

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF ALAMEDA

3 ---oOo---

4 RONALD C. NELSON and

5 JOANNA NELSON,

6 Plaintiff,

7 vs.

No. RG 12644175

8 ALLIED PACKING & SUPPLY,

9 INC., et al.,

10 Defendants.

11 \_\_\_\_\_/

12

13 VIDEOTAPE DEPOSITION OF BOBBY JOE PIGG

14

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16

17 Taken before DENISE D. VICKERY

18 June 18, 2013

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D E P O S I T I O N O F B O B B Y J O E P I G G	
B E I T R E M E M B E R E D, that pursuant to NOTICE, and on the 23rd day of June 2013, commencing at the hour of 10:08 a.m., in the offices of Marriott - Washington Dulles Airport, 45020 Aviation Drive, Sterling, Virginia 20166, before me, Denise D. Vickery, a Registered Merit Reporter and Certified Realtime Reporter in and for the Commonwealth of Virginia, personally appeared BOBBY JOE PIGG, produced as a witness in said action, and being by me first duly sworn, was thereupon examined as a witness in said cause.	
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21 Also Present:

22 MARK GUNTHER, Videographer

23

24

25

12

1 about an organization -- is it called -- the  
2 International Chrysotile Association.  
3 And I understand you have been  
4 designated to be the person to come talk about the  
5 information and documents responsive to that  
6 subpoena; correct?

7 **A. Correct.**8 Q. What is the International Chrysotile  
9 Association?10 **A. It's a nonprofit organization that's  
11 incorporated in the Province of Quebec. It  
12 originate --**13 MS. CHAVES: I'm sorry, you guys,  
14 but the witness is cutting out. I can barely hear  
15 him. I didn't hear his full answer. Can I get it  
16 read back? This is Marisa Chaves.17 MR. SATTERLEY: He will start over  
18 again. We moved the speakerphone closer to  
19 Mr. Pigg.

20 BY MR. SATTERLEY:

21 Q. Mr. Pigg, if you could -- let me ask the  
22 question again so the record is clear.

23 MS. CHAVES: Thank you.

24 BY MR. SATTERLEY:

25 Q. What is the International Chrysotile

11

1 THE VIDEOGRAPHER: Good morning.  
2 This is the video deposition of  
3 Bobby Joe Pigg taken on June 28, 2013 beginning at  
4 10:08:39 in the case of Ronald and Joanna Nelson  
5 versus Allied Packing & Supply.  
6 Deposition is being held at the  
7 Washington Dulles Merritt in Sterling, Virginia.  
8 The court reporter today is Denise  
9 Vickery of Aiken Welch Reporting of California. I'm  
10 the videographer, Mark Gunther, also with Aiken  
11 Welch.

12 Would the court reporter please  
13 swear the witness.

14 BOBBY JOE PIGG

15 sworn as a witness

16 testified as follows:

17 EXAMINATION BY MR. SATTERLEY:

18 Q. Good morning, sir.

19 **A. Good morning.**

20 Q. Please state your full name.

21 **A. Bobby Joe Pigg.**22 Q. Mr. Pigg, my name is Joe Satterley and I  
23 represent Ron and Joanna Nelson in a case pending in  
24 Oakland, California, and we have issued a subpoena  
25 to gather records and to learn more information

13

1 Association?

2 **A. It's a nonprofit organization of  
3 industry organizations. Primarily the association  
4 is made up of national associations from about 20  
5 countries. The purpose of the association is to  
6 promote the safe use of chrysotile. The  
7 International Chrysotile Association was  
8 incorporated in the Province of Quebec in 1997. Its  
9 head office is in Montreal.**10 **Prior to 1997, the organization was  
11 known as the Asbestos International Association or  
12 AIA. It was located before Montreal in Paris and  
13 before that in London. It was organized in about  
14 1975.**15 Q. Okay. I'll be asking some more  
16 questions about some of those associations, industry  
17 associations and the national associations you  
18 mentioned earlier.19 It's my understanding you've given  
20 testimony -- deposition testimonies in the past;  
21 correct?22 **A. Not for ICA, no.**

23 Q. Okay. But for AIA?

24 **A. Yes.**

25 Q. Okay.

14

1 **A. Or no. When you -- when -- I've never**  
 2 **given a deposition for the Asbestos International**  
 3 **Association, no, AIA.**

4 Q. The --

5 **A. This is my first deposition.**

6 Q. Well, the AIA, the Asbestos Information  
 7 Association.

8 **A. Oh, okay.**

9 Q. Okay?

10 **A. Yes.**

11 Q. You have given testimony?

12 **A. Yes.**

13 Q. And the reason why I was asking that  
 14 question is because you're generally familiar with  
 15 the deposition process; correct?

16 **A. Yes.**

17 Q. All right. Just so that you understand  
 18 what's going to occur here today is, I'm going to  
 19 ask you a series of questions to get information and  
 20 testimony from you and go over some documents with  
 21 you. If for any reason you need to take a break,  
 22 you just let me know and we'll take a break.

23 **A. Okay.**

24 Q. Okay?

25 **A. Sure.**

15

1 Q. Also, none of my questions are meant to  
 2 trick you or confuse you at all. So if you don't  
 3 understand any of my questions, let me know so I can  
 4 re-ask the question, so I understand, we all  
 5 understand you understood what I'm asking about.

6 **A. Right.**

7 Q. Okay? Just like we had a little  
 8 confusion about the AIA.

9 **A. Uh-huh.**

10 Q. That you were thinking Asbestos  
 11 International Association --

12 **A. Right.**

13 Q. -- and I was thinking Asbestos  
 14 Information Association. Sometimes it takes a  
 15 little talking back and forth to get on the same  
 16 page.

17 **A. Right.**

18 Q. Okay? So if I -- if I make a mistake or  
 19 ask a question that you don't understand, feel free  
 20 to let me know.

21 **A. Sure.**

22 Q. Okay? Now, just to get some background  
 23 and sort of some foundational information, you said  
 24 that the AIA, Asbestos International Association,  
 25 was -- did you say -- started in '75?

16

1 **A. Yeah.**

2 Q. All right.

3 **A. That's to the best of my recollection**  
 4 **about -- about '75.**

5 Q. All right. And you -- it's my  
 6 understanding that your involvement was with an  
 7 organization called the AIA of North America,  
 8 Asbestos Information Association?

9 **A. Correct.**

10 Q. And what is the Asbestos Information  
 11 Association?

12 **A. It was an organization of companies that**  
 13 **were interested in the asbestos issue. I think it**  
 14 **was before I became a member. I think it was**  
 15 **organized about 19 -- in the early -- early '70s and**  
 16 **participated in the rulemaking process for OSHA and**  
 17 **EPA and made comments on the proposed rules that had**  
 18 **their beginning in those early years.**

19 **Today the AIA only consists of two**  
 20 **members. Most -- both of those are in Canada. The**  
 21 **two mining companies.**

22 Q. And who are those members?

23 **A. And neither of those mining companies**  
 24 **are producing today, as you probably know.**

25 Q. Sure.

17

1 **A. The one is LAB Chrysotile.**

2 Q. Uh-huh.

3 **A. And Thetford Mines and the other is Mine**  
 4 **Jeffrey in Asbestos, Quebec.**

5 Q. Those are the only two current members  
 6 of the Asbestos Information Association --

7 **A. Correct.**

8 Q. -- North America?

9 **A. Correct.**

10 MS. CHAVES: And I'm sorry. This  
 11 is Marisa Chaves. Can I get that answer read back,  
 12 please?

13 MR. SATTERLEY: I'm sorry?

14 MR. ARTABANE: She wants it read  
 15 back.

16 MS. CHAVES: This is Marisa  
 17 Chaves. Can I get the answer read back, please?

18 MR. SATTERLEY: I'm sorry. We're  
 19 not going to do this where answers are read back and  
 20 disrupting the deposition repeatedly.

21 MS. CHAVES: Well, I didn't hear  
 22 the answer and I need it read back. I'm sorry. Or  
 23 you could just tell me the names.

24 MR. SATTERLEY: LAB something or  
 25 another and Mine Jeffrey. I don't know who you

18

1 represent, but it wasn't your client. But if  
2 your -- you've made a decision not to come here to  
3 this deposition and participate in person, and we've  
4 moved the speakerphone very close to the witness,  
5 but we can't have testimony being read back. It  
6 disrupts the deposition.

7 So I would request that you turn  
8 up your speakerphone or do something so you can  
9 hear.

10 MS. PRODROMO: I mean --

11 MS. CHAVES: I will do my best.

12 MS. PRODROMO: -- the answers are  
13 getting cut out occasionally. I don't think we're  
14 being unreasonable in our request.

15 MR. SATTERLEY: But I think you  
16 are because it's disrupting the entire deposition.  
17 You've made a decision not to participate in person,  
18 and I don't know if your technology is -- is set up  
19 so you can.

20 MS. PRODROMO: We have a right to  
21 participate by phone.

22 MR. SATTERLEY: I know you have a  
23 right to participate by phone, but you don't have a  
24 right to disrupt the deposition.

25 MS. SMITH: Mr. Satterley, do you

19

1 have a citation to some law or code which says we  
2 can't have an answer read back upon request?  
3 Stephanie Smith.

4 MR. SATTERLEY: We've turned up  
5 the speakerphone. I'm going to proceed through.

6 MS. SMITH: Are you -- is that a  
7 tacit admission that you don't have any authority?

8 MR. SATTERLEY: Counsel, I'm not  
9 here to argue with you. Stop interrupting my  
10 deposition. If you have an objection, place your  
11 objection on the record.

12 And who do you represent again so  
13 I understand who's disrupting the deposition?

14 MS. SMITH: Well, I represent CSK  
15 Auto and I believe two other attorneys have  
16 indicated that they wanted that answer read back as  
17 well.

18 MR. SATTERLEY: Okay.

19 MS. PRODROMO: This is Karen  
20 Prodromo for Georgia-Pacific. I also wanted the  
21 answer read back.

22 MR. SATTERLEY: Okay.  
23 Georgia-Pacific would like the answer read back.  
24 We'll do this. We'll do this once and we'll see how  
25 often this occurs. If we have to, we can get the

20

1 court on the phone.

2 (Requested material read)

3 THE WITNESS: It's Thetford. It's  
4 not Bedford. With a T.

5 BY MR. SATTERLEY:

6 Q. Sir, do you know a fellow named Bruce  
7 Bishop?

8 A. **I'm sorry?**

9 Q. Do you know a fellow named Bruce Bishop?

10 A. **No.**

11 Q. Never met Bruce Bishop?

12 A. **No.**

13 Q. Okay. Do you know a fellow named David  
14 Bernstein?

15 A. **Yes.**

16 Q. Who is David Bernstein?

17 A. **He's a toxicologist in Geneva,  
18 Switzerland that's done a number of studies on  
19 chrysotile.**

20 Q. Have you had the opportunity to -- in  
21 your work for either the ICA or the AIA of North  
22 America to personally meet Mr. Bernstein?

23 A. **I have met him.**

24 Q. On how many occasions?

25 A. **Maybe twice.**

21

1 Q. Okay. Has --

2 A. **That I recall twice.**

3 Q. Okay. And it's my understanding that  
4 the ICA has provided fees or funding to  
5 Mr. Bernstein in the past; correct?

6 A. **Yes, that's correct.**

7 Q. And that's occurred over the last few  
8 years; correct?

9 A. **2010, 2011, 2012.**

10 Q. Nothing in 2013?

11 A. **No.**

12 Q. Okay.

13 A. **Because his study was completed and I  
14 think published in February.**

15 Q. Now, before the ICA, the International  
16 Chrysotile Association, begin making these payments  
17 to Mr. Bernstein, did you -- did you know and have  
18 access to the amount of monies that Mr. Bernstein  
19 was paid by Georgia-Pacific?

20 A. **No, not at all.**

21 Q. Did Mr. Bernstein share with you how  
22 much money various companies that made asbestos  
23 products has paid him in the past?

24 A. **No.**

25 Q. Okay. As you sit here today, has

22

1 Mr. Bernstein shared with you his involvement in  
 2 helping out former manufacturers of asbestos  
 3 products in the past?  
 4 **A. No.**  
 5 Q. Same question with regards to  
 6 Mr. Bernstein's involvement with a company called  
 7 Union Carbide.  
 8 Prior to the International Chrysotile  
 9 Association's payment of monies to Mr. Bernstein,  
 10 did you know that he was involved in serving as an  
 11 expert witness for a company called Union Carbide?  
 12 MR. COOK: Objection.  
 13 THE WITNESS: I didn't know about  
 14 he was an expert witness. I knew that -- about a  
 15 study of the mine in California that he had been  
 16 involved with. That's all I know.  
 17 BY MR. SATTERLEY:  
 18 Q. And when did you know about the study of  
 19 the mine in California?  
 20 **A. When?**  
 21 Q. Yeah. Was that before the payments to  
 22 Mr. Bernstein in 2010, 2011, 2012?  
 23 **A. Yes.**  
 24 Q. Okay. How long before? Years before?  
 25 **A. I -- if I could take a break, I can --**

23

1 **I've got the study with me.**  
 2 Q. Okay. Well, we'll get to that in a  
 3 little bit.  
 4 **A. Okay.**  
 5 Q. We'll get to your notes and everything  
 6 else.  
 7 **A. Well -- well, it was, I guess, around --**  
 8 **around 2005.**  
 9 Q. Okay.  
 10 **A. Because 2006. Somewhere in that area.**  
 11 Q. Okay.  
 12 **A. But that's -- I just knew that he was**  
 13 **involved in the study that was published in the**  
 14 **literature.**  
 15 Q. So it would be fair to say that before  
 16 the International Chrysotile Association began  
 17 paying Mr. Bernstein money in 2010, 2011, 2012, you  
 18 and others -- well, just you I guess I should ask  
 19 about -- knew that he was involved in doing work for  
 20 Union Carbide?  
 21 MR. COOK: Objection. Vague and  
 22 ambiguous. Misstates testimony.  
 23 BY MR. SATTERLEY:  
 24 Q. Go ahead.  
 25 **A. I hate to do this, but would you**

24

1 **repeat --**  
 2 Q. Sure.  
 3 **A. -- the question.**  
 4 Q. Sure. I'll repeat the question.  
 5 **A. Okay.**  
 6 Q. And I don't want to misstate anything --  
 7 **A. Yeah.**  
 8 Q. -- or anything?  
 9 **A. Neither do I. (Laugh).**  
 10 Q. Exactly. So you said the study was done  
 11 in 2005?  
 12 **A. Well, I didn't -- no, I said I think**  
 13 **somewhere in that area.**  
 14 Q. Okay.  
 15 **A. I don't know when the study was done.**  
 16 Q. When did you first read the study?  
 17 **A. I haven't read the study. I just know**  
 18 **the study was published. I've read the -- I think I**  
 19 **maybe have read the abstract. That's all.**  
 20 Q. Okay. And when did you first become  
 21 familiar with the abstract?  
 22 **A. Again, to the best of my recollection,**  
 23 **around 2005.**  
 24 Q. Okay. So if we just do a time issue  
 25 from 2005, it would be fair to say prior to the

25

1 payment of money to Mr. Bernstein in 2010, 2011,  
 2 2012, you were already aware that he had done some  
 3 work for Union Carbide by your familiarity with that  
 4 abstract?  
 5 **A. Yes, and of course he had -- I'm sure**  
 6 **he's involved in other studies as well that are**  
 7 **published in the literature.**  
 8 Q. And any of those studies -- have you  
 9 read abstracts of any of those other studies back  
 10 before 2010?  
 11 **A. I -- in a cursory because as the**  
 12 **treasurer, I just -- I'm not involved in and I'm not**  
 13 **a scientist. I don't understand a lot of the**  
 14 **information that are contained -- contained in the**  
 15 **studies.**  
 16 Q. Okay.  
 17 **A. But I do know that to answer your**  
 18 **question, I think there's also a study that with the**  
 19 **Calidria Mine in California in addition that he did**  
 20 **a study for the Cana Brava Mine in Brazil.**  
 21 Q. Uh-huh. Okay. And were those studies  
 22 that you were just generally familiar with? I'm not  
 23 asking --  
 24 **A. Yeah.**  
 25 Q. -- a scientific question --

26

1 **A. Right.**

2 Q. -- but just generally familiar with  
3 before the 2010 time frame?

4 **A. Just generally.**

5 Q. Okay. Now, you mentioned you're the  
6 treasurer.

7 Are you the treasurer of the  
8 International Chrysotile Association?

9 **A. Yes.**

10 Q. And how long have you had that job?

11 **A. Since 1997.**

12 Q. And as the treasurer, what is your  
13 function?

14 **A. To pay the authorized bills for the  
15 association. Of course, in this case, for the  
16 study. They were -- we started ICA in 2010. Before  
17 that, the Chrysotile Institute was involved in  
18 originating the study. As you know, the invoices  
19 are all addressed to the Chrysotile Institute.**

20 Q. And so I wanted to just understand a  
21 little bit.

22 What's the difference between the  
23 Chrysotile Institute and the International  
24 Chrysotile Association?

25 **A. Chrysotile Institute was first known as**

27

1 **the Asbestos Institute. It's a tripartite  
2 organization of government, that is, the federal  
3 government, Quebec government of Canada, industry in  
4 Canada and labor in Canada. The Chrysotile  
5 Institute closed or disbanded in March of 2012.**

6 Q. Do you know why they disbanded or  
7 closed?

8 **A. No. I had no official involvement with  
9 the -- with the Institute. So I wouldn't want to  
10 speculate about that.**

11 Q. Sure. So the -- you're the treasurer.

12 Who else are the officers of the  
13 International Chrysotile Association?

14 **A. The current chairman is Jean-Marc,  
15 that's J-e-a-n - M-a-r-c, Leblond, L-e-b-l-o-n-d.  
16 The vice chairman is in India. I can't -- I can't  
17 recall -- bring up his -- his name. Something close  
18 to Shara, S-h-a-r-a, but that may not be correct.  
19 He's the vice chairman. But Mr. Leblond is the  
20 chairman and secretary.**

21 Q. Any other officers?

22 **A. No, no.**

23 Q. So just the three of you?

24 **A. Yes.**

25 Q. And is your only role as treasurer?

28

1 **A. Yes, and director general, but my  
2 primary role is treasurer and director general is  
3 collateral. Just, you know, to fulfill the  
4 requirement of the bylaws.**

5 Q. And how did you become the director  
6 general and the treasurer of the International  
7 Chrysotile Association?

8 **A. As -- what do you mean how did I become?**

9 Q. Did somebody ask you to take this job?

10 **A. Yes. Yeah.**

11 Q. And who was it that asked to you take  
12 this job?

13 **A. John Duprey, who is deceased. He was  
14 the chairman. First was the chairman of AIA and  
15 then subsequently when it became ICA in January of  
16 2005.**

17 Q. And does -- is there meetings where  
18 you're reappointed or reselected to remain in this  
19 role as director general and treasurer of this  
20 organization?

21 **A. No, there's no tenure established by the  
22 bylaws.**

23 Q. You have this position for as long as  
24 you want to do it and they want to have you?

25 **A. Well, that's your statement. I**

29

1 **appreciate that.**

2 Q. Is that a fair statement?

3 **A. I hope so.**

4 Q. Is it a paid position?

5 **A. Yes.**

6 Q. Now, the monies that come to the ICA,  
7 you mentioned earlier that it's a group of national  
8 associations or industry associations?

9 **A. Correct.**

10 Q. Tell me the difference between an  
11 industry association or a national associations.

12 **A. Well, all of the members, there are  
13 regular members and corresponding members. The dues  
14 are established by the Board of Governors. Industry  
15 is used. I use it in a generic sense.**

16 Q. Uh-huh.

17 **A. The bylaws state that membership first  
18 and foremost is made up of national asbestos  
19 associations and those national associations are in  
20 various countries, and the corresponding members are  
21 small companies, not national associations, and no  
22 dues are paid. They -- they are users of  
23 chrysotile, but they have the status of  
24 corresponding members and are not members of the  
25 Board of Governors and have no vote in that regard.**



30

1 Q. And this process of the associations,  
2 whether it be industry associations or individual  
3 smaller companies and being a part of this larger  
4 association --  
5 **A. Yeah.**  
6 Q. -- is that a similar process that has  
7 occurred through these various organizations whether  
8 we're talking about the ICA, or the IA -- AIA of  
9 North America and the ICA?  
10 **A. I think I understand --**  
11 Q. Sure.  
12 **A. -- your question, I mean.**  
13 Q. These are sort of industry associations?  
14 **A. From the countries.**  
15 Q. Yeah, countries.  
16 **A. Individual countries.**  
17 Q. And individual companies can also become  
18 members; correct?  
19 **A. No.**  
20 Q. Oh, they can't?  
21 **A. No.**  
22 Q. Okay. So, for example, the AIA of North  
23 America, was that -- did that consist of countries?  
24 **A. No.**  
25 Q. Okay.

31

1 **A. Companies.**  
2 Q. Oh, those were the companies?  
3 **A. (Nods head).**  
4 Q. Oh, I see. So the AIA of North America  
5 was a situation where companies would belong to the  
6 association dealing with the rulemaking process,  
7 with OSHA and EPA?  
8 **A. Correct.**  
9 Q. Is that true?  
10 **A. True.**  
11 Q. All right. But what you're telling the  
12 folks on the jury is the ICA doesn't have individual  
13 company members, but they have national  
14 associations?  
15 **A. Correct. There is an exception. If a**  
16 **country does not have a national association, for**  
17 **example, Pakistan, there is a company in Karachi,**  
18 **Pakistan that is a corresponding member. It's a**  
19 **small -- relatively small company. So, but**  
20 **primarily the regular members are national**  
21 **associations of various countries.**  
22 Q. I see. So, for example, what I'm trying  
23 to figure out is as treasurer where the money comes  
24 from so that it can be spent out by the  
25 International Chrysotile Association.

32

1 **A. Right.**  
2 Q. Does that come from the national  
3 associations?  
4 **A. The regular members pay regular dues**  
5 **which are established on a regular basis by the**  
6 **Board of Governors.**  
7 Q. And how many -- how many members are  
8 there in the International Chrysotile Association?  
9 **A. About 20.**  
10 Q. And what are the dues?  
11 **A. Well, they vary but the total -- total**  
12 **dues is about \$200,000 a year.**  
13 Q. For the -- for all 20 companies?  
14 **A. Uh-huh.**  
15 Q. You got to say yes or no. I apologize.  
16 I forgot to tell you.  
17 **A. The answer is, no, they're not**  
18 **companies.**  
19 Q. I'm sorry. Let me give you a little bit  
20 more instructions because so the court reporter gets  
21 it down and so we don't.  
22 As you know, in the deposition process,  
23 your testimony is being taken down by the court  
24 reporter.  
25 **A. Yeah.**

33

1 Q. So when you nod the head or shake the  
2 head or say uh-huh or huh-uh --  
3 **A. (Laugh).**  
4 Q. -- it doesn't make a very good record.  
5 **A. Okay.**  
6 Q. So I apologize. I didn't give you that  
7 instruction.  
8 So with that being said, I misspoke.  
9 Let me ask the question again.  
10 **A. Thank you.**  
11 Q. The \$200,000 is an annual?  
12 **A. That's -- that's right. That's about**  
13 **what the budget for us has been.**  
14 Q. Okay. And that budget would include --  
15 would that budget include things like payment of  
16 fees for folks like Mr. Bernstein and other folks?  
17 **A. It would.**  
18 Q. Okay.  
19 **A. And myself as well.**  
20 Q. And your -- and your salary, whatever  
21 you get?  
22 **A. Yeah.**  
23 Q. I'm not going to invade your privacy.  
24 **A. Okay.**  
25 Q. But so the \$200,000 per year covers all

34

1 the expenses associated with the efforts on behalf  
 2 of the International Chrysotile Association to do  
 3 its -- its job?  
 4 **A. It does, and there are cases where if**  
 5 **they're to be exceeded, there might be a Board of**  
 6 **Governors' decision for special contributions, you**  
 7 **know, for any special expenses that might occur, but**  
 8 **normally the budget has been in the most part since**  
 9 **1997 in the area of \$200,000.**  
 10 Q. Has there been any special contributions  
 11 required of the members with regards to the payments  
 12 of monies to Mr. Bernstein?  
 13 **A. Yes.**  
 14 Q. Okay.  
 15 **A. Yes. Yes.**  
 16 Q. Okay. So, and I guess that's what I'm  
 17 trying to figure out.  
 18 Is the payments of money to  
 19 Mr. Bernstein with regards to the work that he's  
 20 done on this recent publication? I think you said  
 21 February --  
 22 **A. Uh-huh. Yeah.**  
 23 Q. -- there was a publication.  
 24 Was that made out of the general  
 25 membership dues, or was there special funds gathered

35

1 for the payment of those fees?  
 2 **A. The money was from the same account.**  
 3 Q. I understand that.  
 4 **A. Yeah, but the -- the special**  
 5 **contribution was made in order for that payment to**  
 6 **be made. Now, as far as the payment by the**  
 7 **Chrysotile Institute, I don't have any knowledge**  
 8 **about that because they have a different -- I'm sure**  
 9 **they had a different system.**  
 10 Q. Sure. So the Chrysotile Institute might  
 11 -- you're not the treasurer for that organization?  
 12 **A. No.**  
 13 Q. So any monies the Chrysotile Institute  
 14 might have paid Mr. Bernstein, you wouldn't have  
 15 personal knowledge of that?  
 16 **A. No.**  
 17 Q. Okay. So I'm just talking about the  
 18 ICA.  
 19 **A. Right.**  
 20 Q. The International Chrysotile  
 21 Association. The monies that were paid to  
 22 Mr. Bernstein for the work that he's done over 2010  
 23 to 2012 that resulted in that paper that you were  
 24 talking about.  
 25 **A. Uh-huh. Right.**

36

1 Q. Did that money come from general  
 2 membership dues or a special request for members to  
 3 contribute?  
 4 **A. It was -- it was a special request to**  
 5 **the producers to -- to contribute.**  
 6 Q. Okay.  
 7 **A. Individual -- individual user countries**  
 8 **did not contribute.**  
 9 Q. So the producers -- the producers of the  
 10 chrysotile, the manufacturers' companies; right?  
 11 **A. No, they're the miners.**  
 12 Q. Oh, the miners. Okay.  
 13 **A. The producers are the miners. That's**  
 14 **the normal term used.**  
 15 Q. All right. So -- so if I understand  
 16 what occurred, the International Chrysotile  
 17 Association requested the producers, the mining  
 18 companies, to make a special contribution to the ICA  
 19 so that could be used to pay the fees of Bernstein  
 20 with regards to this paper?  
 21 **A. Correct.**  
 22 Q. Okay. All right. Just a little bit  
 23 more background foundational-type questions,  
 24 Mr. Pigg.  
 25 Back when you were with the -- are you

37

1 still with the Asbestos Information Association of  
 2 North America?  
 3 **A. Yes, I told you. We have just the two**  
 4 **companies. It's basically for paper purposes.**  
 5 Q. Sure.  
 6 **A. There are no dues.**  
 7 Q. Sure. Before -- in your role, you  
 8 started in that role in the '70s?  
 9 **A. Yes.**  
 10 Q. And what year was that?  
 11 **A. 1974.**  
 12 Q. And before you, was there a fellow named  
 13 was it Roger Mereness?  
 14 **A. Robert.**  
 15 Q. Oh, Robert?  
 16 **A. H. Mereness.**  
 17 Q. Mereness. Okay. Do you know where he  
 18 is?  
 19 **A. Deceased.**  
 20 Q. He passed away?  
 21 **A. Yes. I went to his funeral a couple**  
 22 **years ago.**  
 23 Q. Okay. In your many years of work on  
 24 behalf of the Asbestos Information Association of  
 25 North America, did you become familiar with some of

38

1 the companies that were part of the association?  
 2 **A. Well --**  
 3 MR. COOK: Objection. Relevance.  
 4 THE WITNESS: Yes.  
 5 BY MR. SATTERLEY:  
 6 Q. Do you know a fellow -- did you ever  
 7 meet a fellow named John Myers?  
 8 **A. Yes.**  
 9 Q. Who was John Myers?  
 10 **A. John Myers was the chairman of AIA/NA**  
 11 **for several years. I'm not exactly sure how long.**  
 12 Q. Was that in the '70s or the '80s?  
 13 **A. '80s and -- I'd say the '80s and '90s.**  
 14 Q. Did you personally get to meet  
 15 Mr. Myers?  
 16 **A. Yes.**  
 17 Q. And talk with him?  
 18 **A. Yes.**  
 19 Q. What company was Mr. Myers working for?  
 20 MR. COOK: Objection. Vague and  
 21 ambiguous as to the time frame.  
 22 BY MR. SATTERLEY:  
 23 Q. Go ahead, sir.  
 24 **A. He was with KCAC, King City Asbestos**  
 25 **Corporation.**

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1 Q. Okay. Any other companies?  
 2 **A. Prior to that? I don't think he was a**  
 3 **representative. He was with KCAC a long time. I**  
 4 **guess it was before -- before Union Carbide owned**  
 5 **the mine. I don't know who was -- who was the**  
 6 **entity that purchased the mine.**  
 7 Q. Uh-huh. And that was going to be my  
 8 question.  
 9 Have you ever heard of a company called  
 10 Union Carbide?  
 11 **A. Yes.**  
 12 Q. And has Union Carbide in the past been a  
 13 member company of the Asbestos Information  
 14 Association of North America?  
 15 **A. They were in the '70s and I think not --**  
 16 **to the best of my knowledge not since the early**  
 17 **'80s.**  
 18 Q. Okay. So in the '70s up to through the  
 19 early '80s?  
 20 **A. Yes.**  
 21 MR. COOK: Objection. Misstates.  
 22 BY MR. SATTERLEY:  
 23 Q. Now, did -- you mentioned earlier that  
 24 in the '70s the AIA of North America was involved in  
 25 the rulemaking process with regards to OSHA and EPA?

40

1 **A. Correct.**  
 2 Q. What types of activities did Asbestos  
 3 Information Association do with the rulemaking  
 4 process?  
 5 **A. Well, would work on providing comments**  
 6 **to Proposed Rulemakings or Advance Notice of**  
 7 **Proposed Rulemakings, that sort of thing.**  
 8 Q. All right. For example, if a  
 9 politician -- we're close to DC right now.  
 10 **A. Uh-huh.**  
 11 Q. We're in Virginia; right?  
 12 **A. Right.**  
 13 Q. All right. And you've been in this area  
 14 for most of your career?  
 15 **A. Yes.**  
 16 Q. Okay. And roughly what, 30, 40 miles  
 17 from DC?  
 18 **A. Something like that.**  
 19 Q. Okay. And so has the AIA had  
 20 involvement in trying to provide information to  
 21 politicians when issues arising about asbestos has  
 22 come up?  
 23 **A. No.**  
 24 MR. ARTABANE: I'm going to object  
 25 to that. It's AIA/NA.

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1 BY MR. SATTERLEY:  
 2 Q. Oh, NA. I'm sorry. Let me ask the  
 3 question again.  
 4 **A. Yeah.**  
 5 Q. And let me -- let me sort of give you  
 6 also some information so we're on the same page.  
 7 Because you were -- you were never a  
 8 part of the AIA, what's called the Asbestos  
 9 International Association yourself; correct?  
 10 **A. No. I -- I was -- I represented**  
 11 **AIA/NA --**  
 12 Q. Yeah.  
 13 **A. -- as the North America being a**  
 14 **member --**  
 15 Q. Okay.  
 16 **A. -- of AIA.**  
 17 Q. All right. So let me just -- I'll  
 18 refer --  
 19 **A. I wasn't the only member from AIA/NA.**  
 20 Q. Right.  
 21 **A. But at some -- some point in time, I**  
 22 **represented AIA/NA to AIA.**  
 23 Q. Okay. I see what you're saying.  
 24 **A. Okay.**  
 25 Q. Okay. So let me ask the question again

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1 after your lawyer correctly pointed out that I  
2 didn't use the correct term.

3 In the 1970s, did the AIA/NA in the work  
4 on behalf of their member companies get involved in  
5 the rulemaking process with regards to various  
6 regulators in Washington, DC?

7 **A. Yeah, we provided comments to the  
8 agencies.**

9 Q. Okay. And was that a big part of the  
10 purpose of the AIA/NA?

11 **A. Well, the other purpose was education  
12 and training. We provided any studies that were in  
13 the public domain to the members that were published  
14 in the literature. We distributed information like  
15 posters that companies could place in the plants,  
16 you know, "If you smoke, stop or don't smoke."  
17 "Don't dry sweep." "Wear respirators when  
18 necessary."**

19 **We -- then we prepared recommended work  
20 practices for various segments of the industry in  
21 the '70s by a technical committee in order to  
22 encourage the safe use of asbestos and -- and how it  
23 was to be treated in brake linings or any other  
24 segments of the -- of the industry.**

25 Q. Did -- did you ever meet Matthew

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1 expert opinion.

2 (Document marked Exhibit 1.)

3 BY MR. SATTERLEY:

4 Q. Correct?

5 **A. Correct.**

6 Q. Okay. I marked as Exhibit 1 the notice  
7 to take deposition along with the categories of  
8 areas some of the various documents to be produced.  
9 Let me just show it to you, Mr. Pigg, and ask you if  
10 you had a chance to review the subpoena and the  
11 items to be produced in response to the subpoena.

12 MR. ARTABANE: If I'm correct,  
13 there were two subpoenas.

14 THE WITNESS: Right.

15 MR. ARTABANE: One issued to  
16 Mr. Pigg personally and one issued to ICA.

17 BY MR. SATTERLEY:

18 Q. Okay. See if I've got them both there.  
19 I may have lumped them together. I apologize.

20 **A. (Reviewing document).**

21 **Well, yeah, this -- this is just the one  
22 to me.**

23 Q. This?

24 **A. To Bob Pigg. This is --**

25 Q. Let me take a look at that one.

43

1 Swetonic?

2 **A. I think I met him one time.**

3 Q. Was he part of the AIA of North America?

4 **A. Before my time. Yeah, he was in New  
5 York, but I -- I think I met him one -- once in 19  
6 -- in the '70s.**

7 Q. What was his job in the New York -- you  
8 said in New York for?

9 **A. I think he was one of the first  
10 executive directors of AIA/NA.**

11 Q. Okay. You said you mentioned a few  
12 times about the safe use of chrysotile.

13 Does that mean the controlled use of  
14 chrysotile?

15 **A. Yes.**

16 Q. Okay. And is that -- is that a  
17 situation where the asbestos -- means that using  
18 asbestos so that the hazard to asbestos is  
19 minimized?

20 **A. Correct.**

21 Q. Certainly the safe use of chrysotile  
22 doesn't mean the uncontrolled use of asbestos;  
23 correct?

24 **A. Correct.**

25 MR. COOK: Objection. Calls for

45

1 **A. -- not the one to ICA.**

2 Q. Let me just take a look at that. Maybe  
3 I've marked it wrong. Let me just correct --  
4 correct the record here. So this one is to Bob Pigg  
5 there. Okay.

6 And so this one, Exhibit 1, is to you,  
7 Bob Pigg, and had you seen this --

8 **A. Yes.**

9 Q. -- when you received the subpoena?

10 **A. Yes.**

11 MR. SATTERLEY: And let me then  
12 put a sticker on this other one, and we'll make this  
13 Exhibit 2.

14 (Document marked Exhibit 2.)

15 BY MR. SATTERLEY:

16 Q. And so just so the record -- Exhibit 1  
17 is the subpoena to you personally; correct?

18 **A. Yes.**

19 Q. And you've seen that in the past; right?

20 **A. Yes.**

21 Q. Exhibit 2. Take a look at that and tell  
22 me if this is the subpoena you -- you've seen with  
23 regards to the International Chrysotile Association.

24 **A. (Reviewing document).**

25 **Yes, it is.**

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1 Q. Okay. And have you after you -- and you  
2 have been authorized on behalf of the Association,  
3 the International Chrysotile Association, to be the  
4 corporate representative to produce documents in  
5 this regard; correct?

6 **A. Yes.**

7 Q. And to respond to the subpoena?

8 **A. Yes.**

9 Q. Okay. And you have responded to the  
10 subpoena to provide documents?

11 **A. Yes, I have.**

12 Q. All right. Did you -- and I'm going to  
13 attach and make exhibits in a little bit some of the  
14 documents that we recently received.

15 You in your individual capacity, did you  
16 locate documents that respond to the subpoena?

17 **A. Yes.**

18 Q. And have you provided those as well?

19 **A. All of them.**

20 Q. Okay. And who did you provide those to?

21 **A. To Mr. Artabane and he, in turn, to you.**

22 Q. Okay. Your -- just so the jury is  
23 understanding, your attorney is here with you here  
24 today?

25 **A. Yes.**

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1 Q. And I'm not asking any questions about  
2 conversations you had with your attorney, but all  
3 the documents you've located both individually on  
4 behalf of the ICA were produced?

5 **A. Yes.**

6 Q. Okay. Do you happen -- did you happen  
7 to bring those with you today?

8 **A. The ones that were provided to you?**

9 Q. Well, I do -- I've received some  
10 documents. I'm just going to cross-reference --

11 **A. Yeah.**

12 Q. -- to see if what you have is the same  
13 thing I have. Did you happen to bring the  
14 documents?

15 **A. I have not.**

16 MR. ARTABANE: I'll state for the  
17 record that I have a copy of the documents that I  
18 provided, along with a cover letter, on behalf of  
19 Mr. Pigg and ICA to you.

20 MR. SATTERLEY: Okay. Well, I  
21 appreciate that, counsel. I was just asking  
22 Mr. Pigg.

23 BY MR. SATTERLEY:

24 Q. You didn't happen to bring a copy of the  
25 documents here with you today?

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1 **A. No.**

2 Q. Okay. So when we go through the  
3 documents, I may have to spend a little bit more  
4 time just going through and understanding where they  
5 came from --

6 **A. Sure.**

7 Q. -- and how you got them.

8 MR. COOK: If I could interject  
9 while we have a moment, Exhibit 2 it seems it's  
10 noticed for 1 p.m. for the International Chrysotile  
11 Institute. Are we doing -- or International  
12 Chrysotile Association. Are we doing both  
13 depositions at one time?

14 MR. SATTERLEY: I would prefer to  
15 do them together and I think counsel --

16 MR. COOK: I'm agreeable.

17 MR. SATTERLEY: Okay.

18 MR. COOK: I just want to make  
19 sure that we're not going to go back and rehash.

20 MR. ARTABANE: That was my  
21 understanding.

22 MR. SATTERLEY: I think we might  
23 confer prior to this so that in the interest of  
24 time, everybody is agreed that we'll do them all  
25 together so we could just -- since he's the same

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1 person for both situations, it makes sense to just  
2 have one deposition.

3 MR. COOK: I agree. I only raise  
4 it because of the different times on the notices.

5 MR. SATTERLEY: Okay.

6 MR. COOK: Thank you.

7 BY MR. SATTERLEY:

8 Q. All right. The Asbestos Institute. I'm  
9 still struggling with some of these --

10 **A. Okay.**

11 Q. -- various names.

12 You've indicated the Chrysotile  
13 Institute, the Asbestos Institute, and the ICA.  
14 Those are three different associations?

15 **A. The Asbestos Institute became the  
16 Chrysotile Institute. When it was first organized  
17 in Montreal with the federal government of Canada,  
18 the provincial government of Quebec, the industry  
19 and labor, it was the Asbestos Institute. I think  
20 it was formed about 1980, maybe 1982, '84 and then  
21 subsequently around 2000, they changed the name to  
22 the Chrysotile Institute.**

23 **So that's one entity, and then the other  
24 entity is the Asbestos International Association  
25 which became the International Chrysotile**

50

1 **Association in January 2005.**

2 Q. In 2000 you said they changed the name  
3 from the Asbestos Institute to the Chrysotile  
4 Institute?

5 **A. About.**

6 Q. And do you know why they changed the  
7 name?

8 **A. Well, for one reason, of course,**  
9 **asbestos is just a commercial or generic name, and**  
10 **by that time there certainly there was no amphiboles**  
11 **commercially produced in the world. Primarily it**  
12 **was crocidolite and amosite, which came from South**  
13 **Africa, and those mines closed in the early '90s.**  
14 **And, of course, there were more scientific studies**  
15 **coming on the horizon which made a distinction**  
16 **between chrysotile and the amphiboles and in Canada,**  
17 **of course, only chrysotile was produced.**

18 **That was certainly a part and possibly**  
19 **the primary reasons that the name was changed to**  
20 **more technically and correctly reflect the Institute**  
21 **rather than the word "asbestos."**

22 Q. Were you involved in the decision to  
23 change the name from Asbestos to Chrysotile  
24 Institute?

25 **A. Not at all.**

52

1 **A. No, he didn't. He's just not the**  
2 **chairman.**

3 Q. Okay.

4 **A. I think he is a consultant, but he's not**  
5 **an officer.**

6 **(Document marked Exhibit 3.)**

7 BY MR. SATTERLEY:

8 Q. Let me ask you if show you Exhibit 3.

9 **A. Uh-huh.**

10 Q. And ask you: Is that the person we're  
11 talking about?

12 **A. Yes.**

13 Q. And what's his name again?

14 **A. Clement Godbout.**

15 Q. And he -- he was the president of the  
16 Chrysotile Institute?

17 **A. Yes.**

18 Q. And for how many years?

19 **A. Approximately eight to 10 years.**

20 Q. And where is he located now?

21 **A. In the suburbs of Montreal.**

22 Q. And you've personally met with him in  
23 the past?

24 **A. Yes.**

25 **(Document marked Exhibit 4.)**

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1 Q. Were you at any meetings?

2 **A. No.**

3 Q. Okay. Did you have any conversations  
4 with the people that made the decision to change the  
5 names?

6 **A. No.**

7 Q. Do you know who -- who it was that made  
8 the decision to change the name, name-wise?

9 **A. The main one would have been Mr. John**  
10 **Duprey, who is now deceased, who was the chairman.**

11 Q. Anybody else by name?

12 **A. Possibly Mr. Clement Godbout, who**  
13 **subsequently became the chairman of the Institute.**

14 Q. He's still living; correct?

15 **A. Yes.**

16 Q. Is he -- he's a part of the  
17 International Chrysotile Association?

18 **A. No.**

19 Q. He's not?

20 **A. He was the chairman.**

21 Q. And --

22 **A. Mr. Leblond succeeded him in 2011.**

23 Q. Okay. And so did he resign his  
24 involvement with the International Chrysotile  
25 Association?

53

1 BY MR. SATTERLEY:

2 Q. I want to show you Exhibit 4 and ask you  
3 if you know who's depicted in that photograph.

4 **A. That's David Bernstein.**

5 Q. Okay. And is David Bernstein someone --  
6 you just mentioned you met him on a couple of  
7 occasions?

8 **A. Yes.**

9 Q. Okay. And did you meet him -- there was  
10 a conference back in 2006, was there not?

11 **A. Yes.**

12 Q. And you spoke --

13 **A. That was one of the places that I met**  
14 **him.**

15 Q. And you spoke at that conference;  
16 correct?

17 **A. Yes.**

18 Q. And several people spoke at the  
19 conference; correct?

20 **A. Yes.**

21 Q. And that was -- the name of the  
22 conference, what was it called? The International  
23 Conference on Chrysotile?

24 **A. I don't recall the name. It was -- I**  
25 **honestly don't recall the name of the conference.**

54

1 Q. Okay.

2 **A. It was in the Queen Elizabeth Hotel in**

3 **Montreal.**

4 Q. And at the conference, was one of the

5 purposes of that conference in 2006 to, once again,

6 to promote the safe use of chrysotile asbestos?

7 **A. Well, at least to expound on the current**

8 **literature or studies that are opinions of various**

9 **scientists like -- I think his name was David**

10 **Paustenbach who spoke on brakes.**

11 Q. Uh-huh.

12 **A. Because he had published a recent study**

13 **on brake linings.**

14 Q. Uh-huh.

15 **A. There were other scientists there.**

16 **Moolgavu or some scientist from the Northwest.**

17 Q. Uh-huh. Washington?

18 **A. Yes.**

19 Q. Washington State --

20 **A. Yes.**

21 Q. -- as opposed to DC?

22 **A. Yes. I'm sorry.**

23 Q. Okay.

24 **A. I don't remember his exact name but**

25 **Bernstein and...**

55

1 Q. Let me go through them a few of them --

2 **A. Okay.**

3 Q. -- just so I can set forth some of the

4 folks who participated in this chrysotile

5 conference.

6 (Document marked Exhibit 5.)

7 BY MR. SATTERLEY:

8 Q. I'm going to show you Exhibit 5 and ask

9 you if you know Dr. Hans Weill.

10 **A. Yes, I do.**

11 Q. And he spoke at the conference; correct?

12 **A. Yes. He spoke on the declining use of**

13 **mesothelioma.**

14 Q. And with regards --

15 **A. No, the declining -- the declining --**

16 **the declining amount of mesothelioma in the US.**

17 Q. Okay. Dr. Weill you know him also back

18 in the '70s and '80s; correct?

19 **A. Yes.**

20 Q. And how did you know him before?

21 **A. He spoke at our various conferences.**

22 **We -- back in then we would have conference, and he**

23 **would speak occasionally.**

24 Q. Was he a medical consultant for the AIA

25 of North America?

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1 **A. For a short time, yes.**

2 Q. And when was that?

3 **A. My guess would be about '76 to '78.**

4 Q. Okay.

5 **A. It was not very long.**

6 Q. All right. Do you know why he whenever

7 he, I guess, stopped being a consultant for the AIA,

8 why that occurred?

9 **A. To the best of my knowledge, it was**

10 **simply because he wanted to show that his work and**

11 **interest in the studies and whatnot he was involved**

12 **in from Tulane were -- were not connected at all**

13 **with the industry and, I mean, it was his decision**

14 **to resign his as a consultant.**

15 Q. Because he wanted to demonstrate that he

16 wasn't connected to industry?

17 **A. Yes.**

18 MR. COOK: Objection. Assumes

19 facts. Calls for speculation. Outside testimony.

20 BY MR. SATTERLEY:

21 Q. That's -- that's your understanding?

22 **A. That's my understanding.**

23 **(Document marked Exhibit 6.)**

24 BY MR. SATTERLEY:

25 Q. Number 6 is a photograph of somebody I

57

1 think you mentioned earlier. Is that Dennis

2 Paustenbach?

3 **A. If you didn't have his name, I wouldn't**

4 **know because I only met him once. But I'll take for**

5 **granted that is him.**

6 Q. (Laugh).

7 There is -- is there -- if we go to a

8 website, the chrysotile -- we typed in Chrysotile

9 Institute, there's information on there still today?

10 **A. Yes.**

11 Q. And with pictures; right?

12 **A. Today.**

13 Q. And the pictures of the various people

14 that spoke at this -- at this conference; correct?

15 **A. I -- well, I haven't seen it on the**

16 **website, but I take your word that it could be**

17 **there.**

18 Q. And --

19 **A. But the website is still up --**

20 Q. Sure.

21 **A. -- and running.**

22 Q. And there's videos there of the video

23 presentations that were made; right?

24 **A. I have no knowledge of that. I have**

25 **never gone to the Web --**

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1 Q. All right.  
 2 **A. -- website to check out the conference**  
 3 **since I was there for the conference.**  
 4 Q. So you only met Dennis Paustenbach on  
 5 that one occasion?  
 6 **A. Correct.**  
 7 Q. And -- but you mentioned that he did  
 8 some study with regards to asbestos and brakes?  
 9 **A. Yes.**  
 10 Q. Okay. And is that the reason why he  
 11 spoke at that conference?  
 12 **A. Yes.**  
 13 **(Document marked Exhibit 7.)**  
 14 BY MR. SATTERLEY:  
 15 Q. Exhibit 7. That's a photograph of you  
 16 from giving your speech at that conference; correct?  
 17 **A. Correct.**  
 18 Q. And you were identified as the president  
 19 of the AIA of North America?  
 20 **A. Correct.**  
 21 **(Document marked Exhibit 8.)**  
 22 BY MR. SATTERLEY:  
 23 Q. Okay. A few other folks here just so  
 24 that we understand some of the people involved.  
 25 Who is this person here, Exhibit 8?

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1 **A. It says "John Hoskins," but I have no**  
 2 **knowledge of ever -- ever meeting Dr. Hoskins. I**  
 3 **know he's a toxicologist in the UK.**  
 4 Q. Okay. Did -- so what I hear you saying  
 5 is you don't have any knowledge of meeting him in  
 6 the past?  
 7 **A. No.**  
 8 Q. Okay.  
 9 **A. I do not. I mean, it's possible that I**  
 10 **may have.**  
 11 Q. Okay.  
 12 **A. But I have no knowledge of that, no.**  
 13 Q. I take it that you on behalf of the  
 14 International Chrysotile Association never  
 15 researched his qualifications, education or  
 16 experience in the past; correct?  
 17 **A. No.**  
 18 Q. Never had a reason to do so; correct?  
 19 **A. No. I know he's published -- published**  
 20 **a study on -- I think on asbestos cement products.**  
 21 **I can't remember the name of the study, but I've**  
 22 **never researched --**  
 23 Q. Sure.  
 24 **A. -- anything about him, no.**  
 25 Q. I mean, do you know if anybody on behalf

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1 of the International Chrysotile Association did  
 2 research on -- on Mr. Hoskins at any point in time  
 3 prior to the publication this year about chrysotile,  
 4 you know, the "Chrysotile Revisited" article?  
 5 **A. Yeah.**  
 6 MR. COOK: Objection. Vague.  
 7 THE WITNESS: I don't know.  
 8 BY MR. SATTERLEY:  
 9 Q. Sure. Sure.  
 10 **A. All I can answer is for myself.**  
 11 Q. Sure.  
 12 **A. I have never investigated, if I can put**  
 13 **that in quotes, to find out the qualifications of**  
 14 **Dr. Hoskins. I can -- I can only speak for myself.**  
 15 Q. Sure. And you're speaking for yourself,  
 16 but you've also been produced to be examined and  
 17 questioned about ICA.  
 18 **A. Yes.**  
 19 Q. Okay. And so I guess what I'm trying to  
 20 understand: On behalf of ICA, are you aware of any  
 21 investigation or research that the ICA did on John  
 22 Hoskins to determine his qualifications to look at  
 23 whether people die from breathing chrysotile?  
 24 MR. COOK: Objection. Beyond the  
 25 scope of the notice.

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1 THE WITNESS: I would assume that  
 2 his published studies would make him, you know,  
 3 certainly a person that you would want to hear if  
 4 you were talking about chrysotile because his -- his  
 5 studies certainly promote the safe use --  
 6 BY MR. SATTERLEY:  
 7 Q. Uh-huh.  
 8 **A. -- policy that chrysotile can be used**  
 9 **safely. So...**  
 10 Q. So I understand you're saying because  
 11 his published studies in the past have promoted the  
 12 use of -- of chrysotile, that, in your view, makes  
 13 him qualified to be an author on this paper?  
 14 MR. COOK: Objection. Misstates  
 15 testimony.  
 16 THE WITNESS: I --  
 17 MR. COOK: Beyond the scope of the  
 18 notice.  
 19 THE WITNESS: I -- I can't  
 20 speak --  
 21 BY MR. SATTERLEY:  
 22 Q. Okay.  
 23 **A. -- about any of the authors of the**  
 24 **paper.**  
 25 Q. Sure. Including Mr. Bernstein; right?



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1 **A. Yeah. Correct.**  
 2 Q. Okay.  
 3 **A. I mean.**  
 4 Q. And I guess what I'm trying to figure  
 5 out is did --  
 6 **A. But if you were -- may I? If I may, I**  
 7 **just add, if you were going to do a study, you'd**  
 8 **want people that are familiar with the topic.**  
 9 Q. Sure.  
 10 **A. That's all. Just as a layman in viewing**  
 11 **the situation.**  
 12 Q. Uh-huh.  
 13 **A. You would want somebody that would know**  
 14 **what they were talking about and familiar with the**  
 15 **-- with the studies.**  
 16 Q. Sure. I understand.  
 17 **A. That's all.**  
 18 Q. So did the ICA -- because you've been a  
 19 recipient of many e-mails and things from  
 20 Mr. Bernstein and other folks related to this study;  
 21 correct?  
 22 **A. Well, not to the study. I mean, on his**  
 23 **-- on payment of the bills.**  
 24 Q. Okay.  
 25 **A. But not -- not -- not a lot of e-mails**

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1 **related to the study.**  
 2 Q. Did --  
 3 THE VIDEOGRAPHER: Excuse me.  
 4 Counselor, you have five minutes left on the tape.  
 5 MR. SATTERLEY: On this tape. You  
 6 got another tape?  
 7 THE VIDEOGRAPHER: Oh, yes.  
 8 MR. SATTERLEY: Okay. Good.  
 9 THE VIDEOGRAPHER: Nine hours.  
 10 BY MR. SATTERLEY:  
 11 Q. All right. You thought you might get  
 12 out of here quickly, didn't you?  
 13 MR. COOK: That wasn't a  
 14 suggestion.  
 15 THE WITNESS: (Laugh).  
 16 BY MR. SATTERLEY:  
 17 Q. So let's get back on track.  
 18 **A. There you go.**  
 19 Q. So I guess what I'm trying to figure out  
 20 is: Did somebody on the behalf of the International  
 21 Chrysotile Association do an independent review to  
 22 get an objective set of scientists to look at the  
 23 chrysotile health issue?  
 24 MR. COOK: Objection. Vague.  
 25 Calls for speculation. Beyond the scope of the

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1 notice.  
 2 THE WITNESS: As I said earlier,  
 3 the initiation of the study was done by the  
 4 Chrysotile Institute.  
 5 BY MR. SATTERLEY:  
 6 Q. Okay.  
 7 **A. Not ICA. So I can't answer for them.**  
 8 Q. So as you sit here today, you can't  
 9 describe the process by which this research began?  
 10 **A. No.**  
 11 Q. Okay. And I guess the reason why I ask  
 12 is: It wasn't a situation where the International  
 13 Chrysotile Association sent out letters to a bunch  
 14 of universities to invite them to submit proposals  
 15 to the ICA.  
 16 MR. COOK: Objection. Asked and  
 17 answered.  
 18 BY MR. SATTERLEY:  
 19 Q. Correct?  
 20 **A. ICA hasn't done it. I mean, what the --**  
 21 **what the Institute did, I don't know.**  
 22 Q. All right. In your review of all the  
 23 documentation for the ICA over the last several  
 24 years --  
 25 **A. Yeah.**

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1 Q. -- have you seen any documentation,  
 2 Mr. Pigg, that would indicate that someone in  
 3 creating this publication, the chrysotile --  
 4 **A. Revisited.**  
 5 Q. -- revisited publication, sent out  
 6 letters to universities around the world soliciting  
 7 bids or soliciting research from various  
 8 universities?  
 9 **A. I have no knowledge of anything like**  
 10 **that.**  
 11 Q. All right. In -- in reviewing, looking  
 12 for documents both individually on behalf of the  
 13 ICA, have you received any grant proposals from  
 14 anybody?  
 15 **A. No.**  
 16 Q. Do you know what a grant proposal is?  
 17 **A. Basically. I'm not familiar**  
 18 **specifically with it but I --**  
 19 Q. Sure. What's your basic understanding  
 20 of a grant proposal?  
 21 **A. I assume a grant is a -- would be a**  
 22 **specified amount of money to do a specified work.**  
 23 Q. Okay. Sure. So, for example, if the  
 24 government wanted to hire scientists, say the United  
 25 States government --

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1 **A. Yeah.**  
 2 Q. -- wanted to hire scientists to  
 3 investigate a certain issue, they could fund that  
 4 research and say, all right, we're going to spend  
 5 \$100,000 --  
 6 **A. Right.**  
 7 Q. -- or \$200,000.  
 8 **A. Yeah.**  
 9 Q. And for that, that's going to be a grant  
 10 issued to a university?  
 11 **A. Right.**  
 12 Q. Okay. Now, did the ICA issue any grants  
 13 regarding to research to any universities?  
 14 **A. No.**  
 15 Q. Did ICA issue any grants as it relates  
 16 to any scientists?  
 17 **A. No.**  
 18 Q. One other thing and we'll -- we'll take  
 19 a break.  
 20 **A. Now, as I said, I don't know about the**  
 21 **Chrysotile Institute.**  
 22 Q. Okay.  
 23 **A. I'm only speaking for ICA.**  
 24 Q. If I want to go to the Chrysotile  
 25 Institute, did you say they still exist?

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1 **A. No. They closed March of 2012.**  
 2 Q. And who was the last person that was in  
 3 charge of the Chrysotile Institute?  
 4 **A. Mr. Godbout.**  
 5 Q. Who?  
 6 **A. Mr. Godbout.**  
 7 Q. And he's located you said?  
 8 **A. In the suburbs of Montreal.**  
 9 Q. So I have to go to Canada?  
 10 **A. Yes.**  
 11 Q. To try to find that out?  
 12 **A. Yes.**  
 13 **(Document marked Exhibit 9.)**  
 14 BY MR. SATTERLEY:  
 15 Q. Okay. The last -- before we take a  
 16 break the last exhibit, Exhibit 9 is another  
 17 individual I got from the conference, the 2000. Do  
 18 you know who that is?  
 19 **A. I know the name. I -- I've seen the**  
 20 **gentleman and I think I heard him speak.**  
 21 Q. Okay.  
 22 **A. But I don't know him.**  
 23 Q. Was he the head of the Russian  
 24 Occupational Health Institute?  
 25 **A. He may be. I don't know.**

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1 Q. Okay. If we went to your -- the website  
 2 that had the conference on --  
 3 **A. Yeah.**  
 4 Q. -- the Chrysotile Institute and it  
 5 listed him, you wouldn't have any reason to disagree  
 6 with that?  
 7 **A. No, I would not.**  
 8 Q. All right. Let's do this. Let's change  
 9 the tape and take a break for five or 10 minutes.  
 10 **A. Okay.**  
 11 Q. Okay?  
 12 THE VIDEOGRAPHER: Going off  
 13 record at the end of tape 1 disk 1 at 11:08:23.  
 14 (Recess taken.)  
 15 THE VIDEOGRAPHER: Back on record.  
 16 Tape disk 2 of Bobby Joe Pigg.  
 17 (Document marked Exhibit 10.)  
 18 BY MR. SATTERLEY:  
 19 Q. Mr. Pigg, I want to show you Exhibit 10  
 20 and ask you. You mentioned a fellow's name earlier.  
 21 **A. Oh, that's the name I was trying to**  
 22 **recall.**  
 23 Q. Moolga -- Moolgavkar?  
 24 **A. Uh-huh.**  
 25 Q. And did you -- you said that he was one

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1 of the speakers at the chrysotile conference?  
 2 **A. Yes, he was.**  
 3 Q. And did you meet him there?  
 4 **A. I remember I sat next to him for dinner.**  
 5 Q. Okay. And did you become familiar with  
 6 his -- any of his qualifications?  
 7 **A. No.**  
 8 Q. For example, is he a medical doctor?  
 9 **A. It says here he's a Ph.D.**  
 10 Q. Okay.  
 11 **A. I don't know.**  
 12 Q. All right. Any of the folks that  
 13 attended the conference in 2006, did you know if any  
 14 of the speakers, the people that actually talked,  
 15 did they ever get involved with, like, treating or  
 16 caring for somebody suffering from mesothelioma?  
 17 MR. COOK: Objection. Calls for  
 18 speculation. Vague.  
 19 MR. ARTABANE: If you know.  
 20 THE WITNESS: I don't know.  
 21 BY MR. SATTERLEY:  
 22 Q. You don't know?  
 23 **A. No.**  
 24 Q. Any -- any of the authors of the people  
 25 that wrote this "Chrysotile Revisited" article in

70

1 2013, do you know if any of those folks were  
 2 treating or caring for people with -- people  
 3 suffering from mesothelioma?  
 4 **A. I don't know.**  
 5 MR. COOK: Objection. Vague and  
 6 ambiguous.  
 7 BY MR. SATTERLEY:  
 8 Q. I'm sorry?  
 9 **A. I don't know.**  
 10 Q. Okay. That's what this exhibits says.  
 11 Have you -- since this conference in  
 12 2006, have you met this fellow?  
 13 **A. I saw him one time. There was a meeting**  
 14 **in Washington that he spoke.**  
 15 Q. Washington State?  
 16 **A. No, no. Washington, DC.**  
 17 Q. Okay.  
 18 **A. Now, he rep -- I don't know what company**  
 19 **he said he was representing. It -- oh, the meeting**  
 20 **was about EPA, looking at their risk assessment.**  
 21 Q. Okay.  
 22 **A. It was done by Dr. Nicholson back in**  
 23 **1986.**  
 24 Q. Uh-huh.  
 25 **A. And the EPA -- a part of the EPA was**

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1 **thinking of reevaluating the risk assessment in**  
 2 **order to make the distinction between fiber types**  
 3 **between chrysotile and the amphiboles, and he was --**  
 4 **he spoke at this meeting at the -- I forget the**  
 5 **hotel -- near Dupont Circle.**  
 6 Q. Okay. And you were present at that  
 7 meeting?  
 8 **A. Yes.**  
 9 Q. Okay. And Nicholson, you're talking  
 10 about William Nicholson?  
 11 **A. Yes.**  
 12 Q. And in 1986 William Nicholson did a  
 13 review of chrysotile?  
 14 **A. Well, no. He did -- he did a study --**  
 15 Q. Uh-huh.  
 16 **A. -- for EPA which was published as an EPA**  
 17 **risk assessment --**  
 18 Q. Sure.  
 19 **A. -- document.**  
 20 Q. Which included chrysotile?  
 21 **A. Yes.**  
 22 Q. Okay. And was there -- this meeting,  
 23 was that about -- about nine or 10 years ago?  
 24 **A. No. It was about three years ago.**  
 25 Q. Three years ago?

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1 **A. Yes.**  
 2 Q. And who put this meeting on?  
 3 **A. The EPA.**  
 4 Q. Okay.  
 5 **A. EPA.**  
 6 Q. Okay.  
 7 **A. And it was a public meeting.**  
 8 Q. At a hotel?  
 9 **A. They had a committee that was listening**  
 10 **of about 30 people from all over. Julian Peto for**  
 11 **one and about 30 members of this committee that was**  
 12 **reviewing what had been put together by EPA as a**  
 13 **proposal to revise or update the risk assessment**  
 14 **study.**  
 15 Q. And were you there as a representative  
 16 of the ICA or the AIA/North America?  
 17 **A. AIA/NA. I didn't participate. I was**  
 18 **just a --**  
 19 Q. Sure.  
 20 **A. -- listener.**  
 21 Q. Sure. And also as you said earlier,  
 22 you're not a scientist?  
 23 **A. No.**  
 24 Q. You have no technical expertise --  
 25 **A. No.**

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1 Q. -- with regards to which fibers could  
 2 cause which disease or anything like that?  
 3 **A. No.**  
 4 **(Document marked Exhibit 11.)**  
 5 BY MR. SATTERLEY:  
 6 Q. Okay. Let's see what else we have here.  
 7 I have what I marked as Exhibit 11. It's a  
 8 photograph of an individual.  
 9 Do you know who that is?  
 10 **A. Yes, I do.**  
 11 Q. And who is that person?  
 12 **A. Dr. Jacques Dunnigan.**  
 13 Q. And how do you know this person?  
 14 **A. Well, he's -- he's been a speaker at**  
 15 **various conferences that I've attended. He used to**  
 16 **be on the faculty of the University of Sherbrooke,**  
 17 **and he still lives in a suburb of Sherbrooke,**  
 18 **Canada, which is between Montreal and Thetford**  
 19 **Mines, Quebec City.**  
 20 Q. And so how long have you known him?  
 21 **A. Probably 30 years.**  
 22 Q. Heck, that would put us all the way back  
 23 in the '80s.  
 24 You knew him back in the '80s?  
 25 **A. Uh-huh. Yes.**

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1 Q. Okay. And has he been a long-time  
2 investigator of the chrysotile issue?  
3 **A. Yes.**  
4 Q. Okay. And has he published on the fact  
5 that chrysotile -- certain health issues?  
6 **A. Well, he's one of the coauthors on the**  
7 **revisited study and -- and I'm -- I don't know all**  
8 **of his background, but I'm sure there -- I'm sure**  
9 **there are quite a few studies that he's, you know,**  
10 **been involved in.**  
11 Q. Do you know who selected him to be a  
12 coauthor of this revisited paper?  
13 **A. No, I do not.**  
14 Q. Do you -- you don't know the process by  
15 which any of the authors were selected?  
16 **A. I do not.**  
17 Q. How would you -- if you wanted to find  
18 that out how these people were selected to be  
19 authors of this paper, what would you do?  
20 **A. Well, I would ask Dr. Bernstein.**  
21 Q. Okay.  
22 **A. I didn't know who they were until I saw**  
23 **the study published.**  
24 Q. Sure. So as far as you know, Bernstein  
25 would be the Bernstein to talk to to find out what

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1 process, if any, occurred to figure out who could be  
2 the coauthors?  
3 MR. COOK: Objection. Calls for  
4 speculation.  
5 THE WITNESS: Yes.  
6 BY MR. SATTERLEY:  
7 Q. Okay. Have you read the revisited  
8 paper?  
9 **A. No. I -- I scanned it.**  
10 Q. Okay.  
11 **A. I've read the abstract.**  
12 Q. All right. I guess then you couldn't  
13 figure out or tell us which of these coauthors  
14 participated in which sections of the paper or  
15 anything like that?  
16 **A. No.**  
17 Q. You don't -- you can't even say whether  
18 any of the coauthors actually did any work?  
19 **A. No, but I -- with their names on it, I**  
20 **would assume.**  
21 Q. Sure. Somebody could --  
22 **A. (Laugh).**  
23 Q. -- could have put their names on it, but  
24 as far as what work was done, you don't know;  
25 correct?

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1 **A. I don't. No, I do not.**  
2 Q. And all the funding, all the monies that  
3 were paid were paid directly to Bernstein?  
4 **A. No. Some -- some money was paid to**  
5 **Dr. Dunnigan.**  
6 Q. Okay. So when we get down to the  
7 invoices, we'll be able to figure out --  
8 **A. Yeah.**  
9 Q. -- how much went to Bernstein, how much  
10 went to Dunnigan?  
11 **A. I think Dunnigan was in the neighborhood**  
12 **of \$35,000, something like that.**  
13 Q. And how much roughly to Bernstein?  
14 **A. 200.**  
15 Q. 200,000?  
16 **A. Yes.**  
17 Q. Over the two?  
18 **A. Three years.**  
19 Q. Well, when did it begin?  
20 **A. For ICA's payments began in 2010, 2011,**  
21 **2012.**  
22 Q. Okay. And nothing in 2013?  
23 **A. No.**  
24 Q. Okay. And that doesn't include any  
25 money that the Chrysotile Institute would have paid

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1 him?  
2 **A. Correct.**  
3 Q. Okay. We'll set -- by the way, this  
4 Dunnigan, he's located up in Canada; correct?  
5 **A. Yes.**  
6 Q. Okay. Does he -- does he come down to  
7 the United States from time to time?  
8 **A. No.**  
9 Q. He doesn't?  
10 **A. I don't --**  
11 Q. You've always had to go to Canada to  
12 meet with him or around the world?  
13 **A. I -- I don't go up there to meet him. I**  
14 **mean, I just -- I just know who he is.**  
15 Q. Sure.  
16 **A. And -- but I haven't -- I haven't seen**  
17 **him in -- I don't know -- two or three years.**  
18 Q. Okay. But all your instances where  
19 you've interacted with him personally in person  
20 would be in Canada?  
21 **A. Yes.**  
22 Q. Okay.  
23 **A. (Conferring with counsel.)**  
24 Q. Do you need to meet?  
25 **A. Ask me the question again.**

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1 Q. Sure. I said all the occasions you have  
2 met with him, has it all been up in Canada? And I  
3 think your counsel indicated --  
4 **A. Oh, well, he -- he's -- I'm sure he's**  
5 **been to the States at some point in time and maybe**  
6 **-- I was trying to think of another conference in**  
7 **another place.**  
8 Q. Yeah. And that's --  
9 **A. Most -- most -- most of the meetings**  
10 **have been in Canada.**  
11 Q. Sure. Sure. And I guess what I'm  
12 trying to figure out. It's not a situation --  
13 **A. Yeah.**  
14 Q. -- where he came down and he was a part  
15 of, like, the EPA board --  
16 **A. Oh, no. No, no.**  
17 Q. -- or the government, OSHA evaluations?  
18 **A. No.**  
19 Q. Or EPA or anything like that?  
20 **A. No.**  
21 Q. Okay. Now, with regards from the ICA  
22 standpoint, you would agree that it would be  
23 improper for authors to put their names on the paper  
24 if they didn't do any work on it?  
25 MR. COOK: Objection. Lacks

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1 foundation. Calls for speculation. Vague and  
2 ambiguous.  
3 THE WITNESS: Well, I --  
4 MR. ARTABANE: If you know.  
5 THE WITNESS: I just -- I can't  
6 conceive of -- of a reputable scientist not doing  
7 the right thing. At least have some --  
8 BY MR. SATTERLEY:  
9 Q. Sure.  
10 **A. -- contribution to the study.**  
11 Q. Did --  
12 **A. I just -- I can't conceive that with the**  
13 **reputation that they have, some of the -- I don't**  
14 **know all the coauthors, but Dr. Gibbs is known as an**  
15 **international scientist. I can't conceive of him**  
16 **not making some contribution to that study --**  
17 Q. You --  
18 **A. -- and putting his name on it.**  
19 Q. You said "the right thing."  
20 You would agree with me that it wouldn't  
21 be the right thing to do from your perspective as  
22 the treasurer and an officer of the ICA to put your  
23 name on a study and actually not contribute to it?  
24 MR. COOK: Objection. Same  
25 objection as before.

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1 THE WITNESS: I would not.  
2 BY MR. SATTERLEY:  
3 Q. That would be -- that would be wrong?  
4 **A. Yes.**  
5 MR. COOK: Same objection. Calls  
6 for moral judgment.  
7 BY MR. SATTERLEY:  
8 Q. Okay. And that would be misleading for  
9 folks if -- if that occurred, would it not be?  
10 **A. But I don't think it did occur.**  
11 Q. I understand your opinion and -- but I'm  
12 saying: That would be misleading if that did occur;  
13 right?  
14 MR. COOK: Objection. Lacks  
15 foundation.  
16 THE WITNESS: You're asking me  
17 something that I don't know the answer to.  
18 BY MR. SATTERLEY:  
19 Q. All right.  
20 **A. I mean, I don't know that it would**  
21 **necessarily be...**  
22 Q. Go ahead. I'm sorry.  
23 **A. I don't know that it would be**  
24 **necessarily misleading. If my counsel,**  
25 **Mr. Artabane, asked me my opinion about something on**

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1 **a memorandum that he's written, could I -- could we**  
2 **sign it jointly. I trust him enough that I'd say**  
3 **yes, without reading it.**  
4 Q. Okay.  
5 **A. I just use that as an example.**  
6 Q. Without reading it. Sure.  
7 Okay. So from your perspective, if you  
8 trust somebody, trust somebody else in the -- and  
9 you know them, you feel comfortable putting -- that  
10 it would be okay to put the name on it without even  
11 reading it?  
12 MR. COOK: Objection. Vague and  
13 ambiguous.  
14 MR. ARTABANE: He didn't say that.  
15 MR. COOK: Lacks foundation.  
16 Calls for speculation and incomplete hypothetical.  
17 BY MR. SATTERLEY:  
18 Q. Is that fair?  
19 MR. COOK: Same objection.  
20 THE WITNESS: That's -- the  
21 question is, I'm going to stop beating my wife, you  
22 know. I mean, that's kind of like you're asking me.  
23 BY MR. SATTERLEY:  
24 Q. No, I disagree, in all due respects.  
25 Let me ask the question differently.

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1 **A. I don't know what you're asking me to**  
 2 **say.**  
 3 Q. So --  
 4 **A. I mean, I'm not going to say something**  
 5 **that I don't think is true.**  
 6 Q. So let me break it down this way.  
 7 **A. Okay.**  
 8 Q. The ICA, International Chrysotile  
 9 Association, to which you're speaking on behalf  
 10 of --  
 11 **A. Yes.**  
 12 Q. -- pursuant to the subpoena funded this  
 13 "Chrysotile Revisited" paper, at least in part?  
 14 **A. Yes.**  
 15 Q. Because you said 200,000 went to  
 16 Bernstein, 30 some odd thousand went to Dunnigan;  
 17 correct?  
 18 **A. Yes.**  
 19 Q. And there may be more funding from the  
 20 Chrysotile Institute?  
 21 **A. Could be.**  
 22 Q. Okay. From -- would you be disappointed  
 23 as the funder of this research to learn -- I'm  
 24 asking you hypothetically --  
 25 **A. Yeah.**

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1 Q. -- that not all of these authors  
 2 participated in writing?  
 3 MR. COOK: Objection. Incomplete  
 4 hypothetical. Assumes facts. Lacks foundation.  
 5 Calls for speculation.  
 6 THE WITNESS: Well, if -- the way  
 7 you characterize that, you're -- you're placing --  
 8 you're impugning those scientists, their motives,  
 9 aren't you, by asking -- by asking that. If I said  
 10 yes to your question, then I'm saying that their  
 11 motives should be impugned? I can't say that.  
 12 BY MR. SATTERLEY:  
 13 Q. Okay. I understand. So but let me ask  
 14 -- ask you this.  
 15 Do you have any evidence, sir, at all  
 16 that these, all these -- one, two, three, four,  
 17 five, six, seven -- eight people participated in  
 18 this revisited paper?  
 19 MR. COOK: Objection. Lacks  
 20 foundation.  
 21 THE WITNESS: I have no idea how  
 22 -- how that was done.  
 23 BY MR. SATTERLEY:  
 24 Q. Okay.  
 25 **A. I do not know.**

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1 Q. And when we dig into the -- when we dig  
 2 into some of these documents, it would be fair to  
 3 say, other than Bernstein and Dunnigan, you didn't  
 4 have any interaction with any of these other folks?  
 5 **A. None.**  
 6 Q. Okay. And you -- you on behalf of the  
 7 ICA didn't investigate the qualifications of some of  
 8 these folks, did you?  
 9 **A. No.**  
 10 MR. ARTABANE: Asked and answered.  
 11 MR. COOK: Objection. Lacks  
 12 foundation. Asked and answered.  
 13 BY MR. SATTERLEY:  
 14 Q. Well, I want to ask specifically  
 15 Hesterberg. Do you know who Hesterberg is?  
 16 MR. COOK: Same objection. Asked  
 17 and answered.  
 18 THE WITNESS: I didn't know his  
 19 name until I saw it on your letter saying he was  
 20 located in Little Rock.  
 21 BY MR. SATTERLEY:  
 22 Q. Okay.  
 23 **A. I don't -- I don't know Dr. Hesterberg.**  
 24 Q. And you had no communications back and  
 25 forth between the ICA and Hesterberg?

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1 **A. No.**  
 2 Q. And no documentation that would verify  
 3 that the ICA did a review of who Hesterberg was?  
 4 MR. COOK: Objection. Asked and  
 5 answered.  
 6 THE WITNESS: No.  
 7 MR. COOK: He already indicated  
 8 the Chrysotile Institute started the study.  
 9 MR. SATTERLEY: Counsel, that's  
 10 not proper. Are you pro vice in this case?  
 11 MR. COOK: I am.  
 12 MR. SATTERLEY: Okay. You know  
 13 under California procedure you cannot try to coach  
 14 the witness. You can -- you can --  
 15 MR. COOK: I'm not coaching the  
 16 witness.  
 17 MR. ARTABANE: He's not coaching  
 18 the witness. The witness already testified.  
 19 MR. SATTERLEY: Counsel, counsel.  
 20 MR. COOK: He already answered  
 21 your question.  
 22 MR. SATTERLEY: I'm directing my  
 23 comments to counsel.  
 24 If you have an objection to the  
 25 form of the question or you have a legal objection,

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1 state it, but don't start making speeches. Okay?  
 2 MR. COOK: That is hardly a  
 3 speech. He's already asked and answered that  
 4 question. You've already asked it and he's answered  
 5 it multiple times, counsel.  
 6 BY MR. SATTERLEY:  
 7 Q. Robert Brown. Do you know who he is?  
 8 MR. COOK: Same objection. Asked  
 9 and answered. Outside the witness's personal  
 10 knowledge.  
 11 MR. SATTERLEY: Wait a second.  
 12 How -- that's incredibly improper, sir. How do you  
 13 know it's outside of his knowledge who Robert Brown  
 14 is? Because he hasn't answered the question about  
 15 Robert Brown, and the record will speak for itself  
 16 because the record -- I have not asked a single  
 17 question about Robert Brown thus far.  
 18 So what you're doing, counsel, is  
 19 improper and I don't -- I'm going to request you  
 20 stop doing this. Okay?  
 21 MR. COOK: And I would just note  
 22 for the record that you asked him about generally  
 23 about the authors and how the study was conceived,  
 24 and he indicated it was the Chrysotile Institute.  
 25 MR. SATTERLEY: Well, stop, stop,

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1 stop. Let me continue on.  
 2 BY MR. SATTERLEY:  
 3 Q. Do you know who Robert Brown is?  
 4 **A. No.**  
 5 MR. COOK: Same objection.  
 6 BY MR. SATTERLEY:  
 7 Q. All right. Do you know who Juan Velasco  
 8 is?  
 9 MR. COOK: Same objection.  
 10 THE WITNESS: No.  
 11 BY MR. SATTERLEY:  
 12 Q. Do you know who Raul Verarri is?  
 13 **A. No.**  
 14 Q. Do you know who -- we already went over  
 15 Hoskins.  
 16 **A. Yes.**  
 17 Q. And you told us about Gibbs earlier,  
 18 Alan Gibbs?  
 19 **A. I just know I've seen his name, but I**  
 20 **never met him.**  
 21 Q. All right. The AIA/North America has  
 22 represented the asbestos industry in North America  
 23 for over 35 years; correct?  
 24 **A. Correct.**  
 25 Q. And asbestos -- chrysotile asbestos has

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1 been used commercially in the United States for a  
 2 hundred years; correct?  
 3 **A. Close to it, yes.**  
 4 Q. Huge quantities of chrysotile asbestos  
 5 were used in many products throughout the United  
 6 States; correct?  
 7 MR. COOK: Objection. Vague and  
 8 ambiguous.  
 9 THE WITNESS: Yes.  
 10 BY MR. SATTERLEY:  
 11 Q. Chrysotile is still used today in the  
 12 manufacture of several products; correct?  
 13 **A. Not several, no. In the US? Is that**  
 14 **the question?**  
 15 Q. No, I didn't ask.  
 16 I said chrysotile is still used today in  
 17 the manufacture of several products?  
 18 MR. COOK: Vague and ambiguous.  
 19 THE WITNESS: All over the world?  
 20 BY MR. SATTERLEY:  
 21 Q. Sure.  
 22 **A. About 90 to 95 percent in asbestos**  
 23 **cement products.**  
 24 Q. There's no asbestos ban in the United  
 25 States; correct?

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1 **A. That's correct.**  
 2 Q. It is the International Chrysotile  
 3 Association -- one of its purposes is to prevent  
 4 there being a ban on chrysotile asbestos; correct?  
 5 **A. That's correct. As long as -- as long**  
 6 **as it's used safely, yes.**  
 7 Q. And when you say used -- "as long as  
 8 it's used safely," what do you mean?  
 9 **A. Well, I mean, we'll make sure that**  
 10 **exposures are low.**  
 11 Q. And when you say "exposures are low,"  
 12 what do you mean? Below the permissible exposure  
 13 limit?  
 14 **A. Yes.**  
 15 Q. Okay. The current permissible exposure  
 16 limit?  
 17 **A. Yes.**  
 18 Q. Okay. You know that chrysotile asbestos  
 19 has been banned in numerous countries around the  
 20 world; correct?  
 21 **A. Yes.**  
 22 Q. And many of those countries around the  
 23 world that have banned chrysotile asbestos do not  
 24 contribute funds to the ICA?  
 25 MR. COOK: Objection. Relevance.

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1 THE WITNESS: They do not.  
 2 BY MR. SATTERLEY:  
 3 Q. Okay. For example --  
 4 **A. And most of those countries are in the**  
 5 **European Union.**  
 6 Q. Sure.  
 7 **A. The majority are.**  
 8 Q. So I'm going to go through and ask you  
 9 some questions about funding because you are the  
 10 treasurer of this organization.  
 11 **A. Okay.**  
 12 Q. Argentina. They don't contribute any  
 13 money to the ICA; correct?  
 14 **A. Correct.**  
 15 Q. And they've banned chrysotile asbestos?  
 16 MR. COOK: Objection. Relevance.  
 17 THE WITNESS: Well, the latest  
 18 publication from the US Geological Survey -- and my  
 19 understanding is, to answer your question, yes, but  
 20 apparently there's some production in Argentina, of  
 21 which I know nothing about but...  
 22 BY MR. SATTERLEY:  
 23 Q. Slovenia. They don't contribute monies  
 24 to the ICA?  
 25 **A. No.**

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1 Q. And they banned chrysotile asbestos?  
 2 MR. COOK: Objection. Outside the  
 3 witness's personal knowledge.  
 4 THE WITNESS: All of those  
 5 countries in the European Union have a ban which was  
 6 effective what, 2005 I think it was.  
 7 BY MR. SATTERLEY:  
 8 Q. Well, they banned it in various -- the  
 9 bans occurred at various times around the world;  
 10 right?  
 11 **A. Well, European Union was one ban and**  
 12 **which became effective, I think, in 2005. Actually**  
 13 **there's an exception for the use in diaphragms for**  
 14 **chrysotile.**  
 15 Q. Let me move to strike as nonresponsive.  
 16 Let me go through a list of countries --  
 17 **A. Okay.**  
 18 Q. -- that have banned chrysotile and see  
 19 if you agree with this.  
 20 Luxembourg?  
 21 **A. The answer is no contribution. No -- no**  
 22 **payment. Is that your --**  
 23 Q. Yes.  
 24 **A. Is that your question?**  
 25 Q. Sure.

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1 **A. The answer is no.**  
 2 Q. And Greece?  
 3 MR. COOK: Same objection.  
 4 THE WITNESS: No.  
 5 BY MR. SATTERLEY:  
 6 Q. No contribution?  
 7 **A. No.**  
 8 Q. To ICA?  
 9 **A. No.**  
 10 Q. And no -- no -- and they did ban?  
 11 **A. Yes.**  
 12 Q. Sweden?  
 13 MR. COOK: Same objection.  
 14 THE WITNESS: No contribution.  
 15 Ban, yes.  
 16 BY MR. SATTERLEY:  
 17 Q. Chrysotile is banned.  
 18 Malta?  
 19 MR. COOK: Same objection.  
 20 THE WITNESS: No contribution.  
 21 Ban, yes.  
 22 BY MR. SATTERLEY:  
 23 Q. Iceland?  
 24 MR. COOK: Same objection.  
 25 THE WITNESS: No contribution.

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1 Ban, yes.  
 2 BY MR. SATTERLEY:  
 3 Q. New Zealand?  
 4 MR. COOK: Same objection.  
 5 THE WITNESS: No contribution.  
 6 Ban, yes.  
 7 BY MR. SATTERLEY:  
 8 Q. South Africa?  
 9 MR. COOK: Same objection.  
 10 THE WITNESS: No contribution.  
 11 Ban, yes.  
 12 BY MR. SATTERLEY:  
 13 Q. Scotland?  
 14 **A. However, I'm not certain that there's a**  
 15 **total ban in South Africa. Whether they've**  
 16 **completely done that, I don't know.**  
 17 Q. Does the ICA -- have they met at various  
 18 places around the world for conferences?  
 19 **A. Yes.**  
 20 Q. Like Rio de Janeiro in Brazil?  
 21 **A. Yes.**  
 22 Q. And Dubai in the Middle East?  
 23 **A. Yes.**  
 24 Q. And in the meetings where the  
 25 International Chrysotile Association gets together,



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1 is there discussions to try to overturn some of  
 2 these bans?  
 3 **A. Not -- I haven't been there to all of**  
 4 **them, but, in general, I would say no. I don't**  
 5 **think. I mean, once -- once the ban, I don't know**  
 6 **of any country that's ever reversed a ban.**  
 7 Q. Okay. Once the health officials or  
 8 whoever makes the determination within the state to  
 9 ban the product --  
 10 **A. Uh-huh.**  
 11 Q. -- the chrysotile product, ICA doesn't  
 12 try to reverse the ban?  
 13 **A. No.**  
 14 Q. Okay. But you said you don't -- you  
 15 don't travel to the international conferences?  
 16 **A. Not all of them, no.**  
 17 Q. Okay. Like in Rio. You didn't go to  
 18 Rio?  
 19 **A. No.**  
 20 Q. And you didn't go to Dubai?  
 21 **A. Now, I did go to Dubai.**  
 22 Q. Okay. Let's continue on with some of  
 23 these countries.  
 24 Scotland they banned chrysotile?  
 25 MR. COOK: Same objection.

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1 THE WITNESS: Scotland?  
 2 BY MR. SATTERLEY:  
 3 Q. Scotland?  
 4 **A. I never knew Scotland had a ban. The UK**  
 5 **had a ban --**  
 6 Q. Okay.  
 7 **A. -- for it which would include Scotland.**  
 8 Q. They don't contribute?  
 9 **A. No contribution. Ban, yes.**  
 10 Q. Okay. Germany?  
 11 MR. COOK: Same objection.  
 12 THE WITNESS: No contribution.  
 13 Ban, yes.  
 14 BY MR. SATTERLEY:  
 15 Q. France?  
 16 MR. COOK: Same objection.  
 17 THE WITNESS: No contribution.  
 18 Ban, yes.  
 19 BY MR. SATTERLEY:  
 20 Q. Slovakia?  
 21 MR. COOK: Same objection.  
 22 THE WITNESS: No contribution.  
 23 Ban, yes.  
 24 BY MR. SATTERLEY:  
 25 Q. Ireland?

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1 MR. COOK: Same objection.  
 2 THE WITNESS: No contribution.  
 3 Ban, yes.  
 4 BY MR. SATTERLEY:  
 5 Q. Portugal?  
 6 MR. COOK: Same objection.  
 7 THE WITNESS: No contribution.  
 8 Ban, yes.  
 9 BY MR. SATTERLEY:  
 10 Q. United Arab Emirates? UAE?  
 11 MR. COOK: Same objection.  
 12 THE WITNESS: No. No ban.  
 13 BY MR. SATTERLEY:  
 14 Q. No ban?  
 15 **A. No ban.**  
 16 Q. They didn't ban chrysotile?  
 17 **A. No.**  
 18 Q. Do they contribute money to the ICA?  
 19 **A. The company does, but not the**  
 20 **government.**  
 21 Q. Okay.  
 22 **A. We have a member from UAE. Dubai.**  
 23 Q. Kuwait?  
 24 **A. No.**  
 25 Q. No ban?

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1 **A. No contribution. Ban, yes.**  
 2 Q. Okay. Poland?  
 3 MR. COOK: Same objection.  
 4 THE WITNESS: No contribution.  
 5 Ban, yes.  
 6 MR. COOK: Can I have a continuing  
 7 objection?  
 8 BY MR. SATTERLEY:  
 9 Q. Austria? Yes, you can.  
 10 MR. COOK: Thank you.  
 11 THE WITNESS: No contribution.  
 12 Ban, yes.  
 13 BY MR. SATTERLEY:  
 14 Q. Denmark?  
 15 **A. No contribution. Ban, yes.**  
 16 Q. Switzerland?  
 17 **A. No contribution. Ban, yes.**  
 18 Q. And by the way, that's the country that  
 19 this Bernstein fellow lives in; right?  
 20 **A. Yes.**  
 21 Q. And so they banned chrysotile?  
 22 **A. To my knowledge, yes.**  
 23 Q. Have you seen --  
 24 **A. Well, they're part -- they're part of**  
 25 **the EU, aren't they? I assume.**

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- 1 Q. Have you seen the photographs of  
2 Mr. Bernstein working with chrysotile?  
3 **A. No.**  
4 Q. Any of his animal testing?  
5 **A. No.**  
6 Q. Cypress. They banned chrysotile;  
7 correct?  
8 **A. To my knowledge, yes.**  
9 Q. And they have not contributed money?  
10 **A. No contribution, no.**  
11 Q. Australia?  
12 **A. No contribution. Ban, yes.**  
13 Q. Saudi Arabia?  
14 **A. No contribution. Ban, yes.**  
15 Q. Japan?  
16 **A. No contribution. Ban, yes.**  
17 Q. Italy?  
18 **A. No contribution. Ban, yes.**  
19 Q. Finland?  
20 **A. No contribution. Ban, yes.**  
21 Q. Chile?  
22 **A. No contribution. Ban, yes.**  
23 Q. Uruguay?  
24 **A. No contribution. Ban, yes.**  
25 Q. Wales?

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- 1 **A. A part of the U -- UK.**  
2 Q. Any?  
3 **A. No contribution. Ban, yes.**  
4 Q. And it's all part of the UK. UK banned  
5 chrysotile totally; right?  
6 **A. Yes.**  
7 Q. Honduras?  
8 **A. No contribution. Ban, yes.**  
9 Q. Czech Republic?  
10 **A. No contribution. Ban, yes.**  
11 Q. Lithuania?  
12 **A. No contribution. Ban, yes.**  
13 Q. Latvia?  
14 **A. No contribution. Ban, yes.**  
15 Q. Netherlands?  
16 **A. No contribution. Ban, yes.**  
17 Q. Astonia?  
18 **A. No contribution. Ban, yes.**  
19 Q. Norway?  
20 **A. No contribution. Ban, yes.**  
21 Q. Spain?  
22 **A. No contribution. Ban, yes.**  
23 Q. Hungary?  
24 **A. No contribution. Ban, yes.**  
25 Q. Belgium?

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- 1 **A. No contribution. Ban, yes.**  
2 Q. Ireland?  
3 **A. No contribution. Ban, yes.**  
4 Q. I may have already said Ireland once.  
5 I'm sorry. Northern Ireland. Northern Ireland.  
6 I'm making the distinction.  
7 **A. Okay. No contribution. Ban, yes.**  
8 Q. Okay. And then four of the most  
9 industrialized states of Brazil have also banned  
10 chrysotile; correct?  
11 **A. I don't know. I don't know the answer**  
12 **to that. They may have, but I'm not familiar with**  
13 **that.**  
14 Q. Okay. But you have some producers of  
15 asbestos from Brazil that are part of the -- of the  
16 International Chrysotile Association?  
17 **A. Only -- only one. There's only one**  
18 **producer in Brazil.**  
19 Q. And who is that?  
20 **A. SAMA, S-A-M-A.**  
21 Q. Okay. And now you said that a part of  
22 the ICA's purpose was to try to prevent a ban of  
23 chrysotile in the United States.  
24 Would that likewise be all of North  
25 America? Mexico? Canada? Or just United States?

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- 1 **A. Well, AIA/NA represents, I mean, as far**  
2 **as regionally would include Mexico, US, and Canada.**  
3 **AIA/NA. But there's no -- there's no activity at**  
4 **all anymore by AIA/NA.**  
5 Q. So a few years ago I know that there was  
6 some United States senators that were trying to ban  
7 asbestos totally.  
8 **A. Yes.**  
9 Q. And was either the AIA/NA or the ICA  
10 involved when that occurred?  
11 **A. The -- not specifically. I was**  
12 **contacted to ask a recommendation for someone at a**  
13 **hearing to speak, and the two people that -- this**  
14 **was what, five years ago, four years ago.**  
15 Q. Several years ago?  
16 **A. Yes.**  
17 Q. Yeah. And who did you -- who did you  
18 recommend to go speak at a hearing?  
19 **A. The -- the Professor Wilson from Harvard**  
20 **spoke and Dr. Robert Nolan from I think it's**  
21 **Brooklyn College.**  
22 Q. And why did you recommend Nolan?  
23 **A. Because, well, he's familiar with the**  
24 **literature, and I had heard him -- had heard him**  
25 **speak before.**

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1 Q. Where did you hear him speak?  
 2 **A. I honestly don't remember what. So many**  
 3 **conferences, but I've known Dr. Nolan for a good**  
 4 **long while. Of course, he used to be at Mount**  
 5 **Sinai, I think.**  
 6 Q. What did he do at Mount Sinai?  
 7 **A. I don't know.**  
 8 Q. Algeria. They banned chrysotile;  
 9 correct?  
 10 **A. I'm not -- I'm not -- off the top of my**  
 11 **head, I'm not certain about that.**  
 12 Q. Bulgaria. They banned chrysotile?  
 13 **A. They may have. I don't know.**  
 14 Q. They don't contribute to the ICA?  
 15 **A. No, no. Neither Algeria or Bulgaria.**  
 16 Q. South Korea. They banned chrysotile?  
 17 **A. Yes, they have banned and no**  
 18 **contribution.**  
 19 Q. And Norway?  
 20 **A. They have banned and no contribution.**  
 21 Q. And Romania?  
 22 **A. They have banned and no contribution.**  
 23 Q. And Turkey?  
 24 **A. Ah. I pause because I'm not certain**  
 25 **that Turkey has banned. They may have because I**

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1 **don't think they have been accepted in the European**  
 2 **Union yet, but -- but they may have banned. As far**  
 3 **as I know, they're not -- they're not using**  
 4 **chrysotile anymore, but officially I'm not certain**  
 5 **that they have published a ban.**  
 6 Q. Turkey doesn't contribute to the ICA, do  
 7 they?  
 8 **A. No.**  
 9 Q. Okay. Do you know a Mr. Leblond?  
 10 **A. Yes.**  
 11 Q. And is he -- was he vice president of  
 12 the LAB chrysotile, Incorporated?  
 13 **A. He was until he retired.**  
 14 Q. And he was a director of the Chrysotile  
 15 Institute; correct?  
 16 **A. Correct.**  
 17 Q. And you would describe the Chrysotile  
 18 Institute as an asbestos lobbying organization;  
 19 correct?  
 20 **A. I don't -- I don't know whether their**  
 21 **purpose -- I've -- I've seen in news articles**  
 22 **mention by, I think, Kathleen Ruff as a lobbying**  
 23 **organization, but I don't know. I've never seen**  
 24 **their bylaws. I don't know whether that was, you**  
 25 **know, a principal purpose to lobby in the sense that**

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1 **we here in the States, you know, define lobbying.**  
 2 **So I'm -- I'm giving you a partial**  
 3 **answer because I don't really know.**  
 4 Q. The AIA/NA, Asbestos Information  
 5 Association/North America, because they participate  
 6 in rulemaking, you would agree that was a lobby?  
 7 MR. ARTABANE: Objection. He  
 8 never said that, and he's not qualified to make  
 9 that.  
 10 BY MR. SATTERLEY:  
 11 Q. All right. Did --  
 12 MR. ARTABANE: You're asking for a  
 13 legal conclusion from a witness.  
 14 MR. SATTERLEY: Counsel, don't  
 15 yell at me.  
 16 MR. ARTABANE: I'm not yelling at  
 17 you.  
 18 BY MR. SATTERLEY:  
 19 Q. The AIA/NA --  
 20 MR. ARTABANE: In fact, I  
 21 virtually haven't spoken this entire time.  
 22 MR. SATTERLEY: Okay. I know the  
 23 tone, though. The AIA/NA --  
 24 MR. ARTABANE: That's my normal  
 25 tone and I'm not going to apologize for that.

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1 MR. SATTERLEY: Are you finished?  
 2 BY MR. SATTERLEY:  
 3 Q. The AI -- sir, Mr. Pigg, the AIA/NA you  
 4 told us earlier participated in the rulemaking  
 5 process?  
 6 **A. Uh-huh.**  
 7 Q. Correct?  
 8 **A. Yes.**  
 9 Q. And by providing regulators and  
 10 politicians information; right?  
 11 **A. Not politicians, but I don't -- I don't**  
 12 **consider responding to a public rulemaking lobbying.**  
 13 **I mean, they asked for public comments --**  
 14 Q. Okay.  
 15 **A. -- and that's what we -- what we did.**  
 16 Q. Okay. And you provide information that  
 17 certainly would benefit your member companies;  
 18 correct?  
 19 **A. Yes.**  
 20 Q. And your member companies in the '70s  
 21 and '80s were companies that were manufacturers,  
 22 producers, and sellers of asbestos products?  
 23 **A. Correct.**  
 24 Q. And in the '70s, the AIA of North  
 25 America didn't limit its membership to only

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1 manufacturers of chrysotile products; correct?  
 2 **A. Correct.**  
 3 Q. Did AIA of North America ever limit  
 4 their membership only to manufacturers of chrysotile  
 5 products?  
 6 **A. No, because, of course, the amphiboles,**  
 7 **you know, crocidolite and amosite, their consumption**  
 8 **steadily -- and chrysotile as well because of**  
 9 **litigation and insurance and as the consumption went**  
 10 **down and the last -- the last user of crocidolite so**  
 11 **far as I know would have been in the AC pipe**  
 12 **industry, which terminated about 1991.**  
 13 Q. Move to strike as nonresponsive the last  
 14 portions of that response.  
 15 For example, if a company made products  
 16 in New Jersey and the products happened to include  
 17 crocidolite and they also make chrysotile products,  
 18 would the AIA/North America accept them as members  
 19 because they make two different asbestos-containing  
 20 products?  
 21 **A. Yes.**  
 22 Q. All right. And you do know that Union  
 23 Carbide in New Jersey made both chrysotile and  
 24 crocidolite products?  
 25 MR. COOK: Objection. Lacks

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1 foundation.  
 2 THE WITNESS: I did not know that.  
 3 BY MR. SATTERLEY:  
 4 Q. Have you ever read the paper of Mary  
 5 Jane Teller on the people that died of mesothelioma  
 6 from the Union Carbide facility?  
 7 **A. No.**  
 8 Q. Have you ever talked to Dennis  
 9 Paustenbach about the Union Carbide employees with  
 10 mesothelioma?  
 11 **A. No.**  
 12 Q. Now, let me do this. We're up to  
 13 number -- I think we're up to number 12. Let me  
 14 have you identify.  
 15 (Document marked Exhibit 12.)  
 16 BY MR. SATTERLEY:  
 17 Q. Exhibit 12 is a document that's been  
 18 Bates stamped ICA-Pigg 1 through 15. I'm going to  
 19 hand this to you, Mr. Pigg. What is No. 12?  
 20 **A. That's the bylaws of ICA.**  
 21 Q. And are those documents that you  
 22 gathered in response to the subpoena to the ICA?  
 23 **A. Yes.**  
 24 Q. And those documents were created and  
 25 kept in the normal course of business of the ICA?

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1 **A. Yes.**  
 2 Q. And those were produced in response to  
 3 the subpoena?  
 4 **A. Yes.**  
 5 Q. And you verify that Exhibit 12 is a true  
 6 and accurate copy of the -- of the bylaws?  
 7 **A. Yes.**  
 8 Q. Okay. And what's the date of that --  
 9 that one?  
 10 **A. December 3, 2012.**  
 11 Q. Have you -- did you look -- thank you,  
 12 sir.  
 13 Have you looked for bylaws or other  
 14 organizational documents of ICA prior to December of  
 15 2012?  
 16 **A. Have I looked?**  
 17 Q. Sure.  
 18 **A. I don't -- this was made by -- I forget**  
 19 **the name -- Byers Casbring -- Byers Casgrain law**  
 20 **firm in Montreal. That's where all the bylaws are**  
 21 **kept.**  
 22 Q. Okay. And --  
 23 **A. At the head office.**  
 24 Q. Did you -- did you have to contact  
 25 somebody up in Montreal to get this one?

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1 **A. It was -- it was sent to me as the**  
 2 **treasurer.**  
 3 Q. Okay. In response to the subpoena?  
 4 **A. No.**  
 5 Q. Oh, you had it in your possession  
 6 already?  
 7 **A. Yes.**  
 8 Q. All right. My question is: This is  
 9 December of 2012. This is updated.  
 10 Were there other bylaws that were  
 11 created back in the few years ago?  
 12 **A. Well, I'm sure -- sure there were, yes.**  
 13 **I mean, just they were updated.**  
 14 Q. Well, we need to take a break, your  
 15 attorney is taking a phone call.  
 16 MR. SATTERLEY: So you need to  
 17 take a break for that?  
 18 MR. ARTABANE: No.  
 19 BY MR. SATTERLEY:  
 20 Q. Sorry. You were saying there's other --  
 21 there would be other documents?  
 22 **A. I'm sure that the -- that was prepared.**  
 23 **Her name is Susan Harris. Susan Harris.**  
 24 Q. And where is she located?  
 25 **A. In Montreal with the -- she's with the**

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1 **law firm of Byers Casgrain.**  
 2 Q. Have you searched for any additional  
 3 organizational documents, other than these bylaws?  
 4 **A. No.**  
 5 Q. Do you have any additional  
 6 organizational documents?  
 7 **A. No.**  
 8 Q. If you wanted to find out where other  
 9 organizational documents were, where would you --  
 10 would you go to this lawyer?  
 11 **A. To the main office in Montreal, yes.**  
 12 Q. And do you know what the address is on  
 13 that?  
 14 **A. 1 Place Ville Marie.**  
 15 Q. Okay.  
 16 **A. I think we state -- it's in the -- what**  
 17 **the counsel provided you, we give you the address.**  
 18 Q. And one of the purposes in the bylaws of  
 19 the ICA is to defend the chrysotile industry from  
 20 unwarranted attacks?  
 21 **A. Uh-huh.**  
 22 Q. Correct?  
 23 **A. That's -- yes.**  
 24 Q. You got to say yes or no so --  
 25 **A. Yes.**

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1 Q. Okay. Sorry about that.  
 2 And that's specifically -- specifically  
 3 in the purpose -- purposes of the bylaw; right?  
 4 **A. Yes.**  
 5 Q. And also it's to prevent the  
 6 irresponsible use of chrysotile?  
 7 **A. Yes.**  
 8 Q. Okay. And so, for example, preventing  
 9 chrysotile from being used that would expose anybody  
 10 to dusty fibers in the air. That's what ICA's --  
 11 one of its purposes?  
 12 **A. Yeah.**  
 13 MR. COOK: Objection. Vague and  
 14 ambiguous. Lacks foundation. Calls for expert  
 15 testimony.  
 16 THE WITNESS: And we provide, you  
 17 know, information and the Chrysotile Institute was  
 18 especially active in providing basic engineering  
 19 controls on the safe use of chrysotile, a thick,  
 20 thick document. And so answering your question is,  
 21 yes, that's a part of the mission.  
 22 BY MR. SATTERLEY:  
 23 Q. Okay. Move to strike as nonresponsive.  
 24 Sir, you're not here for the Chrysotile  
 25 Institute; correct?

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1 **A. That's correct.**  
 2 Q. All right. So I'm talking about the  
 3 International Chrysotile Association.  
 4 **A. Oh, okay.**  
 5 Q. One of its purposes is to try to prevent  
 6 the irresponsible use of chrysotile?  
 7 **A. Correct.**  
 8 Q. And it would be the ICA's view that if  
 9 chrysotile was used and created dust, visible dust  
 10 into the air that people could see, that would be an  
 11 irresponsible use of chrysotile?  
 12 MR. COOK: Objection. Vague and  
 13 ambiguous. Incomplete hypothetical. Assumes facts.  
 14 Lacks foundation, and calls for expert testimony.  
 15 THE WITNESS: Well, you know,  
 16 there -- there may be episodic exposures where  
 17 there's dust, but certainly the ICA through its  
 18 members and distribution of -- of literature  
 19 encourages every member to follow permissible  
 20 exposure limits and to keep -- keep the exposures  
 21 low.  
 22 BY MR. SATTERLEY:  
 23 Q. Well, let me ask you.  
 24 What is the budget, the ICA budget, for  
 25 distribution of literature?

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1 **A. We don't have it. There's no budget per**  
 2 **se for that.**  
 3 Q. Well, you're the treasurer; right?  
 4 **A. Yes.**  
 5 Q. How much money does the ICA spend each  
 6 year to distribute --  
 7 **A. Oh, most of the --**  
 8 Q. -- literature -- let me finish my  
 9 question, sir.  
 10 How much money does the ICA spend each  
 11 year to distribute literature on ensuring that there  
 12 is not irresponsible use of chrysotile asbestos?  
 13 **A. I can't give you an answer because much**  
 14 **of the literature was distributed from the office in**  
 15 **Canada rather than from me.**  
 16 Q. But you're the treasurer, aren't you?  
 17 **A. Yes.**  
 18 Q. Okay. Is there anybody else that's the  
 19 treasurer of the ICA other than you?  
 20 **A. No.**  
 21 Q. Okay. How much money does the ICA spend  
 22 each year to promote safety as it relates to  
 23 chrysotile asbestos?  
 24 MR. COOK: Objection. Vague and  
 25 ambiguous.

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1 THE WITNESS: I can't give you an  
2 exact amount. I know that there have been -- there  
3 have been technical seminars over the years where,  
4 you know, people have spoken, but I can't, you know,  
5 I have no way of knowing an amount of money per se  
6 for that. I just don't know.

7 BY MR. SATTERLEY:

8 Q. You can't share with the folks on the  
9 jury, for example, hey, every year we spend \$100,000  
10 or \$200,000 or \$10 to try to educate the public that  
11 if you get in a dusty environment with chrysotile  
12 asbestos, it's dangerous?

13 MR. COOK: Objection. Same  
14 objection as before.

15 THE WITNESS: I can't give you an  
16 amount of money. I can -- I can say to you that  
17 there's been a lot of documents and publications  
18 distributed from the office in -- in Canada, not --  
19 not by me because I'm -- it's just me as the  
20 treasurer. But a lot of documents have been  
21 distributed from Canada promoting the safe use.

22 BY MR. SATTERLEY:

23 Q. Objection. Move to strike.  
24 Nonresponsive.

25 Have you brought with you today or

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1 produced in response to the subpoena any documents  
2 from the ICA regarding its publication of safety as  
3 it relates to asbestos?

4 **A. You mean have I --**

5 MR. ARTABANE: Can you direct us  
6 to where that was required in your document request  
7 or subpoena?

8 MR. SATTERLEY: I will after  
9 lunch. Yeah, sure.

10 MR. ARTABANE: Okay. Because I  
11 don't recall that it was there.

12 MR. SATTERLEY: Well, it says  
13 category 3. Research shall refer to -- I'll do it  
14 now instead of after lunch.

15 "Research shall refer to  
16 activities whether it is research, development,  
17 and/or publishing any article, study or publication  
18 which addresses the health and safety issues related  
19 to chrysotile asbestos.

20 THE WITNESS: I've got a document.

21 Excuse me just --

22 BY MR. SATTERLEY:

23 Q. Sure. Do you want to go off the record  
24 so you can or you --

25 **A. No.**

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1 Q. Okay.

2 **A. I'll get the document for you.**

3 Q. Sure.

4 THE VIDEOGRAPHER: You want to  
5 stay on video; right?

6 MR. SATTERLEY: Sure. That would  
7 be fine.

8 THE VIDEOGRAPHER: Going off video  
9 at 11:59:25.

10 (Recess taken.)

11 THE VIDEOGRAPHER: Back on record  
12 at 12:39. 12 o'clock and 39 seconds.

13 MR. SATTERLEY: You -- are we back  
14 on record?

15 THE VIDEOGRAPHER: We are.

16 BY MR. SATTERLEY:

17 Q. All right. You've pulled from your  
18 briefcase three different things and so the first  
19 one is a black book. On the back of it, it's got  
20 ICA, International Chrysotile Association, with a  
21 little symbol above the I.

22 Is that your all's trademark?

23 **A. Yes.**

24 Q. And it's got Chrysotile Institute with a  
25 triangle above it.

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1 **A. Yes.**

2 Q. What does this book represent? Is that  
3 this thick book?

4 **A. Well, it's just a compilation of  
5 studies.**

6 Q. And is this compilation -- who put  
7 together this?

8 **A. It was in Montreal. It was of those  
9 studies, you know, that were in the literature, and  
10 I'm sure some of them on the website.**

11 Q. Okay. And then what else you got there?

12 **A. Well, now these are both from the  
13 Chrysotile Institute. Now, again, I'm, you know,  
14 Mr. Godbout was the president of the Institute and  
15 was chairman of ICA for, you know, at the same --  
16 same time and these were distributed to ICA  
17 members --**

18 Q. Okay. People that --

19 **A. -- throughout the world.**

20 Q. People that pay the dues?

21 **A. Yes.**

22 Q. Like so if you're a member company?

23 **A. You get this.**

24 Q. You get a copy of this?

25 **A. As many -- as many as you wanted.**

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1 Q. Okay.

2 **A. For the -- for, you know, the plants and**

3 **whatnot. This is on basic dust control and on safe**

4 **use of chrysotile.**

5 Q. And so -- and I guess these went to the

6 management people in the company?

7 **A. Yes.**

8 Q. Okay. I mean, this wasn't sent out to

9 workers, was it?

10 **A. Well, it was with the idea that**

11 **management, of course, would, you know, use it to**

12 **educate their workers.**

13 Q. No. My -- objection. Moves to strike.

14 Nonresponsive.

15 Were these documents sent to workers?

16 **A. Not by address. They were sent to -- to**

17 **the companies or the national associations that were**

18 **members who had companies within their association,**

19 **and they were sent in -- in volume as many copies as**

20 **they wanted.**

21 Q. And this is -- these are the Chrysotile

22 Institute, though; correct?

23 **A. That's correct.**

24 Q. But you're saying these documents from

25 the Chrysotile Institute was given to ICA and then

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1 ICA would then give it to its member companies?

2 **A. That's correct.**

3 Q. Okay. I'd like to mark these as the

4 next exhibits. Let's -- let me borrow the black

5 book.

6 MR. HARTLEY: That would be part

7 of it, too.

8 MR. SATTERLEY: I'll mark that

9 separately. So we're up to No. 13. Pigg 13.

10 (Document marked Exhibit 13.)

11 BY MR. SATTERLEY:

12 Q. This is the studies published on

13 chrysotile and it has a Table of Contents in it;

14 correct?

15 **A. Correct.**

16 Q. And this was, you said, put together

17 both -- in conjunction with both of these

18 organizations?

19 **A. Right. And it's put together in the**

20 **Montreal office.**

21 Q. And is this used and sent out to

22 customers or member companies?

23 **A. It has been or, you know, mainly the**

24 **office in Montreal. You know, they get requests,**

25 **you know, fairly frequently for information and**

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1 **anyone who asks and where this might be responsive,**

2 **they, you know, are provided with the document.**

3 Q. And I see that Bernstein's name is on

4 several of these articles; correct?

5 **A. Yeah, that's the Calidria study and the**

6 **Brazil study.**

7 Q. Well, more than that.

8 **A. And the biopersistence. I think three**

9 **of them.**

10 Q. One, two, three. Let me. The first six

11 studies, five of the first six his name is the lead

12 author. Bernstein, Bernstein, Bernstein, Bernstein,

13 Bernstein; right?

14 **A. Okay.**

15 Q. Do you know how much money overall was

16 spent by the chrysotile various organizations to

17 create these articles?

18 **A. No. It was just the printing of them is**

19 **all.**

20 Q. No. I'm talking about the money paid to

21 these scientists.

22 **A. Oh, none.**

23 Q. None? So is your testimony under oath

24 that Bernstein didn't get money?

25 MR. COOK: Objection. Outside the

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1 witness's personal knowledge.

2 THE WITNESS: No. For the

3 revisited study only.

4 BY MR. SATTERLEY:

5 Q. And so my question is: Do you know or

6 have you researched how much money was paid for any

7 of these other particular studies?

8 **A. No.**

9 Q. Okay.

10 **A. ICA didn't. I can testify that ICA paid**

11 **-- did not pay anything.**

12 Q. Okay. But, for example, if the

13 Chrysotile Institute paid him or Union Carbide paid

14 him or the lawyers paid them?

15 **A. I don't know.**

16 Q. You don't know.

17 Okay. Just a second.

18 Do you -- because this publication,

19 Exhibit 13, ICA and Chrysotile Institute are both on

20 this, this was a joint effort?

21 **A. Yes.**

22 Q. Okay. This is an effort to put these

23 publications together like this was jointly done?

24 **A. Yes.**

25 MR. COOK: Objection. Vague.

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1 BY MR. SATTERLEY:

2 Q. And so would you agree that there's --  
3 there was a relationship, at least a fairly close  
4 relationship, between the Chrysotile Institute and  
5 the ICA?

6 MR. COOK: Objection. Vague and  
7 ambiguous.

8 THE WITNESS: There was -- there  
9 was -- I'll put it this way. I wouldn't say there's  
10 any official relationship, but certainly the  
11 purposes are similar.

12 BY MR. SATTERLEY:

13 Q. And the relationship was close enough,  
14 though, that the Chrysotile Institute would share  
15 information with the ICA?

16 A. Yes.

17 Q. And would the Chrysotile Institute  
18 charge?

19 A. No.

20 Q. It would provide this information free?

21 A. Yes.

22 (Document marked Exhibit 14.)

23 BY MR. SATTERLEY:

24 Q. So Exhibit 14, for example, is a  
25 Chrysotile Institute book or pamphlet on the basics

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1 of the chrysotile asbestos dust control that the  
2 Chrysotile Institute would give to the ICA?

3 A. Yes.

4 Q. Is Exhibit 14 a fair and accurate copy  
5 of the -- of the safe and responsible use of  
6 chrysotile provided by the Chrysotile Institute?

7 MR. COOK: Objection.

8 BY MR. SATTERLEY:

9 Q. That's what it says on it. Safe and --

10 MR. COOK: I was looking at the  
11 top. The "Basics of Chrysotile."

12 BY MR. SATTERLEY:

13 Q. Safe and responsible use. Does it not  
14 say that, sir?

15 A. That's what it says.

16 Q. And --

17 A. That's -- that's -- that is a policy of  
18 the Institute as well as ICA to promote safe and  
19 responsible use.

20 Q. Sure.

21 A. It's kind of like a byline, so to speak.

22 Q. And so this would be a fair and accurate  
23 copy of the Chrysotile Institute's safe and  
24 responsible use of chrysotile asbestos?

25 A. But that's the primary purpose of it is

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1 **advising companies, etc., on the basics of dust  
2 control as a part of the overall policy of promoting  
3 safe and responsible use of chrysotile.**

4 Q. Sure. And this would be a true and  
5 accurate copy of the document that was created and  
6 sent to ICA; correct?

7 A. Correct.

8 Q. And in the 1970s, did Union Carbide ever  
9 provide the AIA with a safe and responsible use  
10 brochure like this regarding their Calidria  
11 asbestos?

12 A. Not to my knowledge.

13 Q. In the 1980s, did Union Carbide ever  
14 provide the AIA of North America with brochures on  
15 the safe and responsible use of Calidria asbestos?

16 A. Not to my knowledge.

17 (Document marked Exhibit 15.)

18 BY MR. SATTERLEY:

19 Q. Exhibit 15. What is this?

20 A. Well, that's a general manual on  
21 preventive and control measures which covers a  
22 variety of items within the industry about what  
23 regulations are in various countries. Dust control  
24 processes, fiber monitoring, personal protective  
25 equipment, medical surveillance, information and

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1 **training, but it's a, you know, a manual for  
2 specifically to be used by members within the --  
3 within the industry.**

4 Q. And this manual, was this a manual that  
5 was received and kept in the ordinary and normal  
6 course of business of the ICA?

7 A. Well, yes, it was. I mean, we received  
8 it, you know, from the Institute but, I mean, I  
9 pulled it out of a few publications that I had  
10 personally to bring with me to show you just an  
11 example of what -- what has been done.

12 Q. And so this was -- on the back it says  
13 the "Chrysotile Institute"; correct?

14 A. Yes.

15 Q. And so you'd agree with me, would you  
16 not, sir, that this is a manual that was kept and  
17 maintained in the ordinary course of business?

18 A. Yes.

19 Q. Okay. And what this manual has is it  
20 has detailed sections. It's got it sectioned off by  
21 like chapters; right?

22 A. Yes.

23 Q. Chapter 1 is "Chrysotile Asbestos and  
24 Health." And it goes through and it has various  
25 different handling about waste and about personal



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1 protective --  
 2 **A. Yes.**  
 3 Q. -- and monitoring and things of that  
 4 nature?  
 5 **A. Yes.**  
 6 Q. Okay. And I'm not going to go through  
 7 all this, obviously.  
 8 **A. Yeah.**  
 9 Q. I just got it.  
 10 But this type of information with this  
 11 manual and the Table of Contents -- actually the  
 12 Table of Contents has 12 different -- 12 different  
 13 sections on it; correct?  
 14 **A. Correct.**  
 15 Q. This type of manual, did Union Carbide  
 16 back in the '70s provide a manual like this for the  
 17 AIA of North America?  
 18 **A. No.**  
 19 MR. COOK: Objection. Lacks  
 20 foundation. Assumes facts.  
 21 BY MR. SATTERLEY:  
 22 Q. What about in the 1980s?  
 23 **A. No.**  
 24 MR. COOK: Same objection.  
 25 MR. SATTERLEY: This next document

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1 is -- we'll mark this as we're up to 16.  
 2 (Document marked Exhibit 16.)  
 3 THE VIDEOGRAPHER: Counsel, we  
 4 have about five more minutes.  
 5 BY MR. SATTERLEY:  
 6 Q. Okay. And up to 16 and what is this  
 7 document?  
 8 **A. Well, it was a document that I actually**  
 9 **received from the Montreal office, and I don't know**  
 10 **who among the authors prepared it. I just know I**  
 11 **got it from the Montreal and it's about -- one of**  
 12 **the main things is the number -- the appendix is**  
 13 **interesting in referring to several studies. But**  
 14 **who -- who -- which one of those authors did it and**  
 15 **distributed it, I don't know.**  
 16 Q. All right. You received this -- when  
 17 you say the Montreal office, you're talking about  
 18 the ICA?  
 19 **A. Yes.**  
 20 Q. And do you remember who from the  
 21 Montreal office?  
 22 **A. Or either that or the Chrysotile**  
 23 **Institute. I don't know which one.**  
 24 Q. You don't which -- which?  
 25 **A. Which sent it to me.**

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1 Q. Okay. Because both -- both the  
 2 Chrysotile Institute and the ICA have offices in  
 3 Montreal?  
 4 **A. Right.**  
 5 Q. Their headquarters?  
 6 **A. Right.**  
 7 Q. They're both headquartered?  
 8 **A. Yes. Well, the Institute no longer. As**  
 9 **I say, closed in March of 2012.**  
 10 Q. But back in 2010 when this was  
 11 written --  
 12 **A. Yeah.**  
 13 Q. -- they both existed in Montreal?  
 14 **A. Correct.**  
 15 Q. And were they nearby each other?  
 16 **A. Same, uh-huh.**  
 17 Q. Same building?  
 18 **A. Same building.**  
 19 Q. Same officers?  
 20 **A. Yes.**  
 21 Q. Same directors?  
 22 **A. No.**  
 23 Q. Okay. Who was different as far as the  
 24 directors are concerned between the ICA and the  
 25 Chrysotile Institute?

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1 **A. I don't know who the directors were of**  
 2 **the Institute. As I say, it was tripartite;**  
 3 **government, labor, industry and so I don't know -- I**  
 4 **don't know who -- who comprised their -- their**  
 5 **directors.**  
 6 Q. Well, is it fair to say that this list  
 7 was sent to you so that you could share with other  
 8 folks about safety as it relates to chrysotile  
 9 asbestos?  
 10 **A. I'd say yes. I mean, in case I've got**  
 11 **an inquiry, but I didn't make any distribution of**  
 12 **that.**  
 13 Q. In the 1970s, this -- this -- well, let  
 14 me ask it this way.  
 15 This said "On the Safety in Use of  
 16 Chrysotile Asbestos."  
 17 **A. Uh-huh.**  
 18 Q. It's dated November 2010; right?  
 19 **A. Right.**  
 20 Q. In the '70s, did you ever receive any  
 21 memorandums from Union Carbide dealing with safety  
 22 in the use of Calidria asbestos?  
 23 MR. COOK: Objection. Assumes  
 24 facts not in evidence.  
 25 THE WITNESS: No. No.

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1 BY MR. SATTERLEY:  
 2 Q. No? And did you say that you worked for  
 3 Mr. -- did you work for Mr. Mereness when he was  
 4 there with AIA?  
 5 **A. Yes.**  
 6 Q. You were his assistant?  
 7 **A. Yes.**  
 8 Q. And how long were you Mr. Mereness'  
 9 assistant?  
 10 **A. Four years.**  
 11 Q. And which are those four years?  
 12 **A. '74 to '78. 1974 to 1978.**  
 13 Q. And in the 1980s, did you at the AIA of  
 14 North America receive any information from Union  
 15 Carbide on the safety as it relates to the use of  
 16 Calidria asbestos?  
 17 MR. COOK: Same objection.  
 18 THE WITNESS: No.  
 19 BY MR. SATTERLEY:  
 20 Q. Okay. This -- this -- we'll probably  
 21 come back to these things.  
 22 Any other -- anything else you got in  
 23 your briefcase that's responsive to this subpoena?  
 24 **A. No.**  
 25 Q. Okay. We're -- I want to mark these

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1 items before we take a lunch break. You want to  
 2 take a lunch break, don't you, in a little bit?  
 3 **A. No.**  
 4 Q. Oh, you want to keep going?  
 5 **A. Let's keep going.**  
 6 Q. Okay. Well, any time you need to take a  
 7 break, you just let me know. Okay?  
 8 **A. Okay. Thank you.**  
 9 Q. All right. I don't want to deprive you  
 10 of breaks, that's for sure.  
 11 (Document marked Exhibit 17.)  
 12 BY MR. SATTERLEY:  
 13 Q. Exhibit 17. This is Bates numbered ICA  
 14 16 through 107. Page 16 through 107.  
 15 What is this, sir?  
 16 **A. Those are the records of payment,**  
 17 **primarily to Dr. Bernstein and a few to**  
 18 **Dr. Dunnigan. It's just the record of payment.**  
 19 Q. And where -- where were those?  
 20 Exhibit 17, where were those documents located?  
 21 Where did you find those at?  
 22 **A. I had them at my home, which is I**  
 23 **operate from home, my home office.**  
 24 Q. Sure. Did you have them in a file?  
 25 **A. Yes.**

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1 Q. Okay. And was the file marked --  
 2 **A. Yes.**  
 3 Q. -- in some way?  
 4 What was -- what was it marked as?  
 5 **A. Marked risk -- "Risk Assessment Study."**  
 6 Q. Okay.  
 7 **A. "2010."**  
 8 Q. All right.  
 9 **A. And each one for this were all in.**  
 10 Q. Sure. And so these documents, would it  
 11 comprise all the documents that you maintained  
 12 relating to this risk assessment study?  
 13 **A. Correct.**  
 14 Q. And this would be all records you have  
 15 regarding the payments made for the risk assessment  
 16 study?  
 17 **A. Yes.**  
 18 Q. And as I read through these documents  
 19 and many points in there, they indicate the amounts  
 20 that are paid; correct?  
 21 **A. Right.**  
 22 Q. They were -- invoices were sent?  
 23 **A. Yes.**  
 24 Q. And payments --  
 25 **A. Yes.**

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1 Q. -- were made?  
 2 **A. Yes.**  
 3 Q. Okay. At no part in Exhibit 17 is there  
 4 any reference to grant proposals; correct?  
 5 **A. Correct.**  
 6 Q. At no part of Exhibit 17 is there any --  
 7 the word "grant"?  
 8 THE VIDEOGRAPHER: We're under a  
 9 minute.  
 10 MR. SATTERLEY: Okay. Let me just  
 11 finish this question.  
 12 BY MR. SATTERLEY:  
 13 Q. The word "grant" appears nowhere in  
 14 Exhibit 17?  
 15 **A. Does not.**  
 16 MR. SATTERLEY: Okay. Let's  
 17 change the tapes.  
 18 THE VIDEOGRAPHER: Okay. Going  
 19 off record. Then end of tape 2 disk 2. 12:17:33.  
 20 (Recess taken.)  
 21 THE VIDEOGRAPHER: Back on record.  
 22 Tape disk No. 3 at 12:28:32.  
 23 BY MR. SATTERLEY:  
 24 Q. So we were talking about Exhibit 17, and  
 25 this is some of the financial payments made to

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1 Mr. Bernstein; correct?  
 2 **A. Correct.**  
 3 Q. And so, for example, on the first page,  
 4 Pigg 16, it's got number 16 at the bottom, Bates  
 5 number.  
 6 **A. Right.**  
 7 Q. It's got various payments in 2010 to  
 8 David Bernstein. Do you see that?  
 9 **A. Yes.**  
 10 Q. And it's --  
 11 **A. Well, the last one is -- is to Dunnigan.**  
 12 Q. Okay. So just -- that's what I wanted  
 13 to go through.  
 14 It looks like on July 8, 2010,  
 15 \$14,319.60 was paid to Bernstein correct?  
 16 **A. Correct.**  
 17 Q. It's identified as fees; correct?  
 18 **A. Correct.**  
 19 Q. Is this your handwriting?  
 20 **A. Yes.**  
 21 Q. Okay. Then on August 18, 2010,  
 22 additional fees were paid to Bernstein in the amount  
 23 of \$19,763.12; correct?  
 24 **A. Correct.**  
 25 Q. And then the next month on September 14,

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1 2010, additional fees were paid \$11,799.91 to  
 2 Mr. Bernstein?  
 3 **A. Correct.**  
 4 Q. And then fees were paid on October 12,  
 5 2010 to Mr. Bernstein \$11,066.79; correct?  
 6 **A. Correct.**  
 7 Q. And then the last entry on this first  
 8 page November 12, 2010 was it's got JD. Is that  
 9 Jacques Dunnigan?  
 10 **A. That's correct.**  
 11 Q. And what else? I can't read your  
 12 handwriting there.  
 13 **A. Well, it's contacts. I think he had a**  
 14 **business account or -- what's the word I'm looking**  
 15 **for? An LLC or, you know, for business. It was**  
 16 **called "Contacts JD."**  
 17 Q. Oh, I see.  
 18 **A. It was just his -- his business**  
 19 **identifier.**  
 20 Q. Okay. I see. And that's \$33,850?  
 21 **A. Correct.**  
 22 Q. And --  
 23 **A. For May through September.**  
 24 Q. And what's that say? It just says  
 25 "fees"?

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1 **A. Yes.**  
 2 Q. F-e-e-s?  
 3 **A. That's fees.**  
 4 Q. If we go to the second page there, it's  
 5 got actually a copy of the check --  
 6 **A. Right.**  
 7 Q. -- dated November 12th and that's for  
 8 Contacts JD?  
 9 **A. Correct.**  
 10 Q. And that's your signature?  
 11 **A. Correct.**  
 12 Q. We go to the next page, Pigg 18, this is  
 13 a letter dated September 30, 2010.  
 14 Is this a letter or is it an invoice?  
 15 **A. Are you sure we're looking at the same?**  
 16 Q. Pigg 18. It's got 18 at the bottom.  
 17 **A. Yeah. Okay.**  
 18 Q. Is this an invoice?  
 19 **A. That's an invoice from -- from -- from**  
 20 **Dunnigan.**  
 21 Q. And this --  
 22 **A. From Dr. Dunnigan, yeah.**  
 23 Q. And he's the fellow up in Canada; right?  
 24 **A. That's correct.**  
 25 Q. And it says "For services rendered from

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1 May to September 2010 on the need to revisit the  
 2 health risk of chrysotile"?  
 3 **A. Yes.**  
 4 Q. All right. And then he describes what's  
 5 being done underneath there; correct?  
 6 **A. Yes.**  
 7 Q. First he's got:  
 8 "Would see Godbout; discussions planning  
 9 for the preparation of a manuscript update and  
 10 health risk of chrysotile asbestos taking stock of  
 11 the evidence published from the mid-'90s to the  
 12 present contrasting with the evidence available up  
 13 to the mid-'90s."  
 14 You see that?  
 15 **A. Uh-huh.**  
 16 Q. Is that --  
 17 **A. Yes.**  
 18 Q. Did I read that correctly?  
 19 **A. Yes.**  
 20 Q. Okay. And he says:  
 21 "Establishment of a preliminary budget."  
 22 Do you see that?  
 23 **A. Yes.**  
 24 Q. Did you ever -- did he ever share that  
 25 budget with you?

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1 **A. No.**  
 2 Q. Did anybody on behalf of the  
 3 International Chrysotile Association ask to see the  
 4 budget?  
 5 **A. No, not that I know of.**  
 6 Q. And then it says:  
 7 "Selection of possible coauthors."  
 8 Do you see that?  
 9 **A. Yes.**  
 10 Q. And, once again, did anybody at the  
 11 International Chrysotile Association receive  
 12 information about any possible coauthors?  
 13 **A. Not that I'm aware of.**  
 14 Q. It was -- was it the ICA's expectation  
 15 that Dunnigan and Bernstein would decide who else to  
 16 include in the study?  
 17 **A. I don't know exactly the answer to that,**  
 18 **but I assume that would be the case.**  
 19 Q. Okay. It says next with David -- excuse  
 20 me. With D. Bernstein. That's David Bernstein;  
 21 correct?  
 22 **A. Correct.**  
 23 Q. "Discussions, e-mails and telephone of  
 24 the preliminary outline for the manuscript, writing  
 25 of several six drafts, exchange of references,

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1 comments, suggestions and corrections, follow-up  
 2 with comments from prospective coauthors."  
 3 Did I read that correctly?  
 4 **A. Yes.**  
 5 Q. And, once again, you did not receive any  
 6 of the e-mails back and forth regarding suggestions  
 7 or comments or corrections regarding this  
 8 manuscript?  
 9 **A. Absolutely no. No.**  
 10 Q. And it says:  
 11 "The final draft will be presented  
 12 hopefully in early 2010 to select coauthors for  
 13 comments and acceptance of coauthorship."  
 14 Do you see that?  
 15 **A. Yes.**  
 16 Q. So the way I interpret that is that  
 17 Bernstein and Dunnigan were going to prepare a final  
 18 draft on this "Chrysotile Health Risk Revisited";  
 19 correct?  
 20 **A. Correct.**  
 21 Q. And they were going to take this final  
 22 draft in early 2010 -- December 2010 and to select  
 23 coauthors for comments and acceptance of  
 24 coauthorship?  
 25 MR. COOK: Objection. Assumes

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1 facts.  
 2 BY MR. SATTERLEY:  
 3 Q. Correct?  
 4 MR. COOK: Objection. Assumes  
 5 facts. Lacks foundation.  
 6 THE WITNESS: Yes.  
 7 BY MR. SATTERLEY:  
 8 Q. That's what it looks like to you?  
 9 **A. Yes.**  
 10 Q. Okay. And so -- and that is, I guess,  
 11 what led me to the thoughts that possibly Bernstein  
 12 and Dunnigan wrote the paper and then just shared  
 13 the final paper to these other people.  
 14 **A. I -- I certainly don't know that that's**  
 15 **the fact, I mean.**  
 16 Q. Okay. Well, as you said earlier, it  
 17 would be wrong to give the public the impression  
 18 that a whole bunch of people wrote this paper when  
 19 only, in fact, two people wrote it?  
 20 MR. COOK: Objection. Assumes  
 21 facts. Lacks foundation. Calls for speculation.  
 22 Outside the witness's personal knowledge.  
 23 THE WITNESS: Yeah, I was going to  
 24 say, I don't -- I don't know the answer to that. I  
 25 think that -- I mean, if you probably referred to

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1 what I said correctly, but I would think that  
 2 whether or not this -- this is the standard approach  
 3 by a scientist in -- in preparing scientific papers,  
 4 it may or may not be. Since I'm not a scientist --  
 5 BY MR. SATTERLEY:  
 6 Q. And I --  
 7 **A. -- I don't know how they do that.**  
 8 Q. Sure. And you told me already earlier  
 9 and I understand. You're not a technical person or  
 10 a scientist; correct?  
 11 **A. Correct.**  
 12 Q. And you haven't read any -- any of these  
 13 papers with any great detail from a scientific  
 14 perspective?  
 15 **A. Absolutely not.**  
 16 Q. And you can't vouch for the scientific  
 17 validity of any of these papers?  
 18 **A. No.**  
 19 Q. And when I say "any of these papers,"  
 20 I'm talking about the black book, Exhibit 13?  
 21 **A. Correct.**  
 22 Q. All right. It's -- it's only the  
 23 function of the ICA and, I guess, the Chrysotile  
 24 Institute to share this information with others?  
 25 **A. Correct.**

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1 Q. But you can't vouch for the scientific  
2 reliability or credibility of any particular paper?  
3 **A. No.**  
4 Q. Okay. And you don't know whether  
5 Mr. Dunnigan or Mr. Bernstein simply chose to put  
6 scientists' names on a paper to enhance the  
7 scientific credibility of the paper?  
8 MR. COOK: Objection. Assumes  
9 facts. Lacks foundation. Calls for speculation.  
10 Outside the scope.  
11 THE WITNESS: I do not know the  
12 basis for that.  
13 BY MR. SATTERLEY:  
14 Q. But if they did that, if Bernstein and  
15 Dunnigan did that, they just simply got other names  
16 as coauthors to enhance the credibility with  
17 actually not being involved in the preparation of  
18 the paper, that would be wrong?  
19 MR. COOK: Objection. Asked and  
20 answered. Same objections as previously stated.  
21 THE WITNESS: Oh, I can't prove  
22 it, but I don't believe that happened.  
23 BY MR. SATTERLEY:  
24 Q. Okay.  
25 **A. I just don't think.**

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1 Q. Sure. We'd have to -- in order to  
2 understand whether that type of shenanigans  
3 occurred, we'd have to get to talk to Bernstein or  
4 Dunnigan about that?  
5 **A. Yes.**  
6 Q. Okay. But if it did happen, it would be  
7 wrong?  
8 MR. COOK: Objection. Assumes  
9 facts. Lacks foundation. Calls for speculation.  
10 Outside the witness's personal judgment and calls  
11 for moral judgment.  
12 MR. ARTABANE: Objection.  
13 THE WITNESS: It would certainly  
14 not be proper.  
15 BY MR. SATTERLEY:  
16 Q. Okay. Now let's -- and so this then,  
17 the next part of No. 18 on September 30, 2010 says:  
18 "With prospective coauthors,  
19 establishment of contacts with different prospective  
20 coauthors worldwide."  
21 Do you see that?  
22 **A. Yes.**  
23 Q. Do you know why that they wanted  
24 worldwide coauthors to look at this final draft?  
25 MR. COOK: Objection. Calls for

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1 speculation.  
2 THE WITNESS: You mean as -- I  
3 would assume that being something that the  
4 International Chrysotile Association was involved in  
5 and with the membership, which is in a good part of  
6 the world, that they would -- they would want as  
7 wide a base of coauthorship as possible. That's  
8 what I would assume.  
9 BY MR. SATTERLEY:  
10 Q. Okay. And when you -- did you have --  
11 when you received these invoices from these people,  
12 did you have conversations with them from time to  
13 time?  
14 **A. With Dunnigan or Bernstein?**  
15 Q. Yes.  
16 **A. Possibly, on occasion, but not on a --**  
17 **not on a regular basis, no. Because Bernstein's, of**  
18 **course, were in Swiss francs and which, you know,**  
19 **had converted to US dollars and the other**  
20 **conversation with Dunnigan, with the Canadian dollar**  
21 **rising and the US dollar falling, about to make sure**  
22 **that the payment, you know, was consistent with what**  
23 **he had charged. But nothing -- I never had a**  
24 **discussion with either one of them regarding this**  
25 **study, except possibly about the amount of the**

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1 **payment to be made.**  
2 Q. With regards to this particular invoice,  
3 when it refers to establishing contacts with other  
4 prospective coauthors worldwide, do you have any  
5 recollection of talking to these folks about this?  
6 **A. No. Did not.**  
7 Q. On behalf of the International  
8 Chrysotile Association, why were you, speaking the  
9 ICA, willing to pay \$230,000?  
10 Or what did you say? Francs? Swiss  
11 francs. Was it 230,000 Swiss francs?  
12 **A. No. No.**  
13 Q. It was \$230,000?  
14 **A. Yes.**  
15 Q. All right.  
16 **A. US dollars.**  
17 Q. All right. So why -- speaking on behalf  
18 of the ICA, why was -- why was the ICA willing to  
19 spend \$230,000 to recruit worldwide coauthors?  
20 MR. COOK: Objection. Misstates  
21 testimony.  
22 MR. ARTABANE: He never said that.  
23 BY MR. SATTERLEY:  
24 Q. Was --  
25 **A. I --**

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1 Q. Let me ask the question this way.  
 2 Was the ICA willing to spend \$230,000  
 3 just to Bernstein and Dunnigan, or was it your  
 4 expectation or understanding that this \$230,000  
 5 would be spent and paid to some of these coauthors?  
 6 MR. COOK: Objection. Calls for  
 7 speculation.  
 8 THE WITNESS: I've never -- I've  
 9 never been a part of or heard any discussion about  
 10 payment of coauthors.  
 11 BY MR. SATTERLEY:  
 12 Q. Well, did the ICA -- you as the  
 13 treasurer of the ICA or anybody on the Board of the  
 14 ICA question any of the invoices submitted from  
 15 Bernstein or Dunnigan?  
 16 **A. No, and in fact the -- I know every --**  
 17 **every invoice I paid I cleared with the chairman in**  
 18 **Canada.**  
 19 Q. And when you say "cleared with the  
 20 chairman in Canada," how did that process work?  
 21 **A. Usually by phone.**  
 22 Q. Call him up?  
 23 **A. Call him up.**  
 24 Q. And say, hey, I got an invoice?  
 25 **A. Well, he got the -- he got the same**

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1 **invoice. If you -- as I said before, every invoice**  
 2 **shows the Chrysotile Institute and every invoice**  
 3 **went to Canada to the office there as well as to me,**  
 4 **but I never made any payment without the approval**  
 5 **granted from the chairman in Canada.**  
 6 Q. And who -- and who was that at the time?  
 7 **A. At the beginning, it was Mr. Godbout.**  
 8 Q. Uh-huh.  
 9 **A. And then at the last part, last two**  
 10 **years, it was Mr. Leblond.**  
 11 Q. At no point in time did the ICA turn  
 12 down any of the invoices or say, hey, you billed too  
 13 much money, or anything like that?  
 14 **A. No. No.**  
 15 Q. Okay. Now, the next document we go over  
 16 to 19, this appears to be an e-mail.  
 17 MR. ARTABANE: That's page 19.  
 18 BY MR. SATTERLEY:  
 19 Q. Page 19, Exhibit 17, and what I'm going  
 20 to be doing for the next series of questions is  
 21 because these have been stamped with numbers at the  
 22 bottom, referring to the numbers. Okay?  
 23 **A. Okay.**  
 24 Q. And this is an e-mail that you've  
 25 produced, and what does this represent?

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1 **A. Well, that's from Dunnigan at the top.**  
 2 Q. Uh-huh. And is this relating to the --  
 3 the invoice requesting 55,914 Swiss francs?  
 4 **A. Of course, I can't speak French. So I**  
 5 **can't read French. So I don't know.**  
 6 **It looks like some -- a total to date in**  
 7 **Swiss francs to.**  
 8 Q. So I guess I'm trying to understand the  
 9 process.  
 10 **A. Yeah.**  
 11 Q. When you got a document like this, would  
 12 somebody translate it to you so that you could  
 13 understand how much you were supposed to write a  
 14 check or transfer?  
 15 **A. Yeah, because that's -- that's not --**  
 16 **that's not an invoice per se. That's -- that is to**  
 17 **the -- to the Institute.**  
 18 Q. The Chrysotile Institute?  
 19 **A. Yes.**  
 20 Q. Okay.  
 21 **A. So I've been -- it's more administrative**  
 22 **in nature and it looks like -- it appears to me kind**  
 23 **of a review of what the cost would be today, but**  
 24 **it's not an invoice per se.**  
 25 Q. Okay. And if -- if we looked at the

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1 numbers, it looks like there's 14,500, then 19,800  
 2 and 11,400 and 10,214.  
 3 It looks like it's broken down per  
 4 month; correct?  
 5 **A. It looks for those June, July, and**  
 6 **August.**  
 7 Q. And September?  
 8 **A. And September, yeah.**  
 9 Q. And that comes to 55 --  
 10 **A. Yeah. Right.**  
 11 Q. -- 914 Swiss francs.  
 12 Okay. And then the next page over, 20  
 13 is an e-mail from you to Bernstein confirming that  
 14 there are going to be wire transferred monies to him  
 15 on October the 12th of 2010; correct?  
 16 **A. Right.**  
 17 Q. And at that time 10,214 Swiss francs  
 18 were wire transferred to him?  
 19 **A. Right.**  
 20 Q. Right?  
 21 **A. Right.**  
 22 Q. And that's the way you had to pay him  
 23 because he's over in Switzerland?  
 24 **A. Correct.**  
 25 Q. Okay. So we go over to the next page 21

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1 and that's verification?  
 2 **A. Payment.**  
 3 Q. Is that verification of the wire  
 4 transfer?  
 5 **A. Correct.**  
 6 Q. But it says 11,6679?  
 7 **A. Uh-huh.**  
 8 Q. So I guess I'm trying to figure out:  
 9 Why is the amount different? Are there fees  
 10 associated with that?  
 11 **A. Well, it looks like it was 10,214 two**  
 12 **pages down of Swiss francs.**  
 13 Q. Uh-huh.  
 14 **A. So must have converted.**  
 15 Q. Oh, the conversion --  
 16 **A. Yeah.**  
 17 Q. -- to US dollars?  
 18 **A. Yeah.**  
 19 Q. That's what that is.  
 20 **A. It would be more in US dollars.**  
 21 Q. I see. I apologize. Thank you so much  
 22 for clarifying that.  
 23 The next page is page 22 at the bottom.  
 24 It looks like it's a letter from Bernstein to Dear  
 25 Clement?

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1 Q. Okay. And Godbout at this time in 2010  
 2 was with the International Chrysotile Association?  
 3 **A. He was the chairman.**  
 4 Q. And was he also with the Chrysotile  
 5 Institute?  
 6 **A. Yes.**  
 7 Q. And what was his role with the  
 8 chrysotile?  
 9 **A. President.**  
 10 Q. President. Okay. So he had two hats?  
 11 **A. Yes.**  
 12 Q. Okay. Now, this he -- Bernstein called  
 13 this invoice for the "honorarium and expenses"?  
 14 **A. Yes.**  
 15 Q. Do you see that?  
 16 **A. Yes.**  
 17 Q. What is honorarium?  
 18 **A. Well, it means his -- his labor of the**  
 19 **day.**  
 20 Q. Okay. Just like -- like if you were a  
 21 plumber and you had to put so many hours in to do  
 22 and fix some pipes and you submitted your invoice,  
 23 that would be?  
 24 **A. Your honorarium.**  
 25 Q. Your honorarium. Okay.

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1 **A. Yeah.**  
 2 Q. Do you see that?  
 3 **A. Yes.**  
 4 Q. And it is -- then at the top it says  
 5 "Mr. B. Pigg"?  
 6 **A. Yes.**  
 7 Q. And does it say?  
 8 **A. Rajeem.**  
 9 Q. Rajeem?  
 10 **A. She works in the office in the**  
 11 **Institute.**  
 12 Q. Up in Montreal?  
 13 **A. Correct. She did. She did at that**  
 14 **time.**  
 15 Q. So Rajeem is sending -- sending on to  
 16 you?  
 17 **A. For payment.**  
 18 Q. For payment?  
 19 **A. Correct.**  
 20 Q. So if I understood how this worked,  
 21 Bernstein would send it to the Chrysotile Institute,  
 22 and Rajeem or some other person would send it down  
 23 to you for payment?  
 24 **A. And she always -- she would check with**  
 25 **Mr. Godbout before she did that.**

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1 **A. It's a fancy way of saying.**  
 2 Q. Fancy -- fancy way of saying your hourly  
 3 rate? Right?  
 4 **A. Right. Exactly.**  
 5 Q. Okay. Now, as we continue on through  
 6 here, as I read through these, Bernstein never  
 7 referred to his fees or payment of fees as a grant,  
 8 does he?  
 9 **A. No.**  
 10 Q. Okay. Let's continue on the next page  
 11 23 is the invoice, another invoice. This one is  
 12 dated September the 30th. It says "For services  
 13 rendered for September of 2010."  
 14 **A. Correct.**  
 15 Q. Do you see that?  
 16 **A. Yes.**  
 17 Q. And he describes, once again, what he's  
 18 doing for these services, and in this one he's doing  
 19 "a revision of preparation of the fifth and sixth  
 20 draft reports in coordination with Jacques Dunnigan  
 21 on the need to revisit the health risk assessment of  
 22 chrysotile asbestos."  
 23 **A. Uh-huh.**  
 24 Q. Right?  
 25 **A. Correct.**

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1 Q. He also says "revision of a letter  
2 invitation to coauthors and follow-up." Do you see  
3 that?

4 **A. Yes.**

5 Q. Have you ever seen the letter invitation  
6 to the coauthors?

7 **A. No.**

8 Q. Do you know how I could get a copy of  
9 that letter invitation to the coauthors?

10 **A. Only way I know is from Bernstein.**

11 Q. Okay. Or maybe from some of the  
12 coauthors?

13 **A. Well, true.**

14 Q. If they -- if it actually went out?

15 **A. And I don't know who, whether it's the  
16 same coauthors in the final study or not. You know,  
17 it would be -- I don't know who it would be.**

18 Q. And then it says "Preparation of  
19 presentation to ICA executive board meeting  
20 September 8th in Zurich."

21 **A. Uh-huh.**

22 Q. Do you see that?

23 **A. Yes.**

24 Q. Did you attend the executive board  
25 meeting?

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1 this presentation that Bernstein did at the Zurich  
2 meeting that I would have to either go to one of  
3 those people or Mr. Bernstein himself?

4 **A. My feeling would be there is no, you  
5 know, written presentation. It was probably just an  
6 oral presentation on the -- on whatever he  
7 presented. I mean, it may have been related to the  
8 study. I'm not sure, you know, what he did, but my  
9 guess would be is there is no written presentation  
10 and would have been using his slides or whatever.**

11 Q. Okay. But you don't know because you  
12 weren't there?

13 **A. No, I wasn't there.**

14 Q. Okay. So with regards to the money that  
15 ICA paid to Bernstein, did anybody within the ICA,  
16 all these folks that you described, ever complain  
17 about the cost, the amount of money that was going  
18 out to Bernstein?

19 **A. I never heard any, no.**

20 Q. Was there ever any limit to the amount  
21 of money that ICA would pay Bernstein for this  
22 "Chrysotile Revisited" paper?

23 MR. COOK: Objection. Calls for  
24 speculation.

25 THE WITNESS: My recollection is

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1 **A. No.**

2 Q. Do you know who did?

3 **A. No, not off the top of my head I don't  
4 know. Of course, it would be recorded in the --**

5 Q. Minutes?

6 **A. Of the minutes that were there and --  
7 but I don't know who. It would -- I'm sure it was  
8 -- 8 September of 2010? It would have been -- it  
9 would have been Mr. Godbout as the chairman and the  
10 executive, probably six or eight people.**

11 Q. Who else by name, if you know?

12 **A. Well, it would be the vice chairman is  
13 India.**

14 Q. India. The person from India?

15 **A. Yeah, he's the vice chairman.**

16 Q. But you don't remember his name? He --

17 **A. Shankar, S-h-a-n-k-a-r.**

18 Q. Okay.

19 **A. Shankar. Other people would have been  
20 Kozlov from Russia. He's the head of the chrysotile  
21 association Russia. Mr. Rela, R-e-l-a, from Brazil  
22 would have been there. Omarov, Nurlan Omarov from  
23 Kazakhstan, and that would be the principal people  
24 that were there.**

25 Q. So you would you suggest in order to get

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1 that the chairman, Mr. Godbout, my best recollection  
2 is that he said that -- that we want to keep the  
3 amount -- total amount somewhere around \$200,000.  
4 BY MR. SATTERLEY:

5 Q. So that was the limit?

6 **A. Well, the limit wasn't cast in stone,  
7 but I did hear -- hear him mention that they -- and  
8 that was some time before the completion of the  
9 study.**

10 Q. And we know now that it's right about  
11 230,000. So it went over -- it went over --

12 **A. Yeah.**

13 Q. -- the tentative suggestion of a  
14 limitation?

15 **A. Right.**

16 Q. Right?

17 **A. True.**

18 Q. Was there -- but there wasn't any  
19 written down limits like, hey, this is all we're  
20 going to spend on this paper, or anything like that?

21 **A. No.**

22 Q. Was there any other contracts with  
23 Bernstein for this work?

24 **A. Not that I saw. Now, not from me as the  
25 treasurer. Whether or not an initial one was made**



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1 **with the Institute at the beginning, I don't know.**

2 Q. Now, you said that Chrysotile Institute  
3 and ICA was in the same building, the same location  
4 in Montreal; correct?

5 **A. Correct.**

6 Q. And last year the Chrysotile Institute  
7 dissolved?

8 **A. Yeah, and the year before, Mr. Godbout  
9 had resigned as chairman and Mr. Leblond became the  
10 chairman in 2011, and then they separated the  
11 offices.**

12 Q. So when the Chrysotile Institute  
13 dissolved last year, where did all the documents or  
14 the corporate documents go?

15 **A. For the Institute?**

16 Q. Sure.

17 **A. I don't know.**

18 Q. There wasn't a successor company --

19 **A. No.**

20 Q. -- created?

21 **A. No.**

22 Q. Who -- if you want to find out where  
23 those documents, who would you contact?

24 **A. Mr. Godbout. He was the -- he was the  
25 president.**

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1 **incidental expenses, taxes.**

2 Q. Over on page 28?

3 **A. Yes.**

4 Q. Pigg 28. This is in September of 2010.  
5 The wire transfer of \$11,400?

6 **A. Right.**

7 Q. Or no, Swiss francs. Swiss francs. I'm  
8 sorry.

9 **A. Right.**

10 Q. And then if we go over to the next page,  
11 this is your handwriting?

12 **A. Yes.**

13 Q. "David, could not get this e-mail  
14 through to you."

15 **A. Uh-huh.**

16 Q. And that's your -- that's your signature  
17 "Bob"?

18 **A. Yes.**

19 Q. And then --

20 **A. And I re-sent it then.**

21 Q. Okay. Re-sent. Scanned it in and  
22 re-sent it in so he would see your handwriting, or  
23 did you fax it to him?

24 **A. No, I -- I don't think I faxed it.**

25 Q. And your e-mail is identified as

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1 Q. And you didn't -- you didn't run any of  
2 the finances or a treasurer of that organization?

3 **A. No.**

4 Q. So you don't know where their assets  
5 went --

6 **A. No.**

7 Q. -- or the money distributed from that?

8 **A. No, because the payments were from --  
9 from the federal government and industry.**

10 Q. All right. Let's keep going.

11 We're going -- we're up to the next page  
12 24. What does this page represent?

13 This looks like a business expense list  
14 from Bernstein.

15 **A. Yeah, that's when he attended that  
16 meeting in Zurich we were talking about.**

17 Q. Okay. And these are just some of his  
18 expenses?

19 **A. Yeah, that's an expense report.**

20 Q. All right. We continue over to the next  
21 page.

22 **A. That's his flight.**

23 Q. That's his -- so he's providing you some  
24 of the expenses over the next several pages; right?

25 **A. Correct. That goes, yeah, and**

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1 AIABJPigg@AOL.com; right?

2 **A. Yeah, that's my e-mail address.**

3 Q. And so you don't have a separate e-mail  
4 address for the ICA?

5 **A. No.**

6 Q. You just use the AIA?

7 **A. Right. I use the same one.**

8 Q. And then you carbon copy

9 ICA@chrysotile.com?

10 **A. Yeah.**

11 Q. You see that?

12 **A. That's the Institute.**

13 Q. And who would receive that e-mail?

14 **A. In 2010, it would have been Mr. Godbout.**

15 Q. The president of the --

16 **A. Yes.**

17 Q. Okay. All right. Let's keep --

18 **A. No, the chairman.**

19 Q. Chairman?

20 **A. Of ICA.**

21 Q. All right. And then the next page it  
22 looks like a fax cover sheet or transmission  
23 verification.

24 **A. Oh, that's a verification of the fax.**

25 Q. Okay. So you faxed this?

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1 **A. I faxed -- I faxed the cover -- the**  
 2 **e-mail to him by fax.**  
 3 Q. Okay. And we can move a few pages  
 4 forward to 32.  
 5 **A. 32?**  
 6 Q. 32 and 33. It appears to be another  
 7 wire transfer. This is the wire transfer --  
 8 **A. Right.**  
 9 Q. -- of monies; right?  
 10 **A. Right.**  
 11 Q. And -- and then we go over to 34 and  
 12 Bernstein is, once again, sending a request for his  
 13 fees and expenses to be paid; correct?  
 14 **A. Correct.**  
 15 Q. And if we go over to 35, he's got in the  
 16 re line or the invoice number, he says "For services  
 17 rendered for August"; right?  
 18 **A. Right.**  
 19 Q. And then, once again, this is the  
 20 revision of the preparation of third and fourth  
 21 draft reports in coordination with Mr. Dunnigan on  
 22 the need to revisit the health risk of chrysotile  
 23 asbestos?  
 24 **A. Correct.**  
 25 Q. Okay. We continue forward on past some

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1 wire transfers over to 37.  
 2 37 is a confirmation that you're wire  
 3 transferring 19,800 Swiss francs to Bernstein;  
 4 correct?  
 5 **A. Correct. Which is for July.**  
 6 Q. Okay. And so we go over to page 40, and  
 7 it shows Mr. Bernstein describes his services as the  
 8 first revision of preparation of the second draft  
 9 reports in coordination with Mr. Dunnigan; correct?  
 10 **A. Correct.**  
 11 Q. And then, once again, attached thereto  
 12 is 41 is the proof of the wire transfer; right?  
 13 **A. Correct.**  
 14 Q. And we continue on. A few pages over we  
 15 have payments for June of 2010.  
 16 And if we look at number 44, it's got  
 17 your handwriting on it also. On July 8, 2010 you're  
 18 asking Clement --  
 19 **A. Uh-huh.**  
 20 Q. -- about or you're telling him that you  
 21 wire transferred --  
 22 **A. Yeah, because --**  
 23 Q. -- 14,500?  
 24 **A. -- I already received it from the office**  
 25 **from Rajeem.**

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1 Q. Already received the invoice?  
 2 **A. The -- right. In which for payment. As**  
 3 **you can see at the top.**  
 4 Q. So the monies that you would send out,  
 5 were they in an ICA account here in Washington, DC  
 6 area?  
 7 **A. Yes.**  
 8 Q. And the money that was used to create  
 9 that account, did that come from member companies or  
 10 did that come from the Chrysotile Institute?  
 11 **A. From member companies.**  
 12 Q. Okay. Did -- did you ever ask that  
 13 Dr. Julian Peto be a coauthor of this paper?  
 14 **A. I didn't ask anyone to be. I mean.**  
 15 Q. Look at 45. The description of services  
 16 rendered by Bernstein for the period of June of  
 17 2010.  
 18 **A. Uh-huh.**  
 19 Q. "Just had a meeting with Julian Peto."  
 20 **A. Right.**  
 21 Q. Leon -- I guess it's France?  
 22 **A. France; right.**  
 23 Q. On June the 3rd; right?  
 24 **A. Right.**  
 25 Q. And what was Peto's involvement in this

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1 paper?  
 2 **A. I have -- I have no idea what -- what**  
 3 **the purpose of the meeting was.**  
 4 Q. How much -- how much of this 14,500  
 5 related to a payment of Bernstein simply meeting  
 6 with Peto?  
 7 **A. I don't know whether he broke it down or**  
 8 **not. It's probably he's talking about his**  
 9 **honorarium 2800 per day. But I don't know the**  
 10 **answer to your question.**  
 11 Q. Who from the ICA supervised this  
 12 project?  
 13 **A. Mr. Godbout.**  
 14 Q. Okay. And do you have any  
 15 documentations regarding to the extent of his  
 16 supervision of this project?  
 17 **A. None.**  
 18 Q. The next page shows the expenses for him  
 19 to travel from Geneva to France, Leon, France;  
 20 correct?  
 21 **A. Correct.**  
 22 Q. Do you know if Mr. Godbee -- is it  
 23 Godbee?  
 24 **A. Godbout.**  
 25 Q. Godbout.

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1 Mr. Godbout had lawyers involved with  
2 regards to the preparation of this paper?  
3 **A. No, he had no lawyers involved.**  
4 Q. Okay. Do you know that?  
5 **A. Yes.**  
6 Q. So, for example --  
7 **A. I mean, I --**  
8 Q. You weren't involved in any --  
9 **A. No.**  
10 Q. -- private conversations that he had  
11 with other people, were you?  
12 **A. No.**  
13 Q. Okay. I mean, your sole role in this  
14 was paying the money; right?  
15 **A. Correct.**  
16 Q. Okay. So whether or not Bernstein met  
17 probably with lawyers, that's something you don't  
18 know?  
19 **A. Well --**  
20 MR. COOK: Objection. Assumes  
21 facts. Lacks foundation.  
22 THE WITNESS: Not for certain.  
23 BY MR. SATTERLEY:  
24 Q. Okay. All right. Continue on to 47  
25 is -- 47 appears to be an e-mail --

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1 **A. Uh-huh.**  
2 Q. -- from Bernstein to Dunnigan and then  
3 Dunnigan or somebody had forwarded it on to you;  
4 correct?  
5 **A. Correct. Uh-huh.**  
6 Q. And that's -- is it Louise?  
7 **A. Yes. She's the --**  
8 Q. Who?  
9 **A. -- worked in the -- in the Montreal**  
10 **office. Rajeem -- Louise and Rajeem both did for**  
11 **Mr. -- worked for Mr. Godbout.**  
12 Q. And he's reporting -- Bernstein is  
13 reporting his -- in April of 2010 his presentations  
14 that he's given over in Jakarta?  
15 **A. Indonesia.**  
16 Q. Yeah, Indonesia; correct?  
17 **A. Correct.**  
18 Q. And if we look at the bottom of 47, it  
19 looks like it's dated Thursday, April 15, 2010 and  
20 it's to Bernstein and Dunnigan from -- if we flip  
21 over to the next page 48 -- Godbout. Do you see  
22 that?  
23 **A. Yes.**  
24 Q. And it says:  
25 "This will confirm that you have the

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1 green light for the above referenced study. After  
2 review and discussion, the action plan that you  
3 submitted was accepted."  
4 Do you see that?  
5 **A. Yes.**  
6 Q. Have you ever seen the action plan?  
7 **A. No.**  
8 Q. Other than being told, you know,  
9 Bernstein and Dunnigan being told they had the green  
10 light to do the study, are you aware of any other  
11 documentation setting forth the scope of the study?  
12 **A. No. None.**  
13 Q. "Hoping that everything goes well. It  
14 seems appropriate that you start now to draw a list  
15 of scientists who could potentially work on this  
16 very important project."  
17 Do you see that?  
18 **A. Yes.**  
19 Q. After this April 2010 e-mail, were you  
20 ever provided a list of scientists to work on this  
21 important project?  
22 **A. No.**  
23 Q. Continue over to 49. Looks like it's  
24 the same e-mail. Correct?  
25 **A. The same one. Same one.**

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1 Q. And then we go over to 50 and 50 looks  
2 like another copy of the invoice for the August  
3 2010?  
4 **A. Right.**  
5 Q. Then we go to 51. It's another copy of  
6 an invoice from July of 2010. Right?  
7 **A. Correct.**  
8 Q. And then another -- 52 is another copy  
9 of the June invoice?  
10 **A. Correct.**  
11 Q. And then 53 we come up to 2011 now?  
12 **A. Correct.**  
13 Q. So we go to the next year; right?  
14 **A. Correct.**  
15 Q. And then it sort of has a -- this is  
16 your handwriting again?  
17 **A. Yes.**  
18 Q. And it sets forth the various amounts  
19 paid to Mr. Bernstein for his fees?  
20 **A. Correct.**  
21 Q. And April 1, 2011 your handwriting says  
22 "Pub of article." You see that?  
23 **A. Yes.**  
24 Q. And that's for \$1,665?  
25 **A. Yes.**

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1 Q. And then on June 8th, \$10,778.05 for  
2 services?  
3 **A. Yes.**  
4 Q. And then on August 16, 2011, \$15,412.92?  
5 **A. Correct.**  
6 Q. And then on September 9, 2011,  
7 \$10,479.04?  
8 **A. Correct.**  
9 Q. And then going into January for work  
10 that was done in December for services by  
11 Mr. Bernstein was \$6,423.33?  
12 **A. Correct.**  
13 Q. And then as we go through the next  
14 several pages, it will be invoices for those 2011  
15 work?  
16 **A. Uh-huh.**  
17 Q. Right?  
18 **A. Right.**  
19 Q. And I'm going to try to quickly go  
20 through some of these.  
21 **A. Okay.**  
22 Q. Page 55 just talks about revisions of  
23 the -- of the manuscript; right?  
24 **A. Right.**  
25 Q. And that's December of 2011; right?

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1 **A. Correct.**  
2 Q. And no coauthors are identified there?  
3 **A. Correct.**  
4 Q. We go over to 56. It's a letter  
5 enclosing the invoice to Jean-Marc saying:  
6 "It was a pleasure seeing you again and  
7 working with you at the ICA in Dubai."  
8 **A. Correct.**  
9 Q. And that was the one you attended;  
10 right?  
11 **A. 2011? Wait a minute. Let me verify the  
12 date because -- no. I -- I attended in 2010.**  
13 Q. In Dubai?  
14 **A. In Dubai.**  
15 Q. Okay. So they had two years in a row,  
16 2010 and 2011 --  
17 **A. Yes.**  
18 Q. -- in Dubai?  
19 **A. Right.**  
20 Q. Okay. So, anyway, so they attached the  
21 invoice. He attached the invoice for his work in  
22 October. October, November of 2011?  
23 **A. Right. Correct.**  
24 Q. And the invoice included preparation of  
25 his slide presentation for the ICA meeting. Do you

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1 see that?  
2 **A. Yes.**  
3 Q. So it would indicate at this time at the  
4 ICA meeting he did some type of slide show?  
5 **A. Yes.**  
6 Q. Okay. And do you have a copy of that?  
7 **A. No.**  
8 Q. And do you know where I can get it?  
9 **A. Only from him because I'm sure there was  
10 no -- no copies of it but -- and I don't know what,  
11 you know, what he addressed at the -- at the  
12 meeting.**  
13 Q. So, and then he also talks about his --  
14 the invoice reflecting work for participation in the  
15 meeting on November 28th through December 1st in  
16 2011?  
17 **A. Yes. Correct.**  
18 Q. No coauthors' names are identified on  
19 this invoice; correct?  
20 **A. Correct.**  
21 Q. And this is the 14,496.35 Swiss francs;  
22 right?  
23 **A. Correct.**  
24 Q. Continuing over. Looks like you wire  
25 transferred some money on September 9, 2011?

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1 **A. Yes.**  
2 Q. That's your handwriting there?  
3 **A. That is.**  
4 Q. And we continue over on 59. It's a --  
5 it says some services rendered in August of 2011;  
6 right?  
7 **A. Correct.**  
8 Q. And it looks like some "further revision  
9 of text and addressing additional suggested by JD"?  
10 **A. That would be Dr. Dunnigan.**  
11 Q. Dunnigan made a suggestion?  
12 **A. Yes.**  
13 Q. And so Dr. Bernstein -- by the way, he's  
14 a Ph.D.; right?  
15 **A. Dunnigan?**  
16 Q. No. Bernstein.  
17 **A. Bernstein? Yes.**  
18 Q. But he's not a medical doctor as far as  
19 you know?  
20 **A. No, he is not.**  
21 Q. Okay.  
22 **A. He's a toxicologist.**  
23 Q. So, a Ph.D. toxicologist?  
24 **A. Yes.**  
25 Q. Then Bernstein would put on his -- his

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1 services rendered, at least his invoice, when  
 2 revisions to text was made; right?  
 3 Said "Revision of text and addressing  
 4 additional suggestions -- suggested by JD"; right?  
 5 **A. I'm not sure I understand your question.**  
 6 Q. He put on his invoice that revisions  
 7 were suggested by Dunnigan?  
 8 **A. Oh, yes. Yes. Yeah.**  
 9 Q. Okay. But no other authors are  
 10 identified on this?  
 11 **A. No. No.**  
 12 Q. Okay. Now, continuing over to the next  
 13 page. It looks like you wire transferred some money  
 14 on August 16, 2011?  
 15 **A. Correct.**  
 16 Q. About 15,000 US dollars?  
 17 **A. Correct.**  
 18 Q. All right. And then we continue on. On  
 19 61, the July 2011.  
 20 **A. Yes.**  
 21 Q. There is payment for "Review of  
 22 reviewer's comments from the Journal Particle and  
 23 Fiber Toxicology." Do you see that?  
 24 **A. Yes.**  
 25 Q. Do you know what the Journal Particle

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1 Q. Okay. Let's continue on. The next --  
 2 the next page indicates that you wire transferred  
 3 the money. 30,167.45 Swiss francs?  
 4 **A. Correct.**  
 5 Q. And he has it in the services rendered  
 6 list, in addition to that Journal Particle and Fiber  
 7 Toxicology --  
 8 **A. Yeah.**  
 9 Q. -- he also has some information  
 10 regarding conference calls. Do you see that?  
 11 **A. Yes.**  
 12 Q. In this there's a meeting, conference  
 13 call in preparation for a meeting. Where was that  
 14 meeting located?  
 15 **A. Kuala Lumpur.**  
 16 Q. Where is that at?  
 17 **A. Malaysia.**  
 18 Q. Okay. And did you attend that meeting?  
 19 **A. No.**  
 20 Q. Do you know why that meeting occurred?  
 21 **A. If -- I think it was -- it was a public  
 22 forum that was scheduled by the government of  
 23 Malaysia. So that he would be making along with  
 24 other people that. I have no idea the total number  
 25 of people, but it was a public forum that was**

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1 and Fiber Toxicology is?  
 2 **A. I do not.**  
 3 Q. That wasn't the name of the journal that  
 4 this paper was published in?  
 5 **A. Published in? No.**  
 6 Q. I mean, the paper was published in  
 7 Critical Reviews in Toxicology; right?  
 8 **A. Correct.**  
 9 Q. All right. So was this paper submitted  
 10 to the Journal Particle and Fiber Toxicology some  
 11 time in the summer of 2011?  
 12 **A. I -- I don't know the answer to that.**  
 13 Q. Okay. So if this paper was submitted  
 14 multiple papers and rejected, you just don't know  
 15 one way or the other?  
 16 **A. I don't know.**  
 17 Q. Okay. And it says "Revision of the text  
 18 to address comments from reviewer statements";  
 19 correct?  
 20 **A. Yes.**  
 21 Q. And you have not been provided any of  
 22 the commentaries of the reviewer from the journal --  
 23 the journal called Journal Particle and Fiber  
 24 Toxicology?  
 25 **A. I do not.**

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1 **scheduled in Kuala Lumpur where they were having  
 2 papers presented on chrysotile.**  
 3 Q. And was he -- do you know whether he  
 4 presented on chrysotile, the "Chrysotile Revisited"  
 5 in June of 2011?  
 6 **A. I don't know the answer to that, but I  
 7 wouldn't think so. Because at that point, I think  
 8 he was primarily making presentations on his  
 9 biopersistence study that is included in the  
 10 document there.**  
 11 Q. Did -- did ICA have like a blank check  
 12 that gives Bernstein payments for any time he went  
 13 out to promote chrysotile?  
 14 MR. COOK: Objection. Vague and  
 15 ambiguous.  
 16 THE WITNESS: No.  
 17 BY MR. SATTERLEY:  
 18 Q. I mean --  
 19 **A. No.**  
 20 Q. So the reason why --  
 21 **A. No, we would have asked him to go.**  
 22 Q. Oh, okay. You would have said, hey, go  
 23 out. There's this -- this meeting in Malaysia.  
 24 It's going to be discussing chrysotile. Would you  
 25 go there and speak on our behalf?

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1 **A. Right.**  
 2 Q. And make a presentation about the safe  
 3 use of chrysotile?  
 4 **A. We normally wouldn't -- we wouldn't ask**  
 5 **him. We'd just say this is a study, a public forum**  
 6 **and depending on what the topic, you know, the**  
 7 **primary subject that they had, but he -- he would be**  
 8 **left to make his own presentation.**  
 9 Q. Did -- in any of his presentations that  
 10 he spoke in any of these places, did he tell the  
 11 various people that were listening to his  
 12 presentation the fact that his work and research had  
 13 been funded by people that wanted to sell and make  
 14 money off chrysotile?  
 15 MR. COOK: Objection. Vague and  
 16 ambiguous. Lacks foundation.  
 17 THE WITNESS: I wasn't at the  
 18 meeting, but I would think he did not.  
 19 BY MR. SATTERLEY:  
 20 Q. Okay. I mean, have you ever been in a  
 21 situation where Bernstein stood up and publicly  
 22 said, Let me tell you folks, I've been working and  
 23 been paid for my time and my efforts and my energy  
 24 by organizations and companies that want to sell  
 25 chrysotile asbestos?

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1 MR. COOK: Objection. Assumes  
 2 facts. Lacks foundation. Misleading.  
 3 THE WITNESS: Not that I'm aware  
 4 of.  
 5 BY MR. SATTERLEY:  
 6 Q. I mean, in -- in the 2006 conference  
 7 that you guys had -- was that up in Canada?  
 8 **A. Montreal.**  
 9 Q. Montreal.  
 10 Did any of the speakers that presented  
 11 on their views on chrysotile disclose the amounts of  
 12 monies they've been paid to address the chrysotile  
 13 health issue?  
 14 MR. COOK: Objection.  
 15 THE WITNESS: No.  
 16 MR. COOK: Lacks foundation.  
 17 Calls for speculation.  
 18 BY MR. SATTERLEY:  
 19 Q. Let's continue on. The next one, we're  
 20 up to 63, talks about payment. That's an e-mail  
 21 from you to Bernstein sending -- verifying payment  
 22 of 8700 Swiss francs wire transferred to his bank?  
 23 **A. Uh-huh.**  
 24 Q. Is that correct?  
 25 **A. Correct.**

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1 Q. Okay. And then we've got the next page  
 2 is the verification -- actually the actual wire  
 3 transfer?  
 4 **A. Correct.**  
 5 Q. Over on 66, Rajeem; is that right?  
 6 **A. Rajeem.**  
 7 Q. Rajeem is sending you the invoice, the  
 8 next invoice from Bernstein and a courtesy copy was  
 9 given to God -- Godbout?  
 10 **A. Correct.**  
 11 Q. So if we go over to 68, it's an invoice  
 12 for his work on April and May of 2011?  
 13 **A. Correct.**  
 14 Q. And it's -- he describes the work that  
 15 he's done is "Research in preparation of summary of  
 16 the origin of 100,000 deaths per year statement."  
 17 Do you see that?  
 18 **A. Correct.**  
 19 Q. And is that -- does that appear in the  
 20 "Chrysotile Revisited" paper?  
 21 **A. I haven't read it completely myself. I**  
 22 **don't -- my guess would be probably not because that**  
 23 **refers to statements that are made by staff people**  
 24 **from the WHO, World Health Organization, estimating**  
 25 **about a hundred thousand deaths occur each year.**

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1 Q. From asbestos?  
 2 **A. From asbestos.**  
 3 Q. Sure.  
 4 **A. But there's -- there's -- I mean,**  
 5 **certainly there's not unanimous agreement with that,**  
 6 **with those assertions. So that's what that refers**  
 7 **to.**  
 8 Q. He says next, he describes once again  
 9 "Review of the reviewers' comments from Journal  
 10 Particle and Fiber Toxicology."  
 11 Once again, you don't have any knowledge  
 12 about that journal?  
 13 **A. I do not.**  
 14 Q. And he says "Research and retrieval of  
 15 cited references from reviewer statement." Do you  
 16 see that?  
 17 **A. Yes.**  
 18 Q. You don't know anything about that  
 19 either?  
 20 **A. I do not.**  
 21 Q. And it says "Critical review of 12 --  
 22 excuse me -- 4 out of 12 references."  
 23 **A. I don't know. I assume it's about some**  
 24 **scientific papers.**  
 25 Q. Sure. So if this reviewer gave 12

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1 references to Mr. Bernstein to review, it's not  
 2 something you've ever seen?  
 3 **A. Never seen.**  
 4 Q. Okay. Keep going. Next -- next would  
 5 just be an indication that you paid that invoice?  
 6 **A. Correct.**  
 7 Q. Total of \$10,770.65?  
 8 **A. Correct.**  
 9 Q. The next -- next page 79. Is that the  
 10 same page?  
 11 **A. That's the same page as the top one.**  
 12 Q. Same as 16; right?  
 13 **A. Same as 16.**  
 14 Q. Okay. And then we go over to 80, and  
 15 this is an e-mail from you to Bernstein regarding a  
 16 wire transfer of a grand total of 33,566.30 Swiss  
 17 francs?  
 18 **A. Uh-huh.**  
 19 Q. Right?  
 20 **A. Right.**  
 21 Q. And you've broken it down a little bit  
 22 because you say that 32,000 relate to recent work  
 23 and services in Thailand?  
 24 **A. Right.**  
 25 Q. What type of work was he doing in

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1 Thailand?  
 2 **A. I think there was some kind of a -- I**  
 3 **don't know whether it's a public meeting, or what,**  
 4 **by the government. Kind of a seminar in Bangkok**  
 5 **that he would have gone to like to make a**  
 6 **presentation.**  
 7 Q. So we'll get to it. We'll see an  
 8 invoice later on in this?  
 9 **A. Yeah, right.**  
 10 Q. Okay. Let's keep going then. The next  
 11 is 81. It looks like the -- by the way, I noticed  
 12 that the letterhead says "International Chrysotile  
 13 Association ICA" and it --  
 14 **A. (Laugh).**  
 15 Q. -- sort of Xed out the Asbestos  
 16 International Association --  
 17 **A. Yeah.**  
 18 Q. -- financial status?  
 19 **A. Right.**  
 20 Q. And why is that?  
 21 **A. Simply because it was old in my files.**  
 22 **I don't have a secretary. It was these blank forms**  
 23 **were in the file folder, and I just simply ran it**  
 24 **through the typewriter and made the change.**  
 25 Q. But I assume you must have been the

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1 secretary -- excuse me -- the treasurer -- excuse me  
 2 -- you must have been the treasurer of the AIA?  
 3 **A. Correct.**  
 4 Q. And that's why you had these sheets?  
 5 **A. Yeah, I was the treasurer from '90 -- of**  
 6 **AIA from '97 to 2005 when the change was made to**  
 7 **ICA.**  
 8 Q. All the records, financial records and  
 9 payments that occurred while you were treasurer of  
 10 the AIA, do you still maintain those?  
 11 **A. Yes.**  
 12 MR. COOK: Objection. Misstates  
 13 prior testimony. I can tell you why.  
 14 MR. SATTERLEY: What is it?  
 15 Treasurer or secretary?  
 16 MR. COOK: You asked AIA. It  
 17 should be AIA of the NA.  
 18 MR. SATTERLEY: No, no, no, no,  
 19 no. You're wrong. You're wrong.  
 20 MR. COOK: Okay.  
 21 BY MR. SATTERLEY:  
 22 Q. This says -- on the sheet it says  
 23 "Asbestos International Association"; right?  
 24 **A. Correct.**  
 25 Q. Okay. You were the treasurer of the

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1 AIA, Asbestos International Association?  
 2 **A. From 1997 to 2005 when the name changed.**  
 3 Q. And you still have possession of the  
 4 financial records for the AIA international  
 5 association; right?  
 6 **A. Correct.**  
 7 Q. Okay. All right. Let's keep going.  
 8 Oh, I didn't go through the numbers real  
 9 quick. Let's just if you could verify in 2012, it  
 10 looks like, 6,423.33 was paid for services to David  
 11 Bernstein?  
 12 **A. Correct.**  
 13 Q. On February 15th, \$6,687.65 were paid  
 14 for services to David Bernstein?  
 15 **A. Correct.**  
 16 Q. On April 3, 2012, \$18,390 was paid for  
 17 services to David Bernstein?  
 18 **A. Correct.**  
 19 Q. On July the 10th, \$10,630 were paid for  
 20 services to David Bernstein?  
 21 **A. Correct.**  
 22 Q. On July 16th, \$1,708.87 was paid for  
 23 Dunnigan?  
 24 **A. To Dr. Dunnigan.**  
 25 Q. Yeah. And then November 27, 2012,

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1 \$20,000 was paid to David Bernstein?  
 2 **A. Correct.**  
 3 Q. And then on December 24th, the day  
 4 before Christmas, \$3,970.40 were paid to David  
 5 Bernstein?  
 6 **A. Correct.**  
 7 Q. And that's for open access expense?  
 8 **A. Yeah. That has to do with the**  
 9 **publication of the -- of the study.**  
 10 Q. Okay.  
 11 **A. About critical review.**  
 12 Q. Yeah. So open access is where the paper  
 13 could be opened to everybody and be more readily  
 14 available for scientists to look at?  
 15 **A. That's my understanding, yes.**  
 16 Q. And so that if you pay that extra 3,000  
 17 some odd dollars, it would allow the paper to  
 18 potentially be cited more in the scientific  
 19 literature?  
 20 **A. That's my understanding.**  
 21 Q. Let's keep going.  
 22 82 is an e-mail from you to Bernstein  
 23 talking about wire transfer of the \$33,000?  
 24 **A. Yes.**  
 25 Q. And this is for a conference. Where is

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1 this conference? In Geneva?  
 2 **A. Which one are you on?**  
 3 Q. I'm sorry. 82.  
 4 **A. 82. Yeah. Yeah, that was for Kiev,**  
 5 **Ukraine.**  
 6 Q. Oh, in Russia?  
 7 **A. No, Ukraine.**  
 8 Q. Oh, Ukraine. Okay. I'm sorry.  
 9 **A. There was a scientific conference that**  
 10 **was sponsored by the various -- the government of**  
 11 **Ukraine and Russia.**  
 12 Q. So here's where I'm confused.  
 13 It shows November 27th services of  
 14 \$20,000. That's on the spreadsheet -- the  
 15 spreadsheet before.  
 16 **A. 11/27.**  
 17 Q. Okay? On page 81. \$20,000; right?  
 18 If we go over to that very next page, it  
 19 shows 20,000 for services rendered, but then it's  
 20 got another 13,636.04.  
 21 Why isn't that amount on the  
 22 spreadsheet?  
 23 **A. (Reviewing document).**  
 24 **Now, off the top of my head, I don't**  
 25 **know without going back to the original files.**

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1 Q. Okay. Well, as I look through here, I  
 2 didn't see an invoice for that 13,636.04 for this  
 3 conference to the Ukraine.  
 4 **A. It doesn't appear on the 2012.**  
 5 MR. SATTERLEY: Hang on one  
 6 second. Hang on one second. Somebody is on the  
 7 phone and we're hearing some feedback or some noise.  
 8 Maybe you could put your phone on mute.  
 9 Thank you.  
 10 THE WITNESS: Now, I see. Now, a  
 11 part of that, if you look on the -- on the -- okay.  
 12 That sheet next to the bottom, 1127, that must be --  
 13 I assume that's the 20,000 for October and November.  
 14 BY MR. SATTERLEY:  
 15 Q. Yep.  
 16 **A. See.**  
 17 Q. 20,000 for October and November.  
 18 **A. Yeah.**  
 19 Q. 10,000 for each month.  
 20 **A. Yeah, and now let's for the Kiev --**  
 21 **well, I'm not sure.**  
 22 **I'm not -- I'm not exactly sure where**  
 23 **that is without going to the original files.**  
 24 Q. Uh-huh.  
 25 **A. It's the best I can do at the moment.**

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1 Q. Well, why don't we do it this way. If  
 2 you go back to -- when you go back to the original  
 3 files and you locate any additional documents  
 4 related to that --  
 5 **A. Yeah.**  
 6 Q. -- provide it to your lawyer --  
 7 **A. Yeah.**  
 8 Q. -- and then he can send it over to me.  
 9 Okay?  
 10 **A. What is? This is it.**  
 11 Q. Pigg 82. 81, 82.  
 12 **A. Now, you want this back; right?**  
 13 Q. Well, this is marked as an exhibit to  
 14 this deposition.  
 15 **A. Yeah, I know.**  
 16 Q. So I guess what I'm requesting if you --  
 17 when you go to your original files, if you find any  
 18 additional documents --  
 19 **A. Yeah, yeah.**  
 20 Q. -- related to this -- these conference  
 21 fees or invoices, just send it to your lawyer, and  
 22 he'll look at them and decide whether he wants to  
 23 send them to me.  
 24 **A. Because I'm confident that there's an**  
 25 **explanation for it. It probably didn't get included**



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1 in here.  
 2 Q. I'm not accusing you of being a bad  
 3 treasurer. (Laugh).  
 4 **A. All I'm saying is, because I kept, you**  
 5 **know, these were -- there were two -- two actually**  
 6 **set of files for these.**  
 7 Q. Right.  
 8 **A. So one was just for the study and the**  
 9 **other was, you know, any other expenses. Anyway,**  
 10 **it's 11/27/12. I'll check it.**  
 11 Q. And then the other file, other expenses,  
 12 did you produce that to your attorney?  
 13 **A. No. I'm talking about other expenses,**  
 14 **not -- not -- nothing to do with this study.**  
 15 Q. Oh, I see what you're saying.  
 16 **A. No. So it's --**  
 17 Q. Okay. Let's keep going.  
 18 **A. So it's 33,636.04. Okay. Go ahead.**  
 19 Q. Just to close out that question, when  
 20 you say there's another file relating to other  
 21 expenses not related to the study, are you talking  
 22 about other expenses for, for example, like maybe  
 23 payments for Mr. Bernstein?  
 24 **A. Travel.**  
 25 Q. Travel expenses?

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1 **A. Yeah, right. Exactly.**  
 2 Q. Conference expenses. So there may be  
 3 additional monies paid to Bernstein that's reflected  
 4 in some other file?  
 5 **A. Probably not to Bernstein because all of**  
 6 **his work has been --**  
 7 Q. Related to the study?  
 8 **A. Yeah.**  
 9 Q. Related to the study?  
 10 **A. Basically, yes.**  
 11 Q. Okay. All right. Let's --  
 12 **A. I'm talking about the general expenses**  
 13 **for the -- for the association.**  
 14 Q. Let's keep going.  
 15 So last November. Let's see. We're at  
 16 83. The fee for Bernstein is -- he's got it broken  
 17 down to 2800 Swiss francs per day?  
 18 **A. Yes.**  
 19 Q. So in order to get to --  
 20 **A. Which one are you on?**  
 21 Q. 83. November, just this past November.  
 22 **A. Okay.**  
 23 Q. In order to get 10,000 Swiss francs,  
 24 that would be about three and a half days --  
 25 **A. Yeah.**

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1 Q. -- of work; right?  
 2 **A. Right. Uh-huh.**  
 3 Q. And he's got revisions of the manuscript  
 4 on in November of -- of 2012; correct?  
 5 **A. Correct.**  
 6 Q. And nowhere in November of 2012 is there  
 7 any reference to any coauthors?  
 8 **A. No.**  
 9 Q. All right. And in October of 2012, it  
 10 looks like he spent another three and a half --  
 11 approximately three and a half days --  
 12 **A. Yes.**  
 13 Q. -- reviewing the manuscript?  
 14 **A. Correct.**  
 15 Q. And no reference to any coauthors;  
 16 right?  
 17 **A. Correct.**  
 18 Q. Or discussions with any coauthors or  
 19 anything like that? Correct?  
 20 **A. Correct.**  
 21 Q. Then we got 85 appears to be an e-mail  
 22 from you to now Bell.net. Who is Bell?  
 23 **A. That's Godbout.**  
 24 Q. Oh, Godbout. That's his e-mail?  
 25 **A. Yeah.**

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1 Q. All right. And then Explore.net is  
 2 Jean-Marc Leblond?  
 3 **A. Yes, that's it.**  
 4 Q. And you're telling these two folks  
 5 the --  
 6 **A. Expense so far.**  
 7 Q. -- expenses; right?  
 8 **A. Correct.**  
 9 Q. And at that point in time in November of  
 10 2012 it was 179,307.51?  
 11 **A. Uh-huh. Correct.**  
 12 Q. Okay. Coming forward on 86, you've got  
 13 e-mails from August of 2012 relating to this Roger  
 14 McClellan. Do you see that?  
 15 **A. Yes.**  
 16 Q. Do you know who Roger McClellan is?  
 17 **A. I never -- never heard of him and, in**  
 18 **fact, that didn't ring a bell until I saw your**  
 19 **letter. The same one I was an addressee on.**  
 20 Q. Sure.  
 21 **A. I didn't know he was the editor.**  
 22 Q. And it appears that this is an e-mail  
 23 from Roger McClellan to David Bernstein talking  
 24 about his or "The manuscript is in the hands of  
 25 competent reviewers." Do you see that?

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1 **A. Yes.**  
 2 Q. And do you know who the -- I guess you  
 3 don't know who the competent reviewers are?  
 4 **A. No, I do not.**  
 5 Q. Okay. And -- and were you made aware of  
 6 that Roger McClellan has served as an expert witness  
 7 for Union Carbide in the past?  
 8 **A. No.**  
 9 Q. For example, let me show you these  
 10 Answers to Interrogatories that Union Carbide swore  
 11 under oath on in 2012 in Florida and it says right  
 12 here.  
 13 Do you have a copy? He's got a copy for  
 14 you and we'll mark this as an exhibit. We're up to  
 15 -- I think we're up to 18.  
 16 MR. ARTABANE: It's 19.  
 17 MR. SATTERLEY: 19? Okay.  
 18 (Document marked Exhibit 19.)  
 19 BY MR. SATTERLEY:  
 20 Q. 19. Exhibit 19. On this page right  
 21 here, they've told us that they've paid this man,  
 22 McClellan, to serve as an expert witness. I think  
 23 they've got it's right -- oh, it's the next page.  
 24 Oh, sorry about that. It's the next page right  
 25 here. Roger McClellan.

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1 **A. Yeah.**  
 2 Q. \$35,792.55.  
 3 **A. Hmm.**  
 4 Q. Did you know that?  
 5 **A. Did not know that.**  
 6 MR. COOK: Objection. Relevance.  
 7 BY MR. SATTERLEY:  
 8 Q. Did you -- was it -- did Bernstein or  
 9 Dunnigan share with the International Chrysotile  
 10 Association whether they had friends or friendly  
 11 people with particular journals they were going to  
 12 submit this paper to?  
 13 MR. COOK: Objection. Assumes  
 14 facts. Lacks foundation.  
 15 THE WITNESS: Not that I'm aware  
 16 of.  
 17 BY MR. SATTERLEY:  
 18 Q. Did --  
 19 (Off the stenographic record.)  
 20 BY MR. SATTERLEY:  
 21 Q. Let's see. If we can go back to Exhibit  
 22 19. Show you -- yeah, show you -- well, first of  
 23 all, do you see Union Carbide has identified David  
 24 Bernstein?  
 25 **A. Uh-huh.**

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1 Q. I'm sorry about that.  
 2 Oh, here we go.  
 3 MR. COOK: Could you just identify  
 4 the date of the Answers to Interrogatories for me?  
 5 MR. SATTERLEY: Yes. May 9, 2012.  
 6 MR. COOK: Thank you.  
 7 MR. SATTERLEY: A little over a  
 8 year ago, prior to the review of this Roger  
 9 McClellan fellow.  
 10 MR. HARTLEY: Just to clarify,  
 11 though, as you'll see in the exhibit actually -- and  
 12 I just don't want to put that Mr. Satterley knew --  
 13 these exhibits -- the answers that he's reading from  
 14 are from the Nicolella case which were attached to  
 15 the answer -- answers in the Legault case which was  
 16 from 2012. Nicolella was -- was from 2007.  
 17 MR. SATTERLEY: Okay.  
 18 MR. HARTLEY: But they were  
 19 incorporated according to the answers.  
 20 MR. SATTERLEY: Sure.  
 21 MR. HARTLEY: Just so it's clear.  
 22 BY MR. SATTERLEY:  
 23 Q. Just so that everybody is on the same  
 24 page, in 2012, Union Carbide answers some  
 25 Interrogatories and attached some previous answers

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1 from 2007 and they --  
 2 **A. What -- what -- I'm not --**  
 3 Q. Bernstein is right here.  
 4 **A. Right here? Is that where you're**  
 5 **reading from?**  
 6 Q. Yeah. Bernstein right there.  
 7 **A. Yeah.**  
 8 Q. It says:  
 9 "In 2003 and 2005, respectively,  
 10 Dr. Bernstein and others published two studies  
 11 concerning the biopersistence of Calidria chrysotile  
 12 asbestos."  
 13 Do you see it?  
 14 **A. Yes.**  
 15 Q. And we talked about that earlier?  
 16 **A. Yes. Right.**  
 17 Q. You're familiar with that; right?  
 18 **A. It's in the -- in the book.**  
 19 Q. In the black book; right?  
 20 "These studies is disclosed in the paper  
 21 response by Union Carbide."  
 22 You knew that; right?  
 23 **A. Yes.**  
 24 Q. "The total amount paid to support the  
 25 studies were 400,623.20 would include all costs

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1 associated with the studies."  
 2 Do you see that?  
 3 **A. Yes.**  
 4 Q. Have you -- in this black book that you  
 5 brought with you today, I think I asked you sort of  
 6 a question this way, but we know Bernstein is papers  
 7 in this book; right?  
 8 **A. Yes.**  
 9 Q. And we know now if Union Carbide is  
 10 telling the truth that they spent \$400,000 on this  
 11 paper?  
 12 **A. Yes.**  
 13 MR. COOK: Objection. Asked and  
 14 answered.  
 15 BY MR. SATTERLEY:  
 16 Q. I take it you haven't gone through to  
 17 figure out how much money each of these papers cost?  
 18 **A. I have not.**  
 19 MR. COOK: Objection. Assumes  
 20 facts. Incomplete hypothetical.  
 21 BY MR. SATTERLEY:  
 22 Q. Okay. I'm sorry?  
 23 **A. There's no way I could do that. I don't**  
 24 **know.**  
 25 Q. The only way to do that, I mean, if the

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1 companies that paid for this paper publicly  
 2 disclosed it, that would be one way; right?  
 3 **A. Yes.**  
 4 Q. Okay. And but nowhere -- just from  
 5 reading the papers themselves, it is not readily  
 6 available who paid for any paper or how much they  
 7 might have paid?  
 8 **A. Well --**  
 9 MR. COOK: Objection.  
 10 Argumentative. Non-relevance.  
 11 THE WITNESS: Well, I think -- I  
 12 think the Calidria Union Carbide says this was by a  
 13 grant from Union Carbide. At the bottom --  
 14 BY MR. SATTERLEY:  
 15 Q. Sure.  
 16 **A. -- of page 1.**  
 17 Q. Sure. Yeah, yeah.  
 18 And if you go right back up here, it  
 19 says in their Answers to Interrogatories who paid  
 20 for it. It says:  
 21 "The following are amounts paid by the  
 22 law firms of Orrick Herrington & Sutcliffe, Mayer  
 23 Brown, Alston & Bird, and Willcox and Savage."  
 24 Do you see that?  
 25 **A. Yes.**

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1 Q. So it appears if Union Carbide is  
 2 telling the truth in these sworn Answers to  
 3 Interrogatories, these law firms, various law firms  
 4 have paid for scientific research; correct?  
 5 MR. COOK: Objection. Document  
 6 states -- speaks for itself. Relevance.  
 7 THE WITNESS: That's what it says.  
 8 BY MR. SATTERLEY:  
 9 Q. Okay.  
 10 **A. I have no knowledge of anything about**  
 11 **that.**  
 12 Q. Well, in any of these studies that you  
 13 -- that you brought in this black book, does it  
 14 indicate lawyers were involved --  
 15 **A. No.**  
 16 Q. -- in creating this literature?  
 17 **A. Not -- not that I'm aware of.**  
 18 Q. Okay.  
 19 **A. Don't think so.**  
 20 Q. None of these law firms mentioned --  
 21 **A. No.**  
 22 Q. -- in these Interrogatories are  
 23 references in any of these studies, are they?  
 24 **A. No.**  
 25 MR. COOK: Objection.

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1 Argumentative. Document speaks for itself. Outside  
 2 the witness's personal knowledge. Calls for  
 3 speculation.  
 4 BY MR. SATTERLEY:  
 5 Q. Have you ever heard of any of these law  
 6 firms?  
 7 **A. No.**  
 8 Q. Of Willcox and Savage?  
 9 **A. No.**  
 10 Q. You never heard of them?  
 11 **A. No.**  
 12 Q. Of Alston & Bird? You ever heard of  
 13 them?  
 14 **A. No.**  
 15 Q. Mayer Brown?  
 16 **A. No.**  
 17 Q. Orrick Herrington & Sutcliffe?  
 18 **A. No.**  
 19 Q. So it would be -- it's a surprise to  
 20 you, it would be a surprise to you if what they say  
 21 is the truth that lawyers are actually involved in  
 22 funding some of this research?  
 23 MR. COOK: Objection.  
 24 MR. ARTABANE: Objection not a  
 25 proper question.

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1 MR. COOK: The document speaks for  
2 itself.

3 THE WITNESS: I'm -- I'm -- I am  
4 not aware that that's been done.

5 BY MR. SATTERLEY:

6 Q. Sure. And that's why I said it would be  
7 a surprise to you sitting here today in 2013 if some  
8 of these studies lawyers were involved in the  
9 creation of them?

10 MR. COOK: Same objection.

11 MR. ARTABANE: Objection.

12 THE WITNESS: The only -- the only  
13 thing I can as far as the one done by Bernstein, to  
14 my knowledge, there certainly were no lawyers  
15 involved with him.

16 BY MR. SATTERLEY:

17 Q. And we already talked about that  
18 earlier.

19 A. **Okay.**

20 Q. You really don't know because your --

21 A. **No.**

22 Q. -- sole role is to pay the money?

23 A. **Correct.**

24 MR. SATTERLEY: Okay. We've been  
25 going for a little while. Why don't we take a

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1 little bit of a break. Five minutes.

2 MR. COOK: Sure.

3 THE VIDEOGRAPHER: Going off  
4 record at 13:47 p.m.

5 (Recess taken.)

6 THE VIDEOGRAPHER: Back on record.  
7 Tape disk 4 at 13:56:54.

8 BY MR. SATTERLEY:

9 Q. So, Mr. Pigg, we left off talking a  
10 little bit about some of the articles in the  
11 publications that have been paid for by various  
12 entities.

13 But you as the representative of the  
14 International Chrysotile Association told -- told us  
15 earlier that you have in the past handed out these  
16 types of publications to -- to member companies;  
17 correct?

18 A. **Yes.**

19 Q. And as a person that's handing out these  
20 publications, you have never conveyed any  
21 information to the public about whether any of the  
22 papers were financed by any corporations or lawyers,  
23 have you?

24 MR. COOK: Objection. Misstates  
25 facts.

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1 THE WITNESS: Nothing other than  
2 the ones that state that they were, you know, that  
3 money was supplied by companies as they identify  
4 them.

5 BY MR. SATTERLEY:

6 Q. You certainly don't think -- you as a  
7 representative of the International Chrysotile  
8 Association, you don't think lawyers should be  
9 hiding their involvements in any studies, do you?

10 MR. COOK: Objection. Assumes  
11 facts. Lacks foundation. Argumentative. Calls for  
12 speculation.

13 THE WITNESS: No.

14 BY MR. SATTERLEY:

15 Q. Okay. I mean, that would be a wrong  
16 thing to do; right?

17 MR. COOK: Same objection. Calls  
18 for --

19 THE WITNESS: It would not be  
20 proper.

21 MR. COOK: -- speculation.

22 BY MR. SATTERLEY:

23 Q. Okay. And when you say "would not be  
24 proper," what do you mean?

25 MR. COOK: Same objection.

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1 THE WITNESS: Well, I think it is  
2 always -- all of us should always be honest and  
3 upright and tell the truth.

4 BY MR. SATTERLEY:

5 Q. Open and upfront about what you're  
6 doing?

7 A. **Yes.**

8 Q. Okay. All right. Let's keep rolling.  
9 We're almost through Exhibit 17. We got a few more  
10 invoices to go over.

11 We're up to 84 and this is 84, once  
12 again, was looks like Mr. Bernstein spent three and  
13 a half days in October of 2012 involving revisions  
14 of the manuscript?

15 A. **Uh-huh.**

16 Q. Is that correct?

17 A. **Correct.**

18 Q. And no reference to any coauthors at  
19 all; correct?

20 A. **None.**

21 Q. 85 that appears to be just a copy of  
22 another e-mail we already talked about?

23 A. **E-mail.**

24 Q. Right?

25 A. **Yeah, of the totals, totals for the**

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1 **years.**  
 2 Q. And 86 appears to be another e-mail from  
 3 Roger McClellan the -- to David Bernstein regarding  
 4 the manuscript submitted to Critical Reviews in  
 5 Toxicology?  
 6 **A. Correct.**  
 7 Q. 87 appears to be more e-mails between  
 8 Bernstein and folks at the Critical Reviews in  
 9 Toxicology?  
 10 **A. Correct.**  
 11 Q. How did you get copies of these e-mails?  
 12 Because I don't --  
 13 **A. Well, that's -- in fact, I just put them**  
 14 **in, as I told you earlier, in the -- in the file and**  
 15 **they were sent to me by, I think, Louise. Well, at**  
 16 **the top. Now the from Leblond when from, which is**  
 17 **where he would have, you know, provided them from**  
 18 **him. At the top of page 86.**  
 19 Q. Okay. So it's --  
 20 **A. That's how -- how I would have gotten**  
 21 **it. On his e-mail to himself, I mean, one I'm one**  
 22 **of the addressees.**  
 23 Q. So it appears from these e-mails  
 24 relating to from McClellan to Bernstein in August of  
 25 2012, it appears that he had submitted this for

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1 publication for the review some time in the summer,  
 2 last summer; right?  
 3 **A. It appears that way, yes.**  
 4 Q. All right. And if we look at the -- if  
 5 we go back to the invoices, though, in October,  
 6 November, and December, there's -- he's charging you  
 7 guys for revisions to the manuscript.  
 8 **A. Uh-huh.**  
 9 Q. Right?  
 10 **A. I have to look specifically at the**  
 11 **revisions in October.**  
 12 Q. \$10,000 --  
 13 **A. Yeah.**  
 14 Q. -- for three and a half days?  
 15 **A. Yeah.**  
 16 Q. In both of those months; right?  
 17 **A. Yes.**  
 18 Q. All right. And so I guess what I'm  
 19 trying to understand is, what, if anything, was  
 20 wrong with the manuscript that required them to be  
 21 revised?  
 22 **A. I don't know the answer to that.**  
 23 Q. Was he -- okay.  
 24 If we go over to 92, it appears to be --  
 25 **A. Uh-huh.**

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1 Q. -- an e-mail from you to Jean-Marc  
 2 Leblond.  
 3 **A. Yeah, just giving him an update.**  
 4 Q. Of the monies, some of the monies --  
 5 **A. Right.**  
 6 Q. -- that were paid?  
 7 **A. Right.**  
 8 Q. And then on Exhibit Pigg 93 --  
 9 **A. Uh-huh.**  
 10 Q. -- it talks about Quebec has announced  
 11 they're going to loan \$58 million to -- to the  
 12 Jeffrey Mine; correct?  
 13 **A. Right.**  
 14 Q. Did the Jeffrey Mine reopen?  
 15 **A. No. The election -- the different party**  
 16 **won the premiership, a lady.**  
 17 **What's wrong with that?**  
 18 **Anyway, so the loan was canceled.**  
 19 Q. Oh, after the change of the political  
 20 parties?  
 21 **A. Yes.**  
 22 Q. Continuing on, over on 95. There's an  
 23 invoice for 12 -- actually 15,900 francs.  
 24 **A. Right.**  
 25 Q. Which equals 18,390 US dollars.

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1 **A. Right.**  
 2 Q. And that's for a revision of the  
 3 manuscript back in February and some review of some  
 4 IARC publication?  
 5 **A. I don't remember exactly. I don't**  
 6 **remember exactly what -- what that -- of course, the**  
 7 **International Agency For Research on Cancer. I'm**  
 8 **not sure what -- what that was about.**  
 9 Q. Okay. The remaining section of the last  
 10 few pages of this exhibit simply relate to  
 11 additional invoices from Bernstein regarding  
 12 revisions of the manuscript; correct?  
 13 **A. Yes.**  
 14 Q. And at no point are any other coauthors  
 15 identified on any of these invoices; correct?  
 16 **A. No. None.**  
 17 Q. And then the last -- well, actually page  
 18 99 is not the last page. 99 shows payments in 2013;  
 19 correct?  
 20 **A. Correct.**  
 21 Q. It says "Risk study color paper"  
 22 \$1255.32?  
 23 **A. Yes, that was a part of the printing**  
 24 **with the -- with the critical review.**  
 25 Q. You got to pay to have it printed?

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1 **A. I guess so.**  
 2 Q. Okay. And then it says "Risk study  
 3 reprints."  
 4 **A. Uh-huh.**  
 5 Q. \$3,351.60.  
 6 **A. Yes. They were reprinted and -- and**  
 7 **shipped to the Montreal, Canada office.**  
 8 Q. And how many copies of that? 300 or  
 9 something like that?  
 10 **A. I don't know. For some reason 200**  
 11 **sticks in my mind.**  
 12 Q. Okay.  
 13 **A. But I could be wrong about that.**  
 14 Q. And was that -- the reprints, was that  
 15 so that the Chrysotile Association could hand out  
 16 this paper to other folks?  
 17 **A. Yes.**  
 18 Q. And --  
 19 **A. I'm sure you have -- you have one of**  
 20 **these.**  
 21 Q. No, I don't. Is that the -- is that the  
 22 final publication?  
 23 **A. Yes.**  
 24 Q. Oh, this is. Okay. It's in color. Can  
 25 we mark? We're up to --

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1 **A. It's what we just paid for.**  
 2 Q. Okay. (Laugh). The color print. So  
 3 we'll mark this as the next exhibit and what number  
 4 are we up to now 20?  
 5 MR. ARTABANE: 20.  
 6 MR. SATTERLEY: Yep. 20.  
 7 (Document marked Exhibit 20.)  
 8 BY MR. SATTERLEY:  
 9 Q. And let me just verify so the record is  
 10 complete. Exhibit 20 would be the final published  
 11 version of the paper that we've been talking a lot  
 12 about today?  
 13 **A. Exactly. Yes.**  
 14 Q. And this is -- the lead author is  
 15 identified as Bernstein; correct?  
 16 **A. Yes.**  
 17 Q. And this has got nice pretty colored  
 18 graphs in it; right?  
 19 **A. Yes.**  
 20 Q. Okay. I did want to ask you about the  
 21 declaration of interest --  
 22 **A. Uh-huh.**  
 23 Q. -- on page 177 of this at the bottom.  
 24 **A. Uh-huh.**  
 25 Q. Have you -- have you seen that?

212

1 **A. Yes.**  
 2 Q. You see at the bottom that Bernstein  
 3 reports that the funds from this comes from a grant  
 4 of the International Chrysotile Association?  
 5 MR. COOK: Objection. Misstates  
 6 evidence. Document speaks for itself.  
 7 BY MR. SATTERLEY:  
 8 Q. Well, what does it say?  
 9 **A. It says "Supported by a grant from the**  
 10 **International Chrysotile Association, Washington,**  
 11 **DC," which, you know, there's no such entity in**  
 12 **Washington, DC. I -- I have no explanation why**  
 13 **he --**  
 14 Q. You have no explanation why he would --  
 15 he would identify the International Chrysotile  
 16 Association as in Washington, DC?  
 17 **A. No.**  
 18 Q. And likewise the word "grant," a grant,  
 19 there was never a grant issued?  
 20 **A. Not by ICA, no.**  
 21 Q. Okay. And I take it you have no  
 22 knowledge whether the other part where it says "in  
 23 cooperation with the Canadian Chrysotile  
 24 Association," you don't have knowledge of that?  
 25 **A. I don't, no. Whether they had a grant,**

213

1 **I don't know.**  
 2 Q. Let me if I could borrow that.  
 3 **A. But we didn't.**  
 4 **(Handing document).**  
 5 Q. Sure. We'll set this to the -- right in  
 6 here.  
 7 So it says -- it also identifies  
 8 Bernstein and Gibbs have served as an expert witness  
 9 in litigation in the past?  
 10 **A. I think that's what it says, yeah.**  
 11 Q. And it says Dunnigan has also served as  
 12 an expert witness in Canada on health effects of  
 13 chrysotile?  
 14 **A. You know, I'm -- that's -- again, that's**  
 15 **news to me. In fact, I'm not -- I'm not even aware**  
 16 **there's been any asbestos litigation as such in**  
 17 **Canada. Now, Dunnigan has, I'm sure, spoken, you**  
 18 **know, in meetings just like you had for the 2006**  
 19 **meeting.**  
 20 Q. It says he served as expert witness on  
 21 health effects involving the Quebec Workers'  
 22 Compensation Board of Quebec?  
 23 **A. Yeah. I don't know anything about that.**  
 24 **It may be true. I just don't know.**  
 25 Q. All right. Once again, has this -- has

214

1 the ICA just taken these reprints and passed them  
 2 out to people?  
 3 **A. Not -- not to the public, so far as I**  
 4 **know. Of course, I haven't made any distribution,**  
 5 **but as far as I know, they were distributed to the**  
 6 **membership. And what the membership may have**  
 7 **distributed, you know, I have no way of knowing.**  
 8 Q. This on Pigg 103 says 6,000 Swiss francs  
 9 for the "Preparation of a CD, PDFs of the reference  
 10 included in the 'Chrysotile Health Risk Revisited'  
 11 for the Rotterdam Convention for distribution by the  
 12 ICA."  
 13 **A. Uh-huh.**  
 14 Q. What is that?  
 15 **A. Well, the Rotterdam Convention, you**  
 16 **know, was held last month, the last part of May**  
 17 **and the -- I'm not exactly sure. I think Mr.**  
 18 **Leblond and the purpose -- the interest had to do**  
 19 **with whether or not chrysotile would be added to the**  
 20 **Prior Informed Consent, the PIC list they call it.**  
 21 Q. So the Rotterdam Convention occurred in?  
 22 **A. Geneva.**  
 23 Q. In what month? January?  
 24 **A. May.**  
 25 Q. May? Oh, just last month?

215

1 **A. Last month.**  
 2 Q. Okay. And so -- so 6,000 Swiss francs  
 3 was spent to prepare CDs with the references listed  
 4 in this "Chrysotile Revisited" so they could be  
 5 passed out at this convention; right?  
 6 **A. If that's -- if that's what he says. I**  
 7 **assume it's true, but I don't know that for a fact.**  
 8 **I was not there.**  
 9 Q. But you paid -- you paid for -- let me  
 10 just show that to you.  
 11 **A. Yeah.**  
 12 Q. That's 103.  
 13 **A. Yeah.**  
 14 Q. You paid for that; right?  
 15 **A. Yes.**  
 16 Q. You wire transferred money for Bernstein  
 17 for that?  
 18 **A. Yeah.**  
 19 Q. That thing?  
 20 **A. Yeah.**  
 21 Q. Okay.  
 22 **A. So...**  
 23 Q. Okay.  
 24 **A. And he probably did it.**  
 25 MR. SATTERLEY: Okay. But --

216

1 okay. We're up to 21.  
 2 (Document marked Exhibit 21.)  
 3 BY MR. SATTERLEY:  
 4 Q. This bears Pigg 108 through Pigg 127.  
 5 This would be some of the minutes of the ICA  
 6 meetings that occurred over the last few years;  
 7 correct?  
 8 **A. Since 2000 and, you know, every time**  
 9 **that the revisit study was mentioned, yes.**  
 10 Q. Okay. And so the earliest would be what  
 11 year? 2011?  
 12 **A. Probably was. Probably the early.**  
 13 Q. And it indicates where these meetings  
 14 occurred, whether it be London or Brazil?  
 15 **A. Correct.**  
 16 Q. And nowhere in any of these minutes of  
 17 this meeting do anybody on behalf of the ICA  
 18 describe work that Bernstein is going to be doing as  
 19 a grant?  
 20 **A. No.**  
 21 Q. And just so the jury understands the  
 22 full understanding or has at least a full  
 23 understanding of some of who is involved, on 108,  
 24 the April 17th meeting in London, we've got  
 25 Mr. Leblond there; correct?

217

1 **A. Right.**  
 2 Q. We've got somebody from Kazakhstan.  
 3 Kakistan? How do you say that?  
 4 **A. Kazakhstan.**  
 5 Q. Kazakhstan; right?  
 6 **A. Correct.**  
 7 Q. You know that person?  
 8 **A. Yes. I've met him. Yes, I know.**  
 9 Q. And somebody from Russia?  
 10 **A. Right.**  
 11 Q. Are either of those two individuals  
 12 involved in mining asbestos?  
 13 **A. Yes.**  
 14 Q. Which one?  
 15 **A. Kazakhstan and Russia.**  
 16 Q. Oh, so both of those individuals?  
 17 **A. Yes.**  
 18 Q. Okay. And then you got somebody from  
 19 Zimbabwe?  
 20 **A. Yes.**  
 21 Q. That's a little bit north of South  
 22 Africa?  
 23 **A. North.**  
 24 Q. And is this individual SMM Holdings  
 25 involved in mining asbestos?

218

1 **A. Correct.**  
 2 Q. Okay. And then we have a whole bunch of  
 3 people in attendance there?  
 4 **A. Correct.**  
 5 Q. From several different countries?  
 6 **A. Yes.**  
 7 Q. If you could just go through and  
 8 identify which of these individuals are involved in  
 9 mining asbestos.  
 10 **A. Okay. The second one, Roberto**  
 11 **Frantonio, is from the mine in Brazil.**  
 12 Q. Uh-huh.  
 13 **A. Nurlan Omarov Kazakhstan. And Taq**  
 14 **Marorotov from Kazakhstan. Reminic from Russia and**  
 15 **John Jerry from Russia. They're -- they're involved**  
 16 **in mining.**  
 17 Q. And what's -- what's the United Minerals  
 18 Company?  
 19 **A. Well, that's just the name of the**  
 20 **marketing company in Kazakhstan.**  
 21 Q. And that indicates on this one that you  
 22 weren't present?  
 23 **A. Correct.**  
 24 Q. And several other folks from Mexico and  
 25 Brazil and India wasn't present?

219

1 **A. Correct.**  
 2 Q. Is the person for the Mexico, is that  
 3 somebody involved in mining --  
 4 **A. No.**  
 5 Q. -- asbestos?  
 6 **A. No, they don't mine asbestos in Mexico.**  
 7 **They're users primarily.**  
 8 Q. Oh, they're users of the asbestos in  
 9 Mexico?  
 10 **A. Yeah.**  
 11 Q. And what about India?  
 12 **A. Same thing.**  
 13 Q. They're the users of the asbestos?  
 14 **A. Users; correct.**  
 15 Q. And that's the Shankar you were telling  
 16 us about?  
 17 **A. Yes, uh-huh. Yeah, he's the vice**  
 18 **chairman.**  
 19 Q. If we go over to 111, it shows the  
 20 meeting in Rio de Janeiro; correct?  
 21 **A. Correct. Last December.**  
 22 Q. And like -- like we already saw, once  
 23 again, many of these folks are involved in mining  
 24 asbestos?  
 25 **A. Yes.**

220

1 Q. Okay. At these meetings of the ICA, do  
 2 they invite outside scientists to come speak?  
 3 **A. Occasionally. Not regularly, but**  
 4 **occasionally, yes.**  
 5 Q. For example, has Bernstein been present  
 6 at ICA meetings?  
 7 **A. He has been, yes.**  
 8 Q. Let me ask you if -- if the ICA has ever  
 9 invited -- I'm just going to throw out some names --  
 10 Joseph LaDue?  
 11 **A. No.**  
 12 Q. Do you know who he is?  
 13 **A. I've seen the name. I think he's**  
 14 **published a paper.**  
 15 Q. They've never invited him to come speak  
 16 to the ICA?  
 17 **A. No.**  
 18 Q. Has -- has the ICA ever invited  
 19 Dr. Arthur Frank to come present?  
 20 **A. No.**  
 21 Q. Do you know who Dr. Arthur Frank is?  
 22 **A. Know the name.**  
 23 Q. What about Dr. Phillip Landrigan?  
 24 **A. No.**  
 25 Q. Dr. Richard Lemen?

221

1 **A. No.**  
 2 Q. Dr. Daniel Teitelbaum?  
 3 **A. No.**  
 4 Q. Dr. Colin Soskolne?  
 5 **A. No.**  
 6 Q. Dr. Barry Castleman?  
 7 **A. No.**  
 8 Q. Has the ICA ever invited any individuals  
 9 that have mesothelioma to any of these meetings?  
 10 **A. Not to my knowledge, no.**  
 11 Q. Have you ever personally met somebody  
 12 with mesothelioma?  
 13 **A. Not to my knowledge, no.**  
 14 Q. Have you ever attended a trial involving  
 15 asbestos manufacturer or producer and what they've  
 16 done, what they knew historically?  
 17 **A. No.**  
 18 Q. Now, I see that some of these minutes  
 19 meetings appear to be just a little small section on  
 20 a big page.  
 21 Did you white out or black out some of  
 22 the --  
 23 MR. ARTABANE: I'll answer that.  
 24 Your request was for only those minutes that related  
 25 to the publication, and so you were provided only



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1 with the minutes that related to the publication.  
 2 MR. SATTERLEY: I understand.  
 3 Well, let me just tell you. The minutes that relate  
 4 to the publication with just the redaction, was  
 5 there a privilege log or something that's been  
 6 prepared?  
 7 MR. ARTABANE: It's not required.  
 8 The response was -- the documents you got are fully  
 9 responsive to your request.  
 10 BY MR. SATTERLEY:  
 11 Q. If you could, sir, on the December 5th  
 12 meeting, 111. Are you on 111 right now?  
 13 A. Yes.  
 14 Q. If you flip over to the next page, you  
 15 see at the bottom it says page 4?  
 16 A. Yes.  
 17 Q. Okay. So it looks like we went from the  
 18 first page and there's page 2, page 3 and most of  
 19 page 4 is gone?  
 20 A. Yes.  
 21 Q. Okay. You told us earlier that it's  
 22 important from your perspective to be honest and  
 23 open and upfront; correct?  
 24 A. Well, in -- in general, yes.  
 25 Q. Sure. I mean, the ICA isn't embarrassed

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1 about anything?  
 2 A. But they're -- I mean, there is --  
 3 MR. ARTABANE: I'm going to object  
 4 to that and state for the record that you're not  
 5 entitled to any discussions in these minutes of  
 6 subject matters that you did not request, and the  
 7 documents are totally responsive to your request.  
 8 MR. SATTERLEY: Okay. I  
 9 understand you. Let me ask the question.  
 10 BY MR. SATTERLEY:  
 11 Q. Do you know -- you're the keeper of  
 12 these minutes; correct?  
 13 MR. ARTABANE: No.  
 14 THE WITNESS: No.  
 15 BY MR. SATTERLEY:  
 16 Q. You kept -- you got these records?  
 17 A. These were approved from Montreal.  
 18 Q. Okay. And do you have -- do you  
 19 maintain copies of them yourself?  
 20 A. No.  
 21 Q. Okay. You had to get these from  
 22 Montreal?  
 23 A. That's right.  
 24 Q. Okay. And when you got them from  
 25 Montreal, though, they weren't redacted, were they?

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1 A. No.  
 2 Q. Okay. That was done with assistance of  
 3 your counsel?  
 4 A. Yes.  
 5 Q. Okay. And my question is: Is there any  
 6 private -- anything you consider private or secret  
 7 that occurs at these ICA meetings?  
 8 A. No, I don't consider them secret, except  
 9 it's official business about financial reports are  
 10 given. Various countries will review the status of  
 11 asbestos regulations in their country. Just -- just  
 12 as an example. But there's nothing -- nothing  
 13 sacred per se, but it's official business.  
 14 Q. Did you personally verify what was on  
 15 page 2, 3, and page 4?  
 16 A. Yes.  
 17 Q. Okay. And is it your testimony nothing  
 18 on page 2, 3 or 4 related to any funding of any  
 19 studies?  
 20 A. That's my testimony.  
 21 Q. Okay.  
 22 A. They do not.  
 23 Q. Okay. But -- but as far as you know,  
 24 the ICA doesn't have a policy or procedure to  
 25 prevent people from getting copies of their minutes

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1 of their meetings; correct?  
 2 MR. ARTABANE: Objection. That's  
 3 a legal question. You're entitled to what you asked  
 4 for and that's what you were provided.  
 5 MR. SATTERLEY: No, no, no. I'm  
 6 asking about policies and procedures. That's not a  
 7 legal question.  
 8 BY MR. SATTERLEY:  
 9 Q. Does ICA have a policy or procedure that  
 10 says, We need to keep our minutes of our meeting  
 11 secret?  
 12 A. We do not have a policy that describes  
 13 that what we have is secret, but we do distribute  
 14 the minutes to the members. But we don't distribute  
 15 them to the news media --  
 16 Q. Sure.  
 17 A. -- as any organization wouldn't do.  
 18 Q. Oh, you're a nonprofit; right?  
 19 A. Yes.  
 20 Q. And you get nonprofit status through the  
 21 government?  
 22 A. Through the Province of Quebec.  
 23 Q. Okay. Is the ICA organized in the  
 24 United States at all?  
 25 A. No.

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1 Q. And do the Province of Quebec -- as a  
2 nonprofit association, is it your understanding that  
3 you get the benefits of being a nonprofit?

4 MR. ARTABANE: Objection. That  
5 calls for a legal conclusion.

6 THE WITNESS: I don't know the  
7 answer to that.

8 BY MR. SATTERLEY:

9 Q. Just verify for me that all of the pages  
10 that were retrieved, actually kept and retrieved in  
11 the ordinary course of business of the ICA?

12 A. Yes.

13 Q. And do they accurately state the  
14 business that was occurring at these meetings at or  
15 about the time they occurred?

16 A. Yes.

17 Q. If we go over to 118, that shows the  
18 November 29th meeting in --

19 A. Correct.

20 Q. -- Dubai; correct?

21 A. Correct.

22 Q. And you weren't present at that meeting?

23 A. I was not.

24 Q. Once again, many of the mining of  
25 asbestos was present at this meeting?

228

1 **purpose was just to add it to the growing amount of**  
2 **studies that were being published on chrysotile and**  
3 **to provide competent authorities with -- with the**  
4 **latest study. That I think there are what? He**  
5 **cites 175 references in the revisited study.**

6 Q. I guess what I'm struggling with --  
7 well, move to strike as nonresponsive.

8 Let me -- let me -- what I'm struggling  
9 with here it says "The final report will be  
10 published."

11 And this is in 2011; right?

12 A. Uh-huh.

13 Q. November of 2011?

14 A. Yeah.

15 Q. How did the ICA know that it would be  
16 scientifically acceptable, this Bernstein paper, in  
17 2011 to be published in 2013? How did they know  
18 that?

19 A. They didn't know it.

20 Q. Well, it says it will be published;  
21 right?

22 A. Well, it will be published regardless.

23 Q. Okay.

24 A. And --

25 Q. What do you mean by that?

227

1 A. Yeah. Brazil, Kazakhstan, Russia.

2 Q. It says on page 119 the risk  
3 assessment's evaluation?

4 A. Yes.

5 Q. And it talks about Bernstein's  
6 presentation?

7 A. Yes.

8 Q. And it said:  
9 "The final report will be published and  
10 ICA members will then be in a position to forward  
11 this positive information to their respective  
12 competent authorities in chrysotile-producing and  
13 using countries."

14 A. Yes.

15 Q. So, in essence, what the ICA was doing  
16 was having Bernstein create this literature so that  
17 ICA could take this literature and use it to its  
18 advantage to give to authorities in  
19 chrysotile-producing and using countries?

20 MR. ARTABANE: Objection. No  
21 foundation.

22 BY MR. SATTERLEY:

23 Q. Isn't that true?

24 A. Well, of course, at that point of course  
25 it was -- it hadn't been published, but I think the

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1 A. Well, Bernstein would publish the study  
2 in whatever scientific journal accepted it to be  
3 studied.

4 Q. Wherever he could find a place to  
5 publish it?

6 MR. COOK: Objection. Assumes  
7 facts. Calls for speculation.

8 THE WITNESS: I don't know about  
9 where he could find. Of course, that's up to him.

10 BY MR. SATTERLEY:

11 Q. Well --

12 A. But whatever he -- whatever he published  
13 would be distributed.

14 Q. Well, it says:

15 "The final report will be published and  
16 ICA members will then be in a position to forward  
17 this positive information to their respective  
18 competent authorities in chrysotile-producing and  
19 using countries."

20 Right? I read that correctly?

21 A. (Nods head).

22 Q. All right. And so how was it that in  
23 2011 before the paper was even prepared and  
24 finalized that the ICA would know that it would be  
25 scientifically acceptable for publication?

230

1 MR. COOK: Objection. Lacks  
2 foundation. Assumes facts. Outside the witness's  
3 personal knowledge.  
4 THE WITNESS: I don't think they  
5 would -- knew for a fact. It was hopeful.  
6 BY MR. SATTERLEY:  
7 Q. Oh, that's -- okay. That explains it.  
8 At this point in 2011, ICA was hopeful  
9 that it would be published?  
10 **A. Well, just and part of it would be based**  
11 **on those number 13 studies that are there that were**  
12 **positive in the sense that they said at low**  
13 **exposures to chrysotile, there's no detectable**  
14 **health risk.**  
15 Q. Objection. Move to strike.  
16 Nonresponsive.  
17 So in 2011, ICA was hopeful that  
18 Bernstein's paper would be published so that the ICA  
19 could then provide this paper to the competent  
20 authorities so that chrysotile could still be  
21 produced and used in these countries; correct?  
22 **A. Yes.**  
23 Q. Is that true?  
24 **A. Yes.**  
25 MR. SATTERLEY: Okay. We are up

231

1 to -- we'll set that exhibit to the side -- 22.  
2 (Document marked Exhibit 22.)  
3 BY MR. SATTERLEY:  
4 Q. What is reflected -- this is Bates  
5 number 128 through 280. What is this exhibit? What  
6 is this?  
7 **A. This is the publication revisited**  
8 **online.**  
9 Q. Well, this has got a bunch of e-mails in  
10 what. So I assume that this comes from your files;  
11 right?  
12 **A. Yes. In fact, you probably printed it**  
13 **out. Yeah.**  
14 Q. These are e-mails back and forth between  
15 Leblond and Bernstein and Clement and you, Mr. Pigg?  
16 **A. Oh, yeah. Uh-huh.**  
17 Q. Right? These are going back?  
18 **A. Right.**  
19 Q. And so does this represent e-mails back  
20 and forth relating to this chrysotile paper --  
21 **A. Yes.**  
22 Q. -- over the last --  
23 **A. It was -- I had one general file. If it**  
24 **didn't pertain to payment of an invoice, then I just**  
25 **filed whatever it was in the -- in this one general**

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1 **file. That's where this came from.**  
2 Q. And all of these e-mails reflected on  
3 this exhibit are e-mails that were created by and  
4 from you and other people associated with ICA?  
5 **A. Yes.**  
6 Q. As well as Mr. Bernstein?  
7 **A. Yes.**  
8 Q. Okay. And then included in this is a  
9 prepublication copy not for distribution --  
10 **A. Correct.**  
11 Q. -- of this paper?  
12 **A. I think that came out in January or**  
13 **something like that.**  
14 Q. If you go over to 247. 247 is an e-mail  
15 from Bernstein to you, Mr. Leblond; correct?  
16 **A. Yes.**  
17 Q. And it's --  
18 **A. Prepublication.**  
19 Q. It's the pre -- it's the transfer or  
20 actually e-mails saying that the paper had been --  
21 **A. Accepted.**  
22 Q. -- accepted?  
23 It says in the second paragraph down:  
24 "As proposed by Clement, I am sending  
25 you as well as my additional invoice for partial

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1 compensation of additional work on this paper. I  
2 greatly appreciate this."  
3 Do you see that?  
4 **A. Yes.**  
5 Q. "As I mentioned to him, the last  
6 revision took more than four times the time that we  
7 had budgeted."  
8 Do you see that?  
9 **A. Yes.**  
10 Q. So what I'm trying to figure out is,  
11 when it says "budgeted," where is the budget?  
12 **A. There is no budget. Again, I think that**  
13 **it was probably -- my guess would be that**  
14 **Mr. Godbout had advised Dr. Bernstein that the**  
15 **amount of money that we were going to spend on this**  
16 **study is probably not going to exceed \$200,000.**  
17 Q. So, but I guess what I'm confused in,  
18 when Bernstein says "It took more than four times  
19 the time that we had budgeted; however, my  
20 commitment to an excellent paper was complete," do  
21 you know what he's referring to?  
22 **A. No, do not.**  
23 Q. I mean, if the paper costs over 230  
24 thousand or \$230,000, this would seem to indicate  
25 that the original budget was 50 or \$60,000?

234

1 **A. I don't --**  
 2 **MR. ARTABANE: No.**  
 3 THE WITNESS: I don't think that's  
 4 what he's -- I don't think that's what he's  
 5 referring to.  
 6 BY MR. SATTERLEY:  
 7 Q. It says --  
 8 **A. He's talking about the last revision.**  
 9 Q. It says:  
 10 "The editor of the journal was very  
 11 exigent due to the controversial topic and had sent  
 12 it for review three times to nine different  
 13 scientists."  
 14 Do you see that?  
 15 **A. Yes.**  
 16 Q. Do you know who any of those scientists  
 17 are?  
 18 **A. No idea.**  
 19 Q. "While this has been a lengthy process,  
 20 the resulting following manuscript is in my opinion  
 21 an excellent review."  
 22 Bernstein's comment upon himself?  
 23 **A. Yes.**  
 24 Q. So let's set that exhibit to the side.  
 25 I want to ask you. In February of this

235

1 year, did you receive a letter from my law partner  
 2 Mr. Kazan requesting that you maintain all  
 3 documentary evidence relating to this publication?  
 4 **A. Yes.**  
 5 **(Document marked Exhibit 23.)**  
 6 BY MR. SATTERLEY:  
 7 Q. I'm handing you Exhibits 281 through 283  
 8 and ask you: Is this the copy of the letter?  
 9 **A. Yes, and when I received it, I shared it**  
 10 **with counsel. He advised me to make a memorandum**  
 11 **for the record, place it in my file to say that no**  
 12 **destruction of files will be done.**  
 13 Q. Okay.  
 14 **A. And I did.**  
 15 Q. Super. And is that the memorandum  
 16 attached as the last page of that document?  
 17 **A. I didn't know it was there.**  
 18 Q. The letter is the first two pages and  
 19 then there's a third page to that?  
 20 **A. No.**  
 21 Q. Oh, what's that third page?  
 22 **A. It's McClellan's e-mail.**  
 23 Q. Oh, okay. So McClellan's e-mail  
 24 regarding the letter from Steven Kazan?  
 25 **A. Yes.**

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1 Q. It says from Roger McClellan to Bridget  
 2 Sheppard.  
 3 Do you know who Bridget Sheppard is?  
 4 **A. No.**  
 5 Q. It says:  
 6 "I have received the attached letter  
 7 today. Please forward a copy to the appropriate  
 8 legal counsel at Informa. In my opinion, any  
 9 communication between the author and the editor such  
 10 as exercise -- such as I exercise as editor of  
 11 Critical Reviews in Toxicology or a member of the  
 12 Editorial Advisory Board of CRT and reviewers of the  
 13 manuscripts submitted to CRT are privileged,  
 14 confidential, and private communications which  
 15 should not be released to any other party. The  
 16 release of such communications could do irreparable  
 17 harm to the peer review process of CRT and,  
 18 moreover, my precedence to the scientific review  
 19 presence of all scientific journals. If any of the  
 20 recipients of the letter from Mr. Kazan should  
 21 receive any additional communication from Mr. Kazan,  
 22 please forward copies to Bridget Sheppard, Informa,  
 23 London, and me and do not take any action until  
 24 directed by formal legal counsel."  
 25 Did he give this to you?

237

1 **A. I think it came from Bernstein, but**  
 2 **I've -- I've ignored it.**  
 3 Q. And what do you mean by that?  
 4 **A. That I don't know any of those people.**  
 5 **I never corresponded or contacted Mr. McClellan or**  
 6 **the lady that's mentioned.**  
 7 Q. Okay.  
 8 **A. Okay.**  
 9 Q. Okay. Let me ask you some other  
 10 questions about banning asbestos global.  
 11 You're aware that there are many  
 12 scientists around the world that have asked for a  
 13 global ban on asbestos; correct?  
 14 **A. Yes.**  
 15 MR. COOK: Can I have a continuing  
 16 objection to the questions on the banning of  
 17 asbestos?  
 18 MR. ARTABANE: Yeah, and let me  
 19 just say for the record. This is beyond the scope  
 20 of the items that Exhibits 1 to Mr. Pigg and  
 21 Exhibit 2 to ICA either list in terms of subject  
 22 matter area or list in terms of designations by ICA  
 23 of Mr. Pigg as its representative.  
 24 BY MR. SATTERLEY:  
 25 Q. Let me ask you a few questions about

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1 this.  
 2 MR. ARTABANE: So I'll have a  
 3 continuing objection to this entire line of  
 4 questioning.  
 5 MR. SATTERLEY: I understand. I  
 6 understand.  
 7 MR. COOK: Join.  
 8 MR. SATTERLEY: 24.  
 9 THE VIDEOGRAPHER: Excuse me.  
 10 Counsel, may I change a battery?  
 11 MR. SATTERLEY: Yes.  
 12 THE VIDEOGRAPHER: On his  
 13 microphone? Go off record for a second.  
 14 Going off record at 14:38:02.  
 15 (Recess taken.)  
 16 THE VIDEOGRAPHER: Back on record  
 17 at 14:43:31. Still on tape 4.  
 18 (Document marked Exhibit 24.)  
 19 BY MR. SATTERLEY:  
 20 Q. I marked as Exhibit 24 a paper called "A  
 21 Case For a Global Ban on Asbestos" and it's written  
 22 by several scientists and it's published in  
 23 Environmental Health Perspectives in 2010.  
 24 **A. Right.**  
 25 Q. Have you read that in the past?

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1 **A. I've seen it.**  
 2 Q. Okay. And when you say you've seen it?  
 3 **A. Well, I've read it back then. Yeah.**  
 4 Q. Has this -- back in 2010 when it was  
 5 written?  
 6 **A. Yes. Yes.**  
 7 Q. And have you --  
 8 **A. I'm sure I did. I can't say I remember**  
 9 **it specifically because there are several articles**  
 10 **on the same subject.**  
 11 Q. You see that there's a list of  
 12 references on this article?  
 13 **A. Yes.**  
 14 Q. And it's -- I haven't added them up, but  
 15 there's -- it goes over. It's a couple pages?  
 16 **A. Right.**  
 17 Q. Has the ICA taken these references and  
 18 organized them and put them on a disk?  
 19 **A. Not to my knowledge.**  
 20 Q. To present them at any conventions?  
 21 **A. No.**  
 22 Q. Like the Rotterdam Convention or  
 23 anything like that?  
 24 **A. No.**  
 25 Q. Have they presented any of these

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1 publications to Mr. Bernstein?  
 2 **A. Not to my knowledge, no.**  
 3 Q. Did -- have you seen any evidence that  
 4 ICA told Mr. Bernstein at any point in time in the  
 5 two- to three-year period when they were funding  
 6 this article, We want you to include all  
 7 publications even publications that would suggest  
 8 that asbestos should be totally banned?  
 9 **A. I don't think there were -- there were**  
 10 **any directions either plus or con to Dr. Bernstein,**  
 11 **no.**  
 12 Q. At no point in time was there a  
 13 direction to Mr. Bernstein that, We want you to give  
 14 an objective scientific analysis?  
 15 **A. Not that I was a party of and heard, no.**  
 16 Q. Okay. We can set this exhibit to the  
 17 side.  
 18 (Document marked Exhibit 25.)  
 19 BY MR. SATTERLEY:  
 20 Q. Exhibit 25 is a statement in response to  
 21 the asbestos industry's efforts to prevent a ban on  
 22 asbestos in Pakistan.  
 23 **A. Uh-huh.**  
 24 Q. Have you seen that?  
 25 **A. Yes.**

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1 Q. And have you read it?  
 2 **A. Yes.**  
 3 Q. And when did you read it?  
 4 Let me hand it to you.  
 5 **A. Well, I should have -- no. It was after**  
 6 **-- I can't remember the exact date when the company**  
 7 **in Pakistan contacted ICA and asked for assistance**  
 8 **or materials to be submitted to Pakistan, and then**  
 9 **shortly after -- after that happened earlier this**  
 10 **year, I saw this publication that you gave me, yes.**  
 11 Q. And it's critical of the ICA; correct?  
 12 **A. What do you mean "critical"?**  
 13 Q. Well, if you look on the page 1 it says:  
 14 "The information that the International  
 15 Chrysotile Association puts forward in its letter is  
 16 false."  
 17 Right there. The first page.  
 18 **A. Oh. Oh, yes. I see -- I see that.**  
 19 Q. And then it sets forth --  
 20 **A. Yeah.**  
 21 Q. It sets forth several numbered facts  
 22 that these signers of this letter supports that  
 23 position; correct?  
 24 **A. Correct.**  
 25 Q. And it's signed off by a whole bunch of

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1 different scientific -- scientists around the world?  
 2 **A. Yes. Correct.**  
 3 Q. Has -- since this letter in February of  
 4 2013, has the ICA in any meetings discussed this  
 5 letter?  
 6 **A. Not to my knowledge, no.**  
 7 Q. Has the ICA taken any action to respond  
 8 to this letter?  
 9 **A. Not to my knowledge, no.**  
 10 Q. We'll set that to the side.  
 11 Now, you told me earlier that you have  
 12 been a strong advocate for the continued use of  
 13 chrysotile asbestos; correct?  
 14 MR. ARTABANE: Him personally?  
 15 THE WITNESS: Under?  
 16 BY MR. SATTERLEY:  
 17 Q. Sure, you personally.  
 18 **A. Well, I would place a condition on that.**  
 19 **Advocate for the continued use of it in a safe and**  
 20 **controlled manner.**  
 21 Q. You believe that chrysotile asbestos  
 22 should be used for decades to come?  
 23 **A. Yes.**  
 24 Q. And you've publicly so stated; correct?  
 25 **A. Yes.**

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1 Q. Let me show you.  
 2 (Tape playing.)  
 3 MR. PIGG: We have already been  
 4 presented today clearly --  
 5 (Tape stopped.)  
 6 Q. Let me -- just so the record is clear,  
 7 I'm presenting you with your speech, part of your  
 8 speech that you gave at the chrysotile International  
 9 Conference in 2006; correct?  
 10 **A. Correct.**  
 11 Q. And this is -- just so the record is  
 12 clear, the voice we're hearing is your voice;  
 13 correct?  
 14 **A. Correct. I understand.**  
 15 **(Tape playing.)**  
 16 MR. PIGG: And indisputably  
 17 demonstrates that Chrysotile is a most valuable  
 18 substance.  
 19 (Tape stopped.)  
 20 BY MR. SATTERLEY:  
 21 Q. And you believe chrysotile is a most  
 22 valuable substance. True?  
 23 **A. I do.**  
 24 **(Tape playing.)**  
 25 MR. PIGG: Can be and should be

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1 continued to be used safely for many decades to  
 2 come.  
 3 (Tape stopped.)  
 4 BY MR. SATTERLEY:  
 5 Q. And you believe that chrysotile should  
 6 be used and be continued to be used safely for many  
 7 decades to come?  
 8 **A. Yes.**  
 9 MR. COOK: Objection. Relevance.  
 10 BY MR. SATTERLEY:  
 11 Q. You've described chrysotile asbestos as  
 12 a magic mineral?  
 13 **A. Well, that's -- that's a colloquial**  
 14 **saying that has been around for a hundred years.**  
 15 Q. And you in your speech at the  
 16 International Chrysotile Institute described it as a  
 17 magic mineral?  
 18 **A. I don't remember my exact words but...**  
 19 Q. Let's see. I don't remember your exact  
 20 words either. So it's a good point.  
 21 (Tape playing.)  
 22 MR. PIGG: When I look back over  
 23 the last 30 years and reflect what has transpired in  
 24 the United States, I believe that asbestos is,  
 25 indeed, the magic mineral.

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1 (Tape stopped.)  
 2 THE WITNESS: Uh-huh.  
 3 BY MR. SATTERLEY:  
 4 Q. You said that?  
 5 **A. I said that. Because there are some**  
 6 **things there's no -- no substitute for.**  
 7 Q. Well, wait a second. You told me  
 8 earlier you're not an expert; right?  
 9 **A. That's what I've read.**  
 10 Q. Okay. And you're not -- you don't have  
 11 any technical expertise?  
 12 **A. No.**  
 13 Q. And you're not a scientist?  
 14 **A. I am not.**  
 15 Q. And so the basis for your personal  
 16 opinion about substitutes --  
 17 **A. Is a layperson's.**  
 18 Q. -- is a layperson; right?  
 19 **A. Right.**  
 20 Q. Okay. You describe in your speech in  
 21 2006 at the International Chrysotile Institute that  
 22 the early claims of asbestos disease truly deserve  
 23 compensation; correct?  
 24 **A. Yes.**  
 25 Q. But you certainly are not suggesting

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1 that people suffering from mesothelioma from  
 2 asbestos exposure in 2013 don't likewise deserve  
 3 compensation?  
 4 MR. COOK: Objection. Assumes  
 5 facts. Lacks foundation. Incomplete hypothetical.  
 6 Talks about his personal.  
 7 MR. ARTABANE: I object to this  
 8 entire line of questions.  
 9 MR. COOK: Outside the scope.  
 10 THE WITNESS: No, I do not object.  
 11 I mean, I think -- I think everyone should be if  
 12 they --  
 13 BY MR. SATTERLEY:  
 14 Q. If they had been injured?  
 15 **A. -- are, indeed, injured with asbestos**  
 16 **should be compensated.**  
 17 Q. You have spoken publicly about how the  
 18 AIA has successfully fought the ban of asbestos in  
 19 the United States?  
 20 **A. Yes.**  
 21 MR. ARTABANE: AIA or AIA/NA?  
 22 THE WITNESS: AIA/NA.  
 23 BY MR. SATTERLEY:  
 24 Q. AIA/NA. I'm sorry about that.  
 25 So just let me ask the question again so

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1 it's clear who we're talking about.  
 2 You have publicly stated how the AIA/NA  
 3 has assisted in successfully fighting the ban on  
 4 asbestos going back in time; correct?  
 5 **A. Yes.**  
 6 Q. And matter of fact, you have boasted  
 7 that the AIA/NA assisted industry in suing the EPA?  
 8 **A. I -- I don't agree with the word**  
 9 **"boasted."**  
 10 Q. Okay. I apologize.  
 11 You have spoken publicly about how the  
 12 AIA/NA has assisted industry in suing the EPA on  
 13 asbestos issues?  
 14 **A. And I think we legitimately made our**  
 15 **case and which was confirmed by the Fifth Circuit**  
 16 **Court of Appeals.**  
 17 Q. So the AIA/NA is not only involved in  
 18 regulators, but also is involved in assisting in  
 19 court cases. True?  
 20 **A. No.**  
 21 MR. COOK: Objection. Misstates  
 22 testimony.  
 23 THE WITNESS: No.  
 24 BY MR. SATTERLEY:  
 25 Q. You just said you won at the Fifth

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1 Circuit.  
 2 **A. No, but that was simply challenging a**  
 3 **regulation. We never --**  
 4 Q. In court, sir; right?  
 5 **A. Well, true, but not -- I thought you**  
 6 **were referring to individual cases.**  
 7 Q. No. I'm sorry.  
 8 The AIA/NA --  
 9 **A. Yeah.**  
 10 Q. -- didn't provide services for  
 11 individual cases; correct?  
 12 **A. Right.**  
 13 Q. I mean, the AIA/NA, they would give  
 14 advice on hiring expert witnesses and things like  
 15 that back in the '70s?  
 16 **A. Yes.**  
 17 Q. And that's what Dr. Weill --  
 18 **A. Yes.**  
 19 Q. -- assisted with?  
 20 **A. Yes.**  
 21 Q. Okay. No, I'm talking about -- when I  
 22 was talking about court cases --  
 23 **A. Oh.**  
 24 Q. -- I was talking about the challenging  
 25 the bans and challenging regulations.

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1 **A. But --**  
 2 Q. You guys have been involved in that?  
 3 **A. Yes.**  
 4 MR. SATTERLEY: Okay. All right.  
 5 Let me ask one other question about -- we are up to  
 6 26, I think.  
 7 (Document marked Exhibit 26.)  
 8 BY MR. SATTERLEY:  
 9 Q. 26 is -- I'd like to present this  
 10 information, Exhibit 26, and ask you several  
 11 hypotheticals over the next set of questions.  
 12 This is a letter written to Dr. Donald  
 13 Gardner. He's the editor in chief of Inhalation  
 14 Toxicology, a journal.  
 15 Have you ever heard of Dr. Gardner?  
 16 **A. No.**  
 17 Q. And in this letter, the articles at  
 18 issue involve several written by Bernstein. Do you  
 19 see that?  
 20 **A. Yes.**  
 21 Q. Articles --  
 22 **A. Yes.**  
 23 Q. -- number 1 and 2 is written by  
 24 Bernstein?  
 25 **A. Yes.**

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- 1 Q. Oh, okay. Articles number 3 are  
2 submitted by Bernstein in 2011. Do you see that?  
3 It's on the back side of the paper.  
4 I've double-sided it just to try to save a little  
5 bit of paper.
- 6 **A. Where?**
- 7 Q. It's number 3 on there.
- 8 **A. Number paragraph?**
- 9 Q. "Quantification."
- 10 **A. "Rather, the underlying work"?**
- 11 Q. No, no, no.
- 12 **A. Is that what you're talking?**
- 13 Q. I apologize. Let me help you out.
- 14 **A. Where are you talking?**
- 15 Q. Number 3, Bernstein.
- 16 **A. Oh, okay.**
- 17 Q. Where it's highlighted Bernstein's name.
- 18 **A. I'm sorry.**
- 19 Q. All right. And it says in this letter  
20 that the article contains a statement "This research  
21 was supported by a grant." Do you see that? "By a  
22 grant"?
- 23 **A. Yes.**
- 24 Q. From Georgia-Pacific?
- 25 **A. Next paragraph? Yeah.**

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- 1 Q. Yeah. Georgia-Pacific LLC?  
2 **A. Right.**
- 3 Q. That's the same language, the same  
4 disclosure that Bernstein put in this paper, a  
5 grant; right?
- 6 **A. Right.**
- 7 Q. All right. It goes on to say on the  
8 next -- on the next page. He talks about 2005.
- 9 **A. Yes.**
- 10 Q. You see that?
- 11 **A. Yes.**
- 12 Q. "Mr. Child sent a letter to Mr. Holm  
13 confirming that Mr. Holm had been specifically  
14 employed by Georgia-Pacific to perform expert  
15 consulting services in connection with pending and  
16 anticipated litigation concerning alleged exposure  
17 to asbestos."
- 18 **A. Yes.**
- 19 Q. Have you -- are you familiar with  
20 Bernstein's involvement in assisting Georgia-Pacific  
21 with this paper?
- 22 **A. Not until a few days ago, I guess when  
23 it was in the news or whatever.**
- 24 Q. And what did you learn a few days ago in  
25 the news?

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- 1 **A. Something about a decision in New York.**
- 2 Q. And in that decision in New York, it was  
3 determined that there was a potential what's called  
4 crime-fraud exception?
- 5 **A. Yes.**
- 6 Q. And up until that point in time, you had  
7 never heard of crime-fraud exception or anything  
8 like that?
- 9 **A. No.**
- 10 Q. And did you -- when you -- a few days  
11 ago when you heard of that decision in New York, did  
12 you go back and look at the Bernstein article?
- 13 **A. No.**
- 14 Q. What did you do?
- 15 **A. Well --**
- 16 Q. Just read about it?
- 17 **A. I just read about it.**
- 18 Q. Where did you read about it?
- 19 **A. It was in a -- I guess it was -- I think  
20 it was an article by Kathleen Ruff on her Web, Web  
21 page.**
- 22 Q. Do you -- do you subscribe to Ms.  
23 Ruff's --
- 24 **A. No.**
- 25 Q. -- Web page?

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- 1 **A. No.**
- 2 Q. Do you get e-mails from her?
- 3 **A. It was sent to me from ICA in Canada.**
- 4 Q. Okay.
- 5 **A. They -- they, of course, got it. That's  
6 where I read it.**
- 7 Q. So you stay up on sort of what's going  
8 on by and through ICA?
- 9 **A. Yes.**
- 10 Q. They forward you information like this?
- 11 **A. Right.**
- 12 Q. And did you read the opinion, the  
13 decision about the New York -- the New York opinion?
- 14 **A. I glanced at it. I'm not -- I'm not a  
15 lawyer either.**
- 16 Q. Sure. Sure.
- 17 It says:
- 18 "Mr. Holm's work was directed solely by  
19 GP's in-house counsel. Mr. Holm was told that he  
20 would report directly to GP's in-house counsel."  
21 Do you see that --
- 22 **A. Yes.**
- 23 Q. -- on this letter?
- 24 And then it says in the next paragraph:  
25 "Mr. Holm met with lawyers in



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1 Washington, DC who he knew were serving as outside  
2 counsel on asbestos litigation."

3 Do you see that?

4 **A. Uh-huh.**

5 Q. Now, did you know that Bruce Bishop, one  
6 of Union Carbide's lawyers in this case, was one of  
7 the lawyers involved in this?

8 **A. No.**

9 MR. COOK: Objection. Assumes  
10 facts. Lacks foundation.

11 BY MR. SATTERLEY:

12 Q. It says:

13 "Mr. Holm agreed that this whole project  
14 that he had now specifically employed -- was  
15 specifically employed by GP to undertake was for  
16 litigation-driven research."

17 You see that?

18 **A. Yes.**

19 Q. Okay. And you know what  
20 litigation-driven research is?

21 **A. Well, in general, I would.**

22 Q. What's your understanding of  
23 litigation-driven research?

24 **A. Well, it would be research concerning  
25 court cases.**

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1 Q. Research to help out in litigation;  
2 right? One side --

3 **A. Assume so.**

4 Q. -- one side or the other?

5 **A. Yes.**

6 Q. Okay. It says:

7 "Prior to sharing this litigation-driven  
8 research proposal with the GP attorneys and the GP  
9 senior management, Mr. Holm had spoken to David  
10 Bernstein, the lead author on the articles at issue  
11 here, who became one of the outside consultants who  
12 eventually got hired for this litigation-driven  
13 research."

14 Do you see that? At the bottom of that  
15 page?

16 **A. Yeah, okay. Yes, uh-huh.**

17 Q. And at the time that ICA was funding  
18 Bernstein, did ICA, as far as you know, know that  
19 Bernstein was involved in this litigation-driven  
20 research?

21 **A. Not to my knowledge, no.**

22 Q. Okay. Do you -- do you agree that  
23 Mr. Bernstein should -- should be disclosing his  
24 involvement in litigation-driven research?

25 MR. COOK: Objection. Beyond --

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1 I'd note again my continuing objection. It's beyond  
2 the scope of notice and personal knowledge of the  
3 witness. Incomplete hypothetical. Relevance.  
4 Assumes facts and asks the witness to comment on a  
5 scientific standard with respect to disclosure which  
6 he's indicated isn't in his personal knowledge.

7 MR. ARTABANE: I renew my  
8 continuing objection --

9 MR. SATTERLEY: Sure.

10 MR. ARTABANE: -- to anything that  
11 transpires --

12 MS. PRODROMO: I'm going to join  
13 that objection. This is Karen Prodromo.

14 MR. SATTERLEY: Who do you  
15 represent?

16 MR. COOK: GP.

17 MR. SATTERLEY: Oh, are you  
18 Georgia-Pacific's lawyers?

19 MS. PRODROMO: Yes, I am.

20 BY MR. SATTERLEY:

21 Q. Okay. Sorry. I apologize.

22 Did you understand my question?

23 **A. I've kind of lost it now.**

24 Q. Sure. And I'll -- everybody can have  
25 the same objection again before I ask this just so

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1 you don't lose it again.

2 You would agree, sir, that from -- from  
3 your perspective and from ICA's perspective, it  
4 would be best that Dr. Bernstein disclose his  
5 involvement in litigation-driven research; correct?

6 **A. Well, I don't think necessarily so. I  
7 mean, I don't know what Dr. Bernstein's -- you know,  
8 everything he may have concluded in his scientific  
9 research. I think that's -- that's a decision that  
10 he has -- he has to make if there's going to be some  
11 culpability involved.**

12 Q. Well, let's go to paragraph 10 here on  
13 this letter. It may be on that other sheet over  
14 there. You got paragraph 10 here? I got it  
15 highlighted.

16 **A. Is that the last page?**

17 Q. No, no. It's the next to last page.

18 **A. Oh, yeah. I got it.**

19 Q. Paragraph 10.

20 **A. At the top?**

21 Q. No. This is the bottom.

22 **A. Okay. "Mr. Holm"?**

23 Q. Let me. No. That's number 4. See,  
24 there's number 4 there.

25 **A. Yeah.**

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1 Q. I'm looking at the one that's got number  
2 10 on it. On that side right there. Okay?  
3 **A. Okay. Sorry.**  
4 Q. That's okay.  
5 It says specifically in January 2006  
6 Dr. Bernstein was hired "as a scientific medical  
7 consultant who was committing under the terms of his  
8 contract" "To follow the specific instructions given  
9 to him by the Georgia-Pacific attorneys."  
10 Do you see that?  
11 **A. Yes.**  
12 Q. Did you know that in the past, Bernstein  
13 entered into contracts where he was specifically  
14 instructed that he must follow the instruction of  
15 Georgia-Pacific's attorneys?  
16 **A. No.**  
17 Q. And as somebody that relies upon  
18 scientists to provide information so that you can  
19 share with the public, you would think that would be  
20 wrong for a scientist to take the directions from  
21 the attorneys; correct?  
22 **A. Yes.**  
23 Q. I mean you --  
24 **A. Yes.**  
25 Q. Your role in providing this information

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1 in this black book or this or anything that you're  
2 providing to your customers or your -- rather, your  
3 member companies, I mean, you want to have  
4 reasonable assurance that what you're providing is  
5 accurate; right?  
6 **A. Yes.**  
7 Q. And --  
8 MS. PRODROMO: Vague and  
9 ambiguous.  
10 BY MR. SATTERLEY:  
11 Q. And wouldn't it undermine your ability  
12 to provide information -- scientific information  
13 that was reasonably accurate if the information in  
14 the articles are coming from attorneys that are  
15 involved in litigation as opposed to scientists?  
16 MR. COOK: Renew my continuing  
17 objection.  
18 THE WITNESS: That's a long  
19 question.  
20 MS. PRODROMO: Vague and ambiguous  
21 and lack of foundation.  
22 FEMALE VOICE: Calls for  
23 speculation.  
24 BY MR. SATTERLEY:  
25 Q. Sure. Let me ask it again and I

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1 apologize.  
2 Wouldn't you agree, sir, that when  
3 presenting information to the public, whoever it is  
4 --  
5 **A. Uh-huh.**  
6 Q. -- that it would be better to have  
7 information that was prepared by scientists as  
8 opposed to information prepared by scientists at the  
9 instructions of attorneys in litigation?  
10 MS. PRODROMO: Same objection.  
11 MR. COOK: Continuing objection.  
12 THE WITNESS: Probably would be  
13 better, but that's -- I don't think that's what the  
14 real world is -- is like.  
15 BY MR. SATTERLEY:  
16 Q. Because the real world, in the real  
17 world, companies are involved in litigation. They  
18 frequently and regularly fund studies to support  
19 their defense in litigation?  
20 **A. I don't know about that, but the letter  
21 you just gave me about Pakistan, everybody has their  
22 biases, don't we? And you've got all those people  
23 who signed that letter opposing chrysotile and yet  
24 you've got 175 references that Dr. Bernstein used in  
25 his study that not necessarily support it, but**

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1 **certainly are applicable to it. So, you know, it's  
2 -- it's you've got --**  
3 Q. So let me understand. Let me  
4 understand.  
5 So you have -- what you're saying is on  
6 the one hand you have people that are biased in  
7 favor of selling chrysotile asbestos and those  
8 people are people like the folks that are mining the  
9 asbestos; right?  
10 **A. Right. Yes.**  
11 Q. And then you have people over here on  
12 the other side that you think may be biased against  
13 chrysotile because they're concerned about people  
14 getting sick from the asbestos?  
15 MR. COOK: Objection. Misstates  
16 testimony.  
17 THE WITNESS: And -- and they are  
18 concerned about getting their litigation fees in the  
19 court cases.  
20 BY MR. SATTERLEY:  
21 Q. Okay.  
22 **A. So how many -- how many people that you  
23 named in there are expert witnesses for the  
24 plaintiffs?**  
25 Q. Okay. So --

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1 **A. And how much money do they make?**  
 2 Q. Have you -- handing you 25, Exhibit 25.  
 3 Tell me of all those people that signed  
 4 that who is biased, in your view?  
 5 MR. COOK: Objection. Assumes  
 6 facts. Lacks foundation.  
 7 BY MR. SATTERLEY:  
 8 Q. Can you --  
 9 MR. COOK: Outside --  
 10 BY MR. SATTERLEY:  
 11 Q. You can't do that, can you?  
 12 **A. I can't do that.**  
 13 MR. COOK: Outside the witness's  
 14 personal knowledge.  
 15 THE WITNESS: I can't see in  
 16 anybody's heart.  
 17 FEMALE VOICE: Objection.  
 18 BY MR. SATTERLEY:  
 19 Q. The next --  
 20 **A. But they -- they have their opinion and**  
 21 **you have the other side and, again, I'm talking**  
 22 **about a layman.**  
 23 Q. Sure.  
 24 **A. I look at, you know, there are all kinds**  
 25 **of documents.**

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1 Q. ICA, the International Chrysotile  
 2 Association, funded Bernstein to support their  
 3 position; correct? The chrysotile safe.  
 4 MR. ARTABANE: That  
 5 mischaracterizes testimony.  
 6 BY MR. SATTERLEY:  
 7 Q. The ICA funded Bernstein so that he  
 8 could publish to support ICA's position --  
 9 **A. Well --**  
 10 Q. -- about chrysotile?  
 11 **A. -- I would say that was -- I answered**  
 12 **that question earlier, and I said that was hoped for**  
 13 **that there would be a positive study.**  
 14 Q. And -- and --  
 15 **A. Because of the recent group of**  
 16 **scientific articles that have been published showing**  
 17 **more and more that chrysotile can be used safely.**  
 18 Q. So is it true that ICA funded Bernstein  
 19 to write a paper to support their position?  
 20 **A. No.**  
 21 Q. That's not true?  
 22 **A. No.**  
 23 Q. Did they fund -- did ICA fund Bernstein  
 24 for -- to demonstrate that chrysotile kills people?  
 25 MR. COOK: Objection.

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1 Argumentative.  
 2 THE WITNESS: Please repeat.  
 3 BY MR. SATTERLEY:  
 4 Q. Sure. Did ICA fund Bernstein to  
 5 demonstrate how many people have died from  
 6 mesothelioma from chrysotile?  
 7 MR. COOK: Same objections.  
 8 THE WITNESS: No.  
 9 MR. COOK: Assumes facts.  
 10 BY MR. SATTERLEY:  
 11 Q. Did ICA fund Bernstein so that the  
 12 public can be safer as it relates to exposure to  
 13 chrysotile asbestos?  
 14 MR. COOK: Same objection.  
 15 THE WITNESS: I think that the  
 16 study was to show what the effects are on the -- on  
 17 the use of chrysotile at low exposures with -- in  
 18 the hope that that would -- would underscore that --  
 19 that theory, you know.  
 20 BY MR. SATTERLEY:  
 21 Q. Objection. Move to strike.  
 22 Nonresponsive.  
 23 My question, sir, was: Did ICA fund  
 24 Bernstein to educate the public that chrysotile was  
 25 a safe or dangerous mineral?

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1 **A. ICA funded for the study to advance the**  
 2 **scientific knowledge of what the health effects are**  
 3 **of chrysotile. I don't know any other way to answer**  
 4 **your question other than that.**  
 5 Q. So --  
 6 **A. But --**  
 7 Q. -- in this study, too, you would agree  
 8 was used or can be used by member companies of the  
 9 ICA to go around to various governmental bodies to  
 10 promote the use of chrysotile asbestos. True?  
 11 **A. True.**  
 12 Q. Okay. A couple more questions about  
 13 this letter.  
 14 Paragraph number 12 says:  
 15 "As of June 2011, pursuant to the  
 16 contracts with GP, Dr. Bernstein had been paid  
 17 \$850,000."  
 18 Do you see that?  
 19 **A. Yes.**  
 20 Q. Did you know that prior to --  
 21 **A. No.**  
 22 Q. -- Bernstein's involvement in -- in this  
 23 paper?  
 24 **A. No.**  
 25 Q. Over on the next page, the next to last

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1 page. I've got it highlighted, paragraph 13.  
 2 **A. Yeah.**  
 3 Q. Do you see that?  
 4 **A. Yes.**  
 5 Q. It says:  
 6 "As of June 2011, Dr. Bernstein's  
 7 coauthors, specifically RCC, U Decker, S Gehring and  
 8 GAS Kuzendorf were \$750,000 by GP."  
 9 Do you see that?  
 10 **A. Yes.**  
 11 Q. Did you -- did you know that?  
 12 **A. I don't even know who they are.**  
 13 Q. All right. It says:  
 14 "RA Rogers and R Sepulveda was paid  
 15 \$700,000 by GP."  
 16 Do you see that?  
 17 **A. Yes.**  
 18 Q. Do you know who that is?  
 19 **A. No.**  
 20 Q. Okay. It says:  
 21 "Coauthor Dr. Donaldson has also been  
 22 hired as a consultant -- hired by GP as a consultant  
 23 for the asbestos litigation project on an hourly  
 24 basis and has been paid from time to time on GP  
 25 asbestos litigation projects since 2006."

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1 MR. COOK: Renew same objection.  
 2 BY MR. SATTERLEY:  
 3 Q. Do you see that?  
 4 **A. Yes.**  
 5 Q. Do you know who Dr. Donaldson is?  
 6 **A. I have no idea.**  
 7 Q. Donaldson was the guy at the Particle  
 8 and Fiber Toxicology that Bernstein consulted on the  
 9 chrysotile review article; correct?  
 10 **A. If you say so.**  
 11 Q. You don't know one way or the other?  
 12 **A. I don't know one way or the other, no.**  
 13 Q. In all -- you can set this -- we can set  
 14 this exhibit to the side, sir.  
 15 And all the information that I marked as  
 16 Exhibit 26, if it was true, hypothetically, would  
 17 you agree that Bernstein is not someone who is  
 18 properly reporting science?  
 19 **A. No.**  
 20 MR. COOK: Objection.  
 21 MR. ARTABANE: Objection.  
 22 MR. COOK: Beyond the scope of the  
 23 notice and personal knowledge of the witness.  
 24 Incomplete hypothetical. Relevance. Assumes facts.  
 25 Prejudicial and argumentative. Also asks for a

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1 value judgment that the witness can't give.  
 2 THE WITNESS: From -- from what I  
 3 know about Dr. Bernstein, no, I wouldn't say that.  
 4 BY MR. SATTERLEY:  
 5 Q. Do you -- do you think that  
 6 Dr. Bernstein being if this is true, hypothetically,  
 7 being paid hundred of thousands of dollars and  
 8 being -- and signing agreements to have lawyers  
 9 telling him what to write, do you think  
 10 Dr. Bernstein's science should be relied upon by  
 11 others?  
 12 MR. COOK: Same objection. It  
 13 misstates evidence.  
 14 MR. ARTABANE: You're asking for  
 15 his personal opinion.  
 16 BY MR. SATTERLEY:  
 17 Q. Sure. Your professional opinion.  
 18 MR. ARTABANE: No. His personal  
 19 opinion. He has no professional opinion.  
 20 MR. SATTERLEY: He's the -- he's  
 21 the ICA. He's an officer of ICA.  
 22 MR. ARTABANE: But you can't ask  
 23 him that in his, quote, professional opinion. This  
 24 is a lay witness.  
 25 BY MR. SATTERLEY:

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1 Q. Go ahead, sir.  
 2 **A. Whether it's improper what you just  
 3 described about with the litigation part doesn't  
 4 detract from his scientific abilities. He could --  
 5 he could very well do a scientific study on any --  
 6 anything, and it could be perfectly right.**  
 7 Q. Is it ICA's position that science -- it  
 8 is good valid science to have a conclusion, then do  
 9 the research to support the conclusion that you've  
 10 already come to?  
 11 **A. No. I think --**  
 12 MR. COOK: Renew my objection.  
 13 THE WITNESS: I would say that's  
 14 not -- would be totally improper for either side of  
 15 the issue, either the pro chrysotile or the con  
 16 chrysotile people that you've put here. To do that  
 17 in advance, to do your study only to get a foregone  
 18 conclusion is not -- not the right thing to do.  
 19 BY MR. SATTERLEY:  
 20 Q. Before you continue to distribute this  
 21 nice color brochure, this "Chrysotile Revisited"  
 22 article, you would -- before you do this again and  
 23 send this out to people, you would certainly agree  
 24 that Dr. Bernstein should be investigated with  
 25 regards to his involvement in this; correct?

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1 MR. COOK: Renew the continuing  
2 objection.  
3 THE WITNESS: No.  
4 BY MR. SATTERLEY:  
5 Q. Okay. It's acceptable --  
6 **A. I--**  
7 Q. -- to the International Chrysotile  
8 Association for Dr. Bernstein to receive secret  
9 money behind the scenes, meet with lawyers behind  
10 the scenes, write articles behind the scenes, and  
11 present it to the public as good science?  
12 MR. COOK: Objection. Beyond the  
13 scope of the notice and the personal knowledge.  
14 Incomplete hypothetical. Relevance. Assumes facts.  
15 Prejudicial. Lacks foundation. Calls for  
16 speculation.  
17 BY MR. SATTERLEY:  
18 Q. True?  
19 **A. I've read -- I will answer the question**  
20 **based on my limited knowledge of what I know, what**  
21 **I've read. And I have -- I don't know anything**  
22 **except what most of it is what you've told me today**  
23 **about Dr. Bernstein. I don't know him on an**  
24 **intimate basis. I'm not a scientist. I looked at**  
25 **the study. It seems to be done properly. He**

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1 **acknowledges rewrites from the various scientific**  
2 **publications and which seems -- and the peer review**  
3 **people. So there has to be -- with all that he's**  
4 **gone through the hoops, there has to be some**  
5 **credibility given to his work.**  
6 Q. Is it acceptable to the International  
7 Chrysotile Association for someone to call something  
8 a grant when it was a fee-for-services deal?  
9 MR. COOK: Same objection.  
10 THE WITNESS: I don't -- I don't  
11 know what he might have been thinking when he did  
12 that. Just like when he says International  
13 Chrysotile Association in Washington, DC. If he  
14 hadn't have put that in there, I probably wouldn't  
15 be sitting here today.  
16 BY MR. SATTERLEY:  
17 Q. So my question was: Is it acceptable to  
18 the International Chrysotile Association to call  
19 something a grant when it was a fee --  
20 **A. Well --**  
21 Q. -- for-services deal?  
22 MR. COOK: Same objection.  
23 THE WITNESS: -- he shouldn't --  
24 he shouldn't have done that, unless, as I say, the  
25 Chrysotile Institute may have made such an

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1 arrangement with him. As I've said before, I don't  
2 know the answer to that.  
3 BY MR. SATTERLEY:  
4 Q. Has the International Chrysotile  
5 Association taken the time to evaluate the number of  
6 people that develop mesothelioma from chrysotile?  
7 **A. There was -- I think Dr. Nolan presented**  
8 **a paper at the Kiev, Ukraine conference.**  
9 Q. No. Did ICA pay for that paper?  
10 **A. No.**  
11 Q. Oh, no. So my question let me ask you.  
12 **A. Oh.**  
13 Q. Has the ICA --  
14 **A. Okay.**  
15 Q. I'm not talking about some somebody  
16 else --  
17 **A. Okay.**  
18 Q. -- that I haven't -- I don't have  
19 subject to examination, cross-examination.  
20 Has the ICA spent money and time and  
21 efforts to count up the number of people that have  
22 died of mesothelioma from chrysotile?  
23 MR. COOK: Same objection.  
24 THE WITNESS: We -- this study  
25 critical review "Revisited Chrysotile" is the only

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1 research that ICA has funded. So the answer to your  
2 question is no.  
3 BY MR. SATTERLEY:  
4 Q. Okay. And so -- and setting aside  
5 funding, has anybody on behalf of ICA done an  
6 investigation about how many people have suffered  
7 from mesothelioma after breathing chrysotile  
8 asbestos?  
9 MR. COOK: Same objection.  
10 THE WITNESS: Has any ICA person?  
11 BY MR. SATTERLEY:  
12 Q. Sure.  
13 **A. No.**  
14 Q. Those are all the questions --  
15 **A. Not that I'm aware of.**  
16 Q. Those are all the questions I'm going to  
17 have.  
18 Oh, just to verify. Earlier I asked.  
19 You said there might be some documents that you  
20 have. If you find them --  
21 **A. Yeah.**  
22 Q. -- let your attorney know and I'll  
23 coordinate with your attorney.  
24 Let me just close out. You have  
25 produced all documents you have in response to these

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1 subpoenas?  
 2 **A. Yes.**  
 3 Q. Right?  
 4 **A. I have.**  
 5 MR. SATTERLEY: Okay. Those are  
 6 all the questions I have at the current time.  
 7 MR. COOK: How much time do we  
 8 have on the tape?  
 9 THE VIDEOGRAPHER: 15 minutes.  
 10 I'm sorry. 17 minutes.  
 11 EXAMINATION BY MR. COOK:  
 12 Q. All right. Good afternoon, sir. My  
 13 name is Eric Cook and I have a few follow-up  
 14 questions for you.  
 15 **A. Okay.**  
 16 Q. We're here today taking your deposition  
 17 at the Merritt at the Washington Dulles Airport that  
 18 services Washington, DC; correct?  
 19 **A. Correct.**  
 20 Q. And your home is and your home office  
 21 specifically is nearby; correct?  
 22 **A. Yes.**  
 23 Q. And when you sent checks to  
 24 Dr. Bernstein for the work that he performed on the  
 25 article we've been discussing today that was

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1 ultimately published under the title "Health Risk of  
 2 Chrysotile Revisited," did you send the checks from  
 3 your home office here in the Northern Virginia  
 4 Washington, DC area?  
 5 **A. I wire transferred. I never -- didn't**  
 6 **use checks, but wire transfers through the ICA's**  
 7 **bank.**  
 8 Q. I think you indicated before, sir, that  
 9 the Chrysotile Institute initially got involved with  
 10 the work on Dr. Bernstein's article prior to the  
 11 ICA's involvement; is that correct?  
 12 **A. That's correct.**  
 13 Q. All right. You were never present when  
 14 members of the Chrysotile Institute first discussed  
 15 the article or any funding of the article with  
 16 Dr. Bernstein, were you?  
 17 **A. I was not.**  
 18 Q. And you have no knowledge of any  
 19 conversations that any members of the Chrysotile  
 20 Institute would have had with Dr. Bernstein about  
 21 funding for that article?  
 22 **A. I do not.**  
 23 Q. Similarly, sir, you have no knowledge of  
 24 whether anyone from the Chrysotile Institute  
 25 discussed a grant with Dr. Bernstein?

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1 **A. I do not.**  
 2 Q. You haven't reviewed any documents from  
 3 the Chrysotile Institute as to whether or not  
 4 Dr. Bernstein had submitted any -- any proposal for  
 5 a grant or they had approved a grant?  
 6 **A. I have not.**  
 7 Q. Sir, I'd like to refer you to the  
 8 Answers to Interrogatories if I could.  
 9 MR. SATTERLEY: You want me to get  
 10 them out for you?  
 11 MR. COOK: Yeah, if you could,  
 12 please.  
 13 All right.  
 14 MR. SATTERLEY: That's Exhibit 19.  
 15 BY MR. COOK:  
 16 Q. All right. Sir, if I could ask you to  
 17 turn to Exhibit 19, please, and specifically  
 18 Mr. Satterley had asked you questions about payments  
 19 to certain experts on behalf of Union Carbide --  
 20 **A. Right.**  
 21 Q. -- in litigation, had referred you to  
 22 the end portion of that, and he had highlighted some  
 23 specific sections; correct?  
 24 **A. You're talking about at the end?**  
 25 Q. Yeah. Actually, if I could show you

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1 where I'm pointing to, sir.  
 2 Exhibit 19. Mr. Satterley has -- he had  
 3 highlighted the particular section --  
 4 **A. Oh. Oh. Okay.**  
 5 Q. -- he wanted you to look at.  
 6 **A. Right.**  
 7 Q. And looking with respect to the one on  
 8 Exhibit A, Exhibit A refers to some Answers to  
 9 Interrogatories --  
 10 **A. Okay. Yeah.**  
 11 Q. -- in the Nicolella case; right?  
 12 **A. Right.**  
 13 Q. And the date from the Nicolella case  
 14 would be August of 2007; correct?  
 15 **A. Right.**  
 16 Q. Okay. And if you turn to the next page  
 17 there where Mr. Satterley had highlighted a section  
 18 with respect to -- I'm sorry, the next page again,  
 19 sir -- Roger McClellan?  
 20 **A. Yeah.**  
 21 Q. That's in the 2007 Answers --  
 22 **A. Right.**  
 23 Q. -- to Interrogatories; correct?  
 24 You've never seen those prior to today,  
 25 have you?

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1 **A. Have not.**  
 2 Q. All right. And you can't give us any  
 3 information about any -- any relationship between  
 4 Union Carbide and any expert witnesses from your own  
 5 personal knowledge, can you, sir?  
 6 **A. I cannot.**  
 7 Q. Okay. Sir, have you ever personally  
 8 conducted a scientific study?  
 9 **A. No.**  
 10 Q. Have you ever personally authored or  
 11 coauthored a scientific study?  
 12 **A. No.**  
 13 Q. Have you ever personally been involved  
 14 in the peer review process for a scientific or  
 15 medical article?  
 16 **A. No.**  
 17 Q. You can't testify as to the norms or the  
 18 standards as to what -- what a coauthor should or  
 19 should not do with respect to a scientific study,  
 20 can you?  
 21 **A. I cannot.**  
 22 Q. You have -- you do not have a detailed  
 23 understanding of the peer-reviewed process for  
 24 scientific and medical papers, do you?  
 25 **A. No, I haven't. Not of the details, no.**

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1 Q. Okay. Your understanding generally is  
 2 that an author of a proposed publication would  
 3 submit it to a journal for peer review; correct?  
 4 **A. Correct.**  
 5 Q. And then it would be distributed to peer  
 6 reviewers, and they would make a determination as to  
 7 the scientific merits of a proposed article?  
 8 MR. SATTERLEY: Objection.  
 9 Foundation. Speculation.  
 10 BY MR. COOK:  
 11 Q. Is that correct, sir?  
 12 **A. Correct.**  
 13 Q. Okay. Sir, I'd like to go back to your  
 14 time with the Asbestos Information Association of  
 15 North America.  
 16 When did you first join the AIA/NA, sir?  
 17 **A. July 1, 1974.**  
 18 Q. And when you joined the AIA/NA in July  
 19 of 1974, sir, what was your position?  
 20 **A. Administrative assistant.**  
 21 Q. Who were you the administrative  
 22 assistant to, sir?  
 23 **A. Robert -- Mr. Robert H. Mereness,**  
 24 **M-e-r-e-n-e-s-s.**  
 25 Q. And at that time in 1974, what was

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1 Mr. Mereness' role with the AIA/NA?  
 2 **A. He was the executive director.**  
 3 Q. How long did you remain his  
 4 administrative assistant, sir?  
 5 **A. Four years.**  
 6 Q. And in 1978, sir, what position did you  
 7 take on with the AIA/NA?  
 8 **A. I -- I succeeded Mr. Mereness.**  
 9 Q. Okay. You were never at any time  
 10 employed by Union Carbide Corporation, were you,  
 11 sir?  
 12 **A. No.**  
 13 Q. You have no information or knowledge as  
 14 to what information Union Carbide Corporation  
 15 distributed to its customers of Calidria chrysotile  
 16 in the 1970s or 1980s, do you?  
 17 **A. I do not.**  
 18 Q. When you joined the AIA/NA in the 1970s,  
 19 sir, were you familiar with the purpose of the  
 20 AIA/NA?  
 21 **A. Was I familiar with the purpose of**  
 22 **AIA/NA?**  
 23 Q. Let me -- let me withdraw that question,  
 24 sir.  
 25 **A. Okay.**

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1 Q. That's -- that's a poorly worded  
 2 question.  
 3 One of the items or roles that you  
 4 mentioned earlier with respect to the AIA/NA --  
 5 **A. Right.**  
 6 Q. -- was to educate; correct?  
 7 **A. That's correct.**  
 8 Q. How did the AIA/NA go about educating  
 9 with respect to asbestos in the 1970s, sir?  
 10 **A. Mostly by publications, recommended work**  
 11 **practices for all the various segments of the**  
 12 **industry, friction, paper, textiles, etc., as well**  
 13 **as I mentioned earlier development of -- of posters**  
 14 **that could be placed in plants that would say "If**  
 15 **you smoke, stop, "Don't dry sweep, "Wear**  
 16 **respirators when required," things like that.**  
 17 Q. Did the AIA/NA fill that same role in  
 18 the 1980s?  
 19 **A. Yes.**  
 20 Q. Okay. How did the AIA/NA distribute  
 21 that information in the 1970s and '80s?  
 22 **A. We -- we -- back then, of course, we had**  
 23 **-- don't have the files now, but back then we had**  
 24 **pre-prepared forms where the membership was given**  
 25 **the examples of what was available, and the**

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1 membership would indicate how many copies of those  
2 that they wanted and there was quite a -- quite a  
3 response to that. All of those materials were  
4 developed by a technical committee. The recommended  
5 work practices had the OSHA asbestos regulation as  
6 an appendix, and there was quite a response to that  
7 effort.

8 Q. Okay. And so it was actually, if I  
9 understand it correctly, sir, it was the role of the  
10 AIA/NA to distribute information about asbestos and  
11 how to control asbestos to its members and other  
12 individuals; is that correct?

13 A. Yes.

14 Q. Okay. Sir, do you know whether the  
15 chairman of the ICA ever had any conversations with  
16 Dr. Bernstein about the funding for his study that  
17 was ultimately published under the title "Health  
18 Risk of Chrysotile Revisited"?

19 A. Repeat the question.

20 Q. Sure. I changed tracks on you and I  
21 apologize.

22 A. Yeah.

23 Q. I'm now referring to the ICA, the  
24 International Chrysotile Association.

25 A. Yeah.

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1 Q. Do you know whether the chairman --

2 A. Yeah.

3 Q. -- of the ICA ever had any conversations  
4 with Dr. Bernstein about his article that was  
5 ultimately published under the title "Health Risk of  
6 Chrysotile Revisited"?

7 A. I -- I was not present, but I'm  
8 confident especially that Mr. Godbout when he first  
9 began discussed, you know, what the limitations  
10 were.

11 MR. SATTERLEY: Objection.  
12 Objection. Hearsay.

13 BY MR. COOK:

14 Q. Have you had a conversation with  
15 Mr. Godbout about any talks he would have had with  
16 Dr. Bernstein regarding his study?

17 A. Only in general terms.

18 Q. Sir, subject to any follow-up, I think  
19 those are the questions that I have for you. Thank  
20 you very much.

21 A. Thank you.

22 MR. SATTERLEY: Anybody on the  
23 phone have any questions? I just got a couple  
24 follow-ups.

25 FURTHER EXAMINATION BY MR. SATTERLEY:

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1 Q. I forgot to ask you if you knew Harrison  
2 V. Rose?

3 MR. ARTABANE: Wait.

4 MR. SATTERLEY: I'm sorry?

5 BY MR. SATTERLEY:

6 Q. I'm trying to get you out of here, sir.

7 A. Yeah.

8 Q. Harrison V. Rhodes from Union Carbide  
9 Corporation. Did you know him?

10 A. Yes.

11 Q. And who was he?

12 A. He was a representative, as I recall, of  
13 Union Carbide and was -- I think he was at one point  
14 was the chairman of our technical committee.

15 Q. And there was another person I was --

16 MR. ARTABANE: That's of AIA/NA?

17 BY MR. SATTERLEY:

18 Q. Oh, okay.

19 A. Of AIA/NA.

20 Q. Oh, okay. AIA/NA. Okay.

21 And there was one other person I was  
22 going to ask about. Let's see.

23 Thurber. William C. Thurber.

24 A. Yes.

25 Q. Who is William C. Thurber?

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1 A. He was the first -- first representative  
2 of Union Carbide.

3 Q. As a part of the -- that you recall as a  
4 part of the AIA/NA?

5 A. NA; correct.

6 Q. Okay.

7 A. And Rhodes succeeded him.

8 Q. Just so that the record is clear with  
9 regards to this particular case, you're not  
10 suggesting to the jury that any posters or written  
11 materials or anything was shared with Mr. and Mrs.  
12 Nelson about the danger of asbestos back in the '70s  
13 or '80s?

14 MR. COOK: Objection. Beyond the  
15 scope of the notice and the witness's personal  
16 knowledge. Calls for speculation.

17 THE WITNESS: Nelson did you say?

18 BY MR. SATTERLEY:

19 Q. Yeah. The person that suffered from  
20 mesothelioma that we're here talking today --

21 A. Oh. Oh.

22 Q. -- that's in this case.

23 A. Oh. Oh. I have no idea.

24 Q. Counsel asked you some questions about  
25 what the AIA/NA did.



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1 **A. Yeah.**  
 2 Q. And you said you provided some posters  
 3 to various companies and things like that.  
 4 **A. Yes.**  
 5 Q. I just want to make it clear.  
 6 **A. I have no knowledge that she would have**  
 7 **seen it.**  
 8 Q. Or that, yeah, somebody out in Oakland,  
 9 California would have seen something you might have  
 10 provided to some companies?  
 11 **A. Because we got many requests from the**  
 12 **public and, in fact, you know, and would have**  
 13 **answered it, but I have no knowledge that she --**  
 14 **that she was one of them. I just don't know.**  
 15 Q. And with regards to the AIA/NA's role,  
 16 it was same through Mr. Mereness, his tenure,  
 17 through all the way through the '70s and '80s;  
 18 correct?  
 19 **A. Mr. Mereness --**  
 20 Q. Mr. Mereness.  
 21 **A. -- left in '78.**  
 22 Q. Sure.  
 23 **A. And I succeeded him in '78.**  
 24 Q. Yeah, but there -- I guess the point I'm  
 25 trying to get at is --

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1 **A. Oh.**  
 2 Q. -- the Asbestos Information Association  
 3 of North America, its role has been --  
 4 **A. Oh.**  
 5 Q. -- has been the same throughout his  
 6 tenure and your tenure?  
 7 **A. Correct.**  
 8 Q. Okay.  
 9 MR. COOK: Objection. Vague and  
 10 ambiguous.  
 11 THE VIDEOGRAPHER: Counsel, we  
 12 have three minutes before tape ends.  
 13 MR. SATTERLEY: No further  
 14 questions.  
 15 MS. PRODROMO: I -- I just have a  
 16 couple of quick questions. One or two questions on  
 17 the phone.  
 18 MR. SATTERLEY: Okay. Just  
 19 identify who you are and who you represent.  
 20 MS. PRODROMO: Sure. This is  
 21 Karen Prodromo for Georgia-Pacific.  
 22 MR. SATTERLEY: Catherine who?  
 23 MS. PRODROMO: Karen Prodromo.  
 24 MR. SATTERLEY: Oh, Karen. I  
 25 apologize. We didn't hear you.

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1 MR. HARTLEY: Just so you know,  
 2 Karen, you're very faint and the witness has to lean  
 3 in to hear you.  
 4 MS. PRODROMO: Okay. Let me see  
 5 if I can fix that.  
 6 Can you hear me any better?  
 7 MR. SATTERLEY: Yes.  
 8 EXAMINATION BY MS. PRODROMO:  
 9 Q. Georgia-Pacific has come up a couple of  
 10 times in this deposition, and I just want to be  
 11 clear.  
 12 ICA, as you talked about, funded David  
 13 Bernstein's paper health risks -- health risks of  
 14 chrysotile.  
 15 Georgia-Pacific didn't have anything to  
 16 do with that funding; correct?  
 17 MR. SATTERLEY: Object to form.  
 18 Calls for speculation.  
 19 THE WITNESS: What? Did  
 20 Georgia-Pacific have anything to do with the funding  
 21 of the study?  
 22 BY MS. PRODROMO:  
 23 Q. Yes.  
 24 **A. No.**  
 25 Q. Right.

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1 **A. No.**  
 2 Q. Thank you.  
 3 MR. SATTERLEY: Any further  
 4 questions?  
 5 MS. PRODROMO: Thank you very  
 6 much.  
 7 MR. SATTERLEY: Is that it?  
 8 MS. PRODROMO: That's all my  
 9 questions.  
 10 MR. COOK: Just one quick  
 11 follow-up, sir.  
 12 FURTHER EXAMINATION BY MR. COOK:  
 13 Q. Union Carbide did not have anything to  
 14 do with the funding of Dr. Bernstein's study "Health  
 15 Risk of Chrysotile"?  
 16 **A. No.**  
 17 MR. COOK: Thank you, sir.  
 18 MR. SATTERLEY: Let me do a  
 19 follow-up.  
 20 FURTHER EXAMINATION BY MR. SATTERLEY:  
 21 Q. Do you know the names of the various  
 22 companies that have funded the various studies that  
 23 you've presented us with today?  
 24 MR. COOK: Objection. Documents  
 25 speaks for themselves.

1 THE WITNESS: No.  
 2 MR. SATTERLEY: Okay. No further  
 3 questions. Let's close out the record.  
 4 THE VIDEOGRAPHER: Going off  
 5 record. End of deposition. End of tape disk 4.  
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 7 (The deposition concluded at 3:32 p.m.)  
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1 REPORTER'S CERTIFICATE  
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 3  
 4 I, DENISE D. VICKERY, a Shorthand Reporter,  
 5 Commonwealth of Virginia, do hereby certify:  
 6 That BOBBY JOE PIGG, in the foregoing  
 7 deposition named, was present and by me sworn as a  
 8 witness in the above-entitled action at the time and  
 9 place therein specified;  
 10 That said deposition was taken before me at  
 11 said time and place, and was taken down in shorthand  
 12 by me, a Registered Merit Reporter and Certified  
 13 Realtime Reporter of the Commonwealth of Virginia,  
 14 and was thereafter transcribed into typewriting, and  
 15 that the foregoing transcript constitutes a full,  
 16 true and correct report of said deposition and of  
 17 the proceedings that took place;  
 18 IN WITNESS WHEREOF, I have hereunder subscribed  
 19 my hand this 28th day of June 2013.  
 20  
 21 \_\_\_\_\_  
 22 DENISE D. VICKERY, RMR, CRR  
 23 Commonwealth of Virginia  
 24  
 25

1 SIGNATURE OF DEPONENT  
 2  
 3 I, the undersigned, BOBBY JOE PIGG, do hereby  
 4 certify that I have read the foregoing deposition  
 5 and find it to be a true and accurate transcription  
 6 of my testimony, with the following corrections, if  
 7 any:  
 8 PAGE LINE CHANGE  
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 24 BOBBY JOE PIGG, Date  
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