IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SOLANO

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PLAINTIFF'S EXHIBIT

UC-5165

IN RE: CLAPPER & BRAYTON SHIPYARD AND APPLICATOR ASBESTOS CASES CONSOLIDTED FOR DISCOVERY.	))))	Misc. No. 959

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

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IN RE: SHIPYARD AND APPLICATOR ASBESTOS CASES (CLAPER & BRAYTON) CONSOLIDATED FOR DISCOVERY.	)))	No. 804416

(Captions continued on next page.)

DEPOSITION OF DOUGLAS WAYNE MERRILL

NOVEMBER 1, 1984

NOTICE

Depo[illegible] be used [illegible] and [illegible] [illegible] to [illegible] [illegible] pend[illegible] [illegible] [illegible] be [illegible]

REPORTED BY: MARJORIE K. FORMAN, CSR# 2783

MARY HILLABRAND & ASSOCIATES
Certified Shorthand Reporters
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Two is two.

(Luncheon recess was taken from 12:20 p.m. to 1:25 p.m.)

CONTINUED EXAMINATION BY MR. BRAYTON

MR. BRAYTON: Q. With respect to raw asbestos fibers, who was your contact at Carey with respect to procuring these fibers?

A. The only contact that I recall is with E. S. Browning.

Q. You don't recall any contact with anybody directly at Carey?

A. I don't recall any names, no.

Q. What about Johns-Manville?

A. I think the guy's name was Joe McCarthy.

Q. And Union Carbide?

MR. SCHOFIELD: Is --

THE WITNESS: No.

Union Carbide, we had local. They had a local representation through Harrisons & Crosfield, and --

MR. SHARP: Excuse me. What is that second name? I've heard it two or three times.

MR. SCHOFIELD: Crosfield

MR. SHARP: Cross, as in.

MR. SCHOFIELD: C-r-o-s-f-i-e-l-d.

MR. SHARP: Thank you.

THE WITNESS: There are some names that I know were with Harrisons Crosfield, Dick Lieber, Leon Pierce. That's all I can think of right now. I'm not sure if they

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were there during the period of the asbestos purchases.

MR. BRAYTON: Q. Do you recall having any contact with anybody directly at Union Carbide with respect to purchasing their fibers?

A. Yes, we did. I don't recall any names.

Q. Did you review any documents prior to the deposition today to refresh your recollection?

A. No.

Q. Who was your predecessor at Kelly-Moore? Who was there before 1968 in your position?

A. Well, my position in 1968 started out in a quality control lab. I don't know who did that. My predecessor on the Paco -- as manager of the Paco, was Tom Smith.

Q. Do you know how long he was with the Paco Division?

A. No.

Q. Do you know where he is today?

A. He's selling, I believe, for A. J. Lynch.

Q. Where are they located?

A. I think their main office is in Southern California, Los Angeles area.

Q. Do you think Mr. Smith is selling in Northern California?

A. Yes.

Q. Do you know where he resides, or where his office is?

A. I don't know if he has an office. He could very

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well work out of his home, and I'm not sure where he lives.

Q. I noticed on your summary that the purchases of raw asbestos fiber began in 1968. Did either Paco or Kelly-Moore produce asbestos-containing products prior to 1968?

A. Yes.

Q. And do you know for what period of time prior to 1968 they produced asbestos products?

A. I don't have any firsthand knowledge, so I don't know.

Q. What is the extent of your knowledge of their production of asbestos-containing products prior to 1968?

A. Kelly-Moore acquired the Paco Division in the end of December of 1960. They manufactured Drywall products at that time.

Q. To the best of your knowledge, the products that you previously described were produced through the '60s by the Paco Division?

A. Yes.

Q. When they acquired the Paco Division, did they acquire all of these other plants that you've talked to us about?

A. No. There was only one Paco plant that I know of at that time.

Q. And that was in Richmond?

A. In Richmond.

Q. Do you know how long Paco was in existence in

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Richmond prior to December 1960?

A. It's my understanding Paco got started in '58.

Q. Did you try and obtain records of procurement of raw asbestos fiber for the period 1960 through 1968 from the Paco Division?

A. Yes. There were no records available.

Q. Were there any records available for the period 1960 through 1968 with regard to production?

A. I'm not sure. There could be.

Q. Have you ever looked for such records?

A. Yes.

Q. If there were such records, are they reflected in your cumulative report that you've previously described?

A. Yes.

Q. Is it fair to say that this cumulative report that you have compiled and described here today, both on use of raw fiber and production records, involve all available records from the period 1960 on that are available to Kelly-Moore and to Paco Division.

MR. SCHOFIELD: I am going to object to that question as being argumentative in form. That's extremely broad. When you say, "is it fair to say that," it encompasses all the records.

We have not brought production records with us because I don't remember seeing anything in your request to produce, even though there are 50 items on it, that dealt specifically with the production end of it, so that

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