W-2293

Relating to 1942-43
Φ03-ΦΦ0248 lunch w/ Vandiver
CHR 8401 Brown

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UNITED STATES CLAIMS COURT
CIVIL NO. 465-83C
1-84C
688-83C

JOHNS-MANVILLE CORP., et at.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION

DEPOSITION OF:

CHARLES H. ROEMER

TRANSCRIPT of deposition taken by and before CAROL ANN BRUMETT, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, at the TREADWAY INN, KENNY PLACE, SADDLE BROOK, NEW JERSEY, on WEDNESDAY, APRIL 25, 1984, commencing at 9:35 in the forenoon.

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-and-
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ACL Doc 11189 · Page 2 of 11 asbestosclaims.law/library/11189/2

I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
CHARLES H. ROEMER				
BY MR. BAGNI	3		62	
BY MR. HOLLINGSWORTH		33		
BY MR. PARNELL		38		

Ed Shuman and I said, "Look here. The biggest asbestos company in the world is right here in New Jersey." I said, "They certainly must have these problems just as you're having them." Let's see how they handle them. I mean, we really wanted to do the right thing. So I suggested that they set up a conference with Johns-Manville, which was subsequently done.

Q. Do you recall who set the meeting up with Johns-Manville?

A. Mr. Cryor and Shuman.

Q. I see.

A. Because I told them it would be better if they set up the meeting instead of myself, and the meeting was arranged at their New York headquarters on, I believe, 40th Street in New York.

Q. Do you recall what year that was?

A. I think it was in the fall of 1942, or it might have been the spring. Now, the reason I said that, I remember I was wearing a top coat at the time, and I remember taking it off and having some young lady hang it up for me, so it was either the fall of 1942 or the spring, I would say, of 1943.

Q. So a meeting was, in fact, set up at the Johns-Manville headquarters in New York City?

A. That's right. At the main offices. And the president of the company was there and the counsel of the company was there.

Q. And what was the president of the company's name? Do you recall?

A. I think the counsel's name was Vanderver. Vanderver Brown. Now, his brother was the president, or at least I was told that, but his first name escapes me.

Q. Would it have been Louis Brown?

A. It might have been. It might have been, yes.

Q. Do you recall what time of day the meeting was held?

A. It was held before noon. I remember that distinctly, because I had lunch with them in their board rooms after the meeting.

Q. I see. Why do you recall the lunch so vividly?

A. It was the first time in my life I had lobster for lunch.

Q. Do you recall who all was at the meeting representing Johns-Manville?

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ACL Doc 11189 · Page 5 of 11 asbestosclaims.law/library/11189/5

A. Oh, there were several other gentlemen there who were introduced to me as officers of the company. Their names escape me entirely.

Q. Who from Unarco attended the meeting?

A. Mr. Shuman, Mr. Cryor and myself.

Q. Now, this meeting took place over 40 years ago. Why is it that you are able to recall Vanderver Brown's name?

A. Because it was so unique. Brown, of course, is a common name, but Vanderver, I never came across that name prior to that.

Q. Have you ever come across it since?

A. No.

Q. When you got to the meeting and it was convened, who presented the Unarco situation, if you will, to the Johns-Manville representatives?

A. I did.

Q. And do you recall what you told them in words or substance?

A. I told them substantially what Dr. Roemer told us, and that he asked us what we were doing. You see? How we were handling our cases. I said, "Well, in our case, as soon as Dr. Roemer reported to us that there were changes in the man's lungs, just in very incipient stages, we notified

parties of the situation. Workmen's compensation claims were filed." He then, either Mr. Brown, the president, or one of them, accused us of being a bunch of fools because by doing that it will cost the company much more money than if they let them continue to work. I'll never forget, I turned to Mr. Brown, one of the Browns made this crack, and I said, "Mr. Brown, do you mean to tell me you would let them work until they dropped dead?" He said, "Yes. We save a lot of money that way." Well, I poked Bob Cryor, who was sitting near me, and I said, I think, the conference was over. I wanted some humanitarian conversations to be included in this thing that we might have overlooked.

Q. Were you shocked by what --

A. I was terribly shocked, and I said, "I don't think there's anything more that we can discuss here.

Q. During the course of this conversation, did the -- did either of the Browns indicate to you that they had discovered that some of their workers had come down with asbestosis?

A. Yes. Of course.

Q. And do I understand your testimony to

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ACL Doc 11189 · Page 7 of 11 asbestosclaims.law/library/11189/7

be that in the face of that discovery that it was Johns-Manville's policy not to inform the workers of their condition?

MR. PARNELL: I have to object to the form of the question. That may, in fact, be what this witness will say, but that has not been the testimony as to this point of time, and I object to the form of the question.

MR. BAGNI: I'll withdraw the question.

Q. Mr. -- one of the Browns indicated to you that they were aware of the fact, Johns-Manville was aware of the fact, that some of their factory workers were suffering from asbestosis.

MR. PARNELL: I object again.

A. I thought I answered that already. In other words, I told you that their policy, when they learned that one of their employees was involved in this asbestosis, was to let them work, because by doing that no claim would be filed in the workmen's compensation bureau, you see, and that they saved a lot of money that way. In effect, he felt we were a couple of jerks or something for notifying them so soon.

Q. I see. Was anything else discussed at

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ACL Doc 11189 · Page 8 of 11 asbestosclaims.law/library/11189/8

the meeting after that?

A. No. No. We just -- I said, well, there's nothing more that we can accomplish this morning and we were then invited to have lunch with them.

Q. So you adjourned for the lobster lunch?

A. Yes.

Q. And was anything discussed during the course of the lunch?

A. No. It was a very delightful lunch.

Q. That was small talk, basically, the lunch.

A. Yes.

Q. Is there anything else you remember about the meeting with Messrs. Brown?

A. I can't think of anything.

Q. About how long did the meeting last?

A. I would say about an hour tops.

Q. During the course of the meeting, did either of the Browns relate to you what, if any, findings Johns-Manville personnel had made with respect to any x-ray changes in their factory workers?

A. I thought I explained that.

Q. Well, what I'm trying to get at is, if

I may, you testified that Dr. Roemer came to you and explained to you what the situation was with respect to six workers. You then went to Johns-Manville to explain the Unarco situation to them and ask them how they were dealing with their situation.

A. Yes.

Q. And I'm simply trying to determine whether or not their experience and their findings were the same as the findings that were made by Dr. Roemer.

MR. PARNELL: I have to object. With all due respect, unless one of the people from Johns-Manville represented specifically in detail to Mr. Roemer about all the findings, as you call it, et cetera, I have to object to the form of the question. I don't think it is proper. It is obviously prejudicial to my client, and the only thing I want to be sure of is that Mr. Roemer repeats actually what he heard without embellishment or speculation, and I think that is what the law requires.

A. I'll repeat what I said before, that they said that they had the same problems, the problem in their plants, but when they were

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ACL Doc 11189 · Page 10 of 11 asbestosclaims.law/library/11189/10

advised of changes in the condition of their employees' lungs, that they did nothing about it so far as the employee was concerned because they saved money that way. I mean, that's the only way I could put it. That was definitely said by one of the Browns. It was either the president or his brother.

Q. Have you had any contact with Vanderver Brown or Louis Brown or any other Brown since that?

A. I have never heard of them since. I never had any contacts with them at all.

Q. Have you had any contacts with the Johns-Manville Corporation?

A. No. Except to give -- I did make a deposition in this matter -- not in this case, but in this situation, so that --

Q. But you never had any further discussions with Johns-Manville regarding business matters.

A. No.

Q. Do you happen to recall the names of the six Unarco workers?

A. Oh, no. No.

Q. Were they ever related to you, the names?

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ACL Doc 11189 · Page 11 of 11 asbestosclaims.law/library/11189/11