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IN THE SUPREME COURT OF THE STATE OF MONTANA

CAUSE NO. AC 17-0694

=====
IN RE ASBESTOS LITIGATION,
Consolidated Cases.

This document relates to:
Ralph Hutt v. Maryland Casualty Company, et al.
Montana Eighth Judicial District Court, Cascade County
Cause No. DDV-18-0175
=====

TELEPHONIC DEPOSITION
OF
RALPH HUTT

(Taken on Behalf of the Defendant, Maryland Casualty
Company, n/k/a Zurich American Insurance Company,
Successor by Merger to Maryland Casualty Company)

Taken at McGarvey, Heberling, Sullivan & Lacey, PC
345 First Avenue, E.
Kalispell, Montana
Wednesday, September 19, 2018 - 9:34 a.m.

Reported by Jolene Asa, RPR, and Notary Public
for the State of Montana, Flathead County

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ALSO PRESENT:

None

S T I P U L A T I O N S

1
2
3 It was stipulated by and between counsel for the
4 respective parties that the deposition be taken by
5 Jolene Asa, Registered Professional Reporter and
6 Notary Public for the State of Montana, residing in
7 Flathead County, Montana.

8 It was further stipulated and agreed by and
9 between counsel for the respective parties that the
10 deposition be taken at the time and place set out on
11 the caption and pursuant to the Montana Rules
12 of Civil Procedure.

13 It was further stipulated and agreed by and
14 between counsel for the respective parties and the
15 witness that the reading and signing of the deposition
16 would be expressly reserved.

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RALPH HUTT,

being first duly sworn to tell the truth, the whole truth and nothing but the truth, testified as follows:

EXAMINATION

BY MR. LONGOSZ:

Q. Okay. Mr. Hutt, for the record could you just state your full name and spell it for the court reporter?

A. Ralph Vern Hutt, R-A-L-P-H, V-E-R-N, H-U-T-T.

Q. Mr. Hutt, I think everybody around the table has identified themselves to you. We're here for your deposition in your case that you have filed in court. You're aware of that; correct?

A. Yes.

Q. And I know you said you may have -- we may fight the HVAC system or have a little problem hearing. If at any time -- I'll try to keep my voice up, and if at any time you don't hear me or understand the question, please ask me to rephrase or reask the question. Is that acceptable?

A. Yes.

Q. Okay. So if it sounds like I'm yelling at you, I'm not. I'm just trying to be loud enough so

1 that we're all on the same page.

2 A. Okay.

3 Q. The other thing is, you need to give a
4 verbal, audible response so that the court reporter
5 can take down your answers as well as my questions.
6 If you nod your head or go "Uh-huh" or otherwise, it's
7 very difficult, and when you go back and look at this
8 on paper, it may look a little funny. Do you
9 understand that?

10 A. Yes.

11 Q. Also, at any time during your deposition, if
12 you don't understand my question or it's confusing to
13 you, please ask me to rephrase it or reask it. I'll
14 be more than happy to do that because I want to make
15 sure that we understand each other and we can visit
16 here together and have questions and answers. Okay?

17 A. Okay.

18 Q. If you need a break at any time, let me
19 know. It's not an endurance test. And if you don't
20 know something, just tell us you don't know. Okay?

21 A. Okay.

22 Q. Is there any impediment to your being able
23 to give truthful, honest answers here? Are you taking
24 any type of medication, or is there any physical or
25 mental blockage that would cause you not to be able to

1 hear my questions, answer them truthfully for the
2 court reporter?

3 A. Not that I know of.

4 Q. Okay. Have you ever gone through this
5 process before? This is called a deposition, which is
6 testimony under oath before a court reporter. Have
7 you ever been sworn in and given testimony before?

8 A. No.

9 Q. Have you ever appeared at any type of
10 proceeding or hearing to give any type of statement or
11 testimony?

12 A. Yes.

13 Q. Okay. Can you tell me about that?

14 A. It was in the military.

15 Q. Okay. And under what circumstances were you
16 asked to provide a statement or testimony?

17 A. Just -- it was about an incident that
18 happened in Germany. Some other guys were doing
19 something, and I seen it.

20 Q. So you were providing witness testimony for
21 an inquiry?

22 A. Right.

23 Q. Okay. And that would have been back in the
24 1960s? I believe you were in the military in the
25 1960s. Is that correct?

1 A. It was in '63. '64? '64, I believe.

2 Q. Okay. And you can always give me your best
3 estimate, so if you're doing that, just let us know
4 that. Because, otherwise, we don't want to hold you
5 to a date if you don't absolutely know that that date
6 is correct. But if it's at or around that time
7 period, just let us know, and you can preface it by
8 that. As you said, you believe it's in that time
9 frame. Do you understand that?

10 A. Yes.

11 Q. So have you ever provided any other type of
12 statement outside of an inquiry to any boards,
13 administrative boards, anyone taking a statement from
14 you?

15 A. No.

16 Q. So you have not gone through a procedure
17 like this before?

18 A. No.

19 Q. Did you prepare for today's deposition in
20 any way?

21 A. Read.

22 Q. What did you read? I'm asking for
23 preparation other than -- did you have conversations
24 with your attorney before the deposition?

25 A. Yes.

1 Q. Okay. I don't want to know about those
2 conversations, but what did you read in connection
3 with your deposition in preparation of your
4 deposition?

5 A. Trying to get all the dates straight, and I
6 can't, so --

7 Q. So could you tell us what you read so we
8 have an understanding of what you were reading to get
9 the dates straight, so to speak?

10 A. I was just -- I don't really remember too
11 much of it.

12 Q. Were they medical records? Was it some
13 other chronology of dates? Was it a report?

14 A. Just the timelines on who I worked for, and
15 I worked for so many people it's so hard. I never
16 kept track. I was hoping --

17 Q. Hoping you'd never have to keep track;
18 right?

19 A. Right.

20 Q. And where did you read this timeline? Did
21 you create the timeline or help to create the
22 timeline?

23 A. Just my head, mainly.

24 Q. So did you create a timeline or assist in
25 creating a timeline of all the places that you worked?

1 A. I tried to.

2 Q. Did you write that on paper?

3 A. As much as I could, but then I'd remember
4 this was wrong and that was wrong. Like I say, I
5 worked for so many people. All in the woods. About
6 90-some percent of it sawing logs. It's hard to keep
7 track of who you've worked for.

8 Q. In connection with you reading anything or
9 any papers to prepare for the deposition today, other
10 than the timeline, is there anything else you took a
11 look at?

12 A. Not -- not recently.

13 Q. Okay. Have you ever seen the complaint that
14 was filed in the court in this case?

15 A. No.

16 Q. So did you ever assist in preparing the
17 facts in the complaint that were filed in this case?

18 A. No. I don't really know what you mean when
19 you say that.

20 Q. There's a court filing that's called a
21 complaint that's filed in the court with allegations
22 that bring your lawsuit to the court. Have you ever
23 seen that court filing?

24 A. No.

25 Q. Were you ever asked questions about facts in

1 order to prepare a court filing?

2 A. Yes.

3 Q. What facts did you have to assist in
4 preparing the court filing?

5 A. Timelines, et cetera.

6 Q. Did you prepare those timelines?

7 A. As good as I could.

8 Q. And you wrote those on a piece of paper?

9 A. Right.

10 Q. Did you keep those timelines on that paper?

11 A. No, I didn't keep them. I just said them.

12 Q. You did what? I'm sorry. I didn't hear
13 you.

14 A. I just talked, said them. I don't know how
15 to word things, so --

16 Q. That's fine. My question is, did you keep
17 the piece of paper that you kind of wrote the
18 timelines or who you worked for?

19 A. I didn't keep none for me, no.

20 Q. Did you give it to anyone?

21 A. Yes. I give it to the attorneys so they'd
22 know.

23 Q. Do you know when you did -- when you
24 prepared that paper?

25 A. No, I don't remember.

1 Q. Was it a few years ago or many years ago?

2 A. I don't remember.

3 Q. Do you remember when you hired your
4 attorney?

5 A. In 2013, I think.

6 Q. Did you seek any legal advice or attorney
7 advice before 2013?

8 A. No.

9 Q. Have you filed any other claims associated
10 or arising out of your work in Libby, Montana?

11 A. No.

12 Q. Have you ever made any type of Workers'
13 Compensation claim arising out of your work in Libby,
14 Montana?

15 A. Not -- Workmen's Compensation, no.

16 Q. Has anyone advised you that you should make
17 a Workers' Compensation claim?

18 MR. MCGARVEY: Hang on a second.

19 I'm going to object to the extent that it
20 seeks legal advice.

21 Other than advice from an attorney, you can
22 answer the question.

23 MR. LONGOSZ: That's fair.

24 BY MR. LONGOSZ:

25 Q. Do you understand that, Mr. Hutt?

1 I'll ask the question again. Other than
2 advice from an attorney, did you seek any advice
3 regarding filing a Workers' Compensation claim or
4 making one?

5 A. Did I seek any advice?

6 Q. Yes, sir.

7 A. No.

8 Q. Did you ever seek any advice from anyone,
9 including an attorney, about filing a Workers'
10 Compensation claim?

11 A. No.

12 Q. Were you ever advised by anyone that you
13 should file a Workers' Compensation claim?

14 MR. MCGARVEY: Again, I object to the extent
15 it's seeking attorney advice.

16 Go ahead and answer the question as long as
17 you don't say anything an attorney told you.

18 THE WITNESS: My cousin told me I needed to
19 seek an attorney's advice. That's the only one I
20 talked to.

21 BY MR. LONGOSZ:

22 Q. And when did your cousin tell you that?

23 A. 2013.

24 Q. And what's the name of your cousin?

25 A. Judy. I don't know her last name.

1 Q. That's okay. If you remember it while we're
2 here today during the deposition, you can go back and
3 give that to us. Okay?

4 Where does Judy reside? Where does she
5 live?

6 A. She's dead.

7 Q. When did she pass?

8 A. A year -- I don't know. It's been recently.

9 Q. Okay. Had Judy made any type of claim for
10 any type of injury?

11 A. Yes.

12 Q. Okay. And where does -- I guess I'm trying
13 to -- where does Judy live, or where did she live
14 before she passed?

15 A. Troy.

16 Q. And do you know what type of claim she made?
17 What was the nature of her claim?

18 A. I don't know.

19 Q. Do you know if she had any other family
20 members who had made claims?

21 A. I don't know.

22 Q. Do you know whether she had lived -- whether
23 she had worked in the mine or the Grace facility?

24 A. I don't know.

25 Q. How did it come about that she told you that

1 you should make a claim in 2013?

2 A. I don't really remember how we got to it, to
3 be honest.

4 Q. Did you know before 2013 that you had an
5 asbestos-related disease or at least that a doctor had
6 identified one?

7 A. In 2002.

8 Q. So from 2002 to 2013, you knew you had an
9 asbestos-related disease; is that correct?

10 A. That's right.

11 Q. Did you know at any time before 2002 that
12 you had an asbestos-related disease?

13 A. No.

14 Q. Did you have any x-rays of your chest before
15 2002?

16 Did you have any x-rays of your chest before
17 2002?

18 A. I don't know.

19 Q. Do you remember who your healthcare
20 providers were before 2002?

21 A. No. I don't remember their names.

22 Q. Let's come back to that. Maybe we'll go
23 through where you lived and when as best we can, but
24 let's get a little more information about you, if
25 that's okay.

1 What's your date of birth?

2 A. December 7th, '42.

3 Q. And where were you born?

4 A. Ishpeming, Michigan.

5 Q. How long did you live in Michigan?

6 A. I don't know. Sixth grade.

7 Q. How did you settle in Montana? When did you
8 settle in Montana? Let me ask it that way.

9 A. '63.

10 Q. Why --

11 A. No. No. '66.

12 Q. And immediately before 1966, where were you
13 located?

14 A. Dachau, Germany.

15 Q. The military?

16 A. (Witness nodded head.)

17 Q. "Yes" or "No." You have to say "Yes." You
18 nodded your head.

19 A. Oh, the military.

20 Q. And what years were you in the military?

21 A. '63 to '66, June 18th to June 18th.

22 Q. What rank did you -- were you enlisted?

23 A. Yes. RA. Specialist.

24 Q. I believe you were in the Army; is that
25 correct?

1 A. Yes.

2 Q. Were you in munitions?

3 A. Artillery.

4 Q. Tell me what you did in the artilleries.

5 A. I was a corporal for the -- when I got to
6 Germany, and then I transferred over to the mess hall
7 and drove mess truck. It was a much better and easier
8 job.

9 Q. You were there before the wall came down?

10 A. Yes.

11 Q. So honorably discharged in '66?

12 A. Yes.

13 Q. After your discharge, did you then go to --
14 where did you move next, to Montana? Where in
15 Montana?

16 A. Troy.

17 Q. Why did you move to Troy?

18 A. My mother and dad had moved there.

19 Q. Do you have any siblings?

20 A. Brother and two sisters.

21 Q. Are they both alive?

22 A. No. Brother died this year.

23 Q. Did he continue to reside before he passed
24 in Montana?

25 A. No. He was in Washington.

1 Q. Washington state?

2 A. (Witness nodded head.)

3 Q. Yes?

4 A. Pardon?

5 Q. Yes? Washington state?

6 A. Yes.

7 Q. Where do your sisters reside?

8 A. In Troy and one in Missouri.

9 Q. So in 1966, when you moved to Troy, Montana,
10 your mother and father lived there. Did any of your
11 siblings live there at the time in '66?

12 A. My mother and dad lived there, and Linda
13 lived there.

14 Q. Linda, one of your sisters?

15 A. Right. And I'm not sure about the other
16 two.

17 Q. That's okay. What type of house did you
18 live in? Was it a trailer? Was it a house?

19 A. It was a -- the first one was a house.

20 Q. Did you obtain employment when you moved to
21 Troy in 1966?

22 A. Yes.

23 Q. Do you recall your employment?

24 A. I can't remember it in order in the time
25 span.

1 Q. Do the best you can. We can maybe fill in
2 the blanks.

3 A. First was I drew unemployment from the
4 military.

5 Q. Do you know some of the names of the --
6 let's put it -- let me help you this way. Maybe we
7 can put it into a time frame.

8 Do you recall when you started working at
9 the Grace facility?

10 A. '68.

11 Q. Okay. So before you started working at the
12 Grace facility, if you remember any of the -- not
13 necessarily the years, but the names of the companies
14 or entities that you worked for.

15 A. I worked for mostly just the independent
16 gypos, the ones who worked for the companies. I have
17 a hard time with the names.

18 Q. Do you remember the type of work you were
19 doing?

20 A. The first job was setting chokers. Ike
21 Dempsey was his name.

22 Q. Okay.

23 A. And I worked for him for just a short
24 period, and then I don't know of one after.

25 Q. Any other types of work you remember other

1 than that first --

2 A. It was all logging. It was either falling
3 timber or -- I run skidder for a little while. I
4 didn't like running skidder.

5 Q. You eventually bought one, didn't you?

6 A. I didn't run it.

7 Q. So you graduated high school?

8 A. No.

9 Q. Were you drafted, or did you enlist in the
10 military?

11 A. I enlisted.

12 Q. So that takes us up to about the time you
13 were at Grace. At the time you worked at Grace, were
14 you living in Troy with your mother and father?

15 A. Yes.

16 Q. During the entire time that you worked at
17 Grace, were you living in Troy with your mother and
18 father?

19 A. For part of it. I lived on Bull Lake Road.
20 That's where they built a house at. I moved to Bull
21 Lake and rented a cabin up there for a month or
22 two months or whatever it was. I don't know how long
23 now.

24 Q. Did there come a time when you went back to
25 live with your mother and father after you rented the

1 cabin?

2 A. Yes.

3 Q. How long did you work at Grace?

4 A. Somewhere around a year and a half. I don't
5 know.

6 Q. I have that you worked there from 1968 to
7 '69. We'll talk more about it and the dates, but
8 that's about 18 months. Does that sound right?

9 A. (Witness nodded head.)

10 Q. Yes?

11 A. I don't know.

12 Q. You're nodding your head. That's why I --

13 A. Oh. I don't know. I don't remember.

14 Q. How did you get the job at Grace?

15 A. My dad.

16 Q. Was he working at Grace?

17 A. Yes.

18 Q. How long had he worked at Grace?

19 A. I don't know.

20 Q. Was he working at Grace when you signed up
21 for the military?

22 A. No.

23 Q. So did he get the job at Grace while you
24 were away in Germany?

25 A. No. I don't know when he got the job.

1 Q. Did he have the job at Grace when you lived
2 at home with him?

3 A. I think so, but I can't remember. There's
4 parts I just can't remember.

5 Q. That's fine. I'll ask maybe a more precise
6 question. If you remember, you can answer it.

7 When you returned from the military in 1966,
8 I believe --

9 A. Right.

10 Q. -- was your dad working for Grace at that
11 time?

12 A. He was working for Boyle's Drilling Company.

13 Q. And then he went over to Grace at some point
14 after that; is that accurate?

15 A. Right.

16 Q. And then after he got to Grace, you got a
17 job at Grace, or your dad got you a job at Grace?

18 A. Right.

19 Q. And after you were no longer working at
20 Grace, was your father still working there?

21 A. I don't know.

22 Q. Why did you leave your employment at Grace?

23 A. I started going to church about that time,
24 and I don't know. I just felt like I should leave.

25 That's the only answer that I can give. That's as

1 close as I can come to telling you.

2 Q. So after you left Grace, were you still
3 living in Troy with your mom and dad?

4 A. I don't remember. I started moving.

5 Q. Moving around?

6 A. Working here and working there.

7 Q. Can you remember when you were next employed
8 by Grace? Strike that.

9 Can you remember when you were next employed
10 after Grace?

11 A. When I bought the skidders.

12 Q. And where were you employed -- let me ask
13 you this way.

14 What area -- was it Montana?

15 A. Yes.

16 Q. Okay. Where in Montana?

17 A. I started along the Bull Lake Road on
18 St. Regis property, and then I moved to the Yaak. The
19 rest of the time was all in the Yaak.

20 Q. When you moved to the Yaak, did you live
21 nearby where you were working?

22 A. I lived in Little Joe on Bull Lake Road.

23 Q. So that's near around Troy?

24 A. Yeah.

25 Q. You pretty much lived out around Troy while

1 you were doing forestry in Yaak?

2 Did you pretty much live in Troy when you
3 were doing your work in Yaak?

4 A. Yes.

5 Q. Do you recall where you moved to next after
6 Troy?

7 A. No, I can't. I don't know where I moved
8 next.

9 Q. Did you move out -- do you recall when you
10 moved out of the state, out of Montana?

11 A. Not the dates.

12 Q. Did there ever come a time when you stopped
13 doing your logging work?

14 A. In between I took different jobs wherever I
15 could find them, but I worked so many different places
16 I can't honestly say where.

17 Q. Did you ever stop or say, I've had enough
18 with logging and sawing and all that. I'm going to
19 just do something else?

20 A. No.

21 Q. Was there ever a time when you gave up
22 logging or sawing?

23 A. In the '90s I got -- I was logging, and I
24 know where I was logging there. I was logging at --
25 for Tucker Engineering, and I was cutting right of way

1 for him, and we was working up on the Canadian border
2 out of Bonners Ferry, and I had to -- I couldn't
3 breathe. I had to quit, and I told him, and he wanted
4 me to come back, but I said, I can't. I just can't do
5 it. I can't breathe.

6 I come down out of the mountains, and I was
7 fine when I went down on the low ground. So that's
8 about the time I quit the -- had to find something
9 else.

10 Q. Did you go see a doctor or get any type of
11 medical exam for your --

12 A. No. At that time I just thought I was just
13 getting -- I was getting old, and I just come down, so
14 I just -- I never went to the doctor unless I
15 absolutely had to.

16 Q. Did you ever have problems breathing before
17 you described in the 1990s when you were up on the
18 Canadian border?

19 A. Not before that I remember.

20 Q. When you were in Troy, living in Troy, did
21 you ever get sick?

22 A. No.

23 Q. Ever see a doctor?

24 A. I don't remember.

25 Q. If you were to go see a doctor if you ever

1 got sick, where would you go? Would you go to the
2 hospital emergency room? Would you go to a clinic?

3 A. To the hospital, I imagine. I don't know.
4 I never was sick very much.

5 Q. When was the first time you can remember
6 having an internist or a family physician?

7 A. In 2000-some, I think. Before that I never
8 went to the doctor unless I sawed my hand or did
9 something.

10 Q. To get some stitches or get some repair
11 there; right?

12 A. Uh-huh.

13 Q. Why did you get a family physician or have a
14 doctor in the 2000s?

15 A. It was 2002.

16 Q. You remember that date quite well. You keep
17 saying 2002. Why do you remember 2002?

18 A. Because that's when I went in to have the
19 x-rays for this. Then I started going to doctors
20 after that.

21 Q. What prompted you to go in to have x-rays
22 for your chest in 2002?

23 A. CARD sent me a letter stating that I needed
24 to do this.

25 Q. Did you know about CARD before then?

1 A. No.

2 Q. Ever hear of CARD before 2002?

3 A. No.

4 Q. Did you ever hear of anyone in Libby or the
5 area getting sick from the work in the mine before
6 2002?

7 A. I don't remember if I did or not.

8 Q. Where did CARD send you this letter? Where
9 were you living?

10 A. In Roseburg.

11 Q. Oregon?

12 A. (Witness nodded head.)

13 Q. Yes?

14 A. Yes.

15 Q. And do you know how they found you in
16 Oregon?

17 A. I don't know.

18 Q. What did the letter say?

19 A. I don't remember.

20 Q. Do you have that letter?

21 A. I don't believe so.

22 Q. What did the letter tell you to do?

23 A. The letter said to get tests run.

24 Q. Did they tell you to go get a -- did you
25 talk to anybody at the CARD?

1 A. Yes. I talked to them, and I said I didn't
2 have the -- I didn't have the money to get all these
3 tests, and they sent me some kind of a card.

4 Q. That would pay for the tests?

5 A. They said they'd pay for 100 percent, but
6 they only paid for part, and I was working in
7 Roseburg. The guy at Roseburg, he took care of the
8 part that they didn't pay for for me.

9 Q. What type of work were you doing in
10 Roseburg?

11 A. Janitorial.

12 Q. So the employer said he'd take care of the
13 rest or did take care of the rest of the expenses?

14 A. They took care of the rest.

15 Q. Did you ever go and follow up with CARD
16 after you had the test?

17 A. In 2013, I think. I have a hard time with
18 dates.

19 Q. But it wasn't right away in -- CARD sent you
20 that in 2002, and you had the tests, and the tests
21 were sent to CARD; is that right?

22 A. Right.

23 Q. Did you follow up with CARD after 2002 until
24 2013 or '14?

25 A. Yes. They kept sending letters, and I'd

1 answer them at different times until I got tired of
2 answering them.

3 Q. What type of letters did they send you?

4 A. Just about meetings and different things
5 that was going on up there inviting me to them.

6 700 miles is a long way to go.

7 Q. Did you keep any of those letters or any of
8 the things they sent you?

9 A. No.

10 Q. And you never went to any meetings?

11 A. No.

12 Q. You mentioned 2013. I saw a note saying
13 2014. Does that sound about right, that time period?

14 A. Yes. Sometime in --

15 Q. From 2002 to 2013 or '14, you did not go to
16 the CARD Clinic; is that correct?

17 A. Not that I remember.

18 Q. Okay. And let's say you went there in 2013
19 or '14. After that visit, did you go to the CARD
20 Clinic at any other time after that?

21 A. I think one other time.

22 Q. And that was this year in June?

23 A. Yes.

24 Q. And why did you go this year in June? Did
25 somebody tell you you should, or did they call you up?

1 What was your reason for going in June of this year?

2 A. Because the lawyers told me to -- I need to
3 go.

4 Q. How did you get here today? Did you fly or
5 drive, take a train?

6 A. Flew.

7 Q. And in June how did you get to Montana? Did
8 you fly then as well to go to the CARD Clinic, or did
9 you drive?

10 A. In when?

11 Q. In June, when you went June of this year to
12 the CARD Clinic.

13 A. Flew.

14 Q. You didn't pay for the ticket, did you?

15 A. Pardon?

16 Q. You didn't pay for the ticket, did you?

17 A. No.

18 Q. Did you receive any type of medical care and
19 treatment after the visit in 2002 in Oregon?

20 A. Yes. It started sometime after. I don't
21 know the exact date, but they put me on them breather
22 things. They put me on the regular one, the one I got
23 in my pocket first. It didn't -- these. (Witness
24 indicated.)

25 Q. The inhaler?

1 A. And then they prescribed the -- some
2 different ones, some with dry stuff. I don't remember
3 the names, but all I remember is they cost a lot of
4 money.

5 Q. Who was paying for that?

6 A. Medicaid. Atrio or whatever the company is
7 that takes care of it for them.

8 Q. So going back in time, in 2002 you were
9 living in Oregon?

10 A. Yeah. Yes, I lived in Oregon.

11 Q. So let's fill in the gap between time. I
12 think where we left off was leaving Montana --
13 actually, you're still in Montana, but in, I believe
14 you said, around the 1990s you were doing work at the
15 Canadian border, couldn't breathe, and that's when you
16 decided you were going to stop logging; is that
17 correct?

18 A. That's right.

19 Q. Were there any logging jobs or did you look
20 for any logging jobs where you didn't have to go into
21 the high altitude?

22 A. No.

23 Q. And when you decided -- when you were doing
24 work along the Canadian border, where were you living,
25 up there?

1 A. In Sandpoint.

2 Q. How long had you been living up there?

3 A. I don't recall.

4 Q. When did you leave Troy or the Troy area to
5 go work at the Canadian border? Do you remember the
6 year?

7 A. No, I don't remember.

8 Q. When did you move to Oregon?

9 A. In the late '90s.

10 Q. Is that the first time you moved to Oregon?

11 A. Yes.

12 Q. Was it the same area you're living in now?

13 A. Right around that area, yes.

14 Q. Okay. And why is it you moved to Oregon?
15 Why did you move to Oregon?

16 A. The wife's family was down there at that
17 time.

18 Q. Let me ask you a couple more personal
19 questions. Are you currently married?

20 A. No.

21 Q. What's the status of -- you were married at
22 one time; correct?

23 A. Right.

24 Q. What happened with that marriage? Divorced?
25 Separated? Wife pass on?

1 A. Divorced.

2 Q. Do you recall when you got married?

3 Were you married at the time you worked for
4 Grace, just to try to put some time --

5 A. No.

6 Q. It was sometime after that?

7 A. I was married when I went in the service,
8 got divorced when I was in the service.

9 Q. Okay.

10 A. She divorced me. I got married again in the
11 '70s.

12 Q. Were you divorced from that marriage?

13 A. Yes, but I got married --

14 Q. That's okay.

15 A. I got married again in the '90s, got
16 divorced, got married again in the '90s -- I can't
17 tell you how many times -- to the first wife. Five
18 times, I think. This time we're just together. It
19 works better that way.

20 Q. On that note, we've been going for almost an
21 hour. I need to take a break, so if we could take
22 just five minutes and get back at it. Okay?

23 A. Okay.

24 MR. LONGOSZ: Thank you.

25 (Break held from 10:20 a.m. to 10:28 a.m.)

1 BY MR. LONGOSZ:

2 Q. Okay. Going back to your marriages and your
3 divorce, you're currently married; correct?

4 A. No.

5 Q. You're not?

6 A. (Witness shook head.)

7 Q. Are you divorced?

8 A. Yes.

9 Q. So your marital status right now is, you are
10 not married to anyone; correct?

11 A. That's right.

12 Q. I just want to make sure, because from that
13 last comment, I think -- you said it worked better
14 that way probably. So do you live on your own?

15 A. I live with my ex-wife.

16 Q. That's it. Okay. All right. Now I get it.
17 And your dog?

18 A. Pardon?

19 Q. Do you have a dog? A dog?

20 A. Yeah.

21 Q. And your dog? You live with your ex-wife
22 and your dog?

23 A. Well, her dog.

24 Q. Her dog. We need to be clear.

25 A. It's only my dog when she leaves for the

1 weekend and goes and visits her daughter. Then it's
2 my dog.

3 Q. Do you have any biological children?

4 A. I have two.

5 Q. If you could give me their names and ages.

6 A. I can give you the names.

7 Q. Okay.

8 A. James Vern Hutt.

9 Q. And I think you said you have a daughter as
10 well?

11 A. LaShauna -- her last names skips me.

12 Q. Because she's married?

13 A. She was. I don't know if she is. Her and
14 her husband is having problems. She's -- and I can't
15 think of what his name was now. She lives in
16 Illinois.

17 Q. And where does your son live?

18 A. He's in Missoula.

19 Q. And just to put it in a time frame, were
20 they born in the '70s, '80s or '90s?

21 A. In the '70s. One was in Libby, and one was
22 in Kalispell.

23 Q. Did either of them ever work at or near the
24 Grace facility?

25 A. No.

1 Q. Did they go to any school in Libby?

2 A. Yes.

3 Q. Both of them?

4 A. I don't know. It was in the --

5 Q. In the '70s?

6 A. No. I lived in Libby in the '80s sometime
7 for a little bit, and they went to school there before
8 we left.

9 Q. Where did you leave to go to from Libby?

10 A. Wyoming.

11 Q. Did you do logging in Wyoming?

12 A. Yes.

13 Q. And then how long were you in Wyoming
14 approximately?

15 A. I don't really know. Two, three years.

16 Q. After Wyoming, where did you go to?

17 A. Alamogordo, New Mexico.

18 Q. What did you do in New Mexico?

19 A. Logging.

20 Q. About how long were you in New Mexico?

21 A. Until the end of the '80s, sometime in
22 there.

23 Q. Were your children traveling with you when
24 you went to Wyoming and New Mexico?

25 A. Yes.

1 Q. Where did you go from -- after you left
2 New Mexico?

3 A. Back to here, Kalispell.

4 Q. Then how long did you live in Kalispell?

5 A. Just a few months.

6 Q. Okay. Where did you go from there?

7 A. Troy.

8 Q. And then from Troy, where did you go? Is
9 that when you -- I think we're in the '90s by now;
10 right?

11 A. From Troy I went to Judith Gap, I believe.
12 I got the job down there through the employment
13 office.

14 Q. Okay. Did you do logging?

15 A. Yes.

16 Q. Did you go live there as well?

17 A. Yes, in Judith Gap.

18 Q. And then from there where did you go?

19 A. Me and the wife got divorced there, and then
20 I went to California. I didn't live there. I just
21 went there.

22 Q. And after you went there, I presume you went
23 somewhere else after California. Where did you go
24 after that?

25 A. Wyoming.

1 Q. Back to Wyoming. Are we still in the '90s?

2 A. Still in the '90s.

3 Q. All right. From Wyoming where did you jump
4 over to?

5 A. Idaho.

6 Q. How long were you in Wyoming and Idaho?
7 Just sort of a rest stop?

8 A. Yeah. Just a stop on the way.

9 Q. All right. And after Idaho, where did you
10 go?

11 A. Where did I go? Somewhere in there I went
12 to Washington, back to Idaho. Years, I don't know
13 what they were. And then to -- from Idaho to Oregon.

14 Q. And that became permanent? Oregon, that
15 became permanent?

16 A. Yeah. Finally.

17 Q. Now, did you ever leave Oregon and come back
18 to live in the Troy or Libby area at any time? It
19 looked like you came --

20 A. Yes.

21 Q. Tell us about that, the reasons for it. How
22 did you come to do that?

23 A. Well, I got divorced again, and I never did
24 come back to work. I just come up for a vacation and
25 visited with my sister for a week sometime in the

1 '90s. No, it wasn't in the '90s. It was in 2000s.
2 That's the only -- until the tail end here when I come
3 up.

4 Q. At any of your visits or trips other than
5 the two times that you mentioned to us in 2013 or '14
6 and then 2018 visiting the CARD Clinic, did you visit
7 the CARD Clinic at any time when you were here in the
8 Libby area?

9 A. Not until the 2000s.

10 Q. Then did you ever attend any community
11 meetings or meetings in the Libby area?

12 A. No.

13 Q. Did you ever see any kind of
14 advertisements --

15 A. No.

16 Q. -- bulletins, circulars emanating out of
17 Libby?

18 A. Not until the 2000s.

19 Q. In the 2000s what did you see or do? Did
20 you go to any community meetings in the 2000s?

21 A. No.

22 Q. In the 2000s what you're talking about --

23 A. Well --

24 Q. Go ahead, please.

25 A. Well, it's -- what do you mean by

1 community -- or committee meetings?

2 Q. Community meetings. Are you aware of any
3 meetings that the community, the Libby community had
4 regarding W.R. Grace or asbestos, things of that
5 nature?

6 A. Just from 2002 on, when they started sending
7 me their letters and their stuff. They was talking
8 about it, and I would look at them, but they sent so
9 many of them, and I couldn't come back to Libby and go
10 to them, so --

11 Q. At any time when you were in Libby or the
12 Libby area from 2002 to the present, did you ever go
13 to any meetings in Libby or the area?

14 A. No.

15 Q. Have you ever filed any other lawsuits other
16 than the one in this case?

17 A. I think one years ago when I first got back
18 from the service. I was driving down the road, and a
19 guy stopped the car. I was on the driver's side. I
20 got out to see what he wanted. I walked up the road,
21 and he hauled off and hit me alongside the head. I
22 took him to court. That's the only time I've ever
23 been in --

24 Q. Any time arising out of your employment?
25 Have you ever filed any Workers' Compensation claim

1 associated with your employment?

2 A. Just the -- I've been ruptured a few times,
3 and they -- they've took care of them.

4 Q. Hernias?

5 A. Right. Had three of them, I think.

6 Q. That was back in, what, the '70s or '80s?

7 A. One was in the '60s.

8 Q. '60s.

9 A. The other two was in the 2000s.

10 Q. So when you had that, you reported it, and
11 they took care of it; is that right?

12 A. Yeah.

13 Q. So you knew how -- if you had a work-related
14 injury, you knew how to report that? You would report
15 that to your employer; correct?

16 A. Pardon?

17 Q. If you had a work-related injury -- the
18 rupture was a work-related injury; correct?

19 A. Right.

20 Q. And you knew to report that to your
21 employer; correct?

22 A. Yes. I did that.

23 Q. I have to ask you this personal question
24 because it's on my list. Have you ever been convicted
25 of a crime?

1 A. What do you consider a crime?

2 Q. Do you have any -- do you have any
3 convictions of any criminal activity? I mean, it's --

4 A. I was sleeping in my car one time, and I got
5 picked up.

6 Q. All right. No comment on the record to that
7 one.

8 Anything else?

9 A. When I was a kid.

10 Q. Other than that?

11 A. No.

12 Q. It's my understanding that -- I was asking
13 you about any other claims. Do you know that a claim
14 against the W.R. Grace trust has been made in your
15 behalf?

16 A. Do I know?

17 Q. Yes. Are you aware of that?

18 A. I don't know if I am or not. I didn't ask
19 for it, I don't think.

20 Q. Did you ask for the lawsuit in this case to
21 be filed against Maryland Casualty?

22 MR. MCGARVEY: Hang on a second. Don't
23 answer that.

24 I'm going to object. Invades attorney/
25 client privilege.

1 BY MR. LONGOSZ:

2 Q. Do you know of any other claims other than
3 the lawsuit against Maryland Casualty that's been made
4 on your behalf?

5 A. I don't know.

6 Q. We were talking about what we're doing here,
7 the deposition and whether you gave any testimony.
8 You mentioned the one in the military, the
9 investigation where you gave a statement, at least.
10 Other than in this setting, have you talked with any
11 individuals, other than your lawyer, about your case,
12 about your history, about where you worked?

13 A. Doctors.

14 Q. Okay. And when you talk to doctors, what do
15 they do, ask you questions --

16 A. Yeah. About my lungs, about -- I've got to
17 tell them what I've got wrong with me.

18 Q. Right. So you give a history, so to speak,
19 to the doctors?

20 A. Right.

21 Q. And tell them how you're feeling?

22 A. (Witness nodded head.)

23 Q. Correct?

24 A. And what I've got.

25 Q. What you've got and when you got it? Do you

1 give them that information?

2 A. They never ask for that information. They
3 just ask for the -- what I've got, what's wrong with
4 you so they know what to prescribe you.

5 Q. And when you talk to the doctors, you give
6 truthful and honest answers and information to them;
7 correct?

8 A. As much as I can.

9 Q. And do the doctors, to your knowledge,
10 record that information that you give them? Do they
11 listen to you?

12 A. They -- I would imagine, but I don't know
13 that they -- I don't know if they record it or not.

14 Q. Do they ever ask you questions?

15 A. Just how I feel.

16 Q. And when they ask you those questions, you
17 truthfully and accurately tell them how you feel as
18 best you can?

19 A. Sometimes. Sometimes I -- well, I tell them
20 how I feel right then, but I don't -- if I've had
21 something and I get over it, I don't mention it too
22 much.

23 Q. So you're giving a real-time answer?

24 A. Right.

25 Q. Do you remember -- so you had -- we have

1 medical records that start in 2002, when you went to
2 go get that chest x-ray. We have records from that
3 point in time. I think you had a heart issue when you
4 had a stent --

5 A. No. I never --

6 Q. I'm sorry.

7 A. I never -- that wasn't in 2000. Yeah.
8 2002.

9 Q. Right. When CARD sent you that letter and
10 told you to go --

11 A. Right.

12 Q. And you went over to the hospital in Oregon;
13 right?

14 A. Right.

15 Q. Do you remember the name of the hospital?

16 A. Mercy Medical Center.

17 Q. Did you see a doctor at Mercy?

18 A. Yes.

19 Q. Did you bring forms to fill out?

20 A. I believe.

21 Q. And then you've gotten care and treatment
22 since then. Do you remember having care and treatment
23 for a heart condition?

24 A. Right.

25 Q. And they put a stent in for you?

1 A. Right.

2 Q. And it made you feel better?

3 A. Yeah.

4 Q. And along the way I know you've had some
5 issues with weight. Have doctors told you to lose
6 some weight, that you'll feel better if you lose
7 weight?

8 A. Yeah.

9 Q. Now, have you talked -- I know it looked
10 like from some of the materials I received, when you
11 were in Libby in June of -- I think it was June of
12 2018, you talked to a number of people; is that right?

13 A. That's right.

14 Q. And you talked to people over at the CARD
15 Clinic; is that right?

16 A. That's right.

17 Q. Do you remember talking to a Dr. Black
18 there?

19 A. Yes.

20 Q. And he asked you a bunch of questions about
21 yourself and your condition and that sort of thing?

22 A. I think so.

23 Q. And you told him -- you gave him true and
24 accurate information to the best of your ability?

25 A. I think so.

1 Q. And then did Dr. Black record -- have a tape
2 recorder that recorded any of the information you gave
3 to him?

4 A. I don't know.

5 Q. And then you talked with some other
6 individuals. Do you remember those individuals you
7 spoke with?

8 A. When was this?

9 Q. This is in June of 2018.

10 A. I remember some of them, but I don't
11 remember the names.

12 Q. Were they people outside the CARD -- not
13 with the CARD Clinic?

14 A. Yes.

15 Q. Who set those meetings up for you?

16 A. I don't know.

17 Q. Who told you to go to those meetings?

18 A. The lawyer.

19 Q. Okay. And do you remember talking with a
20 Dr. Redlich?

21 A. Yes.

22 Q. And where did you talk with her, in Libby or
23 here in Kalispell?

24 A. In Libby.

25 Q. And did she interview you?

1 A. Yes.

2 Q. Much the same way that we're having a
3 conversation today?

4 A. I believe so.

5 Q. Do you remember the conversation you had
6 with her?

7 A. I don't remember.

8 Q. Did she record any of the information that
9 you provided her?

10 A. I don't know.

11 Q. Do you know if she had a tape recorder?

12 A. I don't know.

13 Q. Did she take notes?

14 A. I don't know.

15 Q. You were sitting -- were you sitting in a
16 room with her?

17 A. Yes, I was in the room with her.

18 Q. I was just making sure whether it was a
19 personal interview, or was it by phone?

20 A. No. It was personal, but I have a hard time
21 remembering different things. I've been trying to
22 remember so much it gets confusing.

23 Q. I'm just trying to test your memory from a
24 few months ago, so that's -- but you really don't
25 remember the conversation?

1 A. I don't remember.

2 Q. Did you speak with anybody else at that time
3 or have an interview with anyone else?

4 A. I talked to a lot of people up there, but I
5 don't know what their names was. Different doctors
6 and nurses. There was quite a few of them in there.

7 Q. Did you talk to Dr. Redlich at the CARD
8 Clinic?

9 A. Right.

10 Q. Do you remember talking with a gentleman by
11 the name of Dr. Spear?

12 A. I don't remember the name, but --

13 Q. Do you ever remember talking with a
14 Dr. Colella?

15 A. I don't remember the name.

16 Q. Do you remember talking with a Jennifer
17 Crowley?

18 A. I remember that name, but I don't remember
19 the conversations.

20 Q. Do you remember sitting down and talking
21 with her?

22 A. Yes.

23 Q. Do you remember whether she took notes?

24 A. I don't know.

25 Q. Do you know if -- do you remember whether

1 she recorded any of the conversation?

2 A. I don't know.

3 Q. Did you prepare -- do you remember whether
4 you've ever prepared any type of, I'll call it,
5 declaration, an affidavit, a statement, recording your
6 condition or where you lived or where you worked for
7 anybody?

8 A. Yes. I made them up for somebody, but I
9 don't remember who.

10 Q. Okay. Do you remember when you did that?

11 A. No.

12 Q. Was it in the last year?

13 A. I think so.

14 Q. Was it around the June time frame?

15 A. I don't know.

16 Q. Again, you can only tell us what you
17 remember, sir. You're doing fine.

18 A. I've had to think of so much stuff, and it's
19 all in there rolled up in a ball. It's hard to pull
20 it out.

21 Q. By the way, do you go by any nicknames?

22 A. No.

23 Q. Just Ralph?

24 A. Just Ralph.

25 Q. You mentioned your brother and two sisters.

1 Do you have any other aunts or uncles that are -- or
2 cousins that are still alive and living in the Libby
3 area?

4 A. I've got cousins. I don't know them all,
5 the names, that's in Libby. All my aunts and uncles
6 are dead.

7 Q. Aunts and uncles would go by -- at least
8 their original names would be Hutt? Their given names
9 would be Hutt?

10 A. No.

11 Q. What were your aunts' and uncles' names?

12 A. Stindt.

13 Q. Stent as in S-T-E-N-T?

14 A. S-T-N-D-T (sic), I believe.

15 Q. Okay.

16 A. And Eggleston, and I don't think they're
17 here anymore. There was Moore, but I think they're
18 down in Arkansas, all of them.

19 Q. What was that name, Moore?

20 A. Moore.

21 Q. M-O-O-R-E or M-O-R-E?

22 A. I don't know. I ain't good at spelling.

23 Q. Phonetically it's Moore; right?

24 A. That's why I don't write, because I can't
25 spell.

1 Q. Okay. Did any of your aunts, uncles,
2 cousins -- did any of them ever work at the Libby
3 facility?

4 A. My dad worked there. My brother worked
5 there. My -- Frank Stindt, he worked there.

6 Q. I'm sorry. I didn't catch that.

7 A. Stindt, Frank Stindt, he worked there.

8 Q. Okay.

9 A. And Martin Bower, my brother-in-law, he
10 worked there, and I'm probably forgetting some, but
11 them I know.

12 Q. When you left the Libby facility in '69,
13 were any of those individuals that you mentioned still
14 working there?

15 A. I don't know.

16 Q. Was your father and brother still working at
17 the facility when you left?

18 A. I don't know.

19 Q. You don't remember?

20 A. Don't remember.

21 Q. I have that you worked at the Libby
22 facility -- at the Grace facility in Libby from March
23 1968 to October 1969. Does that sound about correct?

24 A. Yes. I believe.

25 Q. That's the information that's been provided

1 to us.

2 A. Right.

3 Q. It sounds around the time frame; correct?

4 A. It sounds around it because I didn't --
5 couldn't remember exactly the time.

6 Q. My understanding is you only worked for them
7 the one time during that time period?

8 A. One time.

9 Q. From Grace, when you started working there,
10 did you receive any type of training?

11 A. No.

12 Q. Did you just show up for the job and they
13 told you what to do?

14 A. Right.

15 Q. Did you have a foreman or foreperson,
16 supervisor?

17 A. DeShazer.

18 Q. Do you remember DeShazer's first name?

19 A. No.

20 Q. Did you work with your father or brother
21 when you were at the mine or facility?

22 A. No.

23 Q. So when you showed up, you got -- Grace gave
24 you no training?

25 A. Pardon?

1 Q. When you showed up for work the first day or
2 any day thereafter, Grace gave you no training?

3 A. DeShazer handed me a broom and told me to go
4 into the dry mill and sweep. I went in there, and
5 there was dust from one end to the other. You'd sweep
6 it, and it would boil up and fall back down behind
7 you.

8 Q. Were there other people in the dry mill
9 sweeping like you?

10 A. Yes.

11 Q. Are there any -- do you remember any of your
12 coworkers' names?

13 A. Just Pat Patten. He drove a truck up at
14 the -- he was married to my cousin. He drove a truck
15 up at the mine. I remember him being there.

16 I can't remember any other names. Him and
17 DeShazer was the only two from then that stuck in my
18 mind.

19 BY MR. LONGOSZ:

20 Q. Did DeShazer ever give you a respirator or a
21 mask to wear when you were doing your work?

22 A. They had the paper deals, and he told me
23 that you could -- you could wear them if you wanted or
24 not. He said it was just dust and it wouldn't hurt
25 you. It was just a nuisance to you.

1 So I tried it, and it plugged up. I took it
2 off and never wore it after that because he said it
3 was just -- it wouldn't hurt you.

4 Q. DeShazer told you that -- the W.R. Grace
5 employee, DeShazer, told you it wouldn't hurt you?

6 A. Right.

7 Q. Did you believe him?

8 A. Yes.

9 Q. When your mask plugged up, did you attempt
10 to unplug it or get a new mask?

11 A. No.

12 Q. Did you ever discuss the dust with your
13 father or brother?

14 A. I don't remember.

15 Q. Did you ever discuss with your father and
16 brother the work that they did at the --

17 A. Pardon?

18 Q. Did you ever discuss with your father or
19 brother the work that they did at the Grace facility?

20 A. No.

21 Q. And just so I'm clear, when you were at the
22 Grace facility, you were employed by W.R. Grace; is
23 that correct?

24 A. That's right.

25 Q. That's who you got your paycheck from; is

1 that right?

2 A. That's right.

3 Q. Did you see or observe any signs that
4 W.R. Grace put in the facility about dust?

5 A. I don't remember. There were signs, but I
6 don't remember what was on them.

7 Q. Do you remember ever attending any type
8 of -- I call them brown-bag meetings, but meetings
9 about safety in the facility provided by W.R. Grace?

10 A. I remember them, but I don't remember what
11 was ever said in them.

12 Q. Were you a member of the union?

13 A. Yes.

14 Q. Did you ever go to any union meetings while
15 you were employed by W.R. Grace?

16 A. I don't remember.

17 Q. Do you remember getting any information from
18 the unions about the dust at the W.R. Grace facility?

19 A. I don't remember.

20 Q. Do you remember discussing with your father
21 or brother the union and union meetings relating to
22 the W.R. Grace facility?

23 A. I don't remember.

24 Q. Again, do you ever remember discussing dust
25 at the W.R. Grace facility with your father or

1 brother?

2 A. I don't remember.

3 Q. What jobs did your father and brother have
4 at the W.R. Grace facility?

5 A. I don't recall that.

6 Q. They did not work with you; is that correct?

7 A. No.

8 Q. Do you know whether your father or brother
9 wore respirators or masks --

10 A. I don't know.

11 Q. Did you see other individuals at the
12 W.R. Grace facility wearing respirators or masks while
13 they were doing their work?

14 A. Just one.

15 Q. Did you ever make a complaint about the dust
16 or the amount of dust at the W.R. Grace facility to
17 DeShazer or anybody else associated with W.R. Grace?

18 A. Told him it was awful bad, and he said it
19 wouldn't hurt you, so that's the only -- and --

20 Q. Are you aware of anybody --

21 MR. MCGARVEY: Hang on. I think he was
22 still answering.

23 BY MR. LONGOSZ:

24 Q. I'm sorry. Please go ahead.

25 A. I heard other people in there talking about

1 the dust, but it was just dust everywhere. I mean, if
2 you worked in the place, there was dust. You just
3 accepted the dust.

4 Q. And what did the other people talk about?
5 Tell me about the --

6 A. Just how bad it was and that you just
7 swept it and the thing would come over top of you
8 and fall back on you and on the floor, the fines. You
9 could sweep the heavy stuff, but the fines, they just
10 flew all over the place.

11 I bid off of that construction. I went to
12 working the skip, and I wanted -- you had to bid on
13 stuff for to get -- for to leave one job to another,
14 and I hadn't been there very long, and I got it. I
15 thought it was a pretty good -- pretty nice job
16 compared to sweeping, but there was dust you wouldn't
17 believe in there.

18 I'd send them cars down the hill, and you
19 had to fill them up. It worked like a trolley car
20 with an electric -- you had to run those cars down the
21 mountain, and you were sitting in a little six-by-
22 six plyboard room, Plexiglas windows, and the car
23 would go down, and you'd stop it, and you'd fill it
24 up. The other one would dump while you was filling
25 it. You'd count the numbers, one thousand one, one

1 thousand two, and make sure the one dumped, and you'd
2 pull the new car down, push the lever and fill the
3 car.

4 The car was, like, just an ore car, and the
5 thing set about that far above the car, and they
6 gravity fed out. When you punched the button, the
7 vermiculite would run into the car. You'd put a
8 little heap on it like that, and then you'd send it
9 down the hill.

10 When the wind was blowing, as it headed down
11 there, that wind would blow that stuff right back,
12 blow it right up in there, and it was really bad in
13 there.

14 Q. Did you wear a mask while you were working
15 that job?

16 A. I had one. Tried wearing it part time, but
17 you couldn't breathe, and you had to see. You had to
18 wipe the window off because the dust would get on the
19 window. It wasn't a nice place.

20 Q. Did you ever make a complaint or report
21 that?

22 A. Yeah, but there was -- that was just the
23 job.

24 Q. So who did you report it to? Someone at
25 W.R. Grace?

1 A. DeShazer. He was the guy I knew most there,
2 so he was the one I talked to.

3 Q. And what did DeShazer do with your report of
4 that?

5 A. I don't know. Because he's the one that
6 said it wouldn't hurt you, so I figured it was just
7 dust. It didn't -- it would cover you. You'd have to
8 sweep yourself off at night. They told you not to use
9 the air hoses. They had air hoses there that you
10 could blow yourself off with, and so you'd just take
11 a -- brush yourself or get a broom and try to sweep
12 yourself off the best you could.

13 Q. At the end of the day?

14 A. Yeah.

15 Q. Did you wear overalls?

16 A. Just Levi's and a shirt.

17 Q. Did you change your clothes before you went
18 home?

19 A. No.

20 Q. You decided to bring the dust home with you?

21 A. Right.

22 Q. What did you do with your clothes at home?

23 A. Pardon?

24 Q. What did you do with your clothes at home?

25 Did your mother wash them?

1 A. Mother would wash them.

2 Q. Where would you change? Did you have a
3 changing room at home --

4 A. No.

5 Q. -- or a mud room or outside?

6 A. No. I'd just change.

7 Q. Did your father bring his clothes --

8 A. I'd knock them -- you'd knock it off as much
9 as you could outside, make sure there was nothing that
10 you could see on them, anyway.

11 Q. Okay. So did you have another job? You did
12 the skip job and --

13 A. I got out of there as quick as I could. I
14 bid up to the mine, around the transfer point.

15 Q. Okay.

16 A. And that wasn't -- that was another bad one.
17 I had a knack at picking them that wasn't good. You
18 sat underneath where the Euclid trucks dump the ore
19 down into the grizzly, and you was right underneath
20 the clangity-clangity boom all the time, the ore
21 running out down the belt.

22 It wasn't too bad from that end of it. What
23 was bad was, when the wind would blow, it would blow
24 it off the dump into the opening into there. You'd
25 sit in a little shack in there at a control board and

1 put the ore where it was supposed to go down below.

2 It wasn't too nice of a place either.

3 Q. Was it better than the other two?

4 A. It was a little better than the one down
5 below, but it was still bad. The wind blowed up there
6 so much, and the -- when the belts would plug every
7 now and then, you'd -- something would happen, and the
8 belt would plug. If you didn't catch it in time, all
9 the stuff would roll off, and you'd have to shovel it
10 back on the belt by hand.

11 You had to drive the truck over and dump the
12 ore over the bank, and that wind really whistled up
13 the draw and come over top of that dump that they
14 dumped the stuff up over.

15 Q. Did you wear a mask or respirator when you
16 worked that job?

17 A. I had one to try wearing it, but when the
18 thing plugged, you had to pick one up down below, and
19 there was nobody up there that wore a mask except that
20 one guy, and he bought his own. He bought one of the
21 ones with the -- big ones like you see, like the gas
22 mask in the military. He had one of them.

23 I asked about one of them, but they said
24 that you'd have to buy your own.

25 Q. You asked W.R. Grace?

1 A. (Witness nodded head.)

2 Q. Did you ask DeShazer about that?

3 A. Yeah, I think so. I asked -- I don't
4 remember which one I asked now, but I asked someone,
5 and they said that he bought his own mask. If you
6 wanted to wear one, you had to wear those paper ones.
7 That's what I was told, anyway.

8 Q. Is there a reason why you didn't buy one?

9 A. Didn't have the money. Young fellow. You
10 spend a lot of money when you ain't married, you're
11 young and you get back from the military.

12 I figured -- in the military, if they was
13 going to do something that hurt you, they'd stand you
14 up in formation and say, You're going to go do this,
15 and only about two of the whole bunch of you is going
16 to come back. The rest of you is going to stay there.
17 They told you what was going on. They didn't send you
18 out there to do something and not tell you how bad it
19 was.

20 Q. Did you think all that dust couldn't be good
21 for you?

22 A. I'm in a dusty -- in the house, you know,
23 you -- Ma would dust stuff and dust would be off, and
24 it never bothered people. Didn't bother them. And
25 beings DeShazer told me that it wouldn't bother you, I

1 took him at his word. He worked for the company. He
2 was the boss. He surely wouldn't tell you that the
3 stuff wouldn't hurt you if it would hurt you.

4 Q. At any time did you think that that dust
5 might hurt you?

6 A. No. I took him at his word.

7 Q. And you can't remember what any warning
8 signs or signs said?

9 A. I don't remember them.

10 Q. And you don't remember going to any union
11 meetings or having discussions with the union about
12 the dust in the facility?

13 A. No. I imagine I made a union meeting or so,
14 but I don't remember if I did or not. That was a long
15 time ago.

16 Q. I understand. Did you ever report the dust
17 conditions to the union and tell them that -- and ask
18 them about this dusty condition?

19 A. I don't remember.

20 Q. Did you talk to any of your other coworkers
21 about the dust?

22 A. Pardon?

23 Q. Did you ever talk to any of your other
24 coworkers about the dust?

25 A. We complained to each other about them, but

1 that's -- like workers, but it's strange. I can't
2 remember anybody that I was up there with. I know
3 there was people around. I cannot remember them.

4 Q. After you worked at ore -- you explained the
5 ore gig. What did you do after that? You worked in
6 another location in the mine?

7 A. I bid off it, and I bid over on the dozer
8 out on the dump. That was when I left was on that.
9 It wasn't -- it was about as bad as the other one with
10 the dust blowing.

11 The old dozer wouldn't run. They wouldn't
12 replace the starter on it. You had to park it with
13 the blade up and coast it down the hill to start it,
14 so whenever you parked it, you had to park it and put
15 a block of wood underneath the blade so that when the
16 next shift come on they could fuel it up and coast it
17 down the hill.

18 Q. It had a clutch? It had a clutch so you
19 could get it going?

20 A. Yeah. It was an old D7. Old cable job is
21 what we used on it. They kept the new one down in the
22 pit. I only went down in the pit once.

23 Q. Other than DeShazer, is there anybody else
24 that was your supervisor or foreman or gave you
25 direction?

1 A. There was, but I can't remember their names.
2 There was one up at the -- and I can't remember his
3 name. They didn't come around very much. The only
4 time they come around is if something went haywire.
5 As long as everything was running smooth, I never seen
6 anybody. I'd go for weeks without a soul coming to
7 see me up at the mine.

8 Q. Did you know of anybody up at the mine or
9 the Grace facility who had any type of medical issue
10 because of the dust?

11 A. Not while I was there.

12 Q. How about after you were there?

13 A. Not until in the 2000s, when I went up to
14 see my sister. I wasn't around there that much. I'd
15 just come and go, passing through.

16 Q. Did anybody at this Grace facility -- did
17 Grace have you take an x-ray or give you an x-ray?

18 A. Yes.

19 Q. When was that?

20 A. When I got hired.

21 Q. So back when you first were hired, you had
22 an x-ray?

23 A. Yeah. I had to fill out a -- what do you
24 call it? A piece of paper.

25 Q. Like an employment application or something

1 like that?

2 A. Yeah, employment application. And turned it
3 in, and then they sent me over to, I think it was, the
4 hospital or clinic. I don't remember exactly which it
5 was, but it was somewhere. It must have been the
6 hospital because they took x-rays.

7 Q. Was that the only x-ray you received when
8 you were at Grace?

9 A. I think they took one right before I left at
10 the start of that next year, and that was the last
11 one.

12 Q. Did anybody ever tell you -- did your
13 employer, Grace, ever tell you what the result of the
14 x-ray was?

15 A. No.

16 Q. Did they ever tell you the result of the
17 first x-ray?

18 A. No.

19 Q. Did they ever tell you the result of the
20 second x-ray?

21 A. No.

22 Q. Did anybody from the union ever give you any
23 handouts or literature about working at the Grace
24 facility?

25 A. I don't remember.

1 Q. Did Grace give you any handouts or
2 literature before you started the job?

3 A. I don't remember.

4 Q. Do you remember whether Grace had any type
5 of worker safety meetings?

6 A. I think they did, but I don't remember. I
7 vaguely remember something about safety meetings, but
8 I don't remember them.

9 Q. Did you ever go to those meetings?

10 A. I don't know.

11 Q. Do you know if your father and brother were
12 union members?

13 A. You had to join the union to work there.

14 Q. Okay. Did you ever talk with your father or
15 brother about union meetings?

16 A. To tell you the truth, I didn't even
17 remember them working up there when I did. In fact, I
18 didn't even remember that the brother worked up there.

19 Q. What triggered your memory that your brother
20 did work at Grace?

21 A. I seen it on the things when I asked about
22 it because I wanted to know. Because I thought my dad
23 worked up there, and I didn't know when he worked up
24 there, and I wanted to know, and they told me that
25 they both worked up there.

1 Q. Who told you that?

2 A. We did here. I don't know who did.

3 Q. The lawyers?

4 A. Yeah.

5 Q. But you remember your dad getting you that
6 job; right?

7 A. Pardon?

8 Q. You remember your dad getting you the job at
9 Grace; right?

10 A. Yeah. He told me to go see DeShazer. I
11 remember that part, and that's -- and I don't
12 understand why I don't remember being with him and
13 working up there. He worked with me in the woods, and
14 I remember him -- us driving to work together. When I
15 had the skidders, we worked side by side, but I do not
16 remember him --

17 Q. When living at home, what type of heat did
18 you have? Did you burn coal, wood?

19 A. Wood.

20 Q. Was that for your heat, wood?

21 A. Yeah.

22 Q. Did you all go out and chop the wood?

23 A. Yeah.

24 Q. Was that the same when you had that cabin
25 out there, that you burned wood for heat?

1 You talked about having a cabin. Did you
2 burn wood at the cabin for heat?

3 A. Yeah. There was wood heat, I think. Maybe
4 the one downtown had oil -- I don't know -- when I
5 first got there, but I think the rest of them was all
6 wood.

7 Q. Tell me about how you recreated. In other
8 words, what did you do back in the 1960s? Did you
9 hunt, fish?

10 A. I hunted and fished all the time. Well,
11 hunted when hunting season was open.

12 Q. Right. I've come to learn there's certain
13 seasons for certain things in certain areas; right?

14 A. I fished all the time. I loved fishing. I
15 loved wading down -- I didn't like the lakes, but I
16 loved fishing down the creeks because I'd just go out
17 there and wade right down the middle of the creek and
18 fish. Colorado spinners with a worm on them. Them
19 fish loved them.

20 Q. That's good eating, isn't it?

21 A. Little brookies. There was no limit on
22 brookies at that time. You could keep as many as you
23 caught.

24 Q. So did you continue doing that the entire
25 time you lived in the Troy area?

1 A. Yeah.

2 Q. Is there any favorite place or two that
3 you'd go to?

4 A. No. Most of the fishing was on the small
5 creeks, all of them around there. I knew every one of
6 them. I liked -- I'd go over and fish the Clark Fork
7 River every now and then. I liked it, the Kootenai.
8 Went up the Yaak. But the majority was right around
9 Troy. I liked that Lake Creek. Hunted up in the
10 Cabinets and all over the place in hunting season.

11 Q. You were all over in hunting season?

12 A. Yeah.

13 Q. What were you mostly hunting? Everything?

14 A. Everything.

15 Q. Archery and --

16 A. No. No. Just rifle.

17 Q. Did you get anything trophy worthy?

18 A. Yeah.

19 Q. Bear?

20 A. Deer. Whitetail. 30 -- what did it have?
21 I don't know. 35 points. Took third in Boone and
22 Crockett for the western United States. Got it up
23 behind the Dirty Shame.

24 Q. That's pretty darn good.

25 After you left Grace, did you ever hear

1 anybody complain about the mine conditions or --

2 A. I don't remember. I was so many different
3 places.

4 Q. Right.

5 A. And when I was ever back there, it was
6 mostly during the '70s after that. Before, I was all
7 over. In the '70s, I worked from three o'clock in the
8 morning until dark at night. You didn't have time to
9 listen to too much.

10 Q. Did you have any family members that had any
11 type of dust or asbestos-related disease that you're
12 aware of?

13 A. My cousin, Judy, she died of it.

14 Q. Do you remember her last name yet?

15 A. No. She was Stindt when she -- I think she
16 got -- then she was Patten. Then she got with a --
17 married another guy, and I don't remember what his
18 name was. That was -- he worked up at the mine too,
19 Patten.

20 Q. Do you know of anybody else?

21 A. That got sick from it?

22 Q. Yes.

23 A. No one else, I don't think, went to the
24 doctor. Whether they were sick or not, I don't know.
25 My brother had -- he had lung problems, but he never

1 went to the -- he stayed in Washington, and he never
2 went to CARD or to the doctors. Dad, he was -- he got
3 in a car wreck, and him and Ma was killed in the '80s.

4 Q. I remember seeing that. Yeah.

5 A. Pardon?

6 Q. I remember seeing that. So your mom and dad
7 were killed in a car wreck; right?

8 A. Right.

9 Q. In the '80s? Did your dad ever complain
10 about having breathing problems in the '80s?

11 A. Yeah. He had -- he had breathing problems.
12 I'd hear him panting. He never complained. He
13 wouldn't complain about anything.

14 Q. Did he ever suggest that his breathing
15 problems were because of his work in the mine?

16 A. He didn't say.

17 Q. He just didn't say one way or the other?

18 A. No. He wouldn't say anything.

19 Q. Now, it's my understanding you're currently
20 retired?

21 A. Yes.

22 Q. And what's your form of retirement? Is it
23 retired on Social Security?

24 A. Social Security, and I get a small pension
25 from Roseburg.

1 Q. From where?

2 A. Roseburg Forest Products.

3 Q. And when did you work for Roseburg Forest
4 Products?

5 A. I believe it was from 2000 to 2013, I think.
6 Maybe it was '99 to 2013 or somewhere -- 2011, I
7 guess.

8 Q. That was --

9 A. I quit when I was 70. I worked until I was
10 70 years old, and so --

11 Q. So you could get the full Social Security,
12 full pension?

13 A. Right. I called them when I was 65, and the
14 gal on the phone -- I told her I was -- that I was
15 still working, and she told me to sign up for it then
16 instead of wait until I turned 70, because I told her
17 I was going to wait. She said, No. Just sign up for
18 it now. She said, You'll lose money if you wait until
19 you're 70. You make more money if you sign up for it
20 when you turn -- well, it was 66, 65 1/2, I guess.

21 Q. Right.

22 A. So that's what I did.

23 Q. So 66, 65 1/2, but we all say 66. So you
24 signed up for Social Security?

25 A. Right.

1 Q. And you got your Social Security started
2 then?

3 A. Right.

4 Q. And then you retired at 70 --

5 A. Right.

6 Q. -- from Roseburg, and you got a small
7 pension from them?

8 A. Right.

9 Q. Yeah. That was the lumber company in
10 Oregon; right?

11 A. Right.

12 Q. What did you do for them?

13 A. I supervised a night cleaning crew.

14 Q. What was your job during those ten or more
15 years you worked for them?

16 A. For them?

17 Q. Yeah.

18 A. They didn't want the cleaning crew into the
19 exec wing, and I'd take care of their -- the exec
20 wing, what few offices was down there. The rest of
21 the time I'd just inspect what the others did, make
22 sure they did their job.

23 Q. So it was essentially, for lack of a better
24 term, janitorial-type services, cleaning services?

25 A. Right.

1 Q. Is that what you did for the ten years or so
2 with them?

3 A. Pardon?

4 Q. Is that what you did for the whole time
5 period with them, janitorial?

6 A. The whole thing.

7 Q. So that would require you to -- it was
8 somewhat physical but light?

9 A. Right.

10 Q. Light, physical work in terms of emptying --

11 A. The hardest thing I'd do is crawl up ladders
12 and walk upstairs. I'd get winded when I'd try to
13 walk upstairs, and it got worse and worse.

14 I'd have stayed a little longer, but I was
15 slowing down too much, and I didn't figure they ought
16 to pay me if I couldn't do the whole thing right.

17 Q. During that time period, did you ever give
18 any consideration to maybe your wellness in terms of
19 losing a little bit of weight or getting some of your
20 diet under control and that sort of thing?

21 A. Did I -- well, I couldn't walk. It was hard
22 to exercise because breathing was really hard, and
23 they was good down there about it because they knew I
24 was slowing down, but it was hard to lose weight when
25 you had to stop eating, but the job didn't require too

1 much physical exercise.

2 Q. I'm talking even back in 2000, when you
3 started working with them, you know, just --

4 A. I didn't weigh too much when I first
5 started. I put all this on the later end of it. All
6 through the '90s I was 190 pounds, maybe. I got
7 pictures of me when I was in the '90s, and I think
8 that's about how much I was.

9 I put the weight on after -- later in the
10 2000s is when it started really coming on because I
11 couldn't move. Walking was hard.

12 I couldn't change the light bulbs. I had
13 to -- that's one of the things I had to do was make
14 sure them fluorescent lights was changed when they
15 went out, and, boy, crawling up that ladder, that was
16 a hard thing.

17 Q. It looked like your weight went up when you
18 stopped logging.

19 A. It started then, but it didn't go up until
20 I -- in the 2000s.

21 Q. Did you try to control your weight by diet
22 in the 2000s?

23 A. Tried, but that's a hard thing to do. Hard
24 to eat a vegetable when there's a steak or a
25 hamburger. Mine was hamburger, not steak. My

1 downfall. I love hamburgers. But I lost 18 pounds,
2 so I'm losing now for some reason.

3 Q. Recently?

4 A. Yeah.

5 Q. So you retired with a small pension at
6 70 years old. You have your Social Security at 66 or
7 65 1/2. Have you ever applied for or received Social
8 Security disability payments?

9 A. No. I asked them about the medical part of
10 it, but they said I made a few dollars too much to get
11 the medical.

12 Q. Your medicals are being paid anyway by
13 Medicare; correct?

14 A. Just 80 percent. I pay -- for them inhalers
15 I pay -- most of the time it's \$160 a month for the
16 two, and then when that donut hole comes, I've got to
17 pay the full price, and they come to 200 -- I don't
18 know. 280 or something like that.

19 And I guess the -- I guess Social Security
20 is still paying some on it even with that donut hole,
21 because they got the price, and it's 500-some dollars
22 for the one and 300-some dollars for the other.

23 Q. But as far as you know, you haven't
24 qualified for nor asked for Social Security
25 disability; is that correct?

1 A. No. I ain't got any of that.

2 Q. And you've never applied for Workers'
3 Compensation; is that correct? Associated with your
4 asbestos?

5 A. No.

6 Q. And you've never been rejected by Workers'
7 Compensation for your asbestos; correct?

8 A. No.

9 Q. "No," that's -- yes? That's correct?
10 You've never been rejected; right?

11 A. No.

12 Q. Right?

13 A. I've never been rejected.

14 Q. Okay. Thank you. It was a good answer to a
15 poorly phrased question. Thank you.

16 Do you want to take a few-minute break?

17 A. Yeah. That would be nice.

18 (Break held from 11:31 a.m. to 11:41 a.m.)

19 BY MR. LONGOSZ:

20 Q. We're back on the record, Mr. Hutt.

21 A. Okay.

22 Q. So I'll start asking you some questions
23 again.

24 Let me ask you about -- you know what
25 vermiculite is; right?

1 A. Yes.

2 Q. Okay. I think people used it for gardening.
3 Did you ever use it for gardening or anything around
4 the house?

5 A. Yes.

6 Q. Do you know if anyplace you lived in had
7 insulation?

8 A. No, I don't know.

9 Q. So you wouldn't know whether it had
10 vermiculite insulation or not?

11 A. No.

12 Q. But did you --

13 A. Well, I know the two. I know my dad's house
14 didn't have it.

15 Q. Didn't have any insulation?

16 A. Didn't have any vermiculite because he built
17 it, and he put the rolled fiberglass insulation in it.

18 Q. What year was that?

19 A. Oh, I don't know. In the '60s.

20 Q. Why did he use fiberglass instead of
21 vermiculite?

22 A. I got no idea. I just know that's what he
23 put in.

24 Q. How do you know that now?

25 A. I was there.

1 Q. You remember that?

2 A. I remember that. I remember him building
3 the house. It was a big -- it was a big deal, him
4 building a house, so --

5 Q. Okay. Did he use shingles?

6 A. Yes.

7 Q. What kind of shingles? Do you know?

8 A. Oh, I don't know. I'm sorry. I
9 misunderstood you.

10 Q. Shingles on the roof?

11 A. I don't know what he used.

12 Q. You don't know whether those shingles had
13 asbestos in them or not?

14 A. No, I don't know.

15 Q. What kind of siding was on the house?

16 A. I don't remember that either. I just
17 remember him building the house and what he put on the
18 inside.

19 Q. So you don't know if there was asbestos in
20 the siding on the house; correct?

21 A. No, I don't know.

22 Q. What kind of floors were in the house? Was
23 it wood, linoleum?

24 A. No. It was just board to start with, and I
25 don't know what they put in it later. They built it

1 and moved in it while they were still working on it.

2 Q. So you don't know whether he put in linoleum
3 with asbestos in it or not?

4 A. I would imagine, but I don't remember.

5 Q. And then vermiculite, people used that in
6 the gardens; right?

7 A. Yeah. I got four sacks of it from -- four
8 or five -- I don't know -- from W.R. Grace when I was
9 working there and threw them in the back of my car and
10 hauled them home. I was going to grow some peppers.

11 I dug me out a little garden spot behind
12 the -- around the house out there. I picked all the
13 rocks out of it, poured that over it and planted my
14 peppers and watched them poke out of the ground. I
15 thought, Boy, I'm going to have some peppers.

16 I went out the next day, and they were all
17 laying on their side. They grewed up so big, and I'd
18 put so much of that vermiculite down in there and not
19 enough soil, and they grewed up, and the weight made
20 them tip over. So I never got no peppers.

21 Q. It's almost like peppers on steroids?

22 A. Yeah. They grewed good to start, anyway.

23 Q. So was that your only encounter with
24 vermiculite gardening?

25 A. That's my one and only try. I wasn't very

1 good at it.

2 Q. What did you do around town? I think I saw
3 somewhere where you may have gone to ball games and
4 things like that around town. Right? In Libby.

5 A. No, I didn't go to ball games.

6 Q. Okay.

7 A. I don't think I ever went to a ball game in
8 Libby. I went to one in -- I went to them in Troy
9 every now and then, but not -- I only lived in Libby
10 just for a little while, and that was in the '80s.
11 All the rest of the time I lived in Troy.

12 Q. So when you worked in the mine or at the
13 W.R. Grace facility there, you would leave work and
14 just go home? You wouldn't hang out in Libby?

15 A. Yeah. I'd go straight to -- we had three
16 shifts, you know. You had morning or day shift, and
17 then you had swing shift, and then you had graveyard.

18 Q. Which shift -- was there a shift that you
19 worked?

20 A. They changed us.

21 Q. Okay. You could have worked any one of
22 those?

23 A. So many weeks on one, so long on another,
24 and then graveyard was the hardest, hard to keep
25 awake. Right before dawn. Bad.

1 Q. I know. I've done that.

2 Do you smoke cigarettes?

3 A. I've never smoked cigarettes.

4 Q. So, basically, a nonsmoker all your life?

5 A. Right.

6 Q. How about alcohol? Occasional?

7 A. Oh, I drank a little bit of it in the --
8 after the military.

9 Q. Okay. How about in the last ten years or
10 so?

11 A. No. I quit in the '70s, and that was the
12 end of the wild stuff.

13 Q. Okay. The James Dean days; right?

14 A. Yeah. Just lived it up beings I missed
15 Vietnam.

16 Q. Do you occasionally imbibe in alcohol now,
17 beer, wine, anything on occasion?

18 A. No.

19 Q. Anybody in your household when you were
20 growing up that was a smoker?

21 A. No. Dad or Ma, neither one of them smoked.

22 Q. How about any of your wives?

23 A. No. Aunts and uncles smoked, but none of my
24 immediate family smoked.

25 Q. Are you currently taking any medications? I

1 know you talked about the inhaler, and you showed that
2 to us.

3 A. Nine different somethings.

4 Q. Are you still on Plavix from your stenting?

5 A. Pardon?

6 Q. Are you taking Plavix or any kind of blood
7 thinner from your stenting?

8 A. Yes.

9 Q. Is it Plavix?

10 A. I don't know.

11 Q. Or a blood thinner, whatever it may be?

12 A. I don't know. I've got a list of them
13 somewhere. I don't know.

14 Q. All right. So we could look at that list
15 and understand what medications you're currently
16 taking; correct?

17 A. It's whatever they prescribe me for --

18 Q. Do you ever get swelling of your joints,
19 ankles, feet?

20 A. Yeah. The doctor says my legs are swelled a
21 little bit. They ain't -- they weren't -- these last
22 times he didn't mention it. A while back he said it
23 was.

24 Q. Does that impact you in terms of being able
25 to get around when your joints or legs swell?

1 A. That and breathing.

2 Q. You take a diuretic to reduce the swelling?

3 A. Pardon? I don't -- I take water pills.

4 Q. Right. That's what I mean. Okay.

5 Does that help reduce the swelling?

6 A. I don't know what the names of all them is.

7 Q. That's all right.

8 A. I just call them water or heart or lungs

9 or -- it'd be much easier if they named them that way.

10 Q. Okay. Do you take a water pill?

11 A. Yes.

12 Q. Do you take a heart pill?

13 A. Yes.

14 Q. Do you take a lung pill?

15 A. No.

16 Q. Do you take the Symbicort or the inhaler?

17 A. Right.

18 Q. Are you on oxygen at all?

19 A. I tried it once, and it didn't do any good,

20 and the doctor down here said I really didn't need it.

21 Q. "The doctor down here" meaning --

22 A. The one in Roseburg. I asked him, and he

23 said it wasn't necessary. My lung function was enough

24 to supply me.

25 Q. Tell me what you do during the day, just so

1 I can --

2 A. Right now?

3 Q. Yeah. If I asked for a day in the life of
4 Ralph Hutt, tell me what you're up to.

5 A. I get up early. I get up at five, between
6 five and six, go out and water everything, feed my
7 squirrels, the birds.

8 I don't much care about the birds, but I
9 like the little squirrels. I take a cussing out from
10 them if I'm late bringing them their food.

11 I started feeding two, and I looked out
12 there once summer finally got here, and the tree
13 didn't have any -- while it was still spring, the tree
14 didn't have any leaves, and I looked out there for my
15 two squirrels, because they come every day, and I
16 looked, and there was 13 of them in the tree. They
17 kind of multiplied.

18 The poor neighbor over there grows walnuts.
19 I don't know what he thought about all of a sudden
20 13 squirrels.

21 Anyway, after that I --

22 Q. Are they all related?

23 A. I would imagine they all come from the same
24 two.

25 Anyway, after that, I just -- I putter

1 around out in the little shed I got out there. I'll
2 come in and watch some TV. Then I'll go downtown,
3 walk up and get the mail. That's about my routine.

4 If I walk, I've got to walk slow. I can
5 walk to the mailbox, but it's -- it ain't too far.
6 It's up a little hill. I've got to stop two, three
7 times, and I'm glad to get back when I finally make it
8 back to the house. I just run out of air.

9 My joints hurt, but I can survive the pain
10 in the joints. It's the air. I try to suck -- you
11 can suck it in, but it don't seem to go where it's
12 supposed to, and it gets me at night.

13 That's why they put me on them other things.
14 They really help. Before that it scared me. It
15 was like I couldn't get any breath at all, and when I
16 went and talked to him at the lung doctor, he put me
17 on them two things, what you called them. I don't
18 know what the names are. He put me on them.

19 Q. This is the doctor in Oregon?

20 A. The one in Oregon.

21 Q. Do those help?

22 A. Oh, they made a world of difference, but as
23 I say, they were so expensive. I take them. Wish I
24 didn't have to, but -- never took any pills in my life
25 until this. Aspirin every now and then.

1 Q. Do you use any type of assistive device like
2 a walker or any kind of powered, motorized wheelchair
3 or --

4 A. No. I've got a cane, but I feel funny using
5 a cane.

6 Q. I think I saw somewhere where you had knee
7 surgery at one point in time.

8 A. Yeah. I stepped in -- pulled a ligament.

9 Q. Was that on the job?

10 A. Yeah. It was Roseburg Forest Products. A
11 gopher dug a hole up in the middle of the lawn. They
12 only had a little lawn. I was out mowing it, and I
13 stepped in the thing, pulled a ligament in my knee.
14 They did that deal where they just put a little hole
15 in, and they go in the side and fasten them back up
16 again.

17 Q. Scope?

18 A. Yeah.

19 Q. And was that covered by Workers'
20 Compensation?

21 A. Right. I was trying to think of the other
22 thing that it was, and that's what it was.

23 Q. I saw recently, the last couple years, you
24 sliced, maybe it was, your thumb or your hand with a
25 table saw.

1 A. That was quite a while ago.

2 Q. Was that at home?

3 A. Hmm?

4 Q. Was that at home when you were doing some --

5 A. When I cut myself with a chain saw, it was
6 in Wyoming. I was working for Hutton down there. He
7 paid for it.

8 Q. I thought I saw somewhere where you might
9 have cut your hand or finger with a table saw.

10 A. Yeah. I did that when I was up at Linda's.
11 Run my hand right -- stupid.

12 Q. Were you doing something at home?

13 A. I cut a million boards, and I run my --
14 right straight into it. She took me down. They sewed
15 it up. It made the tip of the finger numb, so it must
16 have cut some --

17 Q. When was that?

18 A. Hmm?

19 Q. When was that?

20 A. Oh, I don't know. It wasn't too long ago.

21 Q. What were you sawing boards for?

22 A. Oh, I was just making a little coffee table
23 or something. I just putter around, make boards.

24 Q. Do you have a driver's license?

25 A. Pardon?

1 Q. Do you have a driver's license?

2 A. Yes.

3 Q. Do you drive? Do you have a car?

4 A. I have a pickup.

5 Q. Do you drive your pickup occasionally?

6 A. Anymore all I do is just drive down to the
7 town I'm in. I'll drive to the doctor, into Roseburg,
8 but I only do that when I have to. I'm getting to
9 drive less and less. I don't know if I'll get it
10 renewed this time.

11 Q. Do you have a handicap sticker for your
12 pickup?

13 A. No.

14 Q. Did you ever apply for a handicap sticker?

15 A. No.

16 Q. As we sit here today, do you have any
17 appointments, doctors' appointments scheduled?

18 A. To my regular doctor in December, and I got
19 a pulmonary one next month, I think. I've got two
20 coming up. The heart one, he told me I didn't have to
21 come back for a year. I just seen him, and he thought
22 I was in good shape.

23 Q. Have you received any payments or any type
24 of settlements for your asbestos disease that you're
25 aware of?

1 A. I received \$700 twice a year for a couple
2 years from some program.

3 Q. Other than that, anything else that you can
4 remember?

5 A. Nothing.

6 Q. Do you keep any type of calendar, notes or
7 journal entries regarding your daily activities?

8 A. No. I have a hard time spelling, so I
9 can't -- if it was numbers, I'd be fine, but
10 spelling -- I like to spell things the way they sound.
11 They don't spell the way they sound. So I can't even
12 understand what I write when I get through. Never
13 could spell.

14 Q. How about photographs? Do you have any
15 photographs of -- let's go back to the time you were
16 in Libby and working at the W.R. Grace facility. Did
17 you ever take any photographs of --

18 A. Not up there.

19 Q. How about anywhere else?

20 A. Yeah. Around Troy I got photographs. A
21 few. When you move, you lose a lot of stuff.

22 Q. Do you have any recent photographs of where
23 you reside and that sort of thing?

24 A. Yes.

25 Q. What type of house do you live in currently?

1 A. Trailer.

2 Q. I presume it's flat, one level. Walking in,
3 what is it, one or two steps up?

4 A. It's just a regular trailer, electric heat.

5 Q. How many bedrooms?

6 A. Two.

7 Q. Full kitchen, one bath or one and a half
8 bath?

9 A. One.

10 Q. Is it a trailer park or just parked out on a
11 lot?

12 A. It's in a -- what do you call it -- elderly
13 people's park.

14 Q. Is that who's there, elderly people?

15 A. Yeah. I think I'm the elderly -- I'm the
16 highest, anyway.

17 Q. All right.

18 A. I don't know how I got to this shape, how I
19 got to be the oldest one in the room.

20 Q. Sometimes the years pass us by and we don't
21 even realize it, huh?

22 Do you have any maps or diagrams of Libby or
23 where you worked --

24 A. No.

25 Q. -- that you collected?

1 And have you kept any or have any
2 advertisements, pamphlets from the government or
3 medical care providers about asbestos disease?

4 A. No. I ain't got none at the house.

5 Q. You mentioned the house. Do you have any --

6 A. At the trailer.

7 Q. I understand that, but any that you have
8 that you would have passed on to your lawyers or
9 anybody else, any pamphlets or information that you
10 received regarding Libby or the W.R. Grace facility or
11 asbestos disease?

12 A. Yes. I gave them what I had.

13 Q. "Gave them" meaning passed it on to your
14 lawyers?

15 A. The lawyers.

16 Q. Okay. Did you have any documents that
17 memorialized, in other words, showed your employment
18 at the W.R. Grace facility?

19 A. (Witness shook head.)

20 Q. Didn't keep any of those?

21 A. No.

22 Q. Had you ever heard of Maryland Casualty
23 before today when I introduced myself?

24 Had you ever heard of the company "Maryland
25 Casualty Company" before I introduced myself as the

1 lawyer for Maryland Casualty Company?

2 A. When I talked with my lawyers.

3 Q. They mentioned Maryland Casualty Company?

4 A. (Witness nodded head.)

5 Q. Is that the only time -- is that a "Yes"?

6 A. Only time.

7 Q. Back when you were working in the Libby
8 facility, did you ever hear of Maryland Casualty
9 Company?

10 A. No.

11 Q. And you hadn't heard of Maryland Casualty
12 Company until you talked to your lawyers; is that
13 right?

14 A. No.

15 Q. Correct?

16 A. Correct.

17 Q. It looks like you went for -- in 2002, when
18 you got the information from the CARD Clinic, you went
19 to get the x-ray then, and then in 2004 it looks like
20 that's when you had your knee scope. Does that sound
21 about right?

22 A. I guess. If you got it wrote down. I don't
23 know.

24 Q. And then it looks like you started first
25 having cardiac or cardio problems, at least reported

1 in the medical records, in 2007. Does that sound
2 about right?

3 A. I don't know. I don't know the date.

4 Q. And it looks like you had a hernia repair in
5 2007 in the umbilical cord area?

6 A. Yes.

7 Q. And I have 2013 is when you had the table
8 saw --

9 A. Yeah. It was sometime around in there.

10 Q. Were you followed by a person -- by
11 Dr. LaGoy? Do you remember him? It seemed like he
12 was at the Northwest Community Hospital Center.

13 A. I don't remember the name.

14 Q. The only reason I ask is, there's a
15 reference that you didn't want to go back to see him
16 for some reason, but it didn't say why. Do you
17 remember that?

18 A. Where at?

19 Q. Northwest Community Hospital Center.

20 A. Up in --

21 Q. LaGoy, yeah.

22 A. In Libby?

23 Q. Yeah.

24 A. Oh, I went in there about my heart. I
25 thought it was my -- I was having problems, and I --

1 ornery character, and I -- he was an older guy, and
2 he -- and I talked to him a little bit, and I said,
3 No. I ain't going to put up with this, and I walked
4 out, and I went to a doctor in Roseburg when I got
5 there.

6 Q. Didn't see eye to eye?

7 A. Yeah. Me and him, we wouldn't have got
8 along.

9 Q. Are you seeing Dr. Totoian?

10 A. Yes. He's my primary doctor.

11 Q. How do you pronounce the name of that
12 medical facility? I know it's U-P-M-Q-U-A (sic).

13 MR. LONGOSZ: Maybe someone can help me.

14 BY MR. LONGOSZ:

15 Q. Do you know how to pronounce that?

16 A. I have no idea.

17 Q. But you know where to go; right?

18 A. Don't ask me how to pronounce it.

19 Q. Have you ever been treated for any type of
20 cancer?

21 A. No.

22 Q. I thought I saw a reference, just to
23 help remind you -- was there any on your nose, or was
24 there some sort of --

25 A. Oh, cancer. Yeah. Whatever I get. I get

1 stuff on there, and they burn them off. I was
2 thinking about the bad cancer.

3 Q. Nothing like that; right?

4 A. No. I just get them things on my nose. So
5 much time sawing out in the sun.

6 Q. Any family members you know of that have had
7 or been diagnosed with cancer, suffer from cancer?

8 A. My sister's -- her son's young boy was -- he
9 had that cancer when he was young, whatever they call
10 it.

11 Q. Like leukemia or something like that? Is
12 that the one he had?

13 A. The one that they get most often. He had --
14 they took him to Spokane, and he had the radiation
15 treatments and stuff. They got it. It killed it all.
16 He's in the Army now.

17 Q. Good for him.

18 A. He's in special forces or whatever they call
19 the elite soldiers. He's in Afghanistan.

20 Q. Have you participated to your knowledge in
21 different types of government programs, for example,
22 the Affordable Care Act program, to your knowledge?

23 A. What do you mean?

24 Q. Like, government medical programs. I'll
25 throw out a couple here that I've written down.

1 A. I've got -- I signed up for the Medicare.

2 Q. Right.

3 A. That's the only thing I've signed up for.

4 Q. Do you know whether you were ever part of

5 the Montana Screening and Surveillance Activity

6 program? Ever hear of that?

7 A. I got no idea.

8 Q. How about --

9 A. If I did -- if it was, it had to be done in
10 '13 or somewhere along in there, but I don't think I
11 did. I don't ever remember it.

12 Q. Ever hear of the Agency for Toxic Substances
13 and Disease Registry, ATSDR?

14 A. I don't remember any of that.

15 Q. And I'm not suggesting it was. I'm just
16 throwing it out there to see if it jogs your memory
17 for anything.

18 Has anybody asked you to be part of any
19 research study at the CARD Clinic?

20 A. They might have in some of the letters.
21 After they -- I got tired of them things after a while
22 when they sent them down there, and I just throwed
23 them out. I don't know if they sent me something or
24 not.

25 Q. To your knowledge have you ever signed up

1 for any type of research study or to be --

2 A. Not to my knowledge. If I did, I don't
3 remember it.

4 Q. Have you ever heard of the Federal Libby
5 Asbestos Specialty Healthcare program?

6 A. I don't remember.

7 Q. How about the Libby Epidemiology Research
8 Program? Ever hear of that?

9 A. I don't remember.

10 Q. And to your recollection, have you ever been
11 part of the Libby medical program or Grace medical
12 program?

13 A. I don't know.

14 MR. LONGOSZ: I'd like to take just a break
15 to talk with my colleagues because I think we're
16 approaching the end mark. So it would be worthwhile
17 to do that, rather than break for lunch and do all
18 that.

19 MR. MCGARVEY: Sure.

20 MR. LONGOSZ: If Mr. Hutt is able to do
21 that. Is that okay?

22 MR. MCGARVEY: Yeah.

23 (Break held from 12:10 p.m. to 12:18 p.m.)

24 MR. LONGOSZ: Back on the record.

25 ////

1 BY MR. LONGOSZ:

2 Q. I just have -- famous last words for a
3 lawyer, but just a few questions, and we're done, or
4 I'm completed with my examination.

5 I want to go back. I was looking through my
6 notes, and I know some of the work history that you've
7 given you've given to the best of your recollection,
8 but I'm just looking at -- it looks like during the
9 time period -- from my notes I know you worked for Ike
10 Dempsey like in '67 or Boyle's Drilling and Ike
11 Dempsey after -- before you were at W.R. Grace.

12 A. I think so.

13 Q. Okay. And then you were at W.R. Grace, and
14 then it looked like after that you had various logging
15 jobs from about the late '60s, maybe 1970, '71 to --

16 A. Right.

17 Q. -- '93 or so, the '90s?

18 A. '71, and then I bought the skidders in the
19 early '70s, and I worked them until the end of the
20 '70s.

21 Q. Okay. And that was mostly in the Yaak?

22 A. Right.

23 Q. And then I was wondering, during that time
24 period, just for completeness, whether you had
25 suffered any type of logging injury, saw injury, just

1 going through all those years. You were just a lucky
2 guy; right?

3 A. I listened to that little voice.

4 Q. Yeah. And then -- and I don't know. I
5 heard -- I picked up this term. Is it gypo logging?

6 A. Gypo.

7 Q. Gypo logging?

8 A. They called them gypos when they were a
9 little guy and they worked for some of the bigger
10 contract loggers. They'd hire out certain ones, and
11 they called them gypos.

12 Q. Did you do some of that?

13 A. Pardon?

14 Q. Did you do some of that?

15 A. Pardon?

16 Q. Were you doing some of that?

17 A. Yeah. I worked for whoever I could work
18 for.

19 I worked for -- when I first started it, I
20 worked for St. Regis, for -- I can't think of the
21 forester's name. I worked during breakup for him.
22 I'd buy cottonwood. They'd sell me the cottonwood
23 stumpage, and when I couldn't work in the regular --
24 when the roads was all shut down in the high
25 countries, I'd start earlier, and I'd cut cottonwood

1 and sell it for pulp. I had a guy who would buy it
2 from me over there, so I'd come down and cut them big
3 old cottonwood trees. I worked at that, but it was
4 always on St. Regis ground, around the Bull Lake area.

5 Q. I just wanted to make sure that I didn't
6 miss anything.

7 A. That's what they called a gypo was just a
8 contract logger, but you could replace them.

9 Q. I just wanted to make sure I wasn't missing
10 anything in terms of asking you about any injuries or
11 accidents.

12 A. Yeah. A gypo logger was a contract logger.

13 Q. But you had no injuries or accidents
14 associated with that?

15 A. I don't think I had any. I don't know. I
16 don't think I cut myself through the '70s. I don't
17 think. I don't remember any.

18 Q. Okay. I think from time to time back
19 injuries come up and things like that, but not that
20 you can remember?

21 A. Oh, I -- I'd pop my back out of place, but I
22 went a chiropractor. My brother-in-law usually did
23 it, popped my back back in again. And I usually did
24 it always when I got home and laid on the couch. I'd
25 lay down and couldn't get off the couch. I didn't do

1 it at work. I did it when I -- dumb.

2 Q. So your brother or brother-in-law did it,
3 popped your back, but you didn't go to a chiropractor?

4 A. I did sometimes. Went to one over in
5 Bonners Ferry. He was an old German guy. He didn't
6 use that fancy new stuff. He'd just pop you back in
7 shape. That's all I needed done. I didn't do it very
8 often. I think once or twice. But all the times it
9 was laying on the couch.

10 Q. And there weren't any Workers' Compensation
11 claims --

12 A. No.

13 Q. -- associated with that?

14 A. No. It was all on me.

15 Q. All on you. Yeah. And thinking through
16 that, you can't think of any other medical places or
17 hospitals, emergency rooms, little clinics that you
18 might have gone to over the years for anything?

19 A. I took the wife into the hospital, different
20 ones, but --

21 Q. Different wives or different hospitals?

22 A. Different hospitals in the different areas
23 we lived in, but -- and the kids here and there, but I
24 don't think -- I never got very sick. I never got
25 hurt too often.

1 Q. Good. And then we just -- the only other
2 thing was the shortness of breath you had when you
3 were working on the Canadian border there.

4 A. Right.

5 Q. But you didn't follow up and get any medical
6 care or treatment for that?

7 A. No. I just figured it was just the
8 elevation and just -- you know, I was -- I don't know
9 how old I was then. Early 50s, I guess. I just
10 figured I was getting up there. I just added it to
11 that. When I got down to the low country, I was
12 breathing fine, so I didn't see any reason to go to
13 the doctor for it, and I just figured, Well, your time
14 is coming to an end of doing this kind of work.

15 Q. Okay. Good.

16 A. But that's what I figured there.

17 MR. LONGOSZ: Sir, I thank you very much for
18 your time. I don't know if your counsel has any
19 questions for you. I presume you'll want to read the
20 transcript, but I have no further questions at this
21 time for you. Thank you for your time.

22

23 EXAMINATION

24 BY MR. MCGARVEY:

25 Q. Ralph, I do have a question I want to follow

1 up on.

2 There were some questions that Mr. Longosz
3 asked you about histories taken by doctors when they'd
4 sit down, ask you questions and maybe record it in
5 some way that you weren't sure how they might have
6 done that. Do you remember those questions?

7 A. Yeah.

8 Q. So specifically I want to direct your
9 attention to an office visit that you had with
10 Dr. Black at the CARD Clinic in June of this year.

11 A. Okay.

12 Q. Okay. And it says in that CARD Clinic
13 record -- there's a sentence in there, in Dr. Black's
14 record that says this, "He was evaluated in his region
15 of Oregon for his lung problems and was diagnosed with
16 asbestos-related disease sometime in the early to
17 mid-1990s." So is it accurate that you were evaluated
18 in Oregon for your lung problems?

19 A. For my lung problems in 2002, not in the
20 middle '90s.

21 Q. Okay.

22 A. I never went to the doctors, I don't think,
23 in the middle '90s.

24 Q. So the part that says that you were
25 evaluated in Oregon for your lung problems is

1 accurate? That is where you were evaluated?

2 A. Yeah. That part is right.

3 Q. Okay. But the timing is incorrect in this
4 note; is that correct?

5 A. That's right.

6 Q. Okay. And do you know how Dr. Black might
7 have got the impression that you were diagnosed in the
8 early to mid-1990s?

9 A. I've got no idea.

10 MR. LONGOSZ: Objection. Form.

11 THE WITNESS: Unless I tried to guess at a
12 time period, but I don't think I did because I didn't
13 know a time period. I had to figure -- find out when
14 I even went in.

15 Boy, my memory, it -- for certain areas it
16 comes back and it goes and it comes back and it goes.

17 MR. MCGARVEY: I have no further questions.

18 MR. LEGGETT: Guys, this is Josh. Who is
19 plaintiff's counsel in the room?

20 MR. MCGARVEY: Allan McGarvey is counsel
21 defending this deposition on behalf of the plaintiff,
22 Ralph Hutt. Also in the room is Dustin Leftridge,
23 attorney for Ralph Hutt.

24 MR. LEGGETT: All right. Hey, guys, based
25 on a few things he said, pursuant to the judge's order

1 yesterday, I might have some questions, but I want to
2 see before we do that -- I can avoid those if you are
3 all willing to stipulate that you wouldn't use
4 Mr. Hutt in any case against IP or International
5 Paper. Is that --

6 We can go off the record. I apologize.

7 Is that something you'd all be willing to
8 do, or should I go ahead and ask my questions?

9 MR. MCGARVEY: Okay. Let's do go off the
10 record, if everyone else is in agreement.

11 MS. PATRICK: Yeah.

12 MR. MCGARVEY: Everyone is in agreement. We
13 are off the record.

14 (Discussion off the record.)

15 MR. MCGARVEY: Let's go back on the record
16 and go ahead and make your record.

17 MR. LEGGETT: Okay. This is Josh Leggett
18 with International Paper. We're not a party in this
19 case but appearing pursuant to Judge Eddy's order
20 regarding the use of depositions that was made in
21 yesterday's hearing on September the 18th.

22 I've spoken with plaintiff's counsel, and
23 we're in agreement that you'll stipulate not to use
24 the deposition testimony from today in any case
25 against International Paper and, in the event that

1 Mr. Hutt has become a witness in a future case, that
2 we would have the right to depose him at that time.
3 Are you in agreement with that?

4 MR. MCGARVEY: On behalf of the plaintiff,
5 Ralph Hutt, and the other plaintiffs that I represent,
6 I so stipulate.

7 MR. LEGGETT: Great.

8 MS. PATRICK: All right. This is Nadia
9 Patrick for Burlington Northern Santa Fe Railway
10 Company. We're going to enter the same stipulation
11 that International Paper just did pursuant to
12 agreement from Mr. McGarvey, counsel for Mr. Hutt.

13 MR. MCGARVEY: So agreed.

14 MR. LEGGETT: Thank you. I appreciate that.

15

16 EXAMINATION

17 BY MR. LONGOSZ:

18 Q. I do have one or two questions just as a
19 follow-up to Mr. McGarvey's questions, Mr. Hutt.

20 Just to make sure I'm clear, you recall
21 sitting with Dr. Black in June of 2018 and talking
22 with him about your facts and circumstances; is that
23 accurate?

24 A. Yeah.

25 Q. Okay. And at the time you provided

1 Dr. Black with information; is that correct?

2 A. Right.

3 Q. He asked you questions, and you gave him
4 answers?

5 A. I gave him answers.

6 Q. Do you have any reason to believe that
7 Dr. Black did not record your answers accurately and
8 fully?

9 A. I don't know because I don't remember saying
10 in the '90s because I know it wasn't in the '90s.

11 Q. Do you remember telling Dr. Black that
12 started having significant problems with your
13 breathing when you were working as a sawyer, which was
14 your occupation most of your life?

15 A. Yeah. I told him that.

16 Q. And you had been working in Wyoming at
17 altitudes as high as 9,000 and 10,000 feet --

18 A. Right.

19 Q. -- and were running out of breath?

20 A. No. I didn't run out of breath.

21 Q. So that's another -- you're --

22 A. No, I didn't tell him that.

23 Q. Okay. So you're fussing with Dr. Black with
24 respect to that testimony; is that correct? Or that
25 record?

1 A. I -- no. I told him that I was working at
2 9,000 feet and it didn't bother me up there because I
3 worked up there all through the early '80s, when I
4 went down there, and we was working right up there on
5 the timberline up in the Big Horn Mountains and
6 running up and down.

7 I worked a full tour there until the sawmill
8 burned down, and we moved down to The Snowies, and I
9 worked in there for him until he got the rotosaw, and
10 then he done away with the sawyers, and that's when I
11 went on down the road to find more, and --

12 Q. And then after he says you were running out
13 of breath, although gradually in the 1990s, you told
14 him you could no longer do this work and left your
15 job. Is that accurate, or is Dr. Black not accurate
16 in --

17 A. No. In the '90s I told him I was -- I got
18 short on breath, and I left it and started doing
19 whatever else I could do.

20 Q. And then you're suggesting that he's not
21 accurate when he writes that he learned from you that
22 you were evaluated "in his region of Oregon for his
23 lung problems and was diagnosed with asbestos-related
24 disease sometime in the early to mid-'90s"? You're
25 saying that's not accurate?

1 A. No, I didn't -- I wasn't. So I shouldn't
2 have said it if I did, but I wasn't.

3 Q. Are you suggesting that Dr. Black
4 purposely --

5 A. No.

6 Q. -- wrote something inaccurate?

7 A. No. He must have just misunderstood what I
8 said. I don't say things quite right some of the
9 time, so -- it must have been just the way I
10 pronounced something or something or other, but I was
11 never that.

12 Q. Is it possible that you told him that and
13 now you're suggesting you misspoke when you were
14 giving him a history?

15 A. I don't know.

16 Q. And do you understand that your history that
17 you provide to doctors you try to do your best and
18 give an accurate history?

19 A. I try to give the best.

20 Q. If there's other suggestions in the medical
21 records that confirm what you told Dr. Black, are you
22 suggesting those records are incorrect, or you just
23 don't know?

24 A. I don't know.

25 MR. LONGOSZ: Thank you. I don't have any

1 other questions. Thank you again, Mr. Hutt.

2 (Whereupon, the Telephonic Deposition of
3 RALPH HUTT was concluded at 12:35 p.m., and signature
4 was reserved.)

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REPORTER'S CERTIFICATE

State of Montana)
County of Flathead)

I, Jolene Asa, Registered Professional Reporter and Notary Public for the State of Montana, residing in Kalispell, Montana, do hereby certify:

THAT I did report the foregoing matter at the time and place stated in the above-entitled matter after having duly sworn RALPH HUTT; and

THAT the foregoing pages constitute a true and accurate transcription of the testimony of RALPH HUTT that was taken in shorthand by me and reduced to writing under my direction to the best of my ability; and

THAT I am not an attorney nor counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal on this ____ day of _____, ____.

JOLENE ASA, RPR

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CORRECTION PAGE

PAGE LINE CORRECTION

I have read the foregoing testimony and believe the same to be true, except for the corrections noted above.

DATED this ____ day of _____,
_____.

RALPH HUTT
IN RE ASBESTOS LITIGATION - AC 17-0694
HUTT V. MARYLAND CASUALTY - DDV-18-0175