Transcript of Proceedings

UNITED STATES CLAIMS COURT

JOHNS-MANVILLE CORPORATION,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 465-83C
No. 1-84C
No. 688-83C

JOHNS-MANVILLE CORPORATION,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 81-456l-RFP

DEPOSITION OF JAMES F. GILKINSON

San Francisco, California

Tuesday, December 4, 1984

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visited the pipe cover and insulation shop when he was at Mare Island Shipyard.

A. I wouldn't know.

Q. When you made your trips with Gerlach, did either you or Mr. Gerlach drop off any literature at Mare Island Naval Shipyard?

A. Yes.

Q. Where would you drop off the literature?

A. To those that requested it.

Q. Do you recall what areas those persons worked in?

A. Engineering and purchasing.

Q. When you made your trips to Mare Island Naval Shipyard as a technical service representative, with other Manville salesmen or Western Asbestos salesmen, was one of the purposes, in those trips, to promote the sale of Johns-Manville products?

MR. JARVIS: Could he read the question, the court reporter, I'm asking?

[Pending question read]

MR. JARVIS: Could I just ask whose purpose? Are we talking about Western MacArthur's, the Johns-Manville people who he accompanied or himself?

MR. AUSTIN: Let me rephrase it and make it clear.

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selling?

MR. JARVIS: Are you asking him, did he meet with people to talk about Thermobestos? Because I thought that he had already asked and answered that.

MR. AUSTIN: Well, this is in regard to --

Q. Your purpose for speaking with the engineers was to promote the sale, one of the purposes, was to promote sale of Johns-Manville products.

A. Yes.

Q. Was one of products that you would meet with them for the purpose of promoting the sale of Thermobestos?

A. Yes.

Q. Was one of your purposes for meeting with people from Purchasing to promote the sale of Johns-Manville products?

A. Yes.

Q. Was one of the products that you would be promoting the sale of Thermobestos while meeting with Purchasing?

A. Yes.

Q. Would you drop off any literature with Purchasing or with the engineers?

A. Yes.

Q. With both or just one?

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A. Yes, both.

Q. Did you drop off any literature that related to Thermobestos during this period?

A. I can't recall specifically, but I would obviously say "yes."

MR. JARVIS: Well, let me just interject. He is asking you to recall specifically. If you don't know, if you don't have a specific recollection, that's a legitimate answer. We don't want you to guess about what you did or didn't do. If you do have a recollection, then testify about your recollection, but don't guess that you might have done something. Go ahead with your questions and answers.

THE WITNESS: I don't know.

MR. AUSTIN: Q. You don't recall specifically dropping it off?

A. No.

Q. Was it your normal practice, while you were at Mare Island Naval Shipyard, to drop off literature regarding your products with Purchasing and with the engineers?

MR. JARVIS: Again, that's a bit of a double question. Make sure you understand before you answer it as such.

THE WITNESS: I think you really have to

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redefine that question for me because it is a double.

MR. AUSTIN: Q. Was it your normal practice to drop off literature while you were at Mare Island Naval Shipyard?

A. Yes. I have to correct that. It would be relative more to engineering than it would have been to Purchasing. You said is it a "normal practice," and I don't know what normal is.

Q. Is it something you would normally do? When you would go Mare Island Naval Shipyard -- and let's say the engineers -- when you would visit with the engineers, was it normal for you to drop off literature?

A. Yes.

Q. And would it be normal for you to drop off literature that dealt with Thermobestos?

MR. JARVIS: Is this not the same question he just answered a little while ago?

MR. AUSTIN: No. The other question was: Did he specifically recall dropping off literature with regard to Thermobestos.

MR. JARVIS: Okay.

THE WITNESS: Yes.

MR. AUSTIN: Q. Do you recall, while you were a salesman with Manville, any pamphlets or any

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literature that you had in your possession that dealt with Thermobestos?

A. Yes.

Q. What was in that literature? What did it talk about with regard to Thermobestos?

A. Talked about the product information sheets. These were sizes, types.

Q. Did it talk about how the product would be used by the consumer?

A. Yes.

Q. Did this literature contain any health warnings, that you can recall?

MR. JARVIS: What time period are we talking about?

MR. AUSTIN: While he was a salesman, up until September of 1970.

THE WITNESS: I don't recall.

MR. AUSTIN: Q. Would the purpose for dropping off literature with people at Mare Island Naval Shipyard include, as one of purposes for dropping it off, be to promote the sale of the product, whatever product the literature dealt with?

MR. JARVIS: Again, when you say people at Mare Island, I believe his testimony has been that some engineers, he recalls it was more, he corrected himself

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and indicated it was generally the engineers that dealt with and --

MR. AUSTIN: Well, I think his testimony speaks for itself, as to where he dropped it off. This question is all inclusive as to what literature Mr. Gilkinson would drop at Mare Island Naval Shipyard.

Q. Was one of the purposes of dropping off the literature to promote sale of a product that the literature described?

A. Yes, I guess so.

Q. You were a salesman. That was your job, to promote the sale of Manville products?

A. Yes.

Q. Now, Mr. Gilkinson, are you aware, as we sit here today, that there are certain health hazards associated with the inhalation of asbestos fibers?

A. Yes.

Q. What diseases or problems are you aware of as we sit hear today?

A. Mesothelioma, cancer.

Q. Asbestosis.

A. Asbestosis.

Q. When did you first become aware that inhalation of asbestos fibers could cause asbestosis?

A. 1975.

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