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1 CAUSE NO. 28,808
2 HENRY DAVIDSON, et al) IN THE DISTRICT COURT
3 VS.) MILAM COUNTY, TEXAS
4 AMETEK, INC., et al) 20TH JUDICIAL DISTRICT

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ORAL DEPOSITION OF
VOLUME 1 OF 1
FEBRUARY 2, 2004

16 ORAL DEPOSITION OF [REDACTED] produced as a witness duly
17 sworn by me at the instance of the Defendant, Owens-Illinois,
18 taken in the above styled and numbered causes on the 2nd day of
19 February, 2004, from 4:01 p.m. to 4:51 p.m., before Misty
20 Fondren Clements, Certified Shorthand Reporter No. 4026, in and
21 for the State of Texas, at the Law Offices of Cappolino, Dodd &
22 Krebs, 312 S. Houston Avenue, Cameron, Texas 76520, pursuant to
23 the Texas Rules of Civil Procedure (and the provisions stated
24 on the record or attached herein).
25

0002 APPEARANCES

1 FOR THE PLAINTIFFS:
2 Mr. Craig Brown
3 CAPPOLINO, DODD & KREBS
4 312 South Houston Avenue
5 Cameron, Texas 76520
6 Ph: (254) 697-4965 Fax: (254) 697-4969
7
8 FOR THE DEFENDANT, T.H. AGRICULTURE AND NUTRITION:
9 Mr. Frederick J. Wagner
10 SHEEHY, SERPE & WARE, P.C.
11 2500 Two Houston Center
12 909 Fannin Street
13 Houston, Texas 77010-1003
14 Ph: (713) 951-1010 Fax: (713) 951-1199

15 FOR THE DEFENDANTS, DANA CORPORATION AND CERTAINTEEDED:
16 Mr. Roy L. Reeves
17 DEHAY & ELLISTON, L.L.P.
18 3500 Bank of America Plaza
19 901 Main Street
20 Dallas, Texas 75202
21 Ph: (214) 210-2400 Fax: (214) 210-2500

22 FOR THE DEFENDANTS, GARLOCK SEALING INDUSTRIES, INC.:
23 Mr. Nathan Andersen
24 SEGAL, MCCAMBRIDGE, SINGER & MAHONEY, LTD.
25 100 Congress Avenue, Suite 700

Austin, Texas 78701

21 Ph: (512) 476-7834 Fax: (512) 476-7832
22 FOR THE DEFENDANT, GENERAL ELECTRIC:
23 Ms. Rhonda Mates
24 BROWN & MCCARROLL, L.L.P.
25 111 Congress Ave, Suite 1400
Austin, Texas 78701-4043
Ph: (512) 479-9790 Fax: (512) 479-1101

0003

1 FOR THE DEFENDANT, GEORGIA-PACIFIC:
2 Mr. Mark D. Downey
3 BELL, NUNNALLY & MARTIN, L.L.P.
4 1400 One McKinney Plaza
5 Dallas, Texas 75204-2429
6 Ph: (214) 740-1482 Fax: (214) 740-1499

7 FOR THE DEFENDANT, OWENS-ILLINOIS:

8 Mr. Randolph L. Burns
9 EDWARDS & GEORGE, L.L.P.
10 Suite 400
11 Dallas, Texas 75202
12 Ph: (214) 749-1400 Fax: (214) 749-1010

13 FOR THE DEFENDANT, AMETEK, INC.

14 Mr. Nehal Sanghani
15 CONNELLY, BAKER, WOTRING & JACKSON, L.L.P.
16 700 Louisiana
17 Suite 1850
18 Houston, Texas 77002
19 Ph: (713) 980-1700 Fax: (713) 980-1701

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14 EXHIBITS
15 (No exhibits marked.)

16 STIPULATIONS

17 The parties in the above entitled and numbered cause agree
18 that the Deposition shall be taken pursuant to the Texas Rules
19 of Civil Procedure.

20 The parties agree that all objections as to the form of
21 the question and the responsiveness of the answer are to be
22 made at the time of the taking of said deposition; but that all
23 other objections are reserved and may be made at the time this
24 deposition, or any part thereof, is offered on the trial.

25 The parties further agree that examination and signature
of the witness to the deposition transcript was waived by the
witness and agreement of the parties at the time of the
deposition.

0006

1 having been first duly sworn, testified as follows:

2 EXAMINATION

3 BY MR. BURNS:

4 Q. Hi, ma'am. My name is Randy Burns. Could you tell
5 me how to pronounce your last name?

6 A. [REDACTED]

7 Q. [REDACTED]

8 A. Uh-huh.

9 Q. You ever had a deposition -- have you ever had a
10 deposition taken before or given testimony?

11 A. No.

12 Q. Okay. Just a couple of things that I'd like for you
13 to keep in mind while we're doing this. She has to write
14 everything down.

15 A. Uh-huh.

17 Q. And so if you -- if you go "uh-huh" or shake your
18 head, she can't write it down.

19 A. Okay.

20 Q. So if you'll try to remember to answer out loud, and
21 if I remind you, it's just because we want the record to be
22 clear, okay?

23 A. Okay.

24 Q. Second thing is, we can't talk over each other. So
25 even if you think you know what I'm going to say or even if I
0007

1 think I know what you're going to say and we get to talking
2 over each other, she's going to get upset. So if we could try
3 just to wait, okay?

4 A. Uh-huh.

5 Q. The other things is, is that there may be some
6 objections by people, and those are legal matters for the
7 lawyers. It's nothing against you personally, but if somebody
8 objects, if you could wait to answer so the court reporter can
9 write down what we're saying, that would make her job a little
10 bit easier, okay?

11 A. Yes.

12 Q. All right. When is your birthday, ma'am?

13 A. [REDACTED]

14 Q. And I suppose that makes you 74 today?

15 A. 73. I'll be 74 in October.

16 Q. Okay. I'm not good at public birthday math.

17 And did you grow up in the area here?

18 A. [REDACTED]

19 Q. Where is that in proximity to Milam County?

20 A. About 40 miles from here.

21 Q. Which direction?

22 A. Towards Austin. What is that?

23 Q. Is that kind of Southwest?

24 A. Yeah.

25 Q. Currently married?

0008
1 A. Yes.

2 Q. What's your husband's name?

3 A. [REDACTED]

4 Q. Ever been married to anybody other than [REDACTED]

5 A. No.

6 Q. Do you all have any children?

7 A. Two children.

8 Q. How old are they?

9 A. My daughter is [REDACTED] and my son is [REDACTED]

10 Q. All right. And they don't live with you or anything
11 like that, do they?

12 A. No. They're married.

13 Q. Been out of the house for a long time?

14 A. Oh, yes.

15 Q. All right. You don't contribute to their household
16 expenses or contribute to support them in any way, do you?

17 A. No, I don't.

18 Q. When did you get married to [REDACTED]

19 A. Pardon?

20 Q. When did you get married to [REDACTED]

- 21 A. When?
 22 Q. Yes.
 23 A. Let's see. [redacted]
 24 Q. And was [redacted] working at the time that you met him?
 25 A. He -- well, he was driving a truck, a lumber truck.
 0009
 1 Q. What did he do after he drove the lumber truck?
 2 A. Oh, let's see. He worked at -- one time he worked at
 3 a grocery store. Then he worked at, like [redacted] where
 4 they made mattresses and stuff like that.
 5 Q. How long did he do that?
 6 A. I don't -- I don't know, just a few years. It wasn't
 7 too long. I'm not sure.
 8 Q. More than a year?
 9 A. Yes, I would think so.
 10 Q. And that was called [redacted]?
 11 A. Yes.
 12 Q. What did he do after that?
 13 A. Let me think. That was a long time in between. I
 14 know he worked -- after that, he worked in that little grocery
 15 store and then he -- he worked in a feed store at one time,
 16 too [redacted] (phonetic).
 17 Q. All right. Where else?
 18 A. That's -- and he might have gone to work for [redacted]
 19 Q. Okay. So when you met him, he was driving a truck
 20 and that was in May of [redacted] right?
 21 A. Uh-huh.
 22 Q. Is that a yes?
 23 A. Yes.
 24 Q. Okay. And then between the time that he started
 25 working at [redacted] he held the following jobs:
 0010
 1 Worked at a grocery store?
 2 A. Yes.
 3 Q. Worked for [redacted]
 4 A. Yes.
 5 Q. Worked at a feed store?
 6 A. Yes.
 7 Q. And do you know what month or year he started working
 8 for [redacted]?
 9 A. [redacted] I believe he started at [redacted] of [redacted]
 10 something like that.
 11 Q. Do you know one way or the other for sure whether it
 12 was [redacted]?
 13 A. [redacted] believe.
 14 Q. And about what time of year do you think it was?
 15 Spring? Summer? Fall? Winter?
 16 A. Oh, let's see. I'd say around -- not quite sure what
 17 month it was. It was in the fall, I believe.
 18 Q. Fall? Okay.
 19 Do you know what he did when he hired on at
 20 ALCOA?
 21 A. I don't know if he piddled, or they might have called
 22 it piddling at the time when they started him out. I'm not
 23 sure.
 24 Q. Do you know what he -- do you know what promotions or

- 25 positions that he held over the years?
 0011
 1 A. No. He just worked potrooms and -- most the time.
 2 Q. Do you know what he did in the potrooms?
 3 A. Not too much. I just know he worked there. I don't
 4 know what kind of work it was.
 5 Q. Okay.
 6 A. I just know he pot tendered.
 7 Q. Did he ever talk to you about what he did during the
 8 day, when he'd come home at night?
 9 A. Well, just how hard it was and how he had -- how he
 10 had to kind of work with pots and that's about all.
 11 Q. Okay. Did he ever give you any details about what he
 12 was doing, or was it just general statements like, "I had a
 13 hard day," or whatever?
 14 A. No. No, not too much what he was doing.
 15 Q. Did you ever visit him while he was working there?
 16 A. No.
 17 Q. Did you ever tour the plant?
 18 A. Yes, I did one time.
 19 Q. Do you remember when that was?
 20 A. Oh, gosh, let's see. I'd say about 40 some odd years
 21 ago. They had a -- I'm not sure, but it's been a long time.
 22 My little son was just a little boy. I can't remember that
 23 part either.
 24 Q. Was it like an open house or something?
 25 A. Yes, it was.
 0012
 1 Q. Was it the situation where the families of all the
 2 worker's were invited to come and look around the facility?
 3 A. Yes.
 4 Q. Do you have any memories about what the facility
 5 looked like or anything sticks out in your head about that from
 6 that visit?
 7 A. Not really.
 8 Q. Did it look like a -- did it look like a nice place
 9 to work in your opinion or was it a --
 10 A. Well, it was a big factory. They had a lot of pots,
 11 what they called pots, you know, in the line, and that's all I
 12 remember of the potrooms and --
 13 Q. Okay. But you couldn't give us any detail about the
 14 condition of the facility or any memories like that?
 15 A. No, not --
 16 Q. If I were to ask you questions about what your
 17 husband did on a day-to-day basis during his shift, would you
 18 be able to answer any of those questions?
 19 A. The only thing I could tell you, that he would do his
 20 pots and that's it. I mean, you know, he would never tell me
 21 exactly what --
 22 Q. Okay.
 23 A. -- what he did and how he done it and all that.
 24 Q. And --
 25 A. And it was hot. That's -- you know, mostly that kind
 0013
 1 of stuff.
 2 Q. Okay. To follow up on that, if I were to ask you

3 what types of tools he was working with while he was doing his
4 job, would you be able to answer those questions?
5 A. No, I don't think so.
6 Q. And if I was to ask you about the different supplies
7 or materials that he might have had to use as part of his job
8 or that would have been used in the plant, would you be able to
9 answer any of those questions?
10 A. No, I don't think.
11 Q. If I was to ask you -- again, following up on this --
12 about what the working conditions were like in the plant while
13 he was there during his shift, is that something you'd be able
14 to answer?
15 A. No.
16 Q. All right. Do you know why all of us are sitting
17 here in this room asking you questions today?
18 A. Well, I don't know, not for sure. Can you tell me?
19 Q. Has somebody told you that you have a disease related
20 to asbestos exposure?
21 A. Well, no.
22 Q. Do you have a family doctor?
23 A. Yes.
24 Q. Who is your family doctor?
25 A. Dr. Gaffney in Scott & White.
0014
1 Q. Doctor -- is that G-A-F-F-N-E-Y?
2 A. N-E-Y, yes.
3 Q. When is the last time you saw Dr. Gaffney?
4 A. Let's see, about four months ago.
5 Q. And what did you see Dr. Gaffney for four months ago?
6 A. It was my regular checkup.
7 Q. Okay. Your yearly checkup?
8 A. Uh-huh.
9 Q. Did you get a flu shot?
10 A. Yes.
11 Q. When did you get that?
12 A. When I went up there about three or four months ago.
13 It was September.
14 Q. Okay. So you got your flu shot at about the same
15 time you had your yearly checkup or was it at the same time?
16 A. The same time.
17 Q. Okay. Did you get the flu shot because you were
18 worried about getting the flu this year?
19 A. Uh-huh, then I got it.
20 Q. Got it anyway?
21 Do you see Dr. Gaffney when you get colds and
22 sore throats and that type of thing?
23 A. Well, I haven't been. I do when I go -- if I have to
24 go.
25 Q. Okay.
0015
1 A. But she checks me every six months, is what she does.
2 Q. Is that for any particular medical condition or do
3 you just go once every six months for --
4 A. Just routine.
5 Q. Do you consider yourself to be pretty healthy then, I
6 take it?

7 MR. BROWN: Form.
8 A. Sometimes, yes.
9 Q. (By Mr. Burns) Okay. Well, I mean, it doesn't sound
10 like you've gone to see the doctor in the past year or so for
11 being sick --
12 A. Uh-huh.
13 Q. -- is that correct?
14 A. Yeah.
15 Q. Do you like Dr. Gaffney?
16 A. Oh, yes.
17 Q. Is Dr. Gaffney a woman?
18 A. Yes.
19 Q. Okay. Do you trust her judgment?
20 A. Yes.
21 Q. And when you go, do you tell her about all the
22 maladies or ills that might be affecting you?
23 A. Yes, I do.
24 Q. Has there ever been a time when you've told
25 Dr. Gaffney about something that you thought was affecting your
0016
1 health and she didn't fix it?
2 A. No. She always tries something.
3 Q. And I take it that Dr. Gaffney has never told you
4 that you suffer from some condition related to asbestos
5 exposure?
6 A. No. She never told me.
7 Q. Did you ever work outside the home?
8 A. Yes, I did, uh-huh.
9 Q. Okay. What did you do? Can you give me a little
10 history on that?
11 A. Well, when I was younger, I worked in a sewing
12 factory for about [redacted] years.
13 Q. When did you stop doing that?
14 A. Oh, golly. Let me see. About 15 years ago, I guess,
15 maybe more than that.
16 Q. Did you retire?
17 A. Yes, I'm retired now.
18 Q. No. Did you retire from the sewing factory?
19 A. Oh, no, no. They closed up.
20 Q. Okay. What did you do, if anything, after you
21 stopped working at the sewing factory?
22 A. I went to work for intercraft here in Taylor.
23 Q. What do they do there?
24 A. They make picture frames.
25 Q. All right. How long did you work for them?
0017
1 A. About [redacted] years.
2 Q. What did you do for them?
3 A. I worked in shipping and then I -- I worked a little
4 with the frames. And then I got the -- worked in the
5 accounting office the rest of the time, and I retired after
6 years.
7 Q. Did you retire just because it was a time in your
8 life when you wanted to retire?
9 A. Yes.
10 Q. It wasn't because you had a health condition causing

11 you to retire?
12 A. Oh, no.
13 Q. You're not claiming any lost wages because of any
14 disease that's associated with asbestos, are you?
15 A. No.
16 Q. And you're not claiming any mental anguish because of
17 some disease related to asbestos, are you?
18 A. No.
19 MR. BROWN: Object, form.
20 Q. (By Mr. Burns) And you're not claiming any out of
21 pocket healthcare medical expenses because of some disease
22 associated with asbestos, are you?
23 A. No.
24 Q. And you're not claiming that your relationship with
25 your husband has been affected in any way by some disease
0018
1 allegedly associated with asbestos, are you?
2 A. No.
3 Q. Do you know how you came to be sitting here today
4 with all of us nice folks here asking you questions?
5 A. Well, what do you mean by that?
6 Q. Well, let me start that over. You just told me --
7 let me make sure I understand you right -- no one has ever told
8 you that you have a disease related to asbestos, right?
9 A. Only what I got from the doctor at one time, you
10 know, from Waco. That's the one that I got there.
11 Q. Do you have a doctor in Waco?
12 A. Well, we just went for a checkup there.
13 Q. Who is that doctor?
14 A. Richey, I think.
15 Q. Okay. Is that a man or a woman?
16 A. It's a man.
17 Q. Have you ever seen Dr. Richey before that?
18 A. No.
19 Q. How did you find out about Dr. Richey?
20 A. Well, they just sent us there.
21 Q. Who is "they"?
22 A. Well, they sent me a letter to go up to Waco to get a
23 check up.
24 Q. Okay. Well, what I'm trying to figure out is the
25 "they" you're referring to.
0019
1 A. Pardon?
2 Q. Who is the "they", you're referring to?
3 A. Oh, from here, the lawyer.
4 Q. The lawyer sent you a letter to tell you to go to
5 Dr. Richey, is that correct?
6 A. Well, that's what we all did.
7 Q. All right. And you didn't go see Dr. Richey because
8 you were feeling sick, right?
9 A. No.
10 Q. And Dr. Richey is not your regular doctor, right?
11 A. No.
12 Q. And you don't have any appointments to see
13 Dr. Richey?
14 A. No.

Page 9

15 Q. And Dr. Richey didn't give you any prescriptions or
16 prescribe you any course of treatment?
17 A. No.
18 Q. And have you told Dr. Gaffney about what Dr. Richey
19 told you?
20 A. Not yet, I haven't, no.
21 Q. And when did you go see Dr. Richey?
22 A. It's been about a year and a half ago.
23 Q. Okay. And did you learn a year and a half ago what
24 Dr. Richey had to say about your medical condition?
25 A. Not right away, no.
0020
1 Q. About how long was it after your visit that you
2 learned about that?
3 A. Well, let's see. Well, it wasn't too long ago, about
4 a year or so ago.
5 Q. Okay. And you've been to see Dr. Gaffney at least
6 two times since that --
7 A. Uh-huh.
8 Q. -- time you went to see Dr. Richey, right? Is that
9 right?
10 A. Oh, yeah.
11 Q. And even though you had Dr. Richey's results in your
12 hands, you didn't, and still haven't, told Dr. Gaffney about
13 it, correct?
14 A. No, I did not. I mean, was I supposed to? I mean, I
15 didn't realize I should have done that.
16 Q. Okay. But whatever Dr. Richey had to say about your
17 medical condition didn't concern you enough to go run and tell
18 Dr. Gaffney about it, right?
19 A. Well, I was worried about it, but it just didn't -- I
20 just didn't think about having it done over again.
21 Q. Okay. Do you understand that you've sued a bunch of
22 companies for money because of what Dr. Richey had to say?
23 A. Well, I didn't realize -- yes, I do.
24 Q. Okay. What I want to know is, if you don't have any
25 out of pocket damages, if you're not worried about your
0021
1 condition, if it's not affecting your relationship with your
2 husband, why you're bringing a lawsuit asking for money.
3 MR. BROWN: Object, form.
4 Q. (By Mr. Burns) You can answer it.
5 A. Well, I just -- I just got started with this and
6 that's where -- I mean, that's where I've got...
7 Q. Is this lawsuit about money to you?
8 MR. BROWN: Object, form.
9 A. No, it's about my health.
10 Q. (By Mr. Burns) You say it's about your health and
11 not about money. What do you mean by that?
12 A. Well, I'm worried about my health. I want to know
13 what's --
14 Q. Did Dr. Richey tell you there was something you
15 needed to be worried about?
16 A. No. He didn't tell me anything. He was -- it was in
17 a letter.
18 Q. All right. Does your husband have an asbestos

Page 10

19 lawsuit?
20 A. He's with other lawyers.
21 Q. If Dr. Gaffney had never told you that you had any
22 problems related to asbestos, how was it that you got or
23 decided to come and talk to these lawyers? I don't want to
24 know what you told them, but how did you personally make the
25 decision to come here and talk to them?

0022 1 A. Well, I took x-rays when they had x-rays going on
2 here.
3 Q. Okay. Back up for a minute. Who had x-rays?
4 A. Well, they had x-rays for us to take -- well, I don't
5 know who it was at those x-ray places and they were taking
6 x-rays. It was in the paper, and we came up here to have it
7 done.
8 Q. Okay. So you saw an ad in the newspaper?
9 A. Yeah, to take x-rays. Yeah, for x-rays.
10 Q. And where did it tell you to go to get the x-rays?
11 A. Well, they had them here in Rockdale.
12 Q. At a medical clinic?
13 A. No. It was a mobile --
14 Q. A trailer?
15 A. Yes.
16 Q. Have you ever gone to a trailer to seek medical
17 attention before?
18 A. No.
19 Q. Do you know if there was a doctor present in the
20 trailer?
21 A. No, I didn't know.
22 Q. Did anybody in the trailer give you a diagnosis --
23 A. No.
24 Q. -- or talk to you about your condition at all?
25 A. No.

0023 1 Q. Did they give you the x-rays when you left the
2 trailer?
3 A. No.
4 Q. Do you know where the x-rays went after you got them
5 taken?
6 A. No, I didn't.
7 Q. Do you know how many people were at the trailer that
8 day getting x-rays?
9 A. There was a lot of people there. I don't know.
10 Q. Do you remember when this was?
11 A. It might have been about two years ago, I guess,
12 maybe longer.
13 MR. BURNS: I think that's all the
14 questions I have for now. I'll let some of these other folks
15 ask you some questions. Thank you very much.
16 THE WITNESS: Okay.
17 EXAMINATION
18 BY MR. ANDERSEN:
19 Q. Are you ready to continue?
20 A. Yes.
21 Q. My name is Nathan Anderson. I also represent a
22 defendant in this case.

23 Do you believe you were exposed to asbestos?
24 A. Well, I -- maybe, I'm not sure. I don't know.
25 Q. Okay. Did you discuss your asbestos exposure with
0024 1 either Dr. Richey or Dr. Segarra?
2 A. No.
3 Q. Okay. Did you ever go see a man named Dr. Segarra?
4 A. No.
5 Q. Does that name sound familiar to you at all?
6 A. No.
7 Q. Did you ever receive any information from a
8 Dr. Segarra?
9 A. I don't think so, not that I know of.
10 Q. Okay. Are you aware of all the doctors your
11 attorneys might have sent information to?
12 A. No.
13 Q. Okay. Are you in constant contact with your
14 attorneys -- not the substance of what you talk about -- but do
15 you talk to them on a regular basis?
16 A. Not too much, though.
17 Q. Okay. Is there anything you've talked to your
18 husband about that you believe would have exposed you to
19 asbestos and why you're here today?
20 A. Only washing his clothes. That's all.
21 Q. Okay. And did you talk to your husband about
22 anything regarding asbestos at the plants which you believe
23 washing his clothes would expose you to asbestos?
24 A. No.
25 Q. Okay. Do you have any reason why doing his laundry
0025 1 or washing his clothes would expose you to asbestos?
2 A. Well, I know that he worked where the asbestos was
3 and he brought his clothes home and I washed them.
4 Q. Okay. Was this a daily thing you did or was this
5 once a week?
6 A. Three times a week he brought them home.
7 Q. All right. Did he ever shower or clean up at the
8 facility?
9 A. Well, they showered, but he brought his clothes home
10 to wash.
11 Q. Okay. But was there a point in time during the day
12 where he would take off his clothes and put them in some other
13 receptacle, take a shower and put on new clothes and come home?
14 A. He did that at work.
15 Q. Okay. So that was at a locker room or somewhere at
16 ALCOA?
17 A. Yes.
18 Q. Okay. So he didn't just get in his car and drive
19 straight home after work? There was a procedure involved?
20 A. No. He had a satchel. He brought his clothes home
21 in that.
22 Q. Okay. Did you ever look inside the satchel or did he
23 just hand you the satchel?
24 A. Oh, yeah. He handed me the satchel and I took them
25 and washed them, shook them out and washed them.
0026

1 Q. Did your husband ever do a preliminary shakedown in
2 order to be kind to you and get a little bit of extra debris
3 off that might be on there?
4 A. No. I don't think so. I think they just wrapped
5 them up and put them in there.
6 Q. Did you ever discuss that with your husband?
7 A. No, because we didn't know that was there, that we
8 would have something like that.
9 Q. And that's not directly my question. My question is,
10 you just said -- your husband's name is [redacted] right?
11 A. Yes.
12 Q. You never did ask [redacted] "What do you do when you
13 take off your clothes? Did you snap them out?" Or did you
14 ever ask him to?
15 A. No.
16 Q. Where did you do --
17 A. I said --
18 Q. I'm sorry. Go ahead.
19 A. No. I said I don't think so because we don't -- we
20 never did. He just brought them home and I just washed them.
21 We never -- I never did talk to him about what -- how he did it
22 or what he did.
23 Q. Does he knock his boots off and dust himself off if
24 he's worked out in the yard, things like that, before coming in
25 the house?
0027
1 A. He does that, yes.
2 Q. Okay. Because you'll holler at him, right --
3 A. Yes.
4 Q. -- because you'll have to clean it up?
5 A. Yes.
6 Q. You would holler at him, right?
7 A. Yes.
8 Q. I would think so. Most people do. I've been
9 hollered at a lot.
10 Your conversations with Mr. [redacted] from anytime
11 from way back when he worked, all the way up until today before
12 you came, have they ever involved this case, why you're here or
13 any types of products he believed he worked around at ALCOA?
14 A. No.
15 Q. Have you talked at all to your husband about this
16 case?
17 A. Well, well, about the case. Well, I don't know. I
18 don't understand what he was working with. You know, we never
19 talked about his -- all his working time there. We just -- I
20 just knew where he worked and what kind of work he did.
21 Q. Well, for instance --
22 A. I don't know what he worked around.
23 Q. -- you said he had an asbestos case with another
24 firm; is that correct?
25 A. Yes.
0030
1 Q. Do you remember the name of that firm?
2 There was one called Waters & Kraus that was in
3 town for some time in Cameron.
4 A. No. It was Sears and something. No, it's out of --

5 it's out of Arlington.
6 Q. Foster & Sears?
7 A. Yes.
8 Q. Does that name sound familiar?
9 A. Yes.
10 Q. Has that case been resolved, settled or otherwise
11 disposed of?
12 A. No.
13 Q. Is it hanging in the balances?
14 A. Hanging in the balance, and as far as it's got in it.
15 Q. Has your husband contacted that firm, to the best of
16 your knowledge, to see what the progress is on that case?
17 A. I don't think, no.
18 Q. Do you know when that case was filed?
19 A. Gosh, I don't know. I don't remember.
20 Q. And if you don't know, that's fine. "I don't know"
21 is a very acceptable answer. I just want to find out what you
22 do know, okay?
23 A. Yes.
24 Q. And I'm not trying to make you feel bad if you don't
25 know these questions.
0029
1 A. I don't remember.
2 Q. Does your husband know where you are today?
3 A. Yes.
4 Q. And did you have a conversation with him before you
5 came up here about what to expect or what was going to be asked
6 of you?
7 A. Well, we talked, but we didn't know what I'm going to
8 be asked or anything. I didn't know that.
9 Q. Was he ever deposed or gone through this process with
10 the court reporter?
11 A. No, he hasn't.
12 Q. Did he go through the screening process at the same
13 time that you did or a prior date?
14 A. No. Oh, no. It's been longer than me. It's been
15 several years ago.
16 Q. Do you-all have any friends who have been diagnosed
17 with an asbestos-related condition that worked out at ALCOA?
18 A. Well, he probably did because a lot of guys, you
19 know, that -- he worked with a lot of them and they -- he knew
20 all of them.
21 Q. Did you know any of the wives that worked -- of your
22 husband's co-workers?
23 A. Maybe just knew them, but I didn't -- wasn't really
24 with them. You know what I mean? We weren't --
25 Q. You weren't buddy-buddy?
0030
1 A. Yeah. We just -- I never did get to meet them. I
2 just probably knew who they were, some of them, not too many.
3 Q. Is there any of his friends that came over to the
4 house on a regular basis or y'all did stuff with?
5 A. Well, just one -- one couple, that's all, that just
6 come by, but they -- they lived in Taylor.
7 Q. He also worked at ALCOA?
8 A. Yes, he worked at ALCOA. They worked together.

9 Q. What was their name?
10 A. [REDACTED]
11 Q. [REDACTED] is that [REDACTED]
12 A. [REDACTED]
13 Q. [REDACTED]
14 And do you still socialize with them at all?
15 A. Once in a while now, that's all, but just mostly on
16 the phone.
17 Q. You do visit on the phone still?
18 A. Yeah.
19 Q. Do you exchange Christmas cards, things like that?
20 A. No. We don't do that.
21 Q. Do you exchange Christmas cards with anybody?
22 A. Very few.
23 Q. Okay. That helps.
24 MR. ANDERSON: I think that's all I have for
25 you. Thank you for your time.
0031
1 Q. (By Mr. Anderson) Did your children ever help with
2 the laundry?
3 A. No, I don't think so.
4 Q. Okay. Now, you have one son and one daughter and
5 that's it?
6 A. Yes.
7 MR. ANDERSON: I appreciate your time. Thank
8 you.
9 THE WITNESS: Thank you.
10 (Discussion off the record.)
11 EXAMINATION
12 BY MR. WAGNER:
13 Q. Ms. [REDACTED] my name is Fred Wagner. I represent one
14 of the defendants in this case. Are you all right to go on?
15 A. Yes.
16 Q. Okay. I have a few questions. I may skip around a
17 little bit, so you'll have to bear with me.
18 Your two children [REDACTED] and [REDACTED] did they
19 ever suffer from any kind of lung ailments as they were growing
20 up?
21 A. No, they didn't.
22 Q. As far as you know, are they both healthy?
23 A. Yes, they are.
24 Q. Okay. You had a pacemaker installed, didn't you?
25 A. Yes.
0032
1 Q. When was that?
2 A. About a year and a half ago.
3 Q. And were you suffering any kind of health problems
4 prior to that pacemaker going in?
5 A. Yes, about -- oh, about three years, something like
6 that. I was always short of breath and my heart was pumping
7 overtime and I couldn't do anything, so...
8 Q. Have you ever suffered a heart attack?
9 A. No, I didn't.
10 Q. Let me ask you, which doctor did the surgery for the
11 pacemaker?
12 A. I can't remember the doctor, but Dr. Gaffney was my

13 doctor at the time and she recommended it, so -- and I can't
14 remember the doctor's name.
15 Q. Where was that?
16 A. At Scott & White in Temple.
17 Q. It was up at Scott & White?
18 A. Yes.
19 Q. Have you had any problems with the pacemaker since it
20 was put in?
21 A. No.
22 Q. After --
23 A. Just short -- I'm still short of breath, but it's not
24 giving me any problems.
25 Q. Did the pacemaker improve your health condition, in
0033
1 your opinion?
2 A. Just my pacemaker -- my -- my pacing heart. It paced
3 a lot and this has slowed it down, so --
4 Q. Okay. Ma'am, let me ask you, have you ever been
5 diagnosed with pleurisy?
6 A. No. Maybe about [REDACTED] years ago, I might have had --
7 maybe. I was washing a porch and I got a little pleurisy, but
8 that's been -- I know it's been every bit of [REDACTED] years ago
9 because my girl was just a baby.
10 Q. All right. Have you ever been diagnosed with
11 tuberculosis?
12 A. No.
13 Q. Ever been around family members who suffered from
14 tuberculosis?
15 A. No.
16 Q. Have you ever been diagnosed with any kind or form of
17 asthma?
18 A. No.
19 Q. Have you ever been diagnosed with any allergies?
20 A. Not really, no, not really. I don't hardly ever get
21 any allergies. I sneeze once in a while, but that's nothing.
22 Q. Just something seasonal?
23 A. Yeah.
24 Q. Okay. Have you ever been involved in any kind of
25 accident where you've had a broken rib?
0034
1 A. No.
2 Q. Any injuries or blows to your chest?
3 A. No.
4 Q. Okay. Ma'am, is it safe to say, from what testimony
5 you've given us, that you've never seen any product containers
6 or anything that your husband specifically worked with while he
7 was working at ALCOA?
8 A. No, I haven't.
9 Q. So you couldn't tell us anything about any labels or
10 any warnings on any containers or bags or anything like that?
11 A. No. I don't think -- no, because he never said
12 anything.
13 Q. I take it then you've also never seen any kind of
14 written instructions or warnings that may have come along with
15 any of those products?
16 A. No.

17 Q. Have you ever heard of the term Material Safety Data
18 Sheet, MSDS?
19 A. No.
20 Q. Okay. So is it safe to say you haven't read anything
21 about specific products and relied upon what was written about
22 those products?
23 A. No, I don't.
24 Q. Okay. Did your husband ever mention to you that part
25 of his job in the potroom included performing any drywall work?
0036
1 A. No, he sure didn't.
2 Q. Has your husband ever done any drywall work at the
3 house?
4 A. No.
5 Q. Okay. I just want to ask you, do you remember
6 receiving from your lawyers a set of questions that the
7 attorneys were asking in this case called interrogatories where
8 you had to fill out answers to them?
9 A. Oh, gosh, if I did, I don't remember.
10 Q. Okay. Part of the interrogatory answers that we
11 received in this case included -- I'll show this to you here --
12 a work history sheet which was marked as, I believe, Exhibit 1.
13 Does that look familiar at all to you, ma'am?
14 A. Uh-huh. That's my husband here.
15 Q. But as far as -- does this look familiar to you, as
16 far as you filling this out or writing answers?
17 A. Me filling it out?
18 Q. Yes.
19 A. No.
20 Q. I want to turn to the next page called Exhibit A, and
21 it lists different kinds of products and it says, "Worked with
22 and worked around." Did you provide that information?
23 A. No, I didn't.
24 Q. Okay. You wouldn't have any idea of knowing exactly
25 what your husband worked with?
0036
1 A. I have no idea.
2 Q. Okay. Have you been informed that this case --
3 your case, I believe, is one of the cases that's set for March
4 29th, 2004 for trial? Have you been told that?
5 A. Yes, I have.
6 Q. Let me ask you, do you have any blood relatives who
7 live here in Milam County?
8 A. No, I sure don't.
9 Q. Okay. And any relatives by marriage that live here
10 in Milam County?
11 A. No.
12 Q. Okay. Do you attend any kind of church here in Milam
13 County?
14 A. No.
15 Q. Okay. And you currently live in Taylor, is that
16 right?
17 A. Yes.
18 Q. How long have you lived in Taylor?
19 A. All my life.
20 Q. Okay. Let me ask you, the screening with Dr. Richey,

21 did you actually sit down and meet with Dr. Richey?
22 A. Uh-huh, yes.
23 Q. Okay. How long would you say that lasted?
24 A. About 20 minutes or so, not too long.
25 Q. When you met with him, do you recall what y'all spoke
0037
1 about?
2 A. Well, he asked me a few questions like what kind of
3 symptoms I had, like shortness of breath and stuff like that,
4 and just basically my health. That's it. I can't remember
5 what all he asked.
6 Q. And he never sat down with you afterwards to discuss
7 your results in any detail?
8 A. No.
9 Q. You received the results basically in a letter form?
10 A. Uh-huh, yes.
11 Q. Okay. Was the letter generated by Dr. Richey or was
12 it generated by your lawyers?
13 A. No. It was generated from there.
14 Q. And you have a copy of that report at your home?
15 A. At home, yes.
16 Q. Okay. Other than Dr. Richey, have you ever sat down
17 and talked to any expert who's been identified as being hired
18 for your case?
19 A. No.
20 MR. WAGNER: Thank you for your time. I believe
21 that's all the questions that I have.
22 EXAMINATION
23 BY MR. DOWNEY:
24 Q. Ma'am, my name is Mark Downey. I represent one of
25 the defendants in this case. I just have a couple of questions
0038
1 for you.
2 Did your husband ever work with either one of
3 your children at ALCOA?
4 A. No. Well, my son works there now, but they didn't
5 work together.
6 Q. When did your son start working at ALCOA?
7 A. He's been there [redacted] years now, so I don't know what
8 year that was.
9 Q. So did the time that your son worked at ALCOA cross
10 any time that your husband also worked at ALCOA?
11 A. Yeah. They worked there together. They even rode
12 together for a while, but they worked different departments.
13 Q. Okay. Can you tell me how many years that your
14 husband and your son both worked at ALCOA?
15 A. Gosh, I don't know. Let's see. He retired in [redacted]. I
16 think I don't know. I don't know what year he started, but I
17 just know he was there [redacted] years.
18 Q. But your son's still currently there?
19 A. Yes.
20 Q. And you think it's been [redacted] years that he's been there
21 today --
22 A. Yeah.
23 Q. -- as of today?
24 A. Yeah.

25 Q. Do you know if your son has an asbestos-related
0039 [REDACTED]
1 lawsuit?
2 A. No. He doesn't have one.
3 Q. Has your son ever described what your husband did at
4 ALCOA?
5 A. No. He talks less than my husband.
6 COURT REPORTER: I'm sorry.
7 THE WITNESS: He talks less than my husband.
8 I'm sorry.
9 Q. (By Mr. Downey) So is it accurate to say that you've
10 never had an opportunity to speak with your son about products
11 that may have been used by your husband at ALCOA?
12 A. No, I never did.
13 MR. DOWNEY: No further questions. Thank you.
14 EXAMINATION
15 BY MR. REEVES:
16 Q. Ms. [REDACTED] how are you today?
17 A. Okay.
18 Q. Are you okay to continue?
19 A. Oh, yes.
20 Q. Everybody asks that, don't they?
21 A. Yeah.
22 Q. I always feel like I'm supposed to say something,
23 I've got some friends that live in Taylor and I
24 so bad want to just ask if you know them, but I don't think
25 that's appropriate at this moment?
0040
1 A. I probably do.
2 Q. Some questions that I have -- I was looking through
3 the discovery. It says that you were in the military at one
4 point. Was that a typo?
5 A. Oh, no, I wasn't.
6 Q. You were never in the military?
7 A. No.
8 Q. Okay. And I may have misread that. I just had to
9 verify that. It's in my head. Okay.
10 I want to ask about your mother for a moment.
11 What was her name?
12 A. [REDACTED]
13 Q. [REDACTED] Uh-huh. Her -- she was
14 maiden name [REDACTED]
15 Q. Okay.
16 A. And her last -- she married my dad [REDACTED]
17 Q. [REDACTED]?
18 A. Uh-huh, yes.
19 Q. That's an unusual name. I've never heard of that
20 one. Is it Czech?
21 A. Czech, it is.
22 Q. Do you speak any of the language?
23 A. I still know it.
0041
1 Q. Really? Okay.
2 A. Oh, yeah. I don't get an opportunity to talk much,

3 but...
4 Q. If I understand correctly, I'm going to -- well,
5 another time. I speak a little bit of Russian, and I know
6 they're not the same, but they are both Cyrillic and they're
7 based on the Slavic languages, and it would be interesting to
8 talk to you at some point if I could, maybe a year or so from
9 now.
10 A. All right.
11 Q. When did your mother die?
12 A. Let's see. Oh, about -- I'd say about, maybe 40
13 years. Maybe it's been more than 40 years. Maybe 45 years
14 because my son was just a small boy, but I can't remember
15 exactly when.
16 Q. What did she die from; do you know?
17 A. She had diabetes, diabetic.
18 Q. Did she have any heart problems or anything else?
19 A. No, she didn't.
20 Q. What about your father? What was his name?
21 A. [REDACTED]
22 Q. Is he still with us?
23 A. No. He passed away -- let's see. Gosh, I can't
24 remember. I'd say about, maybe, 30 years ago.
25 Q. What was his cause of death?
0042
1 A. He had an aneurysm.
2 Q. Would that have been a cerebral or an aortic?
3 A. I really don't know what kind it was. I don't know
4 what kind it was.
5 Q. Did he have any heart conditions that you knew of?
6 A. No, he sure didn't.
7 Q. And you had brothers and sisters growing up?
8 A. Yes.
9 Q. How many brothers?
10 A. I had [REDACTED] brothers and [REDACTED] sisters. Well, it was
11 [REDACTED] sisters, with me was [REDACTED]
12 C. Are any of those -- are any of your brothers and
13 sisters still living?
14 A. Yes, all except -- let's see. Two of my brothers
15 passed away.
16 Q. Okay. Your two brothers that passed away, what did
17 they die of, do you know?
18 A. One -- one of my brothers had leukemia and one had a
19 heart attack.
20 Q. Other than that, are your remaining three brothers
21 and all three of your sisters in good health or do you know?
22 A. So far that I know. They got, you know, like high
23 blood pressure and stuff like that. Got one sister, she's got
24 osteoporosis. She's kind of about the worst.
25 Q. That's about it?
0043
1 A. Yeah.
2 Q. I'm going to ask you some questions now about your
3 extended families. And when I refer to extended family, I want
4 to talk about your aunts, uncles, cousins, any blood relative
5 that you know of. And if you do not know of anybody, just say
6 none that you know of and that will be okay.

7 To the best of your knowledge, have any of your
8 family members ever claimed to have been exposed to asbestos
9 other than yourself and your husband?
10 A. No.
11 Q. Have any of your family members, to the best of your
12 knowledge, had any pulmonary or breathing-related problems?
13 A. Not that I know of.
14 Q. Any cancers?
15 A. No, not that I know of, but we're not -- you know, we
16 were a big family and we were scattered, so I just don't --
17 Q. That's okay. I mean, I dare say most people wouldn't
18 know the answer to these questions.
19 What about heart problems? We talked about your
20 father. And we don't know if your brother was a cardio
21 aneurysm or what, but anybody else that you know of?
22 A. Well, my sister -- I have one sister that had a heart
23 attack. And one of my brothers in [redacted] had heart
24 problems.
25 Q. Which brother?
0044

1 A. It's [redacted]. It's my oldest brother.
2 He lives in [redacted].
3 A. Yes.
4 Q. Is he okay now? I mean --
5 A. Oh, yeah. He's doing fine.
6 Did he have to have a bypass?
7 A. No. He just had an attack.
8 Q. What about your sister? What is her name?
9 A. [redacted].
10 Q. Where does she live?
11 A. She lives in [redacted] Washington.
12 Q. Is she okay?
13 A. Yes, she's fine, uh-huh.
14 Q. Did she just have a heart attack or --
15 A. Yeah. Just had a mild heart attack and it was -- and
16 she got over it.
17 Q. Other than yourself, have any of your family members
18 ever had to have pacemakers?
19 A. No, not that I know of.
20 Q. And other than your mother, anybody else had any
21 diabetes?
22 A. Yeah. My sister has -- I have two sisters got
23 diabetes.
24 Q. Okay. Which ones?
25 A. It's [redacted].
0045
1 Q. [redacted]
2 A. [redacted]
3 Q. Where do they live?
4 A. [redacted] lives in [redacted] and [redacted] lives in
5 [redacted].
6 Q. Do they have -- do you know if they have Type 1 or
7 Type 2?
8 A. I really don't know.
9 Q. Okay. Did they have it as children --
10 A. No.

11 Q. -- or was it adult onset?
12 A. Adult, yeah.
13 Q. Do they take insulin?
14 A. Yes. My sister in [redacted] takes insulin, but my other
15 sister -- she may be on insulin now. I'm not sure. She was
16 taking tablets that I know of, but I'm not sure right now.
17 Q. Believe it or not, I think that's all the questions
18 I've -- one more before I forget this one.
19 Have you reached any settlements with any
20 plants? Have you settled with any defendants in this case or
21 have you received any monies?
22 A. No -- just one.
23 Q. Do you know who it was with?
24 A. I sure don't. I'm sorry, but I don't know. I mean,
25 I probably would looking at it, but I can't remember it.
0046

1 Q. Do you know how much it was for?
2 A. \$400, \$412, I think.
3 MR. REEVES: That's all my questions for you.
4 Thank you very much for your time.
5 THE WITNESS: You're welcome.
6 MR. BROWN: Anybody else have any?
7 MS. MATES: I just have a couple.
8 EXAMINATION
9 BY MS. MATES:
10 Q. Going back to when you washed your husband's clothes
11 when he came home from ALCOA, was your washing machine indoors
12 or outdoors?
13 A. First it was outdoors for a few months and then we --
14 COURT REPORTER: I'm sorry. Would you mind --
15 it's real hard when she's looking away. I'm sorry. You said,
16 "First it was outdoors?"
17 A. It was outdoors at first for about, maybe, six months
18 or so; and then I got a washing machine in the house and it was
19 in the kitchen.
20 Q. (By Ms. Mates) And when you would shake out your
21 husband's clothes, did you do that indoors or outdoors?
22 A. Indoors.
23 Q. And did you do it over the floor or over the washing
24 machine?
25 A. Just like -- I took them like this (indicating), just

1 over the washing machine, because they come to me all wadded
2 up. And so I just -- just shake them up there.
3 Q. What color was the dust on the clothes?
4 A. It was white and dark.
5 Q. Okay.
6 A. It was just -- when it was wet kind of, you know,
7 sometimes he sweated and it got white and dark, you know, just
8 white dust.
9 Q. Okay.
10 A. Just all kinds of mix.
11 Q. Okay. And you do not smoke, do you, ma'am?
12 A. No.
13 Q. Did your husband smoke?
14 A. He did, but he said he had quit. He told me about 15

15 or 20 years ago.
16 Q. Okay. Did he smoke inside your house?
17 A. Very little, mostly outside.
18 Q. Okay. And when your husband came -- when he would
19 get off work from ALCOA, would he come straight home or would
20 he stop somewhere before he came home?
21 A. No. He showered there. He just came straight home.
22 Q. He came home?
23 A. Yes.
24 Q. You had testified that he and your son rode together
25 sometimes?
0048

1 A. Yeah. They had a carpool.
2 Q. Did he drop your son off before he came --
3 A. Yeah.
4 Q. -- home?
5 A. Well, they dropped their drivers off, wherever they
6 stopped. They picked up like in -- well, in [redacted] -- they
7 picked them up. Wherever they got off, they'd stopped and --
8 Q. So do you know about how long it would take him to
9 get home after his shift ended?
10 A. Within an hour.
11 Q. Did he always carpool?
12 A. Yes.
13 Q. Okay. And really quickly -- and this is the last
14 thing I have for you -- one of the gentlemen went through some
15 illnesses and asked if you had ever had any of those, and I
16 have a few more I want to ask you about.
17 Have you ever had pneumonia?
18 A. No.
19 Q. Emphysema?
20 A. No.
21 Q. Asthma? Well, he asked you asthma.
22 Bronchitis?
23 A. No.
24 Q. Have you been diagnosed with diabetes?
25 A. No.

0049
1 Q. Have you had sinus problems?
2 A. No, not -- not too much. I have had just very
3 little.
4 Q. And you've had heart problems, right, because that's
5 when they installed your pacemaker?
6 A. Yeah. I guess that's what you call a heart problem.
7 Q. Did you have chest pains?
8 A. Chest pain, not so much -- yeah. It was a lot of
9 pumping and shortness of breath.
10 Q. And when did that start?
11 A. About three years ago or so.
12 Q. Three years ago?
13 And have you had any respiratory problems?
14 A. Like --
15 Q. Any sort of breathing problems?
16 A. Well, just that short of breathness (sic), yeah.
17 short of breath. And I cough a lot and I'm real fatigued.
18 It's got started since I've been starting with this. I have a

19 lot of cough all of a sudden, and I don't know where it came
20 from.
21 C. And did that start about three years ago when --
22 A. Oh, no, no. The cough started here about two months
23 or three months ago, something like that.
24 Q. Have you ever been diagnosed with cancer?
25 A. No.
0050

1 Q. High blood pressure?
2 A. I got high blood pressure.
3 Q. And when were you diagnosed with that?
4 A. Oh, let's see, about -- about two years ago,
5 something like that, maybe longer.
6 Q. Any sort of bone problems?
7 A. No.
8 Q. Liver problems?
9 A. No.
10 Q. Kidney problems?
11 A. No.
12 MS. MATES: I think that's all the questions I
13 have for you.
14 THE WITNESS: Okay.
15 MS. MATES: Thank you very much.
16 THE WITNESS: You're welcome.
17 MR. BROWN: Anybody else have anything?
18 Okay, ma'am. I believe that's it.
19 (Deposition ended at 4:51 p.m.)
20
21
22
23
24
25
0051

1 CAUSE NO. 28.808
2 HENRY DAVIDSON, et al) IN THE DISTRICT COURT
3 VS.) MILAM COUNTY, TEXAS
4 AMETEK, INC., et al) 20TH JUDICIAL DISTRICT
5
6 REPORTERS CERTIFICATION
7 DEPOSITION OF RUBY SEIDEL
8 February 2, 2004

8 I, Misty Fondren Clements, Certified Shorthand Reporter in
9 and for the State of Texas, hereby certify to the following:
10 That the witness [redacted] was duly sworn by the
11 officer and that the transcript of the oral deposition is a
12 true record of the testimony given by the witness;
13 That examination and signature of the witness to the
14 deposition transcript was waived by the witness and agreement
15 of the parties at the time of the deposition;
16 That the original deposition was delivered to MR. RANDOLPH
17 L. BURNS;
18 That the amount of time used by each party at the
19 deposition is as follows:
20

21 MR. BURNS.....00:20
22 MR. ANDERSEN.....00:07
23 MR. WAGNER.....00:08
24 MR. DOWNEY.....00:02
25 MR. REEVES.....00:08
0052

21
22
23
24
25

1 MS. MATES.....00:04

2
3 That \$_____ is the deposition officer's charges to
4 the Defendant, Owens-Illinois, for preparing the original
5 deposition transcript and any copies of exhibits;

6 That pursuant to information given to the deposition
7 officer at the time said testimony was taken, the following
8 includes all parties of record:

- 9
10 Mr. Craig Brown, Attorney for Plaintiffs;
11 Mr. Randolph L. Burns, Attorney for Defendant, Owens-Illinois;
12 Mr. Frederick J. Wagner, Attorney for Defendant, T. H.
13 Agriculture & Nutrition;
14 Mr. Mark D. Downey, Attorney for Defendant, Georgia Pacific;
15 Mr. Nathan Andersen, Attorney for Defendant, Garlock Sealing
16 Industries, Inc.;
17 Mr. Nehal Sanghavi, Attorney for Defendant, Ametek, Inc.;
18 Mr. Roy L. Reeves, Attorney for Defendants, Dana and
19 Certainleed Corporation;
20 Ms. Rhonda Mates, Attorney for Defendant, General Electric;

21
22 That a copy of this certificate was served on all parties
23 shown herein on _____
24 pursuant to Rule 203.3.
25

0053
1 I further certify that I am neither counsel for, related
2 to, nor employed by any of the parties or attorneys in the
3 action in which this proceeding was taken, and further that I
4 am not financially or otherwise interested in the outcome of
5 the action.
6 Certified to by me this _____ of _____, 2004.
7
8
9

Misty Fondren Clements
Texas CSR No. 4026
Expiration Date: 12-31-05
D.S.I. Reporting Services, Inc.
701 N. Post Oak, Suite 425
Houston, Texas 77024
Phone (713) 554-0080
Fax (713) 554-0085
Firm Registration No. 387