DEPOSITION SUMMARY OF DR. LOUIS A. MATEO
TAKEN ON JANUARY 22, 1971

DIRECT EXAMINATION BY MR. WARD STEPHENSON:

Page 6 — Dr. Mateo is a pathologist who received his medical training at the University of Havana; took his formal training in pathology from 1950 to 1954, and has practiced in this county since 1960. He has limited his work to pathology beginning in 1961.

Page 7 — On or about March 7, 1969, Dr. Mateo made tissue studies of Clarence Borel.

Page 8 — Dr. Mateo received five specimens as follows: (1) hilar nodes, (2) specimen from the open lobe of the lung, (3) lung tissue from the lung itself, (4) tissue from the chest wall and (5) specimens submitted as biopsy of the right lung.

Page 9 — Dr. Mateo did the routine study, consisting of usual hematoxylin and arosene and historical preparation.

Page 10 — In specimens 2, 3 and 4, Dr. Mateo found fibrosis. In specimen 5, Dr. Mateo found lesions that are produced by any kind of injury to the lung and also found within the tissue what was identified as asbestos bodies.

Dr. Mateo concluded that the lung biopsy was that of asbestosis.

CROSS-EXAMINATION BY MR. GEORGE WELLER:

Page 12 — Dr. Mateo states that he had had occasion to diagnose asbestosis or tissues involving asbestosis in two or three instances prior to the one in question.

Page 13 — Dr. Mateo did not find any asbestos in specimen 1, which was lymph node taken from the hilar region of the lung. Specimen 2 came identified as a node from the upper lobe on the right side, which contained fibrosis.

Page 14 — Specimen 3 was tissue from the lung and did not contain any asbestos bodies. Specimen 4 was material from the chest wall, which did not contain any asbestos bodies. Specimen 5 came from the right lung, but Dr. Mateo does not know what part of the lung from which it was taken.

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Question: "Well, how would you account for the fact that there were four samples of tissue taken from a lung that did not have any asbestos bodies in it, and then there was only one that did?"

Answer: "Usually asbestosis is more common in the lower portion of the lung than in the upper lobe since gravity has something to do with it."

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Question: "If you don't know where specimen 5 came from, you don't know whether that came from the lower lobe or not, do you?"

Answer: "No."

Question: "There were no specimen taken of the left lung, were there?"

Answer: "I don't have any information on that."

Dr. Mateo admits that the presence of asbestos bodies alone does not make a diagnosis of asbestosis.

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Dr. Mateo mentioned that there was an inflammatory reaction around the bodies (asbestos bodies) found by him, but admits that if the patient had had a prior case or cases of pneumonia the condition he found could have been scar tissue developing from the pneumonia and and other causes - admits that this is possible.

Page 17

Dr. Mateo admits that there are asbestos bodies present in the lungs of quite a number of people who do not have asbestosis and who never develop asbestosis; that the mere presence of asbestos fibers in a person's lungs does not always cause a reaction.

CROSS-EXAMINATION BY MR. GORDON PATE:

Page 18-19

Dr. Mateo again admits that there were asbestos bodies present in only specimen 5 and not in the other four.

Page 19

When asked to what does he attribute the fibrosis tissues in specimens 2, 3 and 4, Dr. Mateo responded that one does not always find the agent that produces these changes and that there are many, many agents that could produce these changes, such as pneumonia.

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Page 20 — Dr. Mateo further admits that pneumonia could possibly have produced the fibrosis found in tissue in specimen 5.

Page 22 — Dr. Mateo admits that it is possible that an asbestos worker could inhale asbestos fibers and bodies and have no reaction and then subsequently suffer from pneumonia which sets up the fibrosis or inflammation.

Dr. Mateo admits that smoking could possibily have set up the fibrosis found in the tissues.

Page 23 — Question: "What I am really driving at, Dr., is this. Let me state it once again. I am trying to clarify .. that tissues 2, 3 and 4 that had the fibrosis, as well as 5, which had the fibrosis yet you only found an asbestos body in tissue 5?"

Answer: "Right."

Question: "Therefore, you cannot say that this fibrosis caught in these four tissues, 2, 3, 4 and 5, were caused by asbestos, can you?"

Answer: "No, I cannot say that the tissues 2, 3 and 4 were caused by that. I probably could say that in tissue 5 there is a relation of location between the two."

Question: "Possibility?"

Answer: "Possibility."

Page 24 — Dr. Mateo admits that as pertains to specimen 5 and the inflammatory reaction found therein, that pneumonitis could cause such inflammatory reaction.

Page 25 — Dr. Mateo distinguishes inflammatory reaction and fibrosis by explaining that fibrosis is established as the result of an old inflammatory reaction, for example, a foreign body or bacteria might cause an acute inflammatory reaction and then the body, trying to reject the offender, trying to isolate the foreign body, produces fibrous tissue, called fibrosis.

Dr. Mateo admits that any inflammatory disease, such as pneumonia or bronchitis may produce a fibrosis.

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Page 26 — Dr. Mateo did not have any specimens from the left lung - all specimens were from the right cavity. He does not know whether there were any asbestos bodies in the left lung or not.

RE-DIRECT EXAMINATION BY MR. WARD STEPHENSON:

Page 28 — Dr. Mateo states that the reason he did not diagnose the other fibrous growth found in the specimens as asbestosis was because he did not actually observe asbestos agents in the fibrous growth. In other words, he did not find asbestos agents in all of the specimens.

RE-CROSS-EXAMINATION BY MR. GEORGE WELLER:

Page 29 — Dr. Mateo admits that pneumonia can leave scars on the lungs that will show up in X-rays.

Page 30 — Dr. Mateo did not find any evidence that the fibrosis was caused by cigarette smoking, in the absence of emphysema or other conditions.

Assuming the patient had emphysema and bronchitis, Dr. Mateo admits that this could produce the fibrous tissue, if he smoked.

Dr. Mateo did not find in the biopsy any cancerous cells and did not make any diagnosis of cancer in this patient.

FURTHER RE-CROSS-EXAMINATION BY MR. GORDON PATE:

Page 31 — Dr. Mateo admits that the fibrosis which he observed in specimens 2, 3 and 4 could have been caused by pneumonia.

Page 32 — Dr. Mateo explains that the reason he diagnosed asbestosis as to specimen 5 was because of the presence of the asbestos bodies and the relationship of the asbestos bodies and the fibrous tissue. At the same time, he admits that if he had not found asbestos bodies and saw the same fibrosis condition, then such could be due to any other irritant or condition, such as old pneumonia, etc. He does add that had there been no presence of asbestos bodies in specimen 5 then the cause of the condition would be such that he really couldn't make any diagnosis in that respect.

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