$ 76.00 TO BE PAID BY Plaintiff

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

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EASTERN DIST. OF TEXAS
BEAUMONT, TEXAS

CLARENCE BOREL)
)
VS.) C. A. NO. 6[illegible]
)
FIBREBOARD PAPER PRODUCTS)
CORPORATION, ET AL)

Answers and deposition of PERCY LA GRAPPE, a witness in the above-styled cause called by the Plaintiff, taken on the 16th day of September, 1971, before Charlotte Smith, Notary Public in and for Jefferson County, Texas, in the residence of Percy La Grappe, 885 Schofield, Bridge City, Texas, pursuant to the following stipulation and waiver of counsel:

APPEARANCES:

HON. WARD STEPHENSON, of the Law Firm of Stephenson & Thompson, Stephenson Building, Orange, Texas 77630, appearing in behalf of the Plaintiff.

HON. GORDON R. PATE, 1119 Beaumont Savings Building, Beaumont, Texas, appearing in behalf of a Defendant, Johns-Manville Sales Corp.

HON. CHARLES S. PIPKIN, of the Law Firm of Strong, Pipkin, Nelson, Parker & Powers, 1014 San Jacinto Building, Beaumont, Texas, appearing in behalf of a Defendant, Combustion Engineering, Inc.

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SEP 20 1971
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HON. GEORGE E. DUNCAN, of the Law Firm of Wells, Duncan, Beard, Greenberg & Hunt, 515 Beaumont Savings Building, Beaumont, Texas, appearing in behalf of a Defendant, Pittsburgh Corning.

HON. GEORGE A. WELLER, of the Law Firm of Weller, Wheelus, Green & Brocato, Beaumont Savings Building, Beaumont, Texas, appearing in behalf of a Defendant, Fibreboard Paper Products Corp.

CHARLOTTE SMITH, Court Reporter.

* * * * * * * * * * * *

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IT IS STIPULATED AND AGREED by and between the parties hereto that the signature of the witness testifying herein is waived, and that the same may be returned into Court and used upon the trial of this cause with the same force and effect as though the requirements of the applicable Federal Rules of Civil Procedure with reference to the return thereof have been fully complied with; all formalities regarding the return of said deposition into Court are hereby waived and the same may be returned by filing with the Clerk of the District Court of the United States for the Eastern District of Texas, Beaumont Division.

IT IS FURTHER STIPULATED AND AGREED by and between the parties hereto that Charlotte Smith, a Notary Public for Jefferson County, Texas, may serve as a Notary Public in and for Orange County, Texas, for the purposes of swearing in this deposition.

MR. PATE: It is stipulated by and between the Plaintiff's attorney and the Defense attorneys that the deposition of Mr. Percy La Grappe will be taken by agreement at 10:00 a.m. on Thursday, September 16, 1971, with the understanding that there will be no limitation on the cross-examination of Mr. La Grappe, and that if for any reason any of the Defendants are unable

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to complete their cross-examination of Mr. La Grappe, that no part of the deposition may be offered into evidence upon the trial of this case.

I have one further stipulation, one further agreement on behalf of Eagle-Picher, who is represented by Ben Reynolds. It is stipulated by and between the attorney for the Plaintiff and the attorney for the Defendant, Eagle-Picher, that in the event Mr. La Grappe testifies that any products manufactured by Eagle-Picher were used on any jobs on which he and Mr. Borel worked together, that the attorney for Eagle-Picher shall have the right to cross-examine Mr. La Grappe at a later date. Is that correct?

MR. STEPHENSON: Yes.

MR. WELLER: The only objection required to be made at this time is if the question is leading and suggestive, and all other objections can be reserved until the time of the offer of the deposition.

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PERCY LA GRAPPE,

having been duly sworn, testified as follows, to-wit:

EXAMINATION BY MR. STEPHENSON:

Q Mr. La Grappe, would you state your name, please.

A Percy La Grappe.

Q As you know, I'm Ward Stephenson.

A Yes, sir.

Q And I represent the widow of Clarence Borel in this suit in which your deposition is being taken.

A Yes, sir.

Q Of course, you won't be at the trial, so if you will tell us what age man are you, please?

A I'm sixty-four years old. I had a birthday week before last, the first of September.

Q Have you recently had a heart attack?

A Yes, sir.

Q Has your doctor advised you that you cannot attend the trial to testify?

A I called him and asked him and he wouldn't let me go.

Q But it's all right with your doctor for you to give your deposition--

A Yes, sir.

Q --here in your home?

A Yes, sir.

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Q As I mentioned to you I want to ask you a few questions about Clarence Borel. Did you know Clarence Borel during his lifetime?

A About thirty years.

Q Were you and he ever members of a union at the same time?

A Yes, sir, we belonged to the Asbestos Workers' Local, Local 22, in Houston.

Q How long have you been a member of that Local?

A I've been a member of that Local about twenty-seven years, twenty-eight years.

Q Was Mr. Borel a member when you joined?

A Yes, sir.

Q Have you had an occasion to work with Mr. Borel on few or many jobs where asbestos products were used?

A I worked on a few jobs with him.

Q Would you tell us please in the nature of your work, do you work for many different concerns or just a few?

A Well, we work for many different concerns.

Q Does your work take you over a large area of the United States?

A A lot of times we have to go -- like right now, the Local is on strike right now, and some of those boys are up the country working different places,

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wherever they can get a job.

Q Have you worked in several states of the United States doing asbestos work?

A Well, I worked in a few of them. I worked in New Mexico and I worked in Madison, Indiana, and I worked several places, Louisville, Kentucky.

Q In the course of your years of working with asbestos products, have you had an occasion to work with many products made of asbestos or few or what?

A I have worked with just about all the material that's on the market.

Q Let me ask you some questions about whether or not you have had an occasion many times to use products made by Pabco or Fibreboard Paper Products Corporation.

A I have.

MR. WELLER: I object to that. It's leading and suggestive. The product in any way hasn't been identified.

MR. PATE: I'm going to further object to Mr. Stephenson asking any question in that manner as to Pabco or Fibreboard or any other named Defendant and I suggest that he ask the witness what products he has used without suggesting to him what products he's used.

MR. PIPKIN: I adopt the same objection.

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MR. DUNCAN: I join in the objection.

MR. WELLER: Let it be understood that all of the Defendants adopt all objections that are made.

MR. STEPHENSON: You might let it be understood in the interest of brevity that that objection can go to all the questions because I will go down each one of these Defendants that way.

MR. WELLER: I want to object to -- Mr. La Grappe, I can't tell whether you're looking over Mr. Stephenson's shoulder or not to be able to read any cards or something that he might have.

A Do you want me to sit somewhere else?

MR. WELLER: No, just as long as you are not looking over his shoulder.

A I'm not looking over his shoulder.

MR. PATE: Well, to remove any question ---

A I'll sit over there. It don't make no difference to me.

MR. STEPHENSON: You realize, of course, that you have all answered the interrogatories and outlined the products that you've made.

MR. WELLER: We have a witness giving

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direct testimony, and if he knows the facts, he doesn't have to be led.

MR. STEPHENSON: Yes, but, George, I can say, for example, that Pabco makes eighty-five percent mag.. You've agreed to that. He might not know who makes eighty-five percent mag., but you have already agreed that you do.

MR. WELLER: That's just the point that I'm getting at, that he doesn't know whose products he was working with.

MR. STEPHENSON: You have already agreed to that, George, so where is the controversy?

MR. WELLER: I haven't agreed that this man was working with any product or using any Defendants' product.

Q Go ahead, Mr. La Grappe, if you can remember the question, and answer it.

A I've used some Pabco material from time to time, but I can't remember just when I used it.

Q All right, sir. Have you used Caltemp or Super Caltemp?

A Yes, I have. I've used both of them.

Q Have you used eighty-five percent magnesia?

A Yes, sir, I have.

Q Do men working out of the Houston Local that you

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and Mr. Borel were members of use Pabco products in your work?

MR. WELLER: I'll object to that because that just calls for an opinion and a conclusion, and the witness has already stated that he doesn't know when or where he worked with such a product.

Q Go ahead and answer it.

A What was the question?

Q Members of Local 22 ---

A Yes, sir, we have used it for the past twenty-eight years since I've been in the Local.

Q What about Eagle-Picher Industries, is the same thing true of that?

A Yes, sir, I have used some of their products too.

Q What about Combustion Engineering?

A I can't remember too much on them.

Q What about Johns-Manville Products?

A Yes, sir.

MR. PATE: I'm going to object to him asking what about Johns-Manville unless the products are identified and where he used them and further whether or not Mr. Borel was on the job; otherwise, it would be immaterial as to whether or not Mr. La Grappe used them or not.

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MR. WELLER: I adopt the same objection.

MR. DUNCAN: I adopt it too.

MR. PIPKIN: As far as I understand, we all adopt it.

Q Let me ask you this, Mr. La Grappe: is it possible for you to remember where and when you have used every product you have ever worked with?

A Not every one. I can remember Johns-Manville at the shipyard during the War in '42 and '43 where I used their products.

Q Was Mr. Borel working there with you?

A Yes, sir, he was working on the same job. He wasn't working partners with me, but he was working on the same job.

Q Did the products you used contain asbestos?

A Yes, sir.

Q Was one of the products used Thermobestos?

A Thermobestos, I can't remember too much on the shipyard, but it was mostly a job of fiberglass and asbestos, and blocks too.

MR. DUNCAN: Excuse me. Charlotte, would you read his answer back?

THE REPORTER: Thermobestos, I can't remember too much on the shipyard, but it was mostly a job of fiberglass and asbestos, and

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blocks too.

A And amasite too, which is a raw form of asbestos where we made pads and fittings.

Q What company furnished the asbestos insulating product for that job?

MR. WELLER: For which job now?

Q The one at the shipyard.

A The one at the shipyard during the War, '42, 1942 ---

MR. PATE: What shipyard?

A Down here at Consolidated Shipyard in Orange.

Q What company provided ---

A Asbestos Material, Asbestos Magnesia Material Company out of Chicago had that job.

Q What company manufactured the asbestos products?

A Johns-Manville.

Q All right. I'll ask you the same question about whether or not you and other members of Local 22 over a period of many years have used Philip Carey Corporation asbestos products?

A The Local, they use it all the time because B & B Engineers is a distributor for them.

Q Do you recall whether or not you and Mr. Borel worked on any jobs where Philip Carey Corporation products were used?

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A Yeah, right over in Orange in '46 when they built the DuPont plant.
Q What Philip Carey products were used?
A We used foam glass.
Q Asbestos is what I meant.
A We used asbestos, Philip Carey asbestos pipe covering, and they have also a Careytemp that they've got on the market which is a very light material, but it contains a lot of magnesia.
Q Did you use that on the DuPont job?
A Yes, sir.
Q Where Mr. Borel was working?
A Yes, sir.

MR. WELLER: I object. It's leading and suggestive. He hasn't testified that Mr. Borel was working on that job.

MR. STEPHENSON: He just did, George.

Q It's been admitted by Philip Carey Corporation, and there is no contest over this, that they manufacture eighty-five percent magnesia.
A They do.
Q Is this a widely used product?
A Yes, sir, it is.
Q And Careytemp pipe ---
A Careytemp pipe covering, yes, sir, and blocks too.

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They use quite a bit of the blocks and the pipe covering.

Q And Aircell pipe covering?

A Aircell, I've used some of that, not too much of it.

Q Do the members of Local 22 widely use Pittsburgh Corning Corporation asbestos products?

A Well, I don't know about Pittsburgh Corning Corporation. They use a lot of their glass and foam glass.

Q It's been admitted by Pittsburgh Corning Corporation that they manufacture unibestos. Have you used unibestos many times?

A Yes, sir, I have.

MR. DUNCAN: I object to that. It's been admitted only that Pittsburgh Corning Corporation has manufactured unibestos since 1962. Prior to that time it was being manufactured by Unarco Industries.

Q Have you had an occasion to use Armstrong Cork Company products many times?

A Yes, sir, I have.

Q Is it a widely used product containing asbestos?

A All their products are.

Q I will ask you whether or not you've had an

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occasion to use Ruberoid Company products?

A I've used some of their products, but I can't remember just where and when, but I've used some of it.

Q Is that a widely used product?

A Not down in this area it's not used too widely.

Q Mr. La Grappe, would you please try and do the best you can and think of the various places that you and Mr. Borel might have worked together using asbestos products, please.

A Well, I jotted some names down last night. Could I call it off the tablet?

Q Yes, sir.

MR. WELLER: May I take the witness on voir dire examination?

MR. STEPHENSON: Yes.

VOIR DIRE EXAMINATION BY MR. WELLER:

Q Did you compile this information of your own knowledge or did you consult with other people about this?

A I didn't consult with anybody. I put this down myself so that I could remember.

Q Only from your own knowledge?

A Yes.

Q And not as a result of conversations or

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recollections of third parties?

A No, sir, through my own knowledge as best I could remember.

Q All right.

EXAMINATION BY MR. STEPHENSON:

A Now, I told you people that I worked with Borel in 1942 for Asbestos Material Company, Consolidated Shipyard. In '46 I worked with him ---

Q Excuse me. What products did you use there?

A Well, we used Johns-Manville Products there throughout, and we used amasite. Now, that's a raw form of magnesia is what it is.

Q Go ahead, sir.

A All right, sir. Then I worked with him at the DuPont plant when they started this job in 1946, we were both on that job.

Q What products were used there?

A We used Philip Carey's products there throughout this whole job.

Q This is asbestos products you're speaking of?

A Right, sir.

Q How long did the Consolidated job last?

A The Consolidated job must have lasted all through the War up until after the War the best I can remember.

Q About how many years did you work with Clarence

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Borel there?
A Well, I didn't work -- I worked there two or three different times. I'd quit and I'd go back. I guess I worked with Clarence a year or two there.
Q Do you know of your own knowledge how many years he was there at Consolidated?
A No, sir, I don't. I couldn't remember that, but he was on that job several different times just like I was.
Q And then how long did the DuPont job last?
A The DuPont job lasted, oh, I guess six or seven years. You know, they built one phase of it and then another phase of it, and it must have lasted six or seven years.
Q Is it your testimony that during all of that time Philip Carey products were used?
A On that DuPont job over here, yes.
Q Did Mr. Borel work there the entire time?
A Well, no, not the entire time. He done just like a lot of other insulators. He'd work three or four months there and quit and go somewhere else and come back and what-have-you.
Q Is it your testimony then that he worked there from time to time--
A Yes, sir.

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Q --over a period of six years?
A Over a period of six years he worked there from time to time.
Q Go ahead, sir.
A That's in 1946, the best I remember, the DuPont plant in Nederland. Then we worked for Armstrong Cork Company, and I imagine that was about 1967, or '68, along in there, and he worked on that job and then he left.
Q What products did you use?
A We used a lot of Armstrong products and that, and B & B had some material out there when they took the job over, but that was later on.
Q Now, we're speaking about asbestos products. That's what I want you to testify about.
A Well, we used Armstrong products there. They had the job. And then Fluor Corporation down here at Neches Butane, Fluor Corporation bought all their products from B & B Engineers. It was unibestos, and there was also mostly magnesia, and then there was a lot of foam glass on that job too.
Q Did Mr. Borel work there with you?
A Yes, sir.
Q How long did that job last?
A That lasted a couple of years, two or three years.

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As a matter of fact, they just got through with part of it.

MR. WELLER: What job was that, now?

A The DuPont job at Nederland.

MR. WELLER: No, you gave us the Neches Butane job.

A Well, the Neches Butane job -- You already got that job in Nederland. Fluor Corporation at Neches Butane.

MR. WELLER: When was that?

A Well, I would say that that was along in '68 too or '69, somewhere along in there, but we done that job, the last unit they built there. Andthen the Fuller Austin job in Baytown in 1968. I worked there for about a month or two and got laid off. Borel was on that job. As a matter of fact, that's the job he got sick on.

Q What products were you using there?

A We were using -- Fuller Austin had the job. I can't remember what products they had, but they had asbestos on the job, and they had a little unibestos, not very much. And then I worked with Mr. Borel on the - for the Industrial Insulation Company at Jefferson Chemical Company at Port Neches in 1967.

MR. PATE: What job was that on, Mr.

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La Grappe?

A I just named it. Industrial Insulation Company at Jefferson Chemical Company.

Q What products, asbestos products, did you use?

A We used a lot of glass ---

Q No, asbestos products.

A Asbestos, we used a lot of that too.

Q What asbestos products did you use?

A From the best I can understand I think they make their own.

Q Who is that?

A Industrial.

Q Can you remember any other specific jobs and dates that you and Mr. Borel worked together?

A No, sir, I can't. There's a few more, but I just can't remember them. It's hard to remember just everything, you know.

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

EXAMINATION BY MR. WELLER:

Q Mr. La Grappe, my name is George A. Weller.

A George A. who?

Q Weller.

A Glad to know you.

Q And I represent one of the Defendants in this

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case.

A Yes, sir.

Q I'm going to ask you some questions on cross-examination, and you are under oath just the same as if you were testifying in Court before the Judge and the jury.

Do I correctly understand that these jobs that you have listed as having worked with Mr. Borel are the only ones that you recall at this time?

A Well, that's all I can remember right now, yes, sir.

Q Let me see if I have them correctly. The only ones you recall -- In 1942 and in 1943 you worked at sometime with Mr. Borel at the Consolidated Shipyard in Orange?

A Yes, sir.

Q And that job lasted all during the War?

A All during the War and some after the War too.

Q And you used J-M Products on that job?

A Yes, sir.

Q And then what was the next job you had?

A Well, the next job was the DuPont plant here in Orange in 1946.

Q 1946.

A Yes, sir, the best I can remember.

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Q At DuPont in Orange.
A Yes, sir.
Q And I believe you say you used Philip Carey asbestos products on that job--
A That's right.
Q --or Careytemp?
A Careytemp.
Q Then the next job that you recalled was the DuPont job at Beaumont in 1967 and 1968--
A Yes, sir.
Q --for Armstrong Cork Company?
A Yes, sir.
Q And on that job you worked for B & B Engineering?
A Yes, sir, just a moment. Let me explain to you. That was the last phase of that job, and Mr. Borel wasn't there when B & B took over that job. He was there when Armstrong had the job. Those things happen too along the line.
Q When Armstrong had the job you say Borel worked with you.
A Yes, sir, he worked with us there.
Q And you used Armstrong products?
A Right.
Q And then the next job you list was in 1968 or '69 you were working for B & B on the Fluor Corporation

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job at Neches Butane?

A That's right.

Q And you used unibestos on that job?

A Unibestos and magnesia too.

Q And magnesia.

A Yes, and a lot of foam glass too.

MR. DUNCAN: What year was that, '68?

A '68 the best I can remember.

Q Do you know whose magnesia you were using?

A Well, I'll tell you on that, you're talking about that Fluor job now, aren't you?

Q Yes.

A They bought all their material from B & B, and B & B is the agent here for Philip Carey products.

Q For Philip Carey?

A That's right.

Q You said they used unibestos?

A We used some unibestos and a lot of mag. and a lot of foam glass too, and it all came through B & B, all the materials on that job.

Q All the material on that job?

A Right.

Q The next one you list was the Fuller Austin job at Baytown.

A Yes, sir, that's the job he got sick on.

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Q Where were you working?
A Well, with him. Not exactly with him ---
Q No, what plant in Baytown?
A I can't remember -- Oh, it's Humble Oil, Humble Oil & Refining Company.
Q And you worked there about a month?
A I worked there a month or two, and I got laid off, and Borel still stayed and worked - I don't know how long - until he got sick on that job.
Q I believe you said that you couldn't remember the products that you used, but you did use some unibestos?
A We used some unibestos, but mostly magnesia products, and I don't know who Fuller Austin got them from. They don't manufacture anything. They're just a shop.
Q Is that all you remember?
A No, sir, I worked with Borel on the Industrial Insulation job at Jefferson Chemical.
Q 1967?
A 1967 the best I remember, and we used a lot of magnesia and a lot of glass on that job.
Q I understood you to say that Industrial Insulation used their own products?
A The best I can understand they manufacture some

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of their products.

Q Is that all the places you remember that you worked with Mr. Borel?

A That's all I remember offhand right now.

Q Do you now have any claims pending for exposures to asbestos?

A Do I have any claims?

Q Yes, sir.

A You're asking me that for me or Borel?

Q For you.

A I have, yes, sir.

Q What do you have, a Workman's Compensation claim pending?

A Yes, sir.

Q Is it pending before the Industrial Accident Board, or is it in lawsuit?

A It's already went to Austin and came back and the Board in Austin -- Should I answer these questions?

MR. STEPHENSON: It's all right.

A It's already been granted to me by the Austin - the insurance board in Austin.

Q Is there a lawsuit pending?

A Yes, sir, there is.

Q Who was your last employer?

A Who was my last employer?

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Q Yes.
A Well, I worked over here for B & B Engineers at the Gulf.
Q Then you're making the same type of claim that was made by Mr. Borel that you have been injured and damaged?
A Yes, sir, that's right.
Q As the result of working with asbestos products?
A Yes, sir.
Q Mr. Ward Stephenson represents you?
A Yes, he does.
Q Do you work on many jobs that you don't know what products you're using?
A As a rule you know what products you're using if you stay on a job two or three or four months, you know what you're using. It's like this job at Consolidated Shipyard, I couldn't remember the name of the material, but I could remember it's amasite. We made these pads and put that in there. It's a raw form of asbestos is what it is.
Q I believe you've been a member of the Asbestos Workers' Union some thirty years?
A About twenty-eight years.
Q Twenty-eight years. Have you received their publication, the Asbestos Worker during the time of

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your membership?
A Yes, sir, I receive that quarterly every three months.
Q Do you read it?
A Yeah, I read some of it. I haven't kept up with it here lately, though, because I've been about half sick.
Q But in the past years you have kept up with it?
A Yes, sir.
Q Up until last year. Haven't you been familiar with the fact that the asbestos workers have had a serious problem with asbestos dust for a number of years?
A Yes.
MR. STEPHENSON: I object to that, asbestos dust, unless he ties it in to asbestosis.
Q Well, you've been familiar with the fact that you have had trouble with it?
A Well, I've been familiar with it. In other words, it manifested itself on me over here on this B & B job. If you're trying to ask me when I got sick ---
Q I'm not asking specifically when you got sick. What precautions, if any, did you take, for instance when you were working over at the shipyard, to get away from the dust?

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A I'm glad you asked that question. There's a lot of these jobs when you ask them for respirators to wear, they laugh at you; they don't even know what that is, or don't want to know. They don't furnish them.

Q Well, did you ask for a respirator when you worked at the shipyard?

A Yes, sir. The only place that I ever had respirators issued out to me was over here on the DuPont job in Nederland. That was it.

Q When did you first start asking for respirators on jobs?

A If they had them on the job I wore them every time they had them. B & B issued us a little old mask, you just cover your nose with it and that's about all, but it's really not a respirator. I have wore them time after time, but that don't protect you too much.

Q Back in 1946 when you worked at the DuPont job in Orange ---

A They never had them.

Q Did you ask for a respirator on that job?

A Yes, sir, but they never had any.

Q Why did you ask for a respirator?

A To try to protect myself from the dust.

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Q Didn't you know at that time that asbestos dust was harmful?

A Certainly I knew it was harmful, but what are you going to do when you have to work for a living?

Q All these years you've known that asbestos dust was harmful?

A Well, I didn't think it was that harmful to put me in the shape I'm in now, but there it is.

Q Back there even when you were in the shipyard, you knew that the dust was harmful.

A Everybody knows that, that the dust is harmful to you.

Q Did you ask for a respirator at the shipyard?

A Mister, I've asked for respirators on every job I have ever been on. A lot of these jobs whenever you ask them for a respirator, they think you're nuts, that you've lost your mind.

Q Have you worked as a foreman on various jobs?

A I've worked as a foreman on various jobs.

MR. STEPHENSON: Mr. La Grappe, so you won't tire yourself out, just answer the questions.

Q Haven't you worked as a foreman on a number of jobs?

A Yes, I have.

Q And you are a member of the Union when you work

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as a foreman, aren't you?
A Yes, sure.
Q When you've been the foreman on jobs -- When is the first time you were a foreman on a job?
A Well, I was the foreman on a job when they built this plant at Lake Charles. I can't even remember the name of it now, but I was a foreman on that job.
Q Did you demand that they furnish you and the members of your crew respirators?
A Mister, there is no demanding anything. You just ask for them and if they don't want to furnish them, they don't furnish them.
Q Doesn't your Union have a contract with the contractors that they must furnish safety equipment?
A Yeah.

MR. STEPHENSON: I object because that doesn't include masks or respirators. There is no known mask or respirator that will prevent inhalation of asbestos dust.

Q Do you know that your Union has a contract with all the insulation contractors?
A Yes, sir.
Q And you are familiar with that contract to the extent that they are required to furnish safety equipment, aren't they?

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A Well, they are required to do that, but they don't do it.
Q Then ever since you've been in the - working as an insulator in the asbestos insulating business, you have known that asbestos dust was harmful to you, haven't you?
A Well, no, not exactly, not when I first started insulating, no. I didn't know that. But in the later years it's beginning to show up on some of these members.
Q Didn't you know it in 1946?
A No. There wasn't too much going on about it right then.
Q You were asking for your respirator in 1946.
A Well, I was asking for my respirator to protect myself. I had heard that the dust was bad on you.
Q Your Union was stating that asbestos dust was harmful and would cause chest diseases as early as 1954. You were familiar with that, weren't you?
A I was familiar with all of it. But, in other words, if a shop doesn't want to furnish you safety equipment, you can't demand that they furnish it.
Q Even though you knew that you should have a respirator and they should have dust collectors ---
A Yeah, they have them. Just like I said, these

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little bitty old - a paper mask is about all it is. That's what I'd call it.

Q Well, didn't your Union contract call for the contractor to furnish blowers and suction equipment on jobs?

A I'm glad you asked me that question. The Union has an agreement, the best that I can understand now, that they have a blower in the bottom of these towers if a man is going up there to cover anything underneath, like the bottom heads of a tower. You get inside and you've only got a couple of small manholes to get in there to do that work, and half the time they don't even have blowers in there to do it. You've got to get on the job and raise hell to get them.

Q Did you ever work over at Sabine Insulation in the shop?

A Yeah, I worked -- not in the shop, no. I have worked with Jimmy Hoard, though.

Q Are you familiar with their shop?

A Well, not too much. I have worked for them on outside jobs. I've never worked for them in the shop at all.

Q You've never worked for them in the shop?

A No.

Q In some jobs where you've worked, don't they have

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suctions on saws, mechanical saws?
A Yeah, they have. DuPont is pretty well equipped in Nederland for that, and they are pretty well equipped over here for that.
Q Over where?
A Over here at the shop in Orange.
Q The DuPont shop in Orange?
A Yes.
Q You've been familiar that those are safety devices, aren't they?
A Well, they are safety devices, but it's not doing any good except just for the men that are in the shop, and they still get a certain amount of dust anyway with all of your safety equipment.
Q Do you know what the products Ruberoid makes are?
A No, I don't. They make a pipe cover I know of and they made a cement that I know of. That's about the only thing that I can tell you on them.
Q Did you ever work with any Standard Asbestos cement?
A Yeah, I have.
Q Where did you work with that?
A Over here at -- What's the name of that refinery at Lake Charles? I can't think of it.
MR. STEPHENSON: Cit Con?

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Q Cit Con?
A No.
Q City Service?
A City Service, yes. It's Cit Con now, isn't it? I have worked with Standard Asbestos Company there on that job.
Q You worked with Standard Asbestos on that job?
A On that job, and I worked with B & B on that job too.
Q Did you use Standard Asbestos products on that job?
A Well, yes, yes, I did.
Q What kind of exposure did you have?
A I was out in the field, working in the field. I didn't work in the shop.
Q You didn't work in the shop?
A No.
Q You worked in the field?
A That's right.
Q Did Borel work with you on that job?
A Yes, but I can't remember just when and what.
Q Did you ever work with any asbestos product made by Owens-Corning?
A Asbestos products made by Owens-Corning?
Q Yes, sir.

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A No, not that I can remember, but I have used a lot of their glass I can tell you that.
Q You told us that you used unibestos on a number of jobs.
A Unibestos, I've used on a number of jobs, I sure have.
Q Did you use that prior to '62 and '63?
A Well, I just can't remember exactly, but all the time through the years I've used it. At one time or another I have, but I can't pinpoint on what jobs I have used it on.
Q It's real difficult to remember the name of each product that you've worked with on a particular job.
A It would be impossible I guess to pinpoint it on every job, but I can definitely remember what I used on the Asbestos Magnesia Material Company job at Consolidated.
Q The ones that you list, you can remember those?
A Yes, I can remember those. Yes, I can. Just like t hat Cit Con job ---
MR. STEPHENSON: Just a minute. Wait until he asks you a question and then answer it.
A Yes, sir.
Q Did you ever work for the Aber Company?
A Yes, but I can't remember just when and where.

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Q You don't remember when and where?
A No, I don't.
Q What are some of the employers that you worked for?
A Well, those I named just now.
Q Yes, sir, but ---
A You mean besides that?
Q Yeah.
A I worked for Mundet Cork Corporation when they were in business. They're not in business now. They sold out to Eagle-Picher.
Q Mundet Cork manufactures their own products?
A They do cork. I don't know about anything else.
Q Did they manufacture any asbestos?
A I don't think so.
Q Did you ever work for American Insulation Company?
A Yes, sir, I worked for them one day, but I didn't complete the day. I got sick then and there.
Q Did you ever work with Borel on any American Insulation jobs?
A No, sir, not that I can remember.
Q Have you discussed among your fellow Union members the problem of asbestos dust and ---
A Well, I think everybody in the business is aware

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that - about the injuries that can be caused and this and that and the other, but after all is said and done, people have got to work.

Q How long have you been aware of some of the injuries?

A I haven't but the last few years to be perfectly honest with you.

Q Did you know Claude J. Tomplait?

A Yes, I do.

Q You knew about his claim?

A Yes, I did.

Q And you've known it since that time?

A Yes, I knew when Claude came down with it. I knew about that.

Q Had you known about it before that?

A No, sir, I didn't.

Q Hadn't you read about the dangers of chest diseases in your Union paper, in the Asbestos Worker?

A Well, as a matter of fact for the last five or six years they've published it in the journal, but previous to that they never published it.

Q You were a member in 1954, weren't you?

A Yeah, I was here in '54.

Q And you were getting the Asbestos Worker, weren't you?

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A Yes.
Q So you would've gotten the publication of October, 1956, wouldn't you?
A Well, as a matter of fact I've known it all along in a sense.

MR. STEPHENSON: Just answer his questions, Mr. La Grappe. You're not answering his question.

A All right. I knew about it in '54, yeah.
Q And you knew about it in '56, didn't you?
A Yes, sir.

MR. STEPHENSON: What is the definition of what you're talking about, "knew about it"?

Q So you've known since 1954 and 1956 that exposures to asbestos dust causes injuries to your chest and chest diseases?
A Yes, I've known that.
Q And this has been generally known in the asbestos insulation industry among your fellow workers, hasn't it?
A I imagine it has been.

MR. WELLER: I think that's all.

EXAMINATION BY MR. PATE:

Q Mr. La Grappe, as I told you, my name is Gordon Pate. I want to ask you a few questions.

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It's my understanding from your testimony that the only job you ever worked on on which Mr. Borel was working and on which you used Johns-Manville products was at the shipyard job during the War?

A Right.

Q And that was prior to 1946?

A Yes, sir.

Q You've not worked on any other jobs since 1946 on which Mr. Borel also worked which you recall any Johns-Manville products being used?

A No.

Q Now, you worked with Mr. Borel I believe at the Cit Con job in Lake Charles in about, what, 1949 or ---

A I can't remember, but we worked on that job, but I didn't put it down because I couldn't remember.

Q Does that sound about the year that it was?

A What year did you say?

Q 1949.

A I imagine that - along in there would've been when they built that plant, whatever year that was.

Q And you and Mr. Borel worked on that job how long?

A I didn't work with him, but we were on the job together.

Q You do know that they were using Standard Asbestos

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material on that job?
A Yes, sir.
Q Would Mr. Borel have come in contact with Standard Asbestos materials on that job?
A I imagine he would.
Q Any insulator working on that job would have?
A That's right.
Q Do you know what products Standard Asbestos manufactured that were used on that job?
A Well, they used a lot of mag., I think they manufactured magnesia in some form.
Q How about pipe covering.
A That's what I'm talking about, pipe covering and blocks. They used some foam glass, but I don't think Standard makes any foam glass.
Q Do you know that these products manufactured by Standard Asbestos contained asbestos?
A Yes, sir.
Q Do you know the exact name, the brand name or generic name, or do you just know that they were Standard Asbestos products?
A That's all.
Q How did you know that, sir?
A Well, we put it on there, and it said Standard Asbestos on the pipe covering and on the blocks.

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Q So there's no doubt in your mind ---
A There's no doubt in my mind that it was their pipe covering.
Q All right, sir. Now, I believe you testified previously today that you worked for Fluor Corporation at Neches Butane in about 1968 or somewhere along in there. Is that right?
A '68 or '69, along in there, yes, sir.
Q You worked with Mr. Borel on that job?
A I worked on the same job. We worked some partners, but not every day. They would split us up, and I'd work by myself and he would work by himself sometimes.
Q Did you use any products you recall that were manufactured by Unarco Industries on that job?
A No, sir, I can't remember them. All the products on that job was bought through B & B Engineers.
Q Is B & B Engineers the distributor for Philip Carey products?
A That's right, sir.
Q You also worked for Industrial Insulators at Jefferson Chemical in about 1965, I believe or '66?
A No, '67.
Q 1967?
A Yes, sir.
Q What products did you use?

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A Well, we used their products, Industrial Insulators products. I think they manufacture some magnesia.
Q Did you use any other companies' products?
A No, sir, I can't remember. We used some fiberglass I remember that, but I don't know who manufactured it unless it was Corning.
Q Owens-Corning?
A Owens-Corning, right.
Q Are you familiar with the product called Kaylo?
A Yes, I am.
Q Who ---
A Industrial uses a lot of that.
Q Who manufactures Kaylo?
A I don't know. I think Owens-Corning does, if I'm not mistaken.
Q Right, sir. I think the answers to their interrogatories will show that they do manufacture Kaylo.
A Yes, sir, I think so.
Q So you used Kaylo on what job was that now?
A Over here at Jefferson Chemical Company.
Q And you were working for Industrial Insulators?
A Industrial Insulators, yes, sir.
Q Was Mr. Borel on that job?

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A He was.
Q What year was that, sir?
A 1967.
Q How about 1968, did you also work into 1968?
A Well, I don't know. I think that job was through by then and we was over at Neches Butane in Port Neches then.
Q Using the Philip Carey products?
A Right. It was all bought through B & B Engineers. They are their distributors over here.
Q Mr. La Grappe, you testified a minute ago I believe that you have been receiving the magazine Asbestos Worker for a number of years.
A Oh, yes, yes, I have.
Q You testified at the beginning of your deposition something about Eagle-Picher?
A Eagle-Picher?
Q Yes, you mentioned products manufactured by Eagle-Picher.
A I used a lot of their mud and some of their wool that they manufacture. That's about the only thing I ever used from them that I can remember.
Q Mud and wool?
A Yes.
Q Did you ever use any of their mud and wool on

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any of the jobs on which Mr. Borel was working?
A Well now, that I couldn't remember exactly to tell you yes or no on that. I couldn't remember that far back.
Q Do I understand that it has been some years since you have used any of their products?
A Well, I have used some of their products in the last four or five years that I was working over here on this B & B job that I got sick on over here at the Gulf. I remember using some of their products over there.
Q Was Borel on that job?
A No, he wasn't. He was sick and in the hospital by then.
Q So you don't know any job that you worked on on which Borel worked that Eagle-Picher products were being used?
A No, I couldn't specify that.
Q Back to the question I was asking you a few minutes ago about the Asbestos Worker, have they not been putting articles in there ---
A Yes, lately they have.
MR. STEPHENSON: Let him finish his question, Mr. La Grappe.
A Oh, excuse me.

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Q Have they not been putting articles in there since at least 1956 and perhaps 1954 concerning the hazards or dangers involved in breathing asbestos dust?

A No, sir, not back in '53 or '54.

Q All right. '56 then?

A No, I can't ever recall them printing anything about that in the journal.

Q Did you read the journal, Mr. La Grappe?

A Yeah, I've read the journal. In the last few journals we've gotten the last few years they've published something about it. In fact, I have one of the latest ones here I can show you. It's only been the last three or four years that they've said something about that.

Q Do you recall one of the journals which had an article warning workers about using respirators?

A Right.

Q What year was that?

A I can't remember what year it was, but it might say something about that in the last journal I have. But if you go on a job and ask any contractor for a respirator, they don't have none.

Q What kind of respirators have you used?

A Well, I've used these little old face masks they

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put on.
Q The throw-away kind?
A Yeah, the throw-away kind.
Q Where did you use those?
A On this last job I did at the Gulf where I got sick. And I've used them on several jobs, this DuPont job, the Armstrong job at DuPont furnished them. DuPont furnished good respirators on that job.
Q What kind of respirators?
A Well, I can't exactly remember the manufacturer's name. You change the filter and put it on and it's all right.
Q Were they good respirators?
A Pretty good respirators.
Q Did they eliminate the dust?
A Well, they eliminated it to a certain extent. There's no respirator on the market that is full proof. You should know that I believe. I never have found one that was full proof yet.
Q How much of the dust would that one eliminate?
A Well, it will keep down the dust quite a bit, but it wouldn't eliminate it altogether.
Q Would it eliminate ninety percent of the dust?
A I'd say about eighty-five percent of it.
Q And that's the kind with a filter that you change?

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A Right, that you change.
Q How long a period of time has that one been in use?
A The only time that I have ever seen one was on the DuPont job. The rest of these contractors don't have them.
Q Have you ever used a product called Insutube?
A Never have.
Q Have you ever used any Unibestos Pipe Insulation and Block?
A Blocks and pipe covering both, yes, sir.
Q What years did you use that?
A Well, last year when I got sick on that job at Gulf they had unibestos pipe covering then.
Q Let's go back to the Fifties.
A Oh, I couldn't remember back that far just when and what, you know.
Q Prior to 1960 we'll say?
A You want to know if I used what?
Q Unibestos Pipe Insulation and Block.
A Yes, I've used it throughout my whole life. It's a pipe cover. On different jobs, but I can't remember just what jobs.
Q Did you ever use Unibestos Pipe Insulation and Block on any jobs on which you and Mr. Borel worked?

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A Yes.
Q Do you recall what jobs prior to 1960 we're talking about?
A I just named those jobs.
MR. DUNCAN: He's saying prior to 1960.
Q Prior to 1960.
A Prior to 1960?
Q Yes.
A I can't remember that far back.
Q But you are sure that you and Mr. Borel ---
A It's just like this Cit Con job, I'm sitting right here trying to remember that. We used some of that material right over here on this job with Cit Con.
Q To make myself clear, Mr. La Grappe--
A Yes, sir.
Q --prior to 1960, you had used Unibestos Pipe Insulation and Block on jobs that you and Mr. Borel worked on?
A Yes, sir.
Q But you can't tell us this minute what job it was?
A No, I can't pinpoint it and tell you exactly what job it was.
Q But there is no doubt in your mind but that you

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used the product?
A That's right.
Q And that Mr. Borel was working on the same job?
A That's right, correct.
MR. PATE: I believe that's all.
EXAMINATION BY MR. DUNCAN:
Q Mr. La Grappe--
A Yes, sir.
Q --I'm George Duncan.
A Yeah, I know who you are.
Q Mr. Pate was asking you if you've used Unibestos Pipe Insulation and Block prior to 1960.
A Oh, I've used it all my life on every job I've ever worked on.
Q And also I didn't understand whether you said that you had used this product prior to 1960.
A What product are you talking about?
Q Unibestos Pipe Insulation and Block.
A Yes, sir.
Q Prior to 1960?
A Yes.
Q On certain jobs that Mr. Borel worked on with you?
A Yeah, we've used it all along. Let me put it this way: you might have a job that calls for eighty-

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five percent magnesia pipe covering. Well, you ain't got enough to get through with it, so they substitute and use Unibestos and finish it up.

Q This is prior to 1960?

A Yes.

Q When you and Mr. Borel worked together?

A Yes, sir.

Q You've just explained that you were working with a certain product and you might not have enough ---

A That's right, and you'll use two or three sticks of amasite or something like that to complete the pipe covering.

Q Was this true in 1968, when you were working for the Fluor Corporation?

A Yes, sir.

Q The Fluor Corporation, how long did Mr. Borel work on that job?

A He worked until he got laid off on that job.

Q When did he get laid off?

A I can't remember that either. It was along in '67. There was just one unit to complete, and we worked on that job, but I can't remember just exactly what day we hired in or got laid off or anything like that.

Q If you've used unibestos on that job, it would've

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been to fill in for a Philip Carey product?
A No, I wouldn't say that. I would say that they might have used -- In other words, Industrial makes some of their own pipe covering on the job I'm talking about. You're talking about the Neches Butane job.
Q Yes.
A Well, they bought all of their products from B & B Engineers because B & B Engineers is the distributor for Philip Carey, and we used some foam glass on that job. We used unibestos. We also used magnesia. It's all Philip Carey products. The unibestos, I don't know if Philip Carey makes any or not. I don't think they do.
Q But you would've used only the products that B & B was the distributor for?
A Yes, it all came through B & B.
Q And that was the Philip Carey products?
A That's right.
Q If Philip Carey didn't make or distribute unibestos, then you wouldn't use it on that job?
A Well, no, I wouldn't say that. They could've bought it through somebody else.
Q But you would've been using predominantly whatever Philip Carey was the distributor for?
A Right.

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Q Is that true of the Fuller Austin job at Baytown at the Humble Refinery?
A That's where Borel got sick at.
Q What was Fuller Austin, what type products did Fuller Austin use?
A Fuller Austin don't manufacture anything that I know of. They buy their products from somebody else.
Q What products were they using?
A Well, they were using Kaylo on that job. They were using some unibestos and some magnesia.
Q By some unibestos and some magnesia, what percentage would you say it was?
A Well, I would say eighty-five percent magnesia and Kaylo and glass, and eighty-five percent magnesia in the pipe covering. And the foam glass they used a lot of that on that job too.
Q Then the unibestos would've been a small part of that job then, is that right?
A Right.
Q When you worked there at Consolidated at the shipyard, was that all on construction work?
A Yes, it was construction work. Asbestos Magnesia Material Company had that job out of Chicago.
Q In other words, you were building ships?
A Well, we wasn't building ships. We was just

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insulating the piping.
Q What I mean is, the shipyard was building ships--
A Yes, sir.
Q --and you all were insulating the pipes down in the holds?
A That's right, that's right.
Q There wasn't any repair work going on?
A No, no repair work at all. It was all new work.
Q You didn't have to tear out some insulation or anything like that?
A No, just put it on new.
Q You would put it on new, is that right?
A Right.
Q Where were you having to work?
A We worked down in the engine room, in the fire room, the crew's quarters and what-have-you.
Q Did they use any type of fans or blowers or anything down there in the engine room?
A They used blowers, but they didn't do too much good, but they used them in there.
Q To what extent would they use them?
A Well, they used it all the time. If you're in the hold on a ship -- I guess you've been on a ship, haven't you?
Q Yes.

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A Anyway, you know just about the space you've got getting in and out. We used the material that I just told you, asbestos, and we used amasite too, that's the raw kind of asbestos, when we built them pads. Now, I didn't work in the shop and build the pads, but they had some of the men there.

Q Did Borel work in the shop?

A No.

Q Did he work in the holds with you?

A That's right, just like I did. We didn't work in the shop too much. I guess if we had, we would've had more of it in our lungs than we have now. The shop is very hazardous in my opinion.

Q The shop there at the shipyard?

A Any shipyard, any shop.

Q How would you compare the conditions of working on a ship as you were in 1942 and '43 with working out in the field, say, at a DuPont job or for Fluor Corporation or ---

A Any job that you're out in the open, you're not exposed as much as you would be in a shop or on a ship.

Q So you would get more dust in a ship?

A You get more dust there.

Q Is that right?

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A Yeah, and in the shop.

Q You never have worked in a shipyard since 1943, is that right?

A No, sir.

MR. STEPHENSON: Did you understand the question, he said since 1943?

A '43? Well, I worked there off and on like I said until '46 off and on, but not straight through. I'd work there a while and maybe quit and go on another job, and this, that and the other.

Q Then you worked for the shipyard off and on from 1942 to 1946?

A Right.

Q Did Mr. Borel work with you during all of that period of time?

A He worked with me some and he worked with other people some, and that's when we went over here to this DuPont job to get it started in 1946.

Q Are you familiar with the products made by Unarco Industries?

A Who?

Q Unarco, U-N-A-R-C-O.

A I'm not acquainted too much with them.

Q I was trying to ask if you are familiar with United Asbestos and Rubber Company.

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A No, I'm not.
Q You don't know of any products that they ever made back before 1960?
A That I have ever used that I can remember, no.
MR. DUNCAN: I'm finished. I don't have any further questions.

RE-EXAMINATION BY MR. WELLER:

Q Mr. La Grappe, as I understand it you gave us every job that you remembered working on with Mr. Borel?
A Yeah, outside of one I'm thinking about now and ---
Q And you gave us the name of the products you used on the jobs you worked with Mr. Borel on?
A Yes, sir.
Q You say you have another job. What job are you thinking of now?
A I was thinking about the Cit Con job. We both worked on that job too, but I can't remember everything.
Q You've gone into that.
A Yes.
Q You've given us the names of every product that you know that you used on these jobs that you worked with Mr. Borel?
A That's right.
Q And on none of those jobs did you use any products

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manufactured by Fibreboard?

A No, sir.

MR. WELLER: That's all.

EXAMINATION BY MR. PIPKIN:

Q Your name is Percy?

A Percy.

Q La Grappe?

A La Grappe, L-A G-R-A-P-P-E.

Q Have you lived in Orange County a long time?

A About twenty-five or thirty years.

Q Do you have any children?

A Yes, I have three of them.

Q Are they all grown?

A They're all grown.

Q None of them live with you?

A My oldest daughter does.

Q Do you have all girls?

A I have one son, N. N. La Grappe.

Q And he lives in Orange County?

A He lives over here on Russell Street.

Q You have two daughters?

A Yes.

Q One of them is married?

A One of them is married to Mr. Swanson on the highway that has the trailer sales.

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Q What are his initials, do you remember?

A Earnest G. Swanson. Ward, would that be a question for him to ask me?

MR. STEPHENSON: Yes, it's all right.

Q I'm not trying to pry.

A Well, you're getting into the family now, and I just wondered.

Q That's just general type information.

A That's okay. Since he said it's okay, it's okay.

MR. PIPKIN: I don't believe I have anything. I think they've covered it pretty well.

RE-EXAMINATION BY MR. STEPHENSON:

Q Do you have the disease asbestosis?

A Yes, sir, according to Doctor Barnett and all the X-rays they have taken, they say I have.

Q Mr. Weller asked you questions to the effect that you knew the dust was harmful for a certain number of years. Did you ever know that this dust would give you asbestosis?

A Well, I didn't think that it would, but it apparently has.

Q When did you know that the asbestos fibers and dust would give you asbestosis?

A Well, when I went down here to Doctor Barnett

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and he discovered it on me.
Q Was that the first time you knew?
A That's the first time, yes, sir, that I knew that I was ill with it.
Q Was that the first time you knew about the disease asbestosis?
A Well, I had heard about Tomplait's case. I knew it then, about three years prior to that.
Q Was that the first time you knew that the disease asbestosis would be given by inhaling asbestos dust and particles?
A Yes, sir, I would say that.
Q On the various jobs you worked on, you insulators work on, do you know many of the products just by their trade name, such as Caltemp or Super Caltemp?
A Yes.
Q Do you know in each instance, for example, who might manufacture this?
A It's like I said about Philip Carey, they manufacture a lot of their products.
Q No, sir. I understand that, but knowing the name, say, of Caltemp or Super Caltemp, do you know necessarily who manufactured it?
A No, I wouldn't say that I would.
Q It's been stipulated and agreed in this case

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that the Company, Fibreboard Paper Products Company, which is known as Pabco--

A Yes, sir.

Q --manufactures Caltemp and Super Caltemp.

MR. WELLER: I object to this. It's leading, and you're directing the witness to answer as you want and coaching the witness for his deposition.

Q This has been agreed by Mr. Weller. I take it he's not trying to back out on his agreement.

MR. WELLER: I didn't make any agreement with you. I answered to the Court. I object to you instructing this witness, coaching this witness about any particular product and telling him what somebody said in the case.

Q Mr. La Grappe, Mr. Weller has filed judicial Answers admitting that Pabco makes Caltemp and Super Caltemp. My question is: are these commonly used products?

MR. WELLER: I object to that because the witness has testified positively that - he's listed the jobs that he worked with Mr. Borel, and he's listed the products, and in none of them did he state that he worked with any products with Borel such as - any products manufactured

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by the Defendant, Fibreboard.

Q Go ahead and answer that, please. Do you remember the question?

A No, I don't.

Q Are Caltemp and Super Caltemp commonly used products?

A Yes, sir.

MR. WELLER: The same objection.

Q What about Pabco products eighty-five percent mag., is that a commonly used product?

A Not in this area I wouldn't say, but it is in other areas. In this area I wouldn't say that it is.

Q What about Eagle-Picher Industries, a product known as One-Kote.

A Yes, sir.

Q Is it a widely used product?

A Yes, sir, it is.

MR. WELLER: I make the same objection that I made before on behalf of Eagle-Picher.

Q I'll ask you the question that Mr. Pate asked you. Have you used Caltemp and Super Caltemp on many jobs?

A I've used it from time to time, but I can't remember just what jobs.

Q Do you believe that you and Mr. Borel have used

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Caltemp and Super Caltemp on jobs that you worked together on ---

MR. WELLER: I object ---

MR. STEPHENSON: Let me finish my question, George. I know you're trying to object, but you'll have time when I finish.

Q Have you all worked on jobs that you can't remember at this time using Caltemp and Super Caltemp in your best opinion and judgment?

MR. WELLER: I object to this for the reason that the witness has had ample opportunity to answer the question, and he has stated that he didn't remember any other job where he worked with Mr. Borel except the ones he innumerated, and further because all of this is leading and suggestive and it's not a fair question to this witness, and I think he has tried to be honest in his answers. It's not fair to this witness to ask him to speculate and conjecture on something when he says he doesn't know.

MR. STEPHENSON: It's the same question Mr. Pate asked and you didn't object then.

Q Go ahead and answer.

A Will you repeat that question?

THE REPORTER: Have you all worked on

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jobs that you can't remember at this time using Caltemp and Super Caltemp in your best opinion and judgment?

A I have used Caltemp on several jobs, but to remember the exact job I can't do that. In twenty-eight years I know I've used it.

Q In your best opinion and judgment?

A Yes.

Q You believe that you and Mr. Borel have worked together on jobs using Caltemp and Super Caltemp even though you can't identify which job?

A Yes.

MR. WELLER: You're asking him to speculate and conjecture and to state an opinion or conclusion without any substance to back it up when he says he doesn't remember any other jobs that he worked on with Mr. Borel. Therefore, I object to the witness speculating unless he actually knows and can identify the time and the place.

MR. STEPHENSON: The point I'm making here for the Court is these products are so widely used by insulators and so often used that it would be impossible or very difficult to ever be an insulator working out of a Union for thirty

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years and not use these well-known, widely used products.

MR. DUNCAN: I object to the jury argument.

Q Do you remember the question?

A Yes. And like I said before, you can't remember when you have used them, but you've used them in a period of time. It's just like amasite, I couldn't remember this morning when you asked me about Consolidated Shipyard, and we used a lot of it.

MR. DUNCAN: I move that that answer be stricken. It's non-responsive.

MR. WELLER: I move the same thing.

Q All right, Mr. La Grappe, my question was: in your best opinion and judgment can you state that Caltemp and Super Caltemp has been used so widely that you feel that you and Mr. Borel have used this material?

A Yes.

MR. WELLER: I object to that. It's leading and suggestive and I repeat the same objection that I made before.

Q All right, sir. Let me ask you about Eagle-Picher Industries. They make Super 66 insulating cement. Have you used that?

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A Yes, I have.

MR. WELLER: I have the same objection to that on behalf of Eagle-Picher.

Q And the "43" finishing cement.

A Yes, I have used that too.

Q One-Kote cement?

A Yes, sir.

Q Hylo cement?

A I can't remember that one.

Q Hi-Stick cement?

A No.

MR. STEPHENSON: I think that's all.

RE-EXAMINATION BY MR. PATE:

Q Now, Mr. La Grappe, Mr. Stephenson does represent you in your compensation case which is pending in the District Court of Jefferson or Orange County?

A I don't know. Orange County, isn't it? I don't know.

Q You've had an occasion to visit with him and discuss these working conditions and who you worked for and what products you worked with on a number of occasions, have you not?

A Not a number.

Q How many occasions, sir?

A He's my lawyer, naturally, and that's about all

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I can tell you.

Q You and him have visited and talked about different products that you've worked with over the years.

A Naturally I've talked about it, yes.

Q To him?

A To him, yes, when he first took my case.

Q You notice these white cards we've been referring to this morning?

A Yes.

Q How many times have you gone over those cards?

A Never have.

Q Did you look at them this morning?

A No, sir, I didn't.

Q You've never looked at them in your life?

A Never have.

Q Has Mr. Stephenson ever gone over them with you?

A He did this morning.

Q Before we got here?

A Not all of them, two or three of them. He asked me two or three questions before you got here.

Q What were the nature of the questions?

A What you're asking now. In other words, we was just doing Ring-Around-The-Rosy, you've all asked about the same questions.

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Q He'd give you the name of the company and ask you if you had used those products?
A Yes, just like you did.
MR. PATE: That's all I have.
RE-EXAMINATION BY MR. WELLER:
Q Mr. La Grappe, I think you're trying to be honest and fair with your answers--
A I am.
Q --so I'll give you credit for that. You've been asked questions about Caltemp and Super Caltemp.
A Yes,sir.
Q In relation to Mr. Borel, the jobs you worked with Mr. Borel.
A Yes.
Q Can you tell us any job that you worked with Clarence Borel on on which you used Caltemp?
A Yeah, I can.
Q Which job?
A Well, that job down there at Baytown, they had some Caltemp on that.
Q The Baytown job?
A For Fuller Austin.
Q In 19 ---
A I think that was '68.
Q 1968. Is there any other job that you can testify

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to that you worked with Borel on that they used Caltemp or Super Caltemp?

A It's like I told you before, I tried to explain this to you. Every job you go on, it would be very hard to remember every piece of material that you use.

Q I realize that, and you listed each of the jobs that you could pick out and say where you worked with Mr. Borel.

A Yes.

Q And you listed the materials.

A Right.

Q At no time during the time you testified did you say anything about Caltemp or Super Caltemp.

A I never said anything about Caltemp because you never asked me.

Q Everybody asked you what products you had used and you didn't list them.

A Could you remember back thirty years if you used something or not?

Q This isn't my problem now.

A I understand that.

Q You're under oath to testify under oath and not to give a speculation.

A I'm not speculating. I'm trying to answer the

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questions as you ask them.

Q Then you say that the only time you worked with Borel that you recall where you used Caltemp or Super Caltemp was at Baytown on the Humble job back in 1968?

A I wouldn't say the only job, no.

Q Is that the only one you recall?

A Yes. You asked me just now, and I tried to remember and tell you, and I told you we used some Caltemp on that job.

Q Did you work with Borel on any other job that you can testify under oath that you used Caltemp or Super Caltemp, and if so, specifically what job it was?

A I can't do that. You asked me a pretty rough question there.

Q When is the first time that you personally worked with Super Caltemp?

A Could you remember the first client you had?

Q You usually remember that because they are a long time in coming when you first start practicing. Can you tell us approximately how long you've been using Super Caltemp?

A I've been using it -- In other words, I've been covering pipe the last twenty-eight or thirty years. You know, I've run across Caltemp on several different

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jobs, but I can't pinpoint what job it was.
Q How long ago did you use it?
A Hell, I can't remember that.
Q Was it as long as thirty years ago?
A No, the last fifteen or twenty years I've used it off and on.
Q Would it surprise you to learn that Super Caltemp wasn't made until less than five years ago?
MR. STEPHENSON: I object to that because the witness is testifying about Caltemp.
Q I have one other question for you. Mr. Tomplait had his troubles in 1961.
A Yeah, and he's still having lots of trouble.
Q Did you know about it in '61?
A No, I didn't.
Q When did you learn about it?
A In the last three or four years.
Q Weren't you a member of the same Union with Claude?
A The same Union, but not the same Local. I belong to the Houston Local and he belongs to the Lake Charles Local.
Q Did you work with Claude?
A Some.
Q When is the last time?

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A Lord, it's been years ago.

Q Didn't you discuss Claude's case at the Union Hall in your meetings?

A No, sir, we didn't.

MR. WELLER: I believe that's all.

(WHEREUPON THE DEPOSITION WAS CONCLUDED)

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THE STATE OF TEXAS:

COUNTY OF JEFFERSON:

I, Charlotte Smith, a Notary Public in and for the County of Jefferson, State of 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, Percy La Grappe, to the interrogatories as indicated were made before me by the said witness, after being first duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth, and the same were thereafter reduced to typewriting under my direction by Loretta Rider; 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 neither attorney nor counsel for, nor related to nor employed by any of the parties to the action in which this deposition is taken, and further, that I am not a relative or employee of any counsel employed by the parties hereto, or financially interested in the action.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 17th day of September, 1971.

Charlotte Smith
NOTARY PUBLIC

My Commission Expires:
May 31, 1973.

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