IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

RAYMOND BUROWS,	)	CV-76-60-BLG
	)	
Plaintiff,	)	
	)	
vs.	)	DEPOSITION OF
	)	
JOHNS-MANVILLE PRODUCTS CORPORATION and DOES I through X, Inclusive,	)	PAUL KOTIN
	)	
	)	October 6, 1977
	)	
Defendants.	)	VOLUME I

DEPOSITION OF PAUL KOTIN, taken on behalf of the Plaintiff pursuant to Notice at 817 Seventeenth Street, Suite 731, Denver, Colorado 80202, on October 6, 1977, at 9:31 a.m., before Sandra I. Lyon, Certified Shorthand Reporter and Notary Public within Colorado.

CERTIFIED COLORADO REPORTERS
817 SEVENTEENTH STREET, SUITE 731
DENVER, COLORADO 80202

825-2761

EILEEN CHARLES HYATT · BARBARA J. WEDGWOOD · SANDRA I. LYON

PRODUCED JM - 83

APPEARANCES:

PATRICK J. FOLEY, Attorney at Law, from the Law Firm of Kelly & Foley, 1101 North 27th Street, Billings, Montana 59101, appearing on behalf of the Plaintiff.

DOUGLAS JOHN TRAEGER, Attorney at Law, 1200 Lincoln Street, Suite 303, Denver, Colorado 80203, appearing on behalf of the Plaintiff.

ROBERT EDD LEE, Attorney at Law, from the Law Firm of Crowley, Haughey, Hanson, Gallagher & Toole, P.O. Box 2529, 500 Electric Building, Billings, Montana 59103, appearing on behalf of the Defendants.

DENNIS H. MARKUSSON, Attorney at Law, Johns-Manville Corporation, Ken-Caryl Ranch, Denver, Colorado 80217, appearing on behalf of the Defendants.

PRODUCED
JM - 83

Deposition of Dr. Paul Kotin in Burows v. Johns-Manville on the Merewether Report and Latency (1977)
ACL Doc 11220 · Page 2 of 7
Published by AsbestosClaims.Law
asbestosclaims.law/library/11220/2

I N D E X

EXAMINATION OF PAUL KOTIN:	PAGE
By Mr. Foley	4

PLAINTIFF'S DEPOSITION EXHIBITS:		MARKED	IDENTIFIED	OFFERED
A	(One-page document, copy of record of Johns-Manville Corporation, Health, Safety & Environment Department, July, 1924)	53	53	54
B	(Three-page article by Cooke and Lond from British Medical Journal, 9/28/29)	73	73	73
C	(Report on Effects of Asbestos Dust on the Lungs and Dust Suppression in the Asbestos Industry, by Dr. Merewether, 1930)	91	91	

PRODUCED
JM - 83

Q Yes.

A I would say certainly in 1924 Dr. Cooke detected asbestos in the lung.

Q All right. Now, Doctor, you testified earlier that in 1929 Johns-Manville made a request to Saranac and Metropolitan Life for an investigation into the asbestos; is that correct?

A Yes, sir, but they didn't ask them for an investigation. They went and said, "Here's a problem. What do you recommend?"

Q Well, I assume they had to make some kind of an investigation to come up with a conclusion.

A Right, yeah.

Q Are you aware of the Merewether, M-e-r-e-w-e-t-h-e-r, report of 1930?

A Yes, sir.

Q How long have you been aware of that?

A Oh, 20 years or more.

(Whereupon, from 11:45 a.m. to 12:50 p.m. a lunch break was taken, after which the proceedings continued as follows:)

Q Doctor, the Merewether report is dated October, 1930; is that correct?

PRODUCED
JM - 83

A That is correct.

Q Have you been acquainted with that for quite

some time?

A Yes.

Q That is entitled, "Report on Effects of Asbestos Dust on the Lungs and Dust Suppression in the Asbestos Industry"; is that correct?

A It is correct.

Q Now, Doctor, let me ask you a few things here. Is it fair to say that the physical operations or workings of the person as distinguished from the dust is not the cause of asbestosis; the physical work that a guy does does not bring about asbestosis?

A That's correct.

Q It has to be some exposure to and inhalation of the asbestos dust that causes the asbestosis?

A An adequate dose, yes, sir.

Q Well, when one acquires or inhales this adequate dose, does his diseased condition, asbestosis, show up immediately?

A No, it does not.

Q Is there with respect to the indications of asbestosis a period of time that must be involved, first as to the inhalation of the dust, and second, for the dust inhaled to result in the disease?

A Yeah, there has to be an adequate dose.

Q And that takes a period of time?

PRODUCED JM - 83

A Yeah. Dose is, by definition, the amount times time.

Q Is that the definition of dose?

A Yes, sir.

Q Amount times time, all right. After you shall have acquired that adequate dose, which is the amount over a period of time, at the end of that basic minimum period of time does asbestosis show up by symptoms?

A It can, surely.

Q Is it fair to say that it does not always do so?

A No. Asbestosis is a disease, and a disease is diagnosed by signs and symptoms.

Q Is it fair to say that those signs and symptoms may not show up until even some years after the exposure to the dust?

A They may never show up because by far the greatest number of workers in asbestos never develop any asbestosis.

Q We're talking about something else though. We're talking about when it does show up.

A Yes.

Q Can it show up a long period of time after the beginning of the exposure to the asbestos dust?

PRODUCED
JM - 83

A Yes, sir.

Q Can it show up even a long period of time after

Deposition of Dr. Paul Kotin in Burows v. Johns-Manville on the Merewether Report and Latency (1977)
ACL Doc 11220 · Page 6 of 7
Published by AsbestosClaims.Law
asbestosclaims.law/library/11220/6

the termination of the exposure to the asbestos dust?

A Yes, sir.

Q And with respect to both the first exposure to the dust--by that I mean inhaling the dust--with respect to first inhaling the dust and with respect to the last inhaling of the dust, are you able to estimate for us from your knowledge in the asbestos industry what would be the outer limits ordinarily of a period of time within which asbestosis could manifest itself?

A No.

Q Can it be ten years later?

A Yes, sir.

Q Can it be 20 years later?

A We deal in a biological world where there are no absolutes. So every "can" question you ask is "yes."

Q Does that include the answer to the question I just asked?

A Can it be 20 years later?

Q Yes.

A Extremely unlikely but it can.

Q Okay. Now then, the Merewether report of 1930, according to this document, was printed and published by His Majesty's Stationery Office; and that's in Manchester, Cardiff, and Belfast. Is that correct?

A Yes, sir.

PRODUCED
JM - 83

Published by AsbestosClaims.Law
asbestosclaims.law/library/11220/7