

1 BRUCE G. CHUSID (SBN 111447)
bchusid@selmanbreitman.com
2 RHONDA L. WOO (SBN 168374)
rwoo@selmanbreitman.com
3 SELMAN BREITMAN LLP
33 New Montgomery, Sixth Floor
4 San Francisco, CA 94105
Telephone: (415) 979-0400
5 Facsimile: (415) 979-2099

6 Attorneys for Defendant
R.T. VANDERBILT COMPANY, INC.

7
8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ALAMEDA - UNLIMITED JURISDICTION

11 ERIC WESTON,
12
13 Plaintiff,
14
15 v.
16 ASBESTOS CORPORATION LIMITED, et al.,
17
18 Defendants.

CASE NO. RG08426405

R.T. VANDERBILT COMPANY, INC.'S
AMENDED EXPERT WITNESS
DESIGNATION AND DECLARATION

Trial Date: September 21, 2009

19
20 Defendant R.T. VANDERBILT COMPANY, INC. ("R.T. Vanderbilt"), pursuant to
21 Code of Civil Procedure section 2034.210, hereby designates its expert witnesses in the
22 above-captioned matter. The term "plaintiff" as used herein refers to each asbestos-
23 exposed plaintiff in a personal injury action and to the decedent in a wrongful death action.

24 Sarkas Ampian
6201 Belmont Circle
25 Mount Airy, MD 21771

26 Paul Carlson, CIH
Paul Carlson Associates, Inc.
27 4080 SE International Way, Suite B101
28 Milwaukie, OR 97222-6098

RECEIVED*

AUG 24 2009
CALIFORNIA WEST COAST
KAZAN, McCLAIN, LYONS,
GREENWOOD & HARLEY

1 James D. Crapo, MD
2 National Jewish Medical and Research Center
3 1400 Jackson Street
4 Denver, CO 80206

5 Laura Fuchs Dolan, MBA
6 LECG
7 600 Anton Blvd, Suite 1350
8 Costa Mesa, CA 92626

9 John Gamble, PhD
10 566 Elizabeth Avenue
11 Somerset, NJ 08873

12 Mickey Gunter, PhD
13 University of Idaho
14 McClure 309
15 Moscow, ID 83844

16 John W. Kelse
17 R.T. Vanderbilt Company, Inc.
18 30 Winfield Street
19 Norwalk, CT 06856

20 Arthur Langer, PhD
21 Graduate School and University Center
22 City University of New York
23 365 Fifth Avenue
24 New York, NY 10016

25 Norman Moscow, MD
26 Alta Bates Medical Center
27 2450 Ashby Avenue
28 Berkeley, CA 94705

Bertram Price, PhD
Price Associates, Inc.
One North Broadway
White Plains, NY 10601

Emanuel Rubin, MD
Thomas Jefferson University, Jefferson Medical College
Department of Pathology, Anatomy and Cell Biology
1025 Walnut Street
Philadelphia, PA 19107

C.S. Thompson, PhD
4 Hideaway Lane
Norwalk, CT 06851

Drew Van Orden, PE
RJ Lee Group, Inc.
350 Hochberg Road
Monroeville, PA 15146

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Charles A. Weaver III, PhD
Department of Psychology and Neuroscience
Baylor University
Waco, TX 76798

David Weill, MD
Stanford University School of Medicine/
Department of Pulmonary and Critical Care Medicine
300 Pasteur Drive, H3151 MC 5236
Stanford, CA 94305

R.T. Vanderbilt additionally names all persons, except consultants, who have in any way treated plaintiff, reviewed plaintiff's medical records, or undertaken any diagnostic or treatment procedures.

R.T. Vanderbilt incorporates by reference as though fully set forth herein joint defense counsel's expert witnesses designation, as well as the expert witness designations co-defendants and any other party in this action.

R.T. Vanderbilt does not intend this list to cover witnesses in the following areas: custodians of medical and employment records needed for authentication purposes; plaintiff's co-worker witnesses; product identification witnesses; witnesses disclosed in subpoenaed records or rebuttal or impeachment witness. R.T. Vanderbilt reserves the right to delete from this list in the event that certain subject areas of testimony become no longer applicable. Discovery is still continuing in this case and R.T. Vanderbilt reserves the right to designate additional expert witnesses who may be discovered prior to trial and subsequent to the service of this expert witness list. Furthermore, R.T. Vanderbilt reserves the right to withdraw any expert witness listed above at any time. R.T. Vanderbilt also reserves the right to call experts who are substitutes for those listed above who become


///
///
///
///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

unavailable.

DATED: August 21, 2009

SELMAN BREITMAN LLP

By: 
BRUCE G. CHUSID
RHONDA L. WOO
Attorneys for Defendant
R.T. VANDERBILT COMPANY, INC.

1 **DECLARATION OF BRUCE G. CHUSID**

2 I, BRUCE G. CHUSID, declare:

3 I am an attorney at law duly licensed to practice before all the Courts of the State of
4 California. I am with the law firm of Selman Breitman LLP, attorneys of records for
5 defendant R.T. Vanderbilt Company, Inc. ("R.T. Vanderbilt"). I am one of the attorneys
6 responsible for the above-entitled case and as such have personal and complete knowledge
7 of the contents of our files, especially as pertains to the issues and facts presented in this
8 declaration. I am competent to and do testify to the matters herein on personal knowledge.

9 With respect to any designated expert who has been retained by R.T. Vanderbilt for
10 the purpose of forming and expressing opinions in anticipation of this litigation or in
11 preparation for trial of this action, said expert has agreed to testify at the trial of this case
12 upon proper notice, and will be sufficiently familiar with this action to submit to a
13 meaningful oral deposition concerning any opinion he or she has formed and its basis,
14 should said deposition be reasonably, duly and properly scheduled.

15 The experts designated in this document charge hourly and/or daily fees and
16 expenses for deposition and trial testimony, and reasonable expenses connected therewith.
17 Although we have endeavored to obtain for each of the designated experts the rates and
18 fees charged by such expert for deposition and trial testimony, we have not yet received
19 that information for the designated experts, that information is set forth below. With
20 respect to those experts whose rates and fees are not set forth below, that information is
21 still being obtained and will be conveyed to plaintiffs' counsel as such information
22 becomes known.

23 The qualifications, general substance of testimony and hourly and/or daily fees,
24 where known, of each designated expert are as follows:

25 **Sarkas Ampian** is retired from the U.S. Bureau of Mines, where he worked from
26 1952 to 1992. He has a BS and MS in Geology. It is anticipated he will testify regarding
27 the mineralogical distinction between true asbestos fibers and cleavage fragments. His fee
28 for deposition and trial testimony will be provided upon request.

1 **Paul Carlson** is a certified industrial hygienist. Mr. Carlson is expected to testify
2 with regard to industrial hygiene issues and standards. Mr. Carlson will testify about
3 exposure levels, including decedent's purported exposure to asbestos. He will testify about
4 potential exposure to asbestos.

5 Mr. Carlson has been or will be provided with product exposure information and
6 other case specific data including, but not limited to, plaintiffs' depositions and co-worker
7 depositions. He will review decedent's exposure to other manufacturers' asbestos-
8 containing products. He will quantify decedent's exposures to the asbestos-containing
9 products of manufactured by other companies, and provide opinions regarding the
10 significance of each exposure. Mr. Carlson may also review and rely upon air sampling
11 data and other literature regarding exposure to asbestos-containing products. He may
12 discuss historical uses of asbestos-containing products and how they are manufactured. He
13 may discuss and/or quantify exposures to all asbestos-containing products to which
14 decedent may have been exposed, and may also testify about the types of asbestos fibers
15 found in other companies' products.

16 Mr. Carlson will further provide testimony about the role of the industrial hygienist
17 in assessing risk, generally, and with respect to asbestos-containing products. He will
18 provide current and historical information regarding air and dust sampling methods for
19 asbestos in occupational settings, including, but not limited to, the NIOSH 7400 and 7402
20 methods, the OSHA reference method, as well as EPA, AHERA and ASTM methods. He
21 will provide expert testimony on the proper use and application of all such methodology.
22 He will also provide testimony regarding the proper and improper methods for
23 occupational sampling of asbestos. He may also provide testimony that the use of settled
24 dust methods or Tyndall or refractory light methods do not provide a proper scientific basis
25 for sampling and have no value in assessing occupational risk to asbestos exposure.

26 He may provide testimony that the standard and accepted occupational exposure
27 methodologies for asbestos require the use of validated scientific air sampling and
28 analytical methods. He may testify that the standards for occupational exposure

1 determination to asbestos are the NIOSH and OSHA established methods. In this
2 methodology, air samples are collected in conformance with the OSHA methodology
3 which has specific criteria for air sampling, filter preparation and fiber counting rules.
4 Scientifically reliable samples are prepared by "direct" preparation techniques as opposed
5 to "indirect" preparation techniques and are counted by phase contrast microscopy (PCM).

6 Mr. Carlson may further provide testimony regarding governmental regulations
7 affecting maximum allowable concentrations of asbestos exposures in an occupational
8 setting.

9 Mr. Carlson may also provide testimony regarding historical literature and other
10 applicable government regulations of asbestos. The basis for his testimony will be his
11 experience, his education, research, review of the appropriate scientific literature, and
12 review of case materials supplied to him. Mr. Carlson will be sufficiently familiar with the
13 pending action to submit to a meaningful deposition. Mr. Carlson's current rate for
14 deposition testimony is \$350 an hour.

15 **James D. Crapo, MD** is a board certified pulmonologist. He will testify
16 concerning plaintiff's medical condition and the cause of his disease. He will be
17 sufficiently familiar with the case to submit to a meaningful deposition. Dr. Crapo's rate
18 for deposition testimony is \$600 per hour.

19 **Laura Fuchs Dolan, MBA** is an economist who will testify regarding economic
20 damage and losses and related matters as alleged by plaintiffs. Ms. Dolan may also testify
21 regarding economics of punishment and deterrence in the context of punitive damages
22 generally and their specific application to this case. Ms. Dolan's fee for consulting,
23 providing deposition and trial testimony is \$325 per hour.

24 **John Gamble, PhD** is a biologist and received his PhD from the University of
25 North Carolina School of Public Health. He was formerly employed at NIOSH, Division
26 of Safety Research, as an industrial hygienist, and at the Division of Respiratory Disease
27 Studies as an epidemiologist. He has published articles on amphibole cleavage fragments
28 as well as health studies of miners and millers exposed to talc. Dr. Gamble has also

1 published articles involving epidemiologic and industrial hygiene studies of talc workers.
2 It is anticipated that Dr. Gamble will testify about the epidemiology evidence on
3 carcinogenicity of non-asbestiform amphiboles found in New York talc, as well as discuss
4 the "federal fiber" concept that led to the NIOSH confusion and errors about the definition
5 of asbestos. His fee for deposition and trial testimony will be provided upon request.

6 **Mickey Gunter, PhD** is a geologist and mineralogist. He is a professor and chair
7 of the Geological Sciences department of the University of Idaho. Dr. Gunter received his
8 bachelors degree in geology from the University of Southern Illinois, and his master's
9 degree and doctorate in optical mineralogy from Virginia Polytechnic Institute and State
10 University. Dr. Gunter specializes in optical mineralogy and the health effects of mineral
11 dusts, and is expected to testify with regard to the constituents of R.T. Vanderbilt's non-
12 asbestiform talc. It is anticipated that Dr. Gunter will testify regarding his analysis of R.T.
13 Vanderbilt talc products, as well as heath effects of same. Dr. Gunter may also address
14 plaintiff's anticipated allegations of exposure to talc or asbestos-containing talc and its
15 biological implications.

16 Dr. Gunter is also expected to offer testimony about studies concerning talc and
17 other related research. Dr. Gunter is expected to identify the types of fiber and the
18 physical and chemical characteristics of such fibers that have been shown to create an
19 increased risk for malignant mesothelioma in contrast to fibers that do not present such
20 risks. Dr. Gunter is expected to testify regarding the mineralogy of specific mineral
21 deposits including the New York State deposit and the nature of minerals which make up
22 different products, including but not limited to R.T. Vanderbilt's products and minerals.
23 Dr. Gunter is expected to testify about the various types of asbestos fiber, the geographic
24 locations where the fibers can be found, the physical and chemical characteristics of
25 various asbestos fibers and non-asbestos materials.

26 Additionally, Dr. Gunter is expected to testify that R.T. Vanderbilt talc products
27 and/or the dust generated from talc do not cause cancer, specifically malignant
28 mesothelioma. Dr. Gunter is also expected to offer testimony with regard to the presence,

1 or lack thereof, of asbestos minerals in talc deposits, including those owned principally or
2 in part by R.T. Vanderbilt. He may testify on the various aspects of the characteristics,
3 conditions and behavior of asbestos fibers in various environments and matrices, the
4 biological effects and relative toxicity of different types of asbestos and non-asbestos
5 materials, and about the various scientific tools and methodologies relevant to the above.
6 Dr. Gunter may also review and comment on or respond to opinions of other witnesses in
7 this case.

8 Dr. Gunter's testimony and opinions are based on his education, training and
9 experience, review of scientific, medical and technical literature concerning asbestos
10 disease and other relevant matters, his review of governmental regulations and standards
11 and industrial hygiene data, and his review of depositions, documents, expert reports and
12 medical records relevant to the plaintiff. Dr. Gunter will be sufficiently familiar with the
13 case to submit to a meaningful deposition. Dr. Gunter's hourly rate for deposition will be
14 provided prior to his deposition.

15 **John W. Kelse** is as an industrial hygienist and Corporate Manager of Occupational
16 Health and Safety for R.T. Vanderbilt. He will testify as to the mineral composition of
17 Vanderbilt talc, as well as health studies pertinent to Vanderbilt talc workers. His
18 testimony in this area will include references to the work of mineral and health scientists
19 who have specifically studied Vanderbilt talc, as well as those who have not. He is also
20 expected to testify regarding industrial hygiene as it relates to the issues in this case. His
21 fee for deposition and trial testimony will be provided upon request.

22 **Arthur Langer, PhD** is a mineralogist with a PhD from Columbia University who
23 is expected to testify regarding mineralogy including the mineralogy of R.T. Vanderbilt's
24 relevant products and materials. Dr. Langer is also expected to testify to the occurrence,
25 properties and human health effects of minerals and mineral commodities, including but
26 not limited to various forms of asbestos and industrial grade talc and consumer talc
27 products. Dr. Langer further is expected to identify and describe the various methods by
28 which materials may be analyzed chemically, crystallographically, and structurally. Dr.

1 Langer is expected to testify regarding the mineralogy of specific mineral deposits
2 including the New York State deposit and the nature of minerals which make up different
3 products, including but not limited to R.T. Vanderbilt's products and minerals. Dr. Langer
4 is expected to testify about the various types of asbestos fiber, the geographic locations
5 where the fibers can be found, the physical and chemical characteristics of various asbestos
6 fibers and non-asbestos materials. Dr. Langer is also expected to offer testimony about
7 studies concerning talc, joint compound, other products and other related research. Dr.
8 Langer is expected to identify the types of fiber and the physical and chemical
9 characteristics of such fibers that have been shown to create an increased risk for
10 malignant mesothelioma in contrast to fibers that do not present such risks. Additionally,
11 Dr. Langer is expected to testify that R.T. Vanderbilt talc products and/or the dust
12 generated from talc do not produce excess cancers, and specifically malignant
13 mesothelioma. Dr. Langer is expected to testify as to potential for certain finished
14 asbestos-containing products to contain inorganic minerals and the amounts of the types of
15 trace contaminants that may be found in the products. Dr. Langer is expected to offer
16 testimony as to the amount of non-asbestos contaminants, if any, that are found in finished
17 asbestos-containing products and the chemical, crystallographic and structural composition
18 of such materials. Dr. Langer is also expected to offer testimony with regard to the
19 presence, or lack thereof, of asbestos minerals in talc deposits, including those owned
20 principally or in part by R.T. Vanderbilt. Dr. Langer is expected to testify to the levels of
21 the airborne contaminants that can be generated from a finished product, if any. He will
22 testify on the various aspects of the characteristics, conditions and behavior of asbestos
23 fibers in various environments and matrices, the biological effects and relative toxicity of
24 different types of asbestos and non-asbestos materials, and about the various scientific
25 tools and methodologies relevant to the above. Dr. Langer may also review and comment
26 on or respond to opinions of other witnesses in this case. Dr. Langer's testimony and
27 opinions are based on his education, training and experience; his review of scientific,
28 medical and technical literature concerning asbestos disease and other relevant matters; his

1 review of governmental regulations and standards and industrial hygiene data; and his
2 review of depositions, documents, expert reports and medical records relevant to the
3 plaintiff. As R.T. Vanderbilt becomes aware of additional facts and the opinions of
4 plaintiffs' experts, this witness may testify as to the opinions suggested by the additional
5 facts or in response to the opinions suggested by the additional facts or in response to the
6 opinions of plaintiffs' experts. Dr. Langer's hourly rate for deposition testimony is \$450,
7 his rate for record review is \$400 per hour and for trial testimony is \$500 per hour.

8 **Norman Moscow, MD** is a radiologist who may testify concerning his review of
9 the radiographs, CT scans and other records of the plaintiff and the significance of various
10 x-ray findings on the radiographs of the plaintiff and whether those radiographs contain
11 abnormalities consistent with an asbestos-related disease. Dr. Moscow's deposition fee is
12 \$500 per hour

13 **Bertram Price, PhD** earned a BA with major in mathematics and minor in the
14 sciences from Wittenberg University and a PhD in mathematical statistics from Ohio State
15 University. He is a member of the Society for Risk Analysis, the American Statistical
16 Association, the Society for Epidemiologic Research, and the American College of
17 Epidemiology. Since 1979 Dr. Price has been a consultant specializing in risk assessment
18 with emphasis on health risk associated with occupational and environmental exposures.
19 He employs statistical, toxicological, industrial hygiene, and epidemiological principles to
20 analyze the dose and exposure determinants of disease, and in particular asbestos-related
21 disease. He has designed studies and interpreted data concerning exposure, exposure
22 reconstruction, health risk, risk management, and measurements of airborne asbestos and
23 asbestos in bulk materials. He has co-authored several EPA documents and has served as
24 an expert consultant to the EPA on issues relating to asbestos exposure and disease. In
25 performing that work, Dr. Price reviewed and analyzed the medical and scientific literature
26 on asbestos including medical, toxicological, industrial hygiene, molecular biology, and
27 epidemiological studies.

28 Dr. Price has authored several articles and reports relating to occupational and

1 environmental exposures, including asbestos exposures. He may testify and offer opinions
2 regarding the content of those articles and reports, including information relating to
3 mesothelioma occurrence.

4 Dr. Price will provide testimony concerning the relationship between exposure to
5 asbestos and asbestos-related diseases and the relationship between exposure to talc and
6 asbestos-related diseases. He will address threshold exposures, background disease rates,
7 apportionment of risk among exposure sources, and the risk of asbestos-related disease
8 associated with the types of exposures alleged by plaintiff. He will testify that decedent's
9 alleged exposure to talc would not have created an increased risk of his developing
10 mesothelioma.

11 The observations and opinions offered by Dr. Price are based upon his review of the
12 case-specific materials provided, the scientific literature concerning asbestos health-risk
13 assessment, his research concerning asbestos exposure and risk, his continued review of
14 relevant publications relating to the science and policy issues of asbestos risk management,
15 and his education and experience. Dr. Price may also review and offer comment or
16 criticism in response to the opinions of other witnesses in this case. His fee for deposition
17 and trial testimony will be provided upon request.

18 **Emanuel Rubin, MD** is a pathologist. He may testify, live or by deposition,
19 concerning his review of the medical records, pathology and/or work history of decedent
20 and his medical condition. He is expected to provide testimony concerning the anatomy
21 and function of the respiratory and circulatory systems; examinations conducted and
22 opinions regarding tissue samples of plaintiff, the symptomatology and the disease process
23 and diagnosis of asbestosis and cancer of the respiratory system, pleura, peritoneum and
24 peritoneal cavity, the colon, and other bodily organs or systems. Dr. Rubin may testify to
25 the nature and extent of medical and scientific knowledge regarding any association of
26 disease with asbestos fiber and the effect of exposure to substances other than asbestos in
27 the development and manifestation of human diseases; the methods of diagnosis and
28 means of establishing the differential diagnosis of asbestos-related diseases with non-

1 asbestos related diseases; the incidence of lung cancer and/or mesothelioma in the general
2 population and those individuals exposed to asbestos; cigarette smoking and its effects on
3 the lungs and other organs; the difference between impairment and disability; the effect of
4 asbestosis and other asbestos-related diseases on disability and life expectancy; the lack of
5 relationship between pleural plaques and development of any cancer; the history,
6 evolution, and knowledge of asbestos-related diseases; and the evolution of the medical
7 communities' awareness of the increased risks for an asbestos-related disease in the cases
8 of prolonged exposure.

9 Dr. Rubin is expected to offer testimony about studies concerning talc, joint
10 compound, other products and other related research. Dr. Rubin is expected to testify to
11 the probability and capability of talc products and/or the dust generated from talc to
12 produce excess cancers, and specifically malignant mesothelioma. He may give testimony
13 concerning his review of any report purported to be diagnostic of any oncological
14 condition and the methods of and procedures for conducting fiber counts. He also may
15 give testimony regarding malignancies associated with asbestos exposure or cigarette
16 abuse and other malignancies from which they may be differentiated, the appropriate
17 protocols for the diagnosis of those conditions and the prognosis and information relating
18 to the known causes of those malignancies. Dr. Rubin may testify in the area of medical
19 and scientific aspects of exposure to dust as produced by various products, including talc,
20 and the development of asbestos-related disease generally.

21 Dr. Rubin is expected to provide testimony regarding the nature and extent of
22 medical and scientific knowledge regarding any association of obstructive pulmonary
23 disease with asbestos fiber exposure; the effect of exposure to substances other than
24 asbestos on the development and manifestation of obstructive and restrictive conditions
25 and diseases of the respiratory system and other causes of obstructive and restrictive
26 disease or defects of the respiratory system; the existence of a dose/response relationship
27 between exposure to asbestos and asbestos related diseases; the incidence of mesothelioma
28 among various kinds of workers exposed to asbestos, and the relative importance of

1 various fiber types and the cause of mesothelioma; whether or not decedent's disease,
2 injury, or physical condition was proximately caused by exposure to products, including
3 but not limited to Vanderbilt's products and minerals; and to the extent not covered above,
4 asbestos medicine in general, including the diseases of asbestosis, lung cancer, and
5 mesothelioma.

6 Dr. Rubin may also review and comment on or respond to opinions of other
7 witnesses in this case. Dr. Rubin's testimony and opinions are based on his education,
8 training and experience; his review of scientific, medical and technical literature
9 concerning asbestos disease and other relevant matters; his review of governmental
10 regulations and standards and industrial hygiene data; and his review of depositions,
11 documents, expert reports and medical records relevant to the plaintiff. Dr. Rubin will be
12 sufficiently familiar with the case to submit to a meaningful deposition. Dr. Rubin's
13 hourly rate will be provided before his deposition.

14 **C.S. Thompson, PhD** is a mineralogist with a Ph.D. from the University of Utah
15 and was the Manager of Research and Development, Minerals Development of the
16 Ceramics and Paper Department for the R.T. Vanderbilt from 1972 to 1987, and the
17 Manager of the Minerals, Mining and Manufacturing Division from 1987 to 1992. Dr.
18 Thompson is expected to testify about his work with R.T. Vanderbilt, including but not
19 limited to his mineralogical examination and analysis of various kinds of talc ore and
20 finished R.T. Vanderbilt talc products, and the results of those examinations and analyses.
21 Dr. Thompson is expected to identify and describe the various methods by which materials
22 may be analyzed chemically, crystallographically, and structurally. He will testify
23 regarding the mineralogy of specific mineral deposits, including the New York State
24 deposit and the nature of the minerals which make up different products, including not
25 limited to R.T. Vanderbilt's products and minerals. Dr. Thompson is expected to testify
26 about the various types of asbestos fiber, the geographic locations where the fibers can be
27 found, and the physical and chemical characteristics of various asbestos fibers and non-
28 asbestos materials.

1 Dr. Thompson will authenticate documents, including but not limited to those
2 identifying Vanderbilt talc used in various animal studies, including but not limited to
3 animal studies conducted by Smith & Stanton. He will further testify as to the presence, or
4 lack thereof, of asbestos minerals in talc deposits, including those owned principally or in
5 part by R.T. Vanderbilt.

6 Dr. Thompson is further expected to testify regarding his work with the medical and
7 scientific communities to examine the issue of whether R.T. Vanderbilt talc ore and/or
8 finished talc products contain asbestos and/or present an increased risk to consumers of
9 development of asbestos-related diseases. He is expected to testify regarding his
10 communications with various regulatory agencies, including but limited to the U.S. Bureau
11 of Mines, NIOSH, OSHA, and MSHA, regarding the mineralogic composition of talc ore
12 and R.T. Vanderbilt finished talc products and whether those products should be included
13 under any State or Federal asbestos regulations.

14 Dr. Thompson may also review and comment upon or respond to opinions of other
15 witnesses in this case. Dr. Thompson's testimony and opinions are based upon his
16 education, training and experience; his review of scientific and technical literature
17 concerning asbestos and other relevant matters; his review of governmental regulations
18 and standards; and his review of depositions, documents, and expert reports in this case.

19 As R.T. Vanderbilt becomes aware of additional facts and opinions of plaintiffs'
20 experts, this witness may testify as to the opinions suggested by the additional facts or in
21 response to the opinions suggested by the additional facts or in response to the opinions of
22 plaintiffs' experts. His fee for deposition and trial testimony will be provided upon
23 request.

24 **Drew Van Orden** is a senior scientist at RJ Lee Group. He has more than 20 years
25 of experience developing asbestos analytical methods; analyzing asbestos-containing
26 materials; and the design, conduct and evaluation of studies to measure potential asbestos
27 release from asbestos-containing materials. He specializes in the identification,
28 characterization, and quantification of mineral particles in the environment, including talc.

1 It is anticipated that Mr. Van Orden will testify regarding his analysis of R.T. Vanderbilt's
2 New York talc and that it does not contain asbestos.

3 Mr. Van Orden has been qualified as an expert in State and Federal courts in
4 numerous asbestos cases. He has testified about the development and use of scientific
5 knowledge and techniques regarding the collection, analysis and measurement of airborne
6 asbestos levels and governmental and industrial standards, past and present, for airborne
7 asbestos and the history and current methodologies for electron microscopy.

8 While at RJ Lee Group, Mr. Van Orden has directed quality assurance activities
9 including registration and certification in national and state laboratory certification
10 programs. He has participated in a number of large, national evaluations of ambient
11 asbestos concentration studies and was a contributor to the asbestos review conducted by
12 the Health Effects Institute-Asbestos Research (HEI-AR). He directed a study of
13 earthquake effects on airborne asbestos concentrations, participated in EPA investigations
14 into airborne asbestos concentrations in public buildings, and has conducted statistical
15 analyses of numerous voluminous and complex data sets.

16 Mr. Van Orden was the lead author of an American Society for Testing and
17 Materials (ASTM) standard for the collection, preparation, and analysis of surface dusts
18 for asbestos and was the principal author of a method to analyze airborne particles at mines
19 and quarries. He is a member of the Society of Mining Engineers, the National Society of
20 Professional Engineers, the Pennsylvania Society of Professional Engineers, American
21 Society for Testing and Materials, American Society for Quality and the American
22 Industrial Hygiene Association. He also is a registered Professional Engineer in the
23 Commonwealth of Pennsylvania. He has published in peer-reviewed literature. His fee
24 for deposition and trial testimony will be provided upon request.

25 **Charles H. Weaver III, PhD** may be called to testify regarding the areas of human
26 memory and cognition. He generally testify concerning memory, the relationship between
27 confidence and memory, eyewitness memory and the effect of misleading information,
28 "flashbulb memory," and repression and the false memory syndrome. In discussing the

1 nature of memory recall and retention, Dr. Weaver will rely on general principles in the
2 fields of psychology and neuroscience and apply them to the factual allegations presented
3 by plaintiffs and other fact witnesses. Dr. Weaver will testify regarding how memory can
4 be altered by events that take place or information that is learned after the original
5 circumstances. Dr. Weaver will also discuss his research and his findings, and the results
6 of studies available in the published literature. Dr. Weaver's deposition fee is \$400 per
7 hour.

8 **David Weill, MD** is an associate professor at the Stanford University School of
9 Medicine Department of Pulmonary and Critical Care Medicine. He is board certified in
10 pulmonary disease and critical care medicine and a licensed B Reader. He may testify,
11 live or by deposition, concerning his review of the medical records, and/or work history of
12 decedent, and the decedent's medical condition. If called to testify, he is expected to
13 provide testimony concerning the anatomy and function of the respiratory,
14 cardiopulmonary, and circulatory systems; examinations conducted and the
15 symptomatology and the disease process and diagnosis of asbestos and cancer of
16 respiratory system, pleura, peritoneum and peritoneal cavity, the colon, and other bodily
17 organs or systems.

18 Dr. Weill is expected to offer testimony about studies concerning talc and other
19 related research. He is expected to testify that Vanderbilt talc does not cause cancer,
20 specifically malignant mesothelioma. In addition, if called to testify, Dr. Weill is expected
21 to provide testimony regarding the nature and extent of medical and scientific knowledge
22 regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
23 surface properties of asbestos fibers; the existence of a dose/response relationship between
24 exposure to asbestos and asbestos related diseases; the incidence of mesothelioma among
25 various kinds of workers exposed to asbestos, and the relative importance of various fiber
26 types and the cause of mesothelioma. Dr. Weill may also review and comment on or
27 respond to opinions of other witnesses in this case. Dr. Weill's testimony and opinions are
28 based on his education, training and experience; his review of scientific, medical and

1 technical literature concerning asbestos disease and other relevant matters; his review of
2 governmental regulations and standards and industrial hygiene data; and his review of
3 depositions, documents, expert reports, and medical records relevant to the plaintiff. Dr.
4 Weill may provide additional plaintiff-specific testimony, to be indicated by an amended
5 disclosure prior to deposition. Dr. Weill's fee for deposition and trial testimony is \$400 per
6 hour.

7 I declare under penalty of perjury under the laws of the State of California that
8 based on information and belief the foregoing is true and correct.

9 Executed this 21st day of August 2009 at Los Angeles, California.



BRUCE G. CHUSID

PROOF OF SERVICE

Eric Weston v. Asbestos Corporation Limited, et al.
Alameda County Superior Court Case No. RG08426405

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 11766 Wilshire Blvd., Sixth Floor, Los Angeles, CA 90025. On the date indicated below, I served the document(s) described as R.T. VANDERBILT COMPANY, INC.'S AMENDED EXPERT WITNESS DESIGNATION AND DECLARATION on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

- BY MAIL:** By placing a true copy thereof in a sealed envelope addressed as above, and placing it for collection and mailing following ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence, pleadings, and other matters for mailing with the United States Postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. (Only On Plaintiff's Counsel.)
- BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to be delivered to for delivery to the addressee(s).
- BY E-MAIL:** I transmitted a copy of the foregoing documents(s) via e-mail to the addressee(s).
- BY FAX:** I transmitted a copy of the foregoing documents(s) via telecopier to the facsimile numbers of the following addressee:
- BY PERSONAL SERVICE:** I personally delivered such envelope by hand to the offices of the addressee(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 24, 2009 at Los Angeles, California.


NELSON URRUTIA

SERVICE LIST

Eric Weston v. Asbestos Corporation Limited, et al.
Alameda County Superior Court Case No. RG08426405

1		
2		
3		
4	Kazan, McClain, Lyons, Greenwood & Harley	Attorneys for Plaintiff
5	171 Twelfth Street, 3 rd Floor	Tel: (510) 465-7728
6	Oakland, CA 94607	Fax: (510) 835-4913
7	Wilson Elser Moskowitz et al LLP	Attorneys for Defendant
8	525 Market St 17th FL	Asbestos Corporation Ltd.
	San Francisco, CA 94105	(415) 434-1370 (fax)
9	Reed Smith LLP	Attorneys for N.L. Industries, Inc.
10	1999 Harrison Street, Suite 2400	(510) 273-8832 (fax)
	Oakland, CA 94612	
11	Perkins Coie LLP	Attorneys for George-Pacific Corporation
12	Four Embarcadero Center, Suite 2400	(415) 344-7050 (fax)
	San Francisco, CA 94111	
13		
14	Brydon Hugo, et al.	Attorneys for Union Carbide Corporation
15	135 Main Street, 20 th Floor	(415) 808-0333
	San Francisco, CA 94105	
16	McKenna Long, et al,	Attorneys for Certainteed Corporation
17	101 California Street, 41 st Floor	(415) 267-4198 (fax)
	San Francisco, CA 94111	
18		
19	Kasowitz Benson, et al.	Attorneys for Cyprus Amax Minerals
20	101 California Street, Suite 2050	(415) 398-5030
	San Francisco, CA 94111	
21	Foley & Mansfield	Attorneys for Calaveras Asbestos
22	Oakland City Center	(510) 590-9595 (fax)
	1111 Broadway, 10 th Floor	
	Oakland, CA 94607	
23		
24	Hassard Bonnington	Attorneys for Kaiser Gypsum Co.
25	Two Embarcadero Center, Suite 1800	(415) 288-9801 (fax)
	San Francisco, CA 94111-3993	
26	Steptoe & Johnson	Attorneys for Metropolitan Life Insurance
27	633 West Fifth Street, Suite 700	(213) 439-9599 (fax)
	Los Angeles, CA 90071	
28		