IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

---oOo---

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MAY 14 1970
JAMES R. COONEY, CLERK
BY DEPUTY Imogene R. Jones

CLARENCE BOREL)

VS.)

FIBREBOARD PAPER PRODUCTS) Civil Action No. 6449

CORPORATION, ET AL)

---oOo---

Deposition and Answers of the Plaintiff, MR. CLARENCE BOREL, taken by Order of the Court, April 30, 1970, commencing at 9:15 a.m. and continuing thereafter as indicated herein, at his home at 4500 Lawndale, Groves, Jefferson County, Texas, before Edna LaBove, Notary Public and Court Reporter in and for Jefferson County, Texas, signature of the witness herein being waived, and it being agreed by all counsel present that any objections urged by any one defendant counsel would be adopted by each and every one of the others, with the further position of defense counsel that objections being urged at this time will not preclude further objections at time of trial.

APPEARANCES:

Mr. Ward Stephenson
Stephenson & Thompson
Stephenson Building
Orange, Texas — FOR THE PLAINTIFF

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/1

Mr. George A. Weller
Weller, Wheelus and Green
Beaumont Savings Building
Beaumont, Texas — FOR FIBREBOARD PAPER PRODUCTS

Mr. Gordon R. Pate
Beaumont Savings Building
Beaumont, Texas — FOR JOHNS-MANVILLE

Mr. Dale Dowell
King, Sharfstein & Rienstra
Beaumont Savings Building
Beaumont, Texas — FOR OWENS-CORNING

Mr. Robert E. Barnes, Jr.
Barnes & Barnes
Calder street
Beaumont, Texas — FOR RUBEROID COMPANY

Mr. W. W. Arnold, Jr.
Fulbright, Crooker, Freeman & Jaworski
Bank of the Southwest Bldg.
Houston, Texas — FOR PHILIP CAREY AND ARMSTRONG CONTRACTING & SUPPLY

Mr. Charles Pipkin
Strong, Pipkin, Nelson, Parker & Powers
San Jacinto Building
Beaumont, Texas — FOR COMBUSTION ENGINEERING

Mr. Knox Nunnally
Vinson, Elkins, Searls and Connally
First City National Bank Bldg.
Houston, Texas — FOR UNARCO

Mr. Don Eckhardt
Royston, Rayzor and Cook
877 San Jacinto Building
Houston, Texas — FOR EAGLE-PICHER

Mr. George Duncan (GRP)
Wells, Duncan & Beard
Beaumont Savings Building
Beaumont, Texas — PITTSBURGH CORNING

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/2

CLARENCE BOREL

being duly sworn to tell the truth, testified as follows:-

DIRECT EXAMINATION

BY MR. STEPHENSON:

Q. Mr. Borel, my name if Ward Stephenson. I am your Attorney in this suit we have filed against several asbestos manufacturers and distributors.

We are going to take your deposition this morning. I haven't had a chance to go over with you exactly what the deposition is. But it means that you are under oath as the court reporter has sworn you. Your testimony will be taken down and transcribed just as though you were in the court room and can be used by any of the parties in Court. Do you understand?

A. Yes, sir.

Q. It has the same significance as though you were sitting in the witness stand in the Federal Court Building giving your testimony. Now, you will have to speak out, because Mrs. LaBove can't watch you and watch her pad at the same time. Try to speak out as loudly as you can.

A. O. K.

Q. Now, we're going to try to take your deposition. If you get tired, tell us and we'll stop and let you rest. And we want to get as much done as we can today, and then we'll come back tomorrow. But we'll have to depend on you to tell us when you are getting tired or when your mind

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 3 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/3

is weakening, you don't feel that you are able to think clearly or something like that, why you let us know. Will you do that?

A. Yes, sir.

Q. State your full name, please.

A. Clarence Borel.

MR. STEPHENSON: What agreement are we going to have on this?

MR. WELLER: We are going to have to under the circumstances state our objections such as to leading or suggesting if--

MR. STEPHENSON: Why don't we just state all objections?

MR. WELLER: O. K.

MR. STEPHENSON: Is that all right?

MR. PIPKIN: That's fine. All objections will be made at this time.

MR. STEPHENSON: And waive signature?

MR. WELLER: It's all right with me to waive signature.

MR. PIPKIN: And may we have the further understanding in order not to repeat an objection, any of the defendant's attorneys that make an objection--

MR. PATE: --will be adopted by all. (Agreed by all-reporter's note.)

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/4

MR. WELLER: And, further, merely by having to make the objections at this time, we are not waiving any other objections as to validity or admissibility of the testimony at the time of the trial.

MR. STEPHENSON: Well, what's the purpose of making objections then, George?

MR. WELLER: Well--

MR. STEPHENSON: You mean you're going to make objections now and then at the time of trial be able to make more objections?

MR. WELLER: Yes, sir.

MR. STEPHENSON: Well, then I don't -- it sounds silly to me even to make any objection now because--

MR. WELLER: We have to make objections as to leading and suggestive and anything that you can cure at this time. And that's what we propose mainly to make. As to the hearsay character of it, and so forth and so on, we can make those to the Court, because we can't have a ruling on it right now any way.

MR. STEPHENSON: Let's just make all objections now.

MR. WELLER: Well, I made my statement into the record.

MR. STEPHENSON: Well, as far as I am concerned, it is being taken under the situation that all

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 5 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/5

objections will be made now.

Q. O. K. Mr. Borel --

MR. WELLER: Let the record show that I stand on the statement that I have heretofore made.

MR. BARNES: Let the record reflect that the statement that Mr. Weller made with regard to objections was adopted by all the defendants.

MR. STEPHENSON: We already had the agreement, I assume, that any objection made by one could be adopted by all.

MR. BARNES: I didn't mean the objections themselves. I mean the position he takes with regard to whether or not the testimony is admissible.

MR. ARNOLD: It was my understanding it goes to all of it without anybody repeating.

BY MR. STEPHENSON:

Q. What's the date of your birth, please?

A. August 14, 1912.

Q. Where were you born?

A. Jeanerette, Louisiana.

Q. Are you married?

A. Yes, sir.

Q. Do you have children?

A. Wife and six children.

Q. Are your children adults?

A. All adults and married.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 6 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/6

Q. Are any of them dependent upon you....

A. No, sir.

Q. ....for support and maintenance?

A. No, sir.

Q. How long have you followed the trade of an insulator?

A. I started working at the Texas Company in 1936, and nine months later they transferred me to boiler asbestos gang in 1937, in April.

Q. All right, sir. And since April, 1937, what trade or profession have you followed?

A. That's all I have done is insulation.

Q. All right.

A. Since that time.

Q. During those years intervening, have you had occasion to work with asbestos insulating material?

A. Yes, sir, that's all the material that we have ever used, asbestos.

Q. All right. Have you had an occasion to work with fiber glass?

A. Yes, sir, lots of times.

Q. Have you been a member of the union?

A. Been a member of the union since 1944?

A. Have you done any other work other than that of insulator for any extended period of time during those years since 1937?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 7 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/7

A. No, sir, just insulation.

Q. Have you, at my request, taken your W-2 forms and compiled a list of the places that you have worked, the years that you've worked there and the company for whom you worked, has my secretary typed them up?

A. Yes, sir.

Q. Have you done this from your own memory coupled with the W-2 forms which you had?

A. Yes, sir.

Q. All right, sir. I want to hand you some cards and ask you to use them, if you wish to, to refresh your memory concerning the places that you have worked and the materials that you have used.

(Glasses handed witness at his request)

MR. WELLER: Pardon me. The defendant is going to object to this method of examination of the witness, because the W-2 forms would be the best evidence of what the W-2 forms show. And if I'm incorrect, you can stop me, but I understand that we were furnished with copies of all W-2 forms which the Plaintiff has possession of, and these are wholly incomplete and only cover the more-recent years, and there are a number of them missing. Further, this testimony will be based on hearsay of this witness. And it has already been shown that the documents from which he is testifying

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 8 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/8

have been prepared in the office of Plaintiff's Attorney and not by the Plaintiff.

MR. STEPHENSON: That wasn't his answer.

By Mr. Stephenson:

Q. Go ahead, Mr. Borel. Did you, yourself, prepare and give the information to my secretary for typing on the data contained on these cards?

A. Yes, sir. I done it right here in my own home.

Q. All right, sir. And you did this from your own memory and from your W-2 forms as well?

A. As well as I could, yes, sir.

Q. All right, sir. Now, I would like to ask you to start out with Armstrong Cork Company and tell us, please, where you worked for Armstrong Cork Company and the years that you worked for them.

A. (Examining card presented by Mr. Stephenson) Like I said, as near as I can remember '58, 1958, I worked at Topeka, Kansas, for Armstrong. 1960, '61 and down to '67 I worked on the duPont job here for Armstrong in Beaumont. But I have worked for a lot of other -- I think I have worked for Armstrong this same year, I think in '67, it's either '66 or '67 at the Texas Company.

Q. All right, sir. While you were working for Armstrong, what materials did you use?

A. Well, it was all asbestos; every bit of it had asbestos in it. Of course, they called it Kaylo, sometimes

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 9 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/9

Kaylo and sometimes fiber glass. Fiber glass I don't think has any asbestos in it, but Kaylo does. I just can't remember what kind of covering -- they had so many different kinds of covering on these jobs. One little job sometimes would have four or five different companies they bought material from I mean on these jobs.

Q. Mu-huh.

A. I have seen it on lots of jobs that you would have four or five different materials.

Q. Did you use--

A. From Johns-Manville on.

Q. All right, sir. On these jobs that you mentioned did you use Armstrong Cork products?

A. Yes, sir. Used Armstrong many times.

MR. WELLER: I object to that as leading and suggestive.

Q. Have you had occasion to work for Unarco Industries, Inc. during the history of your work life (handing card)

A. (Examining) I am sure I have. Fuller Austin, I worked for Fuller Austin and Aber Company and Industrial Insulators and Aber Company and Industrial and Armstrong and Fluor Corporation.

Q. All right. What years did you work for Fuller Austin and where did you work?

A. I worked for Fuller Austin and Jefferson Chemical

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 10 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/10

and a little plant at Winnie. I can't think of the name of it right this minute. I did have the name of it. I worked for Aber Company at Jefferson Chemical. You wanted to know about Fuller Austin?

Q. Mu-huh.

A. I worked for them in Casper, Wyoming.

Q. At what place?

A. Well, the Texaco plant is all I know.

Q. All right, sir.

A. And I worked for Fuller Austin over there at, in Lake Charles many years. I forget the name of this big plant.

Q. In 1958, did you have occasion to work for the Aber Company? (Indicating)

A. Yes, sir.

Q. Where did you work for them?

A. Mobil Chemical.

MR. WELLER: I object to this. It's leading, because counsel is reading off the card and pointing to the witness his answer.

MR. STEPHENSON: Would you rather I just introduce the cards? He made them himself.

MR. WELLER: I object to that form of examination and don't agree to it.

By Mr. Stephenson:

Q. All right, sir. Did you use at any time during

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/11

your work life Unibestos pipe insulation and block?

A. Yes, sir.

Q. Did you use Insubestos Felt?

A. I don't know. I can't recall.

Q. Did you use Unarco board?

A. Yes, I used Unarco.

Q. Did you use Wovenstone?

A. I don't remember.

Q. All right. Did you use Insutape?

A. I don't remember that.

Q. Did you use Insutube?

A. I don't remember that one.

Q. Insulating cements that were made by Unarco?

A. Yes, sir, what they call one-kote.

Q. All right, sir.

Have you had occasion to work for Standard Asbestos Manufacturing and Insulating Company?

A. Yes, sir. It was Cit Con Refinery in Lake Charles, Louisiana.

MR. PATE: What refinery is that?

MR. STEPHENSON: Cit Con.

A. Cit Con. -- that plant.

Q. What year was that?

A. Oh, that was about in '49.

Q. All right, sir.

A. If I remember right.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/12

Q. What materials did you use there manufactured by Standard Asbestos?

A. We used just about everything that was in the books on insulation on that job.

MR. WELLER: I object to the answer as being a conclusion on the part of the witness, and, further that counsel is leading and suggesting to the witness the answer.

BY MR. STEPHENSON:

Q. Did you or did you not use Simco Test-Best mineral wool blankets?

MR. WELLER: I object to that as leading and suggestive.

A. I can't recall using any blankets there.

Q. Did you use any Simco products?

A. Yeah, I used them.

Q. On that refinery in Lake Charles?

A. Yes, sir.

Q. Did you use a material called Simco Weather-Kote?

A. Yes, sir.

Q. Did you use the material, Air Cell pipe covering?

A. I don't remember. They are getting away from that Air Cell.

Q. Well, I'm talking about on the plant--

A. No.

Q. ....at Lake Charles.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/13

A. No, I don't remember no Air Cell.

Q. You had occasion to work for Ruberoid Company, using Ruberoid products, I should say.

A. Yeah.

MR. BARNES: We object to the question as leading and suggestive.

Q. Have you used during your work life a material called Calsilite?

A. Yes, sir.

Q. Have you used during your working life --

MR. BARNES: Same objection to questioning the witness regarding the use of Calsilite.

Q. ...a material called 7M cement and asbestos insulating and finishing cement?

A. I didn't pay no attention to the name of them, but I used a lot of asbestos cements.

Q. All right, sir, 7/nal00 insulating jackets manufactured by Ruberoid, have you had occasion to use that product?

A. Yes, sir.

MR. BARNES: Object to the question and the answer. The answer was suggested, and the question was leading.

Q. Have you had occasion during your work life to use material manufactured by Pittsburgh Corning Corporation?

A. Yes, sir.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/14

Q. Have you used Unibestos?

MR. PATE: We are going to object to counsel for the Plaintiff leading the witness now and suggesting the answer to him in reference to using Pittsburgh Corning material and products and suggest that the Plaintiff's Attorney let the witness answer rather than suggesting the answer to him.

MR. STEPHENSON: How would you suggest I word the question?

MR. PATE: Just don't suggest.

MR. STEPHENSON: I am just asking him if he used it, Gordon. I don't know how else you'd ask the question.

BY MR. STEPHENSON:

Q. Have you used Philip Carey Corporation products during your work life as an insulator?

MR. ARNOLD: I object to that question as being both leading and suggestive.

A. Yes, sir, it's one of the main manufacturers and I have used their material many, many times.

Q. Have you had occasion during your work life to use Owens-Corning Fiberglas Corporation products?

A. Yes, sir, I have.

Q. Have you had occasion during your work life to use Johns-Manville products?

MR. PATE: Now, we would object to that question

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 15 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/15

and suggest that Plaintiff's counsel ask the witness what products he has used, rather than asking him if he has used these various products during his working life as an insulator, because it is obvious from the way the question is framed that he is suggesting the answer to the witness.

BY MR. STEPHENSON:

Q. Have you had occasion during your work life and have you used Fibreboard Paper Products Corporation materials?

MR. WELLER: I object to that for the reason that this calls for an opinion and conclusion, and the question is leading and suggestive and counsel is suggesting the answer to the witness.

Q. Go ahead and answer it.

A. Yes, sir, I have used Unibestos--

Q. During your work life have you used on many occasions products manufactured by Eagle-Picher Industries?

A. Yes, sir.

Q. Have you had occasion during your work life on many occasions to use materials, asbestos materials manufactured by Combusion Engineering Company?

MR. PIPKIN: I am going to object to that on the grounds it calls for an opinion and conclusion and I object upon the grounds it is leading and suggestive and amounts to counsel, in legal effect, to counsel testifying and the witness simply saying

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 16 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/16

"yes" or "no". And I object on that ground.

BY MR. STEPHENSON:

Q. Go ahead and answer.

A. Yes.

(Mr. Stephenson called to telephone)

DIRECT EXAMINATION RESUMED

BY MR. STEPHENSON:

Q. Now, Mr. Borel, going back to these sheets of paper that I have handed you before, did you yourself prepare these and dictate them to my secretary?

A. I surely did.

Q. All right, sir. And do these sheets of paper accurately reflect to the best of your recollection where you worked and the materials that you used?

A. Just as close as I could remember. Of course, down through the years it's hard to remember every little detail and every job, especially the materials. Some times I have used all these materials. There's no doubt about it.

Q. All right, sir.

MR. WELLER: I object to the statement as being a volunteer statement and move that it be stricken as not responsive to any question.

MR. STEPHENSON: I want to introduce these at this time, and may I substitute xerox for them, please.

MR. WELLER: I want to see them first before we--

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 17 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/17

MR. BARNES: Can't we get them marked first, George, before we --

MR. WELLER: Yes.

(Whereupon, at this time, cards handed the court reporter by counsel for the Plaintiff were marked by the court reporter for identification as requested as being Plaintiff's Exhibits 1 through 12, photostatic copies of such exhibits being attached hereto.) *

MR. STEPHENSON: Do you gentlemen have any further objections?

MR. WELLER: Yeah. Just a second. (Examining exhibits).

(Off the record discussion by defendants counsel)

MR. WELLER: The defendants and each of them object to the introduction of exhibits P#1 through P#12, inclusive, for each of the following reasons:

(a) Because there is no opportunity on the part of the defendants and each of them to cross-examine the person who prepared the exhibits.

(b) Because the exhibit itself is based on hearsay, according to the testimony of the witness in that he bases his testimony in part on W-2 forms which are not in evidence. And, on behalf of Fibreboard Paper Products Corporation, I object to this exhibit, because it is self-serving; it is based on hearsay; the witness has not testified

EDNA LABOVE
COURT REPORTER

* Originals retained by Mr. Stephenson

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/18

or identified any product or products manufactured by Fibreboard, merely stating that he worked with Fibreboard products; nor has he identified the time or the place that he worked with such products.

And I further object to this exhibit and the testimony of the witness that he used products manufactured by Fibreboard as well as the other defendants over his working lifetime, because that is nothing more than a self-serving declaration and opinion and conclusion and clearly based on hearsay testimony. And the burden is on the Plaintiff to show that he actually worked with a product or products containing asbestos which were manufactured by this defendant.

Then on behalf of each and all of the defendants, I make the same objection with reference to the specific exhibits entitled P#1, P#2, P#3, P#4, P#5, P#6, P#7, P#8, P#9, P#10, P#11, and P#12, directing the same specific objections that I directed to P#1.

MR. ARNOLD: Ward, as I understand it, we all have the same objection. I don't want to repeat that. Is that all right with you?

MR. STEPHENSON: Certainly.

MR. PATE: Substitute our name for Fibreboard and

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 19 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/19

we'll have the same objection.

MR. STEPHENSON: All right.

MR. BARNES: And defendants further object to P#1 through P#12 because of the lack of any opportunity to take the witness on voir dire and cross examine him in regard to the exhibits and anticipating the possibility that this may not be possible during the course of the trial. And for the further reason that each and all of the said exhibits P#1 through P#12 contain hearsay statements.

MR. PIPKIN: Combustion Engineering Company adopts and urges all the objections and exceptions made by other counsel. And, in addition thereto, say that these exhibits are typewritten 5x8 cards, are improper and are an improper method of producing testimony in the trial of this case, because they contain information or purported information, and purported data of the products and time and place of working which has not been testified to by the Plaintiff. They can serve no purpose in this case, because they are not properly related to any vital or pertinent time or product in this case. It's an improper way of Plaintiff presenting his testimony, because it has not been and cannot be at this time subject to cross examination or in any manner gone into, to check the

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 20 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/20

accuracy of the Plaintiff's memory or his method of accumulating and assembling the information on these cards. We are going to object to that in addition to the other matters.

MR. STEPHENSON: Anybody else want a crack at it? Will it be all right if I go ahead then?

BY MR. STEPHENSON:

Q. All right, Mr. Borel, picking back up again for the third time about these cards: did you or did you not provide my secretary all the information contained on these cards and she typed it up at your request?

A. I did at my request.

Q. And these cards and the materials contained on there, are they or are they not, material that you got from your recollection or from your W-2 forms?

A. I used my W-2 forms to kinda bring my memory as to what jobs I had worked on.

Q. All right.

A. And then I used my memory as best I could.

Q. And do these cards accurately show the materials that you used on the various jobs to the best of your memory and recollection?

A. I believe so.

Q. All right, sir. When did you first notice any symptoms of asbestosis, Mr. Borel?

MR. WELLER: I object to that, because it's leading

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/21

and suggestive, and the witness is not qualified to state that he has asbestosis, and it hasn't been shown that he's qualified. And this would call for an opinion and conclusion on the ultimate issue in the case.

Q. Go ahead and answer.

MR. WELLER: And it's self-serving.

Q. When did you first--

A. A year ago.

Q. All right, sir. And what symptoms were they, sir, what did you notice?

A. Getting real short winded.

Q. Did you go to see a doctor?

A. Not at that time I didn't.

Q. All right. What doctor did you see?

A. Kenneth R. Watkins.

Q. Kenneth Watkins.

A. Yes, sir.

Q. Where is he located?

A. On 39th street in Groves.

Q. And do you recall when you first saw Dr. Watkins?

A. I don't know. It was in December, December the 19th, 1969.

Q. And did Dr. Watkins make an examination of you?

A. He did and x-rays compiled with it.

Q. Did he in turn refer you to any other doctor?

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/22

A. He did. He said there was something on my lungs there--

MR. BARNES: Objection to the witness testifying about what some doctor told him, because it's hearsay.

Q. Go ahead.

A. Dr. Watkins told me there was something there, and he couldn't -- he didn't know what it was, and he advised me to go to a specialist.

Q. Did Dr. Watkins send you to a specialist?

A. He did in Beaumont.

Q. Who?

A. I can't think of his -- Dr. Milton R. Self, in Beaumont.

Q. All right, sir. Did you see Dr. Self?

A. Yes, sir.

Q. And did he make an examination of you?

A. He did. 17 days of tests.

Q. All right, sir. Following that, did Dr. Self refer you to any other physician?

A. No, sir. He --

Q. What medical treatment or attention did Dr. Self give you?

A. Well, he just gave me tests. He give me the bronchoscope, and he operated on me right here, take a tissue to see if I got cancer. And outside all the x-rays

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/23

that's all he done for me.

Q. All right, sir. Then what was the next doctor you saw?

A. I went to see P. O. Jones in Houston, Texas.

Q. Does Dr. Jones specialize in any branch of medicine?

A. He is a chest specialist for lungs and chest diseases.

Q. What did Dr. Jones do for you?

A. Dr. Jones put me in the hospital right away.

Q. Which hospital?

A. Memorial Baptist.

Q. And what treatment did he give you there?

A. They begin to run some of the same tests they had run in Beaumont but not nearly as many but more x-rays. And at the end of five days he diagnosed it as asbestosis.

MR. BARNES: Objection.

MR. WELLER: I object to that, because it's hearsay and a repetition of hearsay, and the testimony of the doctor would be the best evidence. And, further, the witness is not shown to be qualified to know what diagnosis was made.

BY MR. STEPHENSON:

Q. What treatment did Dr. Jones give you then following these tests and examination?

A. He drained the fluid off of my lung and then advised an operation.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/24

Q. Was an operation carried out?
A. Yes, sir.
Q. What type of operation?
A. It said to remove this top section of the top lobe of the right lung.
Q. All right, sir.
MR. WELLER: I object to that, because it's hearsay and a repetition of hearsay as to what some doctor reported to him.
Q. Did they cut your chest open?
A. Yes, sir, they opened me up in half (indicating).
Q. Did somebody have to tell you that or--
A. No.
Q. ....did you know that?
A. I knew it, about five hours later.
Q. Now, after removing the top lobe of the right lung how long were you in the hospital?
A. I was in the hospital for 14 days I think at that time.
Q. Did you return to your home following that?
A. Yes, sir, I stayed at my son's house in Houston for two days because I a little bit weak, and then I came home.
Q. Have you had occasion to go back and see any other doctors?
A. Yes, sir, I had to go back two different occasions

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 25 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/25

to the same doctor and the same hospital.

Q. On the first of those two occasions were you given any treatment?

A. No, sir, not at that time. It was just running tests to try to locate the pains.

Q. Well, were you having pain at that time?

A. Having severe pains, couldn't sleep or even sleep at nights.

Q. And where were the pains located?

A. In my right chest.

Q. On the second of those last two visits to the doctor, were you treated in any way?

A. No, sir, just running more tests.

Q. All right. Did you subsequently have to go back to the hospital?

A. Yes, sir, to try to get the fluid off my lungs again, and he said he couldn't punch through it, because it was just as hard as concrete in there.

MR. WELLER: I object to that, because it's hearsay and repetition of hearsay.

Q. Now, in getting fluid, or trying to get fluid off the lung, did they stick a needle in your chest?

A. Yes, sir, a needle in my back.

Q. In your back.

A. Chest in the back.

Q. About what size needle was it?

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/26

A. I didn't see it, but it must have been a pretty good sized needle.

Q. All right. And did he put it in your back more than one time?

A. Twice.

Q. Following that, did Dr. Jones perform any other surgery on you?

A. No, sir, not at that time.

Q. All right. Then later did you have occasion to go back and see him again?

A. Yes, sir, my suffering became so severe until when I went back this last time they recommended me to go in there again to see what was causing the pain.

Q. All right, sir.

A. They discovered that I had -- well, they discovered I had asbestosis.

MR. PATE: Don Eckhardt,he's here for Eagle-Picher.

ADDITIONAL APPEARANCE:-

Mr. Don Eckhardt
ROYSTON, RAYZOR & COOK
877 San Jacinto Building
Houston, Texas FOR EAGLE-PICHER

EXAMINATION BY MR. STEPHENSON CONTINUED:

Q. What were we saying, Edna.

(Last answer read to Mr. Stephenson)

MR. WELLER: I object to that answer on the grounds that the answer is repetition of hearsay

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/27

testimony, and the witness is not shown to be qualified to express any such opinion.

A. Well, the pathologist is the one that said it was asbestosis.

MR. WELLER: That makes it double hearsay on the part of the witness, and I object to it and move that it be stricken.

Q. Mr. Borel, don't worry about these objections.

A. O. K.

Q. These are just technical things...

A. Yeah.

Q. ....for the Court, so don't let them disturb you.

A. Yeah. It was the pathologist.

Q. I understand. Now, were you operated on again?

A. Yes, sir.

Q. And what was the nature of that operation?

A. They went in and discovered that my lung had turned just as hard as concrete, what remained of it, and they decided they had to remove the whole lung, and--

Q. Was your entire right lung re--

MR. WELLER: Just a moment. I object to that, because it's hearsay and repetition of hearsay on the part of the witness.

Q. Was your right lung removed at that time?

A. Yes, sir.

Q. And was this done at Baptist --

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 28 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/28

A. Memorial Baptist, same hospital.
Q. Dr. Jones?
A. Dr. Jones and Dr. Ricks was the surgeon.
Q. Dr. Ricks?
A. Dr. Ricks was the surgeon and Jones was my doctor.
Q. All right, sir. How long were you in the hospital at that time?
A. I stayed there I believe 12 days.
Q. And then did you return to your son or to your home?
A. My son's home for a week and then home.
Q. And how long since that last surgery have you been out of the hospital?
A. It has been over two months now since December -- February 11th.
Q. That was when you were operated on?
A. Operated on February 11th.
Q. Have you been in the bed since that time?
A. I have been bedridden ever since, not even able to walk any farther than the bathroom.
Q. Do you suffer pain, Mr. Borel?
A. Continuously night and day.
Q. How long a period of time have you suffered pain?
A. I have been suffering pain for 13, 14 months now.
Q. Describe what type of pain it is and whether or not it has been severe.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/29

A. Well, it's so severe til it takes your breath, and it makes me so nervous until I can't even stand my wife talking on the telephone when it hits me. And it wakes me up at night. I been wakening at least three and four times every night. I am not able to get sleep without having to take shots to get back to sleep.

Q. Do you take medication?

A. Yes, sir, I am taking medication all day and during the night.

Q. Is this medication for pain?

A. For pain every four hours.

Q. And who prescribed this medication?

A. Kenneth R. Watkins and Dr. Ricks, Richard K. Ricks, both of them.

Q. Now, tell us how asbestos insulating materials are applied, that is, with reference to whether or not they have to be sawed, cut and hammered, mixed and so on?

A. Well, it's just like building a house. You have to -- you have to make every piece fit. You got hangers and you got pipes coming out of pipes. And you have a awful lot of sawing. There's very few sections of pipe covering you apply that you won't have to do something to it: saw it or beat it, you will have to beat it with your mallet in order to make it come together. And that causes, creates a lot of dust. And through this dust, breathing this dust down through the years, my doctor claims is what is the

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 30 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/30

cause of my lung trouble.

MR. WELLER: I object to that because it's hearsay. The statement of the doctor is obviously hearsay.

Q. Now, in mixing cement, tell us how that's done.

A. Well, they come in bags, in 50-lb. bags. And you have to pour it into a trough or a bucket whichever amount you want to mix. And when you do, why there's an awful lot of dust comes out of it, and they tell me that's pure asbestos, this dust that comes out of these bags.

Q. All right, sir. And--

MR. PATE: We want to object to what somebody tells him comes out of these bags because it's clearly hearsay and "somebody" has not been identified.

Q. All right, sir. Do you know of your own knowledge that asbestos dust comes out of the bag--

A. Yes.

Q. ...when you pour it in the bucket?

A. I do.

Q. And does this asbestos dust come up in your face?

A. It certainly does. It fills the air. Everytime you open your--

MR. WELLER: It's leading and suggestive on the part of counsel.

Q. All right. Now have you ever used any respirator of any kind that would prevent you from inhaling asbestos dust?

MR. PIPKIN: That's leading and suggestive.

MR. WELLER: I object to that, because it's leading and suggestive and obviously calls for a negative answer.

MR. PIPKIN: It's also a conclusion of the witness.

MR. WELLER: And it's a conclusion on the part of this witness.

A. Do you want me to answer it?

Q. Yeah, go ahead.

A. I have tried every type of respirator they have, because I didn't know that the dust would cause asbestosis, but I knew it couldn't be good for your health so I have tried. And you can hardly breathe with them. And on these jobs we work now a days if you don't get up there and apply so much material and make a good showing, you just can't stay. And you have to work fast and you can't breathe with the respirators they furnish for you.

But at no time has there ever anyone tell me that this materials was dangerous to your health, no foreman--

MR. PATE: Pardon me. It's--

A. ....or no safety man

MR. PATE: ..a volunteer statement.

MR. WELLER: I object to that because it is a voluntary statement and it's not responsive and it's self-serving.

Q. Has at any time anyone ever told you that this

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 32 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/32

material was dangerous?

A. No, sir.

Q. Have you ever even seen any representative of any of these companies we have sued out on the job trying to devise some technique to use this product safely without the dust coming up into your mouth and nose and lungs?

A. Nope.

MR. WELLER: I object to this because it calls for an opinion and conclusion--

A. No, sir.

MR. WELLER: ...and it's leading and suggestive, and it's improper.

MR. PIPKIN: It's irrelevant and immaterial.

MR. WELLER: It's also irrelevant and immaterial, to any issue in this case.

Q. Go ahead.

A. No, sir.

Q. Now, is it true or not that even though perhaps you were working let's say on metal bindings, that in a room or area where other asbestos workers were applying asbestos material, that there would be dust in the room?

A. Yes, sir.

MR. WELLER: I object to this because it calls for an opinion and conclusion on the part of the witness and is not material to any issue in the case.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/33

MR. PIPKIN: It's leading.

MR. WELLER: It's leading and suggestive.

Q. And would you breathe dust that was created by others using asbestos?

A. Yes, sir.

Q. Do you smoke?

A. No, sir.

Q. Have you ever smoked?

A. I smoked when I was a young man for about five years.

Q. How long has it been since you smoked?

A. Oh, my goodness, I'd say 25 years or better.

Q. At the end of a day's work where you were around asbestos, describe for us what your clothing would look like, what your mouth, your nose would look like and your hair with regard to whether or not there was asbestos dust on you?

A. Brother, I could tell you, it was plenty dusty, and your clothes were so dusty until you could just barely pick them up without shaking them. You just move them just a little, and there's gonna be dust in them.

And I have blowed this dust out of my nostrils in handfuls at the end of a day, trying to use to water to -- I even used Mentholatum to put in my nostrils to try to keep some of this dust from going downin my throat. But it's impossible to get rid of all of it. Even your clothes

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 34 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/34

just stays dusty continually unless you blow it off with an air hose.

Q. All right. Now, when you have had occasion to open a box of insulation material as it was shipped in, say it was on the ground, tell us whether or not just the simple opening of the box caused dust to rise?

MR. WELLER: I object to that.

A. Yes, it does.

MR. WELLER: It's leading and suggestive.

A. Very dusty.

Q. Just to open the box?

A. Just opening boxes, the dust will fly up in your face.

Q. In your experience as an insulator, have you ever told or ever been told of any way to open a box of insulating material without the dust flying up in your face?

A. No, sir.

Q. Do you yourself know of any way to open a box of insulating material without the dust flying up in your face?

A. Well, no, sir. You have to be awful, mighty careful, and like I said, we don't have that kinda time on these jobs.

Q. Do you know the amount of medical and hospital bills you spent to date?

A. Today up to date?

Q. Mu-huh.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/35

A. Well, let's see. Five thousand? No, but I'm sure they are running right at ten thousand dollars.

MR. WELLER: I object to that because it's speculative. He said he didn't know but he estimates. Therefore, that is not the best evidence of it.

Q. All right. Then your best judgment is that it's in the neighborhood of ten thousand dollars?

A. Yep.

Q. Does that include doctors and hospital?

A. Doctors and hospital and both operations is what I am talking about from the time I became ill.Is that what you want it on?

Q. Yes, sir. That's right.

A. Yeah, I am sure it would run right at it.

MR. BARNES: Is that things pertinent to this lawsuit?

Q. Do you have the bills?

A. No, sir, I don't have all of them, but I have some of them.

Q. You have settled the workman's compensation case, I believe you have.

A. Yes, it was settled for five thousand worth, about five thousand and seventy some odd dollars worth.

Q. Since that time how much medical expense have you had to pay out of your own pocket?

A. Oh, my goodness, I have had to pay all the hospital,

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 36 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/36

both hospital bills I went to, the last operation and I was in the hospital two weeks ago here for one week and all my medicine. I have to buy medicine just about every week, maybe oftener. And I'll say it run in the neighborhood of $25.00 a week for my medication.

Q. Now, at this time, Mr. Borel, throughout your earlier life, let's say, going back four, five ten years' ago, were you or were you not a man in good health?

A. I think I was -- I thought I was in pretty good health. I had no pains outside of lung congestion continually all the time. And I just put it off. They called it pleurisy and so forth. I have had x-rays, went to the doctor to have x-rays just to check, and they would say it would be a little cloudy, "Your lungs was cloudy", and ask me what type of work I was doing. And I told them. And they would say well that's the reason for this cloudiness in your lungs.

Q. What are your present complaints? You say you have pain and have to take medication. What today, last night, yesterday, what pain did you have? Where was it located?

A. In my right chest, and it run down through my back into my hips now.

Q. What type of food do you eat?

A. All I have been able to eat is cream of wheat and jello. What do you call this, beef bouillon you make a bouillon to strengthen you. I drink it in water and soup

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 37 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/37

and that's the extent of it. I try to eat meat and I just can't even swallow it. I don't have any--I lost my appetite and the doctor put me in the hospital, and I spent a week there taking glucose. And then he didn't want me to come home, but I wanted to come home because my wife could give me the same medication I was receiving there. So he supplies the medicine for us I mean what do you call it? They write the prescription, and she gives me the medication.

Q. All right, sir. Do you feel like you are getting stronger or weaker or what is your--

A. No, sir. In the past two or three weeks I have lost a considerable amount of strength. I can tell by not being able to walk. Some of 'em say, "Well, why don't you just stand up and try?" Well, I fall on the floor and I black out. I just don't have the strength to sit up over five or ten minutes at a time, just to sit up. Then the room goes around. And I became weaker in the last three weeks than I have ever been in my life.

Q. How much money per hour were you making as an insulator before you--

A. At the time--

Q. ....had to stop?

A. ....I think our scale was five forty-five at the time that I quit, that I had to go to the hospital. I am not sure, but I am certain it was in that neighborhood. The scale is larger now. They have had two raises since then.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 38 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/38

MR. STEPHENSON: That's all the questions, I have, Mr. Borel.

MR. ARNOLD: Ward, may I ask just two or three questions?

MR. STEPHENSON: Yes, sir.

MR. ARNOLD: Sir?

MR. STEPHENSON: As far as I'm concerned any, what is it, two or three--

MR. ARNOLD: I just--I wanted to clear something up that maybe I misunderstood. Do you all have an understanding?

MR. BARNES: Well, we're under a Federal Court Order.

MR. WELLER: We are under a Court order that only two of the lawyers can examine the witness, I believe.

Do you want us to continue now or do you want to take a break?

WITNESS: Well, I recommend a break.

MR. WELLER: You recommend a break?

WITNESS: Yes, sir.

MR. PATE: For how long?

MR. WELLER: How long do you want a break?

WITNESS: Just long enough to get you some coffee.

MR. PATE: Thirty minutes?

WITNESS: Thirty minutes if you want.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 39 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/39

MR. STEPHENSON: We are talking about you, Mr. Borel. What he meant to ask is--

WITNESS: Oh, I thought you meant they wanted to take a break.

MR. STEPHENSON: He's asking if you feel like that you need to rest a few minutes before we go on.

WITNESS: Yeah. Yeah. About ten minutes.

(Whereupon, at this time, counsel for the defendants retire from the room for a break from 10:15 a.m. to 10:25 a.m. at which time, the proceedings were continued as follows:-)

CROSS EXAMINATION

BY MR. WELLER:

Q. Mr. Borel, my name is Mr. George A. Weller. I am one of the attorneys in this case, specifically I represent Fibreboard.

I am going to ask you some questions not only for myself and my client but on behalf of everybody here.

And it has been explained to you: this is under oath the same as if you were testifying in Court. Now, if my question to you isn't clear and you don't understand it, would you please tell me. And I will either re-state it or if you tell me that you don't understand it, we will try to state the question where you can understand it.

Can you hear me all right--

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 40 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/40

A. Yeah.
Q. ....from there?
A. I hear you good.
Q. I believe you said you first started working at the Texaco plant in Port Arthur as an insulator?
A. That's right.
Q. Were you a plant employee?
A. Plant employee.
Q. What type of work did you all do at Texaco?
A. We applied insulation on boilers and pipes, towers, any type of insulation they had to come up.
Q. And in 1936 is that when you started in the industry?
A. '37.
Q. '37.
A. I started in '36 with the company, but they transferred me in '37.
Q. In 1937 what type of products were they using?
A. Johns-Manville and Philip Carey, Standard Asbestos and Armstrong and Mundet Cork is the only manufacturers I can remember at that time.
Q. Well, what I'm asking you: what -- not the name of the manufacturer or anything but were you using pipe insulation or blankets or what were you using?
A. We were using rockwool. We were using Johns-Manville pipe insulation and blocks, 1x6 blocks.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/41

Q. All right. Now, did you know you were working with asbestos products?

A. Yes, sir, I knew it was asbestos.

Q. And did you have to saw it at that time?

A. Oh, yeah.

Q. Did you get a lot of dust--

A. An awful lot.

Q. ....or anything from the product?

A. A lot of dust. Every time you saw a piece of insulation you are going to get a lot of dust.

Q. All right. Now, I am talking now when you were working at the Texas Company.

A. At Texas Company.

Q. Would you breathe the stuff, get it in your nose?

A. Yes, sir.

Q. Did it cause you some difficulty then?

A. Well, it caused difficulty with your sinuses. Some time you could hardly breathe.

Q. Well, would you spit it out?

A. Yes, sir.

Q. Would it get down in your throat?

A. I have even got it out of my throat.

Q. Now, did they use masks or respirators at Texaco?

A. No, sir, not at that time they didn't know what a mask was. I guess they didn't. If they had them, they never presented them to us.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/42

Q. All right. Now how long did you continue working as an asbestos worker at Texaco?
A. I worked six years as an astestos worker there.
Q. All right. Did you continue to breathe that asbestos dust all during that six years?
A. All during that six years.
Q. Did you know you were breathing it?
A. Yes, sir, I knew it.
Q. Did you know at that time that breathing dust wasn't good for you?
A. Well, I figured it wasn't good for me, but there wasn't nothing I could do. I didn't know how in the world to apply it without breathing some of it, because you just can't do it.
Q. Well, did Texaco supply you with any blowers--
A. No.
Q. ...or anything of that nature?
A. No. They didn't but down through the years our Local--
MR. STEPHENSON: Just a minute. Now, he just asked you....
A. O. K.
MR. STEPHENSON: ...if Texaco did.
A. O. K. Texaco. All right.
Q. And did they have any suction saws or anything like that?

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/43

A. Not at that time.

Q. All right, now. Then you worked there for about six years. And that brought you up almost through the war, didn't it?

A. Well, in '42 I quit there.

Q. You quit in 1942.

A. During the war to go into defense plants.

Q. And did you work in the shipyards during the war?

A. Worked in the Orange Shipyard with Asbestos Magnesia Material Company for about five years there.

Q. Five years just steady work-----

A. Steady working.

Q. ....in the ship yard?

A. Well, I quit one time and came back, but I mean off and on it was about five years.

Q. All right. Now, were you building ships?

A. They was building DE destroyers.

Q. Now when you were building those you worked with asbestos?

A. Worked with asbestos.

Q. Did you work in close places?

A. Awful close places on a ship.

Q. And were you subjected to heavy concentrations of asbestos dust?

A. heavy concentrations of dust of insulation.

Q. All right. And you knew that you were being

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/44

subjected to asbestos dust?

A. Sure.

Q. Didn't they use respirators over at the shipyard in these tight places?

A. No, but if it was a little room they did use the blower, a suction blower to try to take some of it out.

Q. You mean when you were working as a shop man?

A. No, on the ships we had little blowers, but those blowers was for, provided for all crafts.

Q. All right. You had blowers in the various rooms to--

A. Some small rooms.

Q. To take the dust off.

A. To get some ventilation is what they claimed so you could breathe down there.

Q. All right. Did you use anything to try to keep the dust down or keep from breathing the dust?

A. Sometimes I'd tie my handkerchief on my nostrils, to try to--

Q. Did you wet it?

A. Sometimes I would.

Q. And what was the purpose of that?

A. Well, to try to get so I could breathe a little better. This dust was so bad.

Q. At the end of the day would you clear your nose, or would you have to clear it often during the day?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 45 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/45

A. I'd have to clear it all during the day.
Q. What would you do?
A. Blow it out.
Q. Just come out with these particles of dust?
A. Yeah. Blow your nostrils real hard.
Q. All right. Did you know that this was asbestos dust?
A. Yes, I did.
Q. And you say you stayed over there about four years?
A. About four years off and on.
Q. And then you went where, into the union?
A. I got in the union in 1944.
Q. Was that while you were in the shipyard?
A. I worked on a permit a year. No, I wasn't in the shipyard when I got in the union I was working at the rubber plant.
Q. Were you working for a contractor at the rubber plant?
A. Working for a contractor out of Dallas, Dallas Airconditioning Company.
Q. All right. Did they supply you with any respirators there?
A. Nope. No respirators.
Q. Now, you worked at duPont plants a number of times.
A. Oh, yeah.
Q. When you worked at duPont didn't they furnish you

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/46

with respirators and require you to wear them?

A. They furnished you for them if you wanted one, but having to anybody to ever tell me that I needed one, never had.

Q. Well, I thought I understood you to say that you had tried about every type of respirator that's made.

A. At duPont, yeah, at duPont I did.

Q. And did you try those when youwere on these duPont jobs?

A. On the duPont jobs only.

Q. Why did you do that? Why did you use a respirator?

A. Why, I just figured this dust is bad for me, but I didn't know how bad it was.

Q. All right. Then you did know that the dust was bad for you, but you just didn't know how bad.

A. I didn't know how it would affect your lungs. No one ever told me.

Q. Well, would you use the respirator the whole time you were on the job or not?

A. Oh, no, I couldn't breathe with it on me.

Q. How long would you use it, to what extent?

A. Well, if the weather was cool you could use it a lot oftener than if it was hot. But if it was hot weather, you just couldn't use it at all.

Q. It was uncomfortable for you.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 47 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/47

A. Uncomfortable to breathe.

Q. All right. Did duPont require you to wear it on their job?

A. No, sir, they had them there for you, but they didn't require them.

Q. Has the union -- put it this way: has your union negotiated agreements for safety equipment and that sort of thing?

A. Yes--

MR. STEPHENSON: I object, it's not identified as to time.

A. Not at that time they didn't. At the time I left the job I never heard -- it was trying, just getting started on it.

Q. Well, now, as long as ten years ago,didn't the union negotiate and require your employer to furnish you with hard hats, safety glasses and safety equipment?

A. Yeah.

Q. Sir?

A. Yes, sir.

Q. On many jobs as long as ten years ago, wouldn't they furnish you masks on the job, your own employer?

A. I have never seen any. If they did, they just expected you to ask for them.

Q. Have you ever worked as a foreman on a job?

A. Yes, sir.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/48

Q. Isn't that your responsibility as a foreman to take care of the respirators and safety equipment?

A. I would think so. But the jobs I've worked on wasn't no duPont job, and the company I worked for never said nothing about no respirators. If they ever bring any, they didn't bring any to me. I have my doubts they would.

Q. Did you ever make any request for a respirator?

A. No, sir, because I didn't know whether they could get them or not. They'd just tell you they'd get 'em. They wouldn't bring 'em to you.

Q. Is it correct that you knew that the purpose of the respirator was to keep the dust out of your lungs?

MR. STEPHENSON: I object. That's not a correct statement of fact.

A. Well, I --

MR. STEPHENSON: There's not a respirator today that'll keep the dust out.

A. Oh.

MR. STEPHENSON: Only thing they'll do is minimize.

A. They never have come up with a respirator yet that'll keep all this dust out of your nostrils.

Q. What's your understanding of the purpose of a respirator?

A. That's to keep dust out of your nostrils and your lungs.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/49

Q. Now, how long -- have you known that as long as ten years?

A. Yes, I known it was dangerous -- any kinda dust was dangerous the way I considered it, I, just myself.

Q. Yes, sir.

A. I considered any kind of dust was hazardous to you.

Q. All right. Did you--

A. But I didn't know what.

Q. Have you used a respirator as early as 1950 and '54 when you were working at duPont?

A. I am trying to remember. I think duPont has been furnishing for that long, maybe a lot longer.

Q. Did you ever see any respirators used in the shipyard over in Orange in 1942, three or four?

A. No, sir.

Q. When did you start using Mentholatum to put up in your nose to keep the dust out?

A. Oh, I'd say about 15 years ago. The congestion got so bad in my nostrils that I done that for relief. It give you a little relief, and I imagine it held a lot of that dust from getting up in there, too.

Q. All right.

A. I was hoping it would.

Q. How often would you use that?

A. Well, I carried it around in my pocket continually,

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/50

a little tube and I'd say I used it several times a day. I always had my Mentholatum with me.

Q. All right. And the purpose of that was to keep out this, keep from inhaling--

A. Asbestos dust.

Q. ...the asbestos dust?

A. To keep from inhaling the dust. I couldn't keep the passages open. Sometimes they would clog up so I couldn't breathe.

Q. When did you try using various types of respirators, when did you start that.

A. I don't recall. But like I said just on the jobs I've ever known we was requested to use them was duPont jobs. And then they wouldn't demand it. They couldn't tell you that you could breathe properly with them. It's been proven that you couldn't breathe properly.

Q. Is the duPont job the only job you ever tried to use a respirator on?

A. No, there's been several other jobs, but no one did bring 'em and put 'em in the tool box and know by that they was for the men to use. But like I said you couldn't breathe with 'em. If it was hot weather it was just out of the question.

Q. How long has your employer been bringing respirators and putting them in the tool box and having them available there for you to use?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 51 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/51

A. Not all jobs do that. Just on certain jobs. I don't recall -- some of the bigger jobs would.

Q. Well, would Armstrong do it?

A. Well, I imagine they would. I don't recall seeing any.

Q. What jobs do you recall seeing respirators?

A. I would say on such jobs as that rubber plant job. It's a big job and they were on that job because there was a lot of building work in there, to work in. But the type of respirator they had there, you'd just smother with it. Just like a rag, it would have been better to put a rag over your face.

Q. All right. Have you ever used these little white throw-away respirators?

A. Yeah, I have used them on the last job I worked for at this Fluor Corporation I worked for over here at the rubber plant, two years ago. All the men was trying to since everybody was getting sick with this dust they was trying to do something about it.

Q. All right.

A. Therefore, they all trying to protect theirselves. It's hard to do.

Q. I believe that when Mr. Stephenson was examining you, you stated that you knew that the breathing of asbestos dust could not be good for your health, is that correct?

A. That's right. It's impossible.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/52

Q. And how long have you known this?

A. Well, I have known this I'd say in the last, these two years, year and a half.

Q. All right. Haven't you known this for at least 15 or 20 years, that you were breathing this dust and that it was bad for you?

A. Yes, I knew the dust was bad, but we used to talk it among the insulators: how bad was that dust? Could it give you TB? Could it give you this? And everyone would say, "No", say "That dust don't hurt you. It dissolves as soon as it hits your lungs". That was the question you'd get all the time.

Q. Where would you have this discussion, in your union hall or--

A. On the job, just among the men.

Q. In other words, there was some question in your mind as to whether this was dangerous and whether it wasn't bad for your health?

A. There was always a question. You just never known how dangerous it was. I never did know really. If I had a-known, I'd a-got out of it.

Q. All right. Then you did know that it had some degree of danger but you didn't know how dangerous it was?

A. I didn't know it was dangerous like this bad. I really didn't.

Q. All right. How long did you smoke?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 53 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/53

A. About five years.
Q. What did you smoke?
A. Well, that was during the depression. I used to smoke maybe a pack of cigarettes a week trying to stretch them out. Camels mostly.
Q. And you say you smoked for how long?
A. Five years.
Q. What made you stop?
A. Well, I wasn't -- it wasn't my lungs. I didn't have nothing wrong with my lungs. Mostly it was I couldn't buy them. It was during the depression and right at that time I hadn't went to work at Texas Company yet. And I couldn't hardly buy tobacco, so I figured it was just best to quit.
Q. All right. Now, I believe you made the statement that you had pleurisy for a long time.
A. Well, I called it pleurisy.
Q. Well what condition--would you describe it to me what--how it affected you?
A. Well you know when you wake up in the morning especially when you have been on some jobs that's real dusty, why you just feel bad all over and you have pains all over your chest. I would until I hawked around and coughed up and spit a lot of that stuff up I couldn't hardly get started. But after I do that I would be all right.
Q. How long had this been going on?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 54 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/54

A. Oh, I'd say four or five years.
Q. And I believe you said that--did you go to see a doctor because of this pleurisy?
A. I went to see my doctor several times. I had pneumonia one time. I got a real bad cold and I had my doctor over and it was pneumonia.
Q. Who was that doctor?
A. Kenneth R. Watkins.
Q. How long has Dr. Kenneth R. Watkins been your doctor?
A. Ever since he's been in the Groves. Do you remember how long that is? I can't. I'd say 15 years.
Q. All right. I believe you made the statement that you had been having x-rays made of your chest for a long time?
A. Just off and on. I didn't realize how bad -- well I didn't have any that deep a pain unless I'd get this pleurisy, the doctors called it pleurisy.
Q. And how long have you been having x-rays made of your chest?
MR. STEPHENSON: He answered four or five years, George.
A. I don't know exactly. I had 'em whenever I -- it was required.
Q. As long as ten years ago?
A. Oh, I have had some before ten years, yes.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 55 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/55

Q. Some before ten years. Did you have this pleurisy problem as long as ten years ago?

A. Yes, sir, I have had that.

Q. So that you have had some chest problems during the last ten years?

A. Oh, yeah, off and on.

Q. Off and on. And you have had x-rays taken to try to determine what--

A. The trouble was.

Q. ...the difficulty was?

A. Yes.

Q. Have you had x-rays taken by anybody other than Dr. Watkins?

A. Yes. When I bought this house I wanted to take out an insurance policy. And when they found out I was an insulator, they said, "Man, you will have to have a chest x-ray". So they paid for it. It was a doctor over in Port Neches. That was six years ago. I just don't remember his name, but they recommended that doctor. I went at their recommendation.

Q. Was it Dr. Byrd?

A. I can't recall his name.

Q. But it was some doctor in Port Neches where you went for x-rays.

A. About five or six years ago.

Q. All right. Now, I believe you said that one

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/56

doctor told you that your x-rays were cloudy and the reason for that was your occupation.

A. Yes.

Q. What doctor was that?

A. That was this doctor right here.

Q. That was this doctor--

A. Yeah.

Q. ....that took this x-ray--

A. Yeah.

Q. ....in Port Neches?

A. To pass so I could get this insurance on the house.

Q. Do you remember what year you bought the house?

A. Well I bought it we been here six years this month, the 9th of this month. And I'd say about four or five months later is when he come and wanted me to take out the insurance. So it's been five and a half years.

Q. All right. Did Dr. Watkins ever tell you that your x-rays were cloudy?

A. No.

Q. And that--

A. No, he wouldn't tell me nothing.

MR. STEPHENSON: Mr. Borel, wait until he asks the question.

Q. Sir?

A. I don't believe.

Q. Well, were you in the hospital when you had this

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 57 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/57

pneumonia?

A. Yes.

Q. What hospital?

A. Oh, you mean the first time?

Q. Yes, sir.

A. No, sir, I was at home.

Q. You were at home or did Dr. Watkins attend you at home?

A. Yeah, he attended at the house.

Q. All right. Later at that time did you go and have x-rays made?

A. No, sir.

Q. You didn't.

A. But in 19--

MR. STEPHENSON: Now, wait a minute. Wait until he asks a question.

Q. When the doctor over in Port Neches told you that your occupation was the reason for your lungs being cloudy in the x-ray, did you know at that time that you were working with asbestos and asbestos dust?

A. I--

MR. STEPHENSON: That's repetitious.

A. I knew I was working with insulation but I didn't know it was dangerous to me.

Q. Did you know that it contained asbestos?

A. Yeah, but I didn't know what asbestos was.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 58 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/58

MR. STEPHENSON: Just answer his question. When he said, "Do you know it contained asbestos?" just answer "Yes" and stop. He only asked you one question.

A. I believe I -- I believe I have to give it up now, Ward.

MR. STEPHENSON: Do you think so?

A. Yeah.

MR. STEPHENSON: Are you having some pain.

MR. PATE: He said he is going to have to stop.

(Whereupon, at this time, the proceedings adjourned at 10:48 a.m. April 30, 1970, and reconvened on the morning of May 1, 1970 at nine o'clock a.m. as follows:)

ONLY CHANGE IN APPEARANCES - PREVIOUS DAY: Mr. Gerald P. Coley for Mr. Knox Nunnally.

CROSS EXAMINATION OF WITNESS, BOREL RESUMED

BY MR. WELLER:

Q. Mr. Borel, I believe you stated the other day you worked for Armstrong Cork Company. Is that correct or not?

A. Yes, that's correct.

Q. Now, when you applied for life insurance when you bought your home, what company did you apply to?

A. Provident. Provident. First Federal recommended them and they sent an agent here.

Q. Provident Life?

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/59

A. Yeah, an accident insurance company.
Q. Was your insurance granted or not?
A. It was after an examination.
Q. And do you recall the name of the doctor at Port Neches?
A. No, sir, I don't. I can't remember his name.
Q. When you went to Houston and you talked to Dr. Ricks, did you give him, did you talk with him yourself about your background and your history?
A. Yes, I - - yeah we had about a 30-minute conference on it, on that.
Q. Did you tell him that you were a moderately heavy smoker for many years?
A. No, sir.
Q. Do you know where he could have gotten that information?
A. No, sir. Ricks - - did Ricks state that?
Q. Yes, sir.
A. Well, he's -- he sure didn't get it from me.
Q. Well, is it true or not?
A. No, it's not so.
Q. Then it's incorrect that you were a moderately heavy smoker for many years?
A. That's right.
Q. And your testimony to us is that you haven't smoked for the last 25 years?

A. Maybe longer.

Q. Maybe longer. All right. Now have you applied to anyone else for insurance, life insurance since you took out this policy with Provident Life?

A. No, sir.

Q. Did you consult any doctor for this condition of pleurisy that you had other than Dr. Watkins?

A. No.

Q. Other than this examination for life insurance which you took out or had at the time you purchased your home, had you had any other physical examinations other than by Dr. Watkins?

A. No, sir.

Q. No other physician?

A. Not that I remember. No, not since then.

Q. What about when you went to work in a plant, did they examine you?

A. No, sir, not in construction they don't ever examine you.

Q. In other words, since you went to work for the union, you have not had a physical examination--

A. No.

Q. ....to get on the job?

A. No, sir, no job.

Q. Have you lost any time from work due to illness prior to we will say October of 1968?

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/61

A. Oh, yes.
Q. Sir?
A. I have lost time, yes.
Q. Can you tell us approximately when or what the occasion was?
A. 1965 I had my gallbladder removed.
Q. All right. How long did that keep you out?
A. That kept me out eight weeks.
Q. All right. And where was that done?
A. Doctors Hospital.
Q. Have you had any other illnesses that kept you off work other than that operation?
A. No, sir, not outside of maybe losing a day or two for the flu or something. But I can't even remember--
Q. Did you ever lose any time due to this pleurisy condition?
A. No, sir.
Q. Could you tell us when you referred to these cards offered in evidence, one through twelve, could you tell me when you had a conference with Mr. Stephenson's secretary in regard to this information?
A. You mean the last -- the first and last time. The last time I went to his office you mean?
Q. Well, did she ever come out here to your house to take the information?
A. No, sir, she hasn't taken no information here.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/62

Q. Has she had any contact with you in the last 30 days?

A. Yes, by telephone.

Q. By telephone. What was the nature of that conversation?

A. I don't remember. She talked to my wife.

Q. Oh, she talked to your wife.

A. Yes.

Q. But she didn't talk to you?

A. No, not over the phone. She came here once.

Q. How long ago?

A. About a week I'd say.

Q. About a week ago?

A. Yes, sir. Maybe longer.

Q. And what did you all discuss then?

A. She was just trying to get some -- refresh my memory from my cards that I fixed up.

Q. When did you fix the cards that you're talking about?

A. Fixed them up last year before my last operation. I fixed them last September or August. September, sometime in September, I think.

Q. Last September or last August?

A. In that neighborhood.

Q. Were the cards written out at that time or not?

A. No. No. I had to -- I had to fill out the card.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/63

I done it here by my ownself. Didn't have any help.
Q. You did some work here at home?
A. Yes, sir.
Q. Do you know where those cards are?
A. That's the ones I give to her. She typed them out. I mean I give her the information she needed.
Q. You gave it in your own handwriting, didn't you?
A. Well, yeah.
Q. And you didn't type it out?
A. No, I didn't type nothing out. I don't know how to type.
Q. Are you able to identify any particular product as related to any particular manufacturer merely by looking at it?
A. Well, yes, some of them. Some of the materials I can, but some of them you can't.
Q. Which ones can you identify by that method?
A. I can identify Johns-Manville some asbestos being from Philip Carey Hitemp or Supertemp or whatever they call it.
Q. O. K. What else can you identify by looking at it?
A. Well, they is all different. Some asbestos for instance is made out of Amosite -- I mean unibestos. It's easy to identify from all pipe covering.
Q. Mu-huh.
A. Even when you saw it, it's different.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/64

Q. All right. Any others that you can identify?
A. Yeah, I can -- I can identify most of them. I can tell you the name of it, but as far as to tell you exactly what company manufactured each one, I can on some occasions maybe identify the materials.
Q. Well, now on your--
A. Or the manufacturer.
Q. ...list of cards, you are saying that in 1954 and 1953 at Tuskolee, Illinois, you worked at a chemical plant and used 85% magnesia.
A. Yes, sir.
Q. And you got after that: Manufacturer unknown. Now do you know who manufactured that magnesia--
A. No.
Q. ....you worked with at that plant?
A. I wasn't positive which company manufactured that. They had all kinda different materials. On that job there were so many different kinds.
Q. All right. You don't know who manufactured the magnesia on that job?
A. No, unless Fibreglas was the general contractor, but I don't know if they was the manufacturer of it.
Q. Are you saying that Fibreboard was the general contractor on that job?
A. Not Fibreboard. They called it Fibreglas something. I forget the name, but they didn't call it Fibreboard.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 65 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/65

Q. You never were employed by Fibreboard Corporation...

A. No.

Q. ....were you?

A. I know. Not that I know of.

Q. All right.

Then where you say the manufacturer is unknown, you don't know who manufactured that 85% magnesia, do you?

A. No, I really don't.

Q. You worked at Palms, California. Do you know what you worked with at that base?

A. That was that magnesia, 85% mag. too.

Q. Do you know who manufactured that?

A. No, sir, I don't.

Q. And when you worked for Fuller Austin at Casper, Wyoming in the Texaco plant, what product did you work with there?

A. Well, they had mag and unibestos.

Q. Mag and unibestos. And in 1958 when you worked for Armstrong Contracting, Topeka, Kansas, on a duPont job, do you know what products you used on that job?

A. Yes, sir, they had so many different materials; they had a lot of different materials on that job.

Q. Well, do you know what--

A. But Kaylo was the one was the main Kaylo I think.

Q. Kaylo was the main thing you used.

A. They had some others but they'd switch you around

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 66 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/66

on 'em.

Q. All right. Now in 1958 you worked for the Aber Company at the Jefferson Chemical Company in Port Neches.

A. Yeah.

Q. Do you know what product you used on that job?

A. Yes, sir.

Q. What?

A. Unibestos.

Q. Unibestos.

A. That's strictly their pipe covering they use most mainly.

Q. That's what Aber Company uses mostly.

A. Mostly.

Q. All right. In 1959 you worked for Precision Instrument company at Texaco plant in Port Arthur.

A. Yes.

Q. Do you know what products you used there?

A. Magnesia, 85% mag.

Q. 85% mag.

A. And Kaylo. I am sure they had Kaylo.

Q. And Kaylo.

A. Yes.

Q. Now, do you know who manufactured the 85% mag?

A. No, I just -- no, I really don't.

Q. In other words, in some of these things throughout this list you put question marks and so forth, you just

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/67

don't know who manufactured the products?

A. Well, not all the time. There are so many manufacturers.

Q. On these exhibits one through twelve have you listed every place that you can recall that you worked with various products?

A. Well, that's kinda hard to do. It's kinda hard to do just off hand.

Q. Well, to the best of your ability now you took plenty of time, and you had your W-2 forms and all the information that you had available, and you went over it with Mr. Stephenson's secretary, and you told her every place you worked and as far as you could possibly do it, every product that you worked with, is that right?

A. Yeah, it's kinda hard to remember materials that far back, who manufactured them, but I kinda remember the materials I used you know.

Q. All right. Now, on Philip Carey Corporation, I believe you list only two jobs: B & B Engineering and Supply at Gulf Oil Corporation. Do you know what materials you used on that job?

A. Careytemp.

Q. Careytemp. How long did that job last?

A. About two months, I think.

Q. And then you list Fluor Corporation at Mobil Refinery in 1959, what materials did you use on that job?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 68 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/68

A. Well, they was Kaylo, Foamglas. And there was some magnesia on that job, too.

Q. Now, are those the only times you worked with Philip Carey products?

A. No, sir.

Q. That's all you list here.

A. Well--

Q. Now, can you tell us any other jobs that you worked for Philip Carey products?

A. Yeah. In 1947, let's see, in '48 and '49 I worked when they built that duPont plant in Orange, and Philip Carey -- all Philip Carey materials was used there, and Philip Carey was the general contractor, and all those materials was Carey materials.

Q. O. K. Now on this list have you listed every place that you have worked with unibestos?

A. Well, it's kinda hard to remember all these jobs but I'd say I used unibestos. Just about every job you go on there's a little unibestos to put on. Very few jobs you go where they won't have some unibestos and some Kaylo.

Q. Let me ask you this: In 1960 when you worked for Armstrong Contracting Company at the duPont plant in Beaumont what materials did you use?

A. Let's see. They had Foamglas; they had fibreglas; they had Kaylo; Calsilite; they had just about every material you could think of.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 69 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/69

Q. Well, have you told me all the materials you used on that job?
A. Well, I can't remember right now. There's probably more of them than that, but I --
Q. In 1961 when you worked for Fuller Austin at the Texgas plant in Winnie, what materials did you use?
A. It was Kaylo or there might have some thermobestos, too, but I believe it was mostly Kaylo, I think.
Q. In 1961 you worked for Armstrong again at duPont plant. What materials did you use?
A. As I stated a while ago: Kaylo mostly and Foamglas, Fibreglas.
Q. All right. Now, usually when you worked for Armstrong Insulation Company did they use a particular product?
A. Armstrong, not as I know of. They buy whatever the plant wants them to put on the line.
Q. When you worked for American Insulation Company at Houston Chemical what product did you use?
A. I think it's Pabco --
Q. What makes you say that you used Pabco on that job?
A. Well, I just happened to remember, it was kinda a new material and hadn't been seen too much in the territory. It's hard as a board and it ain't hard to remember. It's hard to saw, and I noticed on the boxes that it was Pabco products.
Q. This was in 1965?

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/70

A. '65 at Texaco.

Q. And in 1966 while working for Armstrong at the duPont plant what did you use?

A. Same as I did before, the Kaylo, mostly Kaylo.

Q. Mostly Kaylo. And in 1966 when you were working for the American Insulation Company at the Texaco plant in Port Arthur, what did you use?

A. Kaylo and I mean this Pabco products. I can't think of the name of it right now, the pipe covering exactly what the name of the materials was but--

Q. Now, you said Pabco was a hard material.

A. Real hard.

Q. In other words, if you handled it and didn't cut it, it doesn't produce any dust, does it?

A. Yeah, it produce a certain amount of dust then if you saw it but not near as much as the other magnesia materials. It was compressed a lot harder than the rest of them.

Q. Well, this wasn't a magnesia material you were using in '65 and '66, was it?

A. I don't know. You say magnesia?

Q. Yes.

A. I just presume it has magnesia in it.

Q. Well, I am just asking you because--

A. Well, I don't know but when you saw it, it look like asbestos when you saw it.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 71 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/71

Q. In 1967 when you were working for the Armstrong Contracting Company at the duPont plant in Beaumont, what materials did you use?

A. They have always used the same materials all down through the line.

Q. Kaylo?

A. They have used Kaylo mostly and they have had some thermo--they had a lot of thermobestos, too, to use on that job.

Q. All right. Now, in 1967 you worked for American Insulation Company at Atlantic Richfield in Port Arthur.

A. Yes.

Q. What materials did you use on that job?

A. That was Pabco products.

Q. How is it that -- well, do you ever recall using any Ruberoid products?

A. Oh, yeah.

Q. Where did you use them?

A. Just about every job I've been on.

Q. What products were they that were manufactured by Ruberoid that you used?

A. Well, I don't know exactly the name of the materials. I never took time to study them out, but they have -- most of these jobs now have just about any kind of material you can name.

Q. Yes, but just name me one or two jobs that you

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/72

used Ruberoid products on and tell me what the product was.

A. Well, I used Ruberoid on this Koppers Chemical out here. I been trying to think what year it was. '65 I think. I believe it was '64 or '65 I used Ruberoid there because I remember that.

Q. Well, what sort of materials did you use? Was it any particular name where you can identify it?

A. No. They -- it's all pipe covering and I don't recall just what the name of each pipe covering -- they use mostly just about anything they can get a-hold of on these jobs. They have all different kinds. You might start off putting Thermobestos on a line and you might wind up putting Kaylo on it.

Q. Well, now, you listed all the jobs that you used Fibreboard products on, and you don't show any jobs after 1959. Now, is that--

MR. STEPHENSON: I object to that as not being true. He said he did the best he could to remember at the time, that he had his W-2 forms and tried to rely upon his own memory. That doesn't mean it's all inclusive. If he's thinking of additional things, now, fine.

MR. WELLER: You have had your objection or your say. Now let me finish my question.

Q. On Exhibit P#1 you show that the last time you used any Fibreboard Paper Products Corporation products was

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/73

in 1959. Now, is that correct?

A. Well, 1959, I'm trying to think. That's hard to remember.

Q. You really don't know whether you did or didn't, do you?

A. If this job had it, and I was on the job; if it had that material on there, I used it.

Q. Yeah, but what I'm say is: that all of these lists that you have prepared, and you prepared them last December or last September--

A. No. No. I prepared them in September, August and September.

Q. August and September of last year and you went over every bit of material that you had: W-2 forms and everything that you had and tried to identify the job and relate the product to it, didn't you?

A. I tried to in my memory as best I could.

Q. All right.

A. But I didn't get all the jobs down there that I worked on, because we'd switch jobs so many times.

Q. O. K.

A. I just put some of the main ones that I could think of.

Q. And you didn't list any jobs for Fibreboard products after 1959. Now, is that correct that you didn't use any Pabco products after '59?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 74 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/74

A. After '59? Oh, I don't know. You mean before '59?

Q. No. After 1959.

A. Oh, yeah, I used Pabco after '59.

Q. All right. Now, I just got through questioning you about jobs which you listed from 1960 through 1967 at specific plants, and you have given me now a different statement than what you testified on your card. Do you realize that?

MR. STEPHENSON: I object to that as not being true. That's an absolute mis-statement. He is giving you additional information.

MR. WELLER: That is not. It's an absolute truth.

MR. STEPHENSON: It's not the truth; it's a mis-statement. He has given you additional information as he remembered it later.

A. On my cards when I filled these cards out every job I worked on wasn't listed. It's impossible for me to think at the end of the year sometimes I'd have as many as 10 and 12 companies that I worked for. Some of them I didn't even state because I couldn't remember.

Q. All right. Let me ask you this now: Standard Asbestos Products, what products do they make?

A. It has been so long since I worked for Standard way back in fifty -- '49, last time I worked for Standard.

Q. Is that the only time you worked with a Standard

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/75

product was in 1949?

A. The only time I worked for them I used their materials I don't know because they sold materials to these other companies.

Q. But you don't have any --

A. I don't recollect, no.

Q. ....recollection of working with their materials on any particular job?

A. No, not their name specifically, no, sir. No doubt I did. Might have. But I never remembered.

Q. Can you tell me now on what jobs you worked with Standard Asbestos products?

A. That was in Lake Charles in 1958 or '59, maybe a little bit of both.

Q. You list it in 1949 at--

A. I mean 1949, yes, not '59.

Q. '49?

A. Yes.

Q. That's the only time that you can say you worked for them?

A. That's the only time I have ever seen them on any contracting done in this territory outside of one little job they had in Beaumont. And I can't remember what year that was unless it was in '61 or '62.

Q. What products are made by Unarco industries?

A. Unarco?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 76 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/76

Q. Yes.

A. I don't know. I think they make all kinds of magnesia and fibreglas. I am not sure.

Q. You don't know what they make then?

A. No, sir, I never--

Q. So you wouldn't be able to identify their product then, would you?

A. Well, you asked me if I could identify different magnesia. Yeah, you can identify them. Johns-Manville uses Thermobestos and Philip Carey uses Careytemp and stuff like that I can identify, but sometimes I identify them 85% mag.They all pretty near look alike except some of them got better fiber in it and they will hold together better than the others. Calsilite's bad, but I don't know exactly what Fibreboard manufactures.

Q. Well, you mentioned Calsilite. Do you know where you ever worked with Calsilite?

A. Yeah, I worked at the Gulf Refinery with Calsilite.

Q. When was that?

A. Muh, let's see. That must have been sixty -- fifty -- sixty, I guess. I can't remember just what year, but I know it was a big job. They had a lot of Calsilite. I can't remember what year. I am trying to think.

Q. Now, do you know what products are manufactured by Combustion Engineers?

A. Combustion?

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/77

Q. Yeah.

A. No, I don't exactly know.

Q. All right. Can you give us any jobs that you know you worked with any product manufactured by Combustion Engineering?

A. No, that name, I have seen that name on boxes, but, Man, it's hard to remember just where.

Q. Isn't it correct that, and you state on your list here, that you do not know definitely where you worked with Combustion Engineering products?

A. Not exactly what plant. I might -- at that time I might have remembered, but since this last operation I've had, my memory is not near as sharp as it was.

Q. You mean back in September of '69 your memory was better than it is today?

A. I think so.

Q. All right. And, if you didn't remember then, you don't remember now, do you?

MR. STEPHENSON: I object. That's not true. He can think of things now as he's already testified that he didn't think of at that time.

A. Yeah.

Q. Well, then would it be correct that in September of 1969 you stated to the best of your ability the times and the places that you worked with various products?

A. I tell you, it's just hard to remember. Like I

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/78

said we worked on so many jobs, you might go over here on one little old job --

Q. Let me repeat my question.

MR. STEPHENSON: Just let him finish his answer.

MR. WELLER: Well, it's not responsive.

MR. STEPHENSON: I don't care whether it is or not. Let him finish it.

A. And you might have this company to bid this job he'll buy material from every shop, every manufacturer he can get a-hold of. You might have six or seven different kinda materials on that one little job.

WELLER: All right. Let me. I move to strike the answer because it's not responsive to the question, and it's also a voluntary statement.

Q. Now, if you'll listen to my question. This is my question:

Back in September of 1969 when you conferred with Mr. Stephenson's secretary and you gave her the information that you put on the cards, was that the best information that you could give with reference to the times and the places where you worked and the materials that you used?

A. Yes.

MR. STEPHENSON: I object to that not containing the provision "at that time". He can certainly think of additional things now which he has done.

A. Yes. That's right. It's hard to remember all

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/79

the different materials I'll tell you, especially in the last seven or eight years they have come out with some new stuff. It's just hard to remember the name of it.

Q. In your list under Eagle-Picher Industries in 1954 or '53 you worked for Owens-Corning at Tuskolee, Illinois, at a chemical plant.

A. That's the name of the company, Owens-Corning.

Q. And you used 85% magnesia.

A. Yeah.

Q. And you got a question by it, two questions. Do you know whether you used 85% magnesia on that job?

A. Yeah, I used it, I'm sure.

Q. All right. But you don't know who made it, do you?

A. No, I am not positive of the manufacturer.

Q. O. K. In 1960 you worked at Monsanto Chemical Co. Texas City. Do you recall that job?

A. Yeah.

Q. What did you use on that job?

A. I think it was Kaylo, if I remember.

Q. You think it was Kaylo.

A. I am not positive, but as close as I can remember, it was Kaylo.

Q. Who were you working for?

A. I think it was Mundet or Armstrong. I can't remember whether it was Mundet or Armstrong.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/80

Q. In 1960 when you worked at the Paper mill at Evadale who were you working for?

A. B & B Engineering Company.

Q. And what materials does B & B usually use?

A. They usually use Careytemp, but they had some other materials there, too. They had some asbestos and they had Careytemp and they had Fibreglas. And we used a lot of mud, I mean we called it asbestos and mix up our mud with our plaster, used all kinda plaster for that.

Q. All right. In 1961 you worked at Goodrich Gulf for Sabine Insulation. Do you remember what materials you used there?

A. Yeah. I used a lot of fibreglas and used a little either calsilite or magnesia, I can't remember. It was a small pipe. But it was mostly fibreglas.

Q. All right. Do you know who made it?

A. No, I don't know who made that fibreglas unless it was Owens-Corning. I'm not sure.

Q. Do you know who made the magnesia?

A. No. I am not sure who made it.

Q. And what was the other material you said you used?

A. Fibreglas.

Q. Are you making the contention in this case that you were injured by fibreglas?

A. No, I don't -- I don't know. If fibreglas gives you lung trouble, why, I'll say "Yes".

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/81

Q. When you worked in 1968 for B & B at Mobil Refinery what materials did you use?

A. Sixty-eight, let me think. At Mobil Chemical?

Q. Mobil Refinery, you list it 1968 B & B Engineering Co.

A. I am trying to think. Right now I can't even think that I have worked there, and I have worked on that job, I know. Is that Mobil Chemical or Jefferson Chemical?

Q. Mobil Refinery.

A. Oh, yeah, yeah, I worked there, a little job there. I can't think of the material right now what I used. Can't think of it, but it's a magnesia I know.

Q. But you don't know who made it, do you?

A. No, I am not positive.

Q. Let me ask you this, Mr. Borel, is it correct on many of these jobs you just don't recall what materials you used?

A. Yes, I can recall, because I tried to stay on jobs like asbestos on account of this glass, because I was afraid of the glass. And I've read that fibreglas would give you emphysema or I just figured it would. No one ever told me. I just read that fibreglas because I have a tender skin and it stays in my skin so long 'til I itch all the time. And I've even had a breaking out from fibreglas at one time. So I try to stay off of the fibreglas and foamglas jobs and lean toward the asbestos jobs as much as

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 82 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/82

I could without being unemployed. There was times when I couldn't and I had to work in fibreglas and foamglas, so I did.

Q. Have you ever had emphysema?

A. No, sir.

Q. Has anybody ever told you you had emphysema?

A. No. They checked me in the hospital and said I didn't have it on the pulmonary. Oneof them tests they run for emphysema said I didn't have it. I could blow that pulmonary too high.

Q. Did Dr. Watkins ever advise you that your x-rays were cloudy?

A. Yes.

Q. And it was caused by dust?

A. He didn't say. Dr. Watkins never come out and said what it was caused by.

Q. Well, who told you it was caused by dust?

A. Not Self, but P. O. Jones.

Q. Didn't the doctor in Port Neches tell you that?

A. He told me that it was cloudy, that it might, it could be from the trade I worked in.

Q. All right. And the trade that you work in is in the asbestos industry or asbestos insulation industry.

A. You can put it that away.

Q. Did Dr. Watkins tell you that you should get out of this type of work?

A. No, sir, never did.
Q. Did the doctor in Port Neches tell you that you ought to get out of this type of work?
A. No, sir, he didn't mention it.
Q. Did he tell you to avoid dust?
A. He told me to avoid dust as much as I possibly could.
Q. All right.
A. But he told me, said I had nothing to worry about right then.
Q. Since you've worked with products containing asbestos, haven't you known to stay out of dust as much as you can?
A. Well, naturally I tried to stay out of it as much as I could. If the wind would be blowing from one direction, I'd try to saw where it would be blowing away from me.
Q. All right. It wasn't necessary for anybody to tell you that you were inhaling this dust, was it?
A. No, I could blow it out on my handkerchief.
Q. And it wasn't necessary for anyone to tell you to stay out of it, was it?
A. I wouldn't think so.
Q. This was just a condition of your employment over a long number of years, wasn't it?
A. Naturally everybody tried to stay out of it, as much dust as they possibly could. They just figured dust

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/84

is not good for your lungs one way or the other.
Q. And you calculated this, too; you knew this to be a fact, didn't you?
A. I figured it would be injurious to you, too, so I just--
Q. All right.
A. ....tried to avoid it.
Q. All the time that you were working you knew that this dust was injurious to you to some extent?
A. I figured it'd be injurious to you. It couldn't do you any good. But I didn't know how injurious it could be to you until it was too late.
Q. At any time has your union discussed the possible danger of working with asbestos dust?
A. Well, they try to eliminate in the shops where the men where they do all their fabrication with kinda motors sucking it out, sucking the dust out and so forth. That's as far as the extent they go into it yet.
Q. How long has that been going on?
A. Well, that's been since I can remember they always try to rig up something that would pull this dust away from the saw, when they saw it.
Q. When you say almost as long as you can remember--
A. I'd say ten years--I'd say ten years at least.
Q. At least ten years.
A. Because years ago we done all our fabrication right

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/85

there where we were gonna build a valve we built that valve right there but they are building them in shops now, fabricating shop.

Q. Have you ever worked in the shop at the Sabine Insulation Company?

A. No.

Q. Have you worked in the shop of any other company?

A. No, sir. Yes, I did. I take that back. I worked in a shop for duPont for about three or four months.

Q. Did they have blowers or suction?

A. On the saw they have a suction.

Q. Have a suction on the saw.

A. On the saw.

Q. This was out in the field, wasn't it?

A. No, sir, this was in the shop.

Q. Was it a shop located on the duPont grounds?

A. On a duPont job, yes. It's hugh shop and you can see where that dust settled. You just put a board there, lay a board there one day and the next day you can see that dust settled all over it. That saw wasn't taking it-- I mean that blower wasn't taking it all out and the men that worked in there are bound to inhale it.

Q. Well, a man working in the shop would he wear a respirator?

A. I have never seen anybody wear them. Some of them try it for an hour or two. Then they would give it up,

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/86

couldn't breathe with it they claimed.

Q. How long ago did you notice any shortness of breath?

A. I'd say two years ago, as much as two years. Real shortness.

Q. A real shortness of breath.

A. Yes.

Q. But had you had some shortness of breath prior to that?

A. Well, off and on I did. At times I would be short of breath, yes. It was two years ago when I started noticing it real bad.

Q. All right. When did you first start noticing some shortness of breath, how long ago?

A. Oh, I'd say in about 1968, the first part of sixty eight and the last part of sixty-seven was when it started getting bad. I couldn't walk real fast and I just started giving out.

Q. Well, did you have shortness of breath when you first started going to Dr. Watkins and complaining about pleurisy?

A. Yeah, I had shortness of breath then.

Q. And that was as long as six, eight years ago, wasn't it?

A. Well, yeah, but I had pneumonia you see. And he told me the pneumonia would leave a scar there possibly

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/87

and if I wasn't careful I could get pneumonia easy.

Q. Were you assigned work that didn't require you to climb on the job before 1968?

A. No, I never would -- I never did tell the foreman my condition, because they don't like to hear them things. They like for you to work wherever they place you. I just never griped about it. I tried to climb them towers and that's one way where you know you're short of breath or not when you're climbing up and down them towers.

Q. Well, did you have shortness of breath when you were climbing up and down those towers?

A. Oh, yeah, naturally.

Q. This was prior to sixty-eight, wasn't it?

A. Yes. It--

Q. Did you ever have any--

MR. STEPHENSON: Did you finish your answer?

MR. WELLER: He said "Yes".

MR. STEPHENSON: He was still talking.

MR. WELLER: All right. I'll let him finish it.

A. It was -- you can be a well man and never have nothing wrong with your lungs and you climb one of them towers, you will be winded when you get to the top of it, especially a 200-ft. tower. Then when you get something wrong with your lungs, naturally it's going to really make you show a sign of shortwindedness.

Q. Prior to your illness what did you do for a hobby?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 88 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/88

A. Well, I don't have any hobbies. You mean like fishing, hunting and so forth?

Q. Fishing, hunting--

A. No.

Q. ....gardening--

A. Garden.

Q. ....or anything like that.

A. Yeah, garden, I usually garden, and I like to fool around on automobiles.

Q. Did you ever use any chemicals in your gardening or anything like that?

A. No, outside of a little lime to put in the ground once in a while.

Q. Have you ever been exposed to any chemicals or any thing in any plants or anything like that that would cause you any trouble?

A. Well, I think you are exposed all the time you are in them plants, in the chemical plants, because it's impossible to get away from them fumes if you're going to work in there at all.

But they've always roped it off where it's real dangerous, I mean where the air has got so bad you can't stand to breathe in there without a mask, they will rope it off, to keep the construction men out.

MR. WELLER: O. K. Mr. Pate.

---oOo---

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/89

CROSS EXAMINATION

BY MR. PATE:

Q. Mr. Borel, my name is Gordon Pate, and I represent one of the defendants, Johns-Manville Products Corporation-

MR. STEPHENSON: Is he through?

MR. WELLER: For the time being.

MR. STEPHENSON: As far as I'm concerned, let him finish and then you pick up from there. Don't switch back and forth.

MR. WELLER: Let me see. Just a second. I forgot to ask these other guys if they wanted me to ask any questions for them.

MR. PATE: I think that would be the simplest thing, Ward, while I'm interrogating, he can do that.

MR. STEPHENSON: No, I don't think so. I don't feel that's in the purview of the Court's Order.

MR. WELLER: If you're going to ask him any further questions I want the right to come back and ask some questions.

MR. STEPHENSON: I don't propose to ask him any further questions.

MR. PATE: Does he want to take a break before we start?

MR. BOREL: Not necessarily unless you all want one.

MR. PATE: It's 9:50. It might be wise to take

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 90 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/90

a break.

MR. STEPHENSON: Let's go on and try to finish it today.

CROSS EXAMINATION RESUMED

BY MR. WELLER:

Q. Mr. Borel, do you know where the lists are that you prepared?

A. Ones I prepared?

Q. The ones that you wrote.

A. I turned them over to his secretary.

Q. Did you write them out yourself or did somebody write them out for you here at home?

A. I wrote them out.

Q. You wrote them out. Did you keep a copy of them?

A. No, I sure didn't.

MR. WELLER: All right. We are going to request counsel to produce these lists that were prepared by Mr. Borel himself.

By Mr. Weller:

Q. Let me ask you one other thing: These exhibits, these cards, did you ever see those again after you were over there and conferred until yesterday?

A. Yeah, it was a week ago I seen them.

Q. You saw them a week ago. Where did you see them?

A. Right here.

Q. Right here. And who showed them to you?

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/91

A. His secretary.

Q. His secretary showed them to you a week ago.

A. I will say it was a week. When you all -- I guess it is a week.

Q. What was the purpose of her showing them to you at that time?

A. Why, she wanted to kinda refresh my memory on some of the places that I had worked, because it's a hard thing to think of.

MR. WELLER: O. K. That's all I have at this time but I reserve the right to ask further questions.

MR. STEPHENSON: Well, I can tell you now I am not gonna let you ask any further questions. If you aren't finished, finish now.

CROSS EXAMINATION

BY MR. PATE:

Q. All right, Mr. Borel, do you feel like continuing on at this time now?

A. Yes, sir.

Q. And you will tell me when you feel like you should not continue, is that right?

A. Yeah.

Q. How did you happen to go to Dr. P. O. Jones in Houston?

A. Well, when Dr. Watkins found -- he found the spot

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/92

and said he didn't know what it was on my lung. At first he thought it was pneumonia and naturally he treated me for pneumonia. And he x-rayed me again, and this spot was still there.

Q. He referred you to Dr. Self.

A. Self.

Q. All right. And you left St. Elizabeth I believe before Dr. Self completed his test, is that right?

A. No, he completed his test before I left.

Q. Did he discharge you or--

A. No, I just -- I told him I wanted to be discharged because I felt like he wasn't doing me any good. I had had 17 days of tests and he still didn't seem to -- in fact, I was getting so bad and weak and nervous 'til I had to make a change.

Q. All right. Now, who recommended or how did you happen to hear of Dr. P. O. Jones?

A. My daughter-in-law, her Father had had some lung trouble years ago and he had heard this Jones was -- was a chest -- was a chest doctor and he was a specialist in that line, didn't fool with anything else but chest diseases.

Q. All right. What is your daughter-in-law's name?

A. Mary Lynn Borel.

Q. And who was her Father that had gone to him?

A. Boultinghouse. I can't think of his name.

Q. What?

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/93

A. Boultinghouse is his name.
Q. Where does he live or do you know?
A. He lives on 8th street in Port Arthur.
Q. All right. Do you know who he works for?
A. Gulf Oil.
Q. You don't know his first name?
A. No, sir.
Q. Now, Mr. Borel, what type respirators have you used or seen available on these jobs?
A. Well, the only ones I've seen, there is a surgical mask that they tried out there on some of them jobs. And they put another little filter in them, you have to change filters every so often.
Q. Is that the only type?
A. Only type I've ever seen.
Q. Have you ever asked for a respirator and it not been furnished to you?
A. No, I never did ask for them, because I knew what they were, and I was just wasting my time asking for them because I had tried them.
Q. So you never did ask for one, did you?
A. I tried them at one time. They give us all one one time on some job and we tried them.
Q. What year would that have been and what job?
A. I just can't remember what job it was on, but it was a duPont job.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/94

Q. What year?
A. Well, let's say sixty, sixty-one somewhere along in that line.
Q. And you say it was on a duPont job. And you're talking about that little white surgical mask?
A. White surgical mask.
Q. That's the only kind they ever did furnish you?
A. Furnish me.
Q. Mr. Borel did you ever see any warnings on any of these products or the boxes that they came in?
A. No, sir. I understand they are on there now, but they wasn't on there when I was covering pipe.
Q. All right. And you worked as an insulator up until when?
A. 1969, January 17th was the last year I worked.
Q. Up until January 17, 1969 and that's the last day that you have worked?
A. Last day I've worked.
Q. All right. At any time prior to that did you ever see any warnings on any boxes?
A. No, sir.
Q. Did you ever look on any boxes for any warnings?
A. Well, no, sir, I wasn't looking. No one notified me that there would be. However, if they would have a warning there I was bound to have seen it when I go to open the box.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 95 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/95

Q. Did you open the boxes yourself?
A. Lots of times when the helper would bring the material and didn't have time to open them then and would go on, why, I'd open a box myself.
Q. Did you ever see any writing at all on the outside of any of the boxes?
A. You mean outside of the name of the company?
Q. Yes, sir.
A. No, sir.
Q. You never did see anything printed or stamped on any of them in the nature of any warning....
A. No.
Q. ....at any time while you were working as an insulator?
A. While I was working as an insulator.
Q. Now, are you drawing social security benefits at this time, Mr. Borel?
A. Yes, sir.
Q. And that's for total and permanent disability.
A. Total permanent disability.
Q. How much does that amount to?
A. $184.00.
MR. STEPHENSON: I am going to object to this questioning. It's out of the scope
Q. $184.00?
A. And some few cents.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/96

Q. All right. And how long have you been drawing that?

A. Since September.

Q. Of '69?

A. '69.

Q. All right. Now, what other source of income do you have?

A. That's all outside of my--

MR. STEPHENSON: I object to all this on the basis that it's an improper question concerning an ancillary matter not to be admitted before the Jury and therefore inadmissible.

Q. Now, you do draw some money from the Union Pension Fund, I believe, don't you?

MR. STEPHENSON: Same objection.

A. You going to object to that?

MR. STEPHENSON: Go ahead and answer it. I have made my objection.

A. Yeah, I draw a pension, a small pension.

Q. All right. How much is that?

A. $168.00.

MR. STEPHENSON: Same objection.

Q. Where did that come from, Mr. Borel?

MR. STEPHENSON: Gordon, may I just have my objection to all of this....

MR. PATE: Sure.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/97

MR. STEPHENSON: ....to keep from interrupting.

Q. Where does that money come from, Mr. Borel?

A. From our Local. They put it into a just a insurance fund.

Q. All right. What insurance company actually pays the money to you?

A. Pacific Mutual.

Q. All right. And is that out of California?

A. Out of California.

Q. Do the checks come directly from California to you?

A. They are stamped in California on the envelope.

Q. And how long have you been drawing that?

A. Since September.

Q. Of '69.

A. Now, let me tell you this. I got the checks in September, see, they might have been dated for August 1st. I think they actually started on August 1st. I am not certain, but I know the first check I got was in September.

Q. All right. So you draw your Social Security benefits and you draw your Pension Fund benefits. Do you have any other source of income?

A. No, that's all.

Q. All right. Who financed your house here, what--

A. FHA. What is the name of that? First Federal.

Q. First Federal.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 98 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/98

A. First Federal in Beaumont.
Q. First Federal Savings and Loan in Beaumont.
A. Beaumont.
Q. And they are the ones that asked you to take out insurance, is that correct; was that a term insurance policy which would pay off the house if something happened to you?
A. Right.
MR. STEPHENSON: I object to all this now about insurance.
MR. PATE: Sure.
Q. And has it paid off your house?
A. No, not yet. I would have to be deceased before it would--
Q. That's the only way it pays off.
A. ....before it would pay the note, pay off.
Q. And that was with the Provident Insurance Company,
A. Provident, yes.
Q. ...I believe you said. Now, was the policy which you took out at that time rated or do you know?
A. What do you mean by "rated"?
Q. Well, did you have to pay extra premium or additional premium to get that policy?
A. No.
Q. Just a standard premium.
A. Just a standard premium.
Q. And that was taken out I believe you said about

EDNA LABOVE
COURT REPORTER

six years ago, that policy?

A. Six years, right in the neighborhood of six years, maybe a little less.

Q. Is it still in effect, Mr. Borel?

A. Yes, sir.

Q. Do you pay for it separately or along with your payments?

A. It's included in my notes.

Q. With First Federal?

A. First Federal.

Q. Do you have any other kind of insurance that you have taken out within the last ten years?

A. No.

Q. Any life or hospitalization?

A. I have one policy that I had but I dropped it. I couldn't afford to pay the premiums after I got the disability retirement.

Q. Did you have any hospitalization insurance which paid part of your bills while you were in the hospital in Houston or Beaumont or Groves?

A. No, when these insurance companies we had with Group insurance with Pacific Mutual found out that this was asbestosis, they said it was an injury, and they will not pay another cent. I had them wanting me to return the money that they had paid out already to one hospital.

Q. What hospital was that?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 100 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/100

A. Doctors Hospital.
Q. But you did not return the money, did you?
A. My Secretary advised me to forget about it and he would take care of it.
Q. That's the Secretary of your Local?
A. My Local.
Q. Do you belong to Local 22 in Houston?
A. 22.
Q. All right. Do you know Mr. Shrode there?
A. Yes.
Q. How long have you known Mr. Shrode?
A. About, oh about 30 years.
Q. And at your union meetings how long had you all been discussing this problem of dust?
A. Well, it's always been a problem, but they never--they just talked about it and they never did do anything about it to try to ~~get~~ something to put in a contract.

They'd get blowers put in the bottom of the skirts of a tower like when you're working in there you can't hardly breathe. They did get the companies to do that.

Q. How long have you actually been talking about it at your union meetings, Mr. Borel?
A. Oh, I can't remember that. It's always been a safety item. They talked about some way where they could get rid of this dust ever since I can remember.
Q. All right. Well, you have been working those

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 101 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/101

insulators since 1937. Have you been talking about it since 1937?

A. Yes, I would say so.

Q. And you have been aware of the problem since that time. Is that correct?

A. I have been aware of it, it doesn't seem very healthy I know.

Q. You were aware that it wasn't doing you any good breathing it, weren't you?

A. Well, yeah, and then in another way I never did figure that it would harm me.

Q. But you knew that after working there you could cough or sneeze and you would see these fibers on your handkerchief, is that right?

A. Uh-huh.

Q. Sir?

A. Yeah, that's right.

Q. And you would also wear a handkerchief over your mouth and nose I believe on occasion?

A. I have done it on a lot of jobs.

Q. You would wet them, I take it, is that correct?

A. Summer time -- summertime I would. If it was wintertime I wouldn't wet them.

Q. Why would you wear those?

A. Try to get fresh air; keep the dust out of my nostrils.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 102 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/102

MR. STEPHENSON: This is all repetitious, Gordon.

Q. Now, the only injury you are claiming, I take it, Mr. Borel, is from inhaling the air or the dust where you were working, is that correct?

A. The only injury I am claiming you mean?

Q. Yes, sir.

A. Asbestosis is what the doctor prescribed, said it was.

Q. And are you claiming that that's a result of breathing the air --

A. A result of breathing asbestos....

Q. Dust.

A. ....dust.

Q. Where you were working.

A. Right.

Q. What states have you worked in, Mr. Borel?

A. Well, I've worked I believe I would be safe in saying I've worked in at least 15 states.

Q. Can you tell me the ones that you remember working in?

A. Well, I've worked in Florida, and I've worked in Louisiana, Texas, Colorado, Wyoming, Arizona, California. How many is that? Yeah, I worked in Kansas. It's hard for me to remember all that.

Q. That's eight. Now do you know what year and who you worked for?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 103 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/103

A. Well, I could but I'd have to have a lot of time to--

Q. All right. There is one thing I am still not clear about and that's your W-2 forms.

You said a minute ago, I believe, at the end of some years you would have I believe 10 or 12 or more W-2 forms.

A. Sometimes yes.

Q. All right. Where are the W-2 forms for the last ten years?

A. Well, the lady that does, fixes my form she said her husband cleaned her shop down there and throwed most of them away.

Q. Who was that lady?

A. Mrs. Stansbury. Stansbury.

Q. Is that here in--

A. Port Arthur.

Q. ....Port Arthur.

A. She has been fixing my income tax the last 15, 18 years.

Q. Do you know whether she might still have some of them?

A. No, she doesn't. We checked with her.

Q. You have asked her to return all of your records?

A. She's done returned all she had. She didn't have them all.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/104

Q. What is her first name, Mr. Borel?
A. I don't know.
Q. Did she or her husband do your return?
A. She does herself.
Q. Where abouts is she located in Port Arthur?
A. American Realty Company.
Q. American Realty Company. She has prepared your returns the last--
A. I believe I would be safe in saying about 15 to 18 years.
Q. O. K.
A. It has been a long time.
Q. Did you have a family doctor before Dr. Watkins?
A. Yes, sir.
Q. Who was that?
A. T. W. Young. T. W. Young.
Q. T. W. Young?
A. Yeah.
Q. Where was he?
A. Port Arthur.
Q. All right. Is he still living?
A. No, sir.
Q. Is that the only family doctor you've had other than Dr. Watkins?
A. That's the only family doctor I can remember in my whole lifetime besides Watkins.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/105

Q. All right. Now any of the other states that you have worked in, Mr. Borel, you mentioned here like Florida, Louisiana, have you been to any doctors in any of those states?

A. No, sir.

Q. Have you ever been sick or ill while you were working out of Texas?

A. No.

Q. Never saw a doctor for any reason whatsoever?

A. No reason whatsoever.

Q. Never was in the hospital in any other state?

A. No.

Q. I don't know whether the question has been asked or not, but were you in the service?

A. No, sir, I wasn't.

Q. All right. Were you turned down or not called, or what are the facts?

A. They turned me down on account of my trade. Just said they needed asbestos workers. They put me on a deferment in other words. I was called once and took my blood test, and I never heard from them any more.

Q. Well, did they turn you down because of your physical condition or did they give you a deferment because you were needed as an insulator?

A. I were needed as a insulator. They were so short.

Q. And at that time you were working where?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 106 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/106

A. I worked the shipyard in Orange and the rubber plant in Beaumont during the war those two jobs.
Q. All right, sir. That was for Consolidated Steel?
A. Consolidated was the general contractor and the company was Asbestos Magnesium Materials Company out of Chicago.
Q. That was in Orange.
A. That was in Orange.
Q. And who did you work for at the rubber plant in Beaumont?
A. It was -- you mean Port Neches.
Q. Port Neches.
A. Dallas Airconditioning Company out of Dallas.
Q. All right. Do you shop at any particular grocery store?
A. Yes, sir.
Q. Where is that?
A. Bruce's Market here in Groves.
Q. Is that Bruce's Supermarket?
A. Supermarket.
Q. And do you always pay cash or do you charge your things?
A. We charge them.
Q. And you have been doing that for how long, sir?
A. Oh, about five years.
Q. Five years. Does any member of your family smoke?

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/107

A. No. No, sir, not that I know of. My Brother did smoke, but he quit.

Q. I'm talking about that lives here in the house with you?

A. Oh. No.

Q. Who lives here now, just you and your wife?

A. And my wife.

Q. Your wife does not work outside the home, does she?

A. No.

Q. Mr. Borel, did you go to Mrs. Stansbury and get all your W-2 forms that she had before you went to see Mr. Stephenson's secretary last August or September?

A. Yeah, I went and got 'em all, all that she had.

Q. All right, sir, and do you recall at this time for what years she had W-2 forms?

A. No, but there was several years between the sixty and sixty-one and sixty-seven that she didn't have.

Q. All right. Did you give Mr. Stephenson's secretary all of those that either you had or that you got from Mrs. Stansbury?

A. Yeah, I did.

Q. So she would have them now, is that correct?

A. I presume she has.

Q. They have not been given back to you?

A. No.

Q. All right. And you used the W-2 forms to refresh

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 108 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/108

your memory in compiling the information you gave Mr. Stephenson's secretary?

A. Yes.

Q. Did you use any other records or memorandums or anything to give her the information?

A. No, not that I can think of.

Q. Solely your W-2 forms and what you could remember.

A. What I could remember.

Q. All right. Did you review at that time any pleadings or Answers to Interrogatories or anything in these cases?

A. I don't know what you meant by what Bobbie told you.

Q. Well, did she show you anything in the form of a legal pleading that gave the name of various products and the company that manufactured them?

A. I can't remember.

Q. How long did this conference take?

A. With Mrs. Bean you mean?

Q. Yes.

A. Oh, about 25, 30 minutes.

Q. And you had most of the information already written out in your handwriting?

A. Yes.

Q. And you just gave that to her and then reviewed it with her there.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/109

A. I reviewed it with her.
Q. Is that the same information that's contained on these cards, Mr. Borel?
A. I presume it is.
Q. All right. And you had gone over these cards approximately one week ago with her?
A. Yes. Real fast. I didn't have time to study them. But they were just like they were when I give 'em to her.
Q. All right. Where did you live prior to moving to this address?
A. 6011 Monroe, Groves.
Q. How long did you live at that address.
A. I lived there about five years, and from there -- I been living in the Groves since 1931.
Q. Where did you originally come from?
A. Louisiana.
Q. What Parish?
A. I guess you call it St. Mary's Parish, Jeanerette, I think it's St. Mary's Parish.
Q. Do you have any Brothers or Sisters living in Jefferson county or this area?
A. Yes, I have sisters.
Q. What are their names, sir?
A. One of 'em is W. J. Stansbury, and Mrs. A. J. Norris.
Q. Now, this Mrs. W. J. Stansbury is not the same one

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/110

that prepared your income tax?

A. No, that's my sister.

Q. All right.

A. Mrs. A. J. Norris and J. C. Casper.

Q. What does Mr. Stansbury do?

A. He's dead now.

Q. He's dead. All right. The next one was Mrs.--

A. Norris.

Q. ....Norris.

A. He's retired.

Q. What did he do before he retired?

A. He worked at Gulf Oil Corp.

Q. And the other you mentioned was Casper.

A. Yes. Her husband is deceased.

Q. Deceased. What did he do before?

A. He worked at this shipyard, Gulfport Boiler and Welding Works.

Q. Now, you have six children, I believe you told us, one boy and five girls.

A. Right.

Q. And all five of the girls are married?

A. Right.

Q. Do they all five live in Jefferson County?

A. No. -- I beg your pardon, the girls, they all live in Jefferson County.

Q. Can you give me, Mr. Borel, starting with your

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/111

oldest daughter, her husband's name and where he works and come on down?

A. Gregory Bursar, and he works for Blanton's Home Laundry -- Texas Linen -- Texas Linen & Supply. And there is Mrs. Oscar Martinez. Her husband works at the shipyard, Gulfport.

Q. Where does he work, this Oscar Martinez?

A. Martinez.

Q. He works for the Gulfport Shipyard.

A. Gulfport Shipyard.

Q. That's two. What's the next one?

A. Let's see. Sue, her husband's in Vietnamn. He's in the service.

Q. What's his name?

A. A. J. Stephens -- L. C. Stephens.

Q. All right. That's three. And the next one?

A. George Anderson, Mrs. George Anderson, her husband works at Koppers.

Q. All right. What is the fifth one now?

A. Kathleen Marie Dean.

Q. Kathleen Marie Dean. What's her husband's name, Mr. Borel?

A. William Dean.

Q. By whom is he employed?

A. He's a computer -- -- -- he works on these Burroughs Corporation computers, the Merchants bank and

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/112

places.

Q. Mr. Borel did you ever work around any coal mines or in any coal mines...

A. No, sir.

Q. ....any time in your life?

A. No.

Q. Not when you were working out of Texas any place?

A. No.

Q. Now, your son, I believe is an insulator worker, is that correct?

A. Yes.

Q. And how old a man is he?

A. He's 33, I think.

Q. Does he work out of Local 22?

A. Out of 22.

Q. How long has he been an insulator worker?

A. Oh, since he was about 18 years old.

Q. All right. Do you have anyone else in your family who follows the insulation trade?

A. No, not that I know of.

Q. None of your other relatives, is that correct?

A. No.

Q. Can you tell me what products Ruberoid manufactures?

A. Ruberoid they manufacture -- you mean pipe covering and so forth?

Q. Well, just any product that Ruberoid manufactures.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/113

A. I did know but I just can't think right now.
Q. Can you describe any product that Ruberoid manufactures?
A. Well, their material is real compressed. It's real good material, but as far as to describe it, I don't know what it's exactly made of. They say it's asbestos. I know it's compressed asbestos.
Q. All right. They don't have their name imprinted or stamped on their products, do they?
A. I don't really know. Years ago they used to put a rag around them things. Now they put little strips of paper.
Q. All right. You don't know when you last used any of their products, do you?
A. I may have used their products on the Texaco job here in 1965, a small job they had there about two months.
Q. All right.
A. I am not certain whether it was their material, but it was material I hadn't used in quite a while, and it seemed like that was the name of it.
Q. All right. Do you really know that you used Ruberoid products or is that just a guess on your part?
A. Just a vague guess. I am not certain.
Q. Just a vague guess. All right.
A. Right. I tell you if I had a-known I was going to need all this, I would have noticed. But I--

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/114

Q. All right. Have you ever heard discussed on the job or any place this disease of asbestosis as being an occupational disease?

A. Oh, I have heard a little of it, but I never heard too much of it until I really got sick.

Q. All right. When was this that you heard it, Mr. Borel?

A. Oh, just the men talking out there in the last year or two, two or three years.

Q. Last two or three years.

A. They --

Q. What did they say about it?

A. Well, everybody seemed to think that this material we have has been causing it and all kinda getting afraid of it. We had so many men that what really happened to them they probably had this asbestosis and it turned to cancer, and they died and buried them before they knew what happened.

Q. Where did you get that information?

A. Well, I just -- just in general. I can't name any one person but everybody just seemed to think that's what's causing it was asbestos. A very good friend of mine he just died. It turned to cancer and he -- got outside his rib cage before he ever discovered it. It was too late then.

Q. Now, these cards, we've been referring to here,

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 115 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/115

Mr. Borel, I take it you have only seen them twice and that was about a week ago when Mr. Stephenson's secretary came over and you all hurriedly went over them, and then when Mr. Stephenson held them there yesterday, and you all referred to them, is that correct, sir?

A. Yes.

Q. All right. So you have not studied those cards in detail since they were prepared, have you?

A. No.

Q. You have just sort of superficially gone over them.

A. Right.

Q. So you cannot tell us here today, under oath, that the information contained on there is accurate, true and correct, can you?

A. Well, I can't tell you word for word like I had it down.

Q. Because you haven't studied them in that much detail, have you?

A. Like I said since my operation my memory is not near what it used to be.

Q. Right. My point is simply this: You haven't as of this time really studied those cards sufficiently to say whether the information contined on there is accurate or not, have you?

A. Well, it's hard to say. It's hard to think like that. You might -- I might tell something one way one time

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/116

and I might think of something else to add to it. Well, I would say so, I guess.

Q. Well, now, not all the information that's on those cards was furnished by you?

A. Well, yeah, different ones that I've worked for I called certain men up and asked them if they remembered me working on their job and they said, "Yeah". And even they themselves couldn't remember the name of the material.

Q. All right.

A. I wanted you know to establish a point of what year I had worked for them so I'd know.

Q. My point is this: wasn't some of this information furnished by either Mr. Stephenson or his secretary from their files as opposed to the information which you gave to his secretary?

A. No.

Q. Can you describe the products manufactured by Eagle-Picher, Mr. Borel?

A. No, they make an awful lot of this cement I know that, and they make rock wool blankets and they make pipe covering, too, I imagine.

Q. All right. Can you tell me specifically any products that they manufacture?

A. I think rock wool.

Q. Rock wool.

A. Yes.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 117 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/117

Q. All right. Is that all you can recall?
A. It's all I can think of besides cement, all different kinds of cement.
Q. Does their cement have various names or just one name?
A. Yes, they have numbers and names and that's why I tell you there is so many of them come out in the last ten years it's impossible to even name all of them.
Q. You cannot actually distinguish one company's cement from another, can you?
A. You can in a way. It's a little bit different sometime in the color.
Q. All right. Can you explain what you mean by that?
A. Some of it may look a little green. Some of it may look--
Q. All right. Whose cement would that be?
A. I am not positive.
Q. All right. Go ahead, sir.
A. Some of it looked kinda yellow.
Q. All right.
A. Aber Co. used to put out one.
Q. Have they stopped putting it out?
A. I don't know for sure.
Q. Have you worked with it in the last 10 years or do you remember?
A. Oh, I have worked with it, yeah, but I don't

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 118 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/118

remember just what job. We used it on all the jobs.

Q. All right. Can you identify any other cement, by color or otherwise?

A. 352 that Johns-Manville puts out, a finishing cement has a lot of asbestos in it.

Q. Does it have any particular color to it or not?

A. It's kinda blue. We call it blue mud, because it's so blue.

Q. Have you used it during the last ten years?

A. Oh, yes, many times.

Q. I don't believe you can tell us whether you have worked with any Combustinn Engineering Products on any particular job, can you?

A. Combustion, no, I never paid much attention to the name, but I am sure I used their materials.

Q. But you can't tell us--

A. I can't.

Q. ...on what job?

A. No, I can't tell you what job.

Q. All right. Can you tell us any of their material that you've ever used?

A. No, unless they manufactured cement. See on some of these jobs you cement manufactured from several different companies. They buy it wherever they can get it. And I have on some jobs used as many as three different kinds, four different kinds on one job.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/119

(10:25 a.m. to 10:35 a.m. defendants counsel confer
(on lawn of Borel home out of presence of witness -
(Reporter's note.

CROSS EXAMINATION RESUMED

BY MR. PATE:

Q. Mr. Borel, are you ready?

A. Yes, sir.

Q. Mr. Stephenson?

MR. STEPHENSON: Yes, sir.

Q. Mr. Borel, I only have two or three additional questions concerning these cards again.

Now, did you give Mr. Stephenson's secretary the list of products that each of these companies manufacture that is contained on the cards here?

A. As well as I could.

Q. And do you know where the names of the products came from that are on these cards that you did not give to her?

A. The names of the products?

Q. Yes, sir.

MR. STEPHENSON: I object to that. You are inferring that he didn't give them to her. He said he gave them to her as well as he could. You are now inferring that he didn't give them to her.

Q. Mr. Borel, let me ask you this: have you checked these cards to be sure that the names of the products

contained on each card under a particular manufacturer are the names of the products which you gave to Mr. Stephenson's secretary?

MR. PIPKIN: Hand them to him and let him look at them.

A. It's a hard question. I just don't -- I just don't quite understand how to answer that question.

Daughter: Let him state it again, Daddy.

Q. Let me ask it this way: Have you looked at these cards to see if the names of the products contained on each card are the names of the products which you gave to Mr. Stephenson's secretary?

A. I looked at them once, yeah.

Q. All right. Did you add any products after looking at them?

A. Not that I recall.

Q. All right, sir. Now, I notice for instance on -- well, can you tell me what products Armstrong Cork manufactures?

A. Well, Armstrong a type of magnesia I can't think of the name of it. It's something - they might manufacture Kaylo. I am not sure but there is another kind I did know the name of it. But they put out a vegetable cork but they don't all use that any more. That's a thing of the past almost. But you're talking about in heating and pipe covering is what you're talking about.

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 121 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/121

Q. Any kind of --
A. I had -- I have known that name just as well as I know my name, but I just can't think of it right now, because I used it for quite a few years there. I just can't remember the name of the pipe covering.
Q. I notice on the Combustion Engineering card you said you did not definitely know when or where you had used their products. Now, how did you come up with the list of products or the names of the products that are listed on this card?
A. Well, I have a friend of mine that's in this business, and I talked to him, and he refreshed my memory at the time I was filling the cards out.
Q. All right. Now, who was that friend?
A. Am I obligated to tell that?
MR. STEPHENSON: Yeah, that's all right.
A. He was Demahy, Francis Demahy.
Q. Francis?
A. Demahy.
Q. Demahy?
A. Mu-huh.
Q. Where does he live?
A. He lives in Port Arthur here.
Q. What address?
A. I don't know.
Q. What does he do for a living?

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/122

A. He's in the asbestos trade. He's an estimator I think.

Q. Is he an officer of the union?

A. He belongs to the union, but he's on withdrawal while he's doing this type of work.

Q. Who does he work for at this time?

A. American Insulation. American Insulation.

Q. Does he have a salaried job with them at this time?

A. That I don't know.

Q. All right, sir. He assisted you or did he go with you to Mr. Stephenson's office?

A. No.

Q. Where did you and he confer?

A. On the telephone.

Q. Well, now, he didn't work with you on any jobs when you were working with Combustion Engineering products, did he?

A. He might have. See he used to work with the tools too....

Q. All right.

A. ....down through the years.

Q. My point is this: how did he know which products Combustion Engineering manufactures?

A. Well, he buys them.

Q. He buys them.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/123

A. He buys their products.
Q. Well, how did he know which of those products that you had used?
A. Because I had worked on some of the jobs that he had estimated.
Q. All right. And he assumed from that, that you had used these products? Is that correct?
A. I was on his payroll.
Q. All right, sir. So, what he did was give you over the telephone a list of products manufactured by Combustion Engineering?
A. Right.
Q. Is that correct, sir?
A. Right.
Q. And you wrote that list down?
A. Yeah.
Q. And that is the list you gave to Mr. Stephenson's secretary?
A. Yeah.
Q. All right. What are the facts with reference to Eagle-Picher? Did he also compile for you a list of the products that they manufactured?
A. Yeah, he did, too, but Mrs. Bean give me some pointers on those, too.
Q. All right. Now, that's what I'm interested in. What pointers did Mrs. Bean give to you?

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 124 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/124

A. Well, she knows -- she knows what type of material that they had used I guess, in talking to other insulators, I imagine.

Q. All right. So part of the information obtained on this card is information which Mrs. Bean furnished as opposed to what you, Mr. Borel, furnished?

A. And Demahy.....

Q. Sir?

A. ....furnished. What Demahy, Francis Demahy furnished.

Q. All right.

A. He furnished a lot of it.

Q. All right.

A. Most of it.

Q. And Mrs. Bean furnished part of it, is that correct, Mr. Borel?

A. Yeah, that's correct.

Q. Do you know where she got her information?

A. No.

Q. So, actually the information came from at least three sources: it came from you, Mr. Borel; Mr. Francis Demahy--

A. Demahy.

Q. ...Demahy and from Mrs. Bean, Mr. Stephenson's secretary?

MR. STEPHENSON: I object to that question, because

The Borel v. Fibreboard Case File (1969-1972), Deposition of Clarence Borel, day 2
ACL Doc 10209 · Page 125 of 127
Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/125

you're not identifying what information. I assume you are identifying the products manufactured by the various defendants.

Q. That is correct, Mr. Borel, if I didn't make myself clear, let me make it clear.

The products manufactured by the various defendants as listed on Plaintiff's Exhibits one through twelve is information which came from three sources: from Mr. Francis Demahy, from you and from Mrs. Bean. Is that right, sir?

A. That's right.

MR. PATE: That's all.

(DEPOSITION CLOSED)

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/126

THE STATE OF TEXAS)
COUNTY OF JEFFERSON)

I, Edna LaBove, notary public and court reporter in and for Jefferson County, Texas, do hereby certify that the facts as stated by me in the caption hereto are true; that the above and foregoing answers of the witness as indicated herein, to the interrogatories as indicated were made before me by the said witness after being first duly sworn to testify the truth, the whole truth and nothing but the truth, and that the same were reduced to typewriting by me; that the above and foregoing deposition as set forth in typewriting is a full, true and correct transcript of the proceedings had at the time of taking said deposition.

I FURTHER CERTIFY that I am not, in any capacity, a regular employee of the party in whose behalf this deposition is taken, nor in the regular employ of his attorney; and I certify that I am not interested in the cause, nor of kin or counsel to either of the parties.

GIVEN UNDER MY HAND AND SEAL of office on this the 8th day of May, 1970.

Edna La Bove
Notary Public & Court Reporter
in and for Jefferson County
T E X A S

My commission expires June 1, 1971.

EDNA LABOVE
COURT REPORTER

Published by AsbestosClaims.Law
asbestosclaims.law/library/10209/127