pipefitters, right?

8 A. Yeah.

9 Q. They had welders, right?

10 A. Yeah.

11 Q. Okay. And so they're handling all kind of
12 materials?

13 A. Yeah.

14 Q. All right. And they were a construction
15 company; is that right?

16 A. Yes.

17 Q. So what they did -- I know you saw on the
18 site blueprints, right?

19 A. Yeah.

20 Q. Yeah. When you were insulating, you were --
21 or the pipe that you were following was part of a
22 blueprint; isn't that right?

23 A. Yeah.

24 Q. Okay. And then you're probably familiar with
25 specifications on the job?

1 A. Yeah.

2 Q. That specified exactly the material to be
3 used when you constructed a system, right?

4 A. Yeah.

5 Q. Okay. And those blueprints came from
6 engineers, right?

7 A. Yeah.

8 Q. And those materials came from -- the
9 specifications came from engineers, right? Isn't that
10 right?

11 A. I guess. I don't know. I wasn't involved in
12 that part of it.

13 Q. Okay. But you guys in the field, you had to
14 follow those specifications. You couldn't vary, right?

15 A. No.

16 Q. That's right -- you agree with me?

17 A. Yeah.

18 Q. Yeah. Sure. Okay.

19 And on a construction site like that, there
20 are lots of dangerous things. Will you agree with me
21 on that?

22 MS. MCVEY: Object to the form.

23 THE WITNESS: Oh, yeah.

24 BY MR. MCDONALD:

25 Q. A major danger on a construction site of a

1 big industrial facility is falls, right?

2 A. Yeah.

3 Q. Yeah. You could get electrocuted if you
4 didn't handle yourself properly, right?

5 A. (Nods head.)

6 Q. Very dangerous places?

7 A. Yes, sir.

8 Q. All right. You were asked some about
9 protective equipment, but I'm sure you had a hard hat,
10 right?

11 A. Oh, yeah.

12 Q. Probably required to wear steel-toed boots?

13 A. Not at that time.

14 Q. Not at that time?

15 A. That come later.

16 Q. That came later.

17 But you do recall even at that time, Daniel
18 had a weekly tool box meeting. Do you remember the
19 weekly gang box or tool box meeting?

20 A. No.

21 Q. You don't remember the weekly safety meeting
22 that they held on the jobs?

23 A. No, sir.

24 Q. But you would agree with me that Daniel had
25 safety men on this job?

1 A. They had safe things, yeah.

2 Q. Yeah. And the plant owners probably had
3 safety men there, as well. Is that accurate?

4 A. I guess they did. We never -- we wasn't
5 involved with them.

6 Q. All right. And they had safety rules, and
7 you were to follow the safety rules, right?

8 MS. MCVEY: Object to the form.

9 THE WITNESS: Yeah.

10 BY MR. MCDONALD:

11 Q. And you could be fired if you didn't follow
12 the safety rules, right?

13 A. That's right, yeah.

14 Q. And I believe you will agree with me that
15 Daniel was a safety-conscious company?

16 A. I guess they were, but we wasn't involved in
17 it. See, for being out in the field and working in
18 insulation, we were not involved in the safety aspects
19 of it.

20 Q. Sure. But you had to follow the rules while
21 you did your job?

22 A. Yeah.

23 Q. Yeah. All right. And the insulation
24 materials that we've talked about today, those were --
25 in that era were considered very normal, ordinary

1 materials?

2 MS. MCVEY: Object to the form.

3 BY MR. MCDONALD:

4 Q Building materials, right?

5 A That's right. Yeah. That's all they had was
6 asbestos.

7 Q. That's right. It was on virtually every job
8 you worked on, right?

9 A. Yeah.

10 Q. And those products were made by major
11 companies like Owens Corning, right?

12 A. Yeah.

13 Q. All right. And you'll agree with me that
14 back in era you're talking about with Lewis Childers,
15 there were no warnings on the boxes of insulation
16 materials that you guys worked with; is that right?

17 A. No, sir.

18 Q. You agree with me, right?

19 A. Yeah.

20 Q. Yeah. That's right.

21 And, in fact, you brought your own claim for
22 asbestos exposure; do you recall that?

23 A. What?

24 Q. You brought your own lawsuit years ago for
25 asbestos exposure?

1 A. Oh, yeah. Yeah.

2 Q. That's right. You didn't sue Daniel, did
3 you?

4 A. No.

5 MS. MCVEY: Object to the form.

6 BY MR. MCDONALD:

7 Q. That's right. Okay. Now, let's see here.

8 Let's do talk a little bit about -- and I
9 want to try to -- let's talk about the first job site
10 you were on, Bowater, and then maybe we can say the
11 others are the same. Okay?

12 A. Okay.

13 Q. Let's talk a little bit about what you were
14 doing in -- I don't want to repeat what Ms. McVey asked
15 because she asked you a lot of the questions I would
16 have been interested in.

17 A. Okay.

18 Q. But one thing they did have is a shop where
19 the insulation was cut, right?

20 A. Yes.

21 Q. All right. And the men in there wore, you
22 said, surgical-type cloth mask?

23 A. Some kind of little paper cloth-looking
24 things, yeah.

25 Q. And when you call it a shop, it had four

1 walls, right?

2 A. Yeah.

3 Q. All right. And did it have any kind of
4 ventilation? How was that shop ventilated?

5 A. I think -- I don't know now. It's been a
6 long time ago because I think they had some kind of
7 maybe exhaust fan.

8 Q. Sure.

9 A. Maybe.

10 Q. Okay. Do you remember a dust collector or
11 anything like that?

12 A. I think it floated outside, I think.

13 Q. Yeah. Okay. But in that shop, that's where
14 the men wearing these masks mitered the insulation and
15 things like that?

16 A. Yeah.

17 Q. As much as possible?

18 A. Yeah.

19 Q. I'm sure you still did some in the field, to
20 be fair.

21 A. Yeah.

22 Q. Okay. And just like Ms. McVey said, when
23 you're running a straight run of pipe, you talked about
24 that Kaylo, it's just a matter taking the Kaylo out of
25 the box, putting it around the pipe, wiring it in

1 place, right?

2 A. Yeah.

3 Q. And then you did talk about banging the
4 little --

5 A. Wires in.

6 Q. That's right. How long does that take?

7 A. A couple minutes.

8 Q. Okay. And then you get to your elbow and
9 that's where the guys in the shop would have mitered it
10 for you?

11 A. Yeah.

12 MS. MCVEY: Object to the form.

13 BY MR. MCDONALD:

14 Q. Okay. So then it's just a matter in the
15 field of putting it around?

16 A. If you had the preforms. And sometimes we
17 cut them, you know, our own self.

18 Q. Yeah, sometimes. I don't mean to interrupt,
19 but sometimes you had to do it in the field?

20 A. Yeah.

21 Q. Okay. But the general idea was to have that
22 done in the shop?

23 A. Yeah. If you was lucky.

24 Q. Yeah. I got you. Okay.

25 And then you talked about the boiler you

1 worked on I think at Bowater?

2 A. Yeah.

3 Q. That was -- you called it sheets. Was it
4 sheets or block insulation? Or is that the same thing?

5 A. It come like -- what we had was like
6 two-foot-wide, maybe four-foot-long sheets --

7 Q. Yeah.

8 A. -- in that some kind of mineral fiber-type
9 stuff.

10 Q. Okay. And it's just a matter of taking that
11 and placing it over large parts of the boiler, right?

12 A. Yeah.

13 Q. You're not having to cut it and form it and
14 things like that?

15 A. Well, it's according to where it's at. If
16 you had pipes, you had to cut around before the pipes
17 went in and such as that.

18 Q. Okay. So if you hit a spot where a pipe came
19 in or out, you had to cut around that?

20 A. Yeah.

21 Q. All right. But other than that, it's just a
22 matter of laying it on the boiler and attaching it?

23 A. Yeah.

24 Q. Okay. All right. Now, you mentioned, too,
25 that there were other types of pipe in these plants

1 that had to be insulated other than hot pipe, right?

2 A. Yeah.

3 Q. Okay. You could have cold water pipes that
4 have to be --

5 A. Right.

6 Q. -- insulated, right?

7 And you weren't using the Kaylo on that?

8 A. No. Use some kind of fiberglass or
9 something, you know, something that would work on cold
10 stuff.

11 Q. Sure. And you mentioned ductwork. Sometimes
12 the ductwork had to be insulated, right?

13 A. Yeah.

14 Q. And that wouldn't be insulated in asbestos?

15 A. No.

16 DEFENSE COUNSEL: Object to the form.

17 BY MR. MCDONALD:

18 Q. You agree with me, right?

19 A. Right.

20 Q. Okay. And, I mean, we mentioned Owens
21 Corning a while ago. We all remember the Pink Panther,
22 right?

23 A. Yeah.

24 Q. Okay. And that's fiberglass insulation,
25 right?

1 A. Yeah.

2 Q. And that's a material that you guys used
3 quite a bit in these plants, too, for --

4 A. Yeah.

5 MR. MCDONALD: Okay.

6 MS. MCVEY: Object to the form.

7 BY MR. MCDONALD:

8 Q. Okay. Now, let's just talk a tiny bit about
9 your day. All right. You would arrive, let's say, at
10 Bowater. Do you have a construction gate you had to go
11 in?

12 A. Yeah.

13 Q. Okay. And then do you have a brass system?

14 A. Yeah.

15 Q. Tell me tiny bit how a brass system works.

16 A. You had a number.

17 Q. Yeah.

18 A. You go in the morning and they was hanging on
19 the board, and you just get your number off of there.
20 Off the board. And you carry it in your pocket until
21 you come back out in the evening and you turn it back
22 in.

23 Q. Okay. Now, how did they keep your time? Did
24 they have a timekeeper there at the gate?

25 A. They knew -- I guess they looked and seen if

1 that brass was gone and they knew you was on the job.

2 Q. Okay.

3 A. Between that and a foreman and a
4 superintendent coordinate together.

5 Q. Yeah. So your day started when you took that
6 brass?

7 A. Yeah.

8 Q. All right. And then you had to walk to
9 wherever your work site was?

10 A. Yeah.

11 Q. And just so the jury understands, these are
12 big plants?

13 A. Yeah.

14 Q. Okay. And then your day was spent doing the
15 kind of work you describe?

16 A. Yeah.

17 Q. All right. But if you needed material from
18 the warehouse or something like that, you might take a
19 break and walk to the warehouse; is that --

20 A. Yeah. Either that or you see the foreman and
21 the foreman would have them maybe to bring it to you,
22 if you was lucky.

23 Q. Okay.

24 A. Wasn't nobody available, then you would go
25 get it.

1 Q. Yeah. Okay. Now, you mentioned this mud
2 product that you had to mix at times.

3 A. Yeah.

4 Q. Okay. And let's talk first about the
5 five-gallon bucket. All right.

6 A. Yeah.

7 Q. You said you put water in there first?

8 A. Yeah.

9 Q. Then you'd pour in the mud?

10 A. Yeah.

11 Q. Okay. And you described that for us.

12 How long does it take just the pouring in of
13 the mud?

14 A. Five, ten minutes maybe.

15 Q. All right. Are you counting up the mixing,
16 too?

17 A. Yeah.

18 Q. Yeah. It takes five or ten minutes to do
19 that?

20 A. Yeah.

21 Q. And then does that bucket last you all day
22 for a normal job?

23 A. Well, not necessarily. You might be -- say
24 if you was a helper mixing for 10 or 12 other people
25 working --

1 Q. Sure.

2 A. -- then you might -- keep you busy mixing and
3 carrying it to them.

4 Q. Okay. All right. So how many of those --
5 tell me --

6 A. If you was working with maybe one other
7 person and he was using out of the mud, it may last a
8 while. But if you had 10 or 12 other people using, you
9 might keep one man busy mixing and carrying it to them.

10 Q. Okay. Just tell the jury -- just the jury a
11 typical day, how many times would you mix -- you expect
12 to mix something like that?

13 A. Twice, maybe three times a day.

14 Q. Okay. Each five or ten minutes?

15 A. Yeah.

16 Q. Okay. Now, you talked a little bit about
17 that boiler work you did, and you had more of a vat or
18 a trough that you mixed it in with a hoe?

19 A. Yeah.

20 Q. Okay. So let's talk about how long that
21 takes. Okay. Of course, you would fill it with water
22 first, right?

23 A. Yeah.

24 Q. And then you talked about opening a 50-pound
25 bag?

1 A. Bag, yeah.

2 Q. All right. So how long does it take to pour
3 that in and then mix it with the hoe?

4 A. Well, sometimes you might mix one bag,
5 sometimes you mix four or five bags at a time.

6 Q. Okay.

7 A. It's according to what you was -- the
8 magnitude of the job, what you're working with.

9 Q. Sure. Okay. I promise you, you know more
10 than anybody in this room about this. So you're our
11 only source.

12 How long does it take you to mix that, one of
13 those vats?

14 A. Probably 15, 20 minutes. Because you had to
15 stir it, you know, until all the powder stuff was
16 blended in with the water, you know, until you got a
17 consistent --

18 Q. Yeah.

19 A. -- batch of mud. You didn't want to -- the
20 man, when he went to pick it up to put it on what he
21 was doing, pick up a wad -- a wad of material or dust.
22 Make sure it was mixed thoroughly.

23 Q. Yeah. Now, how often would you do that? On
24 the jobs where you had to make a vat, how often would
25 that be done?

1 A. Sometimes two or three times a day maybe.

2 Q. Okay. All right. Okay. And then even
3 though you're an insulator, I guess part of your job is
4 putting that metal jacket on?

5 A. Yeah.

6 Q. Okay. Now, is that a sheet metal? Is --
7 what is it?

8 A. It comes in rolls.

9 Q. Okay.

10 A. Much of what we had was three-foot rolls and
11 you measure around the pipe and then you cut the metal
12 to fit the pipe.

13 Q. Okay. So you've already put your insulation
14 on it, and you take a tape measure, is that how you --

15 A. Yeah.

16 Q. Now, you got your three-foot role --

17 A. Yeah.

18 Q. -- and you have to cut it?

19 A. Yeah.

20 Q. And what do you use to cut that three-foot
21 role?

22 A. A razor, knife, or a pair of some kind of
23 snips.

24 Q. Okay. Then you form it around the pipe?

25 A. Yeah.

1 Q. And how do you attach it at that point?

2 A. Well, it was wired on to start with and you
3 go back and put bands around it to hold it.

4 Q. Okay. Okay. All right. So that's another
5 step in the process, putting that metal jacket on it?

6 A. Yeah.

7 Q. Okay. All right. All right. Let me ask you
8 this while I'm thinking about it. You mentioned
9 liquid, a thick paint that you used to waterproof some
10 things outside?

11 A. Mastic.

12 Q. That's what I thought. In my head, I had
13 mastic. Do you know the brand name or manufacturer of
14 that material?

15 A. I don't have no idea.

16 Q. Okay. Okay. All right. Now, I tried to add
17 up the time that you worked -- well, let me ask you
18 this question. We've just kind of gone through your
19 day. Okay.

20 A. Yeah.

21 Q. And at the end of your day, you would have to
22 walk back out and put that brass up; is that right?

23 A. Yeah.

24 Q. Okay. And just Ms. McVey asked you right at
25 the end of the day one of the things you did was clean

1 up, right?

2 A. Yeah.

3 Q. And, of course, before you hopped in your
4 car, you cleaned yourself off, right?

5 MS. MCVEY: Object to the form.

6 BY MR. MCDONALD:

7 Q. Is that right?

8 A. Well, you don't have much way of getting it
9 off of you.

10 Q. Yeah. But did you just try to brush your
11 clothes off?

12 A. Yeah.

13 Q. Sure. Before you hopped in the car.

14 And did you ever use an air hose to blow
15 yourself off before --

16 A. Well, they didn't allow you to do that.

17 Q. Okay. All right. And did you ever carpool
18 with Mr. Childers --

19 A. Yeah.

20 Q. -- to some of these sites?

21 Which sites did you carpool with Mr. Childers
22 to?

23 A. Bowater and Salisbury.

24 Q. Now, at Bowater, where were you living then?

25 A. Up here above York.

1 Q. Same place?

2 A. Yeah.

3 Q. Okay. And where was he living then?

4 A. Over on Burrell Road next to Clover.

5 Q. Okay. And how long of a ride was it over to

6 Bowater?

7 A. It's according to how much beer we stopped

8 and got.

9 Q. Are you telling me there's a watering hole

10 between Bowater?

11 A. Roughly 45 minutes to an hour.

12 Q. Okay. All right. And, you know, back in

13 1968 was your car air conditioned?

14 A. Some of them. Some of them was not.

15 Q. How about the car you guys took back and

16 forth?

17 A. I don't remember whether it was or not.

18 Q. Do you remember if you rode with the windows

19 down?

20 A. Probably so, yeah.

21 Q. Yeah. Okay. Now, how about Salisbury, you

22 said you all carpooled to Salisbury?

23 A. Yeah.

24 Q. How long of a drive was it up to Salisbury?

25 A. It was an hour. A little bit over an hour.

1 Q. Yeah. I would think that's a pretty long
2 drive --
3 A. Yeah.
4 Q. -- back in that day. Just to remind the jury
5 how long ago we're talking about, there was no such
6 thing as I-77.
7 A. Gas was about a quarter a gallon, too, then.
8 Q. Yeah. Yeah. Did you -- did you drive back
9 and forth every day or did you guys --
10 A. Yeah.
11 Q. Oh, you did. Okay.
12 Same thing, you might stop for a beer?
13 A. Yeah.
14 Q. And you would have the windows down; is that
15 fair?
16 A. Yeah.
17 Q. Okay. Now, I was trying to add up your time
18 you worked -- I'm here for Daniel is one of my clients.
19 A. Okay.
20 Q. Try to add up your time you worked with
21 Mr. Childers at Daniel. Okay?
22 A. Okay.
23 Q. You were at Bowater for about eight months --
24 A. Yeah.
25 Q. -- if I took good notes. Okay.

1 And I got you working in Salisbury for seven
2 or eight months.

3 A. Yeah.

4 MR. COLLIER: Object to the form.

5 BY MR. MCDONALD:

6 Q. Okay. And then I got you Celanese
7 Spartanburg for about six to eight months?

8 A. Yes.

9 MR. COLLIER: Object to the form.

10 THE WITNESS: Yes, sir.

11 BY MR. MCDONALD:

12 Q. And that is your testimony that you've
13 offered today about working with Mr. Childers --

14 A. Yeah.

15 Q. -- on those job sites. Okay. All right.

16 A. That's as close as I can recollect.

17 Q Oh, I know.

18 A You can't remember 48 years ago.

19 Q. I realize it. Did you guys -- during that
20 time period, were you guys on a crew that went together
21 to the same sites? Did you all always stay together?

22 A. Well, we did try to because, you know, so we
23 could ride together and carpool and stuff.

24 Q. Okay.

25 A. Yeah.

1 Q. Okay. So for that period of time, that's the
2 times that you would remember Mr. Childers working for
3 Daniel?

4 A. Yeah.

5 Q. Okay. Now, you stayed an insulator?

6 A. Yeah.

7 Q. Okay. So you recall that there was a change
8 to asbestos free on the thermal insulation products,
9 right?

10 A. Yeah.

11 MR. MCDONALD: Okay.

12 MS. MCVEY: Objection as to when, but --

13 BY MR. MCDONALD:

14 Q. Yeah. I wasn't going to test you on when.
15 There's documentation for when that kind of change
16 happened.

17 A. Yeah.

18 Q. Do you have a specific memory of when they
19 began to change? Let me ask you, do you recall in
20 about '73, '74, '75 there was a change to asbestos free
21 on the thermal insulation?

22 MS. MCVEY: Object to the form.

23 THE WITNESS: Well, some of it changed. Some
24 of it didn't.

25 BY MR. MCDONALD:

1 Q. Okay. All right. It's going to take me a
2 second to go back through my notes. I just want to ask
3 you another question about your Mississippi lawsuit.
4 You recall that, right?

5 A. Your what?

6 Q. Your Mississippi lawsuit.

7 A. No.

8 Q. You don't recall bringing the lawsuit in
9 Mississippi?

10 A. No.

11 Q. About your asbestos exposure?

12 A. The lawyers maybe did. I didn't
13 particularly.

14 Q. Okay. Okay. Well, let me show you
15 something.

16 A. Okay.

17 MR. MCDONALD: See if it refreshes your
18 recollection.

19 Can I make this an exhibit?

20 (DEFT. EXH. 1, Complaint Filed in
21 Mississippi, was marked for identification.)

22 MS. MCVEY: May I see that?

23 MR. MCDONALD: Sure.

24 We'll try to do this on the camera.

25 BY MR. MCDONALD:

1 Q. Mr. Neeland, let me show you something.

2 MR. MCDONALD: Can you pick me up over here?

3 THE VIDEOGRAPHER: Yes.

4 MS. MCVEY: I'm just going to object to the
5 use of this --

6 MR. MCDONALD: Sure.

7 MS. MCVEY: -- exhibit.

8 BY MR. MCDONALD:

9 Q. Mr. Neeland, I'm going to ask you if that's
10 you, Harley B. Neelands?

11 A. That's right.

12 Q. That's right. Is that your Social Security
13 number?

14 A. Yeah.

15 Q. Okay. And so this is a complaint that was
16 filed in Mississippi I believe on your behalf. Do you
17 recall --

18 A. Is that for Donaldson and Black?

19 Q. That would be correct.

20 A. Okay. Yeah.

21 Q. Do you recall that?

22 A. I don't because they handled it. All I --
23 the only thing I was interested in was getting the
24 check when they sent it.

25 Q. Sure. All right. And this -- I didn't want

1 to make a big deal about it. But the people you sued
2 in your lawsuit, they were the manufacturers of the
3 products that didn't put warnings on them; isn't that
4 right?

5 A. Yeah.

6 MS. MCVEY: Object to the form.

7 MR. MCDONALD: That's right.

8 BY MR. MCDONALD:

9 Q. Okay. Now, your deposition today was only --
10 it was not noticed in just one case, right? It was
11 noticed in some other cases, so let me clear a couple
12 of things up.

13 A. Okay.

14 Q. A gentleman named Wayne Howe has a lawsuit.
15 Do you know Wayne Howe at all?

16 A. No, sir.

17 Q. Okay. So would you have any personal
18 knowledge of any asbestos exposure he might have had
19 over his career?

20 A. No, sir.

21 Q. All right. Another gentleman is Norman
22 Jefferson Nolen --

23 A. No, sir.

24 Q. -- do you know a Mr. Nolen?

25 All right. Just let me ask the question for

1 the record.

2 Would you have any personal knowledge of any
3 asbestos exposure Mr. Nolen might have had over his
4 career?

5 A. No, sir. I don't know him.

6 Q. And then another gentleman is James Calvin
7 Sizemore. Do you know Mr. Sizemore?

8 A. No, sir.

9 Q. And so would you have any testimony to offer
10 about any personal knowledge you would have about any
11 asbestos exposure Mr. Sizemore may have had?

12 A. No, sir.

13 Q. Okay. A couple more housekeeping things.
14 The -- you mentioned the blue mud. Do you remember the
15 brand name or manufacturer of that?

16 A. I don't remember nothing about no brand name.
17 All I know is they call it blue mud, and it was a
18 finish coat, you know, like when you put on it when you
19 want to get something smooth.

20 MR. MCDONALD: Yeah. Okay. All right.
21 Mr. Neelands, I got a lot of notes here. I may ask you
22 something else later, but for right now I think that
23 completes my questions. And I appreciate you talking
24 with me.

25 THE WITNESS: All right. Thank you, sir.

1 MS. MCVEY: Harley, are you okay? You want
2 to keep going?

3 THE WITNESS: Yeah. I want to go home. I
4 want to get it over with.

5 MS. MCVEY: I know. I don't blame you.

6 EXAMINATION

7 BY MR. KNOBBE:

8 Q. Hi, sir, how are you?

9 A. I'm doing fine.

10 Q. My name is Paul Knobbe, and I represent
11 Resolute FPUS, which has taken over -- they are the
12 owners now of what used to be the Bowater plant. So
13 I'm just going to ask you a few questions about your
14 testimony from your work at Bowater.

15 A. Okay.

16 Q. You testified that you think you worked at
17 Bowater when you were employed for Daniel for about
18 eight months; is that correct?

19 A. Yes, sir. Somewhere in that neighborhood,
20 yes.

21 Q. If Mr. Childers testified that he recalled
22 working at Bowater for three to five months, would you
23 have any reason to disagree with that?

24 MS. MCVEY: Object to the form.

25 THE WITNESS: I don't know. I don't know why

1 he would have said that.

2 BY MR. KNOBBE:

3 Q. You testified earlier it's been -- it's been
4 48 years, correct?

5 A. That's right, yeah.

6 Q. And so you're just giving us your best
7 recollection?

8 A. Yeah. As close as I could guess.

9 Q. Okay. And Mr. Childers may have a -- giving
10 us his best recollection, may have had a different
11 recollection, correct?

12 A. May have, yes, sir.

13 Q. Okay. And I wanted to ask you real briefly,
14 you talked a little bit about working on a precipitator
15 at Bowater. Do you recall that?

16 A. Yes, sir.

17 Q. And I -- correct me if I'm wrong, but you
18 said you thought the precipitator might have been
19 connected to the boiler?

20 A. Some part of a boiler, I thought. I'm not --
21 I wasn't in the mechanical part of it. All I was in
22 was insulation part of it.

23 Q. Okay. And was this a new boiler? The new
24 boiler that you were working on?

25 A. I think it was, yes, sir.

1 Q. Okay. And do you know if this was a new
2 precipitator that was going in?

3 A. I guess it was. I think it was. They was
4 adding a whole new thing for a whole new line that they
5 was installing, that Daniel was installing. A whole
6 new paper machine or whatever they call it.

7 Q. All right. So in your time at the Bowater
8 Rock Hill facility, it's an accurate statement that you
9 were never employed by Bowater, correct?

10 A. No, sir.

11 Q. And you never received a paycheck from
12 Bowater?

13 A. No, sir.

14 Q. All right. You took all of your instructions
15 on how to do your job from your employer?

16 A. From Daniel, yes, sir.

17 Q. And you didn't get any materials that were
18 supplied by Bowater, correct?

19 A. No, sir.

20 Q. Okay. And you used your own tools on the
21 job?

22 A. Yes, sir.

23 Q. Okay. And you testified earlier that you
24 worked 40 hours a week for the entire time that you
25 were at the Bowater Rock Hill facility, correct?

1 A. Yes, sir.

2 Q. Did you work with Mr. Childers 40 hours a
3 week every week that you were at the Bowater facility?

4 A. Well, we was on the same job, but he might
5 have been in one part and I might have been in another
6 one. It was, you know -- I wasn't side by side with
7 him, no.

8 Q. Okay. So can you give me your best estimate
9 on the percentage of time that you worked side by side
10 with Mr. Childers while you were at the Bowater Rock
11 Hill facility?

12 A. Well, if we was in the powerhouse, me and him
13 probably both be in the powerhouse at the same time.
14 But, you know, he might be on one side of the boiler
15 and I was on the other side. It wasn't where I could
16 see him or where I could lay my hand on him.

17 Q. Okay. But you were working on the same job?

18 A. Yeah.

19 Q. Okay. So that's my question. The entire
20 period of time you were at Bowater, you and
21 Mr. Childers were always working on the same project
22 together?

23 A. Yeah.

24 MR. TRAYLOR: Object to the form.

25 MR. KNOBBE: Whether you could see him or

1 not?

2 THE WITNESS: That's right, yeah.

3 BY MR. KNOBBE:

4 Q. And you talked a little bit about cleaning up
5 and sweeping and using an air compressor to blow the
6 dust up at the end of the day?

7 A. Yeah.

8 Q. Was that at Bowater?

9 A. Yeah.

10 Q. Okay. And then when the attorney for Daniels
11 asking you about cleaning up to go home at the end of
12 the day, you said that they didn't allow you to use a
13 compressor to blow yourself off. Do you remember that?

14 A. That's right. It wasn't to clean your
15 clothes with, no, sir.

16 Q. Okay. So you would use a compressor to clean
17 the floor, but you never turned it on yourself to dust
18 yourself off with?

19 A. I wasn't supposed to.

20 Q. I understand you weren't supposed to, but did
21 you ever do it?

22 A. Well, we wasn't -- I put it this way, we
23 wasn't supposed to use it for personal cleaning.

24 Q. Okay. And I understand that you weren't
25 supposed to, but I'm just curious as to whether or not

1 you ever did.

2 A. Once that stuff got embedded in your clothes,
3 you couldn't hardly get it out no way unless you wash
4 it.

5 Q. Okay. So I understand what you're saying,
6 and it's been 48 years so you're not going to get in
7 trouble. I'm just curious if you ever did use the
8 compressor on yourself, whether it was -- whether
9 you're supposed to or not.

10 MS. MCVEY: Objection.

11 THE WITNESS: I'll say maybe we did.

12 MR. KNOBBE: Okay. I'll leave it at that.

13 I'll check my notes, but I think that's all
14 that I've got.

15 Sir, for the time being, I'm going to pass
16 you to another attorney. I may come back and ask you
17 some more questions. And I thank you for your time.

18 THE WITNESS: That's fine.

19 EXAMINATION

20 BY MR. TRAYLOR:

21 Q. Mr. Neelands -- is it Neelands with an S?

22 A. Yes, sir.

23 Q. Mr. Neelands, my name is David Traylor, and I
24 wanted to follow-up. I represent a number of different
25 companies, but I have a few questions for you.

1 We had the chance to talk with Mr. Childers
2 about his work history, and I think as you understand,
3 you all are trying to remember dates that you worked at
4 jobs that are about, what, 50 --

5 A. 48 years old. Started '48, yeah.

6 Q. No, I'm saying, yeah, but you're trying to
7 remember dates from about 50 or 60 years ago, right?

8 MS. MCVEY: Object to the form.

9 THE WITNESS: Yeah.

10 BY MR. TRAYLOR:

11 Q. And so it's a little hard to estimate, but
12 you're trying -- you are just doing the best you can,
13 right?

14 A. Yes, sir.

15 Q. Mr. Childers gave some estimates about his
16 work at Bowater, as you heard, and also about Fiber
17 Industries in Salisbury and at Spartanburg. Would he
18 -- would you say he would be in the best position to
19 remember as well as he could the dates that he worked
20 at those sites?

21 MS. MCVEY: Object to the form.

22 THE WITNESS: I guess he was, yeah.

23 BY MR. TRAYLOR:

24 Q. Okay. I want to follow up on a couple of
25 things. Do you have any knowledge or information about

1 who the insurance carrier was for Daniel during the
2 time that Mr. Childers worked with Daniel?

3 A. No, sir.

4 Q. Okay. Do you know if Mr. Childers ever saw
5 anyone from Daniels insurance carrier at any job site
6 where he was working?

7 A. I don't guess so.

8 Q. I mean, do you have any knowledge about that?

9 A. No.

10 Q. Did you ever see anyone from Daniel's
11 insurance carrier at any job site where you were
12 working?

13 A. I maybe did. I got burned at Bowater on the
14 arm and had a little workers' comp thing and maybe did.
15 I don't know if that would have been covered under the
16 insurance or what, but ...

17 Q. I see. In other words, you had an insurance
18 claim --

19 A. Yeah.

20 Q. -- at Bowater?

21 But you didn't have any contact with any
22 insurance carrier at the job site other than your --
23 the burn that you had?

24 A. No, sir.

25 MS. MCVEY: Object to the form.

1 BY MR. TRAYLOR:

2 Q. Okay. Do you know if Mr. Childers ever met
3 with or talked with any of -- any insurance carrier for
4 Daniel?

5 A. Not to my knowledge.

6 Q. Okay. And other than your workers' comp case
7 for the burn that you had, did you ever have any
8 contact with any insurance --

9 A. No.

10 Q. -- carrier of Daniel?

11 A. No, sir.

12 Q. Okay. You need to let me finish.

13 A. Okay. I'm sorry.

14 Q. You already know -- the question I'm going to
15 ask, but just so we can make a clean record for that
16 court --

17 A. I'm sorry.

18 Q. -- for the court reporter.

19 A. Okay.

20 Q. Do you have or do you know if Mr. Childers
21 ever received any information about any activity that
22 may or may not have been done or performed by any
23 insurance carrier for Daniel?

24 A. I don't know.

25 Q. Okay. And do you have -- did you ever

1 receive any information about any activity that may or
2 may not have been done by any insurance carrier for
3 Daniel?

4 A. No, sir.

5 MR. TRAYLOR: Thank you, sir. I appreciate
6 your time.

7 THE WITNESS: All right.

8 MS. MCVEY: Who's up?

9 MR. ROGERS: I'm probably going to have an
10 hour.

11 MS. MCVEY: You have an hour?

12 MR. COLLIER: I'm going to probably have more
13 than that.

14 MS. MCVEY: Let's go off the record for just
15 a second.

16 (Off the record.)

17 EXAMINATION

18 BY MR. ROGERS:

19 Q. Mr. Neelands?

20 A. Yes, sir.

21 Q. We're back from a short break. Are you ready
22 to continue?

23 A. Yes, sir.

24 Q. My name is Andy Rogers. I represent a few of
25 the defendants in these cases. If you don't hear me,

1 just ask me to speak up and I will be glad to do so.

2 If you need to take a break, just let me know.

3 A. Okay.

4 Q. I'll try to get through this as quick as I
5 can.

6 You -- you've given a deposition before; is
7 that correct?

8 A. Yes.

9 Q. Was that in the Charles Mark case?

10 A. Yeah.

11 Q. In 1989?

12 A. Well, if you say so, yes.

13 Q. Have you given any other depositions other
14 than that one?

15 A. No, sir. I don't think so.

16 Q. Okay.

17 A. If I do, I don't remember it. Put it that
18 way.

19 Q. Okay. I want to first talk to you about work
20 on a turbine you did at Bowater.

21 A. Yes, sir.

22 Q. And you were there 1968?

23 A. Yes, sir.

24 Q. That was your first job? Do you know if you
25 and Mr. Childers were there? Was Mr. Childers there

1 the whole time that you were?

2 A. I'm not sure of that. I'm not sure. No,
3 sir.

4 Q. Okay. But he was there for at least part of
5 the time?

6 A. Yes, sir.

7 Q. And you were -- you were a helper back then?
8 Insulation helper?

9 A. Yes.

10 Q. Mr. Childers was a helper as well?

11 A. Yes.

12 Q. The turbine you mentioned, where was that
13 located at the plant?

14 A. Powerhouse.

15 Q. Number one powerhouse?

16 A. I guess.

17 Q. I'm sorry, is that what you said?

18 A. I said I guess. I don't know if they had two
19 powerhouses or not. But it was in the powerhouse.

20 Q. Oh, is -- in the powerhouse?

21 A. Yes.

22 Q. Okay. I just want to be clear what you said.
23 Was that -- was that a big building?

24 A. Pretty good size building, yes, sir.

25 Q. Do you know how high the ceiling was in

1 there?

2 A. I know it had several floors because we had
3 to carry that stuff upstairs.

4 Q. Okay. Where was the turbine located?

5 A. Probably the second floor, I think.

6 Q. Okay. Can you give me an idea in terms of,
7 like, football fields how big the building was? Half a
8 football field? Less than a quarter? Less than that?

9 A. Probably half a football field.

10 Q. So a large building? Large space?

11 A. Pretty good size building, yes, sir.

12 Q. Okay. Do you know what the purpose of the
13 turbine was?

14 A. No, not really.

15 Q. Was it -- was it to generate electricity or
16 turn something else?

17 MS. MCVEY: Object to the form.

18 THE WITNESS: I guess. It's just something
19 to create steam to turn something else, I'm assuming.
20 I don't know. I wasn't in the mechanical part of it.
21 All I was doing was insulation.

22 BY MR. ROGERS:

23 Q. Okay. But it operated on steam, correct?

24 A. Yeah.

25 Q. Okay. And was this turbine being -- had it

1 been newly installed when you were there?

2 A. I'm assuming it had, yes, sir. I didn't see
3 them install it, no, sir.

4 Q. Okay. Can you give me an idea of how big
5 this turbine was?

6 A. I don't really know. I would say it's
7 eight-foot wide maybe.

8 Q. Eight-foot wide?

9 A. Yeah.

10 Q. How tall is it?

11 A. Maybe six-foot tall. I don't know. I'm just
12 guessing when I say this now. This was years ago.

13 Q. If you can give me like a range or an
14 estimate, that's fine. If you have no idea and you're
15 just taking wild guesses, we don't want to do that.

16 A. Well, I -- if I had to tell you anything, I
17 would just be guessing. So I really don't know.

18 Q. Okay. That's fine. And "I don't know" is a
19 fine answer if that's the case.

20 So when you first saw it, was it bare metal?

21 A. Yes, sir.

22 Q. Okay. Was it painted a certain color?

23 A. I don't know that either.

24 Q. Okay. Just the color of metal maybe?

25 A. Maybe.

1 Q. Okay. But you don't know?

2 A. I'm saying it probably had some kind of
3 primer on it.

4 Q. Okay. Any idea what the horsepower or
5 wattage of that turbine was?

6 A. No, I have no idea.

7 Q. Okay. You don't know if it had more than one
8 section or stage?

9 A. No, sir.

10 Q. Okay. You never read the name plate on it?

11 A. No, sir.

12 Q. You never saw -- you never saw it with the
13 metal covering removed from it, did you?

14 A. No, sir.

15 Q. You never saw the guts of it?

16 A. No, sir.

17 Q. Okay. So it was -- it was already installed
18 when you got there?

19 A. Yes, sir.

20 Q. Already hooked up and everything?

21 A. Yes, sir.

22 Q. Okay. Do you know -- were there -- were
23 there only certain parts of it that had to be
24 insulated?

25 A. I don't know that either.

1 Q. Okay. Okay. Sorry about that.

2 And I wanted to see if I could clarify how --
3 how -- how long -- how many days you spent insulating
4 that turbine. I think you mentioned it would sometimes
5 take a week. Do you have a recollection of how long it
6 actually took that particular turbine to insulate it?

7 A. No, sir, I do not.

8 Q. Okay. The only material you -- you recall
9 using is the high-temp mud on that turbine?

10 A. Yes, sir.

11 Q. Okay. And are you able to recall -- you
12 said -- you mentioned A.P. Green?

13 A. That name things a bell, but I'm not sure
14 that's what we used. That was one of the main things
15 that they used back in that time because it was a good,
16 you know, a good high-temp mud.

17 Q. Okay. As far as this particular turbine, you
18 associate high-temp mud with it, but you're not sure
19 who made the high-temp mud?

20 A. No, sir.

21 Q. I'm correct?

22 A. No, sir.

23 Q. Just let me ask it one more time. Do you
24 recall who made the high-temp mud for this turbine?

25 A. No, sir.

1 Q. Okay. Just to make sure we're clear on the
2 record. Sorry about that. My fault.

3 Do you know whether the high-temp mud used on
4 that turbine contained asbestos?

5 A. No. I do not know whether it contained
6 asbestos or not.

7 Q. Okay. I'd like to move on and talk to you
8 about your work at the Westinghouse plant.

9 A. Yes, sir.

10 Q. You were -- you were employed by Starr Davis?

11 A. Yes, sir.

12 Q. Do you remember what -- what year that was?

13 A. I think it was in 1970. I think.

14 Q. 1970?

15 A. I think.

16 Q. I think you said you were there for about six
17 months.

18 A. Yeah.

19 Q. Do you know if Mr. Childers was there for
20 that whole time?

21 A. I do not know, but he was there on that job.
22 I do not know how long he was there.

23 Q. Okay. So he might have -- he might have been
24 there for only a portion of the six months?

25 A. Could have been, yes, sir.

1 Q. Okay. Is the work at Westinghouse the only
2 job you and he did while employed by Starr Davis, or
3 were there other -- other jobs you did while employed
4 by Starr Davis?

5 A. Westinghouse is the only one that kind of
6 stands out.

7 Q. Okay. But you don't recall any other jobs
8 that you and Mr. Childers did while employed by Starr
9 -- Starr Davis?

10 A. No, sir. No, sir.

11 Q. Okay. And you mentioned a few different
12 things that you did at the Westinghouse plant. Were
13 you and Mr. Childers always doing the exact same thing,
14 or was he sometimes doing -- maybe working on a
15 different part of the job?

16 A. He could have been working on pipe or
17 something, and I could have been working on duct. Or I
18 could have been working on a tank, and he could have
19 been working on pipe. I mean, we wasn't, you know,
20 hand in hand the whole time. No, sir.

21 Q. Sure. Was it a fairly large plant?

22 A. Yeah. Big plant.

23 Q. More than one building or just one building?

24 A. It was a humongous building.

25 Q. Okay. Just one -- one huge building?

1 A. Yeah.

2 Q. Can you give me an idea of how big that
3 building was?

4 A. I would say three football fields long.

5 Q. Okay.

6 A. Maybe more.

7 Q. Did -- just generally, did your work, while
8 you were there, take you to various different parts of
9 the plant?

10 A. Yes, sir.

11 Q. So you weren't confined to just one corner of
12 the plant?

13 A. No, sir.

14 Q. Okay. So it's possible that he -- he was
15 doing one thing on one end of the plant and you were
16 doing something else on the other end?

17 A. Yes, sir.

18 Q. Okay. Would you agree with me that
19 Mr. Childers would be in the best position to talk
20 about the specific work he did at the Westinghouse
21 plant?

22 A. That's right.

23 Q. Okay. And you mentioned doing some -- using
24 fiberglass insulation to insulate some -- some lower
25 temperature pipe?

1 A. Yes.

2 Q. And it sounds like you did quite a bit of
3 that?

4 A. Yes, sir.

5 Q. Would there be whole days that you would just
6 do that?

7 A. Yes, sir.

8 Q. Okay. Can you -- can you describe the
9 fiberglass insulation for me.

10 A. What do you mean by describe?

11 Q. Well, just what color it was, texture.

12 A. Well, the fiberglass, at a certain time that
13 they started having it, had like a -- like a jacket on
14 it. It come prefab stuff and you just had a flap on it
15 and you just open the flap and put it around the pipe
16 and peel it like a bandaid. Had a bandaid strip on it,
17 and you seal it. And then you go back and have the
18 strips to put the joints at the end to seal it off, you
19 know, to the waterproof it to keep it from leaking.

20 Q. Okay. So it had -- it had some kind of
21 adhesive?

22 A. A vapor barrier jacket on it.

23 Q. Okay. What -- what color was the fiberglass
24 insulation?

25 A. The fiberglass itself was yellow.

1 Q. Okay. Back at the -- back at the time you
2 were working at the Westinghouse plant, it was yellow?

3 A. Yeah.

4 Q. Okay. Was it like -- was it soft like the
5 insulation in your attic?

6 A. No. It had some form to it, you know.

7 Q. Okay.

8 A. To like to -- to fit the pipe.

9 Q. Okay.

10 A It was what you might say a premolded
11 insulation.

12 Q. Okay.

13 A. Molded to fit the pipe.

14 Q. Okay. So on those -- on those days where
15 you -- where you only worked with -- only worked
16 putting fiberglass insulation on pipes, you wouldn't --
17 you wouldn't come home all dusty; is that right?

18 A. No, sir. Not with fiberglass. You just come
19 home itching.

20 Q. Can you estimate for me how many days you
21 would have done just fiberglass work while at
22 Westinghouse or how many -- a percentage?

23 A. If I told you anything, I would just be
24 guessing.

25 Q. Okay. And you also mentioned working on a

1 tank at the Westinghouse plant.

2 A. Yes.

3 Q. Was -- was this located in the plant or was
4 it outdoors?

5 A. It was inside, yeah.

6 Q. Do you recall what part of the plant it was
7 in?

8 A. No, not really. I know it was kind of down
9 in a hole in a -- like a lower part of the plant where
10 it was at.

11 Q. Okay. You don't know what -- what it was
12 holding?

13 A. No. I have no idea. It had to be something
14 hot.

15 Q. Okay. And your -- your employer, Starr
16 Davis, did they provide you with your tools?

17 A. No. We all -- always the insulator had to
18 have his own tools.

19 Q. Okay. But your -- did your employer tell you
20 how to do your job?

21 A. No, sir.

22 Q. You already knew how to do it?

23 A. They get on you if you didn't do it right.

24 Q. Okay. But they told you what to do?

25 A. Yeah.

1 Q. Okay. You mentioned -- you mentioned working
2 with Kaylo.

3 A. Yeah.

4 Q. Both on pipes and on the tank.

5 A. Yeah.

6 Q. Do you know if at that time Kaylo still
7 contained asbestos?

8 A. No. I don't know if it did or not.

9 Q. Okay. And the mud material, I think you --
10 was it One Shot you mentioned?

11 A. Yeah.

12 Q. Do you know if that contained asbestos?

13 A. I don't know.

14 Q. Okay. Okay. I'm going to go ahead and talk
15 to you about a -- a little bit about you mentioned a
16 boiler at Celanese Rock Hill.

17 A. Yes, sir.

18 Q. Kind of -- kind of a similar set of
19 questions. Well, first of all, do you know -- I think
20 you mentioned before you went to work there as a
21 employee of Celanese, you were -- you worked there
22 while employed by Daniel -- or Presnell?

23 A. Yeah.

24 Q. During that time when you were employed by
25 Presnell, do you remember what year that was or what

1 years?

2 A. Not really. No, sir.

3 Q. Okay.

4 A. I'm not sure what year it was.

5 Q. Sometime between '68 and '74, I think you

6 said?

7 A. Yeah. Somewhere in that range.

8 Q. Six to eight months is what you said. Is

9 that --

10 A. I'm saying more in the '70s.

11 Q. The '70s?

12 A. Yeah.

13 Q. Okay. Okay. That helps me a little bit.

14 You mentioned a -- the boiler that you

15 recall. Well, first of all, let me ask you, this is

16 another very large industrial site, correct?

17 A. Yeah. Yeah.

18 Q. You and Mr. Childers were not side by side in

19 that entire six to eight months, were you?

20 A. When we was on that boiler, we would have

21 been. Yes, sir.

22 Q. Okay. So you worked on the boiler together?

23 A. Yeah.

24 Q. Okay. How long did you work on the boiler?

25 How long did that work take?

1 A. I don't know. It probably took two or three
2 months altogether to do that boiler. It was a pretty
3 good size --

4 Q. Okay.

5 A. -- piece of equipment.

6 Q. And how big was it?

7 A. I don't know. It -- it was -- it was a big
8 boiler. I mean, you know, it started off down on the
9 ground floor and went up about four or five floors in
10 that powerhouse, the boiler and the stack and
11 everything that was on it.

12 Q. Okay. And you mentioned that it was -- the
13 material you were using on it was a Rockwool material?

14 A. Yeah.

15 Q. Was that a hard material?

16 A. No. It's kind of like a come in vats --

17 Q. Okay.

18 A. -- like, you know, squares. Like two-foot
19 wide and four-foot long and about maybe four-inches
20 thick.

21 Q. Okay. So that might be more like at least
22 softer, like what you might have in your attic?

23 A. Oh, yeah. It was -- no, it wasn't soft. It
24 was a fairly dense -- dense material.

25 Q. Okay.

1 A. But it was softer than Kaylo, but it wasn't
2 flexible like you put in your attic.

3 Q. So it's not flexible?

4 A. No.

5 Q. Okay. Do you know who made that material?

6 A. No, sir.

7 Q. Do you know if it contained asbestos?

8 A. I do not know, no, sir.

9 Q. Okay. Would you agree that as far as the
10 work at Celanese Rock Hill, while you -- you and
11 Mr. Childers were working for Presnell, would you agree
12 that Mr. Childers would be in the best position to talk
13 about the things he did there?

14 A. Yes.

15 MS. MCVEY: Object to the form.

16 BY MR. ROGERS:

17 Q. Okay. I wanted to ask you if you heard of a
18 couple of product names. Are you familiar with a
19 product called Thermobestos?

20 A. Thermobestos?

21 Q. Thermobestos.

22 A. I've heard that name, but I'm not sure that I
23 know who it is.

24 Q. Are you familiar with Johns Manville?

25 A. Yes, sir. I saw that type material. Yes,

1 sir.

2 Q. Did you work with Johns Manville insulation?

3 A. Yes, sir.

4 MS. MCVEY: Objection as to where.

5 BY MR. ROGERS:

6 Q. Do you recall any particular site where you
7 worked with Johns Manville?

8 A. I couldn't say what particular plant, but I
9 remember the name.

10 Q. Okay. I'm going to show you a -- it's a
11 document. I have a copy for you. I think I'll forgo
12 the projector.

13 MR. ROGERS: What exhibit are we on,
14 Number 2?

15 THE COURT REPORTER: It will be 2.

16 (DEFT. EXH. 2, Johns Manville Corporation
17 Purchase Specification, was marked for identification.)

18 BY MR. ROGERS:

19 Q. Go ahead. I'll point out a couple of things
20 on it.

21 A. Okay.

22 Q. You're welcome to look at it as much as you
23 want.

24 So if -- if you look at the top left, it
25 says, "Johns Manville Corporation Purchase

1 Specification"; do you see that, sir?

2 A. Yes.

3 MS. MCVEY: I'm just going to object to the
4 use of this document. I don't know where it's from
5 or --

6 MR. ROGERS: Sure. That's fine.

7 MS. MCVEY: Foundation, I guess. Sorry.

8 MR. ROGERS: Yeah. I got you.

9 BY MR. ROGERS:

10 Q. It says -- and below that it says, "Cartons
11 for Thermobestos Pipe Insulation."

12 Do you see that, sir?

13 A. Yeah, I see all that. Yes.

14 Q. To the right there's a date, 9-10-64?

15 A. Yeah.

16 Q. Okay. If you turn the page, you can turn
17 over two pages. You'll see a -- kind of a diagram of a
18 box.

19 A. Yes.

20 MR. MCDONALD: I'll enter an objection at
21 this point. Obviously, '64, this is not a job site
22 that Mr. Childers was on or Mr. Neelands was on. He
23 can't identify this document. I don't see how it's
24 relevant. But go ahead.

25 BY MR. ROGERS:

1 Q. Does that - does that box -- that diagram of
2 the box look at all familiar?

3 A. No, sir.

4 Q. So it's not -- not something you recall ever
5 seeing?

6 A. No, sir.

7 Q. Okay. And if you'll turn over one more page.
8 You see it says "Caution. This product contains
9 asbestos fiber."

10 Do you see that, sir?

11 A. Yes.

12 Q. Do you recall ever seeing a warning like that
13 on a box of insulation?

14 A. No, sir, I don't. But it could have very
15 possibly been on there and may not have saw it.

16 Q. You didn't -- you didn't study the boxes
17 closely?

18 MS. MCVEY: Object to the form.

19 THE WITNESS: Huh?

20 MS. MCVEY: I'm just objecting to his
21 question.

22 THE WITNESS: Oh.

23 BY MR. ROGERS:

24 Q. You didn't -- it wasn't your -- your practice
25 to look closely at boxes of insulation?

1 A. No, sir.

2 MS. MCVEY: Object to the form.

3 THE WITNESS: Sometime when we got it, it
4 wasn't in the box it come in either.

5 BY MR. ROGERS:

6 Q. Okay. You can put that aside. I just have a
7 couple more I want to show you. Similar questions.

8 MS. MCVEY: Just before you show him any
9 documents, are you representing that this stuff is from
10 Bowater or any of the plants --

11 MR. ROGERS: Not at all.

12 MS. MCVEY: -- he's testified to?

13 MR. ROGERS: This is representative.

14 MS. MCVEY: I mean, okay.

15 MR. ROGERS: I mean, I'm just seeing if -- if
16 -- it jogs any memories, if he can remember them. I'm
17 not representing that it's from any particular
18 location.

19 This will be --

20 THE COURT REPORTER: Exhibit 3.

21 MR. ROGERS: Exhibit 3.

22 (DEFT. EXH. 3, Kaylo Insulation Label, was
23 marked for identification.)

24 MR. TRAYLOR: Are you making these exhibits?

25 MR. ROGERS: Yeah, I'm marking them as

1 exhibits.

2 MS. MCVEY: I think they can be marked for
3 identification. I would object to their admissibility,
4 but yes.

5 MR. ROGERS: Okay.

6 BY MR. ROGERS:

7 Q. Mr. Neeland, do you see that document Exhibit
8 3?

9 A. Yeah.

10 Q. It's been marked for identification as
11 Exhibit 3.

12 Does that -- that -- it says Kaylo
13 Insulation. Does that logo look familiar to you?

14 A. I remember seeing Kaylo on the boxes, yes,
15 sir.

16 Q. Okay. In the bottom right, it says, "This
17 product contains asbestos fiber." Do you recall ever
18 seeing that on a box of Kaylo?

19 A No, sir.

20 MS. MCVEY: Object to the form.

21 MR. MCDONALD: I'm going to enter an
22 objection now. I don't think there's any connection
23 between this document at the job site where
24 Mr. Neelands or Mr. Childers or any other witness
25 worked in the case.

1 MR. ROGERS: Okay. We're at 4. I'm going to
2 go ahead and mark 5 as well. This is the last one.

3 (DEFT. EXH. 4, PABCO Super Caltemp Label, was
4 marked for identification.)

5 (DEFT. EXH. 5, Unibestos Pipe Insulation
6 Label, was marked for identification.)

7 MS. MCVEY: You're okay. I'm just going to
8 have a running objection --

9 MR. ROGERS: Sure.

10 MS. MCVEY: -- for foundation.

11 MR. ROGERS: Yeah, for sure.

12 MR. MCDONALD: I join in that objection.

13 BY MR. ROGERS:

14 Q. Mr. Neeland, I placed in front of you
15 Exhibit -- exhibits 4 and 5. Let's just take Exhibit 4
16 very quickly first. And that shows what appears to be
17 a box of PABCO Super Caltemp. Do you recall working
18 with PABCO?

19 A. Yes, sir.

20 Q. Does that box look familiar to you?

21 A. I remember seeing that name, but that's all.

22 Q. Okay. If you'll take that Exhibit 4 and just
23 flip all the way to the last page. Kind of a quarter
24 of the way down, it says, "Caution: This product
25 contains asbestos fiber."

1 Do you recall ever seeing that kind of
2 caution on a box of PABCO?

3 A. No, sir.

4 MS. MCVEY: Object to the form.

5 BY MR. ROGERS:

6 Q. Okay. And the last one, you can go ahead and
7 put that one to the side. You see it appears to be a
8 box of Unibestos Pipe Insulation?

9 A. Yes, sir.

10 Q. Did you ever work with Unibestos?

11 A. Yes, sir.

12 Q. Does that box look familiar?

13 A. No, sir. But I know what the insulation
14 looked like. It was some type of -- it had like an
15 eggshell like on the outside of it and the inside was
16 kind of soft like once it -- once it broke through that
17 outside barrier. I remember what the insulation was
18 like, but I don't remember that box.

19 Q. Okay. If you'll just flip the page. It's
20 pretty hard to read, but on the top left, if you turn
21 the page over there, it says, "This product contains
22 asbestos fiber."

23 MS. MCVEY: I'm just going to object. He's
24 already said he had never seen the box before.

25 MR. ROGERS: Okay.

1 BY MR. ROGERS:

2 Q. Have you seen that, sir? Where it says,
3 "Caution: This product contains asbestos fiber."

4 A. No, sir. It might have been -- like this is,
5 it might have been faded out where you can't see it.

6 Q. Can you see it on the page or just never --

7 A. Not really.

8 Q. Okay. Yeah, it's a pretty bad copy. I
9 apologize.

10 Sir, would it surprise you to learn that --
11 if I told you that some insulation companies were at
12 least considering putting warnings on their boxes of
13 insulation in the mid to late '60s?

14 MS. MCVEY: Objection.

15 MR. MCDONALD: Object to the form.

16 MR. ROGERS: I'm sorry, I didn't hear your
17 answer.

18 THE WITNESS: No, sir.

19 BY MR. ROGERS:

20 Q. It wouldn't surprise or it would surprise
21 you?

22 A. Would.

23 Q. Okay. If that's -- if that's true, if
24 insulation companies were considering putting warnings
25 on their boxes of insulation in the mid to late '60s,

1 is there anything that an equipment manufacturer could
2 have told you that wasn't already given by insulation
3 manufacturer?

4 DEFENSE COUNSEL: Object to the form.

5 MS. MCVEY: Object to the form.

6 THE WITNESS: I don't know.

7 MR. ROGERS: Okay. That's all the questions
8 I have. I appreciate it, sir. Thank you.

9 THE WITNESS: Okay.

10 MS. FLYNN: Mr. Neelands.

11 MS. MCVEY: You got the mic?

12 EXAMINATION

13 BY MS. FLYNN:

14 Q. My name is Stephanie Flynn. I've just got a
15 few questions for you. I'll be pretty brief.

16 A. Okay.

17 Q. I represent a company called Covil
18 Corporation.

19 A. Okay.

20 Q. And you've mentioned Covil a couple of times
21 a little bit earlier today, so I have some questions
22 for you about that.

23 A. Yes, ma'am.

24 Q. At any of the sites where you worked, am I
25 correct that you were not involved with the

1 warehousing?

2 A. No, ma'am. I wasn't -- I didn't work in the
3 warehouse. Sometimes we went to the warehouse to get
4 material, but not -- didn't work directly in the
5 warehouse.

6 Q. Okay. And you were not involved with
7 ordering products; is that true?

8 A. No, ma'am.

9 Q. And you were not privy to the blueprints to
10 see the content or makeup of any of the material that
11 was specified on a particular job?

12 A. No, ma'am.

13 Q. In talking about Bowater, you first mentioned
14 Covil at that time and said that generally that they
15 were a supplier of materials in the area, but you did
16 not believe or know if Covil supplied any materials to
17 Bowater.

18 A. That's right.

19 Q. Okay. There were other companies that
20 supplied the same types of products as Covil; is that
21 right?

22 A. Yes, ma'am.

23 Q. Do you recall some of the names of those
24 companies?

25 A. No, not really. I know that when -- after I

1 went to work for Celanese, there was a company named
2 P&H Sales that -- that furnished material. But I don't
3 know how far that goes back or how long he had been in
4 business or nothing.

5 Q. Okay. The other suppliers that -- who may
6 have supplied anything to your job sites where you
7 worked, were they supplying the same types of products
8 as Covil from the major manufacturers?

9 A. I guess they were, yes, ma'am.

10 Q. And then I think you said you did believe
11 that Covil supplied products at the Spartanburg
12 Celanese plant?

13 A. Yes, ma'am.

14 Q. Why is it that you believe that Covil
15 supplied products at that site?

16 A. Because we could see the trucks bringing, you
17 know, bringing it in with Covil -- had Covil's name on
18 it.

19 Q. And what did the trucks look like generally?

20 A. Just a box truck with a logo on it.

21 Q. What did the logo look like?

22 A. I don't remember all that now. You're
23 talking about something that happened a lot of years
24 ago.

25 Q. Do you know how often or with what frequency

1 they would deliver products to the site?

2 A. No. I guess somebody would call and tell
3 them when to bring it, I guess. I don't know. I
4 wasn't involved in that part of it. All we did was put
5 it on the pipes.

6 Q. Do you recall any of the Covil employees who
7 delivered products to the site?

8 A. No, ma'am.

9 Q. And Covil did not have insulators working at
10 that site; is that right?

11 A. No. It was work for Daniels at that time.

12 Q. So they were just delivering products only?

13 A. That's right.

14 Q. Do you recall specifically what year it was
15 that you were at that plant?

16 A. I'm wanting to say somewhere about maybe '75,
17 somewhere in that range. '70 something.

18 Q. So it was towards the end of your work
19 with --

20 A Daniel, yeah.

21 Q -- Mr. Childers.

22 Do you recall any other companies who were
23 also supplying various types of materials and products
24 to the Spartanburg Celanese site?

25 A. No, ma'am.

1 Q. Were there other companies supplying
2 products?

3 A. There could have been. I don't know. I
4 wasn't involved in ordering materials.

5 Q. Okay. I heard -- do you know specifically
6 what materials were delivered by Covil?

7 A. No, I don't know.

8 Q. Do you recall any of the manufacturers or
9 brands?

10 A. No, ma'am.

11 Q. And I heard you say the pipe covering used at
12 the Spartanburg Celanese plant, I believe you referred
13 to it was as a Kaylo-type insulation.

14 A. Yes, ma'am.

15 Q. Do you know specifically if it was Kaylo or
16 if it was some other?

17 A. It could have been any name brand. I don't
18 know. It was chalky, hard-type insulation. Something
19 that would hold heat.

20 Q. And you've referred to Kaylo-like materials.
21 Are you using that sort of as a generic term to refer
22 to that type of product?

23 A. I've used that name -- not the name brand,
24 just the product of Kaylo itself.

25 Q. You're using it as sort of generically?

1 A. Yeah.

2 MS. MCVEY: Object to the form.

3 BY MS. FLYNN:

4 Q. And you don't know specifically who
5 manufactured the pipe covering that was used at the
6 Spartanburg plant?

7 A. No, ma'am. I do not know.

8 Q. Are you able to testify that any of the
9 materials that were delivered or supplied by Covil
10 contained asbestos?

11 A. No, ma'am.

12 Q. And would you agree that you're not able
13 to -- to tell whether pipe covering contains asbestos
14 or not just by looking at it?

15 MS. MCVEY: Object to the form.

16 THE WITNESS: No.

17 BY MS. FLYNN:

18 Q. Did you also use fiberglass insulation at the
19 Spartanburg Celanese plant?

20 A. No, ma'am.

21 Q. Did you insulate low temperature lines at
22 that plant?

23 A. Yeah. No high-temp stuff in Spartanburg.

24 Q. Okay. You didn't do any low-temperature sort
25 of work?

1 A. No, ma'am.

2 MS. FLYNN: Okay. I'm going to review my
3 notes, but I believe that's all I have for you.

4 THE WITNESS: Thank you.

5 MS. FLYNN: Thank you.

6 MS. MCVEY: Anybody else other than Chris?
7 Okay. You doing okay?

8 THE WITNESS: Yeah.

9 EXAMINATION

10 BY MR. COLLIER:

11 Q. Good afternoon, sir.

12 A. How are you doing?

13 Q My name is Chris Collier. I've got some
14 questions to follow up with you on. And I'm going to
15 jump around a little bit, so if I lose you for any
16 reason, please just let me know and we'll go back and
17 get resituated. Okay?

18 A. Okay.

19 Q. I would just ask even if you know where I'm
20 going with my question that you let me get my entire
21 question out before you start answering, and then I'll
22 let you get your entire answer out before I ask my next
23 question so we're not talking over each other. Okay?

24 A. Okay.

25 Q. Sir, let me go back and get a little bit more

1 background-type information from you. Are you on any
2 form of medication that you've taken here today prior
3 to your deposition?

4 A. No, sir.

5 Q. Can you tell me what you did to prepare for
6 your deposition today?

7 A. Nothing.

8 Q. Okay. Well, obviously at some point in time
9 you were contacted because you wouldn't have just shown
10 up here to voluntarily answer a bunch of questions by
11 lawyers, correct?

12 A. Well, I guess I didn't understand the
13 question.

14 Q. Okay. All right. Let me back up.

15 At some point in time you were contacted by
16 Ms. McVey's office about giving a deposition here
17 today, correct?

18 A. Yes, sir. Yes, sir.

19 Q. Okay. Can you -- can you estimate for me
20 when the first time was that you were contacted about
21 giving a deposition?

22 A. Maybe 60 days ago. I'm guessing when I say
23 that.

24 Q. Is that your best estimate?

25 A. Yes.

1 Q. And when you were -- when you were contacted
2 60 or so days ago, what -- what were you asked about?
3 What were you asked to do?

4 A. Did I work with Mr. Childers and what jobs we
5 worked on and such as that.

6 Q. Okay. And was this a telephone call or was
7 this an in-person meeting?

8 A. In person.

9 Q. And was it with Ms. McVey?

10 A. Yeah.

11 Q. And how long did that meeting last?

12 A. 30 minutes or so.

13 Q. And in that first meeting that you had with
14 Ms. McVey a couple of months ago, did you all talk
15 about the job sites that we've talked about here today
16 in your deposition?

17 A. Yes, sir.

18 Q. Other than -- than the, I don't know, five or
19 six locations that we've talked about here today, what
20 else did you all talk about?

21 A. That's basically it.

22 Q. When you say that you talked about the jobs
23 that you all -- that you and Mr. Childers worked on
24 together, did you talk about the work that you did at
25 those jobs?

1 A. Yes, sir.

2 Q. What do you recall talking about in that
3 regard?

4 A. Where we worked at and how long we worked and
5 what type materials was on the jobs and such as that.

6 Q. And that's the information that you had been
7 providing to us today throughout the course of the
8 deposition?

9 A. Yes, sir.

10 Q. Were there any types of materials or
11 manufacturers of materials that were suggested to you
12 by Ms. McVey?

13 A. No, sir.

14 Q. Were there any job sites that were suggested
15 to you by Ms. McVey as opposed to you just volunteering
16 the places that you recalled working with Mr. Childers?

17 MS. MCVEY: Object to the form.

18 THE WITNESS: No, sir. She didn't suggest
19 any job sites.

20 BY MR. COLLIER:

21 Q. So after that initial meeting 60 or so days
22 ago, have you had any further follow-ups related to
23 your testimony here today?

24 A. No, sir.

25 Q. The only -- you obviously, at some point in

1 time, were contacted and given information as to the
2 date and the time that you were going to give your
3 deposition.

4 A. I got a letter in the mail, yes, sir.

5 Q. But there was no other -- no other follow-up
6 that related to the substance of your testimony, it was
7 all about just when to show up and where to show up?

8 A. Yes, sir.

9 Q. Sir, you were shown earlier today a copy of
10 your lawsuit that was filed in Mississippi that's
11 sitting there in front of you. Do you have any
12 materials related to your personal lawsuit?

13 A. Do I have any materials?

14 Q. Yes, sir.

15 A. At home, yes.

16 Q. Okay. And is your lawsuit, is it still
17 pending, to your knowledge, or has it been dismissed?

18 A. Yes, sir. Still pending.

19 Q. Do your lawyers know that you're here today
20 providing a deposition?

21 A. Yes, sir. I don't know if they know I was
22 here today, but they approved it.

23 Q. Okay. Fair enough. With respect to your
24 personal lawsuit, did you have to put together
25 information related to when you worked at various

1 places like you've talked about today?

2 A. Yes, sir.

3 Q. And do you still have that information
4 available?

5 A. No, sir.

6 Q. Is that information that you turned over to
7 your lawyers?

8 A. Yes, sir.

9 Q. And you no longer have a copy of it?

10 A. No.

11 Q. With respect to your personal lawsuit, did
12 you ever give a deposition like we're doing here today?

13 A. No, sir.

14 Q. With respect to your personal lawsuit, did
15 you ever have to answer any sort of written questions
16 that were sent to you by the lawyers --

17 A. Yes.

18 Q. -- that talk about your background and your
19 medical condition and the places that you worked?

20 A. Yes, sir.

21 Q. And you don't -- today you don't have copies
22 of those answers anymore?

23 A. I may have. I don't know. I got a drawer
24 full of stuff at home from those lawyers and
25 settlements that they have made, and I put it all in a

1 drawer at the house. I may have. May not. I don't
2 know what they did. I think to get to places, they got
3 a copy of the work record and went from that some kind
4 of way.

5 Q. I would just ask that you -- whatever you
6 have in that drawer related to your own lawsuit, that
7 you not destroy it, that you just maintain it as it is.
8 Okay?

9 A. Okay.

10 Q. With respect to your own personal lawsuit, I
11 looked through the complaint. Which is what's sitting
12 there in front of you right now. And I didn't see
13 Celanese or Hoechst Celanese, Fiber Industries or any
14 of those related companies named as a defendant in your
15 personal lawsuit. Do you know if they were named as a
16 defendant in your personal lawsuit?

17 A. They went after the manufacturers was the
18 only ones that they went after at that time. They said
19 maybe later that they would go --

20 MS. MCVEY: I just want to be really careful
21 about what your lawyer told you or their strategy --

22 THE WITNESS: Okay.

23 MS. MCVEY: -- because that's protected by
24 the attorney-client privilege.

25 THE WITNESS: Okay.

1 MS. MCVEY: And so -- I'm not trying to
2 interrupt, but just be careful.

3 BY MR. COLLIER:

4 Q. And let me just -- let me just clarify
5 because of that. When you were saying "they," you were
6 referring to your lawyers --

7 A. Yes.

8 Q. -- for the case filed in Mississippi?

9 A. Yes, sir. I don't know where it was filed
10 at. I have no knowledge of that. But they are the
11 ones handling that end of it.

12 Q. Okay. Fair enough.

13 Sir, with respect to Mr. Childers, you've
14 offered testimony here today that you all worked
15 together on a number of job sites, and it sounds like
16 you first met him when you started working for Daniel,
17 correct?

18 A. Yes, sir.

19 Q. It sounds like the last time that you all
20 worked together on a job would have been sometime in
21 the mid 1970s, correct?

22 A. Yes, sir.

23 Q. And I know that you testified earlier that
24 you knew -- you knew his first wife Gaye and you know
25 their children.

1 A. Yes, sir.

2 Q. How frequently -- or when's the last time
3 that you spoke with Mr. Childers?

4 A. Yesterday.

5 Q. How frequently do you generally talk to
6 Mr. Childers?

7 A. Sometime me and him goes out and eat
8 breakfast a couple of times a week.

9 Q. Is that just kind of a routine activity that
10 you all do?

11 A. Yeah. Yeah.

12 Q. When you spoke with Mr. Childers yesterday,
13 did you all talk about this deposition at all?

14 A. Yeah. I told him I didn't want to come down
15 here, but I guess I have to.

16 Q. Beyond that, did you all talk about the --
17 kind of the substance of the testimony --

18 A. No.

19 Q. -- or the locations where any of you all --

20 A. Nothing to do with that part of it, no, sir.

21 Q. Okay. Okay. Since you were contacted 60 or
22 70 days ago about giving a deposition here today, have
23 you talked to Mr. Childers about the substance of your
24 testimony? And by that I mean either where you worked
25 or the products that you worked with.

1 A. No, sir.

2 Q. Do you know how Ms. McVey's office came to
3 find out that the two of you all worked together and to
4 ask you to give a deposition?

5 A. I guess maybe he told them. I don't know. I
6 don't have that information.

7 Q. Sir, I want to get in to some of the
8 testimony that you -- that you gave here earlier today,
9 but one of the things that you mentioned was that you
10 were a Celanese employee for roughly 18 years, correct?

11 A. Yes, sir.

12 Q. And was all of that time at the Rock Hill
13 plant?

14 A. Yes, sir.

15 Q. And that would have been from approximately
16 1982 until 2000, 2001?

17 A. Yeah.

18 Q. And what was the -- what was the scope of
19 your work while you were a direct employee of Celanese?

20 A. I was a maintenance employee insulator.

21 Q. And was that true throughout that whole 18 to
22 20 years?

23 A. Yeah. Except for right at the last. They
24 done away with the insulating shop, and I worked in
25 production the last six or eight months I -- I was

1 there.

2 Q. And when you say you were working in
3 production, what was being -- what were you producing?

4 A. Some kind of chemicals and stuff just -- they
5 made some type of chemical.

6 Q. Is that facility still in operation today?

7 A. No, sir.

8 Q. With respect to your work at Celanese, as a
9 direct employee of Celanese, how was it that you came
10 to seek employment there or take a job there?

11 A. I had worked in there before on -- with
12 contractors and stuff, and I knew some people that
13 worked at the plant.

14 Q. And -- and we've talked about some of the --
15 some of the jobs or actually one of the jobs that you
16 did with -- with Mr. Childers at the Rock Hill plant.
17 And you mentioned that you knew some of the people who
18 worked there. Can you recall any of those folks that
19 you spoke with about getting on as a Celanese employee?

20 A. Yes, sir.

21 Q. And who's that?

22 A. Well, all of them's dead now.

23 Q. Okay. Just if you can recall their names.

24 A. One fellow, Bill Love, that was worked in the
25 tin -- what we call the tin shop. He helped me get a

1 job out there.

2 Q. Okay. Did anybody else help you get a job
3 out there?

4 A. No, sir. He was the only one at that time.

5 Q. And that would have been in the early 1980s?

6 A. Yeah. I went to work there in '82.

7 Q. And did you -- what -- what led you to go to
8 a company like Celanese to work as opposed to
9 continuing to work for the contractors that we've
10 talked about?

11 A. I got tired of running up and down the road
12 not knowing where you're going to be at the next week.

13 Q. So you wanted to be some place where you
14 would be closer to home every day, every night?

15 A. What I thought was a more stable job and what
16 I thought was a permanent job, but it turned out not to
17 be. They sent some of it to Mexico, the rest to China.

18 MR. COLLIER: I'm going to object to the
19 nonresponsive portion.

20 BY MR. COLLIER:

21 Q But you were there for 18 years, correct?

22 A. Yes, sir.

23 Q. And you would agree with me that Celanese was
24 a safety conscious company, correct?

25 MS. MCVEY: Object to the form.

1 THE WITNESS: I don't think so.

2 BY MR. COLLIER:

3 Q. Okay. Why do you say that?

4 A. Well, people was not made aware about the
5 asbestos. We didn't know nothing about asbestos until
6 up in the mid '80s.

7 Q. Let me -- let me talk to you about that a
8 little bit. Your testimony throughout the day today
9 has been that there were no warnings on any of the
10 insulation materials that you installed, correct?

11 MS. MCVEY: Object to the form during the '68
12 to '74 time period.

13 BY MR. COLLIER:

14 Q. Correct?

15 A. Yeah.

16 Q. Okay. And it's your testimony that there was
17 no indication on those -- or strike that.

18 Was there any indication on those packages
19 that you used up through the '74 time frame that those
20 materials, in fact, contained asbestos?

21 A. We was not made aware of it. I will say
22 that.

23 Q. Okay. So -- but my question was a little bit
24 different. My question was, was there anything on the
25 packages that indicated whether those materials

1 contained asbestos?

2 A. I don't remember.

3 Q. Okay. So if the manufacturers of the
4 products weren't putting any sort of labeling on there
5 to indicate that the products contained asbestos, how
6 would a company like Celanese know that the materials
7 contained asbestos?

8 MS. MCVEY: Object to the form.

9 DEFENSE COUNSEL: Object to the form.

10 THE WITNESS: I don't know that.

11 BY MR. COLLIER:

12 Q. Okay. So despite that, it's still your
13 testimony that Celanese was not a safety conscious
14 company?

15 A I don't think so.

16 Q. Then why did you stay there for 18 years?

17 A. It was a good job.

18 Q. Well, how do you differentiate a good job and
19 a safety conscious company?

20 A. I don't know. It was close to home. Paid
21 good money. Sometimes you do what you have to do.

22 Q. So, sir, with respect to your comment that
23 they weren't safety conscious, what's the grounds for
24 that? What's the -- what's the basis for that comment?

25 A. Well, one thing, they had kids putting

1 stickers on pipes that didn't know what they was doing.
2 That's one thing that I base it on. Another thing, if
3 they had people coming in to do -- like people to look
4 at the plant or something, they would have us to go on
5 and dress it up. Put new metal and paint out the
6 elbows and stuff and take would them on a guided tour.
7 The parts that looked good.

8 Q. When you say people come in to look at the
9 plant, who are you -- who are you referring to?

10 A. I'll just say any kind of company that they
11 knew was coming.

12 Q. So you worked there for 18 years. When --
13 was there a period of time in there where you think
14 that they -- they went from being a safety conscious
15 company to not being a safety conscious company?

16 MS. MCVEY: Object to the form.

17 THE WITNESS: I don't know.

18 BY MR. COLLIER:

19 Q. Well, is it your testimony that from day one
20 in 1982 that you don't think they were a safety
21 conscious company?

22 MS. MCVEY: Object to the form.

23 THE WITNESS: I don't think they were, no.

24 BY MR. COLLIER:

25 Q. But you continued to work there for 18 years?

1 A. Yes, sir.

2 Q. Did you ever file a workers' compensation
3 claim with them?

4 A. Yes, sir.

5 Q. Okay. What -- what did you file a workers'
6 comp claim for?

7 A. Hurt my shoulder.

8 Q. And how did you hurt your shoulder?

9 A. I was tearing off some insulation with a bar
10 and dislocated (sic) the rotator cuff.

11 Q. And did you get -- did you have to spend some
12 time off work?

13 A. Yes, sir.

14 Q. And then probably some time doing light duty
15 work?

16 A. Yeah, light duty up there.

17 Q. And you were paid for all that, correct?

18 A. Yeah.

19 MS. MCVEY: Object to the form.

20 BY MR. COLLIER:

21 Q. Any other workers' compensation claims that
22 you filed?

23 A. Yeah. I think I did have a knee -- a knee
24 injury one time, too. Slipped in some kind of chemical
25 or oil or something and hurt my knee.

1 Q. Okay. Do you have some type off work and
2 some light duty associated with that?

3 A. Yeah. Yeah.

4 Q. And you were paid for that time?

5 A. Right.

6 MS. MCVEY: Are you talking about '8--- after
7 '82 when we as a direct employee?

8 MR. COLLIER: Right. I mean, something that
9 would be covered by workers' comp.

10 BY MR. COLLIER:

11 Q. Any other workers' comp claims that you
12 filed?

13 A. None that I can recollect, no, sir.

14 Q. Did you ever file a workers' compensation
15 claim against Celanese for asbestosis?

16 A. No, sir.

17 Q. You've mentioned now twice about Celanese
18 shutting down that Rock Hill plant and moving jobs
19 to -- I think you said to Mexico and Canada maybe?

20 A. China.

21 Q. China. China and Mexico.

22 From -- from your standpoint as an employee
23 of that company, how did that make you feel?

24 A. Well, luckily, I was able to retire when they
25 done it, so I was in pretty good shape.

1 Q. Okay.

2 A. But I hate to see other people that needed a
3 job get laid off.

4 Q. And so what age were you when you retired?

5 A. 60.

6 Q. And did you -- do you receive a pension from
7 Celanese?

8 A. Yes, sir.

9 Q. You continue to receive that pension today,
10 correct?

11 A. Yes, sir.

12 Q. Sir, I would like to change gears a little
13 bit and talk to you about the -- not your direct
14 employee work for Celanese, but the work that you did
15 for insulation contractors at some of the Celanese
16 plants. Okay?

17 A. Okay.

18 Q. Those insulation contractors that you worked
19 for, like Daniel and Presnell, they were hired to do
20 work at the fiber industry and Celanese plants because
21 they were experts in the insulation field, right?

22 MR. MCDONALD: Object to the form of the
23 question. Daniel is not an insulation contractor.
24 That's not been the testimony.

25 THE WITNESS: Yeah, Daniel wasn't. They did

1 insulation, but they -- they were the general
2 contractor.

3 BY MR. COLLIER:

4 Q. Understood. That performed insulation
5 services, correct?

6 A. Yes, sir.

7 Q. Okay. And those companies were hired to do
8 work at the Fiber Industries and the Celanese plants
9 because they were experts in that type of work,
10 correct?

11 MR. MCDONALD: Object to the form of the
12 question.

13 THE WITNESS: Yes, sir.

14 BY MR. COLLIER:

15 Q. And that's why somebody like Celanese would
16 pick up the phone and give them a call, correct?

17 A. Yes, sir.

18 Q. And both you and Mr. Childers were trained by
19 your employers to perform insulation services, correct?

20 A. Yes, sir.

21 Q. And you and Mr. Childers were brought to
22 sites like Celanese because you all were experts in the
23 field of installing insulation, correct?

24 MR. MCDONALD: Object to the form.

25 THE WITNESS: Yeah.

1 BY MR. COLLIER:

2 Q. And you would agree that the work that you
3 and Mr. Childers performed onsite at the Fiber Industry
4 and the Celanese plants, that was necessary for the
5 plants to continue operating, correct?

6 MS. MCVEY: Object to the form.

7 THE WITNESS: Yes, sir.

8 BY MR. COLLIER:

9 Q. So the work -- your employers' work that was
10 being done at the Fiber Industries and the Celanese
11 plants, that was an essential part of their ability to
12 operate continuously and continue to produce products,
13 correct?

14 MS. MCVEY: Object to the form.

15 THE WITNESS: Yes, sir.

16 BY MR. COLLIER:

17 Q. I apologize if this was previously asked, but
18 did you ever see any of the contracts between any of
19 your employers and Fiber Industries or Celanese?

20 A. All we did was insulate the pipe.

21 Q. So the answer to my question is, no, you
22 never saw a contract?

23 A. No, sir.

24 Q. And other than the photographs that Ms. McVey
25 showed you earlier today and that we're going to go

1 through in a little while, do you have any other
2 photographs or pictures depicting your work at any
3 Fiber Industries or Celanese plant?

4 A. No, sir.

5 Q. You never ordered products for use on any of
6 the Fiber Industries or Celanese jobs?

7 A. I was not into that part of it.

8 Q. And did you ever even see any of the purchase
9 orders for any of those Fiber Industries or Celanese
10 jobs?

11 A. No.

12 Q. And because of that, you're not sure who
13 specified the products that were used on those
14 particular jobs, are you?

15 A. No.

16 Q. So on a couple of different occasions when
17 you were going through with Ms. McVey this morning, you
18 talked about there being various warehouses at the
19 Fiber Industries and Celanese sites. Do you recall
20 giving that testimony generally?

21 A. Yes.

22 Q. Okay. And while these warehouses were on the
23 Fiber Industries or the Celanese property, it was
24 actually your employer Daniel or Presnell that was
25 storing the materials in there, correct?

1 A. Yes.

2 Q. And this is where you and Mr. Childers, when
3 you had to go get materials, when you didn't have a
4 helper to come bring them to you, it would be those --
5 those warehouses that Daniel and Presnell were
6 operating that you would go to to get the products,
7 correct?

8 A. Yes, sir.

9 Q. And you would agree that the insulation that
10 you and Mr. Childers were installing, that was
11 necessary to keep the process lines that you were
12 putting them on at a -- at a certain temperature,
13 correct?

14 A. Control temperature, right.

15 Q. And so without the -- without the insulation
16 being on those process lines, there would be too much
17 energy loss and the product couldn't be made, correct?

18 MS. MCVEY: Object to the form.

19 THE WITNESS: Right.

20 BY MR. COLLIER:

21 Q. And also without that insulation on those
22 process lines, people could get burned really badly if
23 they bumped into one of those pipes?

24 A. Right. Yeah.

25 Q. And you would -- you would agree with me that

1 based on your work as an outside contractor but also as
2 your -- well, strike that.

3 You would agree with me that Fiber Industries
4 and Celanese, they were in the business of making
5 fibers, which you've talked about, and they weren't an
6 insulation company, correct?

7 A. That's right.

8 Q. Okay. With respect to the employment that
9 you testified earlier for Daniel at the Salisbury
10 plant, you testified earlier today that you thought you
11 were there for about seven or eight months in '68, '69
12 time frame, correct?

13 A. Yeah.

14 Q. Do you recall giving a deposition, I think it
15 was mentioned earlier today, in the Smart case in 1989?

16 A. Yeah.

17 Q. And in that deposition you testified that you
18 were there for two to three months --

19 MS. MCVEY: Object to the form.

20 MR. COLLIER: -- in the '68-'69 time frame.
21 Do you recall that?

22 THE WITNESS: No, sir.

23 BY MR. COLLIER:

24 Q. Mr. Childers -- did you know that he was
25 deposed in this case? We took his deposition just like

1 we're taking your deposition.

2 A. Yeah.

3 Q. Okay. Mr. Childers testified in his
4 deposition that he thought he worked at the Salisbury
5 plant for Daniel for about two months as well in '68
6 and '69. Were you aware of that?

7 MS. MCVEY: Object to the form. Do you have
8 a copy of his prior deposition? You want to show him
9 the testimony?

10 MR. COLLIER: Not right now.

11 THE WITNESS: I don't recall. He might be
12 right.

13 BY MR. COLLIER:

14 Q. Okay. You defer to Mr. Childers for his
15 testimony regarding his length and his activities on
16 the various jobs, correct?

17 A. Yes, sir.

18 MS. MCVEY: Object to the form.

19 BY MR. COLLIER:

20 Q. With respect to the Salisbury plant, do you
21 remember what -- I know you said it was an addition,
22 but do you remember what building you were working in?

23 A. I have no idea.

24 Q. Was it one building or was it multiple
25 buildings?

1 A. They was a lot of buildings up there.

2 Q. My question is a little bit more specific.

3 During this time -- during this time that you and
4 Mr. Childers worked at the Salisbury plant for Daniel,
5 did -- did you all work in just one building or
6 multiple buildings?

7 A. Yeah, one building. They was adding another
8 line or some type of procedure.

9 Q. Okay. Are you able to -- I know you don't
10 know what the building was called, but are you able to
11 tell me where on the property the building sat?

12 A. I have no idea.

13 Q. When you and Mr. Childers were working
14 together at Salisbury in the '68, '69 time frame, were
15 you on the same crew or different crews?

16 A. Different crews.

17 Q. On this Salisbury job, how many insulators
18 did Daniel have there, to the best of your
19 recollection?

20 A. If I told you, I'd just be guessing. I'd say
21 50 or 60 probably.

22 Q. Is that your best estimate?

23 A. That's what I'm saying. That's just a guess.

24 Q. Well, I don't -- I don't want you making any
25 off-the-wall guesses, just like Mr. Rogers was talking

1 about. If that's -- if that's an estimate --

2 A. Let me say I don't know.

3 Q. Okay. Fair enough. Maybe let me ask a
4 different question and try and go about it this way.
5 You said that you and Mr. Childers were in different
6 crews. How many insulators were in a crew at
7 Salisbury?

8 A. Sometimes they had 12, 15 to a crew.

9 Q. And what about at Salisbury specifically, do
10 you remember?

11 A. That's why I said 12 to 15.

12 Q. That's your best recollection for that job?

13 A. Yeah.

14 Q. Fair enough. So if -- since you and
15 Mr. Childers were in different crews at Salisbury, how
16 much of your time would you spend out of that ten-hour
17 day, how much of your time would you spend working
18 together?

19 A. None.

20 Q. With respect to the job at Salisbury, I know
21 you talked about doing some work on some process piping
22 systems, did you also insulate water systems?

23 A. No.

24 Q. What about ductwork?

25 A. No.

1 Q. Since you didn't work with Mr. Childers on
2 that job, you can't say what he did on a day out --
3 day-in/day-out basis, can you?

4 A. Not for sure, no, sir.

5 MS. MCVEY: Object to the form.

6 BY MR. COLLIER:

7 Q. At the Salisbury location, you don't recall
8 seeing anything on any packages of pipe covering or
9 block or mud materials that those materials contained
10 asbestos, do you?

11 A. No, sir.

12 Q. So is it an assumption on your part that
13 those materials contained asbestos?

14 MS. MCVEY: Object to the form.

15 THE WITNESS: I don't know.

16 BY MR. COLLIER:

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

18 A. No.

19 Q. Spartanburg. I think that was the next
20 plant -- Celanese-related plant that you talked about
21 working with Mr. Childers at. And you testified a
22 little bit earlier today that you thought you were
23 there for six to eight months for Daniel, correct?

24 A. Yeah.

25 Q. Mr. Childers testified that he worked at the

1 Spart--- he called working at the Spartanburg plant in
2 the early 1970s for Daniel for two to three months.
3 Were you aware of that?

4 MS. MCVEY: Object to the form.

5 THE WITNESS: Maybe so. I don't know.

6 BY MR. COLLIER:

7 Q. Okay. Would you defer to Mr. Childers for
8 his testimony about the length of time he was on that
9 job and the activities that he did on that job?

10 MS. MCVEY: Object to the form.

11 THE WITNESS: I guess he knows more about it
12 than I do.

13 BY MR. COLLIER:

14 Q. With respect to Spartanburg, did -- did you
15 and Mr. Childers work in one building or more than one
16 building?

17 A. One building most of the time.

18 Q. Do you know what that building was called?

19 A. I have no idea.

20 Q. Do you know -- could you differentiate for me
21 as far as what it was next to or where it was located
22 in the plant?

23 A. No, sir.

24 Q. While you and Mr. Childers were working at
25 the Spartanburg plant, were you on the same crew or

1 different crews?

2 A. Same. Same ones.

3 Q. And at that particular facility, can you
4 estimate for me how many insulators Daniel had there?

5 A. I have no idea how many they had.

6 Q. What about how many people were in your and
7 Mr. Childers' crew in Spartanburg?

8 A. Probably 10 to 12. Maybe 15. I don't know.
9 I'm just guessing when I say that.

10 Q. Is your best estimate 10 to 15 insulators?

11 A. 10 to 15.

12 Q. So you talked about working a ten-hour day at
13 Spartanburg, I believe, as well. How much of your time
14 out of that ten-hour day at Spartanburg would you have
15 spent working with Mr. Childers?

16 A. All of it.

17 Q. And when you say all of it, are you talking
18 that you were elbow to elbow for all ten hours?

19 A. No.

20 Q. Okay.

21 A. Same building, same job.

22 Q. And so from a proximity standpoint, how -- I
23 assume that you could have been elbow to elbow with
24 him?

25 A. Could have been, but I'm not saying we were.

1 Q. Okay. I understand. And on the other end of
2 that, if you're not elbow to elbow, what's the furthest
3 away that you could have been from him?

4 A. A hundred yards.

5 Q. In looking back on something that happened
6 40 -- 40 or so years ago, are you able to say how much
7 time on that Spartanburg job you were elbow to elbow
8 versus being a hundred yards apart?

9 A. No.

10 Q. On the Spartanburg job, you all didn't ride
11 to work together, did you?

12 A. Yeah. Sometime.

13 Q. Sometimes you did?

14 A. Yeah.

15 Q. And what would determine whether the two of
16 you all rode to work together on a given day?

17 A. Sometimes there's a fellow that had a van,
18 and we rode, you know, a carpool and had a van that
19 drove.

20 Q. So in addition to the two of you all, there
21 were some other coworkers of yours that rode together?

22 A. Yeah.

23 Q. With respect to the Spartanburg plant, in
24 addition to working on the hot process lines, did you
25 also do work on waterlines?

1 A. No.

2 Q. Ductwork?

3 A. Process lines.

4 Q. Did you do any work on any ductwork?

5 A. No, sir.

6 Q. With respect to your work at the Spartanburg
7 plant, did you ever see anything on a package of pipe
8 covering, block, or mud material that indicated that
9 those materials contained asbestos?

10 A. No, sir.

11 Q. And so you don't know one way or another
12 whether those materials contained asbestos?

13 A. I do not know.

14 Q. So let's change gears again and talk about
15 Rock Hill. But when we're talking about Rock Hill in
16 this instance, when I'm asking you these questions, I'm
17 limiting it to the time frame that you and Mr. Childers
18 were working together for Presnell. Okay?

19 A. Okay.

20 Q. As opposed to anything related to your own
21 employment at Rock Hill.

22 A. Okay.

23 Q. The time frame that you were working at Rock
24 Hill for Presnell was also some -- sometime in this
25 early to mid 1970s time frame?

1 A. Yes, sir.

2 Q. How long do you recall you and Mr. Childers
3 working together there?

4 A. I have no idea.

5 Q. Would your -- would your best estimate be six
6 months or less?

7 A. Four to six maybe.

8 Q. And if I understand your prior testimony
9 correctly, after this particular job at Rock Hill, you
10 all kind of went your separate ways?

11 A. Yes.

12 Q. And you continued to work as an insulator
13 just at places -- locations other than where
14 Mr. Childers happened to work?

15 A. Right. Yes.

16 Q. With respect to the four to six months at
17 Rock Hill for Presnell, do you recall what area of the
18 plant you worked in?

19 A. Part of time was in the powerhouse. I
20 remember that part of it.

21 Q. Okay. And was that the job that you were
22 talking about around the boiler area?

23 A. Yes, sir. Yeah.

24 Q. And that particular job, how long of the four
25 six months did that one last?

1 A. I don't know. We did the boiler and the
2 pipes, you know, coming off of it. And pipes went in
3 different parts of the plant, different the areas of
4 the plants.

5 Q. What was the -- well, with respect to that
6 particular job -- let's just call it the powerhouse
7 job.

8 A. Yeah.

9 Q. -- were the two of you on the same crew?

10 A. Yeah.

11 Q. And do you recall on that particular job how
12 many insulators Presnell had on the job?

13 A. Wasn't many. Four, I think. Four, maybe
14 six. I'm not sure.

15 Q. And so would it have just been one crew of
16 insulators?

17 A. Yeah.

18 Q. Out of that time that you were doing the work
19 around the powerhouse, were -- were you and
20 Mr. Childers working together on that whole job?

21 A. Yes, sir.

22 Q. And could this vary just like the Spartanburg
23 job where you could be elbow to elbow or you could be a
24 hundred yards away from each other?

25 A. That's right. Yes, sir.

1 Q. With respect to the powerhouse job, the two
2 of you all didn't carpool together while you were doing
3 that work, did you?

4 A. Yes.

5 Q. You did carpool?

6 A. Yes.

7 Q. And during that time frame that you all were
8 working together at the Rock Hill plant, how far apart
9 did the two of you live?

10 A. About four or five miles.

11 Q. So fairly close?

12 A. Yeah.

13 Q. All right. So you remember doing some work
14 around the powerhouse for a portion of time. What
15 else -- what other project, if any, did you and
16 Mr. Childers do together at Rock Hill?

17 A. Well, they was lines coming off that boiler
18 that went to different parts of the plant. Steam lines
19 that come off the boiler that went to different
20 departments in the plant.

21 Q. Right.

22 A. The pipe -- we insulated the pipes too. The
23 boiler and the pipes.

24 Q. And I apologize for -- if I missed this
25 earlier. But was this a new boiler that was being

1 installed?

2 A. Yeah.

3 Q. How long of the four to six months was spent
4 doing the insulation on the pipes running from the
5 boiler to different areas of the plant?

6 A. I don't know. I don't know.

7 Q. You've estimated that the whole project was
8 roughly four to six months. Was the time that you all
9 spent working around the powerhouse about the same
10 amount of time that you spent insulating the lines
11 running from the powerhouse or was it substantially
12 different?

13 MS. MCVEY: Object to the form.

14 THE WITNESS: Partly -- probably the
15 biggest -- the biggest portion of it was the boiler
16 itself, then the pipes going away from it. Probably, I
17 don't know, maybe a couple of months on the pipe. The
18 rest of it on the boiler, I guess.

19 BY MR. COLLIER:

20 Q. And as far as insulating the pipes to the
21 different areas, when you all -- when you all were
22 doing that type of work, were you working on the same
23 crew on a daily basis --

24 A. Yeah.

25 Q. -- or were you working in different areas?

1 A. Same crew, yeah.

2 Q. So would the entire crew of four to six
3 people insulate one line at a time and then go to
4 another line, or did you all split up into smaller
5 groups?

6 A. Well, usually work two people. You had to
7 have somebody, you know, up on the pipe and somebody to
8 get the material.

9 Q. So on this -- on this job, on the piping
10 systems running from the boiler, you and Mr. Childers
11 were working together daily?

12 A. Yeah.

13 Q. And who was it that would be up on the pipe
14 and who would be handing the material off?

15 A. Rotate it.

16 Q. And was that something that you did where you
17 would rotate throughout the course of a day or one day?

18 A. Yeah.

19 Q. One day it was your job to be up, and one day
20 it was your job to be down?

21 A. No. We just rotated different times of the
22 day. Ever who wanted to do the work, somebody -- one
23 would be to hand to the man and one would be tying it
24 on.

25 Q. On this Rock Hill job for four to six months,

1 did you do -- did you and Mr. Childers do any work on
2 any waterlines at all?

3 A. No, sir.

4 Q. What about any work on any -- any ductwork?

5 A. No, sir.

6 Q. On this job at Rock Hill, did you ever see
7 anything on the packages of the pipe covering, the
8 block, or the mud materials that they contained
9 asbestos?

10 A. No, sir.

11 Q. So you don't know one way or another whether
12 those materials contained asbestos?

13 A. I do not know.

14 Q. Sir, with respect to these three jobs that
15 we've just been through, Salisbury, Spartanburg, and
16 Rock Hill, you received your checks from your employer,
17 meaning Daniel or Presnell as opposed to Fiber
18 Industries or Celanese?

19 A. That's right.

20 Q. And for those three jobs, Salisbury,
21 Spartanburg, Rock Hill, you parked in a contractor lot?

22 A. Yes, sir.

23 Q. And you entered through a contractor gate?

24 A. Yes, sir.

25 Q. How would you and Mr. Childers be

1 differentiated, I guess, from looking at you from a
2 Celanese or Fiber Industries person?

3 A. I don't understand the question.

4 Q. Sure. Was there something -- well, strike
5 that.

6 I understand from your testimony earlier that
7 you would generally wear jeans and a work shirt to
8 work.

9 A. Yes, sir.

10 Q. If somebody walked into that plant, like
11 myself, how would I be able to differentiate you as a
12 Presnell employee from a Celanese employee?

13 A. Well, normally we wore hard hats, and they
14 were probably a different color or something, you know.
15 Like when you work for Daniels, people would have --
16 say you have a green hat, maybe an insulator would have
17 an orange band on the hat or electrician would have a
18 yellow band on the hat or something. You know,
19 something to that ...

20 Q. With respect to the time frame that you were
21 doing contracting work at Rock Hill, Spartanburg, and
22 Salisbury, did you know any Celanese or Fiber
23 Industries employees?

24 A. Not at Salisbury, no. But Celanese, I knew
25 some people that worked for Celanese at Rock Hill.

1 Q. Okay. Let me break it down, then, just so
2 we're clear. When you were working at Fiber Industries
3 in Salisbury, you didn't know any of the Fiber
4 Industries employees?

5 A. No, sir.

6 Q. When you were working at Spartanburg, you
7 didn't know any of those employees?

8 A. No, sir.

9 Q. When you were working at Rock Hill for
10 Presnell, at that point in time, that four to six
11 months, did you know any Celanese employees?

12 A. Yes, sir.

13 Q. Who did you know at that point in time?

14 A. Same one I told you while ago. You done
15 wrote it down. Bill Love.

16 Q. Anybody else that you knew?

17 A. I had a sister that worked there, but she
18 worked over in the department in that Celanese plant
19 was big. If you worked in one part, you didn't see the
20 people in the other part.

21 Q. So how was it that you knew Mr. Love?

22 A. We was just friends from old -- you know, a
23 long-time friends.

24 Q. Did he live in the Clover area around you?

25 A. Yeah. Yeah.

1 Q. And in this four- to six-month time frame
2 that you were working for Presnell at Rock Hill, do you
3 remember what department or what area he worked in?

4 A. He worked in maintenance. He was a
5 maintenance worker. He worked all over the whole
6 plant, but he worked out of central maintenance.

7 Q. And he was a direct employee of Celanese?

8 A. Yeah.

9 MS. MCVEY: Object to the form.

10 BY MR. COLLIER:

11 Q. With respect to the Salisbury, Spartanburg,
12 and Rock Hill jobs, your employer provided you with all
13 the tools that -- you or your employer provided you
14 with all the tools that you used on those jobs, right?

15 A. We furnished our own tools.

16 Q. And your employer provided you with the
17 materials that you used on those jobs?

18 A. Right.

19 Q. And your employer gave you your work
20 assignments and supervised you during the day?

21 A. Yes, sir.

22 Q. You didn't get work assigned and you weren't
23 supervised by Fiber Industries or Celanese employees?

24 A. No, sir.

25 Q. And you got all of your instruction on how to

1 do your job from your employer as opposed to Fiber
2 Industries or Celanese?

3 A. That's right.

4 Q. During the time frame that you were a
5 contractor employee at Salisbury, Spartanburg, and Rock
6 Hill, you never discussed any safety concerns with
7 Fiber Industries or Celanese, did you?

8 A. No, sir.

9 Q. Did you ever discuss any safety concerns with
10 any of your employers during that time frame?

11 A. No, sir.

12 Q. To your knowledge, during this time frame
13 that you were working for Daniel and Presnell at the
14 three facilities we've been going through, did Celanese
15 or Fiber Industries have policies, safety practices
16 that your employers had to follow?

17 A. Yes.

18 Q. And do you know what those policies or
19 practices were?

20 A. No.

21 Q. Then, I guess, how do you know that they
22 existed?

23 A. Well, sometimes -- the reason I say yes, you
24 know, sometimes they make you wear hard hats, safety
25 glasses, earplugs and such as that. So, again, I'm

1 assuming that's a part of it, what you're getting at.

2 Q. During the time frame that you worked at the
3 Salisbury, Spartanburg, and Rock Hill plants as a
4 contractor, did you ever complain to any of your
5 employers about the working conditions?

6 A. Yes, sir.

7 Q. You never -- you never requested a mask or
8 any sort of breathing protection?

9 A. No, sir.

10 Q. And you would agree that your employers on
11 these three job sites were responsible for watching you
12 and Mr. Childers as employees to ensure that the safety
13 rules were being followed, correct?

14 A. Yes.

15 Q. Sir, do you recall OSHA coming into
16 existence? Do you know what OSHA is, first of all?

17 A. I know about them, yeah.

18 Q. Okay. And you understand that it's the
19 Occupational Safe and Healthy -- Occupational Safety
20 and Health Administration?

21 A. Yes, sir.

22 Q. Do you know when OSHA came in to being?

23 A. No, sir.

24 Q. You don't know whether it was during the time
25 frame that you were working as a contractor or later

1 on?

2 A. I have no idea.

3 Q. With respect to the Celanese and Fiber
4 Industries facilities that you worked in, did you ever
5 see any OSHA inspections taking place?

6 A. No, sir.

7 Q. And I don't -- let me be clear in my
8 question. I'm not limiting it to when you were working
9 as a contractor. I'm also including the time frame
10 that you were a direct employee of Celanese. Okay. So
11 during any of -- any time that you were on a Celanese
12 premise, did you ever see any OSHA inspections?

13 A. I didn't see them, but I heard people talk
14 about it. I know it wasn't in the same area that I was
15 in, but I've heard of them coming in and doing a --
16 checking sites out.

17 Q. Okay. And what is it that you remember
18 hearing, or was it just that somebody was coming?

19 A. I heard them say, "Did you know OSHA was
20 going to do a survey or check something?" I don't know
21 what or when or what they was doing.

22 Q. During your employment, the course of your
23 working career, you're not aware of any OSHA violations
24 at any of the Celanese or Fiber Industries locations,
25 are you?

1 A. No, sir.

2 Q. What about -- strike that.

3 Did you ever see any air monitoring being
4 done by anybody from OSHA at any of the Celanese or
5 Fiber Industries plants?

6 A. Not as I know of.

7 Q. Did any of your employers that you worked for
8 at the Celanese or Fiber Industries facilities ever
9 conduct any air monitoring, to your knowledge?

10 A. Yes.

11 Q. Your employer did?

12 A. Yeah.

13 Q. Okay. And when would that have been?

14 A. Probably up in the late '80s.

15 Q. Okay. You're talking about when you were
16 directly employed by Celanese?

17 A. Yeah.

18 Q. Okay. I'm sorry. My question, I might not
19 have been clear. I was asking did any of your
20 contractor employers ever perform any air monitoring?

21 MR. MCDONALD: That he knows of, yeah.

22 THE WITNESS: Not that I know of.

23 BY MR. COLLIER:

24 Q. All right. So let's go to the time that you
25 said you -- you do recall air monitoring being done.

1 That was done while you were a direct employee?

2 A. Celanese employee, yes, sir.

3 Q. Okay. And that was after the time frame that
4 Mr. Childers had worked --

5 A Oh, yeah.

6 Q -- at the Rock Hill plant?

7 A. Yeah.

8 Q. And do you have any idea what it was that
9 they were monitoring for?

10 A. No, sir.

11 Q. And you don't know what the results of any of
12 that monitoring was?

13 A. I have no idea.

14 MR. COLLIER: Can we go off the record and
15 take a break for just two minutes?

16 MS. MCVEY: Sure.

17 (A recess transpired.)

18 BY MR. COLLIER:

19 Q. All right. Mr. Neelands, we're back on the
20 record. Are you okay to continue?

21 A. Yes, sir.

22 Q. Let me just follow up with one or two things
23 before I get to these pictures.

24 Sir, when you were a direct employee for
25 Celanese, you were getting your paycheck from Celanese,

1 correct?

2 A. Yes.

3 Q. Okay. And so when you were working directly
4 for Celanese, who was it that you looked to to provide
5 you with a safe place to work?

6 A. Supervisors and whoever was in charge of
7 safety.

8 Q. Right. Celanese employees, correct?

9 A. Yeah.

10 Q. Okay. And when you were working for your
11 contractor employers that we've talked about today,
12 when you and Mr. Childers were working for your
13 contractor employees, you looked to them to provide you
14 with a safe place to work, correct?

15 A. Yes, sir.

16 Q. Sir, do you recall --

17 MS. MCVEY: Just a second, Chris. Whoever is
18 on the phone, can you all mute it? Sorry.

19 BY MR. COLLIER:

20 Q. So you recall earlier today, sometime this
21 morning, Ms. McVey went through a series of photographs
22 with you?

23 A. Yes, sir.

24 Q. Okay. And I think there were eight of them
25 total. And these were all photographs that you

1 personally took?

2 A. Yes, sir.

3 Q. And they were photographs that you took in
4 the mid to late 1990s?

5 A. Right.

6 Q. Why did you take -- well, strike that.

7 Were all of the pictures taken on the same
8 day?

9 A. Maybe. I don't remember.

10 Q. Were they all at least taken in close
11 proximity to each other?

12 A. Yes, sir.

13 Q. And were they taken with a camera of yours?

14 A. Yes, sir.

15 Q. As opposed to a camera that was a Celanese
16 camera?

17 A. No. My personal.

18 Q. Your personal camera.

19 Why -- why did you take these pictures back
20 in the mid to late 1990s?

21 A. So I would have evidence of the safety
22 hazards that was in that plant.

23 Q. And you say safety hazards. Did you ever --
24 what -- what was it that led you to want to take -- to
25 want to take the pictures to have evidence, I guess is

1 what I'm saying.

2 A. Well, because they claim they had such a good
3 record. And they had obvious things and did nothing
4 about it.

5 Q. When you say "they," you're talking about
6 Celanese?

7 A. Celanese, yeah.

8 Q. Was there something, though, that
9 precipitated or led up to you taking these pictures?

10 A. No, sir.

11 Q. Sir, were you ever -- were you ever
12 disciplined while you were working at Celanese?

13 A. No, sir.

14 Q. You never received any verbal or written
15 disciplines or warnings?

16 A. No, sir.

17 Q. Was there something going on in this mid to
18 late '90s time frame that -- that -- that prompted you
19 to want to take these pictures in response to what you
20 said that Celanese was saying they had a good safety
21 record?

22 A. Well, no, not really. I was hearing about
23 people that was having problems with asbestos, and I
24 just wanted to do something to show that we had been
25 exposed to it.

1 Q. Were these folks that no longer worked at the
2 Celanese plant?

3 A. I don't understand the question.

4 Q. Sure. You said that -- that there were
5 people that had what -- what I think you termed as
6 asbestos-related conditions.

7 A. Yes, sir.

8 Q. Okay. Were these people that -- that you say
9 had these asbestos-related conditions, did they still
10 work at the Rock Hill plant --

11 A. No, sir.

12 Q. -- in the 1990s?

13 A. No, sir.

14 Q. So they had already either retired or gone on
15 or something else?

16 A. Yes, sir.

17 Q. And these folks that you're referring to,
18 were they direct employees of Celanese?

19 A. Some of them were. Some of them weren't.

20 Q. Okay. Do you recall the names of any of
21 those folks?

22 A. I'd rather not get into that.

23 Q. Okay. Well, unfortunately or fortunately,
24 you're here under oath and I'm entitled to ask the
25 questions and you've got to give me an answer. So I

1 need to know the names of the folks that you took these
2 pictures on behalf of or that, you know, that you did
3 this for.

4 MS. MCVEY: Object to the form. He never
5 testified he took them on behalf of anybody.

6 MR. COLLIER: Okay. Well, I would like to
7 know the names of -- the names of the people that --

8 THE WITNESS: I took them for my own self.
9 BY MR. COLLIER:

10 Q. I understand. But you also said that there
11 were other people who had possibly been diagnosed with
12 asbestos-related disease that were both employed by
13 Celanese and outside contractors, and I need to know
14 who those people were.

15 MS. MCVEY: Object to the form.

16 THE WITNESS: I don't remember.

17 BY MR. COLLIER:

18 Q. Well, you just told me a minute ago you that
19 you preferred not to tell me.

20 A. That's right.

21 Q. And now you're telling me you don't remember.

22 A. That's right.

23 Q. And those are two different answers.

24 A. Okay.

25 Q. So the question is, are you going to tell me

1 or are not going to tell me?

2 A. I don't remember.

3 MR. COLLIER: Well, we'll reevaluate that and
4 take it up with Judge Hill if we need to. And we'll
5 reserve our right to come back and redepose you to
6 answer the questions that you're not answering
7 currently.

8 MS. MCVEY: Is that colloquy, the thing that
9 you just said?

10 MR. COLLIER: Okay. Yeah.

11 BY MR. COLLIER:

12 Q. All right, sir. So going back to your
13 testimony, there were -- there were individuals who --

14 MR. COLLIER: Can you put on your phone on
15 mute, please?

16 MS. MCVEY: Everybody needs to be on mute.

17 BY MR. COLLIER:

18 Q. Sir, going back to your testimony --

19 MR. COLLIER: That's a dead giveaway. The
20 person with a dog, put your phone on mute, please, or
21 hang up.

22 MR. TRAYLOR: A home office, no doubt.

23 MR. COLLIER: At least it wasn't as bad as
24 somebody being in the bathroom. But okay.

25 MR. TRAYLOR: A home office, no doubt.

1 MS. MCVEY: Can everybody mute or does
2 somebody need to say something?

3 All right.

4 BY MR. COLLIER:

5 Q. Okay. Sir, with respect to these photographs
6 that you took, these were all taken 20-plus years after
7 Mr. Childers worked at the Rock Hill plant, correct?

8 A. That's right, yeah.

9 Q. You can't testify that Mr. Childers worked on
10 any of the equipment, pipelines, or anything else
11 that's depicted in these photographs?

12 A. That's right.

13 MS. MCVEY: Object to the form.

14 BY MR. COLLIER:

15 Q. Sir, did you take these pictures to assist
16 with your own personal lawsuit as well?

17 A. Maybe so. Yes, sir.

18 MS. MCVEY: Object to the form.

19 BY MR. COLLIER:

20 Q. Going through these pictures, and I can -- I
21 can put them all up there, but if I were to ask you,
22 could you tell me what area of the plant these pictures
23 were taken in?

24 A. Yes, sir.

25 Q. Okay. Well, then, let's go through them.

1 A. They was all took in the same building.

2 Q. What -- what building were they taken in?

3 A. They call it the AR building, which is short
4 for acid recovery.

5 Q. And you can't testify that Mr. Childers ever
6 worked in the --

7 A No, sir.

8 Q -- acid recovery building, can you?

9 A. No. That was 20 or 30 years apart.

10 Q. Right. I know. But I'm saying even looking
11 back on the time that you and Mr. Childers worked
12 together --

13 A. He may have never been in that building,
14 right.

15 Q. Okay. So, then, what was your purpose in
16 bringing these photographs to the deposition today
17 where you're testifying in Mr. Childers' case?

18 A. I didn't bring them.

19 MS. MCVEY: Object to the form.

20 BY MR. COLLIER:

21 Q. How did -- they're your photographs, though,
22 correct?

23 A. I didn't bring them.

24 Q. Okay. How did the photographs get here
25 today?

1 A. Ask her.

2 Q. Let's go back to that meeting 60 or so days
3 ago that you all had. Did you have these photographs
4 in your possession then?

5 A. Yes, sir.

6 Q. At that meeting 60 or so days ago, did you
7 turn the photographs over to Ms. McVey?

8 A. Yes.

9 Q. When you all were talking in that
10 30-or-so-minute conversation about your work at Rock
11 Hill, were you asked about whether you had photographs
12 of different parts of the work site out there.

13 A. No, sir. I was not asked that question.

14 Q. Okay. Did you volunteer that you had
15 photographs?

16 A. Yes, sir.

17 Q. And what was the basis for your volunteering
18 that you had photographs of the Rock Hill work site?

19 A. I just wanted to show her the conditions that
20 plants and stuff were in such as that.

21 Q. With respect to this first picture that we're
22 looking at that you testified earlier was a steam line
23 and a green-colored vessel, you don't have -- other
24 than the fact than there's a sticker on there that I
25 think says "Contains asbestos" or something like that,

1 you don't have any personal knowledge that any of the
2 insulation materials on there contained asbestos?

3 A. No, sir.

4 Q. Okay. And you don't know how or if that
5 material was sampled to determine that it contained
6 asbestos?

7 A. No, sir.

8 Q. What led you to take this particular picture
9 that we're looking at now?

10 A. Because the asbestos was -- well, the
11 material -- being you saying I don't know it was
12 asbestos, the material was laying in the floor that
13 fell off the pipe.

14 Q. And, again, just to clarify your earlier
15 testimony, you don't have any personal knowledge that
16 the material that's depicted either on the pipe or on
17 the vessel contained asbestos?

18 A. That's right.

19 Q. All right. The second picture that you were
20 shown was -- I think you described it as an elbow with
21 some insulation that had fallen off of it?

22 A. Yes.

23 Q. Is this also in the AR building?

24 A. Yes. All the pictures are the same -- coming
25 from the same building.

1 Q. Okay. Was the AR building a multilevel
2 building?

3 A. Yes, sir.

4 Q. What floor was that picture taken from or on?

5 A. I don't know if it's a concrete floor, it
6 would have been the first floor. It was a grate floor,
7 it would have been one up above.

8 Q. Okay. With respect to the first picture that
9 we looked at that had the steam pipe and the vessel, do
10 you have a recollection as to what floor that was taken
11 on?

12 A. No, sir.

13 Q. With respect to the material that's fallen
14 off the elbow of the pipe there, you don't have any
15 idea as to how long that material had been on the pipe,
16 do you?

17 A. No, sir.

18 Q. You don't know if that material was ever
19 sampled to determine if it contained asbestos, do you?

20 A. No, sir.

21 Q. And you don't know one way or another whether
22 that material contained asbestos?

23 A. No, sir.

24 Q. I think this is the next picture that you
25 were shown, but there were a few with valves in it that

1 I can't -- I can't really tell from my notes from
2 earlier.

3 But this was a picture that you described as
4 being a valve with some missing insulation running up
5 to it?

6 A. Yes, sir.

7 Q. And, again, this was from the AR building.
8 Can you tell me where in the AR building this picture
9 was taken?

10 A. No, sir. I don't know. It was in the
11 building.

12 Q You can't tell me when the insulation around
13 this valve was put on, can you?

14 A. No, sir.

15 Q. And you can't tell me when or if any of that
16 material was sampled to determine whether it contained
17 asbestos?

18 A. No, sir.

19 Q. When was the AR building constructed?

20 A. Probably the late 1940s.

21 Q. And was it -- to your knowledge, was it
22 remodeled over time?

23 A. Not as I know of, no.

24 Q. Or reconfigured over time?

25 A. I doubt it.

1 Q. With respect to the -- I apologize if I asked
2 this. With respect to the materials that are depicted
3 in this third photograph, you don't have any personal
4 knowledge as to whether they contained asbestos?

5 A. No, sir.

6 Q. And you don't know if they were sampled to
7 determine that they contained asbestos or if they were
8 just presumed to contain asbestos and that's why the
9 sticker was put on?

10 A. Right. No, sir.

11 Q. You don't know either way?

12 A. Don't know.

13 Q. And was that the policy at the time or the
14 procedure at the time to treat materials as though
15 they contained asbestos until you were able to
16 determine one way or the other?

17 MS. MCVEY: Object to the form.

18 THE WITNESS: Until you determined it wasn't.

19 BY MR. COLLIER:

20 Q. Right. So Celanese's policy was to -- if you
21 didn't know, you were to treat the material as though
22 it contained asbestos until you later could confirm
23 that it did not?

24 A. Yeah.

25 MS. MCVEY: Object to the form.

1 BY MR. COLLIER:

2 Q. All right. This is the fourth photo, which
3 is another picture of a valve, correct?

4 A. Yes, sir.

5 Q. Do you know where in the AR building this
6 picture was taken?

7 A. No, sir.

8 Q. What kind -- what kind of camera were you
9 using to take these pictures?

10 A. A throwaway type thing I bought at Walmart.

11 Q. Just one of those disposable Kodaks?

12 A. Take it and turn it in and they print your
13 pictures and give them back to you.

14 Q. Was it something that you got on the way to
15 work one day?

16 A. I had it at home.

17 Q. With respect to what's depicted in this
18 photograph, you don't know when any of those insulation
19 materials were installed, do you?

20 A. No, sir.

21 Q. You don't know whether they were actually
22 sampled to determine if they contained asbestos, or if
23 they were just presumed to contain asbestos, do you?

24 A. That's right.

25 Q. And you don't have any personal knowledge one

1 way or the other that they contained asbestos?

2 A. No.

3 Q. All right. This is the fifth photograph that
4 you were shown, which is a vessel in the AR building,
5 correct?

6 A. That's right. Yes, sir.

7 Q. Do you know where this picture was taken in
8 the AR building?

9 A. No, sir.

10 Q. Do you have any idea what type of vessel that
11 was? Meaning what it contained or what it did in the
12 process.

13 A. It was some kind of chemical tank.

14 Q. You don't know what kind of chemical it was
15 that was in it, though?

16 A. No, sir.

17 Q. You don't know if it was a hot process
18 chemical?

19 A. Yeah. It would have been something hot.

20 Q. And why do you say that?

21 A. Because type insulation it had on it.

22 Q. Okay. And when you're talking about the type
23 of insulation that's on it, are you referring to the
24 mud material?

25 A. No. It's what was in under the mud.

1 Q. Okay. And when you're talking about what's
2 under the mud, is that the block-type material that you
3 talked about earlier?

4 A. Yes.

5 Q. You don't know when that material was
6 installed?

7 A. I have no idea.

8 Q. You don't know if it was sampled at some
9 point in time to determine whether it contained
10 asbestos or not?

11 A. No, sir.

12 Q. And you don't have any personal knowledge one
13 way or the other to know whether it contained asbestos?

14 A. No, sir.

15 Q. So with these photographs that we've been
16 through, if you didn't know that the materials that
17 they were depicting were asbestos containing, then why
18 were you taking the pictures?

19 MS. MCVEY: Object to the form.

20 THE WITNESS: Just because it was exposed
21 to -- to the people that's walking through the area.
22 The insulation was supposed -- it was supposed to been
23 encapsulated and sealed. All insulation was.

24 BY MR. COLLIER:

25 Q. Regardless of whether it was fiberglass or --

1 A. Regardless or whether it was asbestos or not,
2 it was supposed to have been encapsulated and sealed
3 off.

4 Q. Let me -- let me just get my question out. I
5 know what your answer is going to be, but is it your
6 testimony that all insulation was supposed to be
7 encapsulated and sealed regardless of what type of
8 insulation material it was?

9 A. Yes.

10 (Off-the-record discussion.)

11 BY MR. COLLIER:

12 Q. All right, sir. This next photo, which I
13 think was the sixth one, you said was a vessel?

14 A. Yes.

15 Q. With a shiny pipe coming in to it?

16 A. Yes, sir.

17 Q. Is that the actual pipe itself, or is that a
18 pipe that has some sort of aluminum?

19 A. That's aluminum -- the shiny-looking part.

20 Q. Is that insulation or is that metal?

21 A. That is the metal over the insulation. Over
22 the new insulation.

23 Q. Okay. And how do you know that that's new
24 insulation under there?

25 A. Because it's clean and shiny.

1 Q. Meaning the aluminum that's covering it is
2 clean and shiny?

3 A. Yeah.

4 Q. All right. Do you know where in the AR
5 building this particular photo was taken?

6 A. No, sir.

7 Q. Do you know when the vessel that's depicted
8 in this picture was installed?

9 A. No, sir.

10 Q. You don't know whether that material was
11 actually sampled to determine whether it contained
12 asbestos as opposed to just following the company
13 protocol and presuming that it contained asbestos?

14 A. That's right, yes.

15 MS. MCVEY: Object to the form.

16 BY MR. COLLIER:

17 Q. And you don't have any personal knowledge one
18 way or the other as to whether any of the material
19 depicted in this sixth photograph contained asbestos?

20 A. No, sir.

21 Q. All right. The seventh photograph that you
22 described was an elbow there at a flange; is that
23 correct?

24 A. Yeah.

25 Q. Do you know where in the AR building this

1 picture was taken?

2 A. No, sir.

3 Q. Why did you take this particular photograph?

4 A. Because the insulation was torn and exposed
5 to the environment.

6 Q. And you don't know when any of that
7 insulation was installed?

8 A. No, sir.

9 Q. And you don't know if it was ever sampled, do
10 you?

11 A. No, sir.

12 Q. And you don't know -- you don't have any
13 personal knowledge that any of that insulation material
14 depicted in that seventh photograph contained asbestos?

15 A. No, sir.

16 Q. And, in fact, the sticker or whatever that is
17 that's kind of blue on the aluminum jacket towards the
18 lower part of the picture, you said that indicates that
19 it's not asbestos?

20 A. It's not asbestos if it's blue or not
21 supposed to be, anyway.

22 Q. All right. Let me show you the last
23 photograph, the eighth photograph. And this is a
24 picture of a vessel.

25 A. Yes.

1 Q. Do you know where in the AR building this
2 picture was taken?

3 A. No, sir.

4 Q. And what was your purpose in taking this
5 particular photograph?

6 A. The insulation was torn up and exposed and
7 was not encapsulated properly like it was supposed to
8 have been.

9 Q. Do you know what type of process was involved
10 with that vessel?

11 A. Some kind of chemical tank.

12 Q. Do you know whether it was a hot process as
13 opposed to something else?

14 A. Hot, yes.

15 Q. And why do you say it was a hot process?

16 A. Because of the way it was insulated.

17 Q. And when you say the way it was insulated,
18 you're talking about that block insulation there?

19 A. Yes. If it hadn't have been hot, they
20 wouldn't insulate it to start with.

21 Q. Well, but even hot waterlines and cold
22 waterlines running throughout the plant were insulated,
23 correct?

24 A. Yes, but not the tanks.

25 Q. With respect to this particular photograph,

1 do you know when any of that insulation on the vessel
2 was installed?

3 A. No, sir.

4 Q. You don't know whether that insulation was
5 ever sampled to determine whether it actually contained
6 asbestos or whether it was just the -- the company
7 procedure of presuming it contained asbestos unless
8 marked otherwise?

9 A. No, sir.

10 Q. And you don't have any personal knowledge
11 that the insulation depicted on this vessel contained
12 asbestos?

13 A. No, sir.

14 Q. With respect to these eight photographs that
15 we went through today, and that you went through
16 earlier today with Ms. McVey, did you ever show them to
17 anybody at Celanese?

18 A. No, sir.

19 Q. Why not?

20 A. Because I took them for my personal use.

21 Q. Did you ever go to anybody at Celanese and
22 express a concern about the conditions that are
23 depicted in these eight photographs?

24 A. No, sir.

25 Q. Why not?

1 A. Because they already knew it.

2 Q. What do you mean they already knew it?

3 A. Well, they -- it was the insulating exposed
4 all over the plant. There was nothing being done about
5 it.

6 Q. Did you ever express any concerns about the
7 items that are depicted in these eight photographs to
8 any of your supervisors or foremen at Celanese?

9 A. Yeah. They knew it. They was around it
10 every day.

11 Q. Okay. But my question is, did you ever go to
12 them and express any concerns?

13 A. No, sir.

14 Q. You continued -- even after taking these
15 photographs, you continued to work there for another
16 five or so years more or less?

17 A. Yes, sir.

18 Q. You mentioned in your -- your testimony
19 earlier today when Ms. McVey was asking you questions,
20 that Celanese had a group of summer help that came in?

21 A. Yes, sir.

22 Q. And do you recall when that was?

23 A. I don't know when those stickers were
24 installed. No, sir, I don't know.

25 Q. Can you -- you started in approximately '82.

1 A. Yeah.

2 Q. You left in about 2000. Can you give me a
3 range? They obviously -- if you took the pictures in
4 the mid '90s, the stickers were obviously on there
5 then.

6 A. They was already on there. I'm saying
7 somewhere in the late '80s, early '90s, maybe, when
8 they was installed.

9 Q. Did you have anything to do with how that
10 program was set up to have people come in and do the
11 marking?

12 A. No.

13 Q. Do you know -- do you have any idea as to
14 what those individuals were told about what their
15 responsibilities were?

16 A. I don't have no idea. All I know is they
17 brought summer help in to do it.

18 Q. And where did you -- how did you come to that
19 understanding?

20 A. That summer help?

21 Q. Yes, sir.

22 A. Because some of them worked -- they had their
23 material, their little stickers and stuff in the
24 insulating shop. And they worked out of the insulating
25 shop while they was putting them on.

1 Q. And if I -- at that point in time were you
2 also working out of the insulating shop?

3 A. Yeah.

4 Q. And these -- how big of a group was it?

5 A. I think they had four people, maybe five,
6 that was doing that.

7 Q. And it was just one summer to the best of
8 your recollection?

9 A. Yeah.

10 Q. Do you know who was responsible for
11 supervising them?

12 A. I guess the insulation supervisor, maybe. I
13 don't know. I don't know who was in charge of actually
14 telling them what to put or where to put them or what.

15 Q. Okay. So let me ask the question again. You
16 don't know who was responsible for giving them their
17 daily job duties?

18 A. No.

19 Q. Okay. And you don't know whether the areas
20 that they were putting these stickers on had actually
21 been tested to determine whether they contained
22 asbestos?

23 A. I don't know that, no, sir.

24 Q. And you don't know what -- what instructions
25 these four to five people were given on a daily basis

1 as far as what they were supposed to be doing?

2 A. No, sir.

3 Q. Do you have any knowledge one way or another
4 as to whether their work was limited to the AR building
5 or if it was plantwide?

6 A. No. They did the whole plant.

7 Q. And how do you know that?

8 A. Because they -- you know, we see them in
9 different places, you know.

10 Q. Meaning that since you were in maintenance
11 during that time frame, you would work in different
12 areas of the plant?

13 A That's right, yeah.

14 Q. And the AR Building was one of the areas that
15 you worked in?

16 A. Yes, sir.

17 Q. Where was -- you talked about an insulating
18 shop. Where was that located?

19 A. There was a part there they called central
20 maintenance. It was, you know, all the maintenance
21 people worked out of for Celanese. Insulating shop was
22 there next to it.

23 Q. In the central maintenance building or next
24 to the central maintenance building?

25 A. Next to it, yeah.

1 Q. And is that where you worked out of during
2 your entire tenure at Celanese other than the last six
3 or so months that you were doing production?

4 A. Yeah.

5 Q. Do you recall the names of any of your
6 supervisors while you were a direct employee of
7 Celanese?

8 A. Yeah. I had a foreman. His name was Dewey.
9 Dewey Dixon.

10 Q. Any other supervisors or foremen that you
11 recall?

12 A. They brought one from seemed like Spartanburg
13 over there. His name was Bill Herman.

14 Q. Anybody else?

15 A. Not that I can recollect.

16 Q. Did you get along fine with Mr. Dixon and
17 Mr. Herman?

18 A. Oh, yeah. Yeah.

19 Q. And while you were working at Celanese, did
20 you have, like, some sort of semiannual or annual
21 review where your performance was reviewed?

22 A. No, sir.

23 Q. During that -- during that time frame, the 18
24 years that you worked there, presumably you got raises
25 over that period of time, correct?

1 A. Yes, sir. That was negotiated by the union.

2 Q. So when you were working at Celanese, you
3 were a union member?

4 A. Yes, sir.

5 Q. And what union were you a member of?

6 A. They call it the textile union, but it was --
7 I can't remember the name of it.

8 Q. Do you remember what the Local number was?

9 A. No, sir.

10 Q. And were you a member of that union the whole
11 time that you were a direct employee?

12 A. Yes.

13 Q. You had to be a member of the union to work
14 there?

15 A. You didn't have to be.

16 Q. Were there certain maintenance employees who
17 were not members of the union?

18 A. Yeah, probably was. Yeah.

19 Q. Did you ever hold any offices or positions in
20 the union?

21 A. Yeah. I was a shop steward and the alternate
22 committee person at times.

23 Q. When were you a shop steward?

24 A. Probably the last ten years I worked there.

25 Q. And what were your job -- what were your

1 responsibilities as a shop steward?

2 A. Just to -- to make sure that all the
3 employees was treated fairly and if they had
4 grievances, to listen at them or whatever. File
5 grievances with the plant people.

6 Q Did -- during the time frame you were a shop
7 steward, did any employees ever approach you with any
8 concerns about asbestos?

9 A. No, sir.

10 Q. Did you ever file any grievances as a shop
11 steward related to asbestos?

12 A. No, sir.

13 Q. During what time fame did you work as a
14 committee person?

15 A. I don't really know. We had a committee
16 person. They had some sicknesses, and I just filled in
17 for them, you know, while they was out. I don't have
18 no idea when that would have been.

19 Q. And when you say you served as a committee
20 person, was it a particular committee that you were on?

21 A. It was with the union. Same -- it's a notch
22 above a shop person.

23 Q. During the time frame that you were a
24 committee person, did any employees ever raise any
25 concerns about asbestos with you?

1 A. No, sir.

2 Q. Did any employees ever ask you to file any
3 grievances related to asbestos?

4 A. No, sir.

5 Q. Did the union conduct any sort of meetings?

6 A. Yes, sir.

7 Q. How frequently were those held?

8 A. They had once a month at -- at the union
9 hall.

10 Q. And at any of those union meetings, did they
11 ever tell you about asbestos?

12 A. No, sir.

13 Q. So your own union never told you about
14 asbestos?

15 A. No, sir.

16 Q. And what did you -- what was the purpose of
17 the union?

18 A Huh?

19 Q What was the purpose of the union?

20 MS. MCVEY: Object to the form.

21 THE WITNESS: It was to represent the
22 employees that worked at Celanese.

23 BY MR. COLLIER:

24 Q. And despite representing or supposedly
25 representing the employees, they never provided you

1 with any information related to asbestos?

2 A No.

3 MS. MCVEY: Object to the form.

4 MR. COLLIER: Sir, I'm going to look back
5 through my notes, but in the interest of time, that's
6 all I've got for you right now. And I appreciate your
7 time today.

8 THE WITNESS: All right.

9 MR. COLLIER: Thank you.

10 MS. MCVEY: Are you okay?

11 THE WITNESS: Yeah.

12 EXAMINATION

13 BY MR. POWELL:

14 Q. Hi, Mr. Neeland. My name is Kevin Powell. I
15 represent a couple of companies on a suit that was
16 filed down in Louisiana.

17 A Okay.

18 Q So I just have very few questions for you, I
19 hope.

20 First off, have you ever worked in Louisiana?

21 A. No, sir.

22 Q. All right. That really narrows it down then.

23 You've never worked for a company named
24 Avondale, correct?

25 A. No, sir.

1 Q. All right. Have you ever worked at any
2 shipyards?

3 A. No, sir.

4 Q. You had talked about some tanks at the
5 Westinghouse facility. Do you remember that?

6 A. Yes, sir.

7 Q. Were those tanks part of the facility or were
8 those tanks being built to be a part of something else
9 at the Westinghouse facility?

10 A. No. They was a part of the Westinghouse
11 plant its own self or something for their own use.

12 Q. And it was going to stay there in the
13 facility?

14 A. It was going to stay there. Yeah. It wasn't
15 to be shipped out.

16 Q. Right. You had talked about using mastics.
17 Do you remember that?

18 A. Yes, sir.

19 Q. Did you ever use any sort of mastics or
20 material like the kind of mastics you were talking
21 about that you actually had to mix up?

22 A. No. What we had coming in like bucket --
23 supply's got buckets. It was already mixed, you know.
24 We just brushed it on or troweled it on. Something --
25 you know, something to that nature.

1 Q. Okay. What about adhesives? Did you ever
2 have any sort of adhesives that had to be mixed up?

3 A. No, sir.

4 Q. Do you remember using any products that were
5 manufactured by a company called Benjamin Foster?

6 A. No, sir. Not particularly, no.

7 Q. All right. You talked about using various
8 cloth materials, and you called one of them a heavy
9 cloth that you said was A cloth. Did I get that right?

10 A. That was just a name that they used. Now, I
11 don't know if it was asbestos cloth, but they -- we
12 called it A cloth. It was a heavy, canvas-type stuff.
13 Real thick.

14 Q. Right. And so you -- you had the A cloth.
15 Did you refer -- were there thinner cloths, as well,
16 that you used?

17 A. Yeah. Yeah. But they're different things.
18 And they had something we called fab cloth, which is
19 like -- you know, looking at it, looked like a real
20 flexible screen-type stuff with actual holes in it. It
21 was just something like we put on the elbows and stuff.
22 That little thin cloth was. But that -- like that
23 heavy cloth, we put that on the tank for some reason.
24 I don't know what it -- what it was for or what. But
25 maybe it was a more protective or thicker protective

1 coating or whatever, I guess.

2 Q. Did the A cloth come in rolls?

3 A. Yeah. Yeah.

4 Q. And then you would unroll it and you'd cut it
5 and then you would apply it, right?

6 A. Yeah.

7 Q. Do you remember that A cloth containing,
8 like, colored threads that would run through it?

9 A. I don't think so. It's been a long time ago,
10 but I don't remember no particular colors on it.

11 Q. Do you remember any of the other cloth --
12 cloths -- cloths using -- that had threads running
13 through them?

14 A. No, sir.

15 Q. Do you remember the manufacturers or brand
16 names of any of the cloths that you used?

17 A. No, sir.

18 MR. POWELL: That's all the questions I have.
19 Thank you.

20 THE WITNESS: Thank you.

21 EXAMINATION

22 BY MR. PECK:

23 Q. I'm trying.

24 Mr. Neelands, my name is Tim Peck. I expect
25 to be right about as brief, if not quicker than

1 Mr. Powell.

2 A. I appreciate it.

3 Q. Have you told us today about all of the job
4 sites that you can recall working with Mr. Childers?

5 A. Yes, sir. All that I can remember, yes, sir.

6 Q. All right. And when you met with Ms. McVey,
7 you couldn't recall any others that we haven't talked
8 about today?

9 A. I don't think so. I'm not sure now, but I
10 don't think so.

11 Q. All right. And in talking about your work
12 throughout the day, you haven't been reminded of any
13 others that we haven't discussed?

14 A. No, sir. Not right off, no.

15 Q. All right. And the same type of question.
16 Have you told us about all of the type of work that you
17 and Mr. Childers would have done together or on the
18 same job sites? And by that, I mean, you've told us
19 about working on piping, on vessels. Any other type
20 work that you can recall that the two of you did on the
21 same job site that we haven't talked about?

22 A. No. Nothing that I can recall, no, sir.

23 Q. All right. And, again, there wasn't
24 anything -- any type of work that you discussed with
25 Ms. McVey when you've met before that we haven't talked

1 about today?

2 A. I don't think so.

3 Q. All right. You've been asked at I believe
4 every one of these job sites about the insulation
5 material. And you've said that you didn't have -- that
6 you, sir, didn't have any personal knowledge as to
7 whether or not the insulation materials contained
8 asbestos.

9 A. That's right.

10 Q. And I don't think you've been asked, though,
11 about Bowater. And so I'll ask you the same question
12 with respect to that job site. Do you have any
13 information or knowledge that any of the insulation
14 materials you worked with at Bowater contained
15 asbestos?

16 A. No, sir.

17 Q. And I don't think you were asked these
18 questions either. Do you have -- you talked about
19 insulating valves at different job sites. Do you know
20 the manufacturers of any of the valves that you were
21 working with or around at any of these job sites?

22 A. No, sir.

23 Q. And that's throughout your entire employment?

24 A. No, sir. We wasn't involved in installing
25 anything. All we did was cover it.

1 Q. Understand. And same question with respect
2 to the precipitator you talked about at Bowater. Do
3 you know the manufacturer of that equipment?

4 A. I have no idea.

5 MR. PECK: I think I -- I think I met my
6 promise. That's all the questions I have, sir.

7 THE WITNESS: I appreciate it.

8 MR. PECK: Thank you.

9 REEXAMINATION

10 BY MR. ROGERS:

11 Q. Mr. Neeland, I'll be very brief. I know
12 you're anxious to move on with your day. Just a couple
13 more questions.

14 A. Okay.

15 Q. You and I talked earlier about a turbine you
16 worked on at Bowater.

17 A. Yes.

18 Q. You never saw any contracts or specifications
19 for that turbine, did you?

20 A. No, sir.

21 Q. Okay. I'm going back to the Westinghouse
22 plant. Do you recall how many -- how many other
23 insulators were working there with you for Starr Davis?

24 A. It wasn't no big job. I'll say six to eight
25 maybe. It wasn't a lot of people there --

1 Q Okay.

2 A -- at that job.

3 Q. Okay. You and I also talked about that it
4 was a large plant. There were various things going on.

5 A. Yeah.

6 Q. And you talked about insulating that tank.
7 Do you -- do you know for sure if Mr. Childers helped
8 you with that, or could he have been doing something
9 else?

10 MS. MCVEY: Asked and answered.

11 THE WITNESS: I don't remember. Very
12 possibly could have been or could have not. I can't
13 say if he was or wasn't.

14 BY MR. ROGERS:

15 Q. Okay. You would defer to his testimony on
16 that topic?

17 MS. MCVEY: Object to the form.

18 THE WITNESS: Yeah.

19 BY MR. ROGERS:

20 Q. And, also, you mentioned that you did -- most
21 of your work on pipes was on the lower temperature
22 pipes?

23 A. Yeah.

24 Q. But you also mentioned that you did insulate
25 some higher temperature pipes?

1 A. Yeah.

2 MS. MCVEY: At Westinghouse? I'm sorry.

3 MR. ROGERS: At Westinghouse. I'm still at
4 Westinghouse. Sorry.

5 BY MR. ROGERS:

6 Q Can you say for sure that Mr. Childers ever
7 did any high temperature pipe insulation at
8 Westinghouse?

9 A. No, sir.

10 MS. MCVEY: Object to the form, asked and
11 answered.

12 BY MR. ROGERS:

13 Q. And you would -- you would defer to his
14 testimony on that topic as well?

15 A. That's right.

16 Q. How far away from -- first of all, did you
17 and Mr. Childers carpool when you were working at
18 Westinghouse?

19 A. Yes.

20 Q. How long a drive was it from your homes to
21 the plant?

22 A. 18 to 20 miles, just guessing.

23 Q. Okay. Did you drive -- drive with the
24 windows open after work?

25 MS. MCVEY: Object to the form.

1 THE WITNESS: I don't know.

2 MR. ROGERS: You don't know. Okay.

3 That's all I have for you. Thank you, sir.

4 THE WITNESS: All right. Thank you.

5 REEXAMINATION

6 BY MS. MCVEY:

7 Q. How are you doing?

8 A. I'm give out.

9 Q. I know it. All right. We're almost there.

10 You've have been going for what, five and a half hours?

11 A. Yeah.

12 Q. I'm going to ask you a few questions and

13 we'll be out of here.

14 A. Okay.

15 Q. We talked about all the insulation materials

16 that you worked with, the Kaylo-like insulation, the

17 rough mud, the blue mud; do you remember that?

18 A. Yeah.

19 Q. And you've had a lot of questions today about

20 whether or not you knew it was asbestos -- had

21 asbestos.

22 A. Yeah.

23 Q. Was any of that ever marked "asbestos free"

24 that you recall in that '68 to '74, '75 time period?

25 A. I don't recall. I don't know.

1 Q. Okay. Did you ever see any of that
2 insulation with, like, blue line through it?

3 A. Yeah.

4 DEFENSE COUNSEL: Object to the form.

5 THE WITNESS: I remember seeing some of that.

6 BY MS. MCVEY:

7 Q. Okay. Was that later, though, in time.

8 DEFENSE COUNSEL: Object to the form.

9 THE WITNESS: Yeah, later on. Yeah.

10 BY MS. MCVEY:

11 Q. All right. So that '68 to '74 time period
12 that we're talking about here today, did you ever see
13 any of that insulation with the line through it?

14 DEFENSE COUNSEL: Object to the form.

15 THE WITNESS: I don't think so.

16 BY MS. MCVEY:

17 Q. Okay. And you never saw any insulation that
18 was marked "asbestos free" during that time period?

19 DEFENSE COUNSEL: Object to the form.

20 THE WITNESS: No.

21 BY MS. MCVEY:

22 Q. You were asked I think by the lawyer from
23 Celanese, Mr. Collier, about whether or not this
24 insulation was necessary to keep the temperature up?

25 A. Yeah.

1 Q. Do you remember that? Do you know if they
2 could have used asbestos-free insulation to keep that
3 temperature up?

4 MR. COLLIER: Object to the form.

5 THE WITNESS: I guess at the time it was put
6 on there that maybe -- maybe wasn't anything else that
7 they could have used.

8 BY MS. MCVEY:

9 Q. But you don't know, do you?

10 MR. COLLIER: Object to the form.

11 THE WITNESS: I don't know that.

12 BY MS. MCVEY:

13 Q. Because later on they did develop
14 asbestos-free insulation that they could put on; is
15 that right?

16 A. Yeah.

17 Q. Okay. You were asked a lot about whether or
18 not Celanese is a safety conscious company; do you
19 remember that?

20 A. Yeah.

21 Q. And I think you said you didn't think they
22 were.

23 A. Yeah.

24 Q. And then you -- the Celanese lawyers said,
25 well, I mean, if the manufacturers didn't even warn you

1 about the dangers of asbestos, how could we do that?

2 Do you remember that question?

3 A. Yeah.

4 Q. Do you have any idea whether or not Celanese
5 made asbestos products themselves?

6 DEFENSE COUNSEL: Object to the form.

7 THE WITNESS: I don't know that they made
8 anything that had asbestos in it. I don't -- I don't
9 guess they did. I don't know.

10 BY MS. MCVEY:

11 Q. Okay. And do you know if they had a medical
12 director who went to a conference in the '60s that
13 warned about the dangers of asbestos?

14 MR. COLLIER: Object to the form.

15 THE WITNESS: I don't know.

16 MR. COLLIER: Assumes facts and misstates
17 evidence.

18 BY MS. MCVEY:

19 Q. And I think I asked you this, but when you
20 were working at the Westinghouse plant, at the turbine
21 plant, did Westinghouse ever warn you about the dangers
22 of asbestos?

23 MR. ROGERS: Object to the form.

24 THE WITNESS: No, ma'am.

25 BY MS. MCVEY:

1 Q. Is that a no?

2 A. No.

3 Q. Okay. Did they ever tell you to change your
4 clothes before you went home?

5 MR. ROGERS: Object to the form.

6 THE WITNESS: No.

7 BY MS. MCVEY:

8 Q. Did they ever give you any protective
9 equipment?

10 A. No.

11 MR. ROGERS: Object to the form.

12 BY MS. MCVEY:

13 Q. An then we -- we went through a lot of those
14 pictures -- your pictures.

15 A Yeah.

16 Q Right? And you said that these pictures were
17 taken in the AR building.

18 A Yeah.

19 Q Is that right?

20 A. Yeah.

21 Q. But you went on and testified that those
22 photographs that you used, that you took, there were
23 other places that this group of kids put these
24 stickers, right?

25 A. Yeah. They went over the whole plant.

1 Q. Okay. So while these pictures were taken in
2 the AR room, are they similar -- do they demonstrate
3 conditions that were -- that were in the whole Celanese
4 plant in the mid '90s?

5 MR. COLLIER: Object to the form.

6 THE WITNESS: Yeah.

7 BY MS. MCVEY:

8 Q. Okay. So while these are -- these were taken
9 in the AR building, did you see the same and similar
10 conditions in other parts of the plant?

11 A. Yes, ma'am.

12 MR. COLLIER: Object to the form.

13 BY MS. MCVEY:

14 Q. Okay. And that would have been true in the
15 areas where you and Lewis "Fuzz" Childers worked
16 together?

17 A. Yeah.

18 MR. COLLIER: Object to the form.

19 BY MS. MCVEY:

20 Q. And you were asked a lot about whether or not
21 you knew despite the fact that it says asbestos on
22 it --

23 A. Yeah.

24 Q. -- whether or not you actually knew if there
25 -- if this was asbestos insulation on these pictures;

1 do you remember that?

2 A. Yeah.

3 Q. Okay. So you didn't test the asbestos
4 yourself?

5 MR. COLLIER: Object to the form.

6 THE WITNESS: There's no way of knowing. No,
7 ma'am.

8 BY MS. MCVEY:

9 Q. Okay. And do you know if Celanese tested the
10 material?

11 A. Tested some of them, yeah.

12 Q. Okay. And they did, right? Celanese decided
13 whether or not to put "contains asbestos" on these
14 pipe?

15 MR. COLLIER: Objection to the form.

16 THE WITNESS: Yeah.

17 BY MS. MCVEY:

18 Q. Is that right?

19 A. Yeah. They're the ones that -- that was told
20 to put it on there if they weren't sure.

21 Q. Okay. So you don't know whether or not it
22 contained asbestos. You only know that Celanese said
23 it contained asbestos.

24 MR. COLLIER: Object to the form.

25 THE WITNESS: That's right.

1 MS. MCVEY: All right. Those are my
2 questions. Thank you.

3 THE WITNESS: Thank you.

4 REEXAMINATION

5 BY MR. COLLIER:

6 Q. Sir, Chris Collier, again. I've got a few
7 follow-up questions based on Ms. McVey's questions.

8 A. Okay.

9 Q. With respect to testing any insulation
10 materials that were located out at the Rock Hill plant,
11 you didn't have any involvement personally in any of
12 that, did you?

13 A. Ask me that one more time.

14 Q. Sure. With respect to the insulation
15 materials that were located out at the Rock Hill plant,
16 you didn't have any personal involvement in testing any
17 of those materials to determine what they contained,
18 did you?

19 A. No, sir.

20 Q. Okay. And because you weren't personally
21 involved in it, you don't know what the protocol was
22 that Celanese went through to determine whether to test
23 it or not test it, do you?

24 A. No, sir.

25 Q. And all you know is that the protocol to you,

1 a maintenance employee at Celanese was to treat it as
2 though it did contain asbestos unless you could prove
3 otherwise, correct?

4 A. That's right. Yes, sir.

5 Q. And that was a policy that was implemented
6 from a safety standpoint, correct?

7 A. Yes, sir.

8 MR. COLLIER: All right. That's all I've
9 got. Thank you.

10 MR. MCDONALD: Can I can ask one question
11 just to make sure the record is clear. I don't care
12 about getting in the video.

13 REEXAMINATION

14 BY MR. MCDONALD:

15 Q Mr. Neelands, you remember I represent
16 Daniel?

17 A Yeah.

18 Q And I think I asked you this before, but I
19 asked you a series of detailed questions about the
20 workplace setup and your workday at Bowater.

21 A Yes.

22 Q Do you remember that?

23 And I think I asked you basically your day
24 was the same at each Daniel site and the workplace
25 setup was basically the same at each Daniel site; is

1 that fair?

2 A Yeah.

3 MR. MCDONALD: Okay.

4 MS. MCVEY: Nobody else has questions, right?
5 Including the phone?

6 MR. VINING: I have one question on the
7 phone.

8 THE COURT REPORTER: Can you tell us who's
9 speaking?

10 EXAMINATION

11 BY MR. VINING:

12 Q. Mr. Neeland, my name is Robert Vining. And I
13 apologize I'm not there in person, but I think I have
14 just one question for you.

15 Have you ever worked in Alabama?

16 A. No, sir.

17 MR. VINING: All right. Good enough. Thank
18 you.

19 MS. MCVEY: Anybody else?

20 Okay. You're done.

21 (The deposition concluded at 3:37 p.m.)

22

23

24

25

1 CERTIFICATE OF REPORTER
2

3 I, Sheri L. Byers, Registered
4 Professional Reporter and Notary Public for the
5 State of South Carolina at Large, do hereby
6 certify:

7 That the foregoing deposition was
8 taken before me on the date and at the time and
9 location stated on page 1 of this transcript; that
10 the deponent was duly sworn to testify to the
11 truth, the whole truth and nothing but the truth;
12 that the testimony of the deponent and all
13 objections made at the time of the examination were
14 recorded stenographically by me and were thereafter
15 transcribed; that the foregoing deposition as typed
16 is a true, accurate and complete record of the
17 testimony of the deponent and of all objections
18 made at the time of the examination to the best of
19 my ability.

20 I further certify that I am neither
21 related to nor counsel for any party to the cause
22 pending or interested in the events thereof.

23 Witness my hand, I have hereunto
24 affixed my official seal this 27th day of December,
25 2016, at Columbia, Richland County, South Carolina.

Sheri L. Byers,
Registered Professional Reporter,
Notary Public
State of South Carolina at Large
My Commission expires:
October 30, 2023

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

DWAINE T. WATERS and
JANICE K. WATERS, CASE NO. 2017-CP-40-05462
Plaintiffs, In Re: Asbestos Personal
V.

AGCO CORPORATION, et al., Injury Litigation
Coordinated Docket
Defendants.

Continued Videotaped De Benne Esse Deposition
of DWAIN T. WATERS, Plaintiff, called for Oral
Examination in the above-captioned matter, before
Mark L. Dennis, Court Reporter, taken at the
Anderson Hilton Garden Inn, Anderson, South
Carolina, on October 16, 2017, commencing at
1:04 in the afternoon.

Volume III

Job No. NJ2732085
Priority-One Court Reporting

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 21 Also Present:
 22 Cliff Williams, Videographer
 23 Brady A. Yntema, Esq.
 Mrs. Janice Waters

I N D E X

24	EXAMINATION	PAGE
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1 THE VIDEOGRAPHER: This is the
2 continuation of the deposition of Dwaine
3 Waters. Today's date is October 16, 2017, we
4 are in Anderson, South Carolina. You may
5 proceed.

6 DWAIN WATERS, recalled as a witness and
7 having been previously sworn, testifies as follows:

8 BY MR. HOLDER

9 Q Good afternoon, again, Mr. Waters. This is,
10 for those listening, this is your attorney, again,
11 Mr. Holder. We are going to pick up again this afternoon
12 with your testimony. Up to this point we've been discussing
13 -- but before I get into that I first want to remind you,
14 since it's a new day, you're still under the oath that you
15 took on the first day. Do you understand that?

16 A Yes, I do.

17 MR. HOLDER: Okay. Thank you very much.

18 DEFENSE COUNSEL: Same stipulations, a
19 continuation.

20 MR. HOLDER: Right. And just for the
21 record it's the same stipulations that have
22 been agreed to on volumes one and volume two
23 of the deposition. Thank you.

24 THE WITNESS: I'm going to move so I can
25 hear.

1 MR. HOLDER: If -- make sure --

2 Mr. Water's going to move a little closer
3 because he forgot his hearing aid today.

4 BY MR. HOLDER

5 Q Back to what I was saying, up to this point we
6 have been discussing your personal and family life growing up
7 and the work that you have done in your personal life at home
8 and at family members' homes, but today we're going to focus
9 more on your professional work life. Okay? And we'll go
10 through your work history, is that okay?

11 A That's fine.

12 Q All right. Just always be sure to speak up
13 and that your answers are verbal and that will always help
14 out the court reporter, okay?

15 A Yes.

16 Q Thank you. Did you -- let's just start with
17 your first jobs that you remember, I guess, would that have
18 been -- did you begin working in school?

19 A Yes.

20 Q And where did you attend high school?

21 A Where did I attend?

22 Q Yes.

23 A Belton-Honea Path High School.

24 Q And do you know around what years you attended
25 Belton-Honea Path High School?

1 A Well, I went there the ninth and the tenth,
2 two years.

3 Q Do you know around what age you were at that
4 time?

5 A Sixteen, I think.

6 Q And, based on your birth date of 1954, that
7 you have testified to previously in this deposition, would it
8 be your estimation that was sometime approximately in the
9 year 1970?

10 A Yes.

11 Q Okay. When attending BHP High School, would
12 you ever work outside of your school hours, for pay I mean?

13 A Yes.

14 Q I know that parents oftentimes have their
15 kids work around the house and in the yard. So, I mean an
16 actual job that you were an employee for. What was the first
17 one that you remember?

18 A Well, very first one was Shawnee's.

19 Q Do you remember around how old you were when
20 you worked at Shawnee's?

21 A I'm thinking I was around 15, 16.

22 Q Okay. And what was your job at Shawnee's?

23 A I cooked.

24 Q Now, do you have any reason to suspect you may
25 have been exposed to asbestos in your work at Shawnee's?

1 A No, none that I know of.

2 Q And just for people that may not be familiar,
3 Shawnee's is a restaurant, correct?

4 A Yes.

5 Q What was your next job after or let me ask
6 this: Why did you leave the job cooking at Shawnee's?

7 A My second job?

8 Q Why did you leave the job at Shawnee's?

9 A Hours.

10 Q Okay.

11 A They were tough hours, weekends --

12 Q Okay.

13 A -- about half the night working.

14 Q Okay.

15 A Even though Shawnee's closed I think around
16 eleven o'clock, by then we would stay and cleanup and it take
17 2:30 in the morning to get cleaned up.

18 Q Sure. So what was the next job that you
19 remember working after Shawnee's?

20 A I quit there and went to work with Kmart.

21 Q Well, what did you do for Kmart?

22 A Well, I started out as part-time stocking toys
23 at Christmas.

24 Q And did any of -- or how long did you stay at
25 Kmart?

1 A Oh, it wasn't very long at all.

2 Q I'm sorry, go ahead -- I didn't mean to cut
3 you off. Did you finish your answer?

4 A It wasn't very long at all. I didn't really
5 like working --

6 Q Sure.

7 A -- Kmart.

8 Q What did -- where was the Kmart located that
9 you worked for?

10 A It was located here on Main Street.

11 Q And when you say here, do you mean Anderson,
12 South Carolina?

13 A Here in Anderson, yeah.

14 Q And do you have any reason to suspect that you
15 were exposed to asbestos while working for Kmart?

16 A No, sir.

17 Q When did you leave Kmart?

18 A Must have been in the summer of '01 or '02.

19 Q When you left working at Kmart?

20 A When I left, yes. I quit.

21 Q In the summer of 2001, is that what you said?

22 A No.

23 Q What did you say?

24 A I said that I quit Kmart in -- excuse me, I'm
25 losing my train of thought. I quit Kmart in the summer of

1 '71 or '72. I may have said that, I'm sorry.

2 Q You may have said that and I thought I heard
3 '01 or '02 and I probably pulled you off of your train of
4 thought but anyway, okay.

5 A My train of thought is not really --

6 Q I hear you.

7 A -- here today.

8 Q We completely understand. If ever our
9 questions and when I say "our questions" I mean my questions,
10 get long winded and you can't even follow what the question
11 was, please just tell me I can't follow the train of thought
12 and I will breakdown the question, okay?

13 A Thank you.

14 Q Thank you. Now, when you left Kmart, what was
15 your next job for employment?

16 A I went to work with Covil Insulation Company.

17 Q Okay. And what year do you believe that was
18 in?

19 A I believe that was in '72.

20 Q Okay.

21 A I'm not mistaken.

22 Q Now, how did you hear of or did you hear of a
23 opening at Covil?

24 A Did I give an opening?

25 Q Did you hear about an opening --

1 A Oh, yes.

2 Q -- for a job at Covil?

3 A Yes, I did.

4 Q How did you hear about the opening for a job
5 in Covil?

6 A Through my step-daddy.

7 Q And at this time did he still work at Covil
8 Insulation?

9 A Yes, he worked there.

10 Q And at this time did you still live in the
11 family home with Mr. Waters?

12 A Yes, I did.

13 Q Do you remember around what time of year it
14 was when you got hired on, by chance, at Covil?

15 A It was -- it was in the summer months. I
16 don't remember what month.

17 Q All right. Now, with Covil, did you have to
18 start out training or being trained, if you didn't have
19 previous experience in the insulation business?

20 A Yes, they would train a person --

21 Q Okay.

22 A -- for -- to be an insulator.

23 Q Okay. What -- let me just ask, I will try to
24 break it down. What did you start out at as Covil, your job
25 title?

1 A As a helper, an apprentice like.

2 Q And what were your job responsibilities as a
3 helper or an apprentice?

4 A Mine was to keep the insulation up to the --
5 to the mechanics. That's what you call the top. Keep the
6 materials and wire and things like that, make up the mud in a
7 wheelbarrow and all, put it in buckets and take it to them
8 and clean up. Excuse me.

9 Q Now, did you say unload?

10 A Sir?

11 Q Did you say unload?

12 A Unload?

13 Q Unload the shipments of insulation?

14 A Yes, we would do that, take it off the trucks
15 and all.

16 Q Would that include unboxing it or taking the
17 insulation out of the boxes?

18 A Yes.

19 DEFENSE COUNSEL: Object to the form.

20 THE WITNESS: We would normally take it
21 out of the box as we got to use it, we needed
22 to use it.

23 BY MR. HOLDER

24 Q Sure. Did -- was it normal course for Covil
25 to set up its own little tool shack or tool shed or stock shed

1 on a premise where they would keep stock insulation?

2 A Yes, we would have, a lot of times, a plant
3 that was like Owens-Corning we had a gang box and it was in a
4 specified area for -- for the construction work and that's
5 where we were. A lot of jobs, a lot of times, would have a
6 little building that we would put tools and supervisor and
7 all work from there, so it varied.

8 Q Sure. So when you say "gang box," is that the
9 shed where y'all kept or the unit or whatever where y'all
10 kept the tools or supplies?

11 A It was mainly where all the insulators would
12 come in in the mornings and it was just a big metal box and
13 the supervisor always had the key to it to unlock it --

14 Q Sure.

15 A -- and all the insulators kept their tools, so
16 they wouldn't get stolen.

17 Q Did you-all have a meeting there before you
18 would head out on your job?

19 A That's where we would have the meetings and
20 all, yeah.

21 Q Would that be called a gang box meeting?

22 A I guess you could call it that.

23 Q Okay. In any of those meetings do you
24 remember discussing the hazards of asbestos?

25 DEFENSE COUNSEL: Object to the form.

1 THE WITNESS: No.

2 BY MR. HOLDER

3 Q Okay. Did -- let me get back into your job
4 roles. Do you know how long, around how long you were an
5 apprentice?

6 A For about six months.

7 Q Now, when you're training, do you, as an
8 apprentice, are you already on the job sites or is this prior
9 to going out into the field?

10 A No, you train on the job site.

11 Q From your first day at Covil were you out in
12 the field on work sites?

13 A Yes, sir.

14 Q What was the position? What was your job
15 title after helper or apprentice?

16 A Oh, after the apprentice?

17 Q After helper or apprentice, yes.

18 A It went by -- doggone been so long I may have
19 it backwards, but it was like first class, second class,
20 third class mechanic. I'm thinking the third class mechanic
21 was the top mechanic.

22 Q Okay. But it could be reversed?

23 A It could be reversed because it's been --

24 Q It could have gone third, second, first class?

25 A Right. Which to me that would sound more

1 logical.

2 Q Right.

3 A But for some reason or another doesn't seem
4 right.

5 Q If in your employment records it said that you
6 were a third class mechanic before you were a first class
7 mechanic, would that mean that the first class mechanic would
8 be the higher more skilled position because you wouldn't
9 digress, down, would you?

10 A Right.

11 Q How long do you believe --

12 MR. HOLDER: Or strike that.

13 BY MR. HOLDER

14 Q What would differ about your job role or job
15 duties when you were working as a -- in this first class of
16 mechanic?

17 A Talking about the top or the bottom?

18 Q When -- the first one after you graduated from
19 helper?

20 A Okay. First class you still perform the
21 helper's job, still done that.

22 Q Okay.

23 A But during that time they would allow you to
24 go in, one of the mechanics teach you how to put on Kaylo or
25 how to smooth mud, things like that. It's just kind of an

1 on-hands teaching process that they had and that was the
2 difference.

3 Q Was it less grunt work and more teaching and
4 learning?

5 A Sir?

6 Q Was it less grunt work than the apprentice job
7 and more instruction?

8 A At that time it was about 50-50.

9 Q Okay. Now, do you know how long it was until
10 you graduated to the next class of mechanic?

11 A Yeah.

12 Q How long?

13 A It was about -- well, I don't think -- it was
14 about four months, maybe, because Russell Johnson come on the
15 job and gave me my next raise.

16 Q Sure. Let me ask you this: Who's Russell
17 Johnson?

18 A Russell Johnson?

19 Q Yes.

20 A He -- Russell back then was a Road
21 Superintendent for Covil Corporation and he worked out of
22 Greenville office.

23 Q And he worked out of where?

24 A He worked out of the Greenville office.

25 Q Okay.

1 A And he would come check on jobs, make sure
2 they're doing okay and all.

3 Q And his title was Road Superintendent?

4 A Road Superintendent. He placed people on the
5 jobs out in the field, you know.

6 Q Would the Superintendents of each work site
7 answer to him?

8 A Well, we didn't have a Superintendent --

9 Q Okay.

10 A -- on our job.

11 Q Who was the highest man from Covil on each job
12 site?

13 A The highest man on a job like that would be
14 like a third class mechanic that Russell chose to do the job.

15 Q And would he be a supervisor on that site?

16 A He would be the supervisor on that job, yes.

17 Q Now, would Russell Johnson move up higher in
18 the company?

19 A Did Johnson?

20 Q Did Russell Johnson that you just mentioned --

21 A Yes.

22 Q -- had he gone up higher in the company of
23 Covil than Road Superintendent?

24 A Yes, he went from Road Superintendent to
25 Vice President to President when Mr. Covil retired.

1 Q Okay. And were you still there when he was in
2 the higher positions?

3 A Did I still --

4 Q Were you still at Covil --

5 A Yes.

6 Q -- when he was in the higher positions?

7 A Yes, always.

8 Q Thank you. Now, for this second mechanic,
9 second class, let me first ask you: When you described the
10 job title as a mechanic, is that a term for an insulator?

11 A That's a term for insulators, yes. That's the
12 method in which they go through in stages to be an insulator.

13 Q Sure. So it does not indicate that you were
14 doing any automotive work at Covil?

15 A No. No. It's completely different.

16 Q Okay. I just wanted to clarify for anybody
17 that's looking at this later. How long do you think you were
18 a second class mechanic for Covil before you got your --

19 A About a year, year and a half maybe. Took a
20 little longer than last one.

21 Q And so for your last job title it was either
22 first class or third class, whichever, the top?

23 A Mechanic, yeah.

24 Q And was that -- that top class of mechanic, was
25 that the position you held until you -- the time you left

1 Covil?

2 A Yes.

3 Q As a -- let me ask you about as a second class
4 mechanic, that one in the middle, how would your job roles
5 differ from that of a first class mechanic or the
6 intermediate or the one that you came from?

7 A Well, we did -- by that time you learned a
8 good bit about the installing the insulation, so a lot of
9 times you would -- they would give you work to do that was
10 always in a hard spot or place like that.

11 Q Sure.

12 A As -- I think it's just part of the way
13 they're doing and you were allowed to do, insulate things
14 like that.

15 Q All right. And then for the top class
16 mechanic, what were the job roles that or the job duties that
17 you had when you were at that top class mechanic?

18 A Well, it was to insulate the pipes and
19 boilers, tanks, whatever the job may be.

20 Q Sure.

21 A And it was always to look out for the helper.
22 You always had a helper or maybe two and try to keep it going
23 smooth, the job, keep the materials there. The
24 responsibility to reorder if you need it, things like that.

25 Q Okay. I want to go through -- we'll try to go

1 through each work site where you were with Covil and ask you
2 a couple of questions about each one of those, okay?

3 A Okay.

4 Q All right. The first one I wanted to ask you
5 about -- let me just ask you: What is the first work site
6 you remember going to when you first started out as a helper
7 or an apprentice?

8 A That was Owens-Corning.

9 Q And where is the Owens-Corning plant located?

10 A It's out off Starr Iva Highway.

11 Q Okay. Say that again?

12 A Starr Iva Highway.

13 Q Okay. And can you spell that for us?

14 A Starr --

15 Q I know --

16 A S-T-A-R-R Iva; I-V-A.

17 Q I-V-A. Now, before we -- one last thing I
18 want to ask you that will, I guess, apply to all of the work
19 sites is the classifications of what type of jobs y'all were
20 doing with Covil at that site? What were the different types
21 of project that y'all would go out to a work site and do?

22 A Are you referring to any specific plant or?

23 Q Let's just use, as an example, the first one,
24 Owens-Corning plant, was this for -- well, let me ask you:
25 Do you know what a shutdown is?

1 A Oh, yes.

2 Q Explain to the jury what a shutdown is.

3 A Shutdown is when a piece of machinery is
4 shut down for repairs or replacement.

5 Q Sure and --

6 A That's what I was -- we were doing at
7 Owens-Corning when I first went there. They had 27 furnaces
8 in a furnace hall and we were rebuilding one, but we
9 constantly rebuilt those things back then.

10 Q Now, when you would have a shutdown, would it
11 be an entire plant would shut down or would just certain
12 portions of it shut down to work on that equipment?

13 A Just that particular area. It was where the
14 machine was.

15 Q Okay. Now, were there -- were there some
16 plants where you as Covil were just on call? Like you might
17 go there more than once?

18 A They had maintenance contracts for that.

19 Q Okay. And would Covil ever hold a maintenance
20 contract with any of the plants that you worked in?

21 A Yes, sir.

22 Q Would, for instance, Owens-Corning plant have
23 a maintenance contract?

24 A No, sir.

25 Q And what would a maintenance contract with a

1 certain plant entail for you as the worker?

2 A Well, it would, you'd be there every day.
3 It's like a -- it would be like just working for a particular
4 company and going to the same place every day, but the
5 maintenance they required us to be on the job. Anything that
6 was torn off by their people to replace, we would replace,
7 and then they would have maybe an extruder or whatever go
8 bad, shut it down. We would be there to insulate that.

9 Q Now, for these places that would have y'all
10 come in and do work, did they have guys that could do the
11 same work as y'all or did y'all do work that nobody else
12 there could do?

13 A Well, they didn't have -- they didn't have
14 trained insulators.

15 Q Okay. Now, could you, for a place or a plant
16 where there was -- the relationship was a maintenance
17 contract that you just described, could you also have
18 shutdowns at that location?

19 A Yeah -- yes.

20 Q Okay. But certain places where you would work
21 a shutdown wouldn't be a maintenance contract, is that fair
22 to say?

23 A Yes, true, that's the way it worked.

24 Q Now, how about new construction, would you-all
25 ever work new construction?

1 A Oh, yes.

2 Q Now, is new construction something that you
3 would have also worked on as part of a maintenance contract
4 at a place or would it just be an individual contract to
5 build this?

6 A It would just be a contract for that
7 particular job, for that particular plant --

8 Q Sure.

9 A -- or building.

10 Q Okay. So, just to summarize, I've got three
11 different kinds of projects. Where you have a maintenance
12 contract is the first kind where you would have that kind of
13 as a home plant and go there every day for work and do
14 whatever jobs they may have at that plant, is that correct?

15 A Correct.

16 Q And then there's a second type of project that
17 would just be a shutdown, where it could happen at a place
18 where you have a maintenance contract, but you could also
19 just be hired to come in and work on that one piece of
20 equipment for that shutdown, is that correct?

21 A Yes.

22 Q Okay. And the third kind of project you might
23 work at a plant is a new construction project, which would be
24 a project that is for that specific either new premise or new
25 addition to a plant, is that correct?

1 A True.

2 Q Okay. Can you think of any other types of
3 work projects that wouldn't fall under one of those three
4 categories?

5 A No, I think that that would pretty well cover
6 it.

7 Q Okay. So, as we go through some of the work
8 sites I may ask you was this a shutdown or a new construction
9 and then if it was a shutdown, I may ask if there was a
10 maintenance contract, but we're trying to figure out which
11 one of these types of projects each one of your jobs was,
12 okay?

13 A Okay.

14 Q All right. So let's start out back with the
15 Owens-Corning plant that you remembered as being the first,
16 the first plant where you worked. Just to say again: Was
17 there a maintenance contract between Covil and Owens-Corning
18 plant to your knowledge?

19 A No.

20 Q Was the project that you were working on that
21 first trip to Owens-Corning plant, was that a shutdown or was
22 that new construction?

23 A That would have been -- that would have been a
24 shutdown, a rebuild, so a shutdown.

25 Q Okay. And the shutdown was to what piece of

1 equipment?

2 A Shutdown was to what?

3 Q Was to what equipment was shut down for that
4 job?

5 A It was one of the furnaces.

6 Q Okay. And what kind of furnaces were those?

7 A Those were fiberglass furnaces that made the
8 fiberglass strands for the cloth and different things like
9 that.

10 Q What all responsibilities did you have as part
11 of that shutdown or part of that maintenance --

12 A Well --

13 Q -- as a helper, sorry.

14 A As a helper it was to keep the materials to
15 the mechanics, make the finish mud or insulation mud and had
16 two different types of mud we put on. One was a mud that had
17 insulation in it to help fill cracks, the other one was a
18 finished mud to go over it and make it look good.

19 Q Okay. And on this first shutdown of the
20 furnaces that you described at Owens-Corning, was there also
21 other crafts working in the area?

22 A Oh, yes.

23 Q Okay. Were there also pipe fitters working
24 nearby?

25 A Yes.

1 Q Around how far away would pipe fitters be
2 working?

3 A Three or four feet.

4 Q What kind of -- what kind of work would they
5 be doing on the furnace, do you happen to recall?

6 A Well, they were mainly bolting the headers and
7 things on the furnace.

8 Q What is a header?

9 A Well, it's just like an exhaust manifold has
10 three or four pipe coming together to one.

11 Q Okay. Do you know if they would be having to
12 replace a gasket in between there?

13 DEFENSE COUNSEL: Object to form.

14 THE WITNESS: Yeah, they sure did.

15 BY MR. HOLDER

16 Q Okay. Would they have been removing old
17 gasket material to put the new gasket on?

18 DEFENSE COUNSEL: Object to the form.

19 THE WITNESS: Yes. Oh, yes.

20 BY MR. HOLDER

21 Q Okay. What kind of -- what kind of tools
22 would the pipe fitters use or whoever was doing the work would
23 use when they would remove this gasket material from the
24 facing?

25 DEFENSE COUNSEL: Object to the form.

1 BY MR. HOLDER

2 Q Excuse me, where would they remove the old
3 gasket from?

4 A Well, those things were big, they would bring
5 them and set them out of the work area.

6 Q Okay.

7 A And then put them on a dolly, take them to a
8 pipe shop --

9 Q Okay.

10 A -- and rework them there.

11 Q So for the headers --

12 A Yes.

13 Q -- the ones where multiple pipes came
14 together, those would be taken away from where yo-all were
15 working --

16 A Yes.

17 Q -- for them to be cleaned?

18 A And then brought back.

19 Q Would the pipe fitters ever work on any regular
20 connections that were not where multiple pipes came together?

21 A Oh, yes, on different jobs.

22 Q Right. I should have specified that. Let's
23 keep job by job separate. So let me ask you this: Do you
24 remember pipe fitters working any, on any single pipe
25 connections in the work related to the furnaces at

1 Owens-Corning when you were a helper?

2 DEFENSE COUNSEL: Object to the form.

3 THE WITNESS: No, not really.

4 BY MR. HOLDER

5 Q Okay. Were there any valve technicians in
6 the -- in the area where you were working at the
7 Owens-Corning plant, that you recall?

8 A Oh, yes.

9 Q Okay. Would they also be close by?

10 A Yes.

11 Q Okay. About how close would they be?

12 A They would be right -- all crafts worked
13 together because a lot of times in a situation you just get
14 crammed right up to one another, y'all stop and let these
15 guys do what they have to do, so us and pipe fitters, we worked
16 pretty good together, hand in hand, we were probably a lot of
17 times one piece of insulation apart from one another which
18 y'all, everybody knows the commercial insulation comes in
19 three foot pieces.

20 Q Sure. And you were about that from each
21 other?

22 A Yes, we would hold off that to allow them
23 to --

24 Q Okay. Were -- do you remember what any of the
25 valve techs would have been working on with the furnace, with

1 any of the furnace work?

2 A I can't remember them working on the furnaces.
3 I really can't.

4 Q What about -- let me ask you this: Was there
5 a boiler at the Owens-Corning plant that you remember?

6 A Yes.

7 Q Okay. Was the boiler close to -- close to
8 where the furnaces were?

9 A It was in another building.

10 Q Okay. Did you ever have occasion, while at a
11 job at Owens-Corning, to work on or around the boiler at
12 Owens-Corning plant?

13 A Yes. Yes, we done -- we done a lot of
14 different types of jobs at Owens-Corning on and off while I
15 was with Covil.

16 Q Okay. So is Owens-Corning a plant that you
17 would come back to intermittently throughout your time with
18 Covil?

19 A Um-hum.

20 Q Okay. And make sure to verbalize your
21 answers.

22 A Sir?

23 Q Make sure to say your answer instead of saying
24 um-hum, uh-huh.

25 A Yes.

1 Q Now, you mentioned that one of the jobs when
2 you would -- when you came back to Owens-Corning plant was on
3 or around the boiler, is that correct?

4 A It may not have been the second time, but I
5 have worked around it.

6 Q Okay. And that's what I'm saying, at one of
7 the times -- one of your work experiences at Owens-Corning
8 plant you were on or around the boiler, is that correct?

9 A That is true.

10 Q Do you happen to remember what, where in the
11 hierarchy of mechanics you were at that point or if you were
12 still an apprentice or --

13 A Nah, at that point I was -- I was probably
14 second class.

15 Q Okay. And do you remember what, do you
16 remember what job y'all were doing at the -- on the
17 furnace -- I mean, furnace -- on the boiler?

18 A Yes, we were insulating the boiler and pipes
19 and valves going to them.

20 Q Okay. Around how large was this boiler?

21 A Huge. I don't think we ever worked on
22 anything small. It would be -- I don't know how many tubes
23 is in that boiler. It was just huge. It was about almost as
24 big around as the back of a tanker truck, 18 wheeler.

25 Q Wow. Okay. Now, do you happen to remember

1 the manufacturer of that boiler at Owens-Corning that you
2 worked on?

3 A I do, but it's not coming to me right now.

4 Q Okay.

5 A I do remember that.

6 Q If it pops in your head as we go throughout
7 the day, just say "hold on, Jonathan, I remember that's the
8 manufacturer's name" and you can give it to me, okay?

9 A Okay. It's a company that everybody knows.

10 Q That's okay. We can keep moving and if it
11 comes to you, let us know.

12 A For some reason I'm thinking Fisher.

13 Q Okay. You think --

14 A For some reason --

15 Q Okay.

16 A Might be wrong.

17 Q Okay. Now, do you remember how long the job
18 was when you worked on the boiler at Owens-Corning plant?

19 A Yeah, we worked on it for about four or five
20 days.

21 Q And I didn't ask you that for the first visit
22 to the Owens-Corning plant, but how long was the job with the
23 furnaces, that first job as a helper at Owens-Corning? How
24 long was the first job that you had at Owens-Corning?

25 A Oh, it was about a week.

1 Q Okay. Now, when you were working on the
2 boiler at Owens-Corning were there other crafts in the area
3 also working on the boiler?

4 A Oh, yes.

5 Q Okay. And would that include pipe fitters?

6 A Yes, sure.

7 Q Okay. Would that include valve technicians?

8 A Yeah.

9 Q Okay. What about boilermakers?

10 A Oh, yes.

11 Q Okay. And what was the project being done, if
12 you know, to the boiler other than insulating it, I guess,
13 which would be your job? What was being done to the boiler?
14 What was the project?

15 A It was just going through a -- I guess you
16 would say a rebuild because a lot of tubes and things had to
17 be replaced.

18 Q Okay. Would that be a regular maintenance
19 shutdown?

20 A I would think so.

21 Q Okay. Now --

22 A Most of the time they wouldn't shut a boiler
23 down though unless it sprung a leak somewhere.

24 Q Could you perform work on a boiler while it
25 was still running?

1 A Yes.

2 Q Okay. And was that how it occurred most of
3 the time?

4 A Is that what?

5 Q Is that how it happened most of the time when
6 you were doing work on a boiler, was it still in operation?

7 A Yeah, it really didn't matter with us if it
8 was running or not, but, yes, it would a lot of times, it
9 would be.

10 Q Sure. Now, you've described multiple
11 maintenance jobs that you've performed while with Covil at
12 the Owens-Corning plant, were these all individual shutdown
13 maintenance jobs or was this under a longer contract
14 relationship?

15 DEFENSE COUNSEL: Object to the form.

16 THE WITNESS: With Owens-Corning it was
17 all individual bid jobs. They would bid them
18 out and Covil got all of them mainly and
19 that's the way that went.

20 BY MR. HOLDER

21 Q Okay.

22 A And that's how we got them.

23 Q Okay. All right. What was the next plant you
24 remember going to after, after Owens-Corning, I guess after
25 you left the first time, if you recall?

1 A Well, left Owens-Corning and --

2 MR. HOLDER: Actually, hold on one
3 second. I forgot to ask you a few questions
4 about Owens-Corning. I apologize.

5 BY MR. HOLDER

6 Q At Owens-Corning I know that we talked about
7 the actual crafts, but let me clarify on the actual products
8 that you may or may not have been around. During your time
9 working any of these projects with Covil out at the
10 Owens-Corning plant, did you work in the vicinity of pumps?

11 DEFENSE COUNSEL: Object to the form.

12 THE WITNESS: Yes, sure did.

13 BY MR. HOLDER

14 Q What was being done to those pumps when you
15 were in the vicinity?

16 DEFENSE COUNSEL: Object to the form.

17 THE WITNESS: Well, a lot of times they
18 would take them apart to replace impellers and
19 things like that on them.

20 BY MR. HOLDER

21 Q Okay.

22 A Occasionally one may have a bad motor and they
23 would do that.

24 Q Do you recall them every having to remove any
25 packing from a pump?

1 A Oh, yes.

2 DEFENSE COUNSEL: Object to the form.

3 THE WITNESS: They would have to.

4 BY MR. HOLDER

5 Q Okay. And how would that be done?

6 DEFENSE COUNSEL: Objection.

7 THE WITNESS: Well, just unbolt it and
8 take it apart and take the packing and all
9 out. You have to take it completely apart
10 really to get the impeller out.

11 BY MR. HOLDER

12 Q Okay. And would they -- would the people that
13 you witnessed pulling the packing out of the pumps use any
14 certain kind of tool?

15 DEFENSE COUNSEL: Objection.

16 THE WITNESS: Certain kind of tools?

17 MR. HOLDER: Yes, to pull the packing out
18 for that specific job.

19 DEFENSE COUNSEL: Objection.

20 THE WITNESS: Yes, it was -- I don't know
21 what it was. I don't know what they call the
22 thing.

23 BY MR. HOLDER

24 Q Okay. And when they would be pulling packing
25 out of the pumps, like, how close would you be to this?

1 DEFENSE COUNSEL: Objection.

2 THE WITNESS: We were always real close,
3 like three or four feet.

4 BY MR. HOLDER

5 Q And when they pulled the packing out of these
6 pumps, would that create any dust?

7 DEFENSE COUNSEL: Objection to form.

8 THE WITNESS: Yes.

9 BY MR. HOLDER

10 Q Do you believe you breathed that dust?

11 DEFENSE COUNSEL: Objection, form.

12 THE WITNESS: Yes, very possible.

13 BY MR. HOLDER

14 Q Okay. And did this happen a single time or
15 was this a repeated occurrence that you remember when working
16 at the Owens-Corning plant?

17 DEFENSE COUNSEL: Objection.

18 THE WITNESS: No, it was repetitive. Not
19 just there, but in other plants I've worked
20 too.

21 MR. HOLDER: Sure. Same question.

22 BY MR. HOLDER

23 Q Do you recall ever, when they were working on
24 the pumps that you recall, them ever replacing the gaskets in
25 the pumps?

1 DEFENSE COUNSEL: Objection.

2 THE WITNESS: Yes, I've seen them replace
3 them lots.

4 BY MR. HOLDER

5 Q Okay. Let me ask specifically about internal
6 gaskets. Do you recall ever seeing anyone working on
7 internal or replacing internal gaskets in pumps at the
8 Owens-Corning plant?

9 DEFENSE COUNSEL: Objection.

10 THE WITNESS: Yes.

11 BY MR. HOLDER

12 Q Okay. And around how far away were you when
13 you were witnessing this and I apologize to being repetitive,
14 but I have to keep asking this, but how close were you when
15 you saw people working on pumps and replacing gaskets while
16 at Owens-Corning plant?

17 DEFENSE COUNSEL: Objection.

18 THE WITNESS: We were almost in one
19 another's way. You know we were two, three,
20 four -- just.

21 BY MR. HOLDER

22 Q Sure.

23 A Just back off a little and do their thing, you
24 know.

25 Q Sure. And when they were changing, when you

1 witnessed people changing the gaskets on the internal gaskets
2 on pumps at the Owens-Corning plant, did they have to remove
3 old gasket material?

4 A Sure.

5 DEFENSE COUNSEL: Objection.

6 BY MR. HOLDER

7 Q Okay. And did the removal of that old gasket
8 material create dust?

9 DEFENSE COUNSEL: Objection.

10 THE WITNESS: Yes.

11 BY MR. HOLDER

12 Q Okay. And do you know what they would use to
13 remove the old gasket material at the plant, at the
14 Owens-Corning plant, when you witnessed on the pumps?

15 DEFENSE COUNSEL: Objection.

16 THE WITNESS: Just a lot of times I've
17 seen them use screwdrivers. I've seen them
18 grab it with a pair of pliers or channel
19 locks, just however they can get it out.

20 BY MR. HOLDER

21 Q Sure. And would this process create debris
22 and dust?

23 DEFENSE COUNSEL: Objection.

24 THE WITNESS: Yeah.

25 BY MR. HOLDER

1 Q Okay. And do you think that you breathed that
2 dust?

3 A Oh, yes, all of us did.

4 DEFENSE COUNSEL: Objection.

5 BY MR. HOLDER

6 Q Okay. And do you think that this happened a
7 single time or did this happen repeatedly?

8 DEFENSE COUNSEL: Objection.

9 THE WITNESS: It happened quite often.
10 We didn't think anything about it.

11 MR. HOLDER: Sure.

12 BY MR. HOLDER

13 Q Did you similarly -- were you similarly in the
14 vicinity of other crafts working on valves at Owens-Corning
15 plant?

16 DEFENSE COUNSEL: Object to the form.
17 Same objection.

18 THE WITNESS: Yes, from time to time.

19 BY MR. HOLDER

20 Q Okay. And when you saw them doing this, kind
21 of the same questions as for the pumps, did you witness the
22 replacement of any internal gaskets on any valves at
23 Owens-Corning plant?

24 DEFENSE COUNSEL: Object to the form.

25 THE WITNESS: Yes, I do.

1 BY MR. HOLDER

2 Q Okay. And would that require the removal of
3 old gasket material?

4 DEFENSE COUNSEL: Object to the form.

5 THE WITNESS: Oh, yes.

6 BY MR. HOLDER

7 Q Okay.

8 A A lot of times removal of the valve --

9 Q Okay.

10 A To get the --

11 Q And how large were the valves that you
12 remember at the Owens-Corning plant?

13 A Oh, my goodness, all sizes really.

14 Q What was the biggest one you remember?

15 A They're probably about three feet, two and a
16 half foot pipe.

17 Q And would the valve connect with a flange to
18 the pipe?

19 A Yes, it bolted in.

20 Q Okay. And so would they require a gasket on
21 the -- on the flange?

22 A Oh, yes.

23 Q From the valve to the pipe?

24 A Yes.

25 DEFENSE COUNSEL: Object to the form.

1 BY MR. HOLDER

2 Q Okay. And when you were there at
3 Owens-Corning, did you witness anyone removing old gasket
4 material from the flanges of the valves?

5 DEFENSE COUNSEL: Objection.

6 THE WITNESS: Yes.

7 BY MR. HOLDER

8 Q Okay. And did this practice release debris
9 and dust?

10 DEFENSE COUNSEL: Objection.

11 THE WITNESS: Yes. Anything -- yes.

12 BY MR. HOLDER

13 Q Okay. And were you or did you breathe that
14 dust?

15 DEFENSE COUNSEL: Objection.

16 THE WITNESS: Yes.

17 BY MR. HOLDER

18 Q Now, also, did the valves, like the pumps,
19 contain packing?

20 DEFENSE COUNSEL: Objection.

21 THE WITNESS: Yes, some did, some would.

22 BY MR. HOLDER

23 Q Okay. Did you ever see the packing from the
24 valves being removed when you were working at Owens-Corning?

25 DEFENSE COUNSEL: Object to the form.

1 THE WITNESS: Yes.

2 BY MR. HOLDER

3 Q Okay. And do you remember this process
4 creating visible debris and dust?

5 DEFENSE COUNSEL: Objection to form.

6 THE WITNESS: Well, yes, but it wasn't
7 just full -- all full debris and dust in the
8 air, but it would give off.

9 MR. HOLDER: Sure.

10 THE WITNESS: It would give off, excuse
11 me, particles.

12 BY MR. HOLDER

13 Q Sure. Do you believe that you would breathe
14 some of those particles it would give off?

15 DEFENSE COUNSEL: Objection to form.

16 THE WITNESS: Yes.

17 BY MR. HOLDER

18 Q Okay. Is that something that happened just
19 once or did, did it, was it repeated occurrence on the
20 removal of gaskets from the flanges of valves?

21 DEFENSE COUNSEL: Objection.

22 THE WITNESS: The way we worked with
23 other trades and things in trying to get
24 machinery going, it happened very often.

25 BY MR. HOLDER

1 Q Okay. Did pumps also have flange gaskets?

2 DEFENSE COUNSEL: Objection.

3 THE WITNESS: Pardon?

4 BY MR. HOLDER

5 Q Did pumps also have flange gaskets?

6 A Pumps --

7 DEFENSE COUNSEL: Objection.

8 THE WITNESS: Yes.

9 BY MR. HOLDER

10 Q And did you also ever witness any workers
11 removing the old gasket material from the flanges where the
12 pumps connect?

13 DEFENSE COUNSEL: Objection.

14 THE WITNESS: Yes.

15 BY MR. HOLDER

16 Q And, similarly to the flanges I just asked you
17 about, for the valve, did the removal of the old gasket
18 material from the flange facings on the pumps create visible
19 debris or dust?

20 A Yes.

21 DEFENSE COUNSEL: Objection.

22 BY MR. HOLDER

23 Q And would you breathe that dust?

24 DEFENSE COUNSEL: Objection.

25 THE WITNESS: Yes.

1 MR. HOLDER: Okay. Thank you. You okay?
2 You need a drink of water?

3 THE WITNESS: Thank you, no.

4 BY MR. HOLDER

5 Q When you left the Owens-Corning plant the
6 first time and went on to the next work site, where was that?

7 A I'm thinking that it was a Firestone plant in
8 Murfreesboro, Tennessee.

9 Q Okay.

10 A It was a new job. They were building the
11 plant.

12 Q Do you know what stage of construction or what
13 phase it was in?

14 A Yes, the building was up. They were setting
15 equipment, still running pipe, all those sort of things just,
16 you know.

17 Q Sure.

18 A Still have -- we have all the trades there,
19 you know.

20 Q Okay. So was your work inside or was it
21 outdoor, in open air?

22 A It was both. Coldest winter I've ever spent.

23 Q So that helps a little bit, so your job at
24 Firestone plant in Murfreesboro, Tennessee, was in the
25 winter, do you believe that? Is that true?

1 A Um-hum. Yes.

2 Q Okay. All right. Now, what was your job role
3 at this job at the Firestone plant, were you still a helper?

4 A I was a helper.

5 Q And did --

6 A Well, I was second class mechanic. Might as
7 well say helper.

8 Q Okay. Well, I don't want to get out of order,
9 but the first job I had you on was Owens-Corning right when
10 you got hired, correct?

11 A Yes.

12 Q All right. And then that was as a helper or
13 an apprentice, right?

14 A Right.

15 Q And then I had that, that first project on the
16 furnaces took about a week?

17 A Right.

18 Q And then the next job you went to was
19 Murfreesboro, Tennessee?

20 A Yes.

21 Q So were you already a second class mechanic by
22 the second week on the job?

23 A No.

24 Q Okay. So would you --

25 A I would have been an apprentice.

1 Q Okay. That helps.

2 A I was trying to remember during that stay I
3 did, because we were there for -- I was there for about
4 ten -- I think ten months, may have been eleven.

5 Q Ten months at the Firestone plant in
6 Murfreesboro, Tennessee?

7 A Yes.

8 Q Okay. And so would that have been the rest of
9 the year of 1972?

10 A Yes.

11 Q Okay. Now, what were you doing, what were
12 your job roles when you started at the Firestone plant as a
13 helper? What were you doing?

14 A I was carrying insulation up on the roof.

15 Q Why were you up on the roof?

16 A Sir?

17 Q Why were you up on the roof?

18 A Because we had steam pipes up there that had
19 to insulate.

20 Q And you were carrying insulation up to the
21 roof, is that what you said?

22 A Yes, just manual labor.

23 Q And how long did you -- did you also -- were
24 you also mixing the mud at this one?

25 A Oh, yes, it was all the duties of a helper I

1 done there too, you know.

2 Q How would you get up to the roof?

3 A Stairs.

4 Q So there were stairs on the inside of the
5 building that you would walk up to the roof?

6 A Yes.

7 Q Okay?

8 A Yes.

9 Q Now, how long was it do you believe you stayed
10 a helper at -- while you were at the Firestone plant?

11 A Didn't seem like it was very long and I went
12 to second class.

13 Q Okay.

14 A Because I went from that to putting the
15 material on.

16 Q Okay. So did you ever spend any time at that
17 lowest class mechanic after you were a helper?

18 A Um-hum.

19 Q Okay. So was that before you were a second
20 class?

21 A You talking about helper?

22 Q Helper and then third class or first class,
23 whichever one is the top or bottom, is the bottom and then
24 second class mechanic, correct?

25 A Um-hum.

1 Q So I was just asking --

2 A I was the bottom of that from there.

3 Q So when you were working at the Firestone
4 plant, you were a helper as well as the lowest class mechanic?

5 A Yeah.

6 Q Did you learn how to --

7 A I would say the second. I guess it would have
8 been called first.

9 Q Okay. And was that where you did a lot of
10 your learning of the insulation work?

11 A Yes, I learned insulation. It's not one of
12 those things that you learn overnight. You learn how to do
13 it very quickly, but you have to also know what you can
14 insulate, what you can't, how thick it needs to be according
15 to temperature inside, outside, whatever.

16 Q Right. For a new construction job like the
17 Firestone plant, would there -- I know you said they were
18 setting the equipment, but during new construction generally,
19 is there any replacement work already going on of internal
20 components of any of the equipment?

21 DEFENSE COUNSEL: Objection to form.

22 THE WITNESS: Well, it's -- always a
23 piece equipment that gives problems, that has
24 to be done. There's always somebody
25 putting -- running pipe in a different way

1 than it should be and has to be torn out and
2 redone.

3 BY MR. HOLDER

4 Q Okay.

5 A That's just common with new construction.

6 Q Okay. But, as far as a regular practice of
7 changing out gaskets or packing from pumps and valves, did
8 that occur often at a new construction like this?

9 DEFENSE COUNSEL: Object to the form.

10 THE WITNESS: Well, it was more. You had
11 the gaskets installing.

12 BY MR. HOLDER

13 Q Installing more than removing?

14 A Um-hum.

15 Q Okay. So would you have been around all the
16 crafts that you mentioned so far today at the Firestone
17 plant?

18 DEFENSE COUNSEL: Objection to form.

19 BY MR. HOLDER

20 Q So I'll break it up. Were you around
21 pipe fitters at the Firestone plant?

22 A Yes, sir.

23 Q Were you around valve techs at the Firestone
24 plant?

25 A Yes, sir.

1 DEFENSE COUNSEL: Objection, form.

2 BY MR. HOLDER

3 Q Were you around boilermakers at the Firestone
4 plant?

5 A I don't think so. I don't think I worked that
6 area.

7 Q Good thing we broke it up. Were you in the
8 vicinity of boilers at the Firestone plant?

9 A I just don't remember.

10 Q Okay, that's fine. Now, at the Firestone
11 plant, this new construction, were you around any pumps?

12 DEFENSE COUNSEL: Objection.

13 THE WITNESS: Yes.

14 BY MR. HOLDER

15 Q Did you see any pumps that were having to be
16 torn down instead of installed?

17 DEFENSE COUNSEL: Objection.

18 THE WITNESS: Not that I can remember.

19 BY MR. HOLDER

20 Q Okay. Same question for valves. Did you see
21 any valves while you were working at the Firestone plant?

22 A Repeat that, please.

23 Q I'm sorry. Bad question. Did you work around
24 or in the vicinity of any valves while you were at the
25 Firestone tire plant?

1 A Oh, yes.

2 DEFENSE COUNSEL: Objection to form.

3 THE WITNESS: I insulated them.

4 BY MR. HOLDER

5 Q Now, would these valves have had any packing
6 or gasket removal at this time at the Firestone plant when
7 you were around?

8 A No.

9 DEFENSE COUNSEL: Object to the form.

10 MR. HOLDER: Okay.

11 BY MR. HOLDER

12 Q Any packing removal that you remember at all
13 at the Firestone plant?

14 DEFENSE COUNSEL: Objection to form.

15 THE WITNESS: Not that I can recall.

16 BY MR. HOLDER

17 Q Okay, that's fine.

18 A We would work seven days and go home for six
19 and --

20 Q Okay.

21 A -- so that's the way we worked, so that may
22 give you an answer.

23 Q Sure. Well, never mind. That's -- that is
24 helpful. So for the whole ten-month period would you say
25 that you only worked every other week?

1 A Um-hum, that's the way we worked. We had two
2 crews that would rotate.

3 MR. HOLDER: How you feeling or you need
4 a break or are you doing okay?

5 THE WITNESS: Whatever you want to do.

6 MR. HOLDER: Okay. Let's go over one
7 more premises.

8 BY MR. HOLDER

9 Q After the Firestone plant was completed do you
10 know -- well, before we leave the Firestone plant, did you
11 ever see any of the supervisors or managers or people from
12 Firestone around the plant?

13 A Yes, there were Firestone people there.

14 Q Okay. Did any of them ever stop you to warn
15 you of any of the dangers or hazards of asbestos by chance?

16 DEFENSE COUNSEL: Object to the form.

17 THE WITNESS: No.

18 BY MR. HOLDER

19 Q Did you see any warnings posted anywhere at
20 the Firestone plant regarding the hazards of asbestos when
21 you were there?

22 DEFENSE COUNSEL: Object to the form.

23 THE WITNESS: No.

24 BY MR. HOLDER

25 Q Now, after leaving the Firestone plant, after

1 that ten months, where's the next work site you remember
2 working for Covil?

3 A Left there and went back to Owens-Corning
4 Fiberglas.

5 Q Okay.

6 A To do pipe, insulate. I think it's some kind
7 of chemical pipe that we insulate. I'm not sure. Hard to
8 remember all that.

9 Q Sure. And how long was that job, that second
10 stint at Owens-Corning?

11 A Oh, it lasts for about a week and a half.

12 Q All right. And after you left Owens-Corning
13 that second time, let me ask you this: I know I asked you
14 questions before about Owens-Corning and I asked them
15 generally about your work at Owens-Corning, during all of
16 your visits there, so during this second visit when you were
17 insulating pipe, would your answers be the same as to being
18 around crafts and different kinds of products while at
19 Owens-Corning?

20 DEFENSE COUNSEL: Object to the form.

21 MR. HOLDER: Okay. Sounds like they want
22 us to go through it.

23 THE WITNESS: Same.

24 BY MR. HOLDER

25 Q All right. So at this one week job at

1 Owens-Corning, what building were you in, do you remember?

2 A It was outside doing the pipe.

3 Q Okay.

4 A It was going from factory D back up to the
5 furnace hall.

6 Q Now, were there any pipe fitters in the
7 vicinity while you were doing this insulating of pipe?

8 DEFENSE COUNSEL: Objection.

9 THE WITNESS: No, the pipe fitters -- the
10 job was completed. It was ready for us. We
11 just --

12 BY MR. HOLDER

13 Q Okay. So were you around any valve
14 technicians while doing this one-week job?

15 A Not on that particular job.

16 Q How about boilermakers?

17 A Pardon?

18 Q How about boilermakers?

19 A No, I don't --

20 Q Okay. During the second one-week job were you
21 in the vicinity of any pumps being worked on?

22 DEFENSE COUNSEL: Objection.

23 THE WITNESS: None that I remember.

24 BY MR. HOLDER

25 Q Okay. Were you in the vicinity of any valves

1 being worked on during the second [sic] trip?

2 DEFENSE COUNSEL: Objection.

3 THE WITNESS: No.

4 BY MR. HOLDER

5 Q Were you in the vicinity of any boilers being
6 worked on during this third trip?

7 A No.

8 Q After this second stint at OCF, which was the
9 one-week pipe insulation project, where did you go next?

10 A Oh, my goodness, I can't remember the name of
11 the mill I went to, but it was in -- it was in Alabama.

12 Q Okay. And what kind of mill was it, do you
13 happen to remember?

14 A It was a cotton mill, I think, some type of
15 clothing material plant.

16 Q Okay. Like textile? Like textile? Like a
17 textile mill?

18 A Um-hum.

19 Q Okay. How long was that project at the cotton
20 or textile mill, in Birmingham?

21 A That was probably about -- I think it was two
22 weeks. It may have been a little bit less. I'm not sure.

23 Q So approximately two weeks. Do you remember
24 what the project, what y'all were doing? What was the
25 project?

1 A We were sent there to work on the big air
2 washers you see. We were there to insulate all the piping
3 and all coming from and going to that.

4 Q Now, was this a new construction job?

5 A Yes, it was an old plant.

6 Q Okay. So would you have been around any work
7 being done on old equipment?

8 A On what?

9 Q Older equipment. Since it was new
10 construction were you only around new equipment or were you
11 also around old?

12 A Yes.

13 Q Okay. Which one was it, old equipment or --

14 A That was new equipment.

15 Q Okay.

16 A That was something that they added into --

17 Q Okay.

18 A -- the plant.

19 Q How many buildings was this textile plant?

20 A I would say about three.

21 Q How many buildings did you work in?

22 A One.

23 Q Okay. And was the new construction you were
24 working in, was that the building, the construction of that
25 building or was that building already constructed?

1 A The building was already constructed.

2 Q Okay. And so you were working new
3 construction on an addition to one of the buildings at this
4 textile plant?

5 A Yes.

6 Q Okay. And were you inside or outside during
7 the construction?

8 A Outside. Well, and in --

9 Q Okay.

10 A Mainly outside.

11 Q And what did your specific job roles entail on
12 this?

13 A Pardon?

14 Q What did your specific job roles entail on
15 this project at the textile mill for two weeks?

16 A It was four of us went, so we all just worked
17 together insulating, carrying material and all, whatever we
18 needed to do. I done whatever I had to do to try to get the
19 job finished.

20 Q Sure. Did you say four men went?

21 A Four.

22 Q So does that mean, from Covil?

23 A From Covil Corporation, yes, sir.

24 Q Okay. And that means you and three others?

25 A Yes.

1 Q Okay. Now, if there were only four of you-
2 all, was there other crafts also in the vicinity working
3 around y'all at this textile mill in Birmingham, Alabama?

4 DEFENSE COUNSEL: Objection.

5 THE WITNESS: Not that I can remember.

6 BY MR. HOLDER

7 Q Okay. Did you have to work on any -- any
8 pumps at this, at this job when you were doing the piping?

9 DEFENSE COUNSEL: Objection.

10 THE WITNESS: Did I have to work? Yes,
11 we insulated them.

12 BY MR. HOLDER

13 Q Okay. How about valves? You insulate any
14 valves?

15 DEFENSE COUNSEL: Object to the form.

16 THE WITNESS: Same.

17 BY MR. HOLDER

18 Q How about boilers, did you-all have to --

19 A We didn't work on any boilers there.

20 Q Okay. Did you ever see any work being done
21 replacing packing?

22 A Excuse me?

23 Q Did you ever see any work done at that textile
24 plant replacing packing or gaskets?

25 A No, sir.

1 DEFENSE COUNSEL: Objection.

2 MR. HOLDER: Why don't we take a five-

3 minute break. Okay, off the record.

4 (Whereupon, discussion was held off the record

5 and a recess was taken at 2:26 until 2:40.)

6 THE VIDEOGRAPHER: Going back on the

7 record at camera time 14:40.

8 BY MR. HOLDER

9 Q Good afternoon, again. Mr. Waters, Jonathan
10 Holder, again, your attorney. During the break did you get a
11 little short of breath?

12 DEFENSE COUNSEL: Object to the form.

13 THE WITNESS: Yes, I did.

14 BY MR. HOLDER

15 Q And did you put on the oxygen to help you with
16 your breathing?

17 A Yes, help relax.

18 Q Sure. And I just wanted to let the jury know
19 because in the video when we went on break, you didn't have
20 anything on and when you started back, you did and that's the
21 only reason.

22 A Well, I try not to use it if I don't have to, but it
23 was a have to.

24 DEFENSE COUNSEL: Objection.

25 BY MR. HOLDER

1 Q Let's go back to -- I believe we ended with
2 the cotton mill or textile mill in Birmingham, Alabama.

3 A Yes.

4 Q Is that correct? All right. Where did you --
5 where's the next work site you remember going after the --
6 after that textile mill in Birmingham, Alabama?

7 A We went to -- back to Owens-Corning.

8 Q Okay. Now, on this trip to Owens-Corning, I
9 believe this was your third, is that correct?

10 A Yes.

11 Q Now, for this trip to Owens-Corning do you
12 know approximately how long of a stay it was or how long the
13 project --

14 A Yes.

15 Q -- was there?

16 A Owens-Corning had built a new building on the
17 far corner of their facility. It was a warehouse and a
18 loading area and then it also wove fiberglass into cloth.

19 Q Okay.

20 A And they had built that and we went there to
21 do all the insulation on that building, ductwork, water, all
22 of it.

23 Q Okay. So was this a completely new building?

24 A Yes.

25 Q Was it attached to any of the old buildings?

1 A No, it was detached. It was to itself. Only
2 thing it was sidewalks go down to it.

3 Q Sure. Do you know approximately how long you
4 were there for this job?

5 A Yeah. We were there for a good while. I
6 would say probably six months or so.

7 Q Okay. And what all did you do? What was your
8 responsibility at this new construction at Owens-Corning when
9 you were there for the third time?

10 A Well, when I got back to Owens-Corning I --
11 they put me insulating pipe and first was a waterline I
12 think I done and there I don't remember all what we did, but
13 we -- I worked on all of it.

14 Q Was it similar to the other new construction
15 jobs that you told us about in that there wasn't removal of
16 old equipment, it was all --

17 A It was all new.

18 Q -- new installation?

19 A It was all new.

20 Q Okay. Would you have been around other crafts
21 during this six month --

22 A Oh, yeah, we were.

23 Q Let me finish the question, I'm so sorry. At
24 this six-month stint, your third time at OCF, would you be
25 around other crafts?

1 DEFENSE COUNSEL: Objection.

2 THE WITNESS: Yes.

3 BY MR. HOLDER

4 Q Okay. Would you have, specifically on this
5 third job, been around pipe fitters?

6 DEFENSE COUNSEL: Objection.

7 THE WITNESS: Yes.

8 BY MR. HOLDER

9 Q Would you have been in the vicinity of valve
10 techs?

11 DEFENSE COUNSEL: Objection.

12 THE WITNESS: Yes.

13 BY MR. HOLDER

14 Q Would you be in the vicinity of boilermakers?

15 DEFENSE COUNSEL: Objection.

16 THE WITNESS: No.

17 BY MR. HOLDER

18 Q Okay. And for this -- these questions I'm
19 just talking about during that third trip to Owens-Corning,
20 during the new construction job. Okay. Did you have to
21 insulate any boilers during this third trip to OCF?

22 A No.

23 Q Okay. Were you insulating any pumps at this
24 third trip to OCF?

25 DEFENSE COUNSEL: Objection.

1 THE WITNESS: Yes.

2 BY MR. HOLDER

3 Q Did you insulate any valves on this third trip
4 to OCF?

5 DEFENSE COUNSEL: Object to the form.

6 THE WITNESS: Yes.

7 BY MR. HOLDER

8 Q I haven't asked you about this product, but
9 did Owens-Corning plant have any turbines?

10 DEFENSE COUNSEL: Object to the form.

11 THE WITNESS: You mean turbines?

12 MR. HOLDER: Yes.

13 THE WITNESS: No.

14 BY MR. HOLDER

15 Q What are turbines used for in your experience?

16 DEFENSE COUNSEL: Object to the form.

17 THE WITNESS: Usually in nuclear power.

18 BY MR. HOLDER

19 Q Okay. And what is a turbine?

20 DEFENSE COUNSEL: Object to the form.

21 THE WITNESS: Well, if you've ever seen a
22 jet engine, it's fairly similar --

23 MR. HOLDER: Okay.

24 THE WITNESS: -- like with the power --

25 MR. HOLDER: Okay.

1 THE WITNESS: Very loud, very noisy and
2 very powerful.

3 BY MR. HOLDER

4 Q What is it, its purpose?

5 DEFENSE COUNSEL: Object to the form.

6 THE WITNESS: It's to help generate
7 power.

8 MR. HOLDER: Repeat that. Repeat your
9 answer.

10 THE WITNESS: To help generate power.

11 BY MR. HOLDER

12 Q After this six-month stint at OCF, this third
13 stint at OCF when you were there six months, where's the next
14 work site you remember going or working at?

15 A I went, I think, to Clemson University.

16 Q Now, was this the only time that you had
17 worked at Clemson University or just the first time?

18 A No, it was the only. Yes, it was probably the
19 first.

20 Q What kind of work was this project at Clemson
21 University? When I say what kind, I mean shutdown, new
22 construction, the categories we talked about earlier?

23 A Yeah, this was a -- it was a maintenance job.
24 Covil was awarded maintenance on that, most plants and
25 places.

1 Q Most plants?

2 A Most plants and different things. They bid
3 the jobs out. Lowest bidder gets it, Covil got Clemson
4 University.

5 Q Okay.

6 A And so we -- I was there and that work was a
7 rebuild, you may say a shutdown, like on some steam, steam
8 system.

9 Q When you talk about the bids and that Covil
10 won the bid, would this be what we had talked about as a
11 maintenance contract?

12 A Yes, that's what it is.

13 Q Okay. Would you actually, I think you --

14 MR. HOLDER: Strike that.

15 BY MR. HOLDER

16 Q You described maintenance contract as, correct
17 me if I'm wrong, but the type job where you would go to the
18 work site every day?

19 A Yes.

20 Q Okay.

21 A But we would bring in extra help if needed or
22 if a man was out, we would bring -- we would do that. That
23 was just typical of it.

24 Q Okay. And would that maintenance contract
25 include any type of insulation that's needed?

1 DEFENSE COUNSEL: Objection to form.

2 THE WITNESS: Yes.

3 BY MR. HOLDER

4 Q And when I say insulation, let me correct that
5 question. Does that mean any type of insulating, like the
6 work, is that what it refers to in the contract?

7 DEFENSE COUNSEL: Objection.

8 THE WITNESS: Yes, that's what it was all
9 for.

10 BY MR. HOLDER

11 Q And how long for this first stay at Clemson,
12 did you go there every day for work?

13 A I think it was maybe a week there with Tony.

14 Q Who's Tony?

15 A Tony was the man that run -- he was over the
16 maintenance there at Clemson for Covil. Tony Teems.

17 Q Would he have been the top class mechanic that
18 was a supervisor?

19 A Yeah. Yes.

20 Q Is Tommy Teems still alive?

21 A No, I'm afraid not.

22 Q Tony Teems. Excuse me, I think I said Tommy.

23 A One of the nicest fellows though you'll ever
24 want to meet.

25 Q Now, at Clemson University, during this first,

1 this first trip there, what building did you work in?

2 A Gosh, it's over there close to the baseball
3 field. I can't think of the name.

4 Q Do you know what the product was that you were
5 working on?

6 A Working on steam.

7 Q And when you say "steam," is that a whole
8 steam system or steam pipes or what?

9 A Yeah, it was steam pipes that had to be
10 replaced.

11 Q Okay.

12 A So we were doing the replacement I guess you
13 might say.

14 Q Okay. I believe you said it already, did you
15 say this first job was approximately six months?

16 DEFENSE COUNSEL: Object to the form.

17 BY MR. HOLDER

18 Q Or one week, excuse me?

19 A Yeah.

20 Q I apologize. I think six months was the last
21 one. One week. During this one week when you were replacing
22 pipe and insulating it?

23 A Yeah, I done the steam stations, that's what
24 Tony wanted me to do because they were out of --

25 Q Was there also pipe fitters working in the

1 steam stations?

2 DEFENSE COUNSEL: Objection.

3 THE WITNESS: I didn't see any other
4 maintenance or craft in that area at the time
5 I was there.

6 BY MR. HOLDER

7 Q Okay. And how big was that building you were
8 working in on that first trip to Clemson?

9 A It was pretty good size building. Hard to
10 say, gosh.

11 Q Like in terms of a football field, was it
12 bigger than a football field?

13 A I can think of a building in square feet and
14 it's kind of --

15 Q Sure.

16 A But, anyway, it would be, I think, about, if
17 you go in football, fifty yards --

18 Q Okay. I gotcha.

19 A -- wide. Probably close to that in length --

20 Q Sure. And --

21 A -- tall.

22 Q Go ahead, I'm sorry, I didn't mean to
23 interrupt you.

24 A I was just guessing, maybe ninety thousand
25 square feet or so. I don't know.

1 Q Okay. Go ahead. Do you know if this building
2 had a name like --

3 A Yeah, it did, that's what I was trying to
4 remember a while ago.

5 Q Okay.

6 A It's the one with the clock on it. What's it
7 called everybody?

8 Q Tillman?

9 A Tillman, Tillman Hall.

10 Q Okay. And did you have to insulate any of the
11 pumps during that job?

12 DEFENSE COUNSEL: Objection.

13 MR. HOLDER: Let me ask you this:

14 BY MR. HOLDER

15 Q Were there any pumps in that steam station?

16 DEFENSE COUNSEL: Objection.

17 THE WITNESS: Yes.

18 BY MR. HOLDER

19 Q Did you have to insulate any of those pumps?

20 DEFENSE COUNSEL: Objection.

21 THE WITNESS: Yes.

22 BY MR. HOLDER

23 Q Did you know if there were any valves in that
24 steam station?

25 DEFENSE COUNSEL: Objection.

1 THE WITNESS: Yes.

2 BY MR. HOLDER

3 Q Did you have to insulate any of those?

4 A Yes, I did.

5 Q How about steam traps, were there any steam
6 traps in that building?

7 A Yes, sure was.

8 Q Did you have to insulate any of the steam
9 traps?

10 A Sir?

11 Q Did you have to insulate any of the steam
12 traps?

13 A Yes, I've insulated them before.

14 Q Okay. Do you think you had to insulate them
15 at that trip to Tillman?

16 A Yeah. Yeah. Trying to remember the name of
17 them something --

18 Q It's okay.

19 A Hofsko (phonetic) something --

20 Q Okay.

21 A They were kind of weird looking steam traps.

22 Q Okay.

23 A They -- that's what made me kind of take a
24 look at them.

25 Q Where does the insulation go on them? Where

1 does the insulation go on them?

2 A The insulation around to keep from getting
3 burned.

4 Q Okay.

5 A That's it, it was more of a safety than
6 anything --

7 Q Sure.

8 A -- on that.

9 Q Sure. Did you have to remove insulation from
10 any of these pieces, any of this equipment that you have
11 described putting insulation on? Did you ever have to -- did
12 you have to remove any insulation off of it?

13 A (No response)

14 Q Okay. Would -- you have to say it out loud.

15 A No.

16 Q Okay. For any of the pumps or valves or steam
17 traps that you insulated there at that first Clemson job, for
18 any of them did you see any warnings on them regarding
19 asbestos?

20 DEFENSE COUNSEL: Object to the form.

21 THE WITNESS: Oh, no.

22 BY MR. HOLDER

23 Q I know -- I believe you said there were no
24 other crafts working in the building with you?

25 A No. They had completed --

1 Q Okay.

2 A -- there what they had to do.

3 Q Okay. Was the --

4 A By the time I got there anyway.

5 Q Was the insulation that you were putting on
6 this equipment being mixed there in the building or was it --

7 A Repeat that again.

8 Q What kind of insulation did you use for this
9 insulating at Clemson, was it mud, block?

10 A It was Kaylo.

11 Q Okay.

12 A And brown mud.

13 Q And explain what Kaylo is for the jury. Is
14 that a mud or a block? What is that?

15 A No, it's a -- it's a hard block, chalky
16 looking.

17 Q Okay. And what shape is it?

18 A Comes in different sizes for different size
19 pipes. It comes in a block for tanks and things like that.

20 Q When you say for pipe, does it come so that it
21 fits around the pipe?

22 A Yes.

23 Q Okay.

24 A It comes in halves.

25 Q Kind of like in a half moon?

1 A And you put two halves together, stagger them
2 and wire them.

3 Q Okay.

4 A And that's what --

5 Q What kind of -- I'm sorry, go ahead.

6 A I'm sorry.

7 Q Oh, no, I was going to ask which kinds do you
8 remember insulating. Let's start with the pumps, was that a
9 block insulation or was that the mud insulation you talked
10 about?

11 DEFENSE COUNSEL: Objection.

12 THE WITNESS: The pumps that I would
13 always use the size of the flange. I would
14 use that. Get that size pipe covering.

15 BY MR. HOLDER

16 Q Okay.

17 A And go over the flange.

18 Q Sure.

19 A And then I would cut it to a V and make the
20 top of where the top of the flange is.

21 Q Sure. What about for valves?

22 A Pardon?

23 Q What about for valves that you had to
24 insulate?

25 DEFENSE COUNSEL: Objection.

1 THE WITNESS: The same way. Of course
2 you do mud it and all after you complete it,
3 the insulation.

4 BY MR. HOLDER

5 Q Where was that mud being mixed during this
6 job?

7 A It was usually mixed outside in a wheelbarrow.

8 Q Okay. After that one week job at Tillman
9 where did -- where was the next work site you remember going
10 with Covil?

11 A Where did I go next?

12 Q Yes.

13 A I think that I went for a day, could have been
14 two days, at one of these mills here in Anderson. The one
15 that's -- I can't think of the name of the doggone thing.

16 Q The Abney Mill?

17 A No, it wasn't Abney. It wasn't J. P. It
18 wasn't the -- nope.

19 Q That's okay. How long did you say you were
20 there?

21 A A couple of days. It was to insulate some
22 water pipe.

23 Q Do you know what you think this mill did, like
24 what did they make?

25 A It was a cotton mill. It was a fabric type.

1 Q What kind of job would only take a day or two?

2 A Sir?

3 Q What kind of a job would only take a day or
4 two?

5 DEFENSE COUNSEL: Objection.

6 THE WITNESS: Well, it was a replacement
7 of that pipe. The old mill was ancient.

8 BY MR. HOLDER

9 Q And so the new --

10 A That's what it -- you know, we got the
11 contract on it or they called Covil or whatever.

12 Q Sure.

13 A That's how long it took.

14 Q Okay.

15 A You can run a hundred feet of pipe in a day.

16 Q Okay. And is that the pipes already laid and
17 you're insulating it or is that laying the pipe and then
18 insulating it?

19 A No, it's just insulating the pipe.

20 Q Okay. So when you got there, the pipe has
21 already been installed?

22 A It's already been installed completely.

23 Q So for this job was there any other crafts
24 around?

25 A Sir?

1 Q When -- for this job at the mill in Anderson,
2 the textile mill that we can't really remember what the name was,
3 you said the pipe was already installed. Were there other
4 crafts around when you were working there for that one or two
5 days, do you remember?

6 A No. Just mill workers pass by whatever.

7 Q That's fine. What was -- after you left that
8 little cotton or textile mill, what was the next work site
9 you remember going to?

10 A The next one would have been, I think,
11 B-A-L --

12 MR. HOLDER: I'll do it. That's the
13 Badische? D-O-W separate word
14 B-A-D-I-S-C-H-E.

15 THE WITNESS: Yes, BASF is what we always
16 called it.

17 BY MR. HOLDER

18 Q Okay. So BASF plant. And that was the place
19 you remember going to after that one- or two-day job in, at
20 the cotton or textile mill in Anderson, correct? Is that
21 correct?

22 A Yes.

23 Q Okay. Now, do you know around what year it
24 would have been that you would have first -- that first time
25 you went to the BASF plant?

1 A Gosh, not really, but I'm thinking it would
2 have been in probably '74 was the very first time I went down
3 there.

4 Q Okay. Is this a plant that you had returned
5 to or that you had just had one single job at?

6 A Covil had a maintenance contract. Dow
7 Badische they were -- they had -- were on the job when the
8 plant was being built, so they got the contract --

9 Q When did --

10 A -- to stay on there.

11 Q Okay. Did you -- were you in the first group
12 of Covil to go to work at BASF or was Covil already working
13 there?

14 A They were already working there. They had
15 their maintenance crew and all there.

16 Q Who's they?

17 A Covil.

18 Q So how long were you at BASF the first time
19 you went?

20 A I think I was there for maybe a week.

21 Q Okay.

22 A I helped out on one of their shutdowns. As a
23 matter of fact, they had about three going on at the same
24 time.

25 Q Okay. Would that be multiple shutdowns within

1 the same building?

2 A No.

3 Q Okay. Well, let me ask this: Where's the OCF
4 plant located, not OCF plant, BASF plant, where is that
5 located?

6 A It's off of Masters Boulevard.

7 Q And what city and state?

8 A Anderson, South Carolina.

9 Q And had -- was it already in operation when
10 you went there?

11 A Yes, it was.

12 Q Or was it still in construction? Okay. Now,
13 what, on this first week shutdown that you worked in 1974 you
14 said, what was -- what was the job being done? What were you-
15 all working on?

16 A I was working on steam pipe that went from,
17 that went from the building where the boiler and all the way
18 back up to the plant is what I done, that and the return on
19 it.

20 Q Okay. And were you applying the insulation or
21 what were you --

22 A Applying.

23 Q Was there any insulation that had to be
24 removed?

25 A No.

1 Q Was this all new?

2 A It was replace.

3 Q Replace, okay. So had the old insulation
4 already been removed and discarded?

5 A Yes.

6 Q Okay. During this first job at BASF, were you
7 around other crafts?

8 A Yes.

9 Q Okay. Were you around pipe fitters --

10 A Oh, yes.

11 Q -- at this first job at BASF?

12 DEFENSE COUNSEL: Objection.

13 BY MR. HOLDER

14 Q Okay. And what were the pipe fitters doing?

15 A Pardon?

16 Q What were the pipe fitters doing at this first
17 trip at BASF?

18 DEFENSE COUNSEL: Object to the form.

19 THE WITNESS: At that particular time
20 they were working on the valves.

21 BY MR. HOLDER

22 Q What were they doing on the valves?

23 A Setting them in place, torquing the bolts,
24 getting them ready, together.

25 Q Were they installing the flange gaskets?

1 A Yeah, they were.

2 DEFENSE COUNSEL: Objection.

3 BY MR. HOLDER

4 Q Were there any flange gaskets removed that you
5 can remember?

6 A No.

7 Q Was there any -- did you have to work around
8 any valve techs during that first job at BASF?

9 DEFENSE COUNSEL: Objection to the form.

10 THE WITNESS: Yeah, I did.

11 BY MR. HOLDER

12 Q Okay. And what were the valve techs doing?

13 DEFENSE COUNSEL: The same objection.

14 THE WITNESS: They were just installing,
15 setting everything up --

16 MR. HOLDER: Okay.

17 THE WITNESS: -- just doing what it's
18 supposed to do.

19 MR. HOLDER: Sure.

20 BY MR. HOLDER

21 Q Did you have occasion while you were -- before
22 I go into specific products I forgot to ask you about
23 boilermakers. Did you have to work in proximity to
24 boilermakers that first trip to BASF?

25 DEFENSE COUNSEL: Objection.

1 THE WITNESS: I worked in the room where
2 it was, but I don't recall any boilermakers in
3 there.

4 BY MR. HOLDER

5 Q Okay. And when you say "where it was," do you
6 mean the boiler?

7 A Um-hum. Yes.

8 Q Sure. Did you have to insulate any part of
9 the boiler during that trip to BASF?

10 A No, no more than just insulating the pipe --

11 Q Okay.

12 A -- tie it in.

13 Q Where would this pipe tie into the boiler, do
14 you recall, or would it tie directly into the boiler?

15 A Yeah, it tied directly into the end.

16 Q Do you remember about how large that boiler
17 was?

18 A Sir?

19 Q Do you remember about how large that boiler
20 was that you worked around that first trip to BASF?

21 A Well, to me boiler was a boiler and I had my
22 job to do and I just -- I can't recall. It's just --

23 Q Sure. No problem. Did you have to insulate
24 any pumps during this first trip to BASF?

25 DEFENSE COUNSEL: Objection.

1 THE WITNESS: Yeah, outside.

2 BY MR. HOLDER

3 Q Okay. Did you have to insulate any valves on
4 this first trip to BASF?

5 DEFENSE COUNSEL: Objection.

6 THE WITNESS: Yes, sir.

7 MR. HOLDER: Say that again.

8 THE WITNESS: Yes, sir.

9 BY MR. HOLDER

10 Q Okay. For the insulation that you applied on
11 the line, the pumps and the valves, do you remember if you
12 used a mud or a solid-type form insulation?

13 DEFENSE COUNSEL: Objection.

14 THE WITNESS: Oh, yes. To finish you
15 always had your insulation mud to help if it's
16 bad, you had your brown mud as a finish.

17 BY MR. HOLDER

18 Q And would you layer that on top of the block
19 or half moon?

20 A Pipe cover, yes. For valves, yes.

21 DEFENSE COUNSEL: Objection, the same
22 objection.

23 THE WITNESS: And a lot of times we would
24 metal -- put metal over them.

25

1 BY MR. HOLDER

2 Q Okay.

3 A Aluminum.

4 Q Do you remember on this first trip to BASF
5 seeing any signs anywhere that warned about the hazards of
6 asbestos?

7 DEFENSE COUNSEL: Objection.

8 THE WITNESS: No, nothing.

9 BY MR. HOLDER

10 Q Did any -- anybody that worked for BASF ever
11 tell you, on that first trip to BASF, ever warn you
12 specifically --

13 A Well --

14 Q -- let me finish the question. Ever warn you
15 specifically in person about the dangers of asbestos?

16 DEFENSE COUNSEL: Objection.

17 THE WITNESS: Oh, no.

18 BY MR. HOLDER

19 Q Okay. After, after that first one-week trip
20 to BASF, what was the next work site you remember going to
21 for Covil? Sorry.

22 A I went to a -- I can't find the name of the
23 mill, they just tore it down, it was in Clemson. It had a
24 lot of light frontage on it. Anyway, Covil sent me there for
25 a day just to do some repair work.

1 Q And what -- any idea what this mill did? What
2 kind of mill it was?

3 A I'm thinking it was a textile mill.

4 Q And this textile mill in Anderson did you say?

5 A Sir?

6 Q -- or in Clemson did you say?

7 A Clemson, yes. I used to remember names of
8 these things, but it's --

9 Q Sure.

10 A I haven't thought about this stuff in years.

11 Q Sure. And for this one, for this one that
12 we're specifically talking about, the textile mill, you
13 recall only being there for a single day in your career?

14 A A single day.

15 Q Okay.

16 A As a matter of fact, it didn't take a full day
17 to do it.

18 Q Okay.

19 A They had some beautiful trees and when I got
20 through, I had a late lunch and went to sleep under that tree.

21 Q And you remember? And you remember that from
22 just a single day?

23 A Yeah, I remember the tree and that was a rare
24 thing.

25 Q After that one day textile mill work, do you

1 remember the next work site that you went to after that?

2 A Yes, sir. I went back to Clemson University
3 and worked for Tony.

4 Q Okay. How long were you at Clemson for the
5 second trip?

6 A I was there for -- well, I was there, I'm
7 thinking, about maybe a month.

8 Q Okay. What was the work project that you were
9 doing during the second trip to Clemson?

10 A Would you repeat that?

11 Q What was the project that you were working on
12 during the second trip to Clemson?

13 A Oh, gosh dog, Tony had me going everywhere. I
14 worked down in the manholes and I worked at the -- over here
15 close to where that dairy is. All just odd and end things --

16 Q Sure.

17 A You know.

18 Q And this was over for about a month period?

19 A Yeah.

20 Q Okay. Now, let me unpack some of that. What
21 kind of work would you do in the manholes?

22 A What would I do where?

23 Q In the manholes. You described working in the
24 manholes?

25 A It's just -- Clemson's like a city itself

1 underneath --

2 Q Right.

3 A And all those pipe chases --

4 Q I got you.

5 A That's what I was referring to is a pipe
6 chase.

7 Q Okay.

8 A They go from building to building and all that
9 kind of thing.

10 MR. HOLDER: Can you do me a favor, if we
11 could, could we try to face a little more
12 towards the camera. The cameraman is having a
13 little bit of a tough time --

14 THE WITNESS: I'm sorry.

15 MR. HOLDER: -- keeping us on the video.

16 THE WITNESS: Okay.

17 MR. HOLDER: It's just to help the jury
18 when they are -- if we have to use the video
19 when we come to trial. So I appreciate that.

20 BY MR. HOLDER

21 Q Well, let me first ask you specifically about
22 the manhole work, would you be doing insulation work in the
23 manholes?

24 A Sure.

25 Q Okay.

1 A Pipe chases, you know, insulating pipe there
2 too.

3 Q Sure. Right. Would there be other crafts
4 working side by side you in the pipe chases?

5 A There wasn't.

6 Q There was not. Okay. What about -- do you
7 recall insulating any valves in the pipe chases?

8 DEFENSE COUNSEL: Object to the form.

9 THE WITNESS: Oh, yes.

10 BY MR. HOLDER

11 Q Okay. Do you recall insulating any pumps in
12 the pipe chases?

13 DEFENSE COUNSEL: Objection.

14 THE WITNESS: Yes.

15 BY MR. HOLDER

16 Q Do you recall about how long of that one month
17 you would have spent in the manholes, in the pipe chases?

18 A Well, I was there the whole month.

19 Q Okay.

20 A Like I said, I was doing all kinds of little
21 odds and ends.

22 Q Right.

23 A Things that needed -- he wanted me to do.

24 Q Okay. Well, help me understand this, is the
25 manholes or pipe chases like one of the places you went or

1 did you go back there from time to time to do work?

2 A No, that was one of the places I went.

3 Q So for that work that you did in the manholes,
4 how long did that take? Was that a day job or two-day job?

5 A No, it was probably about a week.

6 Q Okay. Then you did work over near the Clemson
7 dairy, is that correct?

8 A Um-hum.

9 Q All right. What work would you have done over
10 at the dairy?

11 A I cannot remember.

12 Q Okay. Do you think it was the insulating?

13 A I cannot remember to save my life. All I
14 remember is they gave me some ice cream and it was good.

15 Q Do they still have a functioning dairy over at
16 Clemson?

17 A I really don't know, more than likely. It was
18 insulating pipe, to that I'm sure, but I just -- it kind of
19 went over my head right now.

20 Q One of those places that sticks out I'm sure
21 because it's not like your normal work site?

22 A I can remember the places and not what I done.
23 Then sometimes I remember what I done and not the places.

24 Q Sure.

25 A We talking, what, 30 years ago --

1 Q Sure. Sure.

2 A Or so.

3 Q All right. Do you know about how, if the
4 manhole, if you were there for a week of -- of the about a
5 month at Clemson for that second trip there, about how long
6 do you think you would have been working over at the dairy?

7 A Probably a couple of days on that I'm
8 thinking.

9 Q Okay. Do you remember any of the other places
10 you would have worked besides in the pipe chases and in the
11 dairy during that second trip to Clemson?

12 A No. Tony, he had me on steam stations. He
13 loved for me to do them things.

14 Q Okay. Are steam stations what you were
15 working on on the last trip to Clemson?

16 A Um-hum.

17 Q Okay.

18 A A lot of them were about 2-foot, 3-foot off
19 the ground. Different things hit -- hit them, knocked the
20 insulation loose or whatever and we -- I just -- he would get
21 me to go in there and tear off what was, you know, the bad
22 looking stuff and replace.

23 Q Sure.

24 A To make it look good, again.

25 Q Sure. Did that --

1 A Clemson is very particular about their
2 neatness.

3 Q Sure. Did that ever occur to -- when I say
4 "that," I mean the insulation falling off and you having to go
5 and tear it off and re-insulate?

6 A Hm-hmm.

7 Q What you just described, do you recall that
8 ever occurring to insulation on pumps?

9 DEFENSE COUNSEL: Objection.

10 MR. HOLDER: At Clemson during this
11 second trip?

12 DEFENSE COUNSEL: Objection.

13 THE WITNESS: Yeah, yeah. It happened
14 with pumps too.

15 BY MR. HOLDER

16 Q How about with valves?

17 DEFENSE COUNSEL: Same objection.

18 THE WITNESS: Yeah. Valves and steam
19 stuff, yeah.

20 BY MR. HOLDER

21 Q Okay. And when you would go there and have to
22 tear off the insulation, whether it be off of a pump or off
23 of a valve to re-insulate it, would tearing it off create
24 dust?

25 DEFENSE COUNSEL: Objection to form.

1 THE WITNESS: Oh, yes.

2 BY MR. HOLDER

3 Q Okay. Do you believe that you would breathe
4 that dust?

5 DEFENSE COUNSEL: Objection.

6 THE WITNESS: Oh, yes.

7 BY MR. HOLDER

8 Q Okay. Generally, and I will just say as to
9 the pumps and the valves in the steam stations at Clemson
10 that you worked on, would they work without insulation?

11 DEFENSE COUNSEL: Objection.

12 THE WITNESS: Yes.

13 BY MR. HOLDER

14 Q Okay. How?

15 A Not -- I mean, you know, they would have to do
16 some regulations --

17 Q All right.

18 A -- and heat and all.

19 Q Would anybody be able to come in and touch it?

20 DEFENSE COUNSEL: Objection.

21 THE WITNESS: Yeah.

22 BY MR. HOLDER

23 Q Would they burn themselves?

24 DEFENSE COUNSEL: Objection.

25 THE WITNESS: Oh, absolutely, if it

1 wasn't insulated.

2 DEFENSE COUNSEL: Objection.

3 BY MR. HOLDER

4 Q Okay. So without insulation would anybody be
5 able to maintain these pieces of equipment?

6 DEFENSE COUNSEL: Objection to form.

7 THE WITNESS: I don't think they could
8 keep it on a steady flow, work.

9 MR. HOLDER: I understand.

10 BY MR. HOLDER

11 Q And, again, when you were being sent in to do
12 this type of work in the steam stations at Clemson, during
13 the second trip, did you see any warnings on any of the pumps
14 or the valves regarding dangers of asbestos?

15 DEFENSE COUNSEL: Object to form.

16 THE WITNESS: None.

17 BY MR. HOLDER

18 Q During the second trip to Clemson, did you
19 ever have to do work on any boilers?

20 A I don't think so.

21 Q Okay. And I know we talked about you
22 insulating pumps and valves, but did you have occasion to be
23 in the vicinity of packing or gasket replacement --

24 DEFENSE COUNSEL: Object to the form.

25 BY MR. HOLDER

1 Q -- during the second trip to Clemson?

2 DEFENSE COUNSEL: Objection.

3 THE WITNESS: No, not on the second trip.

4 I thought you were talking about in general.

5 BY MR. HOLDER

6 Q Yeah, sorry. That's why I try to be so
7 specific.

8 A No, not then.

9 Q Okay. After you completed this second trip to
10 Clemson, where did you -- what's the next work site you
11 remember going to with Covil?

12 A Well, while I was there they called and sent
13 me to BASF, again. I thought I had found a home at Clemson,
14 but I didn't.

15 Q And after a month at Clemson, which was the
16 second time at Clemson, you were back to BASF?

17 A Yeah.

18 Q And was this your second time at BASF?

19 A Yes.

20 Q Now, on the second trip to BASF, was this,
21 would this have been as part of a shutdown or was this part
22 of a maintenance visit or what kind of trip was it?

23 A Yes and no. They were in need of men. They
24 had to let two go, they needed two men.

25 Q "They" is meaning Covil?

1 A They Covil, yes.

2 Q Okay. And so you --

3 A To go there and work maintenance.

4 Q Were you working as a replacement worker then?

5 A I was taking a former employee's place, yes.

6 Q Remember try to, as much as we can, try to
7 stay facing the camera so the jury can see us, but you're
8 doing great. Now, this second trip to BASF, do you remember
9 how long you were there for?

10 A I was there --

11 MR. HOLDER: Strike that. Let's think
12 about it in these terms: Let me ask this
13 first:

14 BY MR. HOLDER

15 Q Do you remember the project that you were
16 assigned to work on during that second trip to BASF?

17 A Yes. It was on the mezzanine floor and it was
18 steam pipe.

19 Q Okay. The steam pipe work on the mezzanine
20 level, which was the second trip to BASF --

21 A Yes.

22 Q Okay. How long did that project take? Do you
23 know how long you were there for?

24 A Well, I was there for most of the time that I
25 worked with Covil. I would leave and maybe do a little small

1 weekend job because, our, on a holiday -- BASF had holidays
2 for their employees and they would shut -- shut down, you
3 know, so I would -- road superintendent called me, give me a
4 job that would last for that amount of time, but I was there
5 from -- gosh, trying my best to remember. I think '75 until
6 '80, until maybe 1980, early '80.

7 Q Okay. Okay. I'm going to try and keep going
8 through the job sites for how long or for the job, the work
9 you were there for a specific visit to that premises. So
10 between the time you went there and the time you left, let's
11 just talk about for the second visit when you went to BASF.
12 Do you know about how long you would have been there day
13 after day? Would that have become your regular workplace
14 during that second visit for a long period of time?

15 A Probably about a year.

16 Q Okay. And during this year did it all -- did
17 the steam pipe work on the mezzanine level take the entire
18 year or is that just one job you did during that year?

19 A That was just one.

20 Q Okay. Do you remember any of the other
21 projects that you did during that year?

22 A Yes. I done some ductwork that ran through
23 the work areas where the spinning of this nylon, I guess it
24 was, or polyester.

25 Q Okay.

1 A This big old duct, huge duct, worked on that.

2 Q Were most of the jobs new construction or were
3 they maintenance of older work?

4 A Both. They were both there.

5 Q Now, during any of the maintenance work on,
6 that was not new construction at the BASF plant, during this
7 second stay there, would you have been around other crafts
8 that were also doing maintenance work at BASF?

9 DEFENSE COUNSEL: Objection.

10 THE WITNESS: Sure. Sure.

11 BY MR. HOLDER

12 Q During this year at BASF, during your second
13 stint there, would you have been around pipe fitters?

14 DEFENSE COUNSEL: Objection.

15 THE WITNESS: Yes, we worked closely with
16 pipe fitters and welders.

17 BY MR. HOLDER

18 Q About how close would you have been working to
19 them?

20 DEFENSE COUNSEL: Objection.

21 THE WITNESS: Too close.

22 BY MR. HOLDER

23 Q I'm sure.

24 A About three, four feet, you know, just we were
25 always jammed up.

1 Q Sure. Did you ever work around valve
2 technicians at BASF on any of these maintenance jobs?

3 DEFENSE COUNSEL: Objection.

4 THE WITNESS: Yes, I did.

5 BY MR. HOLDER

6 Q Okay. And would they have been about the same
7 distance away?

8 DEFENSE COUNSEL: Objection.

9 THE WITNESS: Yes.

10 BY MR. HOLDER

11 Q As the pipe fitters that you just described?

12 A Yes.

13 Q Okay. All right. Now, during any of these
14 maintenance project jobs that you did at BASF during the
15 second stint, would you be working in the vicinity of other
16 workers removing packing from pumps?

17 DEFENSE COUNSEL: Objection.

18 THE WITNESS: Oh, yes. Yes. Daniel had
19 the contract, maintenance contract, on that
20 kind of thing and we worked very close with
21 Daniel.

22 BY MR. HOLDER

23 Q Did Daniel have the maintenance contract for
24 BASF generally during that time?

25 DEFENSE COUNSEL: Object to the form.

1 THE WITNESS: Yes. Yes, it sure did.

2 BY MR. HOLDER

3 Q And what -- if Daniel had the maintenance
4 contract at that time, what was Covil doing?

5 A Covil was doing the insulation work.

6 Q Okay. Was Covil a sub of Daniel?

7 A No.

8 DEFENSE COUNSEL: Object to the form.

9 THE WITNESS: Covil was -- Covil was --
10 was bid out just like Daniel was for the
11 maintenance contracts. Daniel was the lowest
12 bidder there. Covil was, so they got the
13 jobs, you know.

14 BY MR. HOLDER

15 Q Okay.

16 A Also, Daniel was there during all the
17 construction as well just like Covil.

18 Q Okay.

19 A And that may -- had a lot to do with it. I
20 don't know.

21 DEFENSE COUNSEL: Objection to the
22 responsiveness.

23 MR. HOLDER: Sure.

24 BY MR. HOLDER

25 Q Okay. On the valve techs, the other crafts

1 that you were around that you just mentioned --

2 A Um-hum.

3 Q -- for valve techs and pipe fitters?

4 A Um-hum.

5 Q On the maintenance work that you would have
6 been around at your second trip at BASF?

7 A Yes.

8 Q Were you ever in the vicinity of pipe fitters
9 removing packing from pumps?

10 DEFENSE COUNSEL: Objection to form.

11 THE WITNESS: Oh, yes.

12 MR. HOLDER: At BASF. Okay.

13 THE WITNESS: As a matter of fact, it
14 wasn't a common thing, but myself and the
15 other insulators there we worked very close with
16 Daniel. If the guy needed help, we'd helped
17 him with it.

18 MR. HOLDER: Sure.

19 THE WITNESS: On things like that too.

20 MR. HOLDER: Sure.

21 THE WITNESS: We always worked real
22 close --

23 MR. HOLDER: Okay.

24 THE WITNESS: -- together on trying to
25 get things done, like that's what we would do.

1 DEFENSE COUNSEL: Object to the
2 responsiveness.

3 THE WITNESS: We didn't have to. It
4 wasn't a part of our job title or anything,
5 but --

6 BY MR. HOLDER

7 Q Sure.

8 A We just, you know, most trades will back then
9 and I think it's all labor now, most trades back then we
10 would help one another.

11 Q Okay.

12 A Interact like that to get things done.

13 Q Let me ask you this: Were you in a union at
14 this time?

15 A No.

16 Q Were you ever in a union?

17 A Covil, yes.

18 Q Okay. Is that a labor union?

19 A Labor union, yes.

20 Q Okay. And you were while you were at Covil?

21 A Pardon?

22 Q I said you were in a labor union while you
23 were at Covil?

24 A No. Covil had went nonunion --

25 Q Okay.

1 A -- during that.

2 Q That's all I was asking.

3 A You don't do things like I just said if you
4 are union.

5 Q That's why I was asking. Now, did the -- you
6 had stated that you recalled being in the vicinity during the
7 maintenance work while pipe fitters removed packing from
8 pumps?

9 DEFENSE COUNSEL: Objection. Objection
10 to form.

11 THE WITNESS: Yes.

12 MR. HOLDER: Correct.

13 BY MR. HOLDER

14 Q Okay. Now, that removal of packing from these
15 pumps, did that create visible dust?

16 DEFENSE COUNSEL: Object to the form.

17 THE WITNESS: Yeah.

18 BY MR. HOLDER

19 Q And do you believe that you would have
20 breathed that dust?

21 DEFENSE COUNSEL: Objection to form.

22 THE WITNESS: Yeah.

23 BY MR. HOLDER

24 Q Okay. And did that happen just one time or
25 did that happen multiple times?

1 DEFENSE COUNSEL: Objection to form.

2 THE WITNESS: Well, it happened many
3 times.

4 BY MR. HOLDER

5 Q Okay. Now, similarly, did you have occasion
6 to be in the vicinity of pipe fitters removing gaskets from
7 pumps while at BASF during this period?

8 DEFENSE COUNSEL: Objection to form.

9 THE WITNESS: Yes.

10 BY MR. HOLDER

11 Q Okay. And did the removal of the old gasket
12 material from -- let's start with internal gaskets on the
13 pumps, did the removal of that old gasket material create
14 dust?

15 DEFENSE COUNSEL: Objection to form.

16 THE WITNESS: Yeah.

17 BY MR. HOLDER

18 Q Okay. And do you believe that you breathed
19 that dust?

20 A Yeah.

21 DEFENSE COUNSEL: Objection to form.

22 BY MR. HOLDER

23 Q And do you believe that happened one time or
24 do you believe that happened many times?

25 DEFENSE COUNSEL: Objection to form.

1 THE WITNESS: No, it happened multiple
2 times --

3 MR. HOLDER: Okay.

4 THE WITNESS: -- over the years.

5 MR. HOLDER:

6 Q Sure. And specifically at BASF?

7 DEFENSE COUNSEL: Objection to form.

8 THE WITNESS: Yes, I was there the
9 longest during --

10 MR. HOLDER: Sure.

11 BY MR. HOLDER

12 Q I'm sorry if some of these questions sound
13 similar, but we just have to get as much detail as possible.
14 Also at BASF, on any of these maintenance jobs, now not the
15 new construction, but on the maintenance jobs, do you ever
16 recall being in the proximity of a valve tech. who was
17 pulling or removing packing from a valve?

18 DEFENSE COUNSEL: Object to form.

19 THE WITNESS: Yes.

20 BY MR. HOLDER

21 Q Okay. And did the removal of the packing from
22 the valve create visible dust?

23 DEFENSE COUNSEL: Objection.

24 THE WITNESS: Yeah.

25 BY MR. HOLDER

1 Q Okay. And do you believe that you would
2 breathe that dust?

3 DEFENSE COUNSEL: Objection.

4 THE WITNESS: Yes.

5 BY MR. HOLDER

6 Q Okay. And do you believe that happened one
7 time or did that happen multiple times?

8 DEFENSE COUNSEL: Objection.

9 THE WITNESS: It happened multiple times.

10 BY MR. HOLDER

11 Q Okay. And, also, as to a valve and this is at
12 BASF on these maintenance jobs, would you have been in the
13 vicinity when a valve technician was replacing an internal
14 gasket on a valve?

15 DEFENSE COUNSEL: Objection to form.

16 THE WITNESS: Yes, I have been.

17 BY MR. HOLDER

18 Q Okay. And did they have to remove the old
19 gasket material on these internal gaskets of the valves?

20 A Yes.

21 Q Okay. And did the removal of the old gasket
22 material on the internal gaskets of the valves create visible
23 dust?

24 A Yes.

25 DEFENSE COUNSEL: Objection.

1 BY MR. HOLDER

2 Q And do you believe you breathed that dust?

3 A Yes.

4 DEFENSE COUNSEL: Objection.

5 BY MR. HOLDER

6 Q And did that happen just one time or did that
7 happen many times?

8 A Multiple times.

9 DEFENSE COUNSEL: Objection.

10 BY MR. HOLDER

11 Q Okay. Finally, on the valves at BASF, and
12 just on the maintenance projects. I'm not talking about the
13 new construction on the second stint at BASF, were you in the
14 vicinity when valve technicians would remove or replace
15 flange gaskets?

16 DEFENSE COUNSEL: Objection.

17 THE WITNESS: Replace flange gaskets?

18 Oh, yes. Yes, I was. Common thing.

19 BY MR. HOLDER

20 Q Okay. And would you have been in the
21 proximity to these valve techs when they were removing old
22 flange gasket materials off the flange facing?

23 DEFENSE COUNSEL: Objection.

24 THE WITNESS: Yes.

25 BY MR. HOLDER

1 Q Okay. And would this removal of the flange
2 gasket material from the flange facing create a visible dust?

3 A Yes.

4 DEFENSE COUNSEL: Object to form.

5 BY MR. HOLDER

6 Q Okay. And do you believe that you would
7 breathe that dust?

8 DEFENSE COUNSEL: Objection.

9 THE WITNESS: Yes.

10 BY MR. HOLDER

11 Q And do you believe that happened just one time
12 or did that happen many times while at BASF?

13 DEFENSE COUNSEL: Objection.

14 THE WITNESS: Many times.

15 BY MR. HOLDER

16 Q Okay. Did you see any warnings on any of
17 these pumps at BASF that warned against the dangers of
18 asbestos.

19 DEFENSE COUNSEL: Objection.

20 THE WITNESS: No, sir.

21 BY MR. HOLDER

22 Q Okay. Did you see any warnings on any of the
23 valves at BASF which warned against the hazards of asbestos?

24 A No, sir.

25 DEFENSE COUNSEL: Objection.

1 BY MR. HOLDER

2 Q Okay. Did you ever speak with any
3 representatives from any pump manufacturers that were on-site
4 at the BASF plant and they warned you about the hazards of
5 asbestos?

6 A No, sir.

7 Q Same question for -- did you ever have
8 occasion to speak to any valve manufacturer representative on
9 premises at BASF and they warn you about the hazards of
10 asbestos?

11 DEFENSE COUNSEL: Objection to form,
12 misstates testimony.

13 THE WITNESS: No, sir.

14 BY MR. HOLDER

15 Q I guess this is a good time to ask anyway, do
16 you recall ever, at BASF, ever any product manufacturers
17 being on-site to oversee any maintenance job of a product?

18 A You talking --

19 DEFENSE COUNSEL: Objection.

20 THE WITNESS: -- a part manufacturer or
21 whatever?

22 MR. HOLDER: Right, at BASF.

23 THE WITNESS: No.

24 MR. HOLDER: Not anywhere else.

25 BY MR. HOLDER

1 Q Okay. Now, did any boiler projects that you
2 did during the second stint at BASF?

3 DEFENSE COUNSEL: Objection.

4 THE WITNESS: Yes.

5 BY MR. HOLDER

6 Q All right. What work did you do on the boiler
7 during the second trip at BASF?

8 A Oh, gosh, putting a refractory cement around
9 it.

10 Q Okay. And would that have been around the
11 outside or the inside of the boiler?

12 A That was both, in and out.

13 Q Did -- well, let me ask you this: How long
14 did the job take of refractory bricking the boiler?

15 A Of actual --

16 Q Of refractory bricking, installing the
17 refractory brick of the boiler?

18 A We were done in 24 hours.

19 Q Wow. How big of a boiler was it?

20 A It wasn't that big.

21 Q Okay.

22 A But it was most needed.

23 Q Okay. Was it an older boiler?

24 A Well, for life of boilers, yeah. I'd say
25 probably ten years old.

1 Q Do you happen to remember what kind of boiler
2 it was? Like was it a certain number of tubes or a package
3 boiler or sectional boiler?

4 A Pardon?

5 Q Do you know what type of boiler it was that
6 you worked rebricking?

7 A You want the name?

8 Q No. No. Like what type it is because
9 sometimes you might have hog fuel boiler or a package boiler,
10 trash boiler, a medical incinerator boiler?

11 A No, it was for -- this was for steam for hot
12 water.

13 Q Okay. Was -- did you have to remove
14 refractory brick before installing the new refractory brick?

15 A Yeah, the one that was burned out.

16 Q Okay. And were there other crafts around on
17 this job?

18 A Oh, yes, because it had to be done quick, you
19 know.

20 Q What other crafts do you remember around
21 working on this boiler job?

22 A Pardon?

23 Q What other crafts do you remember being around
24 working at this boiler job at BASF?

25 A Well, there were pipe fitters and welders

1 and --

2 Q Any valve technicians?

3 DEFENSE COUNSEL: Objection.

4 THE WITNESS: That's about all I can
5 remember and us.

6 MR. HOLDER: Okay. All right.

7 BY MR. HOLDER

8 Q Did this removal of the refractory brick, the
9 old refractory brick, did that create visible dust?

10 A Oh, yes.

11 DEFENSE COUNSEL: Objection.

12 BY MR. HOLDER

13 Q Do you think you breathed that dust?

14 A Yeah.

15 Q Were there any warnings anywhere up in that
16 building or anywhere at that facility of BASF warning you
17 against the potential hazards of asbestos?

18 A No.

19 Q Okay. And, similarly for when you were doing
20 the steam pipe work and around the maintenance work around
21 the pipe fitters and valve techs that you described earlier,
22 did you see any warning signs around in the building in those
23 rooms for BASF warning against the hazards of asbestos?

24 DEFENSE COUNSEL: Objection.

25 THE WITNESS: None.

1 BY MR. HOLDER

2 Q Okay. Did anyone from on-site that worked at
3 BASF ever warn you about the hazards, the potential hazards
4 of asbestos?

5 A No, no warning.

6 Q After you left -- actually, hold on. What,
7 during that refractory brick work at the boiler, what were
8 the other crafts doing or, for instance, what were the
9 pipe fitters doing during the boiler job?

10 A They were putting up the pipe, bolting flanges
11 together, putting up new pipe to take place of some of the
12 old.

13 Q Okay. Were some pipe fitters removing flange
14 gaskets?

15 DEFENSE COUNSEL: Objection.

16 THE WITNESS: Yeah.

17 BY MR. HOLDER

18 Q Okay. Was that work creating visible dust?

19 DEFENSE COUNSEL: Objection.

20 THE WITNESS: Oh, yeah.

21 BY MR. HOLDER

22 Q Okay. And do you believe you breathed that
23 dust?

24 DEFENSE COUNSEL: Objection.

25 THE WITNESS: Yeah.

1 BY MR. HOLDER

2 Q Okay. And that happened one time or did that
3 happen many times?

4 A That happened many times.

5 DEFENSE COUNSEL: Objection.

6 BY MR. HOLDER

7 Q Okay. And how about valve technicians, were
8 valve technicians present inside -- not inside, but at that
9 boiler project at BASF?

10 DEFENSE COUNSEL: Objection.

11 THE WITNESS: Yes.

12 BY MR. HOLDER

13 Q Okay. Were the valve techs removing flange
14 gaskets from the valves?

15 DEFENSE COUNSEL: Same objection.

16 THE WITNESS: Well, I'm sure that they
17 were, but I can't say.

18 BY MR. HOLDER

19 Q Specifically.

20 A That I remember seeing that time.

21 Q Okay. Do you remember any valve techs at that
22 specific boiler job at BASF working on any internal
23 gaskets of those valves --

24 DEFENSE COUNSEL: Objection to form --

25 BY MR. HOLDER

1 Q -- at BASF?

2 A I can't recall.

3 MR. HOLDER: Okay. That's fine. How you
4 feeling? You like to take another five-minute
5 break? Seems like a good point.

6 THE WITNESS: Okay.

7 MR. HOLDER: Okay. We can go off the
8 record, please.

9 THE VIDEOGRAPHER: Off the record at
10 15:48.

11 (Whereupon, a recess was taken at 15:48
12 until 16:03.)

13 THE VIDEOGRAPHER: Going back on the
14 record. Camera time is 16:03.

15 BY MR. HOLDER

16 Q All right. Mr. Waters, Jonathan Holder,
17 again, your attorney coming back on to the record this
18 afternoon. When we went off or when we left last, you were
19 telling us about some work projects you had done over at the
20 BASF plant while you were working for Covil, do you remember
21 that?

22 A Yes, sir.

23 Q Okay. And you mentioned that often you would
24 be working around other crafts during your time at BASF, is
25 that correct?

1 A Yes, sir.

2 DEFENSE COUNSEL: Objection.

3 BY MR. HOLDER

4 Q Okay. And I believe you stated, but correct
5 me if I'm wrong, you were around pipe fitters and valve techs
6 and welders during your time at BASF, is that correct?

7 A Yes, sir.

8 DEFENSE COUNSEL: Objection. Objection
9 to form.

10 BY MR. HOLDER

11 Q Now, you also mentioned Daniel, do you recall
12 testifying about Daniel regarding BASF?

13 DEFENSE COUNSEL: Object to the form.

14 THE WITNESS: Yes. Daniel -- Daniel had
15 the maintenance contract on that, that work
16 there, yes.

17 BY MR. HOLDER

18 Q And just so we clarify for the jury that might
19 not be familiar, is Daniel a company or a person?

20 A Daniel is a company.

21 Q Okay.

22 A Daniel Construction.

23 Q Okay. And so when you described working
24 around pipe fitters and valve techs, were these men that were
25 employed by Daniel?

1 DEFENSE COUNSEL: Object to the form.

2 BY MR. HOLDER

3 Q Or Daniel workers, however you want to word
4 it?

5 DEFENSE COUNSEL: Object to the form.

6 THE WITNESS: They were Daniel employees
7 and they were BASF employees as well.

8 BY MR. HOLDER

9 Q Okay. So you worked around both BASF
10 employees and Daniel employees?

11 DEFENSE COUNSEL: Object to form.

12 THE WITNESS: Yes. BASF had a
13 maintenance crew like any other plant.

14 BY MR. HOLDER

15 Q Okay. Could their maintenance crew do the
16 same thing that you-all could do?

17 A Well, probably to a point --

18 Q Okay.

19 A -- but they could go get a -- maintenance
20 maintained, that's all they were trained to do. So maintain
21 the equipment and --

22 Q Sure. Did they have certified insulators on
23 staff there at BASF?

24 A I was the only one.

25 Q Okay. But I mean you weren't employed by

1 BASF?

2 A No.

3 Q Correct?

4 A Right. I was --

5 Q So I am asking if BASF had their own
6 insulators employed that were working with y'all?

7 A No.

8 Q Okay.

9 A No.

10 Q Just making sure. Now, would the -- and I
11 just want to clarify also, before leaving this point, when
12 you said there would be workers that were both Daniel workers
13 and BASF workers working around y'all, I just want to clarify
14 men wouldn't be working at the same time for both BASF and
15 Daniel --

16 A No.

17 Q -- correct?

18 A No.

19 DEFENSE COUNSEL: Object to the form.

20 BY MR. HOLDER

21 Q When you say BASF workers, and Daniel workers
22 you meant separate people, is that correct?

23 A I meant separate companies --

24 Q Okay.

25 A -- but they would -- let me see if I can't

1 simplify this thing. We were -- we were hired maintenance
2 people to be able to do construction, if needed, on anything
3 in the plant. The BASF maintenance person, people, they were
4 hired to know how this valve is -- characteristics from Daniel
5 to let them know about things. It's the reason they would
6 come in and their supervisors have them come in and sometimes
7 they would work with us for a day or so to pick up on what's
8 happening.

9 DEFENSE COUNSEL: Object to the
10 responsiveness.

11 BY MR. HOLDER

12 Q Who are they?

13 A Who are they?

14 Q Yeah, you said, "they would come in?"

15 A The BASF maintenance people --

16 Q Okay.

17 A -- but they mainly just done the maintenance.
18 They would oil up the pumps and do all that kind of thing,
19 you know --

20 Q Okay.

21 A -- go around check belts.

22 Q Would it suffice it to say they did less
23 skilled things than your team did?

24 DEFENSE COUNSEL: Object to the form.

25 BY MR. HOLDER

1 Q Less skilled things like --

2 A Yes. Yes, they kept it going.

3 Q Okay. So that's fine. Let's -- I want to
4 keep moving. At -- did you ever see at BASF, in these jobs
5 where there were other crafts around, did you ever see any
6 supervisors from Daniel on-site?

7 DEFENSE COUNSEL: Object to the form.

8 THE WITNESS: Oh, yes.

9 BY MR. HOLDER

10 Q Okay. Did any of the supervisors from Daniel
11 on-site ever warn you at BASF of the hazards of asbestos?

12 A No.

13 DEFENSE COUNSEL: Object to the form.

14 BY MR. HOLDER

15 Q Okay. Did any of Daniel workers ever warn you
16 about the hazards of asbestos from the work they were doing
17 while you were there?

18 DEFENSE COUNSEL: Object to the form.

19 THE WITNESS: None, no.

20 BY MR. HOLDER

21 Q Did you ever notice if Daniel had a safety man
22 on-site possibly hired by -- possibly employed by another
23 company?

24 A No, they didn't.

25 Q Okay. Do you remember anyone from United

1 Safety, U. S. F. and G.? You ever remember anybody with
2 those initials on-site?

3 DEFENSE COUNSEL: Object to the form.

4 THE WITNESS: Not that I recall.

5 BY MR. HOLDER

6 Q Okay.

7 A They could have been there, but not know it.

8 Q Sure.

9 A I have no idea.

10 Q Did you ever attend any safety meetings led by
11 Daniel workers or Daniel supervisors?

12 A No, to be honest with you.

13 Q Okay.

14 A They would -- they would say, okay, we're
15 going to have a safety meeting and start talking about
16 fishing or everything else for around fifteen minutes or ten
17 or whatever and then we get up and go on.

18 Q That was the Daniel?

19 A That was the safety meeting.

20 Q Okay. And that was the Daniel personnel?

21 DEFENSE COUNSEL: Object to the form.

22 THE WITNESS: Yeah.

23 BY MR. HOLDER

24 Q Do you know who supplied the materials that
25 you worked with there at BASF? Did Daniel supply them or if

1 Covil supplied them?

2 A Covil supplied all the insulation materials.

3 Q Okay. Do you know if they were purchased by
4 Daniel or purchased by BASF?

5 DEFENSE COUNSEL: Object to the form.

6 THE WITNESS: Well, they were purchased
7 by BASF at that time, yeah.

8 BY MR. HOLDER

9 Q Did there come a time at BASF when Daniel took
10 over the insulation contract as well?

11 A Yes.

12 DEFENSE COUNSEL: Object to the form.

13 THE WITNESS: They did.

14 BY MR. HOLDER

15 Q Around when was that?

16 A Pardon?

17 Q Around when in time was that?

18 A Daniel was awarded the contract at BASF in,
19 I'm thinking, it's probably around 1980, '81.

20 Q Was that impetus to you leaving? Is that what
21 caused you to leave BASF and not work there anymore?

22 A Yes.

23 Q Okay. So when Daniel took over the insulation
24 contract at BASF, is when you moved on from BASF?

25 A Yes.

1 Q Okay. Now, do you, during your time working
2 around Daniel workers at BASF, did -- do you ever recall any
3 workers or any company referred to as Fluor, F-L-U-O-R?

4 DEFENSE COUNSEL: Object to form.

5 MR. HOLDER: Connected with Daniel?

6 DEFENSE COUNSEL: Object to the form.

7 THE WITNESS: Not that I know of.

8 BY MR. HOLDER

9 Q Okay. Who had more people on the site at
10 BASF, Covil or Daniel?

11 A Daniel.

12 Q How, like how -- do you know approximately how
13 many people Covil had on-site at BASF?

14 A We had between four and six people there.
15 Just about all that.

16 Q Okay. And how many --

17 A Small amount of people.

18 Q Sure. But how many people -- would you know
19 or would you know approximately did Daniel have at BASF?

20 A Oh, my goodness, they had, I'm thinking about
21 18.

22 Q So between three and four times as many people
23 as Covil had, is that fair to say?

24 DEFENSE COUNSEL: Object to form.

25 THE WITNESS: Yes.

1 BY MR. HOLDER

2 Q And does that include supervisors from Daniel?
3 Is that a yes?

4 A That includes the supervisors, yes.

5 Q I'm going to ask you about some other work
6 sites that may have been shorter in time than the other ones.
7 If you recall working at these premises and we'll discuss
8 them. Do you recall working at any work at Milliken and
9 Company?

10 DEFENSE COUNSEL: Objection.

11 THE WITNESS: Yes.

12 BY MR. HOLDER

13 Q Okay. Do you recall when about you would have
14 done any work at Milliken?

15 DEFENSE COUNSEL: Objection.

16 THE WITNESS: It would have been sometime
17 before I went to BASF.

18 BY MR. HOLDER

19 Q Okay. How long was this project? Was this a
20 long one or short one?

21 DEFENSE COUNSEL: Objection.

22 THE WITNESS: No, it was a short project.
23 It was probably two or three days.

24 BY MR. HOLDER

25 Q And was this for a shutdown or new

1 construction?

2 DEFENSE COUNSEL: Objection.

3 THE WITNESS: Well, it looked like it was
4 for, they had -- it was repair actually, but,
5 yeah, I guess repair would be shutdown I
6 reckon, if that's the way you word it.

7 BY MR. HOLDER

8 Q Okay. And just to clarify, this was work
9 while you were employed with Covil, correct?

10 A Yes, Covil.

11 Q And do you remember what class of mechanic you
12 would have been at the time you worked at Milliken?

13 DEFENSE COUNSEL: Objection.

14 THE WITNESS: I was the third class,
15 first class, whatever.

16 BY MR. HOLDER

17 Q Okay. The top one?

18 A Yes.

19 Q Okay. And do you remember -- first off, was
20 it insulation work that you did at Milliken?

21 DEFENSE COUNSEL: Object to the form.

22 THE WITNESS: Oh, yes.

23 BY MR. HOLDER

24 Q And do you recall -- first, do you recall how
25 many buildings were at the Defluor plant for Milliken?

1 DEFENSE COUNSEL: Objection.

2 THE WITNESS: At the?

3 MR. HOLDER: Defluor. I thought that's
4 what you called it, the Defluor plant. I'm
5 sorry. The Milliken plant?

6 DEFENSE COUNSEL: Objection.

7 THE WITNESS: No, I can't really recall.

8 BY MR. HOLDER

9 Q Okay. Do you recall what building you were
10 in?

11 DEFENSE COUNSEL: Objection.

12 THE WITNESS: I really can't remember
13 what building I was in there.

14 BY MR. HOLDER

15 Q Okay. Do you remember what you were
16 insulating?

17 DEFENSE COUNSEL: Objection.

18 THE WITNESS: I do remember that.

19 BY MR. HOLDER

20 Q What were you insulating for this company?

21 A Waterline.

22 Q Waterline, okay. Did you also have to
23 insulate any pumps --

24 DEFENSE COUNSEL: Objection.

25 MR. HOLDER: -- at Milliken?

1 THE WITNESS: I don't think so.

2 BY MR. HOLDER

3 Q Okay. Do you think you had to insulate any
4 valves at Milliken?

5 DEFENSE COUNSEL: Objection.

6 THE WITNESS: No, sir. May have, but I
7 can't mentally see it in my mind right now.

8 BY MR. HOLDER

9 Q That's fine. And we're just talking about
10 that couple-day job at Milliken. When you were there for a
11 couple of days doing the waterlines, would you have been
12 around other crafts?

13 DEFENSE COUNSEL: Objection.

14 THE WITNESS: I was around mainly textile
15 workers.

16 MR. HOLDER: So y'all didn't -- y'all
17 didn't rope off the area?

18 DEFENSE COUNSEL: Objection.

19 THE WITNESS: The line, the line was
20 already complete. No, we didn't have to take
21 anything off.

22 BY MR. HOLDER

23 Q Okay. And what I was saying was, did you-all
24 ever rope off the area where you were working to keep other
25 workers away from it? You said you were working near textile

1 workers. I'm assuming those were Milliken employees?

2 DEFENSE COUNSEL: Objection.

3 THE WITNESS: Right.

4 BY MR. HOLDER

5 Q So, I'm asking were they in close proximity to
6 you, the textile workers, while you were doing this
7 insulating?

8 DEFENSE COUNSEL: Objection.

9 THE WITNESS: Probably thirty feet
10 because the pipe was in the ceiling.

11 BY MR. HOLDER

12 Q Do you remember whether you used a mud or a --

13 A Yes.

14 Q -- solid insulation?

15 A Yes, we did.

16 DEFENSE COUNSEL: Objection.

17 THE WITNESS: We used mud for els and
18 things to finish and dress them out.

19 BY MR. HOLDER

20 Q Okay. Did you use solid insulation for the
21 waterline?

22 A Fiberglass.

23 DEFENSE COUNSEL: Objection.

24 BY MR. HOLDER

25 Q Okay. Did you have to remove any insulation

1 from that waterline?

2 DEFENSE COUNSEL: Objection.

3 THE WITNESS: Pardon?

4 BY MR. HOLDER

5 Q Did you have -- at the Milliken plant when you
6 went there for that job to insulate the waterline, did you
7 have to remove any old insulation from the waterline or was
8 it a new line?

9 DEFENSE COUNSEL: Objection.

10 THE WITNESS: No, it was a new line.

11 BY MR. HOLDER

12 Q Did the mud that you used for insulating
13 equipment, did that -- was that mixed in the room where you
14 were?

15 DEFENSE COUNSEL: Objection.

16 THE WITNESS: No, that was mixed, I'm
17 thinking, in a hallway.

18 BY MR. HOLDER

19 Q Do you recall if you were present when it was
20 being mixed?

21 A Yes, I was.

22 DEFENSE COUNSEL: Objection.

23 BY MR. HOLDER

24 Q Okay. And do you think -- do you think it
25 created visible dust when it was being mixed?

1 DEFENSE COUNSEL: Objection.

2 THE WITNESS: Oh, yes.

3 BY MR. HOLDER

4 Q Okay. Do you believe that you breathed that
5 dust?

6 A Yes.

7 DEFENSE COUNSEL: Objection.

8 BY MR. HOLDER

9 Q Okay. Did you see any warning signs up at the
10 Milliken plant warning you of the hazards of asbestos?

11 DEFENSE COUNSEL: Objection.

12 THE WITNESS: No, sir.

13 BY MR. HOLDER

14 Q Okay. Did you -- did you -- were you told by
15 any supervisors or managers or employees at Milliken, did
16 anybody give you a warning of -- the people employed by
17 Milliken about the dangers of asbestos?

18 DEFENSE COUNSEL: Objection.

19 THE WITNESS: No, sir.

20 BY MR. HOLDER

21 Q Okay. Did you ever have occasion to work at a
22 DuPont plant?

23 A Yes.

24 Q Okay. Where was the DuPont plant where you
25 worked?

1 A Greenville.

2 Q Do you remember around when that job at the
3 DuPont plant in Greenville would have been?

4 A Yes, it was during -- it was during the BASF
5 era.

6 Q Okay. So was the project at the DuPont plant
7 in Greenville a shorter project --

8 DEFENSE COUNSEL: Objection.

9 THE WITNESS: It was a --

10 MR. HOLDER: -- than BASF I should say, I
11 guess.

12 THE WITNESS: Yes, it was a shutdown
13 there.

14 BY MR. HOLDER

15 Q Can you estimate how long you were there for
16 the project at DuPont in Greenville?

17 A I was there for about -- I believe I was there
18 for about maybe three, four days. Could have been a week.
19 I'm not real certain on that.

20 Q And do you recall what you were -- what the
21 job was? What you were doing at the DuPont plant in
22 Greenville?

23 A Well, it was kind of so chaotic there with me.
24 I insulated. I just remember insulating some pipe, Kaylo.

25 Q Sure. What do you mean by chaotic?

1 A Pardon?

2 Q What do you mean by chaotic?

3 A It was very busy, very unorganized and it
4 wasn't kind of job I liked.

5 Q Sure. Was there other crafts present at the
6 DuPont plant?

7 A Yes, that's one of the things. Yes.

8 Q Okay. What other crafts do you remember being
9 present at the DuPont plant during this shutdown?

10 DEFENSE COUNSEL: Objection.

11 THE WITNESS: Electricians, pipe fitters
12 welders, insulators.

13 BY MR. HOLDER

14 Q Any boilermakers?

15 A Pardon?

16 Q Any boilermakers?

17 A None that I remember.

18 Q Any valve technicians?

19 DEFENSE COUNSEL: Objection.

20 THE WITNESS: Yes, they were there.

21 BY MR. HOLDER

22 Q Okay. And would you be -- you said you were
23 insulating line during this project at DuPont, were you
24 following like a pipe or a valve team or a group of men that
25 was doing work ahead of you and insulating as you went?

1 DEFENSE COUNSEL: Objection to form.

2 THE WITNESS: I'm thinking the pipes I
3 worked on had already been pressure checked
4 and everything was ready to go.

5 MR. HOLDER: Okay.

6 THE WITNESS: That's what I'm thinking.

7 BY MR. HOLDER

8 Q Okay. And so would you have -- would you
9 still have been in proximity to the other crafts such as
10 pipe fitters and valve techs while you were insulating the
11 line?

12 DEFENSE COUNSEL: Objection.

13 THE WITNESS: Yeah. Off and on. Yes,
14 sure would.

15 BY MR. HOLDER

16 Q Okay. And what would, let's say a pipe fitter
17 be doing during that project while you were trying to
18 insulate your line?

19 DEFENSE COUNSEL: Objection.

20 THE WITNESS: Pipe fitter is usually
21 trying to fit in the rest of the pipe or
22 poles. You might say he's trying to measure
23 that out.

24 BY MR. HOLDER

25 Q Would they have been replacing or removing and

1 installing flange gaskets?

2 DEFENSE COUNSEL: Object to the form.

3 BY THE WITNESS

4 Q -- during this outage at the DuPont plant?

5 A Yes, probably be installing.

6 Q Okay.

7 A Best I remember.

8 Q Okay. Would -- this being a shutdown, was it only
9 new valves and new pumps that were being worked on or were
10 they working on old?

11 THE WITNESS: Yes, it was --

12 DEFENSE COUNSEL: Objection.

13 THE WITNESS: Because it was like adding
14 more equipment.

15 MR. HOLDER: Okay.

16 BY MR. HOLDER

17 Q Do you recall any of these crafts changing
18 internal gaskets during this couple-day job at the DuPont
19 plant in Greenville?

20 DEFENSE COUNSEL: Objection to form.

21 THE WITNESS: I'm sure they did, but I
22 don't recall.

23 BY MR. HOLDER

24 Q Okay, that's fine. Did you see any signs up
25 anywhere in the building there at DuPont warning you of the

1 hazards of asbestos?

2 DEFENSE COUNSEL: Objection.

3 THE WITNESS: None.

4 BY MR. HOLDER

5 Q Did you ever -- were you ever told by any
6 employee of DuPont that you should be careful or warned about
7 the dangers of asbestos while you were there at the plant?

8 DEFENSE COUNSEL: Objection.

9 THE WITNESS: No.

10 BY MR. HOLDER

11 Q Did you ever do any work projects while you
12 were with Covil down at the Savannah River site?

13 A Yes.

14 Q Okay. And what kind of plant is that?

15 A That's power.

16 Q Okay. And do you remember about how long you
17 spent on that job at the Savannah River site?

18 A Well, I'm thinking maybe between four days and
19 a week, I guess.

20 Q Okay. Do you recall what you were doing as
21 your job, what your task was down at the Savannah River site?

22 A Gosh, Lord have mercy.

23 Q Well, let me strike that and ask you a couple
24 of other questions first about it. The Savannah River site,
25 did it have more security than other plants than you've been

1 to?

2 A Sure.

3 Q Okay. Did you have to like get a temporary ID
4 made while you were on premises there at the Savannah River
5 site?

6 A Yes.

7 Q Okay. And did they have a big, like almost
8 like a federal, like, almost kind of looks like the border
9 control places at the entrance of the plant. Savannah River
10 plants?

11 DEFENSE COUNSEL: Objection, form.

12 THE WITNESS: Metal detector, yeah.

13 BY MR. HOLDER

14 Q Now so when you --

15 A You had an x-ray machine.

16 Q A what machine?

17 A X-ray machine.

18 Q Okay.

19 A Slid your lunch forward, through.

20 Q So when you were working at this plant, it's kind
21 of those things that stick out in your memory, I know it was
22 a short time, only a week or less, did -- do you recall just
23 for those other details --

24 A I was putting Miro on.

25 Q What?

1 A I think I was putting Miro on.

2 Q What is Miro?

3 A It's a stainless steel type of insulation,
4 breathable.

5 Q Now, is this what goes on like stacks? What
6 they call stacks?

7 A Reactor.

8 Q Okay. Let's actually define some terminology
9 so we can work with it. What is -- do you know what a stack
10 is?

11 A Yeah.

12 Q What is a stack?

13 A Talking about a stack that smoke comes out of.

14 Q I mean a stack that you might insulate?

15 A Oh yeah, yeah, yeah.

16 Q What is that? What is a stack made out of?

17 A Steel mainly or wire, the ones you talking
18 about, yeah, they're steel.

19 Q What is the purpose of them?

20 A To let out the exhausts.

21 Q Okay. Are they on top of something?

22 A Yeah.

23 Q Okay. What are they on top of?

24 A Most of them are on top of a power plant, the
25 reactor.

1 Q Okay. Would this be a turbine generating -- a
2 turbine generator reactor?

3 DEFENSE COUNSEL: Object to the form.

4 MR. HOLDER: I might be calling the
5 terminology --

6 THE WITNESS: Yes, I think so.

7 BY MR. HOLDER

8 Q Okay. Do you know if these stacks were
9 something that were present at Savannah River site?

10 DEFENSE COUNSEL: Object to the form.

11 THE WITNESS: Yes.

12 BY MR. HOLDER

13 Q Okay. Do you believe that in your work you
14 did you insulated these stacks?

15 DEFENSE COUNSEL: Object to the form.

16 THE WITNESS: I can't remember if it's
17 this job or another, but, yes, I did insulate
18 some.

19 BY MR. HOLDER

20 Q Okay. What do you insulate stacks with?

21 DEFENSE COUNSEL: Objection.

22 THE WITNESS: Rockwool, big old batts of
23 it and you wire it to this heavy gauge forming
24 wire put in concrete. You put it over that
25 and then go back over it with metal but, yes,

1 I remember that well now because it's so tall.
2 I think it's about three hundred feet.

3 BY MR. HOLDER

4 Q How would you get up? Y'all have scaffolding?

5 A We had a crane.

6 Q Okay. Would you just be in the bucket?

7 A No, I would sit in a chair, the crane holds
8 the chair out and then we just roll it down the winch.

9 Q Were you harnessed in to the chair?

10 A Pardon?

11 Q Were you harnessed into the chair --

12 A No.

13 Q -- hanging from the crane?

14 A No, I was just sitting there.

15 Q Did you ever have a problem with heights or
16 anything?

17 A No, I never did. Had to stick our feet in
18 that big, old, heavy gauge wire to keep the wind from blowing
19 us out while we done it.

20 Q That was smart.

21 A No big deal.

22 Q Yeah. What about the Miro?

23 A Miro.

24 Q Miro, excuse me.

25 A That was in -- that was at that nuclear plant

1 in -- out from Newberry.

2 Q Okay. We'll get to that in one second then.
3 Did you do any Miro work at the Savannah River site?

4 A No, wire.

5 Q Okay. So that one week at Savannah River
6 site, was that all spent on insulating the stacks?

7 A Yeah.

8 DEFENSE COUNSEL: Objection to form.

9 THE WITNESS: Because when we got done
10 with that, I was glad to get out of the place.

11 BY MR. HOLDER

12 Q Now, did you have to actually do any work on
13 the reactor at Savannah River site?

14 A Not at that -- not at that plant, no.

15 DEFENSE COUNSEL: Object to form.

16 BY MR. HOLDER

17 Q Other than just the stacks?

18 A Yeah.

19 DEFENSE COUNSEL: Object to the form.

20 BY MR. HOLDER

21 Q And during this job at Savannah River site,
22 were you around other crafts?

23 A Sure.

24 Q Okay. Well, let me ask you about where the
25 stacks were, were they located inside of a building?

1 A No.

2 Q Okay. They were outside?

3 A Yes.

4 Q Okay. Would you have been in close proximity
5 to pipe fitters on this job while you were insulating the
6 stacks?

7 A You couldn't have paid them to get where I
8 was.

9 Q Would it be the same for valve techs?

10 A Um-hum.

11 Q Okay. How about for boilermakers?

12 A Same.

13 Q Okay. All right. Do you remember any --
14 working on any pumps during this job at the Savannah River
15 site?

16 A I didn't.

17 DEFENSE COUNSEL: Objection.

18 BY MR. HOLDER

19 Q Okay. How about any valves?

20 A No.

21 Q Okay. Ever remove any packing or gaskets from
22 any kind of equipment?

23 A No.

24 Q Okay. Do you remember seeing any signs
25 anywhere around the Savannah River site posted warning of the

1 hazards of asbestos?

2 A No.

3 Q Okay. Anyone from the Savannah River site
4 ever warn you about any of the dangers of asbestos you might
5 come in contact with?

6 A No.

7 Q Okay. Let's talk about the power plant near
8 Newberry I think is what you said? Okay?

9 A Yes.

10 Q Is that the Summer Nuclear Station, does that
11 sound correct?

12 A That sounds right.

13 Q All right. I believe that is in Jenkinsville,
14 South Carolina, does that sound correct?

15 A Yeah.

16 Q Okay. And Jenkinsville near Fairfield County,
17 is that right?

18 A I think so.

19 Q Okay. Now, how long do you believe that you
20 were at the Summer Nuclear Station for the work that you did?

21 A That job was a -- one of those Badische
22 holidays and they needed me in there, so I went there.

23 Q When you say --

24 A Probably, maybe a week.

25 Q When you say Badische holidays, does that mean

1 during the time that you would have been working at BASF, but
2 you had time off from there?

3 A We would -- when we would observe their days
4 that they gave their employees for holidays, so we would be
5 off as well.

6 Q And then on those holidays you might go to
7 another work site and do another job?

8 A Well, Covil always saw to it that I did.

9 Q Now, at this nuclear station in Jenkinsville,
10 do you happen to know who owned the plant?

11 A No, I sure don't.

12 Q Okay. Was this a new construction or was this
13 more like a shutdown maintenance?

14 A It was new construction.

15 Q And other than being during your time when you
16 were at BASF do you know any more specific than that? Maybe
17 an approximate year it would have been?

18 A Excuse me, repeat that.

19 Q I know you said it was during your BASF years
20 when you went down to this power plant?

21 A Right.

22 Q I'm asking: Is there any way you could
23 estimate the specific year it would have been? It's okay if
24 you can't.

25 A Probably between the '80 --

1 Q Before you left in '80 or after you left in
2 '80?

3 A It would be before.

4 Q Okay.

5 A Thinking it was in '80, it may be '79.

6 Q Okay. But you know it was new construction?

7 A Yes, it was new construction. Yeah, because I
8 bought a truck in '79.

9 Q That was around --

10 A Probably around mid-year '79, I think.

11 Q Okay. And that was around the same time you
12 would have been working down at that station?

13 A Hm-hmm.

14 Q Okay. Do you know how long that project would
15 have taken? How long you would have been there?

16 DEFENSE COUNSEL: Objection to form,
17 asked and answered.

18 MR. HOLDER: I'm sorry if you already
19 said it. How long guys?

20 DEFENSE COUNSEL: He said about a week.

21 BY MR. HOLDER

22 Q You were here for about a week?

23 A Hm-hmm.

24 Q At this one?

25 A Hm-hmm. That is what I --

1 MR. HOLDER: Okay. I'll keep moving.

2 Thank you counsel for General Electric. Makes
3 me think there must be something from General
4 Electric on these premises.

5 DEFENSE COUNSEL: Objection.

6 BY MR. HOLDER

7 Q What type of work did you do while you were at
8 the nuclear station in Jenkinsville, South Carolina?

9 A They gave me a crewman and blueprints on the
10 bottom of the rack and took the Miro and I had guys put it
11 on. I'd have one guy cutting it direct for a fit or remake a
12 piece that had to be because they had changed a lot of the
13 hangers and a lot of the stuff there and they would put on --
14 I had them go back and forth.

15 Q Was this a new reactor?

16 A Yes.

17 Q Was it the first time insulation ever being
18 put on to it?

19 A Yes.

20 Q Okay.

21 A It's removable. This is a removable type. It
22 has like a --

23 Q The Miro?

24 A -- brillo in it or whatever, you know.

25 Q Are you referring to the Miro is a removable?

1 A Yeah, it was a removable type insulation. It
2 had suitcase latches on it.

3 Q Okay. I know what you're talking about. Do
4 you recall who manufactured that reactor at the Summer
5 Nuclear Station? First off let me ask you this: Did it have
6 any loops?

7 A Pardon?

8 Q Did it have any loops?

9 A Any what?

10 Q Loops. A reactor, you know, a reactor, some
11 of them, the different types might be called a certain number
12 of loop reactor?

13 DEFENSE COUNSEL: Object to the form.

14 THE WITNESS: Don't know. It's all --

15 MR. HOLDER: No problem if you don't
16 remember the manufacturer.

17 THE WITNESS: I'm through right now.

18 BY MR. HOLDER

19 Q That's fine. Was the reactor connected to a
20 turbine --

21 DEFENSE COUNSEL: Object to the form.

22 THE WITNESS: No.

23 MR. HOLDER: -- at the Summer Nuclear
24 Station?

25 BY MR. HOLDER

1 Q Sir, did you have to do any work on the
2 turbine?

3 DEFENSE COUNSEL: Object to form.

4 THE WITNESS: No.

5 BY MR. HOLDER

6 Q Okay. Was anyone doing work on the turbine
7 when you were insulating the reactor?

8 DEFENSE COUNSEL: Object to the form.

9 THE WITNESS: I really don't know.

10 BY MR. HOLDER

11 Q Okay.

12 A I don't think so.

13 Q Okay.

14 A Could have been, but --

15 Q Was this -- was this unit online yet? Had it
16 started generating power yet?

17 A They were going to start it up soon as
18 possible when I was there. That was one of the reasons they
19 had me doing what I was doing.

20 Q And was any of the work that you were doing on
21 the reactor disturbing any asbestos, to your knowledge?

22 A None that I know of.

23 Q Okay. Was the insulation that you were using
24 on the reactor at that facility asbestos free, the Miro?

25 A Yes.

1 Q Now, when you were at --

2 A GE.

3 Q Say again?

4 A GE.

5 Q What is that --

6 A The reactor.

7 Q Okay. The reactor at the Summer Nuclear
8 Station was a GE reactor?

9 A I'm thinking it was.

10 Q Okay. Do you happen to know who made the
11 turbine it was connected to?

12 DEFENSE COUNSEL: Object to form.

13 THE WITNESS: No, I don't.

14 BY MR. HOLDER

15 Q Okay. Were there any other -- I'm sorry if I
16 asked it before, I don't think I have. Were there any other
17 crafts around when you were working at the Summer Nuclear
18 Station?

19 DEFENSE COUNSEL: Objection.

20 THE WITNESS: Oh, sure.

21 BY MR. HOLDER

22 Q Okay. Do you know if there was any pumps
23 being worked on nearby you when you were at the --

24 A No.

25 Q -- Summer Nuclear Station?

1 DEFENSE COUNSEL: Objection.

2 THE WITNESS: I'm sure that there was,
3 but, you know, I was busy with a bunch of men
4 and all, I didn't --

5 BY MR. HOLDER

6 Q Do you have a recollection of the valves being
7 worked on nearby where you were doing your job at the Summer
8 Nuclear Station?

9 DEFENSE COUNSEL: Objection.

10 THE WITNESS: I can't recall.

11 BY MR. HOLDER

12 Q And did you have to do any work insulating any
13 pumps or valves?

14 A No.

15 DEFENSE COUNSEL: Objection.

16 BY MR. HOLDER

17 Q Okay. Do you know any other companies or
18 contractors that were on-site while you were working at the
19 Summer Nuclear station?

20 A I didn't know of any.

21 Q Do you remember any crafts that were working
22 on the turbine at -- that was connected to this reactor when
23 you were working at the Summer Nuclear Station?

24 DEFENSE COUNSEL: Object to form.

25 THE WITNESS: No.

1 BY MR. HOLDER

2 Q Okay. Do you know of any gasket work that was
3 going on nearby while you were doing your Miro insulation
4 installation?

5 A Pardon?

6 Q Do you know of any gasket work that was going
7 on nearby while you were doing this work at Summer Nuclear
8 Station?

9 DEFENSE COUNSEL: Objection.

10 THE WITNESS: No, not that I can recall.

11 DEFENSE COUNSEL: Objection.

12 BY MR. HOLDER

13 Q Okay. Did you see any signs anywhere around
14 Summer Nuclear Station warning you of the hazards of
15 asbestos?

16 DEFENSE COUNSEL: Objection to the form.

17 BY MR. HOLDER

18 Q Did you notice any signs posted anywhere
19 around Summer Nuclear Station --

20 A No.

21 Q -- warning you --

22 A No.

23 Q -- of the hazards of asbestos?

24 A No.

25 DEFENSE COUNSEL: Objection.

1 BY MR. HOLDER

2 Q Okay. Did you -- were you ever told by any of
3 the employees or anybody employed by the Summer Nuclear
4 Station that -- to be warned about the hazards of asbestos
5 and the dangers of asbestos?

6 DEFENSE COUNSEL: Object to the form.

7 THE WITNESS: No.

8 BY MR. HOLDER

9 Q Did anyone warn you?

10 A No.

11 Q Okay. Did you ever -- while working at Covil
12 did you ever have to work at Celanese --

13 DEFENSE COUNSEL: Objection.

14 MR. HOLDER: -- Fiber Industries it went
15 by sometime?

16 DEFENSE COUNSEL: Objection to form.

17 THE WITNESS: Yeah.

18 BY MR. HOLDER

19 Q Okay. In what town do you remember working
20 at Fiber Industries or a Celanese?

21 A Pardon?

22 Q In what town was that plant located, the Fiber
23 Industries?

24 A I can't.

25 Q Okay. Let me ask you this: Did you ever work

1 or do any projects at a Hurst Celanese or Fiber Industries in
2 Greenville, South Carolina?

3 DEFENSE COUNSEL: Objection, leading.

4 THE WITNESS: Yeah, I think it is right
5 outside of Greenville.

6 MR. HOLDER: Okay.

7 THE WITNESS: Yeah, I've worked there.

8 BY MR. HOLDER

9 Q Okay. And was that while you were working for
10 Covil?

11 A Yes.

12 Q Okay. And do you remember about how long that
13 project was?

14 A I wasn't there very long at all.

15 Q Okay. Do you think -- well, let me ask you
16 this: Were you ever at any other Hurst Celanese, Fiber
17 Industries?

18 A Hm-hm.

19 Q How about Hurst Celanese in Rock Hill, South
20 Carolina?

21 DEFENSE COUNSEL: Objection to form,
22 asked and answered.

23 THE WITNESS: No. Never worked at --
24 Catawba Nuclear is the only thing I worked
25 around Rock Hill.

1 BY MR. HOLDER

2 Q Okay. We'll get to Catawba Nuclear in just a
3 second. Let's go back to the Celanese, Hurst Celanese or
4 Fiber Industries in Greenville, South Carolina. Do you know
5 if this was a new construction or a shutdown?

6 DEFENSE COUNSEL: Objection, form.

7 THE WITNESS: It was a shutdown.

8 BY MR. HOLDER

9 Q Okay. Do you know approximately how long the
10 shutdown you would have worked at the Greenville Hurst
11 Celanese?

12 A No, I was just kind of floating at that time.
13 Going in and they had a job and I'm back out.

14 Q Okay. Do you remember what your task was,
15 what you had to do?

16 A Yes, I insulated steam pipe.

17 Q And during this shutdown at the Hurst Celanese
18 in Greenville did you -- were you doing your work in the
19 proximity of other crafts?

20 DEFENSE COUNSEL: Objection to form.

21 THE WITNESS: Yes, it was crafts all
22 around.

23 BY MR. HOLDER

24 Q Okay. When you were at the Hurst Celanese in
25 Greenville, were you working in close proximity to

1 pipe fitters?

2 A Yes.

3 DEFENSE COUNSEL: Objection to form.

4 BY MR. HOLDER

5 Q Okay. Were you working in close proximity to
6 valve technicians at Celanese?

7 A Yes.

8 DEFENSE COUNSEL: Objection to form.

9 BY MR. HOLDER

10 Q Were you working in close proximity to welders
11 at Hurst Celanese, in Greenville?

12 DEFENSE COUNSEL: Objection.

13 THE WITNESS: To -- repeat?

14 BY MR. HOLDER

15 Q To welders at Hurst Celanese in Greenville?

16 A Oh, yes. Yes.

17 Q Okay. And last one, how about boilermakers?

18 A No.

19 DEFENSE COUNSEL: Objection.

20 BY MR. HOLDER

21 Q Okay. No boilermakers. All right. During
22 the shutdown at Hurst Celanese, in Greenville, was there work
23 going on nearby you on pumps?

24 DEFENSE COUNSEL: Objection to form.

25 THE WITNESS: Yes.

1 BY MR. HOLDER

2 Q Okay. During that shutdown, did the work on
3 pumps that was going on nearby you involve removal or
4 replacement of internal gaskets?

5 DEFENSE COUNSEL: Objection, form.

6 THE WITNESS: Yes.

7 BY MR. HOLDER

8 Q Okay. The work that was going on nearby you
9 on the pumps and the changing of the internal gaskets, how
10 far away was that occurring from where you were?

11 DEFENSE COUNSEL: Objection.

12 THE WITNESS: That particular job there,
13 they were probably about ten feet.

14 BY MR. HOLDER

15 Q Okay. Now, when they removed -- when the
16 workers would remove the old gaskets from the -- those
17 internal gaskets from the pumps, would that create visible
18 dust?

19 A Yes.

20 DEFENSE COUNSEL: Objection.

21 BY MR. HOLDER

22 Q Okay. And do you believe you would breathe
23 that dust?

24 DEFENSE COUNSEL: Objection.

25 THE WITNESS: Yeah.

1 BY MR. HOLDER

2 Q Okay. Now, on the pumps at Celanese, in
3 Greenville, when you were working that shutdown, do you
4 recall the flange gaskets being replaced on the pumps?

5 DEFENSE COUNSEL: Objection.

6 BY MR. HOLDER

7 Q At Celanese?

8 A Yes.

9 Q Okay. And when the flange gasket material was
10 removed from the pumps, do you recall if that created dust?

11 DEFENSE COUNSEL: Objection.

12 THE WITNESS: Yeah.

13 BY MR. HOLDER

14 Q Okay. And do you believe that you breathed
15 that dust?

16 A Yes.

17 DEFENSE COUNSEL: Objection.

18 BY MR. HOLDER

19 Q Okay. Was there also work going on valves
20 nearby you when you were doing work at Hurst Celanese in
21 Greenville during that shutdown?

22 DEFENSE COUNSEL: Objection to form.

23 THE WITNESS: Yes, at some point in time.

24 BY MR. HOLDER

25 Q Okay. And during that shutdown at Hurst

1 Celanese in Greenville, do you recall if workers were
2 removing internal gaskets from valves while you were working
3 there at Celanese?

4 DEFENSE COUNSEL: Objection to form.

5 THE WITNESS: Yes.

6 BY MR. HOLDER

7 Q Okay. And when this work was going on, the
8 removal of internal gaskets from valves at Celanese, can you
9 tell us approximately how close or far away that was to you
10 from where you were working?

11 DEFENSE COUNSEL: Same objection.

12 THE WITNESS: Well, I was probably
13 around -- you know it varies in length and
14 distance, but I was, I would say, maybe eight
15 feet at that time to him. It was around in
16 there.

17 BY MR. HOLDER

18 Q Sure. Now, do you also recall if workers were
19 removing flange gaskets from valves while you were working
20 the shutdown at Celanese in Greenville?

21 DEFENSE COUNSEL: Objection.

22 THE WITNESS: Yes.

23 BY MR. HOLDER

24 Q Okay. And do you recall approximately how
25 close you were to the work going on removing flanges, gaskets

1 from valves when you were at Celanese?

2 DEFENSE COUNSEL: Objection.

3 THE WITNESS: Yes.

4 BY MR. HOLDER

5 Q Okay. And how far would that be?

6 A It would probably be, you know it varied, but
7 I'd say from -- there was just so much going on that it would
8 be as little as three feet and as much as ten.

9 Q Okay. Now, whether it was removing flange
10 gasket material or internal gasket material from the valves,
11 would that removal create dust?

12 DEFENSE COUNSEL: Objection.

13 THE WITNESS: Um-hum.

14 BY MR. HOLDER

15 Q And do you believe that you would breathe that
16 dust?

17 DEFENSE COUNSEL: Objection.

18 THE WITNESS: Yeah.

19 BY MR. HOLDER

20 Q And do you believe that happened just one time
21 while you were at Celanese on that shutdown or did it happen
22 many times?

23 DEFENSE COUNSEL: Objection.

24 THE WITNESS: It happened multiple times.

25 BY MR. HOLDER

1 Q Okay. Same question going back to the pumps,
2 you testified that you recalled workers removing both
3 internal gaskets and flange gaskets from pumps while you were
4 working at Celanese, correct?

5 A Correct.

6 DEFENSE COUNSEL: Objection.

7 BY MR. HOLDER

8 Q Now, would that removal, whether of internal
9 gaskets from pumps or from flange gaskets on pumps, would
10 that removal of the gasket material create dust?

11 DEFENSE COUNSEL: Objection.

12 THE WITNESS: Yes.

13 BY MR. HOLDER

14 Q And do you believe that you would breathe that
15 dust?

16 DEFENSE COUNSEL: Objection.

17 THE WITNESS: Yes.

18 BY MR. HOLDER

19 Q And do you believe that happened just one time
20 from the pumps during the Celanese shutdown?

21 A It was multiple times.

22 DEFENSE COUNSEL: Objection.

23 MR. HOLDER: Thank you.

24 BY MR. HOLDER

25 Q Now, were these pumps and valves that we've

1 just discussed that were nearby to you, to your work being
2 done at the Celanese in Greenville during that shutdown, were
3 those pumps and valves insulated?

4 DEFENSE COUNSEL: Objection.

5 THE WITNESS: No.

6 BY MR. HOLDER

7 Q Okay. Finally, during that shutdown at
8 Celanese in Greenville, were you nearby when pumps were being
9 worked on and packing was being removed?

10 DEFENSE COUNSEL: Objection. Objection.

11 THE WITNESS: Yes.

12 BY MR. HOLDER

13 Q Okay. And did the removal of the packing from
14 the pumps at Celanese during that shutdown, did that create
15 dust?

16 A Yes.

17 DEFENSE COUNSEL: Objection.

18 BY MR. HOLDER

19 Q Okay. And do you believe you breathed that
20 dust?

21 A Yes.

22 DEFENSE COUNSEL: Objection.

23 BY MR. HOLDER

24 Q And do you believe that happened one time or
25 did that happen multiple times during the shutdown at

1 Celanese?

2 A Multiple times.

3 DEFENSE COUNSEL: Objection.

4 BY MR. HOLDER

5 Q Okay. Same question for the valves that were
6 being worked on during that shutdown at Celanese, did you
7 ever have occasion to be working nearby the valves when
8 packing was removed?

9 DEFENSE COUNSEL: Objection to the form.

10 THE WITNESS: Yes.

11 BY MR. HOLDER

12 Q Okay. Did the removal of the packing from the
13 valves at Celanese during that shutdown, did that create
14 dust?

15 A Yes.

16 DEFENSE COUNSEL: Objection.

17 BY MR. HOLDER

18 Q Okay. And did you believe that you breathed
19 that dust?

20 DEFENSE COUNSEL: Objection.

21 THE WITNESS: Yes.

22 BY MR. HOLDER

23 Q Okay. And do you think that the removal of
24 packing from the valves that created dust that you breathed,
25 do you believe that happened just one time while you were at

1 Celanese during the shutdown or did that happen many times?

2 DEFENSE COUNSEL: Objection.

3 THE WITNESS: Multiple times.

4 MR. HOLDER: Okay. Thank you. I think
5 this is a good spot to go off the record for
6 today.

7 (Whereupon, discussion was held off the
8 record.)

9 THE VIDEOGRAPHER: Off the record.

10 Camera time 16:58.

11 (Whereupon, the deposition concluded for the
12 day at 4:58 p.m.)

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SIGNATURE PAGE OF DWAIN WATERS

Page Line Should be Changed to Read

DWAIN WATERS

Sworn to before me

this____ day of _____ 2017.

Notary Public

C E R T I F I C A T I O N

I, MARK L. DENNIS, Court Reporter and Notary
Public in and for the State of New York, DO HEREBY CERTIFY
that I attended the foregoing proceedings, took stenographic
notes of the same, that the foregoing, consisting of 164
pages, is a true and correct copy of same and the whole
thereof.

MARK L. DENNIS

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