

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 DEPARTMENT NE R HON. C. EDWARD SIMPSON, JUDGE
4

5 CONSOLIDATED PROCEEDINGS)
6 SPECIAL TITLE (RULE 3.550))
7 LAOSD ASBESTOS CASES) JCCP Case No. 4674
8 TINA HERFORD AND DOUGLAS HERFORD,)
9 Plaintiffs,) Case No. BC646315
10 vs.)
11 AT&T CORP., a subsidiary of AT&T)
12 INC. and its subsidiary PACIFIC)
13 BELL TELEPHONE COMPANY, et al.,)
14 Defendants.)
15 _____)

16 P.M. SESSION
17 REPORTER'S TRANSCRIPT OF PROCEEDINGS
18 OCTOBER 23, 2017

19 APPEARANCES:

20 For Plaintiffs: SIMON GREENSTONE PANATIER BARTLETT
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(Appearances, Continued Next Page)

REPORTED BY: DEBORAH MORIN, CSR NO. 11558
OFFICIAL REPORTER PRO TEMPORE

1 CASE NAME: HERFORD VS. AT&T CORP., ET AL.
2 CASE NUMBER: BC646315
3 PASADENA, CALIFORNIA OCTOBER 23, 2017
4 DEPARTMENT NE R HON. C. EDWARD SIMPSON
5 REPORTER: DEBORAH MORIN, CSR NO. 11558
6 APPEARANCES: (AS HERETOFORE MENTIONED.)
7 TIME: 1:38 P.M.
8

9 (The following proceedings were held in
10 open court in the presence of the jury:)

11
12 THE COURT: The jury has reassembled. You can
13 continue, Mr. Benoff.

14 MR. BENOFF: Thank you, Your Honor.
15

16 STEVEN COMPTON, PH.D.,

17 called by the Plaintiffs, having been previously duly sworn,
18 resumed the witness stand and testified further as follows:
19

20 DIRECT EXAMINATION (Resumed)

21 BY MR. BENOFF:

22 Q Welcome back. Before we left off, we were
23 talking about the two different versions of amphibole we
24 were talking about. One kind is asbestos and one kind
25 isn't. Do you remember that?

26 A I do.

27 Q Would you agree that if you take the kind that
28 is not asbestos and crush it, that doesn't magically

1 turn the pieces into asbestos, does it?

2 A Not according to an industrial definition of
3 asbestos.

4 Q But if those pieces are a certain size and
5 shape, you'd count them as asbestos anyways, wouldn't
6 you?

7 A Not just me, but anybody that's using these
8 methods, yes.

9 Q Let me give you a hypothetical.

10 MR. BENOFF: Can you please put up on the
11 screen.

12 And we will mark this as Exhibit 5802 for
13 identification purposes.

14
15 (Defendant's Exhibit 5802 marked for
16 identification.)

17

18 BY MR. BENOFF:

19 Q Sir, I'd like you to assume that this is a
20 crystal of tremolite, the kind that is not asbestos.
21 And that when it's crushed it forms all of these shapes.

22 Can we go to the next slide.

23 And I'd like to you assume that all of these
24 long and skinny shapes that you see through here --
25 let's just focus on this one. I'd like to you assume
26 that this long and skinny shape here is longer than 5
27 microns. Has an aspect ratio of 5 to 1.

28 You'd call that asbestos; right?

1 A That would be counted as an asbestos fiber,
2 yes.

3 Q Even though it's not?

4 A That's correct.

5 MR. BENOFF: Your Honor, for the record we'll
6 mark this as Exhibit 5801.

7
8 (Defendant's Exhibit 5801 marked for
9 identification.)

10

11 BY MR. BENOFF:

12 Q Sir, this is your sample 1537; correct?

13 A Correct.

14 Q And this is what you're calling asbestos;
15 right?

16 A That's right.

17 Q That's your promise to the jury, that this is
18 asbestos.

19 A That's according to the counting rules, yes.

20 Q And you don't know if this is asbestiform, do
21 you?

22 A Not beyond the methodology.

23 Q I believe you said earlier you don't know
24 whether any of the fibers you found were asbestiform;
25 right?

26 A Not according to the method to determine if
27 something is asbestiform or nonasbestiform. Just to
28 follow the method and count, according to the counting