

EXHIBIT “1”

CAUSE NO. 06-H-0395-C

AUBREY CLARK AND WIFE, KELLY)	IN THE DISTRICT COURT
CLARK,)	
)	
VS.)	MATAGORDA COUNTY, TEXAS
)	
)	
KELLOGG BROWN & ROOT, LLC)	
AND HALLIBURTON COMPANY.)	23RD JUDICIAL COURT

VIDEOTAPED ORAL DEPOSITION OF

AUBREY CLARK

NOVEMBER 6, 2006

VIDEOTAPED ORAL DEPOSITION OF AUBREY CLARK,

produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on the 6th of November, 2006, from 10:51 a.m. to 1:15 p.m., before Kimberly K. Gauthier, CSR in and for the State of Texas, reported by machine

shorthand, at Brompton Court Apartments, 7510 Brompton,

Apt. 598; Houston, Texas, pursuant to the Texas Rules of

Civil Procedure and any provisions stated on the record

or attached hereto.

1 grandkids, you know, about the best thing I like to do
2 any more. You know, we go out and eat every weekend and
3 take the family. But most of the time I'm just, you
4 know, just around the house and doing things that need
5 to be doing around there, light stuff.

6 Q Now, you currently live up in Grapeland,
7 Texas. I'm not talking where you're living right now
8 because of your illness --

9 A Yes.

10 Q -- but your normal homestead is in Grapeland,
11 correct?

12 A Yes.

13 Q And would you describe your house and your
14 land where you live?

15 A You'd think I'm bragging. We got a nice big
16 brick house with a big back end on it porched in with
17 glass. We got about an 8-acre lake 75 yards behind the
18 house with a diving board on it full of catfish and
19 bass. It's got a pier running out on it with a little
20 boathouse, big barbecue pit and stuff out there. You
21 know, it's kind of unique for me, you know. I'm not
22 trying to brag. I'm just thankful of it, you know.

23 Q Would it be fair to say, sir, you're proud of
24 your home?

25 A Yes.

1 what area of Brown & Root did you work in, what part of
2 the company?

3 A Marine operators.

4 Q Now, within marine operators, in that division
5 of Brown & Root, what were you doing for Brown & Root
6 back in the early Seventies, '71/72 time period?

7 A Well, you know, they call that pile
8 drivers/riggers. Mainly what it was, I was a helper
9 and, you know, you just done what you was told. It was
10 really the lowest man on decks out there. You know, you
11 -- if a welder needed some help or if a fitter did, your
12 boss would send you over there to help whoever and, if
13 not, you worked in the rigging gang.

14 Q Now, you were working on seagoing barges; is
15 that right?

16 A Yes.

17 Q And this was out in the Gulf of Mexico?

18 A Yeah.

19 Q And what was -- what was the purpose of these
20 seagoing barges or vessels?

21 A Well, these shipyards and stuff along these --
22 well, in Aransas Pass, they got a big one and they'll be
23 in by them ship channels and them shipyards would build
24 these big platforms. And what we would do on it is take
25 these platforms offshore and launch them off of barges,

1 big material barges and get ahold of them with a big --
2 see, these barges had big cranes on them. Back years
3 ago, they -- a 500 ton was the big size and then we got
4 there at the last some 2,000 tons. And you would take
5 that barge and bring it out there and launch that jacket
6 off and you would hook this crane onto it that was on
7 this work barge that we worked on and we would pick it
8 up off of the barge or either launch it off -- if it was
9 within our capacity, we would pick it up. If it wasn't,
10 we would launch it off and leave part of it flooded and
11 hook the barge to it, our barge, with some big slings
12 and we would upright it. A lot of times it would go
13 over wells that had already been drilled out there, and
14 then you'd set this platform down on a location which
15 would be determined by surveyors and you'd orientate it
16 whichever way it needed to be and then you would flood
17 it all the way and set it on bottom and then we would
18 drive piling in the legs and then take what would be
19 called a deck section, it would come out and you would
20 pick that deck section up and set it on there. And most
21 of the time, we would put the drilling rig on it. And,
22 you know, we went through the whole process other than
23 the land direction out there up to the painting of it.
24 You know, we painted it and everything and then we would
25 move on to another.

1 Q So, would it be a fair summary that these
2 barges that you worked on, these seagoing vessels that
3 y'all would basically install oil production platforms
4 or oil rigs out in the Gulf of Mexico?

5 A Yeah, yeah, yeah. That would be shorter than
6 what I said.

7 Q Now, where would you primarily ship out of in
8 order to go out to the Gulf of Mexico?

9 A We worked all over. You know, we worked --
10 started at -- we worked on the Texas coast, Galveston,
11 Aransas Pass, Matagorda. We work -- there was another
12 place -- Brown & Root -- did I say Aransas Pass?

13 Q Yes, sir. How about Orange?

14 A Yeah, I've come out of Orange, out of there
15 before also.

16 Q So would it be fair to say that the places
17 where you shipped out of most often would be Galveston,
18 Matagorda, Orange and Aransas Pass?

19 A Yeah, we done more work out of Texas than any
20 other place.

21 Q And that's where you would ship out and get on
22 your barge --

23 A Yeah.

24 Q -- and go out?

25 A Yes.

1 Q Now, one thing about Brown & Root is if
2 there's not work, they typically lay people off, right?

3 A Right. Yeah. If there's not a job there and
4 it usually starts with your lower -- you know, your
5 lower people that gets laid off.

6 Q Now, on occasion, would you be laid off while
7 at Brown & Root?

8 A Yes.

9 Q While you were with the Brown & Root marine
10 operators, would you say that was a pretty consistent
11 time period that you worked pretty much from the early
12 Seventies through the mid-1980s?

13 A You know, Keith, they probably wasn't very
14 many of them that worked more than I did. I went down
15 and done a little work one time for my superintendent's
16 son putting some cranes together that we was laid off.
17 And I -- I don't think I was gone but four or five
18 months. As quick as Brown & Root got back, you know, it
19 depended on the oil field. You know, if there was a lot
20 of work on the oil field, everybody worked. If the work
21 got slow, they just edged them off however the office
22 said to. But I was laid off from Brown & Root I think
23 one -- one, possibly two times from there to I think in
24 1986 I came out of Alaska and I believe it was -- I know
25 when it was. It was the 13th day of December because it

1 was 10 below in Anchorage and I don't remember the last
2 time it had been above zero, but it was cold.

3 Q So, Aubrey, in the 14 or 15 years you worked
4 at Brown & Root, you were only laid off one or two
5 times; is that right?

6 A Yeah, for short periods.

7 Q And what were some of the names of the barges
8 that you worked on while you were at Brown & Root?

9 A I worked on George R. Brown, H.A. Lindsey,
10 Foster Parker, two or three of them they brought in from
11 overseas and I done short stints on them. They had an
12 old big barge called the Atlas that had a 2,000 ton rig
13 on it, and I went over there and helped them boys get
14 that barge straightened out. They had a lift ship named
15 the Ocean Builder, which was 2,000 tons and I worked on
16 it. Then they had another lift ship they kept on the
17 West Coast, and it was mine. I usually done most of the
18 work with it. It was 2,000 ton lift ship called the
19 Serita, but we didn't get that lift ship until late
20 years. I think the first time I went on it was in '84
21 or '85.

22 Q Now, the barges that you were working on had
23 cranes. They were fully operational seagoing vessels,
24 correct?

25 A Yeah, they had a machine shop on them. They

1 could do anything.

2 Q You had quarters on them, correct?

3 A Yes, yes, yes.

4 Q And you were a member of the crew of these
5 Brown & Root vessels; is that right?

6 A Yes.

7 Q And you contributed to the operation of those
8 vessels while at sea?

9 A Yes.

10 Q Now, I want to start off in that '71/72 time
11 period, and I'd like for you to tell me about what your
12 job title was and what you would do on an average day.

13 A 7 -- in '72 up until I started getting
14 promotions and all, I done everything, whatever they
15 told me. I could be helping them mechanics, welders,
16 riggers. I was a flunkey. You know, I got done what I
17 was told.

18 Q Well, would another way to put it is you were
19 learning the trade?

20 A Yes. Yeah, they were teaching me -- you know,
21 I -- they was teaching me how to do everything as we
22 went along.

23 Q And, again, this was out in the Gulf of
24 Mexico?

25 A Yes.

1 Q Now, these cranes and these pile drivers and
2 equipment like that, would you have to lubricate those
3 pieces of equipment?

4 A Yes.

5 Q Would you have to clean those pieces of
6 equipment?

7 A Yes.

8 Q Would it be fair to say that when you were
9 working on these offshore barges that they were, let's
10 say, oily, kind of grimy type pieces of equipment where
11 you were working?

12 MR. MARTINGANO: Objection, form.

13 Q (By Mr. Hyde) Let me -- since he objected.

14 Would you describe what would it would be like
15 working on the equipment, what did it look like, how did
16 it feel while you were on the barges?

17 A Well, to -- all right. I'm going to tell you
18 just one of the average hammers that we used to drive
19 piling with. This hammer is going to weigh 100 tons.
20 All right. You got to shoot grease in it to make it
21 slide up and down through the travel. The hammer sets
22 in a big traveling block (indicating). You have to
23 grease that thing where it -- it will slide up and down
24 through there. All right. You got to put a lot of
25 grease on them things or it won't slide. It weighs 100

1 tons. It will rub one side or another. The moving
2 parts on the hammer itself had to be greased and they
3 didn't grease them with no little grease gun that you
4 pump. We used air guns that would chit-chit-chit shoot
5 grease to that back wall back there (indicating). And,
6 you know, you put a lot of grease on them things. You
7 had to to make them work. Well, the wind always blowing
8 out there. You put them up on top of these pilings 70,
9 80 foot in the air, that grease starts coming off.
10 Sometimes the operators have to come out of their cabs
11 and shut them down to clean their windows where they can
12 see what they got ahold to. You know what that's doing
13 to your deck. You know, I mean, it's just stuff that's
14 all around.

15 Q Now, when you'd lubricate the various types of
16 equipment on this barge, would that be something that
17 you would do every day?

18 A We had to do it every time we used that
19 hammer. You know, if we was driving piling, it was
20 done.

21 Q But as far as the operation of the barge
22 itself, the internal parts of the barge, be it different
23 pieces of machinery, would you also have to lubricate
24 that or oil that on a daily basis?

25 A You know, occasionally I did grease all them

1 shives and -- and stuff. But most of the time, they had
2 an oiler that done your stuff in your cab. See, we
3 worked on the deck. But, you know, he -- we have done
4 it and sometimes we -- you know, the oiler done it.

5 Q Would your clothes get oily and greasy while
6 you were out there?

7 A Yeah.

8 Q Would your tools get oily and greasy, whatever
9 tools you were using?

10 A Yes, they would.

11 Q Now, would you have to use some type of
12 solvent to clean equipment on the barge or clean your
13 tools or clean your hands?

14 A Yeah.

15 Q What type of solvent would you use to clean
16 your tools, your hands, the equipment, surfaces, clothes
17 even?

18 A Benzene.

19 Q So, where would you get the benzene?

20 A They had it stacked up around the round house
21 on the barge. It was a barrel rack up there and they
22 had all different kind of oils and lubricants in there
23 and that's where they kept their benzene, too.

24 Q Was it in a drum?

25 A Yes.

1 Q Did it have a spigot on it?

2 A Yes, it had a spigot on it.

3 Q And generally what was the color of the drum
4 of benzene?

5 A I think that drum was black. It was dark
6 colored.

7 Q How did you know that it was benzene?

8 A It had a benzene sticker on it, you know. And
9 a lot of times they would write on them with a marker
10 that was a wax based, on the top of it they would write
11 benzene, just the oiler or the engineer. Like if the
12 barrels had been on a boat for a long time and been wet
13 and wouldn't tagged good, they would mark them on there.
14 You know, they would put, like, benzene on this one and
15 certain kind of oil on that one.

16 Q Was the benzene effective at removing oil and
17 grease?

18 A Oh, yeah, it cut it.

19 Q What did the benzene look like?

20 A Well, it was just a clear liquid. Kind of
21 whenever you touched it, it would be a little damp, a
22 little bit cold, you know.

23 Q Did it have any type of odor that you recall?

24 A You know, that stuff had a funny smell to it.
25 It would make you kind of lightheaded sometimes.

1 Q Now, on an average, let's say, week while you
2 were out on the Brown & Root barge, about how many times
3 a week would you use the benzene?

4 A You know, sometimes we used it every day.
5 Sometimes we wouldn't use it for two or three days. I
6 would say if you -- if you figured it out, you would say
7 you was in that benzene every other day --

8 Q And then --

9 A -- you know, if you took and averaged it.

10 Q And this started from the early Seventies to
11 approximately when do you recall that you were no longer
12 using the benzene?

13 A You know, I think that stuff quit showing up
14 out there in the late Seventies. You know, I'm not --
15 like I said, I'm not sure about just that. You know,
16 that that's the way it is, but --

17 Q But that's your truthful testimony?

18 A That's my truthful calculation right there.

19 Q Now, on an average day, how long would you use
20 the benzene to either clean up equipment or clean your
21 hands or your tools or clothing? About how long would
22 you do that?

23 A 30 minutes to two hours.

24 Q Depending on what job --

25 A Depending on what job we was doing. You know,

1 a little bitty job 15 to 45 minutes, but if we had --
2 like I said, we cleaned them hammers with that stuff and
3 sometimes we was in it all day.

4 Q And would you describe how you would clean a
5 hammer with the benzene?

6 A Well, you have a big fire hose out there
7 hooked up on saltwater out of -- out of the Gulf of
8 Mexico and you spray it off and you try to knock all the
9 grease -- you know, try to knock the grease that you
10 could off because you had -- some of them fire hoses
11 took two or three men to hold them. But you try to
12 knock that grease off of them there and then you come in
13 and spray them -- spray that benzene on that thing and
14 then let it set awhile and it would -- if you done it
15 two or three times, it would get a pretty good, you
16 know, clean on it. Now, if you got down and scrubbed
17 it, you could get it pretty well clean.

18 Q And how long would it take you --

19 MR. MARTINGANO: Objection,
20 nonresponsive.

21 Q (By Mr. Hyde) How long would it take you to do
22 that, Aubrey, to clean that hammer?

23 A It would take us a half a day to get them
24 clean, maybe a little longer --

25 Q How often --

1 A -- depending on if somebody called us off to
2 do something else.

3 Q How often would you have to do that?

4 A Well, when that barge was working, we didn't
5 do it because it would slow the production down. But if
6 -- when they shut down, you know, when they -- like we
7 finished a job or had a little standby time, they would
8 jump us on that kind of stuff there.

9 Q Would you ever have to clean the surface of
10 the barge with benzene?

11 A The metal on it we did. You know, we -- and
12 the handrails, you know, we would go over there and do
13 the same process that we done on that hammer. We'd come
14 over and spray the rough off and then we'd spray it on
15 there or either have a rag and put it on there with a
16 rag and then that stuff might near evaporate.

17 Q And that would be just to get the grease off?

18 A Yeah, yeah.

19 Q Sir, were there ever times that you would feel
20 lightheaded from using the benzene?

21 A You get downwind from it you will. You get
22 downwind from it you would.

23 Q Is that something that happened routinely with
24 you?

25 MR. MARTINGANO: Objection, form.

1 A Oh, yeah, if you was around it a good bit.
2 You know, if you was downwind from it, it happened as
3 often -- half as often as it didn't happen.

4 Q (By Mr. Hyde) Whenever you were using the
5 benzene, would it be fair to say that you could always
6 identify the odor?

7 A Yeah, it had kind of a sweet smell to it.

8 Q Were you ever instructed by Brown & Root to
9 wear gloves when using the benzene?

10 A No. They never did say nothing about using
11 gloves.

12 Q Were you ever instructed to wear a respirator?

13 A No.

14 Q Did Brown & Root ever provide you any type of
15 warning that the benzene would be a health hazard to
16 yourself and cause damage to your --

17 A You know, I used that stuff until it was gone
18 before I ever knew that it wasn't all right to use it.
19 You know, I never heard nobody say, Y'all can't use
20 that.

21 MR. MARTINGANO: Objection,
22 nonresponsive.

23 Q (By Mr. Hyde) I'm going to ask you a very
24 specific question and because he objected to the
25 response, so I want to make sure that you answer it --

1 answer that specific question.

2 Were you ever provided with any warnings that
3 benzene was harmful to your body?

4 A No.

5 Q Were you ever given any instruction by Brown &
6 Root how to protect yourself from exposure to benzene?

7 A No.

8 Q Now, I think you said that the benzene was
9 present on these -- on these barrel racks from when you
10 started, which would have been in the '71/72 time period
11 through I think you said the late Seventies; is that
12 right?

13 A Yeah. Late Seventies -- from mid Seventies to
14 late Seventies. I'm not positive about that. You know,
15 it was used -- I don't remember the exact time whenever
16 they quit that.

17 Q But it's your honest --

18 A I know --

19 Q But it's your honest testimony you believe it
20 was sometime in the late Seventies that they
21 discontinued making benzene available on the barrel
22 racks; is that true?

23 A Yes.

24 Q Now, if you would, take me through the
25 Seventies and Eighties as to what you were doing at

1 Brown & Root on an average day.

2 A My job --

3 Q Yes, sir.

4 A -- title?

5 Q Uh-huh.

6 A Well, it started out where I was a pile driver
7 helper. I don't remember --

8 MR. HYDE: Why don't we go off the record
9 for one second and let you get a drink.

10 THE VIDEOGRAPHER: We are off the record
11 at 11:35.

12 (RECESS FROM 11:35 TO 11:36.)

13 THE VIDEOGRAPHER: We're back on the
14 record at 11:36.

15 A Repeat your question, please.

16 Q (By Mr. Hyde) After the, let's say, mid to
17 late Seventies, would you describe generally what your
18 work was like for Brown & Root and where you worked?

19 A All right. I worked mostly on the derrick
20 barge Foster Parker.

21 Q And what were you doing on the Foster Parker?

22 A Well, I started out as a helper. I went to a
23 rigger, and from a rigger to a rigger leadman. Sometime
24 in the very late Seventies, I was rigger foreman.

25 Q And when you left Brown & Root in 1986, I'm

CAUSE NO. 06-H-0395-C

1
2 AUBREY CLARK AND WIFE,) IN THE DISTRICT COURT
KELLY CLARK,)
3)
VS.) MATAGORDA COUNTY, TEXAS
4)
KELLOGG BROWN & ROOT, LLC)
5 AND HALLIBURTON COMPANY.) 23RD JUDICIAL DISTRICT

6
7 REPORTER'S CERTIFICATION
DEPOSITION OF AUBREY CLARK
NOVEMBER 6, 2006
8

9 I, Kimberly K. Gauthier, Certified Shorthand
10 Reporter in and for the State of Texas, hereby certify
11 to the following:

12 That the witness, AUBREY CLARK, was duly sworn
13 by the officer and that the transcript of the oral
14 deposition is a true record of the testimony given by
15 the witness;

16 That the deposition transcript was submitted
17 on _____ to the witness or
18 to the attorney for the witness for examination,
19 signature and return to me by _____;

20 That the amount of time used by each party at
21 the deposition is as follows:

22 Mr. Hyde1:17
23 Mr. Martingano.....0:44

24 That pursuant to information given to the
25 Deposition officer at the time said testimony was taken,


1 the following includes counsel for all parties of
2 record:

3 FOR THE PLAINTIFF:
Mr. J. Keith Hyde
4 FOR THE DEFENDANT:
Mr. James Martingano
5

6 I further certify that I am neither counsel
7 for, related to, nor employed by any of the parties or
8 attorneys in the action in which this proceeding was
9 taken, and further that I am not financially or
10 otherwise interested in the outcome of the action.

11 Further certification requirements pursuant to
12 Rule 203 of TRCP will be certified to after they have
13 occurred.

14 Certified to by me this 29th day
15 November, 2006.
16

17
18 
KIMBERLY K. GAUTHIER
19 Texas CSR 5507
Expiration Date: 12-31-06
20 Charlotte Smith Reporting, Inc.
Firm Registration No. 361
21 1116 Naylor, Suite C
Houston, Texas 77002
22 (713) 523-5400
23
24
25

1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 The original deposition was/was not returned
3 to the deposition officer on _____;

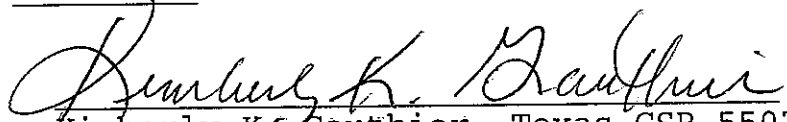
4 If returned, the attached Changes and
5 Signature page contains any changes and the reasons
6 therefor;

7 If returned, the original deposition was
8 delivered to _____,
9 Custodial Attorney;

10 That \$ _____ is the deposition
11 officer's charges to the _____ for
12 preparing the original deposition transcript and any
13 copies of exhibits;

14 That the deposition was delivered in
15 accordance with Rule 203.3, and that a copy of this
16 certificate was served on all parties shown herein on
17 _____ and filed with the Clerk.

18 Certified to by me this _____ day of
19 _____.

20 
21 Kimberly K. Gauthier, Texas CSR 5507
22 Expiration Date: 12/31/06
23 Firm Registration No. 361
24 Charlotte Smith Reporting, Inc.
25 1116 Naylor Street, Suite C
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