IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF

TEXAS, BEAUMONT DIVSION

CLARENCE BOREL, Plaintiff VS. FIBREBOARD PAPER PRODUCTS, INC., Defendant.	CIVIL ACTION NO. 6449

HEARD AT: Beaumont, Texas

ON: September 22, 1971

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BE IT REMEMBERED that on the 22nd day of September, 1971, before the Honorable Joe J. Fisher, Chief Judge, United States District Court, Eastern District of Texas, and a Jury, the following proceedings were had in the above-styled and numbered cause:

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CECIL E. GLADDEN,

having first been duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth, did testify as follows:

DIRECT EXAMINATION

BY MR. STEPHENSON:

Q State your full name for the record, please.

A Cecil E. Gladden.

Q Mr. Gladden, where do you live, please?

A 4908 Garfield, Groves, Texas.

Q And what age man are you?

A Forty-four.

Q All right, sir. What has been your business or occupation?

A Asbestos worker.

Q How long have you followed that trade?

A Twenty-seven years.

Q I am sorry, I didn't hear you.

A Twenty-seven years.

Q All right, sir. In the course of

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your work as an asbestos insulator, have you ever had an occasion to work with Clarence Borel?

A Yes, sir.

Q And could you tell us about how long you knew Mr. Borel before he died?

A I have known Mr. Borel since 1943.

Q All right, sir, did you have an occasion to work with him on several jobs or one job or what is your recollection on that?

A Several different jobs.

Q All right, sir. Was Mr. Borel a good conscientious worker?

A Yes, sir.

Q Can you recall for us, please the specific places which you have worked with Mr. Borel? I recognize there may be places that you worked with him that you can't remember at this time, but try to recall all of the places that you can.

A I worked at Pure Oil and Jefferson Chemical, Mobil Oil, other than those, I

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don't remember any others.

Q All right, sir. I suppose there could have been others but you don't recall specifically?

A Yes, sir.

Q Now, when you worked at Pure Oil with him, can you tell us about what time that was?

A Somewhere about 1955, '56, somewhere in there.

Q All right, sir. And how long did that job last?

A Approximately five months.

Q All right, sir. Was Mr. Borel there with you during that five months term?

A Not the full five months, no, sir.

Q About how long would you say that you and he worked together on this job at Pure Oil?

A Roughly a month.

Q All right. Can you tell us, please, what products you used during that months time?

A We used Corning Caylo (phonetic).

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Q All right.

A And we used a detrick wool blanket.

Q Detrick wool blankets?

A That's right, yes, sir.

Q Does that have asbestos in it?

A No, sir.

Q I am only interested in those products that contained asbestos, Mr. Gladden.

A Caylo was the only one we used on that particular job.

Q What about on the Mobil job, about when was that?

A I don't recall, sir. It was a small job and I don't recall.

Q Can you give us an approximation of how long ago it was?

A Roughly fifteen years ago.

Q And do you recall the names of the products used on that job?

A That was Caylo.

Q All right, sir. And then I believe you mentioned Jefferson Chemical?

A Yes, sir.

Q What period of time does that job

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cover?

A Now, actually the one at Jefferson Chemical covered between '52 up through '66.

Q That's 1952 through 1966?

A But there was some time that I would pull out of there and go to other jobs.

Q All right, sir. Then I understand that you weren't there continuously for the fourteen year period?

A No, sir.

Q But during that fourteen year period did Mr. Borel work there on the Jefferson Chemical job with you?

A Yes, sir.

Q And what position did you have on that job, Mr. Gladden?

A I was the field foreman.

Q And who were you working for?

A Industrial Insulators.

Q All right. And would this mean then, Mr. Borel would have worked under your supervision?

A Yes, sir.

Q All right, sir. Did Mr. Borel likewise

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work there off and on during the period of fourteen years?

A Yes, sir.

Q Can you tell us what asbestos products were used on that job that Mr. Borel would have used during his work there?

A We used Caylo (phonetic), we used J. M. Thermobestos, J. M. Super X.

Q Okay, sir.

A Ruberoid, Phillip Carey, Careytemp, Johns-Manville Asbestos clothe and various cements, insulating cements.

Q Can you remember the name of the manufacturers of any of the asbestos insulating cements that you were using?

A The main one would be Eagle-Picher, mostly.

Q All right, sir. Now, is it true in the position of foreman, for example, would you know whether or not it is fairly common among asbestos insulation contractors to exchange goods or, for example, if one company runs out of merchandise or asbestos products, products to be picked

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up from another company?

MR. WELLER: If the Court please, I object on behalf of each and all of the defendants because the testimony would be too vague, indefinite and speculative. This is an attempt to say that he would work with the product of any of the particular individual whom he hasn't named heretofore.

THE COURT: Objection overruled.

MR. WELLER: Note our exception.

BY MR. STEPHENSON:

Q What I was asking about, Mr. Gladden, is it customary in the business, for example, you ran out of material for Jefferson to get the materials from some other contractor if you could?

A Yes, sir.

Q Now, I will ask you whether or not you are familiar with the defendants in this case, Pittsburgh Corning Corporation, do you know about this company being an asbestos manufacturer?

A Yes, sir.

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Q And likewise Armstrong Cork Company?

A Yes, sir.

Q And Philip Carey Corporation?

A Yes, sir.

Q Ruberioid Company?

A Yes, sir.

Q Johns-Manville Products Corporation?

A Yes, sir.

Q Are these corporations which I have just named to you all major asbestos manufacturers? Do they all do this?

A Yes, sir.

Q All right, sir. Mr. Gladden, in your experience of many years in this trade, have you ever known of any of these manufacturers whose names I read to you come out into the field and make dust counts or do any type of studies designed to protect the worker from danger?

A No, sir, I've never seen it.

Q Would you tell us whether or not all of the insulating products such as you would insulate pipe, heat and cold, blocks or sacks of cement, lets leave

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sacks out, in the pipe covering and blocks, does this have to be cut, sawed and scribed to be applied in the field?

A Yes, sir.

Q And is there any doubt about it, I mean, do you know anyone that has thought that this does not have to be cut, sawed and scribed?

A I don't understand you, sir.

Q Well, that is confusing, a confusing question. I will go forward.

Have you had an occasion to see a box car come in which had asbestos products in it?

A Yes, sir.

Q And would you explain to the jury whether or not with all the boxes closed in a box car, there is a lot of asbestos dust?

A Yes, sir.

Q And would the men just carry in the boxes from the box car to the work site get asbestos dust on their clothing?

MR. WELLER: If the Court

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please, this is all leading and suggestive. I haven't objected heretofore, he is not asking this witness a question. He is telling him what he wants.

THE COURT: It may be a little leading, but the Court does not consider that it is to the degree that it is too objectionable. The objection will be overruled.

BY MR. STEPHENSON:

Q Are you familiar with the respirators or little breathing devices that are in common use?

A Yes, sir.

Q Have you used any of this type thing yourself?

A Yes, sir.

Q Would you explain whether or not any of these devices prevent inhaling asbestos dust?

A There is none of them that will be 100 percent.

Q All right, sir. Have you ever in your

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career received any notice, whether it is printed on a box or any other form from manufacturers of asbestos material which would indicate that these materials are dangerous to life?

A Would you repeat that, sir.

Q Have you had any notice of any kind from the manufacturers of any of these products that they are dangerous to human life?

A You mean have they sent any notice out?

Q Yes.

A That they are dangerous?

Q Yes, sir.

A In the last few years they have started putting on their cartons, I don't know the exact wording about it being harmful.

Q All right, sir. And do you remember, let me ask you what you mean by the last few years?

A I would say within the last five or six years.

Q Prior to that time, had there ever

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been any notice given to you by any manufacturer of asbestos insulating material?

A No, sir.

Q To the effect that it was dangerous?

A No, sir.

MR. STEPHENSON: If I may show the witness, Your Honor --

THE COURT: All right.

BY MR. STEPHENSON:

Q Is that the type notice that you have seen, Mr. Gladden?

A Yes, sir.

Q Other than that, has there been any type of notification that you know of by any manufacturer of asbestos insulation material?

A No, sir.

Q Now, one further thing, have you been present or have you yourself opened boxes of asbestos insulating material?

A Yes, sir.

Q How is that done on the job, customarily, do you do it with your hands, a knife or

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tool of some kind?

A Both hands and knife.

Q Is dust created when these boxes are opened?

A Yes, sir.

MR. STEPHENSON: That is all I have, Your Honor.

CROSS EXAMINATION

BY MR. WELLER:

Q Mr. Gladden, I believe you have been in the field for twenty-seven years?

A Yes, sir.

Q Are you still employed in the field?

A Yes, sir.

Q What precaution do you use today when you use asbestos products?

A What precaution?

Q Yes, to prevent inhalation of dust?

A Well, we use respirators when they are available.

Q How long have you known that you should use the respirator in working in dusty areas?

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A Since approximately 1966.

Q Did you ever work at the DuPont Plant?

A Yes, sir.

Q When is the first time you worked at DuPont?

A In 1946.

Q Then you worked on the job in 1946 at Orange?

A Yes, sir.

Q For DuPont?

A Yes, sir.

Q Did they have respirators available on that job?

A I don't remember, sir.

Q Did you ever use one on that job?

A Not to my knowledge, no, sir.

Q Now, have you ever been an officer of the Union?

A No, sir.

Q You have just been a member?

A Yes, sir.

Q During the twenty-seven years?

A Yes, sir.

Q Now --

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A Wait a minute now. I haven't been in the Union for twenty-seven years.

Q All right. How long have you been in the Union?

A Since 1944. I have been doing insulation since 1942.

Q All right. Did you first start out in the shipyards?

A Yes, sir.

Q And did they have any respirators there?

A No, sir.

Q Did they have any dust collectors?

A No, sir.

Q Did they have any blowers?

A No, sir.

Q What did you do to keep out of the dust?

A I didn't keep out of it.

Q Well, to keep from inhaling it, what did you do?

A We just -- we inhaled it really.

Q You didn't use any mentholatum or wet handkerchief to put over your face

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or anything of that nature?

A No, sir, never did.

Q Never did. When is the first time that you wore an aspirator on the job?

A About 1966.

Q Did you ever work for Armstrong Contracting Company?

A If I did it was only for about a week.

Q Did they --

A And I am just trying to remember.

Q About when did you work for Armstrong?

A I don't have no idea, sir.

Q Do you recall when -- whether they furnished you aspirators on the job?

A No, sir, I don't recall.

Q Now, when you worked on a job and asked for an aspirator it wasn't furnished?

A No, sir.

Q When you worked on a job, who do you take your orders from?

A Your immediate supervisor.

Q Well, is he a foreman out of the Union?

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A Sometimes yes and sometimes no.

Q Hadn't you worked as a foreman?

A Yes, sir.

Q Doesn't the Union require that if it is a Union job that the foreman be a Union member?

A Yes, sir.

Q All right. Now, who do you complain to about the working conditions on the job if you have a complaint about the working conditions?

A Who does the foreman?

Q Who do you as a worker complain to if you have got a complaint about the working conditions?

A I would normally go to the steward, the job steward.

Q Would the foreman go or would you complain to the foreman or would you complain to the job steward?

A Would you come back again at me.

Q If you have a complaint about the working conditions on the job?

A You are speaking as a worker?

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Q As a worker?

A Not as a foreman?

Q Not as a foreman. If you as a worker have a complaint, to whom do you go to complain?

A To the job steward.

Q To the job steward?

A Yes, sir.

Q Now, if you are foreman on the job to whom do you go to complain about the working conditions?

A To my immediate supervisor.

Q To your immediate supervisor?

A Yes, sir.

Q And he is employed either by the company, the owner of the premises or by the insulating contractor?

A Right.

Q And you look to him to provide the working conditions for you on the job, don't you, the contractor or the owner?

A Yes, sir.

Q Now, haven't you worked on jobs where they had blowers and suctions to

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take care of dust?

A Yes, sir. But -- Is it all right to say something?

Q Yes, sir, go ahead.

A But the blowers and the fans or whatever you use don't take care of it 100 percent, it helps.

Q All right. It does reduce the dust down, doesn't it?

A Some.

Q And the respirator that you have used, it does reduce down the amount of dust that you get on a job, doesn't it?

A Some, but it is not 100 percent by a long way.

Q All right. It is not 100 percent. Isn't that the purpose of it, of using the respirator to reduce the amount of dust that might be inhaled?

A Yes, sir.

Q Now, haven't you seen -- Do you receive the "Asbestos Worker"?

A Yes, sir.

Q Have you seen the publication in your

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own "Asbestos Worker" which tells you to wear a respirator in dusty places?

A Since 19 -- about 1966, 1967.

Q Well, prior to 1966 or '67, did you take any precaution whatsoever on the job to keep from inhaling dust?

A No, sir.

Q Do you wear a respirator at all times when you are working on a job?

A No, sir.

Q When do you wear it?

A Whenever it is the dustiest.

Q Whenever it is too dusty?

A Whenever it is the dustiest, sometimes you are working up high, say, one hundred feet, two hundred feet on a scaffold. These respirators, they are kind of dangerous up there if you are wearing glasses, particularly bifocals. They fog your glasses up and stuff.

Q All right. Now, when these products actually first come to you like this product here, which is a pipe insulation, I am showing you Defendant's Exhibit 5, and

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block insulation, exhibit No. 4, these are not very dusty, are they?

A Could I see them, sir?

Q Yes. They have a hard rind on the outside?

A This is normally not the way we get them when we get them on the job.

Q Well, are you saying that this is a special sample?

A No, sir, I am not saying that.

Q This is the way you get pipe insulation on the job, isn't it?

A Yes, sir, but it is more dustier than that.

Q What products are you talking about, any particular products?

A Any of your Cylicates (phonetic).

Q Are you saying that this is special samples that has been manufactured specially or this is out-of-stock sample?

A Well, no, sir. During the shipments of these materials they have a tendency to break off on the corners and that causes dust.

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Q But after you take these out and you are getting ready to apply this, you can carry this around all day without it getting dusty, can't you, and inhaling any dust from it?

A No, you can't.

Q If I carried this around for twenty four hours you say I would inhale dust from it?

A Yes, sir, you would breathe the dust.

Q Now, all of the changes that are made in a product such as cutting, and so forth, those are actually done on the job, aren't they?

A All cutting of materials for any specific job is done on the job.

Q And your Union insists that they have jurisdiction over the cutting of any material that is supplied on a job, don't they?

A Yes, sir.

Q Now, whatever precautions that are taken while you are cutting those, do you always cut them in a shop on the job?

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A No, sir.

Q Do you have shops on the job sometimes?

A Yes, sir.

Q In those shops on the job, do you sometimes have blowers and suction devices in the shop?

A About 95 percent of them consist of a fan that is set up, fixed to the band saw.

Q Consist of a fan next to the band saw?

A Yes, sir.

Q Do you have a window fan that draws the material out of the room?

A Well, this is the type of fan I am talking about.

Q This is the type of fan you are talking about?

A Well, it don't take it all out.

Q It don't take it all out?

A No, sir.

Q Well, have you worked in the shop?

A Yes, sir.

Q Did you wear a respirator while you

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were working in the shop?

A Yes, sir.

Q And the reason you were wearing the respirator was to keep away from the dust, wasn't it?

A Yes, sir, it helps, yes, sir.

Q And I believe the first time you wore a respirator was in 1966?

A About, yes, sir.

Q That you worked in shops before that, did you?

A Yes, sir.

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

A No, sir, not in their shop.

Q Not in the shop. Now, if you are working out at the DuPont Company and -- Do you work for DuPont?

A Well --

Q Direct for DuPont or do you work for a contractor when you work at DuPont?

A Normally you are working for a contractor.

Q You are working for a contractor?

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A Yes.

Q All right. And you -- If you are working as a foreman you take your orders directly from the superintendent or your superior, don't you?

A Yes, sir.

Q And he is employed by the contractor?

A Yes, sir.

Q Now, you wouldn't take your orders from a stranger, would you, if he came out on that job?

A No, sir.

Q If somebody came out there and said you are working in the shop and you are not wearing a mask, you better wear a mask and you have to get off the job, what would you tell him?

A Could I back up there a minute?

Q Yes.

A If you are working in DuPont in their shop, if their safety man comes and tells you to put on a mask, you are going to put on a mask.

Q All right. If their safety man comes

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there and tells you, but you know he is a DuPont employee because he is identified as a safety man, isn't he?

A That's right.

Q What does he do, wear a white hat?

A Normally, yes, sir.

Q Then you recognize him, but if a total stranger came out there and said, "Mr. Gladden, you can't do that work this way, you've got to wear a mask." What do you tell him?

A I wouldn't have to obey him. He would be a total stranger to me. I wouldn't know who he was.

Q You wouldn't have to obey him, would you? Are you familiar with the fact that your union negotiates the working conditions under which you work?

A Yes, sir.

Q You have known that for a number of years, haven't you?

A Yes, sir.

Q And if you have a complaint about the working conditions or the dusty conditions,

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then you complain to your union, don't you?

A To the job steward.

Q All right. How long has your union been discussing the problems about dust on the job?

A Since about 1966.

Q Is that the first time that you ever heard of it?

A That's the first time I've ever known.

Q You've ever known?

A Yes, sir.

Q You didn't know Borel, did you? I mean Claude J. Tomplait?

A Claude Tomplait?

Q Yes.

A Yes, sir.

Q Do you know when he had his difficulty?

A Yes, sir.

Q Back in 1958, '59?

A Yes, sir.

MR. STEPHENSON: Your Honor, may I object at this point because the cross examination -- He is saying

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when he had his trouble, Mr. Tomplait's trouble, it is not being identified in any way and the time span, of course, is not being identified.

THE COURT: Objection overruled.

BY MR. WELLER:

Q You knew he had a claim back there that he had asbestosis back in '58 or '59, didn't you?

A I knew he had a claim for a lung disease.

Q Lung disease that he claimed was caused by asbestos dust?

A I don't know, sir.

Q You didn't know?

A No, sir.

Q Well, you have been working in the asbestos trade for a number of years, you did know that if you got a lung disease on the job it was known as asbestosis, didn't you?

A Not prior to 1966, sir.

Q Not prior to '66. Now, this notice that you have seen on the boxes since that

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time, you have known that there was some degree of risk in working in asbestos dust, hadn't you?

A Since I've noticed these coming out on the cartons, yes, sir.

Q Yes, sir, but you still went ahead and worked and are still working with the problem?

A Yes, sir.

Q Didn't you know prior to the time that that notice came out that you were working with asbestos?

A I knew it was an asbestos material.

Q An asbestos material. That's the name of your union, isn't it, Asbestos and so forth Workers' Union?

A Asbestos Workers' Local Union, yes, sir.

Q And you also knew all the time that that product produced dust, didn't you?

A Yes, sir.

Q And you knew that you were inhaling the dust, didn't you?

A Yes, sir.

Q As a matter of fact, you inhale it and

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spit it out and that sort of thing on the job, don't you?

A Yes, sir.

Q At times, do you have such exposure of dust that you have to go outside the area where you are working and cool off and get out of the dust?

A If you are working in a confined space.

Q All right. Now, most of your work isn't in confined spaces, is it?

A Quite a bit of it is.

Q Well, what? Twenty percent of it?

A Oh, I would say thirty or thirty-five percent.

Q Thirty or thirty-five percent and another sixty-five percent is generally out in the open, isn't it?

A Yes, sir.

Q And you don't have very much dust problems out in the open, do you?

A It is blowing around quite a bit.

Q Sir?

A It is blowing around quite a bit.

Q Well, if you are working out and the

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wind is in one direction you are working on the leeward side, aren't you?

A No, sir. It don't work out that way always.

Q It doesn't work out that way. You have worked twenty-seven years in the industry, do you have any respiratory problems?

A No, sir, not to my knowledge.

Q Not to your knowledge?

A No, sir.

MR. WELLER: I think that is all.

THE COURT: Mr. Tucker, do you have any questions?

CROSS EXAMINATION

BY MR. TUCKER:

Q Mr. Gladden, who do you, as you are working on these various jobs, who do you rely on to furnish you with safety equipment and take the necessary safety precautions?

A Normally the contractor.

Q The contractor is different from the

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people such as John Manville and Philip Carey and these people who supply the products, they are different concerns, are they?

A Yes, sir.

Q And so you on these jobs, and you know that over the twenty-seven years you have been relying on the contractor that you are working for in as far as safety equipment, safety precaution is concerned, is that true?

A Yes, sir.

Q Does the union also take an interest in the safety precautions and safety and preventive measures that should be taken on these jobs?

A Yes, sir.

Q They have committees to investigate these things or representatives to investigate, make recommendations or do you know?

A I have never knownof a representative or committee.

Q But they are interested in them?

A Yes, sir.

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Q Have you ever seen a dust count made in your twenty-seven years on any job?

A No, sir.

Q Does the union ever have any dust counts made?

A I wouldn't know, sir.

Q Have your employers, these contractors, have they ever had any dust counts made?

A I wouldn't know that, sir.

Q Have you ever seen them make any?

A No, sir.

Q When you are working out there for Jefferson Chemical, did Jefferson Chemical have any dust counts made?

A Not to my knowledge they didn't.

Q Did DuPont have any dust counts made when you were working on that job?

A I've never seen any dust counts made.

Q Now, every job that you have worked on, the conditions are somewhat different, are they not?

A Would you repeat that, sir?

Q I say is every job the same or do conditions

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vary from job to job and even from day to day on the same job?

A They vary from job to job.

Q On some jobs you work, your work will be in a more confined area, is that correct?

A Yes, sir.

Q And when you are working in a more confined area, who would you rely on, whatever warnings were necessary, whatever safety equipment was necessary to protect you?

A The shop you are working for.

Q The shop you are working for?

A Yes.

Q As a member of the union you get an issue of this "Asbestos Worker" magazine?

A Yes, sir.

Q And you recognize these -- this is marked Defendant's Exhibit 1, 2 and 3, official publications from the Asbestos Workers' Union, their magazine?

A Yes, sir.

Q Now, November of '61, were you a

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member of the union?

A Yes, sir.

Q Do you recall in that issue, this is on the back page of your union publication, either in this issue or another issue, the admonition to wear respirators?

A I might have noticed it and it didn't register with me. I might not even have read that particular month's magazine. I don't know, sir.

Q Do you recall that you have ever seen an admonition or recommendation such as this to wear respirators?

A Not until around 1966.

Q You don't recall seeing the one that was put out in '61?

A Like I say, I don't remember that far, I don't remember if I read that particular issue, whether I read it, I don't even remember whether it registered with me or not.

Q If you read it at that time, did you pay any attention to it in 1961?

A Well, like I say, I don't remember

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seeing it. I might not have read that particular issue.

Q If you had seen it in 1961 would you have paid any attention to it?

A I don't remember, sir.

MR. TUCKER: I believe that is all. Thank you.

THE COURT: Mr. Stephenson?

REDIRECT EXAMINATION

BY MR. STEPHENSON:

Q Mr. Gladden, you were asked on cross examination whether or not if a stranger had come on the job and ordered you around and so forth, would you have obeyed and you said you wouldn't have been obligated to. Now, in the same context to that cross examination I asked you if a stranger had come on the job and said, "I am representing Johns-Manville or Pabco Corporation and I can show you how to use this asbestos without indangering your health," would you have listened to him?

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A Yes, sir.

Q Would you have ever even gotten into the trade as a young man if you knew then what you know today about the danger of this product?

A No, sir.

MR. WELLER: Now I object to that. It calls for an opinion and conclusion retrospectively on the part of this witness and it would be self-serving and further hasn't been shown that there was any knowledge either scientifically or medically that there would be any danger insofar as the asbestos insulation worker was concerned.

THE COURT: Objection sustained.

BY MR. STEPHENSON:

Q All right. Mr. Weller has asked you the question why do you work with the products now. Mr. Gladden, I don't think that you got a chance to answer it, if you did, I didn't hear what your answer was.

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A That is the only livelihood I know.

Q All right, sir. Have you ever worked directly for Johns-Manville as a contractor, when Johns-Manville was doing its own contracting?

A I worked for Johns-Manville as a worker.

Q Yes.

A As a craft man.

Q Yes. Did Johns-Manville provide you with any type of safety apparatus that would prevent you from inhaling this stuff?

A I don't remember it.

Q Had you worked for Philip Carey or any of the other manufacturers who also contract work?

A Philip Carey, yes.

Q Did Philip Carey provide you with any type of safety device to prevent you from inhaling this dust?

A I don't recall, but I don't believe they did.

MR. STEPEHENSON: That's all I have.

THE COURT: Anything further, Mr.

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Weller or Mr. Tucker?

MR. TUCKER: I just have one question, Your Honor.

RECROSS EXAMINATION

BY MR. TUCKER:

Q The respirators that you have reference to are these in evidence?

MR. STEPHENSON: They are not in evidence, but you can have them.

BY MR. TUCKER:

Q These have been marked as exhibits 4 and 5, are those the type of respirators that you have reference to?

A Yes, sir.

Q And you say they help a great deal in eliminating the inhalation of too much dust?

A They help some, sir.

Q Now, these types of respirators that you now use are supplied by your employer, is that correct?

A Yes, sir.

MR. TUCKER: That is all.

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THE COURT: Mr. Stephenson?

MR. STEPHENSON: I have nothing further, Your Honor.

THE COURT: Mr. Gladden, you may be excused. You may leave any time you wish.

THE WITNESS: Thank you, Your Honor.

REPORTER'S NOTE: Whereupon, at this time the witness was excused.

* * *

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

— OFFICIAL REPORTER'S CERTIFICATE

I, Jerry T. Bloxom, Official Court Reporter for the District Court of the United States for the Eastern District of Texas, do hereby certify that the above and foregoing 43 pages constitute a true, correct transcript of the testimony of Cecil E. Gladden in the above-styled and numbered civil cause.

WITNESS my official signature in the City of Beaumont, Texas, on this the 23rd day of September, 1971.

Jerry T. Bloxom
Official Court Reporter
United States District Court
Eastern District of Texas

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