RECEIVED
EASTERN DISTRICT OF TEXAS
APR 7 1989
CLERK,
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

SAMUEL R. POTTER

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

CIVIL NO. 6329

Deposition of SAMUEL R. POTTER

Taken by Defendants

(ORIGINAL)

HELEN WILLIAMS
SHORTHAND REPORTER
ORANGE, TEXAS

Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/1

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

SAMUEL R. POTTER

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

CIVIL NO. 6329

DEPOSITION AND ANSWERS of SAMUEL R. POTTER, the plaintiff, called as a witness by the defendants, taken on the 25th day of November, 1969, between the hours of 10:00 a. m. and 4:00 p. m. in the offices of Stephenson & Thompson, 712 W. Division Street, Orange, Texas, before Mrs. Helen Williams, Official Court Reporter in and for the 128th Judicial District Court of Orange County, Texas, pursuant to the following stipulation and waiver of counsel.

A P P E A R A N C E S

STEPHENSON & THOMPSON, 712 W. Division Street, Orange, Texas

BY: MR. WARD STEPHENSON

ATTORNEY FOR PLAINTIFF

MR. GORDON R. PATE, 1119 Beaumont Savings Building, Beaumont, Texas

ATTORNEY FOR DEFENDANT JOHNS-MANVILLE PRODUCTS CORPORATION

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 2 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/2

WELLER, WHEELUS & GREEN, P. O. Box 350, Beaumont, Texas

BY: MR. GEORGE A. WELLER

ATTORNEY FOR DEFENDANT
FIBREBOARD PAPER PRODUCTS
CORPORATION

ROYSTON, RAYZOR & COOK, San Jacinto Building, Houston, Texas

BY: MR. BEN L. REYNOLDS

ATTORNEY FOR DEFENDANT
EAGLE-PICHER INDUSTRIES, INC.

FULBRIGHT, CROOKER, FREEMAN, BATES & JAWORSKI, Bank of the Southwest Building, Houston, Texas

BY: MR. W. N. ARNOLD, JR.

ATTORNEY FOR DEFENDANTS
PHILIP CAREY MANUFACTURING
COMPANY
and
ARMSTRONG CONTRACTING AND SUPPLY
CORPORATION

MEHAFFY, WEBER, KEITH & GONSOULIN, San Jacinto Building, Beaumont, Texas

BY: MR. JAMES W. MEHAFFY, SR.

ATTORNEY FOR DEFENDANT
STANDARD ASBESTOS MANUFACTURING &
INSULATION COMPANY

KING, SHARFSTEIN & RIENSTRA, 707 Beaumont Savings Building, Beaumont, Texas

BY: MR. DALE DOWELL

ATTORNEY FOR DEFENDANT
OWENS-CORNING FIBERGLAS CORPORATION

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 3 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/3

VINSON, ELKINS, SEARLS & CONNALLY, First City National Bank Building, Houston, Texas

BY: MR. GERALD P. COLEY

ATTORNEY FOR DEFENDANT UNARCO INDUSTRIES, INC.

WELLS, DUNCAN, BEARD, GREENBERG and HUNT, Beaumont Savings Building, Beaumont, Texas

BY: MR. GEORGE E. DUNCAN

ATTORNEY FOR DEFENDANT PITTSBURGH CORNING CORPORATION

STRONG, PIPKIN, NELSON & PARKER, San Jacinto Building, Beaumont, Texas

BY: MR. CHARLES S. PIPKIN

ATTORNEY FOR DEFENDANT COMBUSTION ENGINEERING COMPANY, INC.

BARNES & BARNES, 2315 Calder, Beaumont, Texas

BY: MR. ROBERT E. BARNES

ATTORNEY FOR NAMED DEFENDANT "RUBEROID COMPANY"

ORGAIN, BELL & TUCKER, Beaumont Savings Building, Beaumont, Texas

BY: MR. JOHN G. TUCKER

ATTORNEY FOR INTERVENOR CHARTER OAK FIRE INSURANCE COMPANY

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 4 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/4

IT IS STIPULATED AND AGREED by and between counsel for the respective parties hereto that the deposition of Samuel R. POTTER, the witness named in the caption hereto, may be taken at this time and place by the herein named Court Reporter, time, notice, the issuance of a commission, reading of the deposition by the witness and signing of same by him being waived; and that said deposition, or any part thereof, when so taken, may be used on the trial of this cause with the same force and effect as if the witness were present in Court and testifying in person.

IT IS FURTHER STIPULATED AND AGREED by and between counsel for the respective parties hereto that the necessity for preserving objections at the time of taking is waived, and that any and all legal objections to this deposition, or any part thereof, may be urged at the time same is sought to be offered in evidence on the trial of this cause.

* * * * *

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 5 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/5

MR. STEPHENSON: I might point out now that we have answered quite a lot of what I would normally anticipate to be covered by deposition in response to Duncan's interrogatories which we mailed and sent to everybody and which covered each one of the defendants, so I am going to object to any questions that cover the same matter covered by the deposition and instruct the witness not to answer.

MR. WELLER: On behalf of the defendant whom I represent and on behalf of all the other defendants, I do not propose to make a stipulation to limit this discovery deposition. I think that we are entitled to go into the matter fully because of the vast period of time that this is alleged to cover.

* * *

SAMUEL R. POTTER,

called as a witness by the defendants, having been duly sworn, testified as follows:

EXAMINATION

BY MR. WELLER:

Q Mr. Potter, my name is George A. Weller. I am one of the attorneys for the defendants in this case and particularly, I represent Fibreboard Corporation and all the other lawyers are present who represent the various other defendants. You

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 6 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/6

have been sworn by the Notary and Court Reporter, who is taking your deposition, to testify under oath the same as if you were testifying in Court before the Judge and jury. Do you understand the procedure that we are following here?

A Yes, sir.

Q Now, if my questions to you are not clear and you don't understand the question, I want you to tell me because you can't give me an answer to a question that you don't understand. Can we have that agreement?

A Yes, sir.

Q What is your name?

A Samuel Raymond Potter.

Q Have you ever gone by any other name?

A No, sir. Well, my initials, of course, S. R. Potter.

Q Do you sometimes sign your name S. R. Potter?

A Yes, sir.

Q Sometimes Samuel R. Potter?

A Yes, sir.

Q What does the "R" stand for?

A Raymond.

Q Have you ever gone by the name of Raymond Potter?

A Yes, sir.

Q Just plain Raymond Potter?

A Yes, sir, when I was a kid.

Q What is your Social Security number?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 7 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/7

have been sworn by the Notary and Court Reporter, who is taking your deposition, to testify under oath the same as if you were testifying in Court before the Judge and jury. Do you understand the procedure that we are following here?

A Yes, sir.

Q Now, if my questions to you are not clear and you don't understand the question, I want you to tell me because you can't give me an answer to a question that you don't understand. Can we have that agreement?

A Yes, sir.

Q What is your name?

A Samuel Raymond Potter.

Q Have you ever gone by any other name?

A No, sir. Well, my initials, of course, S. R. Potter.

Q Do you sometimes sign your name S. R. Potter?

A Yes, sir.

Q Sometimes Samuel R. Potter?

A Yes, sir.

Q What does the "R" stand for?

A Raymond.

Q Have you ever gone by the name of Raymond Potter?

A Yes, sir.

Q Just plain Raymond Potter?

A Yes, sir, when I was a kid.

Q What is your Social Security number?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 8 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/8

A [redacted]

Q Have you ever had more than one Social Security number?

A No, sir.

Q What is your driver's license number?

A I don't know. I would have to look it up. I have it in my pocket.

Q You have it in your pocket?

A Yes, sir. (The witness gets driver's license.)

[redacted]

Q Do you have any restrictions on your driver's license?

A No, sir.

Q Have you ever had any restrictions on your driver's license?

A No, sir.

Q Have you ever had your driver's license suspended for any reason?

A No, sir.

Q Now, in this case, as I understand it, you are claiming that you suffered an injury or injuries as a result of working with various asbestos products or products containing some asbestos?

MR. STEPHENSON: No, that is not correct. It's occupational disease distinguished from injury.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 9 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/9

MR. WELLER:

Q When working with products which contain asbestos, do you have any way of identifying a product that you are working with?

A On the box, what it says on the box.

Q Well, if a product is moved or taken out of a box, is there any way that you can identify that product?

A Not the name brand, but I can identify it, whether it's eighty-five percent magnesia and the other. You get to know some of them after years of handling them. You don't know the name brand though.

Q All right, is it possible for you in working on a job to identify a particular product by name brand?

A Yes, sir.

Q Without looking at the carton?

A I don't know.

Q Well, you are the man who would have to identify the product. You are the man to give the answer to it. Isn't it true you can't identify a particular product as having been manufactured by one as opposed to another?

A Not unless it has the name on the--indented in the product or see it on the box.

Q All right, now, as a rule--let's go back to your family. Are your mother and father living?

A No, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 10 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/10

Q At what age did they die?
A My father died at seventy-seven.
Q And what did he die of?
A Heart attack.
Q What age did your mother die?
A Fifty-three.
Q How many brothers and sisters do you have?
A I had four brothers.
Q Are all of those deceased?
A All except one.
Q At what ages did they die?
A One died at two days after birth and another one died at about nine years old and another one died at sixty-five, I believe.
Q What did he die of?
A A heart attack.
Q And you have one brother living?
A Yes.
Q What does he do?
A He is a retired businessman.
Q Where does he live?
A Las Vegas, Nevada.
Q What did he do during his lifetime?
A He was a businessman. He was in real estate business and he was in the grocery business.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 11 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/11

Q I see.
A And different types of business.
Q Where were you born?
A Houston, Texas.
Q What year?
A 1912.
Q When did you have your first connection with the asbestos industry?
A 1940.
Q How old were you then?
A I believe I was twenty-eight. I might get these dates mixed up.
Q What did you do during World War II?
A Insulation work.
Q All right. Where did you first start in the insulation work?
A Pennsylvania Shipyard in Beaumont.
Q Did they have a union at that time, asbestos workers' union?
A Not there, no, sir.
Q Were you a member of the union at that time?
A No, sir, not at that time.
Q Had you had any prior experience in the insulation industry--
A No, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 12 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/12

Q Before going to work at Pennsylvania Shipyard?
A No, sir.
Q Was that in connection with the construction of new ships?
A No, sir, it was repair of old ships.
Q In 1940?
A Yes, sir.
Q How long did you work at Pennsylvania Shipyard?
A About three weeks.
Q Well, did you work as a helper or what?
A A helper, yes.
Q Under what conditions did you work at Pennsylvania Shipyard?
A You mean inside of the ship or--
Q Was it down in the hold of the ship?
A It was down in the hold.
Q In close quarters?
A Yes, sir.
Q What type of insulation did you work with?
A Asbestos.
Q Did you know you were working with asbestos?
A Yes, sir.
Q Did they have any blowers in close quarters--
A No, sir.
Q --or suction equipment?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 13 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/13

Q Did they furnish you with any masks?
A No, sir.
Q With glasses?
A No, sir.
Q Safety helments?
A No, sir.
Q When you were working in close quarters, did you have a considerable amount of dust in those quarters?
A Yes, sir.
Q Did you realize that you had the dust there?
A Yes, sir.
Q And you knew you were breathing it, didn't you?
A Uh-huh.
Q You said "yes"? She can't hear you shake your head.
A Oh, yes, sir.
Q Now, did this dust bother you while you were down in the hold of the ship or in a small space?
A Yes, sir, it bothered me.
Q What did you do to get out of it or to keep from breathing it?
A I just breathed it.
Q You didn't tie a handkerchief around your face or w e t a handkerchief or anything of that nature?
A Yes, sir, at times I did tie a handkerchief around

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 14 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/14

my face.

Q Why did you do that? Just to keep from breathing this?

A Breathing so much of it, yes, sir.

Q Was it pretty heavily concentrated there?

A Yes, sir, at times.

Q All right. Now, do you know what particular product you were working with at the Pennsylvania yard?

A Yes, sir.

Q What product?

A Johns-Manville.

Q How do you know that to be a fact?

A I saw the name on a box.

Q Did you take the product out of the box?

A Yes, sir. I was a helper at that time.

Q Well, now, just what shape did that product take at that time in 1940?

A Well, there were blocks. We was blocking them boilers and also pipe covering and we also used some asbestos rope.

Q What else?

A Cement asbestos. Cement. I forget the number of it. It's finishing cement we call "blue mud".

MR. MEHAFFY: Called blue mud?

A Yes, sir, we called it that. There's a number to

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 15 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/15

it. I don't know whether it's 352 or--I don't remember the numbers.

Q Did they have to cut any of these blocks or pipe coverings?

A Yes, sir.

Q Where would that work be done?

A It would be down in the hold where we worked.

Q Right in the area where you worked?

A Yes, sir.

Q All right, you worked there about three weeks as a helper. Did you have any ill effects from working there?

A Not that I noticed.

Q Then where did you work?

A Todd's Galveston Dry Dock.

Q Was this in about the same year?

A Yes, sir. I left there and went to Todd's Galveston Dry Dock.

Q What did you do at Galveston Dry Dock?

A Insulator.

Q Did you work as a helper?

A No, sir, I worked as a mechanic.

Q Were you a member of the union?

A No, sir.

Q Did you work on a permit?

A No, I worked--I was in the pipe fitters. We worked

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 16 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/16

under the pipe fitters at that time for--in the pipe department they call it.

Q All right, how long did you work there?

A About two years, close to it.

Q In other words, was this continuous employment?

A Yes, sir.

Q And you were working there when Pearl Harbor occurred?

A Yes, sir.

Q Was this on new ship construction or repairs?

A Repair old ships.

Q All right, did you work under similar conditions that you worked under at Pennsylvania?

A Yes, sir.

Q Did the Galveston Dry Dock have any means of taking the dust out of the hold or area where you were working?

A No, sir, only they did furnish us hard hats and safety shoes and safety glasses on that job.

Q Did they furnish you any kind of masks?

A No, sir.

Q Did you ever ask for any?

A Not as I remember.

Q Well, did anybody wear a mask?

A I didn't see anyone wear any.

Q Well, did you use the same method of trying to

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 17 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/17

keep dust out of your face there by putting up a handkerchief or wet handkerchief?

A Yes, sir, at times.

Q Now, why did you do that?

A The dust was in the air.

Q Well, did you breathe it?

A Yes, sir.

Q Fairly heavy concentrations?

A Yes, sir.

Q In close areas?

A Yes, sir.

Q Were you subjected to these conditions over this entire period of two years?

A Yes, sir.

Q Did you make any complaints about the conditions under which you were working to your union steward?

A No, sir.

Q How many hours a week were you working then?

A Well, sometimes we was working twelve hours a day, sometimes ten and sometimes seven days a week and sometimes eight.

Q I see, but you were working long hours?

A Yes, sir, long hours.

Q All right. Now, while you were working at the Galveston Dry Dock, do you know what kind of -- first, what

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 18 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/18

kind of materials were you working with? That is, what kind of materials containing asbestos?

A Well, we was working with the block type and the pipe type and we also used rope and we also used asbestos cloth.

Q I see.

A And finishing mud.

Q Now, this rope and asbestos cloth, that's real dusty, isn't it, when you work with that?

A Well, when you tear the cloth, it throws up a dust.

Q All right, you knew and realized that this was asbestos dust, didn't you?

A Yes, sir.

Q And you knew and realized that you were breathing it?

A Yes, sir.

Q Do you know what type of product you were using in the Galveston Dry Dock yard?

A You mean the brand name?

Q Brand name, manufacturing name.

A Johns-Manville.

Q After being at the Galveston Dry Dock Company for two years, then where did you next go?

A At the Orange shipyard.

Q Was that the Consolidated yard?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 19 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/19

A Consolidated, yes, sir.
Q What year was that, as near as you can put it?
A It was after Pearl Harbor sometime. I believe it was in 1941 or somewhere in there.
MR. STEPHENSON: Would you like to refresh your memory? He has got his W-2 forms and so forth. (Counsel tenders papers to the witness.) It took us about two days to answer George's interrogatories.
MR. WELLER:
Q When you went to work for Consolidated, was this in the building of new ships?
A Yes, sir.
Q Did you go to work as a mechanic?
A As a mechanic, yes, sir.
Q Were you then a member of the union?
A I worked under a permit. I worked with a permit for the union.
Q For which union?
A Local 22 out of Houston.
MR. DUNCAN: I'm sorry, what was that?
MR. WELLER: Local 22.
MR. DUNCAN: Twenty-two what?
A Asbestos Workers' Local 22.
Q Were you classified as an insulator?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 20 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/20

Q A mechanic then?
A Yes, sir.
Q And you knew that you were working with products that contained asbestos?
A Yes, sir.
Q Now, when you went to work for Consolidated, I will ask you if they did not have masks for you to work with?
A No, sir.
Q Sometime in the past I have had some testimony from some asbestos workers who worked in the Consolidated yard and said that masks were available. At any time that you worked there, were they available to you?
A No, sir, I never did see any or see anyone use them.
Q If this was new construction, what kind of products containing asbestos did you use or insulation products?
A Well, we used Johns-Manville products and Eagle-Picher and asbestos cloth and the rope, asbestos rope.
Q Did you work for Consolidated Shipyard or did you work for some asbestos contractor?
A No, I worked for the Asbestos Magnesia Material Company.

MR. REYNOLDS: That was your actual employer?

A Yes, sir.
Q Where were they located?
A Their home office is in Chicago, I believe.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 21 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/21

Q Would you work long hours at the shipyard?
A Yes, sir.
Q Seven days a week sometimes?
A Sometimes. Most of the time it would be, say, eight hours on Saturday and the other times we worked at--
Q Since this was new construction, where, if the products had to be cut or scribed, where was that done?
A On the ship.
Q Did they have a special area set aside for it on the ship?
A No, right where you was working, you would take the measurements and saw the material.
Q At that time would you do your own sawing or did they have a special man who did the shop work?
A Well, they had a shop, but they only made those fittings, portable fittings that you put around out of that asbestos cloth. They did that in the shop and we did our own sawing for the pipe covering for different fittings.
Q Now, when you would do your own sawing, would you create dust?
A Yes, sir.
Q Of course, you knew that, didn't you?
A Yes, sir.
Q Would you create it to the extent that the air was permeated with it?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 22 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/22

A Yes, sir.
Q Pretty thick?
A Yes, sir.
Q And you knew that you were breathing it?
A Yes, sir.
Q Would the dust get so thick sometimes you would have to get out of the hold or the area where you were working, go outside?
A Yes, sir.
Q Did you also use handkerchiefs or covering for your face at times?
A At some times we would.
Q When would you do this mostly? When you were doing the shop work?
A No, I didn't do any shop work over there. I was on the ship.
Q I see. How long did you work on this at this Consolidated Shipyard?
A About two years.
Q Did you get any injury on that job?
A No, sir.
Q Up to this point, had you ever been in a hospital, up to the time when you got through working with Consolidated Shipyard?
A No, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 23 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/23

Q Had you ever been treated by a doctor for any bronchial trouble?
A No, sir.
Q At that time did you smoke considerable?
A No, I didn't smoke too much at that time.
Q Well, hadn't you smoked from the time you were about fourteen years old?
A Yes, sir, but I mean I would only smoke maybe a package of cigarettes every other day, at that time.
Q When did you start averaging two packs a day?
A In the last--about the last four or five years, something like that.
Q Well, after you left Consolidated Shipyard, what type of work did you do?
A After the Consolidated Shipyard, I went back to Todd's Dry Dock.
Q Was the War still on? -- You went to Todd. Had you worked for Todd before?
A Yes, I stated before that.
Q Was Todd the Galveston Dry Dock Company?
A Todd Galveston Dry Dock Company.
Q Oh, it was Todd Galveston Dry Dock, okay, and then you went back to Todd. Was the War still on?
A Yes, sir.
Q Did you work directly for Todd or for some--

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 24 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/24

A Directly for Todd.
Q For Todd.
A Yes, sir.
Q Were you in repair work or original construction?
A Repair work.
Q Is there more dust created by repair work than there is in original construction or not?
A About the same, unless sometime you have to tear and knock off a lot of old stuff.
Q All right, when you tear and knock out old stuff, you know you are going to create a lot of dust, don't you?
A Yes, sir.
Q You know you are working with asbestos?
A Yes, sir.
Q Well, did the conditions change from the first time you were working with Todd as to whether they supplied you with any exhaust equipment to give you any air or clean out the area?
A They had some blowers, some suckers -- well, there was some suckers that sucked air out that they put down in there.
Q Some suction pipes?
A Yes.
Q And blowers. What was the purpose of that?
A I guess to suck dust out or keep fresh air in there.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 25 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/25

Q Did that help you any?
A Not much.
Q Did they -- up at that time, did they supply you with any masks of any kind?
A No, sir.
Q Did you continue to use the handkerchief?
A Yes, sir, when I am--
Q Working in a close place?
A Yes, sir.
Q Most of this repair work was in close places, wasn't it?
A Yes, sir. We did have some deck work, outside, but not too much.
Q How long did you stay at Todd's when you went back there?
A Around three months, I believe, or something like that. I am not sure.
Q Now, when you were working as a mechanic, wouldn't all of this material be brought to you outside of a box when it was on ship?
A No, not always. It was brought there and stacked.
Q Brought and stacked in the box?
A Yes, sir.
Q All right. About when did you leave Todd? Was this in about '43?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 26 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/26

A About -- no, I left Todd's around '45.
Q Then, but this time you only stayed there three months?
A Yes, something like that.
Q So, this was about 1945 when you went over there?
A Yes, sir, or '44 or '45.
Q All right, then where did you go?
A I went to Mare Island Navy Yard.
Q That's in San Francisco?
A No, it's in Valejo.
Q Valejo, California?
A Yes, sir.
Q Is that a Navy shipyard?
A Yes, sir.
Q Did you go as a mechanic, insulation mechanic?
A Yes, sir.
Q Was this a repair yard?
A Yes, sir.
Q So, you engaged in ship repair there, is that right?
A Yes, sir.
Q Well, under what conditions did you work in the Mare Island Navy Yard?
A About the same as the others.
Q Didn't the Navy supply you with masks?
A No, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 27 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/27

Q Or respirators of some type?
A No, sir.
Q Weren't they available in that yard?
A I don't know. I don't remember whether I asked for any or not. They usually didn't--I don't remember whether I asked for any or not. They could have been available, but I just don't remember.
Q Were you working through a union in the Mare Island Yard?
A No, sir.
Q But you were working as a mechanic?
A Yes, sir.
Q How long were you there at the Mare Island Shipyard?
A About two or three months, I believe.
Q All right, and what type of insulation were you applying in that yard?
A Well, I used Johns-Manville products and Eagle-Picher and this amosite product in blanket form. I don't know who put that out. That was always brought out outside the packages.
Q The blanket was just brought out as an open product?
A Yes, sir.
Q Didn't have a package?
A No, sir.
Q But you are saying that JM products and Eagle-Picher

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 28 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/28

had cartons or packages?
A Yes, sir.
Q What type of product was it that you were working with?
A Blocks and pipe covering and the cement, Eagle-Picher 66 cement. I also used some Johns-Manville cement.
Q All right, and then this amosite blanket?
A Yes, sir.
Q Where did you do your cutting when you were in this Navy shipyard?
A Right on the job site.
Q On the job site?
A Yes, sir, where we were working.
Q Did the Navy supply blowers and suction equipment?
A There was suction equipment on there, some of these little round blowers. They are suction things, I guess.
Q All right, and you knew the purpose of that was to try to clear out the dust?
A Yes, sir.
Q Did you inhale the dust?
A Yes, sir.
Q At the time you knew you were inhaling asbestos dust, didn't you?
A Yes, sir.
Q Did you suffer any ill effects from it?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 29 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/29

A Well, only coughing and sneezing, you know. I would get out on deck and cough it up and sneeze.
Q What would you cough up?
A Just that dust.
Q Well, did it have any substance to it that you could tell?
A Yeah, it would be white and the color of the stuff we was breathing.
Q Then you knew that that was asbestos dust, didn't you?
A Yes, sir.
Q Did the conditions improve any while you were working at the Mare Island Navy Yard?
A Yes, sir, they improved a little, yes, sir.
Q That is, in comparison with the other yards where you had worked?
A Yes, sir. They did sprinkle down the blankets. They wet them down to keep some of that--
Q They wet down the blankets?
A Yes, sir, the amosite blankets.
Q Was the purpose of that to keep down the dust?
A Yes, sir.
Q Did they do anything else to keep down the dust?
A No, sir.
Q Did they ever wet the pipe?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 30 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/30

A No, sir.
Q Before you cut it?
A No, sir.
Q Did you take any precautions to keep out of the dust?
A No, there was none that I knew of that I could take.
Q Where did you go when you left Mare Island, generally what type work?
A I went to--let me see. I think I worked at another job as a drill press operator for awhile.
Q Drill press operator?
A Uh-huh.
Q At what place?
A The Mall Manufacturing Company in Los Angeles.
Q Los Angeles?
A Yes, sir.
Q Now, that didn't involve any work with asbestos or asbestos products?
A No, sir.
Q Why did you take up work as a drill press operator and get out of the insulation field?
A I don't know. I just decided I wanted to work in Los Angeles awhile and I got a job and went there.
Q Did that have any connection with the fact that you

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 31 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/31

wanted to get out of this dust and so forth?
A No, sir.
Q And the effect it was having on you?
A No, sir.
Q How long did you work as a drill press operator?
A Three or four weeks.
Q And then what did you do?
A I worked at American Potash and Chemical Company in Trona, California.
Q Who did you work for there?
A American Potash and Chemical Company plant.
Q Oh, you worked at the plant?
A Yes, sir, for the plant.
Q You were a plant employee?
A Yes, sir.
Q What type of work did you do for American Potash and Chemical Company?
A Insulation.
Q Well, were you in the repair department or what?
A Repair, maintenance.
Q Did you work very much with any asbestos product?
A Yes, sir, that was all I worked with.
Q All right, at this place, since you worked in repair and maintenance, what did you use mostly? The pipe insulation?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 32 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/32

A Pipe insulation mostly.
Q Do you have any means of identifying any particular product?
A They had Johns-Manville and Eagle-Picher and Johns-Manville products, cement and stuff and Eagle-Picher 66.
Q All right. How long did you work at this plant as a plant employee?
A Two or three months, I believe. I don't remember exactly.
Q Well, under what conditions did you work?
A That was mostly all out in the open. There was a time we was in a few tight places.
Q But most of the work was out in the open air?
A Yes, sir.
Q Did you have any dust problem when you were working in the open?
A Not much; just what you would beat up.
Q How do you mean "what you would beat up"?
A Just when you are picking up the stuff, the dust flies or when you are sawing it, the dust flies.
Q All right, after you left American Potash and Chemical where did you go?
A I worked for Fuller and Austin at the Port Neches plant.
Q Then you left California--

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 33 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/33

A Yes, sir.
Q --and came back to the Sabine Area?
A Yes, sir.
Q And you worked at Port Neches. What plant was that at Port Neches you worked at?
A I think it was Texaco plant.
Q What type of work did you do there?
A Insulation.
Q Were you a mechanic?
A Yes, sir.
Q Were you a member of the union?
A I was working on a permit for the Asbestos Workers' Local 22 out of Houston.
Q Did Fuller and Austin do their own insulation work?
A Yes, sir, they worked--they was subcontractors, yes, sir.
Q Well, did they have subcontractors or were they the subcontractor?
A They were the subcontractors.
Q I see. Well, what type of work were you doing at the Texaco plant?
A Insulating a couple of towers.
Q This was all out in the open?
A Yes, sir.
Q When you insulate these towers, at what height are

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 34 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/34

you working?
A That time I believe those towers were about ninety feet high, I imagine they were.
Q All of this work would be in the open?
A Yes, sir.
Q If there is any wind at all, your dust would blow, is that right?
A Yes, sir.
Q When you were cutting what would you do, get on the leeward side or the windward side of the cutting?
A I would get on the leeward side if possible.
Q Did you do that because you didn't want to inhale the dust?
A Yes, sir.
Q Could you identify the product that you were using or working with?
A Yes, sir.
Q How did you do that?
A Well, the boxes, the material is right there on the job site.
Q Well, would they bring this material up on this unit in a box?
A Yes, sir.
Q And that's the way you would identify it?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 35 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/35

Q You couldn't identify it if it hadn't been for the boxes, could you?
A Some of it you can. Some of it has it indented in the blocks.
Q You mean has a trade name in the block?
A Yes, a trade name on the blocks.
Q Did you tell us what products you used on this Port Neches job at Texaco?
A Johns-Manville.
Q What would you use mostly? Pipe insulation?
A No, sir, it was blocks mostly. We had some pipe.
Q All right, any other type of product other than the blocks?
A We had a little piping, small piping.
Q Any cement?
A Yes, sir, cement. 352 cement.
Q How would you identify the cement?
A In sacks, names on the sacks.
Q How long did you work for Fuller and Austin?
A At that time I think it was about a six-weeks job. Maybe four-weeks job. It's pretty hard to remember those little jobs.
Q Did you leave California after the War?
A Yes, sir.
Q How would you--I am a little interested. How could

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 36 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/36

you remember and ascertain all the places you worked? Were you able to find some W-2 forms--

A Yes, sir.

Q --that covered this period of time?

A I found lots of them, yes, sir.

Q Do you still have them?

A Yes, sir, I have some of them and also I have--yes, I have some.

Q Do you have copies of all of your Income Tax Returns during all of these years?

A No, sir, not all of them.

Q You have some of the years?

A Yes, sir.

Q Have you delivered all of those to your attorney?

A Yes, sir.

Q All right. Now, after you worked on this Fuller and Austin job at the Texaco plant, what--where did you work?

A For B & B Engineering.

Q Are you reading the answers off of these interrogatories, refreshing your memory?

A Yeah, I have to refresh my memory. It's so many different jobs in there.

Q What kind of work were you doing at the Pure Oil plant?

A We were covering some kind of tanks. I don't know

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 37 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/37

what they were. They were horizontal tanks.
Q Were they inside or outside?
A Outside.
Q Then they were all exposed and you weren't working inside on this job?
A No, sir.
Q What products would you use on this job in covering the tank?
A We used Unibestos on that and some Johns-Manville products.
Q Do you know who makes Unibestos?
A Not right offhand, I can't recall.
Q How would you identify the product on this job?
A On the boxes.
Q Did that job last very long?
A No, sir, not too long. Couple of weeks, I believe, something like that.
Q Did you have any particular insulating contractors that you worked for on a regular basis, like B & B?
A I worked for Armstrong Contracting & Supply Company. I worked for them pretty regular for several years and I worked for the Sabine Insulation Company pretty regular, off and on. I have worked for Fuller and Austin off and on.
Q Okay. Going back to after you worked on the Pure job, what job were you on?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 38 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/38

A I worked at Gulf States Utilities Power House.
Q Was that in Beaumont?
A Beaumont.
Q Was this new construction or repair?
A New construction.
Q And what contractor did you work for?
A B & B Engineering.
Q What kind of work were you doing on that job?
A Covering pipe and boilers.
Q Do you know what kind of products you were using on the Gulf States job?
A We was using some Johns-Manville and I believe we was using some Careytemp on that job too.
Q Well, did you use blocks, piping or what did you use?
A We used both piping and blocks.
Q Were you there very long on the Gulf States job?
A Several weeks.
Q I notice in your--during this period 1947 through 1953 that you don't have any check stubs or W-2 forms. How did you get the information as to where you were working during that period of time?
A Most of it I relied on my memory. That's why the dates may be a little off.
Q All right. Now, was your next job where, at Texaco?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 39 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/39

A (No answer)
Q Let me ask you this: Do you have a workbook where you got a permit from the union that they made an entry in the book that showed you where you were working?
A No, I don't have one myself.
Q They don't issue a book to you?
A No, sir.
Q Through the union?
A No, sir.
Q And you kept no record of where you worked?
A I have--my attorney has some letters of recommendations of the time I worked for some of these companies.
Q Well, what I was trying to get at, have you gone back to the union and tried to find out a record of where you worked?
A (No answer)
Q Do they keep a record of where you worked?
A I don't know whether they keep a record of where I worked, but they keep a record of who I worked for.
Q They keep a record of who you worked for?
A Yes, sir.
Q Where are these records kept?
A They are at the union office.
Q Union office in Houston?
A Well, they have one in Houston and they have one

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 40 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/40

in Lake Charles.

Q At the time you were working through the local in Houston on a permit, did you accrue any pension benefits?

A No, sir.

Q When did you become a regular member of the union?

A In 1951, I believe.

Q All right, and what union did you become a regular member of in 1951?

A Asbestos Workers' Local 112.

Q Is that in Lake Charles?

A Yes, sir.

Q Now, do they keep a record of each employer that you worked for?

A Yes, sir.

Q And the times that you worked for them?

A Yes, sir.

Q Is this for the purpose of your pension?

A Pension and health and welfare.

Q Have you gone to them and asked them for a list of the places you have worked since 1951 since you have been a member of the union?

A No, sir.

Q Okay. I assume you would be willing to authorize--look up your Income Tax Returns and such records as you have that you delivered to your attorney and allow us to examine

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 41 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/41

those or get copies of them?
A It's all right with me, yes, sir.
Q All right, and I assume that as to those records you don't have that you would authorize your attorney or authorize us to secure copies of them?
A Yes, sir.
Q Now, let's go back a little bit to where after you worked for Gulf States. I see you next list that you worked at the Texaco plant in Port Arthur, but you don't know the name of the employer. Have you had any recollection since that time as to who you were working for?
A It's either two companies, Fuller and Austin or B & B.
Q What type of work were you doing?
A Piping mostly.
Q Was this form pipe insulation.
A Yes, sir.
Q Under what conditions were you working? Was this outside work or inside work?
A It was outside work.
Q Did you have any dust problem there?
A Yes, sir.
Q Did you wear any mask or anything?
A No, sir.
Q Did you wear a handkerchief, a wet handkerchief or

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 42 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/42

anything of that nature?
A No, sir.
Q Would you wet the product down?
A No, sir.
Q In some instances where you applied products, they had been wet down, hadn't they?
A Only the Amosite is the only company that I ever worked at and that was in the Navy yard. That was the only place I ever wet any down.
Q Well, the thing I am asking about, even outside you had some dust problem, didn't you?
A Yes, sir.
Q But usually when you would cut them and they would be outside, you would try to get away from the dust as much as possible?
A Yes, sir.
Q How do you know that you were working with JM, Johns-Manville products on the Texaco job?
A It was on the boxes.
Q Your next job that you list, do you recall working at the Texas Gulf Sulphur Company?
A Yes, sir.
Q Was that new construction or old construction?
A New construction.
Q Was that their plant there in Beaumont, the new

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 43 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/43

plant?

A Yes, sir.

Q How long would you say you worked there?

A I worked for them from July, I think, until January or maybe a little longer.

Q Well, was this work in close places or inside or outside?

A A lot of it was outside and some of it was inside.

Q Do you know what products you worked with on that job?

A I believe it was Johns-Manville and Careytemp and I don't remember whether we had any Kaylo on that. That's all I remember.

Q During this period that you don't have any records, have you tried to go back and recollect where you were working and what you were working with?

A Yes, sir, I have tried it and looked through papers.

Q Are you guessing at a lot of this as to what products you were working with or not?

A No, I am sure. When I name a product, I am pretty sure.

Q Have you done any checking with anybody else to determine what product was being used on a particular job?

A Yes, I have asked.

Q Who have you asked?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 44 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/44

A I don't remember.
Q Have you asked fellow employees?
A I have asked my son. I have asked my son if he recalled we used that. We would talk it over.
Q Is your son a member of the Asbestos Worker's Union?
A Yes, sir.
Q What is his name?
A Raymond C. Potter.
Q Where does he live?
A He is up in Michigan somewhere on a job now.
Q Well, but what is his usual address?
A His address is usually at my house when he is somewhere else on a job and I have another son that's an insulator.
Q What is his name?
A Marvin Potter.
Q Where does he live?
A Here in Orange on Huff Street. I don't recall the number.
Q Where do you live, Mr. Potter?
A 816 W. Moss.
Q Here in Orange?
A Yes, sir.
Q How long have you lived there?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 45 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/45

A About twelve years, I believe.
Q Do you rent or own your home?
A Own my home.
Q If you want to stop sometime and get a drink of water or something, don't hesitate about it.
A It's all right.
Q Where did you work after you were on that Texas Gulf Sulphur job in Beaumont?
A I went from there, I believe, to DuPont.
Q To--
A DuPont. I was working for B & B Engineering Company.
Q Was this new construction or not?
A New construction.
MR. MEHAFFY: What year was this?
Q 1954. Was this in '54?
A I believe so, yes, sir.
Q Did you have a record of that or is this--are you guessing as to where you worked?
A I believe I have a record of it.
Q How would you identify the products that you used on that job?
A They were in boxes.
Q What products did you use on that job?
A I used Johns-Manville, Kaylo, Owens-Corning finishing

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 46 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/46

cement.

Q Did you work with any other products on that job so far as you know?

A I worked with Ruberoid product.

Q How would you identify the Ruberoid product?

A Through the boxes; that's how I first noticed it.

Q What sort of product was the Ruberoid product?

A It was the pipe covering the first that I noticed Ruberoid.

Q Anything else you worked with on the DuPont job?

A I worked over there several times. I was trying to think of which time I used which.

Q Okay.

A I have worked with Johns-Manville over there.

Q At the DuPont job?

A Yes.

Q What was your next job?

A With Brown Insulating Company at the Ford Company in Dearborn, Michigan.

Q Was this new construction?

A No, it was patch-up work.

Q Back to the DuPont job, was that new construction?

A Yes, sir.

Q Was it outside?

A Outside and inside.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 47 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/47

Q At DuPont they do furnish you with a mask, don't they?
A Yes, sir.
Q Those masks were for the purpose of preventing you from inhaling dust, weren't they?
A Yes, sir.
Q Did you use them?
A They weren't very good at that time. You could use them for a few minutes, but then you get to smothering in them. You have to take them off. They weren't very good.
Q Did your employer ever at any time recommend to you that you wear a mask?
A Not in those years there. Now, later on, the last few years, they furnish masks.
Q Did your union steward or union representative recommend to you in 1954 that you wear a mask when you were working at DuPont?
A No, sir, not even DuPont at that time.
Q Well, how did you know that masks were available?
A Well, later on.
Q I mean in 1954. They were available in 1954 at DuPont, weren't they?
A I believe they were.
Q How did you know that?
A Well, they had all kind of safety equipment.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 48 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/48

Q Well, isn't it true, Mr. Potter, that in the insulation industry if you wanted a mask, all you had to do was ask your employer for it?
A Oh, no.
Q Well, did you ever ask your employer to furnish you with a mask?
A In later years, but back in there, no. If you would ask them for a mask, they would tell you to go buy one.
Q Well, when you worked at Consolidated Shipyard, didn't they have masks there available?
A No, sir.
Q Back during the War?
A No, sir.
Q All right, when you worked at this Brown Insulation Company at the Ford Company in Dearborn, Michigan, did you have a dust problem there?
A Yes, sir.
Q What did you do about it?
A Just breathed it.
Q Well, was there any suction equipment or anything like that on the job?
A No, sir.
Q Did your employer take any precautions, try to put in blowers or--
A No, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 49 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/49

Q I see. Do you know what products you worked with at the Ford Company plant?
A Yes, sir.
Q What was that?
A Johns-Manville.
Q How long would you say you worked there at Detroit?
A About two or three weeks.
Q How would you get a job? When you were living down here in Texas, how would you get a job going up to Detroit, Michigan? What was the purpose in going that far away?
A There would be no work here and I would get on the telephone and call up.
Q I see. All right, after staying there two or three weeks, where did you go?
A (No answer)
Q I believe your interrogatories say you worked for Johns-Manville Sales Corporation, but you don't remember where. What makes you say you worked for them?
A Let's see. We left there and I believe we went to--I have W-2 forms from them. I don't know whether I left that job and went to St. Paul, Minnesota, or not.
Q Well, if you went to St. Paul, who did you work for? Did you ever work in St. Paul, Minnesota?
A Yes.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 50 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/50

Q Doing insulation work?
A Yes.
Q Have you followed the insulation work exclusively since you left Los Angeles?
A Yes.
Q You haven't done anything else?
A No, sir.
Q Have you ever tried to get out of the insulation work into another trade?
A No, sir.
Q In other words, you have known about this dust problem all of the time, but you have just worked with it?
A I didn't realize it would--I just worked with it.
Q Okay, do you recall any other jobs that you worked on after you left Ford in 1954, left the Ford Company job?
A Well, I worked for The Aber Company.
Q What place?
A At the Jefferson Chemical Company in Port Neches.
Q All right, under what conditions did you work at Jefferson Chemical?
A It was outside work.
Q Did you do your own shop work at this time?
A Yes.
Q Wasn't anybody assigned just to do shop work?
A No.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 51 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/51

Q And what products did you use?
A Well, we used Careytemp, Johns-Manville and Unibestos.
Q How would you know that you were using those products?
A Taking them out of the box.
Q The mechanic didn't take these out of the box, did they?
A They would bring them up in boxes on the line and take them out there.
Q Did you have any dust problem on this Jefferson Chemical Company job?
A Yes, sir, there's dust problems any place you handle that when you are sawing it.
Q You are working outside?
A Yes, sir, you are working outside and putting it on and dust falls in your face.
Q And you breathe it?
A Yes, sir.
Q Do you breathe it to the point you have to spit out the dust?
A Sometimes.
Q Blow your nose and you get it on your handkerchief?
A Yes, sir.
Q You knew this on all the jobs you were working on,

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 52 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/52

didn't you?
A Yes, sir.
Q Did it cause you to cough?
A Yeah, you would cough it up.
Q About how long were you on that Aber Company job at Jefferson Chemical?
A Several weeks.
Q And then where did you go?
A I worked for Kellogg, M. W. Kellogg Company.
Q Do you know what plant?
A It was in Westlake and I believe it was Olin Mathieson plant.
Q Under what conditions were you working there, new construction or repair?
A New construction.
Q Outside or inside?
A Outside.
Q What products would you be using, if you know?
A We was using Kaylo.
Q Anything else?
A That's all I can recall right at this time.
Q Did you have any dust problem on that job?
A Yes, sir.
Q Is it your position that on all these jobs you would inhale dust?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 53 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/53

A Yes, sir.
Q It wasn't always asbestos dust, was it?
A No, sir.
Q A lot of dust created from--
A Yeah, a lot of it from fiberglass and different types.
Q Then you list--do you have any other jobs you can recall you worked at in '54?
A No, sir, not at the time.
Q You list in 1955 that you worked for Sabine Insulation Company.
A Yes, sir.
Q Do you know where you worked for them?
A Now, that was--for Sabine I have worked lots of places for them. '55, let me see.
Q I am looking at virtually the same list you are looking at. I am trying to get some of the details of the conditions under which you were working.
MR. STEPHENSON: He is trying his best to recall, George, if you will give him a second.
A See, I worked for Sabine so many different times on so many different jobs and different places over a period of years at that one--'55. I believe I worked on a Johnson Bayou job. I could have these jobs kinda switched around a little for Sabine because I worked on so many of them.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 54 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/54

Q I see, and I believe you state you worked mostly with Johns-Manville products while working for Sabine?
A Yes, sir, well they used, Sabine, overall have used Owens-Corning finishing cement, and we have used Johns-Manville products and we used Careytemp.
Q But you don't know when you used it or where you have used it, is that right?
A Not at the time. Not right at the time. Sometimes I would use them all, maybe two or three different products on one job.
Q Uh-huh.
A They buy from several companies.
Q All right, now, you then list that you worked up in Milwaukee, Wisconsin. Do you remember that job?
A Milwaukee. Sprinkmann & Son, I believe, yes, sir.
Q How long would you say you worked up there?
A Two or three weeks.
Q What job was it?
A It was an electric company building right in town. I don't remember the electric company.
Q Do you know what you worked with there?
A Yes, sir, Johns-Manville.
Q How do you know that you worked with Johns-Manville on that job?
A It was stacked up in boxes and boxes were on the

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 55 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/55

job.
Q I believe in your interrogatories you say you worked with Careytemp.
A I believe there was Careytemp on the job also. There was several products there in the boxes.
Q But you said that you couldn't recall the name of the manufacturers. How is it that you now recall that you were working with Johns-Manville products on that job?
A Well, that finishing cement, I remember using that on there. I was finishing up in canvas.
Q You were doing what?
A I was finishing, doing canvas work.
Q In your answers there you said you couldn't recall the name of the products you were using. Is there any special investigation you have done since you gave these answers?
A I was just thinking about a certain job that I was doing there with the cement.
Q All right, who else did you work for that year? Was this job at this power company inside or outside?
A Inside.
Q Mostly pipe work?
A Yes, sir.
Q Did you have any dust problem there?
A Yes, sir.
Q Did they use blowers for you?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 56 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/56

A No, sir.
Q But you realize that you did have a dust problem?
A Yes, sir.
Q You would inhale it and have to spit it out and blow it out?
A It wasn't real bad. It was small work. It was dusty.
Q All right, I notice that you worked at an oil company in South St. Paul, Minnesota, Asbestos Products, Inc. What sort of job was that?
A That was outside. It was an oil refinery.
Q Outside job. What sort of work?
A It was all types, boilers, towers, piping.
Q How long would you say you worked there?
A Five or six weeks.
Q And the products that you used, do you know what you did use there?
A I used Owens-Corning finishing cement and R & I Refractory products and also Ruberoid Company products.
Q On this job in St. Paul, Minnesota?
A Yes, sir.
Q Are you reading off of something there now?
A Yeah, I am refreshing my memory.
Q Well, for your information, you listed, when you were working at Lyon Oil Company at St. Paul, that you worked

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 57 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/57

with Kaylo and Johns-Manville products. Is that right or wrong?

A I worked with Kaylo. There was Kaylo on the job.

Q And Johns-Manville products?

A Yes, sir.

Q And then in your next answer you were saying you were working for B & B at Orange and there you were working with Owens-Corning finishing cement and R & I products and Ruberoid. Now, is one of those wrong or which is right and which is wrong?

A On the St. Paul job I worked with Kaylo and Johns-Manville products.

Q And you didn't work with the other products?

A Not as I remember, not as I recall at this time.

Q All right. On your next job that you list, you list DuPont plant in Orange for B & B Engineering. Was that a new construction or repair work?

A New construction.

Q Was it outside?

A Outside and inside.

Q Did you have a dust problem there?

A Yes, sir.

Q Did DuPont have masks available at that time?

A Yes, sir.

Q Did you use them?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 58 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/58

A Sometimes.
Q Why would you use them sometimes and not use them other times?
A They would fill up and you couldn't breathe in them. They wasn't very effective. The stuff would get in through the sides and it's hard to breathe through them. You would kinda smother.
Q When they would fill up, what would you do, go outside and empty them, clean them up?
A Lot of times I would change the filter in them.
Q Change the filter. Didn't you know the purpose of those masks?
A Yes, sir.
Q What was the purpose?
A Try to keep the dust out, but they didn't.
Q Weren't you trying to keep the dust out because you knew it was harmful to you?
A I guess it was harmful to me. I found out--they said it was harmful at that time. This is in the last few years that I knew it was harmful. That wasn't back in '55.
Q But they did have the masks available in 1955, didn't they, at the DuPont plant?
A Yes, sir.
Q And you used them at that time?
A I don't believe I did in '55.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 59 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/59

Q Could you have?
A I don't know. I could have and I couldn't.
Q Well, you knew the purpose of the masks when they were available, didn't you?
A Yes, sir.
Q Did you use any other means of trying to keep the dust out, like wetting a handkerchief or tying something over your face?
A No, sir, not unless we was in a real close place.
Q If it was in a real close place, you knew you were going to be exposed to more dust, didn't you?
A Yes, sir.
Q And you knew it was going to be asbestos dust, right?
A Yes, sir.
Q What sort of job was this job for Fuller and Austin at this Cities Service Refinery in Westlake?
A That was mostly outside work.
Q Now, on outside work you didn't have the dust problem that you would have inside, would you?
A No, sir.
Q Would you ever wear masks outside?
A No, sir.
Q Was that because you didn't inhale very much dust?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 60 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/60

Q How long did you work at that B & B job at the DuPont plant in '55?
A Five or six months, something. I have been in there several times.
Q All right, on this Cities Service job, how long did you work there, in Westlake?
A I worked in there several different times.
Q In 1955?
A Yes, sir, I was probably in there two or three different times.
Q All right, this was all outside work?
A Yes, sir.
Q What products did you work with?
A Johns-Manville products.
Q Okay. Then I believe you say in '55 you worked for M. W. Kellogg Company. Did they do their own insulation?
A Yes, sir.
Q But you don't recall the job site or the materials that you used?
A No, sir.
Q Is that correct?
A Yes, sir.
Q Is there any way that you would have of determining what materials you used on that job?
A I could go over to Louisiana and find out who the

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 61 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/61

foreman was and find out and ask him what the material was.
Q All right, do you know what kind of work you were doing for the Kellogg Company? Was it inside or outside?
A Outside.
Q The next job you list is North Brothers in Aiken, South Carolina at the H-Bomb Plant. Was that inside or outside?
A Outside.
Q How long did you work there?
A About two months. Now, this job here I have got the dates mixed up. I am pretty sure I worked there before 1954.
Q Before 1954?
A Yes, sir.
Q Now, do you know what products you used on that H-Bomb Plant?
A Johns-Manville and fiberglass. Wait a minute. Who puts out foam glass? We had a lot of foam glass on that job.
Q What type of work were you doing on that job?
A Piping and vessels.
Q All right. You list then that you worked for Johns-Manville Sales at Muskegon at a power house.
A Yes, sir.
Q Was that inside work?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 62 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/62

A Yes, sir.
Q Was this close work or what type work?
A It was close work.
Q New construction?
A New construction, yes, sir.
Q Do you know what type of materials you were working with?
A Well, Johns-Manville, all of their materials.
Q Was it pipe construction or boilers--
A It was boiler and pipe construction.
Q When you insulate a boiler, what type of product do you use?
A Well, sometimes you use Hitemp and over the Hitemp you put on the eighty-five percent magnesia and fifteen percent asbestos and other times you will--
Q Well, is it pipe insulation, block insulation?
A Block insulation.
Q It's block insulation?
A Yes, sir.
Q Okay. This is in 1956. Do you know how long you were on that job in Muskegon, Michigan, the power house?
A About three months.
Q Did you have any dust problem there?
A Yes, sir.
Q Did you use any means of keeping from inhaling the

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 63 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/63

dust?

A No, sir.

Q Did they have any respirators there, masks?

A I didn't see any.

Q Did you ask for any?

A No, sir.

Q At any time that you worked for Johns-Manville Sales Corporation until very recently, did you ever ask for a mask?

A I don't remember whether I did or not.

Q Did they ever have them available for you?

A I don't remember them having any available.

Q Have you ever discussed this dust problem with your union representative?

A Yes, in the last few years.

Q Well, how long ago did you first discuss it with him?

A I imagine six or seven years ago.

Q Six or seven years ago--

A Yes, sir.

Q --you discussed with the union representative?

A Uh-huh.

Q Why did you take it up with him at that time?

A Well, we were talking about the dust, some way to keep it down and furnishing us a mask--respirators on jobs,

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 64 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/64

that some jobs you need them.

Q Well, did you have any particular problem that caused you to discuss this matter with your union representative?

A No, we was discussing getting it in our contract for them to furnish all safety equipment.

Q Are you able to identify this union representative that you had this discussion with?

A It was with the business agent and all of the members was talking it over together.

Q The business agent and the membership?

A Yes, sir.

Q Who was the business agent?

A I believe at that time, G. R. Parker.

Q Was this in Lake Charles?

A Yes, sir.

Q Was the meeting held in Lake Charles?

A Yes, sir.

Q At the union hall?

A Yes, sir.

Q What you all were--the question was raised as to the dust problem and you all were trying to negotiate in your contract that your employer would be required to furnish all safety equipment?

A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 65 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/65

Q Did you all discuss the masks?
A Yes, sir.
Q What type of mask did you discuss?
A At that time we didn't discuss any type.
Q Well, at that time hadn't you been on jobs where they used these little white masks?
A Yes, sir.
Q They just were available there; the steward made them available to you if you wanted to use them?
A Yes, sir.
Q Was this before this discussion?
A No, it was about the time of the discussion.
Q About the time of the discussion?
A We had tried different masks--now, this is later. This is not way back there when you are talking about this. This is within the sixties that this came up.
Q I am just asking you about this where you brought up the dust problem at your union meeting six or seven years ago with the union representative, business agent, Parker, and the other members. Did you all discuss this?
A Yes, sir.
Q What was the reason for bringing this up?
A We was talking over negotiating a contract at that time.
Q Had you had problems about dust all the time up

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 66 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/66

until the time this meeting was held six or seven years ago?
A Yes, sir.
Q Had it caused you to cough and that sort of thing?
A Yes, sir.
Q You knew you were having some type problem as a result of your work, didn't you, coming in contact with this dust?
A I didn't really know it was a problem. I knew it was uncomfortable.
Q All right, then, prior to that time, I believe you had used some types of masks in certain situations?
A Yes, sir.
Q Right?
A Yes, sir.
Q And the purpose of those was to keep away from the dust and keep from breathing the dust?
A Yes, sir.
Q After that meeting six or seven years ago -- who is the union contract with? Is it with Associated Contractors?
A Yes, sir.
Q So that you just have one contract and everybody is a member?
A Yes, sir.
Q The contractors are all members of the association?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 67 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/67

Q Were you all able to negotiate a provision providing that the contractors furnish all safety equipment?
A Yes, sir.
Q After that was done, did you understand that you had to ask for such equipment as you wanted on a job?
A Yes, sir.
Q So, if you wanted a mask on a job, you would ask for it?
A Yes, sir.
Q It was a violation of your contract if the contractor didn't provide it, wasn't it?
A Yes, sir.
Q You all also had a union steward on the job to enforce the contract, didn't you?
A Yes, sir.
Q Did your business agent, Parker, at any time complain to the employers about the dust problem?
A I don't know.
Q Well, did you ever complain to any particular employer about the dust problem?
A The foremen, I went to them and asked them to get masks.
Q All right, you have gone to the foremen. The foremen are usually members of the union, aren't they?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 68 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/68

Q And asked them to get the masks or whatever equipment you wanted?
A Yes.
Q And the whole purpose of that was to avoid the dust problem, wasn't it?
A Yes, sir.
Q Did the masks work at all?
A No, sir.
Q Did they help with the problem?
A Not much, no, sir.
Q When would you ask for a mask?
A Well, if it was real thick,we would ask for a mask.
Q Would you wear a mask when you were doing shop work?
A Sometimes.
Q Did you ever do shop work?
A Yes, sir.
Q As a rule, didn't all the insulation workers who were doing shop work wear the masks because the dust problem was greater at that time?
A Yes, sir.
Q Hadn't you begun that practice back before this question was raised six or seven years ago at the union hall?
A At some times.
Q On some occasions?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 69 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/69

A Yes, sir.
Q And the reason that you would wear a mask when you were doing this shop work was because the dust created a problem, didn't it?
A Yes, sir.
Q And you recognized it was a health problem, didn't you?
A We just recognized it was very uncomfortable.
Q All right. You also recognized that you breathed it, didn't you?
A Yes, sir.
Q You had been working about twenty years with asbestos at the time this problem was raised, hadn't you?
A Yes, sir.
Q And you knew that this asbestos dust did create a problem as far as your work was concerned, right?
A It was a disagreeable problem, but I hadn't realized it was a bad health problem.
Q Let's go back a little bit to 1956. Do you know what job you were working on for Johns-Manville Sales in Beaumont in '56? You said in your interrogatories you didn't recall the job site. Do you know what type of job it was on?
A I believe it was--now, I am doing a little guessing here. I was working for--no, I don't know. I don't want to guess at that.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 70 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/70

Q All right. The next job you list was Armstrong Contracting & Supply at the Firestone Plant in Orange, Texas. Was that new construction?
A New construction.
Q Was it outside?
A Outside and inside.
Q Do you know what products you worked with on that job?
A Yes, sir.
Q What products?
A Well, I worked with Armstrong products and I worked with Johns-Manville products and Ruberoid Company products.
Q What kind of products does Armstrong have?
A Well, they have the cement. I forget the name of it. Armtemp.
Q Do they use Kaylo?
A Yeah, we used Kaylo on their jobs too.
Q With Armstrong?
A Yes.
Q Mainly was this piping work?
A It was piping and towers.
Q What would you use mostly, piping and block cement?
A Yes, sir.
Q I mean block products?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 71 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/71

A Piping and block products.
Q All right. How long did that job last, if you know?
A About six or eight months, I believe.
Q Did you have any dust problem on that job?
A Yes, sir.
Q Would you wear a mask on the job when you were cutting in the shop or doing shop work?
A Sometimes.
Q I see. Okay, the next job you list is Service Erection. Do you know where you were working for them?
A No, sir, not--
Q And you don't recall what products you used either, do you?
A No, sir.
Q How would you remember that you worked for Service Erection at that time?
A I believe I have a W-2 form from them.
Q I see. Okay, you next list Fuller and Austin in Lake Charles at the Cities Service Refinery. Was that new construction or old?
A That was new.
Q Was it outside?
A Outside, yes, sir.
Q Did you have any dust problem?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 72 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/72

A Yes, sir.
Q Did you do some shop work on that job?
A No, sir.
Q I believe you list Kaylo and Johns-Manville products.
A Yes, sir.
Q How do you recall that you worked with those on that job?
A It was in the boxes. The names.
Q In other words, would it be a correct statement that in practically all the instances, the only way you can identify the product is by looking at a box that shows the--
A Some of them has indented in their stuff, like Johns-Manville has a seal and a J & M in it and your Kaylo, it's brittle, but there's other companies that makes it just like it.
Q Where you can't tell one product from another?
A Right, unless you see the boxes.
Q Unless you see the boxes, all right.
A And it's indented in there too.
Q Well, if they have got a trademark on it--
A Trademark on it, that's what I am talking about.
Q --with a "JM", something like that, you can identify it that way?
A That's right.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 73 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/73

Q How long did you work on that Cities Service Refinery for Fuller and Austin?
A Several weeks, as well as I can remember.
Q Then you say that you worked for Sabine Insulation on a short job at some plant on Chemical Row in Orange, but you can't recall the product you used?
A Yes, sir.
Q Is that right?
A Yes, sir.
Q You don't know how long, but it was a short job?
A Uh-huh.
Q And you next say that you worked for Mundet Cork Company in Orange at some plant on Chemical Row, but you can't recall the product?
A No, sir.
Q Right?
A Yes, sir.
Q You next list Carl J. Krez, Chicago Heights in the Ford Stamping Mill. Was that new or old construction?
A New.
Q Was it inside or outside?
A Inside.
Q Did you have any dust problem there?
A Yes, sir.
Q Did you use masks while you were cutting?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 74 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/74

A No, sir.
Q Were masks available on that job?
A I don't know.
Q Did you ask for a mask?
A No, sir.
Q Do you now recall what products you used on that job?
A Johns-Manville. I am sure I used that on the job and I believe I used some Kaylo. I am not positive on that. I don't have any way of checking on it.
Q All right. You next list this Parham Pearce, Inc. at the McClaw Steel plant in Dearborn, Michigan. Was that new construction or otherwise?
A I believe it was a new line. It was pretty hard to tell whether that was new or just an addition. It wasn't a new plant.
Q This was new construction?
A I believe it was new.
Q Do you know how long you worked there?
A About three or four weeks, I guess.
Q I may shorten this in a little bit. This Armstrong Cork Company job in Orange at Firestone Plant, was that a new job?
A Yes, sir.
MR. DUNCAN: That's '57, is it?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 75 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/75

Q 1957. Was that outside work?
A Outside and some inside, but mostly outside.
Q Did you do any shop work there?
A A little, yes, sir.
Q Did you use a mask when you were doing the shop work?
A Yes, sir.
Q Then you did have some dust problem on that job, didn't you?
A Yes, sir.
Q Now, you have listed in your interrogatories the products you worked with. Let me ask you this about your answers to your interrogatories. Did you sit down with your attorney and give the best answers that you could--
A Yes, sir.
Q --as to what product you were using?
A Yes, sir.
Q Did you do this from your memory or did you refer to some document or something like that to tell you what product they were working with?
A Well, it was some of each.
Q Well, now, where would you get any documentary information as to what product was being used on a particular job?
A Well, I had some old papers there at the house and

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 76 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/76

I have two sacks of cement that was left over. There was two of them.

Q From what job?

A From Armstrong job.

Q All right, when was that?

A That was in 1958.

Q You have been keeping those sacks of cement ever since?

A Yeah, they had them left over and I just--you can't ship them back to the company. I was foreman on the job and had some finishing up to do and that's what was left over and I brought them home.

Q How many times have you served as foreman on a job?

A Six, seven or eight.

Q When did you start serving as foreman? Back as far as '56 or '57?

A '56 or '57, somewhere in there, off and on on some little jobs and big jobs.

Q As foreman on a job, you knew about this dust problem, didn't you?

A I knew it was dusty.

Q You knew it was dusty?

A Yes.

Q And on some jobs that you had been on up to that

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 77 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/77

time, they had used suction devices to try to clear the air for you?

A Yes, sir.

Q When you were foreman, did you ever make any demands on your employer to do something about the dust?

A No, only for respirators and safety equipment.

Q When you served as foreman, you had the responsibility of seeing that your employees who were working in unusually dusty areas would get respirators and other safety equipment?

A Uh-huh.

Q And this was as far back as '57, '56 and '57?

A About '57, I believe.

Q This Allied Insulation job, Continental Oil, was that a new job, Westlake, Louisiana?

A No, sir.

Q It was a repair job?

A Yes, sir.

Q Did you have any big dust problem or was it outside work?

A It was outside.

Q And you stated that you worked with Kaylo and Owens-Corning finishing cement?

A Yes, sir.

Q Is that the best of your recollection?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 78 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/78

A Yes, sir.
Q How long did that job last?
A Several weeks.
Q And then this Fuller and Austin job, Westlake, Cities Service, was that a short job?
A Let me see. That was--
Q Or new job?
A That was a new job. It was a pretty big job.
Q About how long would you say you worked there?
A About three months, I guess.
Q Did you work as a foreman on that job?
A No, sir.
Q And I believe you say you worked with Kaylo, Johns-Manville and Careytemp?
A Yes, sir.
Q Do you recall actually working with those products or have you gone back and tried to figure out what products they used?
A I have worked with them and if you work with Unibestos, you know that. You don't need a box for that.
Q Unibestos is what?
A It's--
Q Is that a Johns-Manville product?
A I don't know whose product it is right offhand, right now.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 79 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/79

Q You don't say anything about working with Unibestos on the Fuller-Austin job at the Cities Service plant in 1957. Are you now having a different recollection about it or not?

A No, they use different materials for different jobs and whatever the specs says, called for, is what they use.

Q Okay, we have gotten now up to 1958. Did you use any mask on that job, that Fuller-Austin job?

A No, sir.

MR. DUNCAN: Excuse me, Mr. Weller. You are still talking about 1957, aren't you?

MR. WELLER: Yeah.

(At this point the deposition was recessed for lunch, after which the deposition was resumed as follows:)

MR. WELLER:

Q In 1958, looking at your list, this Fuller and Austin job at Plaquemine, Louisiana, the oil company plant, do you know what plant that was?

A No, sir, I don't remember. It's the only one there.

Q All right, now, was that a new construction or old?

A New.

Q Did you have any dust problem there?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 80 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/80

A Yes, sir.
Q Were you working outside?
A Yes, sir, outside.
Q What sort of dust problem did you have there?
A Sawing the material and putting it on, applying it.
Q Did you use masks on that job when you were sawing the materials?
A No, sir.
Q Any particular reason you didn't?
A It's pretty hard to work with a mask on, especially if you are up high because it fogs up your glasses and they don't work too good anyway. It's pretty hard to breathe in the heat and the glasses fog up. In fact, it's a little dangerous.
Q When you had a dust problem in the past, you had used glasses or masks?
A Yes, sir.
Q And I was just wondering why you wouldn't use them on this occasion?
A Some jobs you can't use them. Mainly, your glasses will fog up if it is hot weather.
Q Okay. Then you worked on the Courthouse job in Orange?
A Yes, sir.
Q You have listed the products in each instance that

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 81 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/81

you say you have worked with?
A Yes, sir.
Q I am not going to go over these that you have got in your interrogatories, but these are the products you say you worked with on these jobs?
A Yes, sir.
Q And you have gotten this information from memory and from various sources?
A Yes, sir.
Q Was some of the information supplied by others that you put in your answers to these interrogatories?
A Well, I have asked around just to refresh my memory, some of the insulators that was putting material, checking to see if I was right, on some of them jobs.
Q All right. I notice in your workmen's compensation claim that you alleged or state that you had silicosis. Have you worked with silica products and inhaled those too?
A I don't know. The only thing--I don't know whether that's silica--
Q Well, have you worked with glass?
A Yes, sir, I have worked with lots of glass.
Q Sir?
A Yes, sir.
Q You have gotten that down your throat and lungs?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 82 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/82

Q What effect does that have on you?
A Very disagreeable.
Q Very disagreeable.
A Yeah, it gets all in your clothes.
Q Actually, that's more disagreeable than the asbestos dust, isn't it?
A Yes, sir.
Q Does it get on you to the point you just feel like you can't get loose from it and can't get rid of it?
A It sticks you all over, in your hands and clothes.
Q And it does create dust to the point that you will inhale it, won't you?
A Yes.
Q Okay. Now, this B & B Engineering job at the DuPont plant in Orange in 1958, was that a new job, new construction or repairs?
A I believe that was a new unit.
Q Was it outside or not?
A Outside.
Q Did you have a dust problem there?
A Yes, sir.
Q Did you wear masks since this was a DuPont job?
A No, sir.
Q You knew the masks were available?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 83 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/83

Q 1959, Firestone plant job for Armstrong in Orange. Could you tell us how long, going back to this Fuller and Austin job at Plaquemine, Louisiana, how long did you work there about, new construction, '58?

A Five or six weeks, as well as I remember.

Q And this job at the Orange Courthouse, how long did that last?

A About three weeks.

Q What kind of insulating materials did you use there? I am talking about whether it was pipe or blown insulation.

A It was pipe.

Q Pipe?

A Uh-huh. We used Johns-Manville product on that other, Thorpe Insulating Company.

Q This was a new job, wasn't it, the new Courthouse?

A Yes, sir.

Q All right.

A It was putting in an air conditioning unit.

Q What about this B & B job at DuPont? How long did that last? It's in '58.

A '58. I believe I have all my check stubs on that. I am not sure. That lasted for several months, I believe.

Q All right. Now, 1959, this first job at the Firestone plant, was that new construction?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 84 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/84

A Yes, sir.
Q For Armstrong. And how long did it last?
A Six or seven months.
Q All right, did they have masks available on that job?
A I don't remember whether they did or not.
Q Did you ask your contractor for masks?
A No.
Q If you had needed it, would you have?
A I would have if I had needed them.
Q You just didn't think you needed them on that job?
A Yes, sir.
Q Was this outside construction?
A Yes, sir.
Q Did you still have the dust problem there?
A Yes, sir.
Q Then, when you worked on the Olin Chemical job in Westlake, Louisiana, how long did that last?
A For Firestone--I mean for Armstrong?
Q Yes, sir.
A That time I believe it lasted about three weeks.
Q Was that new construction or repair work?
A That was repair work.
Q Did you have a dust problem there?
A No, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 85 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/85

Q In 1960 you worked for Armstrong Contracting and Supply at the Firestone Plant in Orange. How long did that job last?
A I believe that one lasted around eight months.
Q Was this new construction?
A Yes, sir.
Q All right, did you have a dust problem on that job?
A Yes, sir.
Q Was it inside work or outside work?
A It was both.
Q Both?
A Yes, sir.
Q Did you do any shop work on that job?
A Yes, sir.
Q Did you wear a mask?
A Some of the time.
Q All right, you wore the mask because of the dust problem, didn't you?
A Yes, sir.
Q And you knew it was asbestos dust, didn't you?
A Yes, sir.
Q And that was new construction?
A Yes.
Q When you worked for Fluor Corporation at Kaplan, Louisiana, on the Cow Island job, was that new construction?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 86 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/86

A Yes, sir.
Q How long did you work there?
A About five or six weeks, as well as I can remember.
Q Did you have a dust problem there?
A Yes, sir.
Q Did you wear a mask?
A No, sir.
Q Did you ask for masks?
A No, sir.
Q Fluor Corporation would have supplied them if you had asked for them, wouldn't they?
A I believe they would have, yes.
Q You have listed the products that you say you used on these jobs, haven't you?
A Yes, sir.
Q And that's to the best of your recollection?
A Yes, sir.
Q When you worked on the Fluor Corporation job at Rayne, Louisiana, do you know what job that was?
A That was a little oil plant outside -- oh, no, at Rayne, no, sir, I don't remember the name of the plant. I wasn't there very long.
Q Was that new or old construction?
A New.
Q Did you have a dust problem?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 87 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/87

A Yes, sir.
Q Did you wear masks?
A No, sir.
Q Did you use any other means to keep out of the dust?
A No, sir.
Q The next job you list is Coastal Paint & Insulation in Texas City, Texas, at the Dow Chemical plant. How long did you work there?
A Six weeks.
Q Was that a new job?
A No, sir.
Q Repair work?
A Yes, sir.
Q Was this inside?
A No, sir, outside.
Q Outside. Did you have a dust problem?
A Yes, sir.
Q Did you use a mask on the job?
A No, sir.
Q Did you ask for a mask?
A No, sir.
Q If you had asked for it, could you have required them to furnish it?
A I don't know.
Q You don't know, but you just didn't ask for it?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 88 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/88

A No, sir.
Q Okay. You have listed the products that you used on that job?
A Yes, sir.
Q The next one you say you worked for Sabine Insulation on the Johnson Bayou job at some pumping plant.
A Yes, sir.
Q Was that repair work or new construction?
A New construction.
Q If it was a pumping plant, was it inside work or outside?
A Outside.
Q Outside. Did you have any dust problem there?
A Yes, sir.
Q How long did that job last?
A Several weeks. I don't remember.
Q When you worked at the Gulf States Power plant in Bridge City for The Aber Company in 1960, how long did that job last?
A We was on it six or eight weeks. I believe I have my check stubs for all that.
Q Was this new construction?
A Yes, sir.
Q Was that on the new power plant at Bridge City?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 89 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/89

Q You have listed the products you used and you say there were other employees on the job using various other products?
A Yes, sir.
Q Do you have any means of identifying those products?
A No, sir.
Q Now, was this work inside or outside?
A Some inside and some outside.
Q In some areas were you working in close quarters?
A Yes, sir.
Q Did you have a special area set up for a shop in that plant?
A Yes, sir, but I didn't work in the shop.
Q You didn't work in the shop?
A No, sir.
Q Did they do all of the cutting in the shop?
A No, sir, not all of it; some of it.
Q Most of the cutting in the shop?
A For your valves and fittings.
Q They did that in the shop area?
A Yes, sir.
Q Did you wear any masks on that job?
A No, sir.
Q Now, The Aber Company would have supplied you with masks at that time if you asked for them, wouldn't they?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 90 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/90

A I believe they would have, yes, sir.
Q But you had no occasion to ask for a mask?
A No, sir.
Q 1961, B & B Engineering at DuPont plant in Orange. How long did that job last?
A I have my check stubs for that. That lasted quite awhile. Maybe ten or twelve weeks or maybe more.
Q All right, was that new construction?
A Yes, sir.
Q Did you utilize a mask or respirator on that job of any type?
A No, sir.
Q You knew that they were available at the DuPont plant, didn't you?
A Yes, sir.
Q Did you have a dust problem on the job?
A Yes, sir, just like any job you use it on, yes, sir.
Q Well, now, on the DuPont job, wouldn't they have a shop area set up?
A Yes, sir.
Q Did you work in that shop area?
A Not at that time, no, sir.
Q If you had had a dust problem of any serious nature, you would have used a mask, wouldn't you?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 91 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/91

A If it was real thick, yes, sir.
Q Okay. You say you next worked for Armstrong Contracting and Supply at the Firestone plant in Orange in 1961. How long did that job last?
A I believe that was a short job.
Q Was it new or old construction?
A New construction.
Q Did you have a dust problem?
A Yes, sir.
Q Did you use a mask?
A No, sir.
Q Was part of it inside and part outside or what?
A Most of it was outside.
Q Now, right here, back six or seven years ago when you had this discussion in your union about using safety equipment and furnishing masks and so forth, after that time when you went on a job, would you request a mask of your foreman if you wanted it?
A Yes, sir.
Q Whatever safety equipment you wanted, you would work through your foreman or your Union Steward, wouldn't you?
A Yeah, after we got in the contract, yes, sir.
Q And you have had that in your contract for some six or seven years, haven't you?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 92 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/92

A Yes, sir.
Q Wasn't the purpose of that, putting that in the contract to make the conditions under which you worked a little more healthy?
A Yes, sir.
Q As long as six or seven years ago didn't you all discuss in your union meetings the fact that asbestos was injurious to the health?
A Yes, sir, that was the first time it started coming out about that.
Q From and after that time you realized that this dust could affect your health, didn't you?
A Yes, sir.
Q Would it cause you to cough when you would inhale this dust?
A Yes, sir.
MR. STEPHENSON: George, you have covered that six times.
Q Did it affect your chest?
A Yes, sir, at times the chest would hurt back then.
Q As long as six or seven years ago, maybe a little longer, didn't you have pneumonia?
A Yes, sir.
Q Did you attribute that to the type of work you were doing?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 93 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/93

A I just thought it was pneumonia.
Q But it did bother you? You had trouble with your chest and your breathing, didn't you?
A Yes, sir.
Q Now, at that time were you smoking some two packs of cigarettes a day?
A No, when I was working, I wasn't smoking quite that much. Maybe a little over a package.
Q Somewhere in your prior testimony and in your history to the doctors, I believe to Dr. Jenkins, you told him you smoked on an average of two packs a day and had for some twenty or thirty years.
A Oh, no.
Q You say that is not correct?
A No, sir, that isn't correct.
It has just been the last few years I smoked around two packs a day, more or less.
Q The last how long?
A When I am working on those jobs, you know, we just have a smoking period.
Q Yeah, you have how many smoking periods a day?
A Once in the morning and once in the afternoon and at the noon hour.
Q And at the noon hour?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 94 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/94

Q All right. In 1962 you were back at the Firestone plant in Orange working for Armstrong Contracting and Supply. Was that new construction?
A Yes, sir.
Q Inside or outside?
A It was a little of both. Mostly outside.
Q Mostly outside?
A Yes, sir.
Q Did you have a dust problem there?
A Yes, sir.
Q Did you wear any masks on that job?
A Only if I was using a saw, the power saw.
Q Well, on occasions when you would use a power saw, you recognized that this was going to produce a substantial amount of dust?
A Yes, sir.
Q And then you would hunt up a mask--
A Yes, sir.
Q --while you were doing that work, is that right?
A Yes, sir.
Q Wasn't that to avoid inhaling all of that dust?
A Yes, sir.
Q How long did that Firestone job last in '62 working for Armstrong?
A I don't remember. I think it was a short job.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 95 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/95

Q In your interrogatories you say you used Kaylo and asbestos finishing cement and Ruberoid products?
A Yes, sir.
Q How do you know that you used those products?
A I was foreman on the job and I helped unload it off of the trucks.
Q You were foreman on that job?
A Yes, sir.
Q All right. The next job you list is B & B Engineering at DuPont plant in Orange. Is that new construction or repair work?
A New construction.
Q Were you a foreman on that job?
A No, sir.
Q How do you get designated as a foreman on a job?
A Well, sometimes through the business agent, sometimes through the company. If they like you, most of the times through the company.
Q In other words, the company will call you up. You have to be a member of the union?
A Yes, sir.
Q And they will call you up and say, "We want you to be a foreman on this job"?
A Yes, sir.
Q As a foreman, aren't you responsible for passing

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 96 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/96

out the safety equipment?
A Yes, sir.
Q What does the company tell you when you go on a job and you act as foreman, about safety equipment?
A They don't tell you nothing. You have the masks there, but you can't make the men wear them if they don't want to.
Q All right, the company, people like Armstrong and B & B and Sabine Insulation will give you the masks to take out on the job, won't they?
A Yes, sir.
Q They are there available for you to wear if you want to wear them?
A Yes, sir.
Q You, as a long-experienced man and acting as foreman, know that this is safety equipment, don't you?
A Yes, sir.
Q And the whole purpose of it is to either prevent or reduce the amount of asbestos dust and other dust that you are going to inhale, isn't it?
A Yes, sir.
Q And it's really a protective measure for you, isn't it?
A Yes, sir.
Q And you have known this for at least six, seven,

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 97 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/97

eight or ten years?
A About five or six years.
Q How long did that DuPont job last for B & B?
A I don't remember offhand. I have my check stubs for all the weeks I worked for them.
Q All right, was most of that outside work?
A Yes, sir.
Q How about this Johns-Manville Sales Corporation at Gulf States Power House at Bridge City? Was that new construction?
A Yes, sir.
Q How long did you stay there?
A I have worked out there several times. Several weeks. I don't recall now.
Q All right. Do you know Tomplait?
A Yes, sir.
Q Did you know that he had some trouble while he was working with asbestos?
A Yes, sir.
Q Did you know about his suit when he was working for Johns-Manville and Armstrong?
A Yes, sir.
Q You knew that he was contending and saying that he got injured as a result of working with asbestos?
MR. STEPHENSON: He didn't say injury, George.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 98 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/98

Injury and occupational disease are two different things.

MR. WELLER:

Q Well, you knew he was contending that he got it as a result of working with asbestos products, didn't you?

A Yes, sir.

Q Do you know about when that was? If he had it in 1961, would you have known about it when he first was disabled and had his suit, '61, '62?

A No, I didn't know exactly when he had the suit.

Q Well, he was in the same union that you were, wasn't he?

A Yes, sir.

Q Hadn't you discussed it with him?

A No, sir.

Q How did you know about his suit?

A Just heard about it.

Q You just heard about it?

A Yes, sir.

Q Well, you knew that if that was true that asbestos could do you harm, couldn't it?

A Yes, sir.

Q You knew that as far back as 1962, didn't you?

A I probably did, yes, sir.

Q Now, the next one you list is Service Erection

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 99 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/99

Company, a short job, but you can't tell where the job was or the product you used, is that correct?

A Yes, sir, I would have to check on that.

Q Well, how would you check on that?

A I might have to check through the local or somebody like that. I think I have a W-2 form on that.

Q At this time you can't tell us what job it was?

A No, sir.

Q You can't tell from your own recollection what product you were working with?

A No, sir.

Q Now, you remember working in 1962 for Armstrong Contracting and Supply at the Olin Mathieson plant in Westlake?

A Yes, sir.

Q Do you recall what type of product you used on that job working for Armstrong? It is not listed in your interrogatories. In some prior interrogatories that you have listed, you listed this job and said you didn't recall the name or the brand that was used. Would that be correct?

A Was that in '62?

Q Yes, sir, 1962 at the Mathieson Chemical Company plant at Westlake. Was that new construction, or do you recall working there then?

A Yeah, I worked there. I have worked there three

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 100 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/100

separate times.

Q But you don't recall the product that you used or do you?

MR. STEPHENSON: Give him time to think, George.

Q All right.

MR. STEPHENSON: I think he is trying to recall as best he can to give you the accurate information, as best as he can remember.

Q Okay.

A I worked three different jobs out there for them at three different times and--now, one material I used, I used Armalite. I don't have it listed here.

Q Do you recall they used it on that job?

A Yes, sir.

Q What is Armalite?

A It comes in block form.

Q Does Armstrong manufacture that?

A Yes, sir.

Q I didn't know whether they did or not.

A I don't know whether it contains any asbestos or not.

Q Are you sure you used it on that job?

A I am not really sure. There was three jobs in there that I worked for them.

Q Well, I am not trying to rush you, but do you

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 101 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/101

actually know what product you used on that Armstrong job at Olin in 1962?

A I am not sure.

Q All right, you list a job in 1963 working for Armstrong Contracting and Supply at the Firestone plant. Was that a new job?

A Yes, sir.

Q How long did you work there?

A I think it was about three months. I have all of my check stubs on that one also.

Q All right, you worked three months. Was that an inside job or outside job?

A Outside.

Q Did you have a dust problem there?

A Yes, sir.

Q Did you act as a foreman?

A Yes, sir.

Q Then you had charge of any safety equipment then, didn't you?

A Yes, sir.

Q Did that include masks and so forth?

A Yes, sir.

Q Did you use any masks on that job?

A Yes, sir.

Q Why would you use a mask?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 102 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/102

A We were spraying that Limpet spray.
Q What were you spraying that on?
A Vessels. Different types of vessels.
Q Could you tell us more specifically what a Limpet spray is, describe it?
A It has lots of fibers, asbestos fibers and I don't know what else it has in it and it comes out dry, but there's a wet--comes out of a big pipe and there's a wet spray that we spray on there and those fibers, they fly all through there. It's pretty rugged stuff.
Q It's pretty rugged stuff. Why do you say it's rugged?
A Well, it's a lot in the air.
Q A lot in the air and big pieces?
A Chunks.
Q And you breathe that in the air, don't you?
A Yes, sir.
Q You were a foreman on that job. You wouldn't have been using the spray, would you?
A Yes, sir, I had to use it to teach the men how to use it.
Q Oh, you had to teach the men how to use it?
A Yes, sir.
Q You wore a mask.
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 103 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/103

Q Did your men wear masks?
A Most of the time.
Q Did you tell them to wear masks?
A Yes, sir.
Q And the reason you told them was a safety measure, wasn't it?
A Yes, sir.
Q Who made the Limpet spray?
A Armstrong was the distributor of it. It came from England originally.
Q All right. You listed the other products that you used there. Then in 1963, did you go to California again?
A Yes, sir.
Q What job was that on?
A It was a surgical plastic gloves. They made the surgical syringe and plastic gloves for doctors.
Q You don't know the name of the plant?
A No, sir, I don't remember that.
Q You say you used Johns-Manville products on the job?
A Yes, sir, I was working for Thorpe Insulation Company.
Q Thorpe uses Johns-Manville exclusively, don't they?
A Yes, sir.
Q Did you work for anybody else other than Thorpe on

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 104 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/104

that job?
A No, sir.
Q Then Thorpe would not have been using any Pabco products on that job, would they?
A I don't know.
Q All right. You didn't work with any Pabco products on the job as far as you know, did you?
A I don't know for sure. There was several boxes of stuff stacked up there. I know we had some Johns-Manville and some other types of material.
Q Is West Conova close to Los Angeles?
A Yes, sir, about thirty-five miles out, I believe.
Q In a prior interrogatory, I think in your comp case, you said you used Kaylo on that job. Would that be correct?
A I don't know.
Q Or did you use Johns-Manville?
A I know we used Johns-Manville and there was several more products on there. I would have to check.
Q All right. Then your next job you mention -- was that new construction on that Thorpe Insulation job?
A Yes, sir.
Q Did you have a dust problem there?
A Yes, sir.
Q How long did you work on the job?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 105 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/105

A About three or four weeks.
Q Did Thorpe supply you with safety appliances and masks?
A No, sir.
Q Sir?
A No, sir.
Q Had you worked for Thorpe before?
A Yes, sir.
Q On the West Coast would you work through the local union out there on a permit?
A Yes, sir, I would work on a traveler, what they call a traveler.
Q Working as a traveler?
A Yes,sir.
Q Did you complain to your steward that you needed any safety products?
A We didn't have a steward. There was only two of us on the job.
Q When there are two on the job, isn't it correct that under the union rules that one of you acts as a foreman?
A Well, they just sent us out on the job and didn't say nothing.
Q Well, now, you have been at this work a long time.
A Well, out there it's different. I was a traveler and you don't say too much when you are a traveler in

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 106 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/106

somebody else's territory.
Q In other words, if you had needed a mask, you wouldn't have asked for it?
A Yeah, I would have asked for it.
Q All right, you didn't feel that you had any real problem then on that job?
A No, sir.
Q Was this on outside work?
A Yes, sir.
Q The next job, you list that you were working for Owens-Corning Fiberglas in Mendota,--
A Mendota.
Q --California at the Spreckles Sugar Refinery, is that right?
A Yes, sir.
Q Owens-Corning uses Kaylo products, don't they?
A Yes, sir.
Q Did you work for anybody other than Owens-Corning on that job?
A No, sir.
Q So that you would have just been using Kaylo products, wouldn't you?
A I don't know. If those companies are running short, ships in, they might use anybodys.
Q You don't have any independent recollection though

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 107 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/107

of using any other particular product on that job, do you?
A I believe we used Pabco.
Q What makes you believe you used Pabco on that job?
A I saw it on some boxes.
Q You saw it on--
A There were some other contractors in there and I don't know whether they was using it or we was using it.
Q There were other contractors on the job and you don't know whether the other contractors were using Pabco products or whether Owens-Corning was using it?
A No, sir.
Q So you can't swear to us today that you actually worked with Pabco products on that job, can you?
A No, sir.
Q How long did that Mendota, California, job last?
A About three months.
Q Was that a new job?
A Yes, sir.
Q Did you have the dust problem?
A Yes, sir.
Q Did you use masks on the job?
A No, sir.
Q The next one you mentioned, you were working for Industrial Insulators, Inc. at the Jefferson Chemical plant in Port Neches. Was that new work or repair work?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 108 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/108

A It was some of both.
Q How long did it last?
A Several weeks.
Q Did you use a mask?
A No, sir.
Q Did you need one?
A I can't--I don't know whether I needed one or not.
Q Did you have a dust problem?
A Yes, sir, dust problem.
Q You have more of a dust problem when you are doing repair work, don't you?
A Yes, sir.
Q You tear out some and put some in?
A Yes, sir.
Q All right. I believe you say you worked with Unibestos, Kaylo and asbestos cement and Careytemp on that job?
A Yes, sir.
Q When you work with Unibestos, doesn't that create a considerable amount of dust?
A Yes, sir.
Q The next one you list is B & B Engineering at DuPont plant in Orange. Was this new construction or repair work? This is in 1963.
A I believe it was some of both.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 109 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/109

Q Did you work as a foreman on that job?
A No, sir.
Q Did you have a dust problem?
A Yes, sir.
Q Did you use a mask since you were working at DuPont?
A No, sir.
Q You had them available?
A Yes, sir.
Q You knew that they were available at DuPont?
A Yes, sir.
Q The next job--how long did that job last?
A Several weeks.
Q The next job you list is Sabine Insulation at the Phillips Carbon Black plant in Orange. Was that new construction or old?
A Old.
Q You tear out some and put some in?
A Yes, sir.
Q Was that inside work?
A No, sir, outside work.
Q Did you have a dust problem?
A Yes, sir.
Q Sabine Insulation supplies you with masks if you need them, don't they?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 110 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/110

Q Did you work as a foreman on the job?
A Yes, sir.
Q So it was your responsibility on that job to pass out the safety equipment when it was needed?
A Yes, sir.
Q And this included masks?
A Yes, sir.
Q Or respirators. What kind of masks and respirators did Sabine Insulation supply you with?
A Little surgical masks.
Q Didn't they also have the big ones if you needed them?
A Not at that time, I didn't see any. It was just surgical masks.
Q Did you have any occasion to ask for them?
A No, sir, not as I remember.
Q Well, I believe that you told us that by that time it was in your union contract that people like the contractors, Sabine Insulation, had to supply you with the safety equipment?
A Yes, sir.
Q And if you wanted it, you had to ask for it?
A Yes, sir.
Q Now, could that job, instead of being at the Phillips Carbon Black, did you also work at the Firestone

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 111 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/111

plant that year?
A I could have.
Q You could have. All right, and the next one you list is the Johns-Manville Sales Corporation, a small job in Orange. Do you recall that job, where it was? This is '63.
A No, sir, I don't.
Q Then in 1964 the Fuller-Austin job at Olin Mathieson in Westlake. Was that new or old work?
A I believe it was new work.
Q Was it inside or outside?
A Outside.
Q Did you have a dust problem?
A Yes, sir.
Q Did you work as a foreman?
A No, sir.
Q Did you do shop work on that job?
A No, sir.
Q Did you use a mask on the job?
A No, sir.
Q Now, Fuller and Austin are long-time insulation contractors, aren't they?
A Yes, sir.
Q And if you needed masks on their job, all you have to do is ask for it, isn't it?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 112 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/112

Q Did you have any occasion to ask for a mask?
A No, sir.
Q You just elected not to use it, didn't you?
A Yes, sir.
Q But you still had the dust problem on the job?
A Yes, sir.
Q And that means that on each one of these jobs, to some degree, you would inhale dust?
A Yes, sir.
Q Asbestos dust, which you knew was asbestos?
A Yes, sir.
Q How long did that job last at Fuller and Austin at Olin Mathieson?
A Not very long. About a week or two.
Q Short job. The next is B & B Engineering at DuPont in Orange. Do you know how long that job lasted?
A No, sir, not offhand. I have the check stubs to that.
Q Was that new work or old?
A It was new work.
Q Did you have a dust problem?
A Yes, sir.
Q Were you the foreman on the job?
A No, sir.
Q Did you use a mask or respirator on that job?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 113 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/113

A No, sir.
Q You knew that they were available at the DuPont plant, didn't you?
A Yes, sir.
Q All you had to do was to ask for it?
A Yes, sir.
Q I believe you say on that job you worked with Kaylo and Johns-Manville, R & I and Ruberoid products.
A Yes, sir.
Q How do you know that you worked with all of those different types of products on that job?
A The material is stacked right there by you.
Q So you would look at the cartons?
A Yes, sir.
Q In your previous interrogatories, I believe you said you used Unibestos on that job. Do you recall that, whether you used Unibestos on that job?
A I have used Unibestos at the DuPont plant.
Q But you don't remember whether you used it on that particular job or not?
A No, sir.
Q Well, now, you next list Catalytic Construction Company at one of the plants on Chemical Row as a 1964 work. Do you know how long you worked there?
A No, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 114 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/114

Q Do you have all of your W-2's for this '64 right on up to the present or your check stubs?
A I believe I have most of them, don't I?
MR. STEPHENSON: I would have to check with my secretary, Mr. Potter, I don't know.
MR. WELLER:
Q All right, was that new construction or do you know?
A Hickory Construction.
Q No, I am talking about when you worked for Catalytic. You can't identify the plant. That's what I was concerned with. You say you worked with Kaylo and Johns-Manville products and cement on that job. If you can't identify the job, how would you know what products you worked with?
A Well, there's several plants in there. I have been in and out of them so much. Catalytic.
Q All right, and the next one you list is Hickory--
MR. STEPHENSON: Were you still trying to finish your answer there, Mr. Potter? Were you thinking?
A Yeah, I was thinking.
Q Take your time.
A That Catalytic was at Firestone plant.
Q At Firestone?
A Yes, sir.
Q Was that repair work?
A No, it was new work on some mixers that they had in

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 115 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/115

there.
Q Was that a short job?
A Yes, it was a short job.
Q All right, on the Hickory Construction job, you say you can't recall the name of the job site or the product you used?
A No, sir.
Q But you do know you worked for Hickory Construction Company?
A Yes, sir.
Q Were they insulators?
A Yes, sir.
Q Is there any particular reason why you can't identify the product you used on that job?
A No, sir.
Q In other words, you are just doing all of this from memory and your--
A Yeah, lots of them--
Q In many instances aren't you guessing about the product you used?
A Lots of it is from memory.
Q All right, but in many instances aren't you guessing about the product you used?
A No, I am pretty sure most of the time.
Q Okay. The next one you list is Johns-Manville

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 116 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/116

Sales Corporation, but you do not recall the job site?
A No, sir.
Q When you worked for Johns-Manville Sales Corporation you used Johns-Manville products, didn't you?
A Yes, sir.
Q The next one you list is Fuller and Austin in Houston at Chocolate Bayou? Was that new construction?
A No, that was repair work.
Q What plant was it?
A Wait a minute. I have made a mistake here. That wasn't at Chocolate Bayou. That was on that Chemical Row they have out there and I don't remember. It was off in the field, some big tanks.
Q Who was it? Auburn and Fields?
A No, it was off in the fields.
Q Oh, off in the fields?
A Yes, and I don't know what company.
Q Big tanks?
A It wasn't at Chocolate Bayou. It was close around there somewhere.
Q Some large tanks?
A Yes, sir.
Q What kind of product would you use on that?
A Well, I was using--they was using Kaylo and asbestos cement.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 117 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/117

Q Were you using block insulation on a tank?
A I was using--that was on the pipes, but they was using block insulation on the tanks of foam glass, but I didn't work in it.
Q I see.
A On the big tanks.
Q You were using pipe insulation then?
A Yes, sir.
Q The next one you list is The Aber Company in Houston, but you don't recall the name of the plant. Would that be right?
A Yes, sir.
Q Was that a bank building in Dallas that you worked for The Aber Company on rather than in Houston?
A Yes, it was in Dallas that I worked on the bank building.
Q All right, did you work for The Aber Company on that job? That was in a prior interrogatory in your comp case and you said you worked on a bank job in Dallas and used Kaylo. Do you recall that?
A Yes, sir.
Q How long did that bank job last?
A I was only on it one week, I believe.
Q How long were you in Houston on this Aber Company job?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 118 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/118

A I don't remember. Several weeks.
Q You say you worked with Johns-Manville products. Does The Aber Company use JM products?
A At times.
Q And Careytemp. What kind of work were you doing there, or do yau remember at all?
A I don't remember.
Q Aber Company will supply you with masks if you ask for them, won't they?
A Yes.
Q Next you list Armstrong Contracting & Supply at the Firestone plant. Was that new construction?
A Yes, sir.
Q Now, you say you worked with Armstrong products. What Armstrong products did you work with?
A The trade names, one of them is Armitemp and they have got different trade names.
Q All right.
A I don't remember.
Q Armitemp. Do you know whether Armitemp contains asbestos or not?
A I know it has got a lot of fibers in it.
Q You don't know whether they are asbestos fibers or not?
A No, sir. It looks like it.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 119 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/119

Q And I believe you say you worked with Kaylo and Ruberoid Company products on the job?
A Yes, sir.
Q What kind of Ruberoid products did you work with?
A Pipe covering.
Q How long did that job last?
A I don't know. I have my check stubs on that.
Q Well, your check stubs wouldn't show what kind of product you used.
A No, sir.
Q That's what I was trying to ask you. When you say Ruberoid Company products, now what are we talking about?
A The covering, pipe covering.
Q Was this new work or old work?
A New work.
Q Armstrong will supply you with safety appliances when you are on their job, won't they?
A Yes, sir.
Q Did you ask them to supply you with any masks or anything on this job?
A Yes, sir.
Q Did you use the masks on this job?
A Sometimes.
Q Were you the foreman?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 120 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/120

Q All right, you used the mask to keep from breathing this asbestos dust, didn't you?
A Yes, sir.
Q And you used it as a safety factor, didn't you?
A Yes, sir.
Q And you list Owens-Corning Fiberglas Corporation on a short job, but you don't know where it was located. You next list Isotherm Company in Santa Barbara, California, on a pumping plant. Do you know the name of the job?
A No, sir. It was a pumping plant right out by the gulf--
Q Was it outside work or inside?
A Outside.
Q Was it new?
A Yes, sir, some of it was new. Yeah, the part we did was new.
Q The part you did was new?
A Yes, sir, new work.
Q Do you know what products you were working with on this job?
A Yes, sir.
Q What products were they?
A Pabco.
Q Well, when you say Pabco, what kind of--were you using pipe insulation?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 121 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/121

A Pipe insulation.
Q Block insulation?
A Pipe and block.
Q Pipe and block. How long did you work on this job?
A About six weeks, I believe.
Q All right. Now, in your previous interrogatories that you gave in this comp case, you said you used Kaylo on that job. What about that?
A There was probably some Kaylo on there too.
Q Well, in your previous interrogatories in the comp case, you didn't even mention using Pabco on the job. Where did you get the different answers, the fact that you used Pabco on this job?
A Well, I got to remembering, thinking back.
Q In other words, between the time you gave your interrogatories in the compensation case and the time you answered them in this case, you had a recollection about it?
A Yes, sir.
Q Now, do you recall a job for B & B in 1964? You don't know the name where you worked, in 1964. You worked for B & B Engineering. Do you remember that? If you don't all you have to do is say you don't remember.
A Not right at the minute. I am hurting so bad I can't hardly think.
Q In 1965, let's go to 1965. You list a number of

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 122 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/122

jobs that you were working for Sabine Insulation Company, Levingston Shipbuilding, Phillips Carbon Black plant, Orange Memorial, Gulf States Power House and you say you worked with Johns-Manville products and Kaylo. Is that what you did?

A Yes, sir.

Q Were those short jobs or long jobs or what?

A Sometimes the jobs, I would be on two jobs in one day.

Q When you were working for Sabine Insulation, they did have respirators, didn't they?

A Yes, sir.

Q And masks?

A Yes, sir.

Q Did you work as a foreman on those jobs?

A Sometimes.

Q So when you worked as a foreman, you had charge of the safety appliances?

A Yes, sir.

Q Did you wear masks on any of those jobs?

A No, sir.

Q That was your own choice, to wear a mask or not to wear a mask, wasn't it?

A Yes, sir.

Q If you felt you were working under unusual conditions,

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 123 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/123

you would wear a mask, wouldn't you?
A Sometimes you couldn't wear a mask and do the work. They vary.
Q Well, if you were in a close place and there was a lot of dust, asbestos dust, sawing and so forth, you would wear a mask, wouldn't you?
A Yes, sir, for a few minutes. Then you would have to come change it.
Q Then you list B & B Engineering Company at Gulf States Power House, Bridge City. Was that new work?
A I believe that was patch-up work.
Q All right. I believe you used Kaylo and Unibestos on that job, right?
A Yes, sir.
Q Then you list Catalytic Construction Company, but you don't recall the job site or the product you used, is that right?
A Yes, sir.
Q And you worked for Fuller and Austin in Westlake, Louisiana, with Kaylo and asbestos cement?
A Yes, sir.
Q Was that a long job, new job?
A It wasn't long, no. It was a new job, yeah.
Q New job. Okay. 1966 you worked for Fuller and Austin, but you can't recall the job site. In your prior

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 124 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/124

interrogatories, I believe in the comp case, you said it was at the Olin plant in Westlake. Do you recall that job?

A Yes, sir.

Q Who were you working--oh, for Fuller and Austin.

A Yes, sir.

Q Did they use Kaylo products mostly?

A Yes, sir, they used all kind of products.

Q I believe on that job you said you used Kaylo. Now do you recall whether it was Kaylo or something else?

A It was Kaylo I am pretty sure.

Q Then you worked for B & B Engineering on a short job, but you don't recall the job site in 1966?

MR. STEPHENSON: Mr. Potter, if you are not finished with your question when he shoots another one of these rapid fires to you, don't answer until you finish.

A All right.

Q Is there some question you want to add something to, some answer?

A No.

Q This B & B Engineering Company on a short job, do you have any idea where that was, that you have listed in 1966?

A No, not at this time.

Q On your previous interrogatories, you said it could

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 125 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/125

have been at DuPont in Orange, but you were not sure. Do you recall that? Could it have been at DuPont?

A It could have been.

Q And that you used Kaylo and Unibestos. Would that be correct?

A Yes, sir.

Q Then in 1966, I believe it said you worked for Sabine Insulation most of the year and you worked on jobs such as Spencer Chemical at Orange. Do you recall that?

A Yes, sir.

Q How long would the Spencer Chemical job have lasted?

A I don't know. Sometime I would be on one job part of a day and transfer to another one and the next day I would go to another one.

Q I see.

A And next week. It's a pretty mixed up thing when you are working with one company.

Q You said when you worked with Sabine Insulation in '66 you worked with Kaylo, Johns-Manville products, some Unibestos, Eagle-Picher products and Careytemp. Is that what you worked with?

A Yes, sir.

Q Sabine Insulation furnished masks on all those jobs if you wanted them, didn't they?

A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 126 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/126

Q Did you continue to have the dust problem?
A Yes, sir.
Q But knowing that you had the problem, you went ahead and worked, didn't you?
A Yes, sir.
Q At that time you were already having trouble with your chest and your respiration, your breathing, weren't you?
A Yes, sir.
Q And you had had for several years, hadn't you?
A Yes, sir.
Q Did you ever lay off from your work in order to get out of the dust?
A Oh, I have been sick.
Q You have been sick and laid off?
A Yes.
Q All right, I will bring this thing up to date in '67. You worked for Fuller and Austin at Goodrich -- Gulf-Goodrich Chemical Company in Orange. How long did that job last?
A About six weeks, I guess.
Q Was that new construction?
A Yes, sir.
Q And you listed the products that you used there?
A Yes, sir.
Q Did Fuller-Austin have masks available?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 127 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/127

A I guess they did.
Q Did you ask for them?
A No, sir.
Q Did you have any need for them on that job?
A No, sir.
Q Was this outside work?
A Yes, sir.
Q Then you didn't have any dust problem on the job, did you?
A Yes, sir.
Q But you just didn't worry about using a mask?
A I smother in a mask after a few minutes.
Q Then I believe you say you worked at Sabine Insulation in '67 at Spencer Chemical and you list the products you used. Was that a long job?
A No, sir.
Q New job, new work?
A Yes, sir.
Q And Sabine Insulation did have safety equipment, including masks, available, didn't they?
A Yes, sir.
Q Did you work as a foreman on that job?
A No, sir.
Q Did you use masks on the job?
A No, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 128 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/128

Q You, also in your prior interrogatories, said you worked at the Firestone plant that year using Kaylo and Unibestos. Do you recall that job?
A (No answer)
Q Sir?
A Yes, sir.
Q What company did you work for at Firestone? Was it B & B or Sabine or who, Sabine Insulation?
A I worked there for some--let me see which company it was. I don't remember right at the present which one it was. It was a different company.
Q All right, now, you list the next job that you worked, Babcock and Wilcox at the Owens-Illinois paper mill in Orange?
A Yes, sir.
Q And on that job you say you used Kaylo?
A Yes, sir.
Q And the asbestos cement was a Kaylo product?
A Yes, sir.
Q Now, that's a job that I believe you were working on when you say that you discovered you had asbestosis?
A No, I didn't discover it.
Q You didn't?
A No, sir.
Q How long did you work on that Babcock and Wilcox

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 129 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/129

job?

A About six weeks I believe it was, five or six weeks.

Q Did you have a dust problem on that job?

A Yes, sir.

Q Was this inside work?

A No, sir, outside.

Q Did you have any unusual exposure at that time?

A Just your ordinary dust.

Q Did you use masks on the job?

A No, sir.

Q Didn't you also use glass and fiberglass and fiberglass bats on that job?

A Yes, sir.

Q I believe in your deposition you said you might have worked with Carey insulation on that job, is that right?

A Yes, sir, I haven't checked on it.

Q Sir?

A Yes, sir.

Q The employer did furnish masks on that job, didn't they, Babcock and Wilcox?

A I guess they had them on there.

Q Well, did you use them on the job?

A No, sir.

Q Why didn't you use them?

A I smother in a mask. They are not adequate. Those

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 130 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/130

little masks, they don't do the job. It fogs up your glasses.
Q How long have you been smothering when you use a mask?
A Several years.
Q Several years prior to the Babcock and Wilcox job?
A Yes, sir.
Q Did you smother before that when you used a mask?
A Yes, use them a little while, you get to smothering. You stop up or something.
Q Well, I am talking about when you first started using these masks, you didn't have as much problem with them then, did you?
A Yeah, they weren't adequate. They weren't too good.
Q Then the only product you used on this Babcock and Wilcox job was your Kaylo product that was manufactured by Owens-Corning?
A Yes, sir.
Q You didn't use any of these other products?
A Yeah, we used fiberglass bats and things like that.
Q Yeah, but I am talking about these people you are suing, you didn't use their products on this Babcock and Wilcox job at the Owens-Corning plant, did you?
A I don't understand the question.
Q My question is, you didn't use any Pabco products on this job, did you?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 131 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/131

A (No answer)
Q You didn't use any Johns-Manville?
MR. STEPHENSON: Wait until he finishes, George. You have been cutting him off all day. The man is sitting there trying to think and you shoot him questions and don't give him a chance to answer.
Q It is not in your notes, in your answers--
MR. STEPHENSON: Just don't answer him, Mr. Potter, until he calms down.
Q Let me reframe the question.
MR. STEPHENSON: Don't pay any attention to him until you get through thinking this question out.
A On the Babcock and Wilcox, Owens-Illinois paper mill, I used Kaylo and asbestos cement.
Q All right, that's what you have in your interrogatories and that's all you used on that job, isn't it?
A I don't know for sure right now.
Q Well, let's put it this way, that's the only asbestos products you used on that job, isn't it?
A That's all I can remember.
Q All right. Have you worked for anybody since you worked on the Babcock and Wilcox job?
A No, sir.
Q Have you applied for employment any place?
A No, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 132 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/132

Q Prior to the Babcock and Wilcox job, had you ever applied for and received Social Security benefits?
A No, sir.
Q Since that time--I will put it this way: When did you apply for Social Security benefits?
A Right after I found out that I had the asbestosis.
Q That was when you saw who?
A We got the report from Dr. Jenkins to Dr. Shaddock.
Q How much are you drawing under Social Security?
A $307 a month. $307.20 a month.
Q What do you draw under your union retirement program or disability program?
A $53.60 or something like that.
Q Is there any time limitation on that or does that last?
A That lasts. There's no time limitation.
Q No time limitation?
A No, sir.
Q All right. Now, as a result of using any product containing asbestos, you never got any dermatitis, anything like that, did you, skin disease?
A No, sir.
Q Any of these jobs, after you all negotiated for safety appliances and equipment six or seven years ago with the union, would you require suction devices and fans on jobs

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 133 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/133

where there was an unusual dust problem?
A Well, at times in holes and things they put fans up there to try to suck the dust out, like under towers.
Q Then when you were working in close places, you and your fellow employees or your employer would put suction fans in to draw the dust out?
A Yes, sir, on some jobs where they are available.
Q Was that sort of a safety factor and health factor?
A Yes, sir, I imagine it was.
Q How long had that been going on, Mr. Potter?
A Not too long.
Q Five, six, seven years?
A Something like that, on some jobs.
Q Well, now, had you ever worked in the shop at Sabine Insulation?
A A few times.
Q Have you worked there as long as ten years ago?
A No, I don't believe I have been in the shop ten years ago.
Q Are you familiar with the fact that they have suction saws or suction on the saws in their plant?
A No, sir, not at the time.
Q But you have worked there since, during the last ten years then?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 134 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/134

Q And if they had it, you didn't ever see it?
A I never worked on a saw inside of the shop. I worked with asbestos cloth.
Q In the shop?
A Yes, sir.
Q Working with asbestos cloth in the shop, didn't you have to wear a mask?
A No, sir.
Q You didn't wear a mask?
A No, sir.
Q That's almost one hundred percent asbestos, isn't it?
A Yes, sir.
Q And it creates a considerable amount of dust, doesn't it?
A Yes, sir.
Q You get it all over you when you work with it, don't you?
A Yes, sir.
Q And you realized at that time you were breathing that dust, didn't you?
A Yes, sir.
Q How long ago has that been?
A Four years ago, I guess.
Q When was the first time that you started having

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 135 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/135

trouble with your coughing?
A Well, maybe ten years ago.
Q Ten years ago. Did you see a doctor for that?
A Yes.
Q Who was that?
A Dr. Watson.
Q Is that Dr. Watson over in Vinton?
A Yes, sir.
Q What was the nature of the trouble that you were having that caused you to go to Dr. Watson?
A He said it was bronchitis.
Q Sir?
A He said it was bronchitis.
Q I mean how did it affect you physically? Just describe it to me in your own words. You don't have to use any medical terms.
A Well, I hurt in through here. (indicating)
Q You are pointing now to your left chest. It hurt in through your chest.
A Yes, sir, and down here.
Q And in the back?
A Yes, sir, and through my rib cage.
Q And your rib cage. Would you have trouble breathing?
A Yes, sir, at times.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 136 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/136

Q Would you have shortness of breath at times?
A Yes, sir.
Q And this was as long as ten years ago?
A Yes, sir.
Q Well, when you went to the doctor did he take any x-rays?
A Yes, sir.
Q Where were those x-rays taken?
A Here in Orange.
Q What hospital?
A At the old--
Q Lutcher?
A Lutcher Ann Hospital.
Q Lutcher Ann Hospital?
A Yes, sir.
Q Did you tell the doctor you were working in dust and with asbestos products at that time?
A Yes, sir, he knew that.
Q He knew that. Did he at any time advise you to change the nature of your employment, get out of the dust?
A I don't remember. I had had pneumonia one time. I went to the hospital.
Q Did Dr. Watson attend you then?
A Yes, sir.
Q Was he living in Orange at that time?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 137 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/137

A Yes, sir.
Q Did you go to the Lutcher Hospital then?
A Yes, sir.
Q How long were you in the hospital at that time?
A Five or six days, I believe.
Q How long were you disabled at that time?
A Not too long. I went back to work as soon as I was feeling better.
Q Well, had you been sick before you were put in the hospital?
A Yes, sir.
Q How long had you been under Dr. Watson's treatment?
A I don't remember. Off and on. I would get a bad cold or sick or something like that.
Q Would you still have all this hurting that you described in your chest and in your back?
A Yes, sir.
Q Sir?
A At times, yes, sir.
Q At times?
A Uh-huh.
Q Has that been true off and on during the last ten years?
A Yes, sir.
Q How many times would you say that you have been in

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 138 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/138

the hospital with bronchitis and pneumonia in the last ten years?

A About five times, I guess.

Q What hospitals were those?

A I have been twice to Lutcher Ann and I believe three times in Orange Memorial.

Q Were x-rays taken each time?

A Yes, sir.

Q The first two times when you were in Lutcher Hospital, Frances Ann Lutcher Hospital, was your doctor Dr. Watson?

A Yes, sir.

Q Did you have any other doctors come in and consult on the case?

A No, sir.

Q And when you went to Orange Memorial who was your doctors then?

A I believe Dr. Watson one time and the other time was Dr. Shaddock.

Q Was Dr. Shaddock your doctor more recently than--

A Yes, sir.

Q Was he just your doctor beginning in about 1967?

A Yes, sir.

Q Up to that time you had Dr. Watson?

A Yes, sir.

Q Had you ever had a Dr. Richmond in Orange treat you?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 139 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/139

A That was years ago, I believe so, during the War.
Q Had you had pneumonia then?
A Yes, sir.
Q Had you had the same type of hurting that you now have, right across your chest and in your back?
A Yeah, it was regular--they called it a virus pneumonia or something. I don't know what--he said it was pneumonia.
Q Did you have this bronchitis at that time?
A Well, I was coughing a lot at that time.
Q You were coughing a lot at that time. Have you continued to cough as a result of contact with this product at your work over--ever since World War II?
MR. STEPHENSON: I object. Don't answer that.
Q Well, have you had coughing spells from time to time since you worked at the shipyard in Orange?
A At time to time.
Q Right on up to the present?
A No, not like the present.
Q I believe you stated in your deposition or your answers to interrogatories that you had lung congestion, that you were treated by Dr. Watson from 1954 until about 1966. What do you mean? What kind of lung congestion did you have? Would you spit up materials?
A Yes, sir, my lungs would hurt and the bronchitis

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 140 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/140

we would call it.

Q Was this true during the whole time you were going to Dr. Watson, beginning in about 1954?

A Yes, when I would have colds.

Q Well, didn't Dr. Watson tell you that you were--as a result of your work you were inhaling too much dust?

A He didn't mention it.

Q He didn't mention it?

A No, sir.

Q Did you tell him that you had a problem at your work with dust, that you would inhale it from time to time?

A No, he knew it. He used to be a doctor at DuPont when I worked there and he knew the kind of work I was in.

Q Did you ever go to him when he was the doctor at DuPont?

A No, I don't believe I did.

Q Have you had any other doctors other than Dr. Watson and Dr. Shaddock who have treated you besides this Dr. Richmond?

MR. STEPHENSON: What period of time are we talking about? He went to Dr. Jenkins.

Q We will say before your claim at Babcock and Wilcox, have you had any other doctors?

A A doctor up in Indiana. I don't remember his name.

Q What town was that in?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 141 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/141

A Madison.
Q Madison, Indiana?
A Yeah.
Q What did you go to that doctor for?
A I had the flu or something.
Q Did you have this same respiratory trouble?
A Yeah, bad cough.
Q Bad cough. Who were you working for then?
A Johns-Manville, I believe.
Q Were you in the hospital at that time?
A No.
Q Were you off work for a period of time?
A I think I missed three days or something like that.
Q Did you ever have any doctors in California?
A No.
Q Did you go to a doctor any other place--
A No, not as I remember.
Q --other than those you mentioned?
A No, sir.
Q You don't know the doctor's name in Madison, Indiana?
A No, sir, I just went there. I had a bad, bad cold.
Q Okay. When did you see a Dr. Hume in Bridge City?
A Oh, I forgot about him. After Dr. Watson left and went to Louisiana, he had taken his place there.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 142 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/142

Q And what did you see Dr. Hume for? Still have this chest--
A I think I had a bad shoulder, bursitis or something.
Q Did you go to him--
A Yeah, I had bursitis.
Q Did you go to Dr. Hume for this cough condition you have?
A No.
Q How many times did you go to Dr. Hume?
A Oh, I taken some kind of sound treatment he had that's supposed to break up bursitis stuff in there.
Q Uh-huh. Is that all that you saw him for?
A Yes, sir.
Q All right, then the only hospitals you have been in is Frances Ann Lutcher, Orange Memorial and then you went to Houston when you saw Dr. Jenkins?
A Years ago I went to the hospital in Los Angeles, the County Hospital. I had had a tooth extracted and I couldn't stop it bleeding and I went there to stop it bleeding.
Q I see, sir.
A That was back in the 30's, I believe.
Q When were you in the Orange Memorial Hospital, if you recall?
A I can't recall. The last time was August 20th, I

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 143 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/143

believe I went in. I stayed seven days.

Q Approximately when was the first time? Did Dr. Watson put you in there?

A Yes, sir, I believe so.

MR. REYNOLDS: What year was that August 20?

A This year. That's the last time I was in.

Q When did Dr. Watson put you in the hospital?

A I don't remember offhand.

Q You say you were in on two occasions for pneumonia or lung infection?

A Yes, sir.

Q Did you know the nature of the lung infection?

A No, sir.

Q Did this affect you, make you short of breath?

A Yes, sir, and it hurt.

Q And you have had this hurting over a period of-- off and on for ten years, is that right?

A Well, it hasn't been too bad. It has been the last two years it's been kinda bad and it's been bad the last year. It's worse the last year than it has been.

Q Has this been a progressive thing over the last ten years? In other words, it gets a little worse and a little worse?

A It seems to me I have noticed it more the last year than I have at any other time.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 144 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/144

Q I see, but you have had some of the symptoms all of the time, is that right?
A For quite awhile, yes, sir.
Q That is, you have had this cough and you have had the hurting in your chest and in your back, your shoulders?
A Yeah.
Q And you have had shortness of breath?
A Yes, sir.
Q Do you have any clubbing of your fingers?
A Yes, sir.
Q Are they stiff or what?
A It's stiff and I don't have much feeling in them.
Q Now, your doctors -- did Dr. Watson tell you to quit smoking?
A He said he would tell me to quit smoking, but it wouldn't do him any good anyhow.
Q You mean he would tell you to quit, but it wouldn't do him any good because he knew you wouldn't quit?
A That's what he said.
Q All right. Did he at any time ever tell you to change the type of work you were doing?
A No, sir. If he did, I don't remember it.
Q Somewhere, I believe, in your interrogatories you were in St. Elizabeth Hospital in Beaumont five or six years ago.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 145 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/145

A Oh, yeah.
Q What was the nature of that trouble?
A I had forgot about that. That was--I still don't know. It was kinda like a migraine headache. It started in my jaw here and went up in my eye and over my--
Q What doctor treated you?
A Dr. Rafes.
Q In your deposition which you gave on September 19, 1968, you said about six years prior to that time you would have to get up at night and go out on the porch to get your breath?
A Yes, sir.
Q And it sometimes got worse and that you noted shortness of breath during the day on the job?
A Yes, sir.
Q Is that correct?
A Yes, sir.
Q So that as early as 1962, you had this problem where you had trouble breating at night?
A Yes, sir.
Q You would have to get up at night?
A Yes, sir.
Q And then it would get worse as time went on?
A Yes, sir.
Q You would also have shortness of breath on the job?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 146 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/146

A Yes, sir.
Q Did any doctor ever tell you what was causing that?
A Bronchitis.
Q Did the doctor tell you he saw anything in your x-rays?
A Most of it was pneumonia and congested lungs.
Q He did tell you you had congested lungs, didn't he?
A Yes, sir.
Q Is that true over the years, each time you have seen the doctor he has told you you had congested lungs?
A Yes, sir.
Q Have you ever had any illness of any kind that would require you to stay at home away from your work, other than what you have already described to us?
A Bad colds and like that. I had the chicken pox once.
Q Prior to this particular time when you were working forBabcock and Wilcox, have you had any injuries on the job which disabled you?
A No, sir.
Q Have you had any workmen's compensation claims prior to this Babcock and Wilcox claim?
A No, sir.
Q Have you ever been injured in an automobile accident?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 147 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/147

A No, sir.
Q Now, I don't want you to think I am prying, but this is something I have to inquire into. It's indicated in your record, your deposition or your medical records that you have had a drinking problem.
A That was about fifteen or sixteen years ago.
Q Your statement is that you haven't had any of that problem for the last fifteen or sixteen years, is that correct?
A Yes, sir. I have went fourteen years without taking a drink.
Q So you say within the last fourteen years you haven't had a drink?
A No, I have had a drink, but it ain't been no problem.
Q Hasn't been any problem. Did you take any particular cure or medical treatment for that or did you just whip it yourself?
A I went to Alcoholics Anonymous.
Q How long did you continue that?
A I went pretty steady for about six years or seven.
Q I wanted to say it was in your--in maybe Dr. Jenkins' or Dr. Shaddock's report that you had a problem with this. You say it hasn't been a current problem at all?
A No. I drank five cocktails about a year ago, on

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 148 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/148

Thanksgiving I drank a few drinks and this summer I drank a few beers. It hasn't been any problem.

Q Has it ever interferred with your work--

A No.

Q --in the last fourteen or fifteen years?

A Oh, no, huh-uh.

Q Did you file an Income Tax Return each year?

A Yes, sir.

Q Back since World War II, since you started to work in 1940?

A There was a couple of years there I don't believe I filed any. I had a fish camp down on the river and I didn't make much money.

Q What years were those?

A Might have been '49 and '50. I don't remember exactly.

Q What is your wife's name?

A Dorothy.

Q How long have you been married to her?

A Thirty-five years.

Q I believe you gave us two of your sons are insulators. Do you have any other children?

A I have another son that is an insulator helper.

Q What's his name?

A Joe W. Potter.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 149 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/149

Q All right.
A And I have another son that's twenty-two. He's a paraplegic in a wheelchair and I have another son that's seventeen, Alan Potter.
Q You say his name is Alan?
A Yes, sir, and I have a daughter named Jeanette Cunningham.
Q She is married?
A Yes, sir.
Q What's her husband's name?
A E. H. Cunningham, Eddie Cunningham.
Q Do they live here in Orange?
A Yes, sir.
Q All your children live here in Orange?
A No, sir, I have a son living up in Michigan. He has just went up there. I don't have his address.
Q I see. I believe you said that you had seen various products and particularly worked frequently with JM products. Have you ever seen any warning on any boxes you worked on?
A No, sir.
Q Have you looked at the boxes?
A Not until lately, I have seen some that some of the fellows has brought to me.
Q But as early as 1964, 1965 when you were working with the products, did you see any warning on them?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 150 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/150

A No, sir.
Q Did you ever see any Johns-Manville boxes with products in it in '64 and '65?
A Yes.
Q Well, if there had been any warning on it, you would have seen it, wouldn't you?
A I probably would have, unless it was small letters. I didn't look for any.
Q Since you all discussed this problem in your union meeting, wasn't it discussed in your union meeting at that time that there was danger from inhaling asbestos dust?
A Yes, sir.
Q Sir?
A Yes.
Q What was the nature of that discussion?
A I don't remember, it has been so--
Q But they did tell you that there was some danger to your health when you inhaled asbestos dust?
A Yes, sir.
Q And this was back when you all had this discussion about these safety appliances and getting this in your contract?
A Yes, sir.
Q Was any suggestion made about what you all should do as workers to avoid contact with asbestos dust?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 151 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/151

A No, sir, we just -- several of them was complaining about--they had had a few of those respirators and they were just complaining about them not working right.
Q But you did hear the discussion back in this union meeting about the danger from inhaling asbestos?
A Yes, sir.
Q Up to that time or at that very time you knew that you had worked with all of these various products, didn't you?
A Yes, sir.
Q And you knew that you had inhaled these products, didn't you, right?
A Yes, sir.
Q Have any other members of your family had any coughing spells or chest trouble, anything of that nature that you know of?
A No, sir.
Q Do you know what the last day that you worked was?
A I believe it was the 3rd of May, 1967, I believe was the date.
Q Is it possible that if you don't show on the payroll of Babcock and Wilcox beyond April 28, 1967, that that was the last day you worked?
A Yes, sir.
Q Now why did you leave the Babcock and Wilcox job?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 152 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/152

A I was fired.
Q You were fired?
A (The witness nods head)
Q For what reason?
A The man said I was sick and he was afraid I would hurt myself.
Q He said you were sick. Who was your foreman or superintendent who fired you?
A George Petry.
Q Is he a member of your union?
A Yes, sir.
Q At that time what was the nature of your illness?
A Well, I was doing my work. I was doing it as much as any of them, but going up the steps I would have to stop and rest to get my breath.
Q I see. Is there any particular drug store where you purchase any drugs that are prescribed?
A At Henke & Pillot mostly.
Q How long have you been taking any type of drugs?
A Several years.
Q Didn't Dr. Watson prescribe some drugs for you?
A Yes, sir, medicines.
Q Where would you fill those prescriptions?
A Henke & Pillot's.
Q Some particular store?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 153 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/153

A No, Henke & Pillot's pharmacist in their store.
Q Don't they have more than one store in Orange?
A They just have one store in Orange.
Q Oh, I see. I believe I will let you all have him.

EXAMINATION

BY MR. MEHAFFY:

Q Mr. Potter, I notice that you have said from time to time that you worked around asbestos cement. I am not quite sure I understand you. What does asbestos cement look like? How do you use it?
A Some of it is a finishing cement that's asbestos fibers and whatever they use. You mix it with water and finish off. Some of it they call one coat that they put in cracks and holes and small fittings, cement them in with that.
Q Well, this one coat, how does it come? Do you have to mix it?
A Yes, you have to mix it.
Q With water?
A With water, yes, sir.
Q Okay. Did you ever use any that comes already mixed?
A No, sir.
Q This that--
A I have used some that come in fifty gallon drums with Fuller and Austin, but I don't know what it was. I

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 154 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/154

don't know whether they mixed it there and sent it out or what.

Q Let's talk about the stuff that you have to mix. Does the insulator personally mix that or does the helper mix it?

A Well, sometimes the insulators mix it and sometimes the helpers mix it.

Q What has been your experience in the past, say, ten years or so?

A About half and half.

Q Now, what brands of asbestos cement have you used during the past ten years?

A Well, I have used Eagle-Picher 66 and I have used Johns-Manville. They have got two or three different numbers and there are so darn many numbers and different things, and I have used Armitemp No. 166 wool cement and there's different brands of one coat. I just don't recall the brand names right now.

Q Give me everything you can remember, every brand name you can remember ever using.

A There's Armitemp 166, I remember that. There's Phillips 66 and Johns-Manville 352 and they have several numbers of Johns-Manville and that's all I can recall now without some list.

Q How would you know which product it was?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 155 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/155

A On the bags. They have it on the bag and the instructions how to mix it on the other side.
Q Do you ever recall using any with any other numbers than the numbers that you have given me?
A I recall the numbers, but I don't recall what numbers.
Q I don't understand you. You mean you recall there were numbers, but you don't recall what they were?
A Yeah, I recall there were numbers, but I don't recall the numbers.
Q Do you ever recall using one that was called No. 35?
A No, I don't recall it.
Q How about one called No. 55?
A I don't recall that number.
Q Let me give you one more number and see if you recall it. No. 9. Do you recall any--
A No. 9 I don't recall.
Q Okay. Do you ever recall using a substance called Simco, S-i-m-c-o?
A That sounds familiar, but I don't remember.
Q You don't have any recollection of using it?
A No, sir.
Q Did you ever use any pipe covering that's made out of sort of corrugated aluminum board?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 156 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/156

A Yes. It looks like cardboard box, corrugated?
Q Yeah.
A Yes, I have used a lot of that.
Q What brands?
A I don't remember what brands. I have used quite a bit of it. Use it on ducts.
Q Would there be any way you can tell what brand that was?
A We used to call it air cell.
Q That's right.
A I don't know whether Johns-Manville puts that out or not. We used it around smoke--black works like smoke-stacks or stacks and things where it doesn't get too hot.
Q Do you have any recollection at this time of any brand of air cell that you used?
A No, I have used a lot of it. I have used a lot of it on ships and different things. I used it in the Navy air base.
Q But you don't recall any brand name?
A No.
Q Or any company that might have manufactured it?
A No, sir.
Q It's a pretty common sort of substance.
A I have used a lot of it.
Q Do you have any specific recollection of using any

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 157 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/157

material manufactured by Standard Asbestos Company?
A Yes, sir.
Q What was that?
A I have used the cement, but I don't know what number it was. I have used it on Fluor jobs.
Q What would be on the bag there?
A I believe it was Standard Asbestos Cement. Now, that's -- I was just trying to draw a picture in my mind. That's the only place right now that I can connect Standard Asbestos, is with the Fluor Corporation.
Q Fluor. And what year would that be?
A I don't know. I would have to check up with the last Fluor job I was on.
Q Well, was it the last Fluor job you were on?
A Yes, sir, I believe it was.
Q Okay, let's go back and see here then. Okay, the last one that I find here appears to be in 1960 when you were on this job at Rayne, Louisiana. You worked for the Fluor Corporation.
A I have been on another one since then, but I don't know. I think they had one over at the Gulf-Goodrich on Chemical Row.
Q Do you remember when that was?
A No, I don't. It's been since 1960, I believe.
Q Okay, is that the only job that you remember seeing

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 158 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/158

National Asbestos products, on that Fluor job on Chemical Row?

A That's all I can recall right at the time.

Q All right, now this was a Fluor job and it was for what company? You were working for Fluor, but what job were you on?

A I believe it was Gulf-Goodrich.

Q How long did that job last?

A Well, I wasn't out there but several weeks. The job lasted quite awhile.

Q So, so far as you are able to tell now, the only times that you have ever been exposed to National Standard Asbestos products is over a period of several weeks on this Fluor job on the Goodrich-Gulf?

A Right at the time, yes, sir.

Q And this product of National--not National, Standard Asbestos was a cement?

A Yes, sir.

Q Do you recall whether it was a one-coat cement or not?

A I believe it was a one coat.

Q You don't remember the number or the trade name?

A No, sir.

Q What sort of a sack did it come in? Was it plastic?

A Kind of a light brown sack, paper.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 159 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/159

Q Paper sack?
A Yes, sir.
Q Do you recall the exact name of the company, that is, whether it was Standard Asbestos Company or Standard Asbestos Manufacturing Company?
A It was Standard Asbestos Manufacturing, I believe. I am not sure.
Q Do you recall the address there of the Standard Asbestos Manufacturing Company? That is, what city it was made in?
A No, sir.
Q So, once again, now, to be sure, the only time that you can tell us now that you were ever exposed to any products of Standard Asbestos Company or any company with a similar name was on this one job over a period of several weeks, sometime since 1960 while you were working for Fluor on the Goodrich-Gulf job on Chemical Row, is that correct?
A Right at the time, yes.
Q Now, on that job, did you mix the cement yourself or did a helper mix it? Were you a foreman on that job?
A No, sir.
Q Did you mix it yourself?
A Sometimes the helper mixed it and sometimes I mixed it.
Q About fifty-fifty?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 160 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/160

A Yes, sir.
Q So, your only exposure then to Standard Asbestos would be about one-half of the time that you used the cement over a period of just several weeks?
A On that job. I know I have used it before, but right at the time, I can't place it. It's too hard for me to remember.
Q Have you ever been exposed to any other Standard products that you recall, other than the cement?
A Not right at the time.
Q Now, what year would you say it was that you became aware of the fact that it was hazardous to inhale asbestos?
A Well, I first started hearing about it in about 1960, somewhere along in there.
Q So, would it be fair to say that from 1960 on you knew that it was hazardous to inhale asbestos dust?
A I had no proof of it. I just had heard of it.
Q In other words, you had been advised that it was hazardous to inhale it?
A I had heard people talk about it. I hadn't seen any warning on the bags of material.
Q That was the point I am getting at. Did you know from your contacts with your union people that it was hazardous to inhale it as far back as 1960?
A I knew it wasn't healthy.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 161 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/161

Q So any warning that might have been on any package would not have given you any new information other than what--

A Oh, yes, it would have because you don't believe everything you hear.

Q You mean the printed word might have affected you more?

A Yes. Now, on one job the man told us it wouldn't hurt us. "You don't need any masks."

Q Where was that?

A I would rather not say right now.

MR. MEHAFFY: I think that's all.

MR. ARNOLD: May I ask just a couple? Mine will be short.

EXAMINATION

BY MR. ARNOLD:

Q Mr. Potter--

A Yes, sir.

Q Mr. Weller, when he was interrogating you, and I am going to try to make this just as short as I can. When Mr. Weller was interrogating you about one of the particular jobs, you mentioned Armstrong Contracting and Supply Company and you said you used a product called Armitemp?

A Yes, sir.

Q Do you know who manufactured that product?

A No. It has got a circle with an "A" in it and

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 162 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/162

Armitemp, I imagine--it's Armstrong on the bag.
Q Well, do you know of your own knowledge whether Armstrong Contracting and Supply Company is the manufacturer?
A Huh-uh.
Q Sir?
A No.
Q Do you know what Armitemp contains?
A Mineral, wool and other stuff.
Q I believe you testified when Mr. Weller was interrogating you, you said you don't know whether it contains any asbestos fibers or not, is that right?
A It has fibers in it.
Q But you don't know whether they are asbestos fibers?
A No, sir.
Q Do you know of your own knowledge whether or not Armstrong Contracting and Supply Company manufactures Armitemp?
A It has their name on it.
Q It just says, "Armitemp," doesn't it?
A Armitemp and some other.
Q Sir?
A Armitemp and some other stuff on there and how to use it.
Q Does it have the name Armstrong Contracting and Supply Company on it?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 163 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/163

A I don't know. I have a bag at home.
Q When you worked on the Armstrong Contracting and Supply Company jobs, they were your employer, were they not?
A Yes, sir.
Q And they paid you your salary?
A Yes, sir.
Q They were just the contractors on the job, were they not, sir?
A Yes, sir.
Q And they used whatever materials that the owner or the plans and specifications called for, isn't that right, sir?
A Yes, sir.
Q During that period of time that you worked for Armstrong Contracting and Supply Company, did you ever find out whether they themselves made any asbestos products whatsoever?
A No.

MR. ARNOLD: That's all.

MR. MEHAFFY: Let me ask one question I forgot to ask.

RE EXAMINATION

BY MR. MEHAFFY:

Q Mr. Potter, you told me about the one time that you recalled using the Standard products. Let me have this under-

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 164 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/164

standing with you so that I can count on that at the time of the trial. If you think of any other time between now and the time this case goes to trial, will you tell your lawyer and ask him to tell me?

A I sure will.

Q So that when we go to trial, I want to be able to rely upon what you told me.

A Yes.

Q If you think of anything else, then I want to know about it. Do you understand that?

A Yes, sir.

MR. STEPHENSON: As soon as we get you all's exhibits and brochures, I will demonstrate them to him and he can identify them very quickly from these. Right now you have got him at a disadvantage.

EXAMINATION

BY MR. PATE:

Q Mr. Potter, you said you were born in Houston in 1912?

A Yes, sir.

Q Were you raised in Houston?

A No.

Q Where were you raised?

A Beaumont, Texas.

Q Did you graduate from school in Beaumont, Texas?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 165 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/165

A No, sir.
Q What period of time did you live in Beaumont?
A From 1917 until 1932, I think.
Q All right, from 1932 until 1940 when you went to work for Pennsylvania Shipyard, where did you live?
A In Los Angeles, California.
Q What did you do during that period of time, for a living?
A I was a grocery clerk and first one thing and another, cotton picker. Anything I could get during the Depression.
Q You just sort of traveled about the country and worked at whatever job--
A Most of the time I was in Los Angeles.
Q And you returned to Beaumont in 1940 and went to work for Pennsylvania Shipyard?
A Yes, sir.
Q What had you done prior to 1932?
A 1932?
Q Yes, sir.
A I worked for Gulf States Utilities there in Beaumont before that.
Q How long did you work for Gulf States?
A About three years, I believe.
Q What did you do for them?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 166 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/166

A I worked in the substation gang.
Q Doing what, sir?
A Building substations.
Q This was in the nature of laboring type work or what?
A Helper. Grunts you call them. I was just a kid seventeen or eighteen years old at the time.
Q You have been married only one time I take it, is that correct?
A No, I was married before.
Q All right, who was your first wife, sir?
A Girl named Pearl Huckaby.
Q Pearl--
A Huckaby.
Q Where was she from?
A Beaumont.
Q Were you and her divorced?
A Yes, sir.
Q What year?
A 1931, I believe, or somewhere in there.
Q Did you and her have any children?
A No.
Q And your present wife is your second wife?
A Yes.
Q And you have only been married two times, is that

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 167 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/167

correct?

A Yes, sir.

Q What was your present wife's maiden name?

A Present wife?

Q Yes, sir.

A Dorothy Stewart.

Q Was she from Beaumont?

A No, she was from Los Angeles.

Q You married her out in California?

A Yes.

Q Do I understand that you have five boys?

A Yes, sir.

Q By your present wife, is that right?

A Yes, sir.

Q Were you ever in the military service?

A For a little while.

Q When was that?

A 1929, I believe it was. '28 or '29.

Q What did you do, volunteer?

A No, I went in when I was sixteen years old. Volunteered for the Navy.

Q You volunteered for the Navy?

A Yes, sir.

Q What kind of discharge did you receive?

A Bad conduct discharge recommended for reenlistment

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 168 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/168

after six months and I was reinstated during the War.
Q Would you tell us what that was for, what the bad conduct discharge was for?
A I was on clothesline duty, guard. Me and another kid went through all the pockets and the laundry and stole a cigarette lighter and stuff out of it. That's when the Navy was pretty rough.
Q All right, where were you discharged?
A San Diego, California.
Q You said you were reinstated when?
A In 19-- well, I got my greetings V. J. Day. I volunteered to go back in the Navy and I had to get reinstated, but I never did go back. They never did call me.
Q They never did call you for a physical at that time?
A No. The Draft Board said they would notify me, so I got my greetings V. J. Day. The War was over.
Q Were you classified?
A Yes.
Q What was your classification?
A Well, I was already in. Before that I was classified as -- I was working in the shipyards, but I volunteered to go back in the Navy.
Q So, the only time you have ever actually been in military service was in a period in 1928 and '29?
A Yes.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 169 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/169

Q All right, sir. Now, have you ever been involved in any criminal trouble either in Michigan, Indiana, California, Texas or any place?
A What do you mean involved?
Q Have you ever been arrested and jailed for anything?
A I have been arrested.
Q Would you tell us what for, sir?
A Now, all of this is back thirty-some-odd years ago when I was a kid. I don't like to go through this. I haven't been arrested in thirty years or more.
Q Tell me this: When was the last time you were arrested?
A 1938 for drunk driving.
Q For drunk driving?
A Yes, sir.
Q Where was that?
A That was in Los Angeles.
Q Were you sentenced to any term in either the jail or the penitentiary?
A Yeah, I was sentenced to jail for fifty days, I believe.
Q That was in 1938?
A Yes, sir.
Q Were your driver's license suspended?
A No, they weren't suspended. I don't know why, but

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 170 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/170

they weren't.

Q Okay. Have you ever been picked up for DWI any other time?

A No, sir.

Q Just the one time?

A Just the one time. Drunk in 1944. That's my last time.

Q Drunk in 1944 in Beaumont?

A Yes, sir.

Q All right, sir. Now, have you spent any time in jail for any reason other than this fifty days?

A Not since then.

Q Prior to that?

A Before that?

Q Yes, sir.

A Yeah, I have been in jail for hoboing, riding freight trains.

Q Anything serious, Mr. Potter?

A No convictions. I have never been convicted of anything except the drunk.

Q Have you ever been confined to the penitentiary any place?

A No, no convictions. No convictions at all.

Q But I take it you have been arrested for hoboing back during the depression days?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 171 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/171

A Yes, sir, vagrancy, train riding, things like that.
Q The last time you were in jail was 1938?
A '38--no, '44.
Q '44 in Beaumont?
A I was fined $9.00, I think, and something.
Q But you were not charged with DWI at that time?
A No, I didn't even have a car.
Q Mr. Potter, you have testified that certain products could be identified because of the symbol or names imprinted on them. Would you tell me what products you could identify by an imprint or name or symbol being stamped or imprinted on them?
A Johns-Manville is the only one I can think now.
Q Would you describe it for me, please.
A I believe it's a shield with a "J" and "M" in it and your Armstrong is a circle with an "A" through it.
Q Are you saying Armstrong also had theirs imprinted on the products?
A No.
Q Or only Johns-Manville?
A Not as I remember. Johns-Manville is the only one I can remember.
Q Is that lettered on there or is it indented?
A Indented.
Q Is that on the blocks or on the--

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 172 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/172

A On the blocks.
Q What about the piping?
A I haven't seen any on the piping.
Q You have only seen it on the blocks?
A It's on the rag on the piping.
Q It's on the cloth covering on the pipe?
A Cloth covering.
Q Do you remove the cloth covering from the piping?
A Yes.
Q When do you do that?
A When I am ready to put it on the pipe, ready to saw it.
Q Is it printed in ink or something on the cloth or how?
A It's stamped, some kind of stamp. It's kind of a bluish stamp.
Q Is that the same shield you have described to us?
A Yes.
Q Does any other manufacturer also have their name on the cloth?
A Not as I remember.
Q That's the only one that you can remember?
A Yes.
Q You said you left Consolidated. After you left Pennsylvania, you came to work for Consolidated in Orange,

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 173 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/173

I believe?
A Yes.
Q Why did you leave Consolidated?
A From Pennsylvania I went to Todd's Dry Dock.
Q Then Consolidated?
A Then Consolidated.
Q All right, sir, why did you leave Consolidated and go back to Todd.
A They were finishing up and they had the layoff. It was on the last big ship and they laid off a bunch and I was laid off and went back to Todd.
Q That would have been about 1945, is that correct?
A Yes.
Q Are you telling us you worked from 1940 until approximately 1951 on union permits and traveler permits--
A Yes.
Q --before you joined the union?
A Yes.
Q Would you explain to us why you had not joined the union prior to that time?
A And I tried and I tried and I tried to get to a vote. You have to have a father or son. It's one of the hardest unions there is to get into. I didn't have any kin-folks in there. It was just a pretty tough organization to get into at that time.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 174 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/174

Q You had belonged to the Pipe Fitters' Union prior to that, is that correct, sir?
A No.
Q You never had?
A Until 1951. They got a charter over in Lake Charles. I had always worked on a permit.
Q When the Houston local broke up or split up--
A Split up.
Q --and they had created one in Lake Charles?
A Yes.
Q That's when you first became a member, is that correct?
A Yes.
Q Are you a charter member of the Lake Charles local?
A No, I was put in by the Executive Board.
Q Let me ask you this before I forget it. You are talking about sawing various materials, pipe and so forth, out on the job. Don't some of these products come out on the job already shaped and formed--
A Yes.
Q --where you do not have to cut them?
A Uh-huh.
Q How do you get dust from those products?
A Well, they usually -- they don't always fit and you just have to cut them down and you have to tie them, you

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 175 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/175

have to beat the wire in and it's dusty. Even taking them out of the box you will raise dust and then, of course, you have got your pipe covering that you have to saw to go on that.

Q Do you all use prefabricated materials, products out on the job?

A On some jobs.

Q What jobs would that be, can you recall?

A No certain ones. Some of the jobs they use part prefab stuff and you have to cut your fittings on the others.

Q Who would manufacture the prefab materials?

A The company that you--like Armstrong, they have a shop, Sabine has a shop and Fuller and Austin has a shop and them some of them there's a shop right on the job site.

Q Do some manufacturers, though, manufacture the products that don't even have to be cut or shaped in the shops?

A Yes, I have seen the solid ones.

Q Have you ever used any of those?

A Yes.

Q And those eliminate the dust problem considerably, don't they?

A Yes, considerably.

Q All right, sir, and you have used those on the jobs?

A Right.

Q On these masks, Mr. Potter, would you describe for

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 176 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/176

me all types of masks that you have used on these jobs?
A Well, I have used surgical masks.
Q That's a little white looking mask?
A Yes, and I have used some kind of little plastic outfit with a sponge rubber in it. Then I have used other masks that had a--rubber masks with a shield you put little discs in.
Q Filters?
A Filters, yes.
Q Are those the best kind, with the filters?
A They are about the best kind. If you are in too much dust, those filters get filled up awful quick.
Q How long does it take them?
A It's according to how thick the dust is.
Q Assuming we are in pretty heavy concentration.
A About ten or fifteen minutes.
Q Is it not very easy to change those filters?
A You have to get outside and take them loose and put the other filters in.
Q They made those filters available to you, did they not?
A Yes.
Q Where the masks were available, they had the new filters available on the jobs?
A Yes.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 177 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/177

Q And all you had to do was stop and put a new one in?
A Yes, when they had that certain type of respirators. Some companies did and some companies had these little plastic ones and some had the surgical ones.
Q You would not recall the manufacturer of any of these masks, would you?
A No.
Q Do you know whether they were Bureau of Mines approved masks?
A Some of them I have seen are Bureau of Mines approved masks. The rubber ones.
Q Do you know whether those were on your Johns-Manville Sales jobs?
A No.
Q Do you recall what jobs they were on?
A They have had them on one job, Fuller and Austin, I noticed. They have been on several jobs, but I don't know which jobs they had them on.
Q Do you only have clubbing of the fingers or do your toes also club?
A My toes clubs.
Q How long have you had that clubbing condition?
A It started, I guess, five or six years ago before I noticed it too much.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 178 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/178

Q You first noticed it five or six years ago?
A Yes.
Q That, of course, gave you some problem in walking and use of your fingers?
A Handling.
Q Did you consult a doctor at that time about the clubbing problem?
A No, not until--well, I did except he called this a drawing-up there; one doctor called it arthritis.
Q Tell me what doctor called it arthritis.
A I think it was Dr. Watson.
Q Dr. Victor Watson?
A Well, my hand would hurt so bad I went to him. It was hurting. He said it was arthritis.
Q Did he prescribe anything for it?
A No, just medicine. I found out to stick my hand in warm water would help more than anything. Take aspirin.
Q He treated you the first time back when?
A About twelve years ago, I believe, somewhere close to that.
Q Did he give you a thorough physical examination when he first started treating you?
A No, not until he had put me in the hospital.
Q The Lutcher Ann?
A Yes, for x-rays and stuff.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 179 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/179

Q Did he ever at any time discuss with you your respiratory problem?
A Not that I remember.
Q Did he ever indicate that your type of work had anything to do with your problem or clubbing of the fingers and the toes?
A No.
Q He never discussed that with you?
A No.
Q Did he discuss whether your smoking had anything to do with it?
A Yeah, he told me to quit smoking and he told me, he said, "I would tell you to quit smoking, but I know it wouldn't do any good."
Q What year did he tell you that?
A I don't know.
Q Could you give me an approximate date?
A No, I couldn't even give you an approximate year.
Q Mr. Potter, what do you do with your time now?
A I piddle around the house. I have got some old clocks that I sit there and try to clean up.
Q Do you sell those?
A Yes.
Q In other words, you have a little business there in your home?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 180 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/180

A No, it is not. I wouldn't call it a business. I haven't made any money this year at all. I used to go to garage sales and pick up things and resell them.
Q How much money did you make in 1968 doing that?
A I don't know. I would try to make enough money to pay my lights and gas and water bills because I didn't have enough income coming in to pay that, but this last year I haven't made anything hardly.
Q Does your wife work?
A No.
Q Is that the only hobby or activity you have now?
A Yes.
Q Repairing clocks?
A I pick up anything I see that I think I can make a quarter on. I go to a garage sale and I see something and I buy something and take it to the auction sale and see if I can get more for it than I paid for it. Antiques. Anything antique, glass or something.
Q The Dr. Richmond that you saw here during World War II, is he still here or is he deceased or what?
A I don't know.
Q You do not recall?
A No.
Q Do you remember his first name?
A No, I don't.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 181 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/181

Q How much do you weigh, Mr. Potter.
A 177.
Q For what period of time have you maintained that weight, sir?
A For years, except for going down once in awhile. I will have a sick spell or something and I will drop down to about 159 and I will go back up again.
Q You haven't lost any weight to speak of in the last five or six years?
A No, I have to watch it to keep from gaining it. I have lost weight, but I get it back again.
Q On these jobs where respirators or masks are available, did you observe other men using them?
A Not often, they don't--
Q Did you ever observe other men using them when you yourself would not use them?
A Maybe one or two.
Q I believe you have mentioned in your complaint that you have difficulty sleeping?
A Yes.
Q Do you still experience difficulty sleeping?
A Yeah, at times I have to jump up and sit up on the side of the bed or walk out on the porch or something. A smothering sensation comes over me.
Q For what period of time have you been having this

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 182 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/182

difficulty?

A Off and on for about six years, I guess.

Q Do I understand that the first doctor who ever mentioned the word asbestosis to you was Dr. Shaddock or was it Dr. Jenkins?

A It was Dr. Shaddock.

Q When was that?

A That was, I guess a month or maybe longer after I had come back from Houston after they had run all those tests on me.

Q Are you telling me then the other doctors you have seen, Dr. Watson and, of course, you have seen Dr. Shaddock some period of time before you saw Dr. Jenkins, that neither Dr. Watson nor Dr. Shaddock had said anything to you about having asbestosis?

A No, they wasn't sure what--Dr. Shaddock sent me over to Houston to check and be sure what I had.

MR. PATE: That's all I have.

EXAMINATION

BY MR. REYNOLDS:

Q Mr. Potter, I am Ben Reynolds. I believe I met you at the beginning of this proceeding. I would ask you to do me the same favor you did Mr. Weller. Please don't answer the question unless you understand it. If there is something you don't understand, ask me to clear it up, repeat it or

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 183 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/183

rephrase it for you. Did you ever live on the farm?
A No, sir.
Q Did you ever work on your granddaddy's farm or do anything on a farm?
A No.
Q Did you ever do any plowing, work of that kind?
A No.
Q As a boy, I am sure you traveled many dirt roads?
A Yes, sir.
Q You have been in dusty situations on a dirt road--
A Uh-huh.
Q And other situations, haven't you, and you realize that this dust you breathe goes down into your lungs, is that right?
A Uh-huh.
Q Now, on these jobs that you have been working on, most of the conversation today has been--
(The witness began coughing and was excused to get a drink of water, after which the deposition was resumed as follows:)
MR. REYNOLDS:
Q Mr. Potter, it seems to me that from the information you gave us that during the year 1959 you only worked a short period of time, like three weeks. Is there any reason for that?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 184 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/184

A '59. It was probably because I don't remember where I worked.
Q As I understand now, you have gathered up the W-2 forms that you have around the house, is that right?
A Yes, sir, and there were some missing.
Q How far back did that bunch go? Did it go all the way back to 1940?
A Oh, no.
Q How far back did it go?
A I don't remember. My attorney has them all in there. There's some missing.
Q Some of those were missing?
A Yes, sir.
Q All right. What other records did you have that gave you the information that you have?
A Some of them my wife kept a diary and some of them I found out through that.
Q Your wife kept a diary?
A Yes.
Q Did it have the detail information about the name of your employer and where you were in it?
A No, not detailed too much.
Q Did it--it had some of that information in it or what?
A Yes, some of that information.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 185 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/185

Q All right, what other records are we talking about that you have referred to?
A In '59?
Q In '59 or any other year.
A Oh, most of them is from my W-2 forms and check stubs and then some I had the recommendations from companies that I have worked for that had the dates on them.
Q Letters the company wrote for you?
A Yes.
Q Anything else?
A That's all I can recall at the time.
Q I don't propose to do this this afternoon, but at some point it may become important for us to learn exactly what dates you were employed at certain places.
A Uh-huh.
Q You have no objection, I take it, to allowing your lawyer to furnish us these records that you do have so that we can ascertain this as nearly as possible?
A Uh-huh.
Q All right, sir. Now, then, what is the full name of the union that you belong to?
A Asbestos Workers' Local No. 112.
Q And their headquarters is in Lake Charles?
A Lake Charles.
Q Who is their business agent at this time?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 186 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/186

A Montgomery. They call him Cotton Montgomery. Joseph E. Montgomery.

Q You have handed me his card here?

A Yes.

Q It says, "International Association of Heat and Frost Insulators and Asbestos Workers, Joseph E. Montgomery, Business Agent, Local No. 112," and it gives an address of "P. O. Box 5216, Drew Station, Lake Charles, Louisiana." Now, this union and the members in it don't do anything but insulation work, is that right?

A Yes, sir.

Q You all are experts in the installation of insulation products?

A Yes, sir.

Q Various kinds of products?

A Yes, sir.

Q You know how to fix it for installation and you know how to put it up and you hold yourself out as the craftsmen that do this work and do it exclusively, is that right?

A Yes, sir.

Q How do you train your new members to do this work?

A On the field.

Q They learn from you in the field?

A Yes, they work four years apprenticeship.

Q Four years they have to be apprentices. Are they

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 187 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/187

called helpers?
A They are called improvers.
Q They are improving themselves, is that what that refers to?
A Yes.
Q And they go through a rather rigorous training program, isn't it?
A Yes, they have to work with the tools and become familiar with the materials and work with the tools and things right along with the mechanic and after four years they are turned out as a mechanic.
Q This is done by the union itself, is it?
A Yes, sir.
Q It is not done by the contractors?
A No, sir.
Q This supervision and this training is the union project?
A Yes, sir.
Q When you are on the job, you are working for a contractor, is that right? Is this the way you describe your employer?
A Yes, sir.
Q He is an insulation contractor usually, of some sort?
A Yes, sir.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 188 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/188

Q He might be some other kind of contractor along with it, but he has the contract to do the insulation work on a project?
A Yes.
Q When they are doing this, you work--you have been the foreman many times, as I understand your testimony?
A Yes.
Q And you are the man in charge on the job when you are the foreman, is that right?
A Yes, sir.
Q The foreman is a member of the union?
A Yes, sir.
Q As the foreman, who do you look to, who do you receive your instructions from?
A Sometimes they will have a superintendent on the job from the company. You get it from him. And other times you call in the office and you get it from the office.
Q But you are the only man that's on the job?
A Yes, you are the only man. On a larger job, you usually have a superintendent.
Q What's the breakdown in size? Does it depend on the number of men you have working?
A Yes, usually on large jobs you have a superintendent.
Q What, like over ten men?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 189 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/189

A No, about forty.
Q Forty or fifty men you would have a superintendent?
A Forty to sixty.
Q Otherwise, you are the man on the scene that's in charge, is that right?
A Yes, sir.
Q You are a member of the union and you come with your men from the union hall to this job, is that right?
A Yes, sir.
Q You are employed through a hiring hall that belongs to the union?
A No, we don't have a hiring hall close.
Q You don't have a hiring hall close. You, as the foreman, are responsible for the safety on the job?
A Yes.
Q That's one of your responsibilities, I believe you told Mr. Weller. Now, there was some mention of some of your health problems and I don't want to repeat anything, but I just want to be clear. I didn't hear any question asked you about a heart condition or heart attacks or anything of that nature. Have you ever had that problem?
A No, sir.
Q Have you ever been advised by any doctor that you had a heart condition or any kind of heart trouble?
A No.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 190 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/190

Q Murmur or anything like that, from listening to your heart?
A No.
Q Or that your heart was enlarged? Has he ever told you that?
A No.
Q I believe there is some indication that your fingers are drawing up on the, maybe the small finger and the ring finger, is that right?
A Yes, sir.
Q Is that a part of the clubbing?
A I don't know.
Q When did that start?
A That started over ten years ago.
Q Ten years ago?
A Yes, sir.
Q Now, I believe there is some indication in some medical record that you may have some liver damage. Are you aware of that?
A No. He was shoving on my liver there. I didn't know whether he marked down anything or not.
Q They have never told you anything about that, have they?
A No, he said it was kinda tender.
Q I believe some of the evidence is that you went to

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 191 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/191

Dr. Watson as early as 1954. Would that have been the time that he told you to quit smoking early in his treatment?

A No.

Q About when would it be?

A It would have been later.

Q Like two or three years after you first saw him or how much later?

A Oh, quite--right up to the last there.

Q How many dependents do you have living at your home right now, sir? You have your wife--

A I have my wife and one son seventeen and then I have another son thatis in a wheelchair. He is not supposed to be a dependent.

Q Is he receiving some pension?

A Yeah, he gets $64 from the State and he gets something from the State--he is going to Port Arthur College.

Q Was he a veteran?

A No, he was in a car wreck three or four years ago and got his neck broke.

Q All right, sir.

A And is in a wheelchair.

Q Mr. Potter, returning back to your childhood for us just a moment, did you have the usual childhood diseases?

A Yeah, I had the measles.

Q Whooping cough?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 192 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/192

A I don't believe so. I don't remember if I did. I had the chicken pox when I was thirty-two years old. Kinda late getting those.

Q Did you ever have tuberculosis?

A No.

Q Did you ever have scarlet fever?

A No.

Q Did you ever have polio or any of the dread diseases of any kind?

A No.

Q Now, Mr. Mehaffy asked you a couple of questions about mixing cement. This is usually done out away from where you are working, isn't it?

A No, sometime you mix it yourself in a bucket and other times you mix it in a trough, something like that.

Q In a trough or wheelbarrow maybe?

A In a wheelbarrow.

Q And this will be done back away from where you are actually working?

A Sometimes you mix it right where you are working. It's according to how convenient it is, what you are working on.

Q This is the choice of you or the helper that's doing the mixing, isn't it?

A Yes.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 193 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/193

Q You can go ahead and mix it back out of the way so it won't blow dust on you or you can do it--
A You can't hardly mix it without it getting dust on you. It's awful dry and it comes up.
Q After you get the water on it, you don't have any dust after that?
A No, after you mix it you don't have any dust.
Q So, it's just for a brief moment or a few moments that you have dust from the cement?
A Yes.
Q It is really not one of the major problems, is it?
A No.
Q In your answers to these written interrogatories, you have listed all of the occasions on which you have worked with Eagle-Picher products that you can recall, haven't you, sir?
A Yes.
Q Have you thought of any others during the time your testimony was being taken here today or at any time since these interrogatories have been given?
A No, not at the time.
Q What we now have then would be a complete picture of your work with Eagle-Picher products?
A As I remember them at this time.
Q As you have given to them in the answers to the

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 194 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/194

interrogatories?

A Yes.

Q And other times here today, is that right?

A Yes.

Q That's just been a cement product, is that right?

A Yes.

MR. REYNOLDS: Anything else?

MR. WELLER: I have got one more question.

RE EXAMINATION

BY MR. WELLER:

Q Do you receive the International Union, Asbestos Union's publication each month?

A Yes.

Q Do you usually read it?

A Yes.

Q That publication has carried some warnings about the fact that working with asbestos dust may create danger, hasn't it?

A Yes.

Q And that has been in that publication for as long as six or eight years ago when you all had the problem of talking about the safety devices and your contract?

A Yes.

Q Did you read those articles?

A Yes.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 195 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/195

MR. WELLER: That's all.

RE EXAMINATION

BY MR. MEHAFFY:

Q What was the date of that now that you read the article--

A About six or eight years ago.

Q --about this hazard? Six or eight years ago?

A Yes, sir.

Q Can you tell me whether that was before or after you were on this one job that you used Standard Asbestos?

A I don't remember.

MR. MEHAFFY: That's all.

EXAMINATION

BY MR. BARNES:

Q I am Bob Barnes, Mr. Potter, and I would just like to ask you a couple of questions. I noticed in the interrogatories in your workmen's compensation case that you didn't mention any exposure to any Ruberoid Company products, but in answering the interrogatories in this case you have mentioned them and I was wondering if you could tell me what brought about your remembering some exposure to the Ruberoid products since your comp case?

A I had to think of all the materials there. You know, after twenty-eight years you use so many materials and you forget some of them and you have to think of them and I

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 196 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/196

happened to think of loading some off of the truck the first time I had ever seen them, and I had seen them since then.

Q Do you actually remember using them?

A Oh, yes.

Q Am I correct in remembering your testimony that it was only pipe covering?

A Only pipe covering that I remember now.

Q What kind of container does that come in?

A It comes in a square box (indicating).

Q What kind of identification does it have on the box?

A It says, "Ruberoid," and I think the one that I saw was San Francisco, California, on it. Now, I am not sure at that time.

Q And does it have any kind of identification on the product itself as opposed to the container?

A I don't remember.

Q Those sacks that you have at home that you say have identifying marks on them--

A Yes, sir.

Q What do they show, what company?

A It's the Armstrong.

Q You have two sacks of cement, you say?

A Yes, uh-huh.

Q You said you had some other papers that you referred to in addition to those sacks that helped you recall the

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 197 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/197

products that you--

A Well, I looked through some old diaries and things like that that I dug up.

Q Do you still have those diaries?

A I believe I do, yes.

Q There is not any indication in the diary of you using any Ruberoid Company products, is there?

A No.

Q The symptoms as I understand you have now that are causing your problems are shortness of breath, is that one of them?

A Yes.

Q And also the clubbing of the fingers and the toes?

A Yes, sir.

Q And the pain in your chest?

A Yes.

Q And around the back?

A Yes.

Q And on the side?

A Yes.

Q And the first time you distinctly remember having these symptoms would you say, about what, five or six or eight or ten years ago?

A Yes, somewhere in there.

MR. BARNES: Those same symptoms. That's all I

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 198 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/198

have.

EXAMINATION

BY MR. PIPKIN:

Q I have one question. My name is Charles Pipkin. I want to ask you about your smoking. Have you quit smoking?

A I quit for thirteen days and started back again.

Q How much do you smoke now?

A I have got back up to two packages again. I am going to give it another try. The next time I think I can whip it.

Q How long have you been smoking two packages a day?

A Well, when I was working on the jobs where there was just a smoking period, -- I guess I have been smoking two packs a day about four years.

Q You have been smoking regularly for a long time?

A All my life.

Q Cigarettes?

A Yes.

Q Inhaling?

A Yes, sir.

Q I see you refer here in answer to the interrogatories you refer to R & I Refractory materials. Do you have a distinct recollection of those?

A Not right offhand. I am going to have to dig up a lot of more information.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 199 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/199

Q Would they be packaged in some form, that product, if you recall, R & I Refractory?
A I don't know right now.
Q I believe you said that some of these asbestos products came from different people, different concerns, came in liquid form, maybe in a drum or tin can?
A No--well, your black stuff and, you know, your sealers, stuff like that comes in cans. That's the only type I know of.
Q It comes in liquid form, then?
A Yeah, it would be some type sealer.
Q Wet. It would be wet?
A Yes.
Q How did you apply that?
A Some of it is applied with trowels and some of the thin stuff is sprayed on.
Q Of course, there wouldn't be any asbestos fibers--
A Wouldn't be any dust in that.
Q Wouldn't be any dust in that. You apply it like paint. Does it dry on the pipe? Whatever you are putting it on, does it dry on like paint?
A Yes.
Q And when it dries it sort of solidifies?
A Yes, sir, it's just a sealer.
Q There's no dust, asbestos dust?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 200 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/200

A No dust.
Q In handling that type of product, there wouldn't be any dust?
A No, sir.
Q Now, you refer to these diaries that you have. Do you recall whether or not they would list the products you were working with on any job that you were working with or just where you were working?
A It would be where I was working or what company I was working for, but I doubt if it has what material I was working with.
Q There wouldn't have been any occasion for you to set that down, would it?
A No, sir.
Q So, you are drawing on your memory?
A Yes, sir.
Q In 1954 you said you worked for DuPont and used some R & I Refractory products. You don't recall what they were?
A No, sir.
Q I mean by name?
A No, sir.
Q You don't remember that, so it would just be--you didn't make any record of it at the time, so you are just drawing on your memory for that?

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 201 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/201

A Yes, sir.

MR. PIPKIN: Thank you, sir.

MR. WELLER: Just one question.

RE EXAMINATION

BY MR. WELLER:

Q How long have you been using oxygen?

A About a year and a half, I guess or two years.

Q Year and half or two years.

A Yeah.

Q Did you ever use it before on a temporary basis?

A No, sir.

Q The doctor never--

A Well, when I was in the hospital in an emergency a couple of times, I used it.

Q You say you were in an emergency. Was that on these hospitalizations for pneumonia?

A Yes, sir.

Q And you used oxygen at that time?

A Yes, sir.

Q But you never used it at home until about two years ago?

A Yes, sir.

MR. WELLER: That's all.

RE EXAMINATION

BY MR. MEHAFFY:

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 202 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/202

Q Mr. Potter, how do you use this asbestos cement? Do you use it just to seal the joints? I don't quite understand how you use it.

A To seal the joints and cracks and holes and some smaller fittings. We will build a whole fitting like an "L" or small "T", we will build the whole fitting with it, some of that one coat and smooth it off, instead of cutting out a piece of asbestos and putting it in there or piece of insulation and putting it in there, we will mud it in and mud in the small "L" up to an inch and a half. Then your cracks in your material, you take that and smooth it out and where we are going to canvas some of it, we will cover the whole line with that finishing cement.

Q On a job like you were on on this Fluor job at Goodrich-Gulf you were talking about, about how many sacks of this cement would you normally use in a day?

A One man?

Q Yeah.

A Well, it's according to how big a job he is on, how big the fittings was. I imagine on that small stuff I was on, I imagine about two sacks a day.

Q You say fifty percent of the time the helper would do the mixing?

A Yes.

Q So, on that Fluor job at Goodrich-Gulf, you would

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 203 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/203

estimate that you yourself personally mixed only about one sack a day?

A Probably.

Q So your exposure, so far as you know, to Standard Asbestos products is limited to one sack a day over a period of two or three weeks?

A On that job, yes, sir.

Q Well, on all of the jobs so far as you know, throughout your entire life?

A Well, I haven't--I could do some more checking on some of that stuff that I haven't got around to yet.

Q So far as you now know--

A So far as I now know, yes, sir.

MR. MEHAFFY: All right.

RE EXAMINATION

BY MR. ARNOLD:

Q Mr. Potter, I overlooked that. You mentioned that when you last worked for Armstrong Contracting and Supply Company, what job was that on, please, sir, do you recall? The one you said you took the two sacks of cement home with you.

A I believe that was on the Firestone job.

Q Firestone job?

A Uh-huh.

Q There were two sacks of cement that were left over,

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 204 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/204

you said?

Q Yes, sir. See, I had sent in all the trucks and all my material. I might have a little finishing up to do and if you have a little left over, I can't ship it back; it don't pay. Either throw it in the dump or do what I want to with it.

Q What kind of cement was it?

A Armitex.

Q Armi what?

A Armitex. It was a one coat wool cement.

Q Was it wool?

A Yes, sir.

Q You mean like a wool shirt?

A No, that's the name of the cement, rock wool cement.

Q Rock wool?

A Yes, sir.

Q Didn't have any asbestos, so far as you know, in it?

A I don't know whether it does or not.

Q You think it was the Firestone job?

A Yes, sir, I am pretty--well, I know it was, yes, sir.

MR. ARNOLD: That's all.

MR. PATE: Ward, I have one question.

RE EXAMINATION

BY MR. PATE:

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 205 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/205

Q Mr. Potter, assuming for the purpose of this question that Johns-Manville has had a warning on products containing asbestos since the latter part of 1964; have you ever seen any of their boxes or containers with a warning on them?
A Yes, sir, not since--I have had somebody to bring me home a box, cut out of a box on one.
Q Could you describe that for me as to the size of the warning and what was on it, if you recall?
A No, I don't recall. My son just cut out a piece of box.
Q You are indicating a piece of box--
A That was on there.
Q Was it large enough that it was easily read?
A Yes.
Q Could you see it for some distance?
A I don't recall. He just showed me what they were putting on the boxes since I worked.
Q Do you recall when you were first made aware of this warning being on Johns-Manville containers or boxes?
A About two years ago.
Q From today, back--
A To two or three years ago, something like that.
Q All right, sir. Do you recall where you first saw this?
A At home.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 206 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/206

Q All right, and after that did you have an occasion to see it on the job?

A I have never been on the job since then.

MR. PATE: That's all I have.

(DEPOSITION CONCLUDED)

* * * * * * * *

HELEN WILLIAMS
SHORTHAND REPORTER
ORANGE, TEXAS

Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/207

THE STATE OF TEXAS)

COUNTY OF ORANGE)

I, Mrs. Helen Williams, Official Court Reporter in and for the 128th Judicial District Court of Orange County, 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, SMAUEL R. POTTER, in response to the questions propounded 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; 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.

WITNESS MY HAND this the 17th day of December, 1969.

Helen Williams

MRS. HELEN WILLIAMS, OFFICIAL COURT REPORTER, 128TH JUDICIAL DISTRICT COURT, ORANGE COUNTY, TEXAS.

The Potter v. Fibreboard Case File (1969-1972), Deposition of Samuel Potter (filed 1989)
ACL Doc 10541 · Page 208 of 208
Published by AsbestosClaims.Law
asbestosclaims.law/library/10541/208