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June 3, 2003

Jason E. Luckasevic, Esquire  
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1030 Fifth Avenue, Third Floor  
Pittsburgh, PA 15219

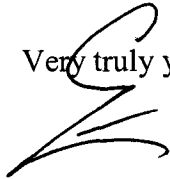
RE: Robert F. Adams and Naomi Adams, his wife vs. General Motors  
Corporation, et al. No. 7870 of 2002 (Westmoreland County)

Dear Jason:

Enclosed please find the transcripts of Maremont's representative, Carl Liggett, taken on 9/26/01, 12/12/01, 3/29/02, and 8/15/02.

After reviewing these transcripts, please advise as to whether you still believe it will be necessary to proceed with the deposition of the Maremont representative. If so, I will have to make arrangements for the deposition to take place at a time and place other than June 24 at your office.

Very truly yours,



Eric K. Falk

EKF/sla  
Enclosures

cc: Defense Counsel of Record (w/o enc.)

IN THE MATTER OF:

*Gabriel Novo, et al. v.*

*ACandS, Inc., et al.*

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*Deposition of Albert Carl Liggett*

*September 26, 2001*

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Word Index included with this Depo-Merge

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## IN THE CIRCUIT COURT FOR BALTIMORE CITY

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IN RE: Personal Injury \*

Asbestos Litigation

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GABRIEL NOVO, et al. \*

October 2001

Trial Group

7

Plaintiffs,

\* Case No.

24X00000003

8

-VS-

\* Lead Case No.

24X00000197

10

ACandS, INC., et al., \*

Consol. No.

24X00000378

11

Defendants. \*

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## DEPOSITION OF ALBERT CARL LIGGETT

The telephonic deposition of Albert Carl

Liggett, taken in the above-entitled case on

Wednesday, September 26, 2001 commencing at 2:10

p.m., at 8000 Joliet Road, McCook, Illinois, 60525,

and reported by Deborah Janicek.

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## A P P E A R A N C E S:

2

KASOWITZ, BENSON,

TORES &amp; FRIEDMAN, L.L.P.

3

(1833 Broadway

New York, NY 10019), by:

4

MR. JOHN C. CANONI,

on behalf of Maremont Corp.

and the Witness;

6

## PRESENT PHONETICALLY:

7

PARKER, DUMLER &amp; KIELY, L.L.P.

(36 South Charles Street

Suite 2200

Baltimore, MD 21201), by:

9

MR. MARK M. DUMLER,

10

on behalf of the Plaintiffs;

11

DANIEL J. O'CONNELL &amp; ASSOCIATES

(c/o ROBINSON &amp; WOOLSON

Attn: Ms. Cathy McCoy

217 East Redwood, Suite 1500

Baltimore, MD 21202), by:

14

MR. JAMES WALSH,

on behalf of John Crane, Inc.;

15

16

PIPER, MARBURY,

RUDNICK &amp; WOLFE, L.L.P.

(6225 Smith Avenue

Baltimore, MD 21209), by:

18

MR. PAUL DAY,

on behalf of General Motors

Corporation;

20

GOLDFEIN &amp; HOSMER

(217 East Redwood Street

Suite 2150

Baltimore, MD 21202), by:

22

MR. THOMAS BERNIER,

23

on behalf of Garlock, Inc. and

Anchor Packing;

24

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1

## PRESENT PHONETICALLY: (Cont.)

2

VENABLE, BAETJER and HOWARD, L.L.P.

(210 Allegheny Avenue

Towson, MD 21202), by:

3

MR. TED ROBERTS,

4

on behalf of Ford Motor Company

and Chrysler;

5

CHURCH &amp; HOUFF, P.A.

(Two North Charles Street

Suite 600

Baltimore MD 21202), by:

8

MR. MICHAEL OSBORNE,

on behalf of General Auto Parts

and Pneumo Abex Corp.;

9

10

McCARTER &amp; ENGLISH, L.L.P.

(201 North Charles Street

Baltimore, MD 21201), by:

11

MR. JAMES KOUTRAS,

on behalf of ACandS;

12

LIPSHULTZ and HONE, Chartered

(8630 Penton Street

Suite 108

Silver Spring, MD 20910), by:

16

MR. JOHN LLEWELLYN HONE,

on behalf of Volkswagen of

America, Inc.

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0004

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I-N-D-E-X

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Witness:

Page

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Albert Carl Liggett

4

Examination by Mr. Dumler

6

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EXHIBIT

6

Liggett Deposition

7

Exhibit No.

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(The witness was duly sworn.)

MR. CANONI: And for the benefit of the court reporter, if you're going to put an objection in if you would just note your name for her, that would be helpful. Go ahead, Mark.

MR. DUMLER: Would you state your name, please, sir?

THE WITNESS: Albert Carl Liggett, L-i-g-g-e-t-t.

MR. DUMLER: Mr. Liggett, my name is Mark Dumler. I represent the Novo family in a case filed against a number of friction defendants including Maremont.

ALBERT CARL LIGGETT, called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. DUMLER:

Q. It's my understanding that you -- It's been represented to me that you have information relevant and that you intend to testify in the trial of this case, is that correct?

A. That's correct.

Q. When did you find out that your services

or testimony would be --

(Brief interruption.)

BY MR. DUMLER:

Q. When did you find out that there was a trial in Baltimore and that you may be testifying in it?

A. A few weeks ago.

Q. Okay. Who told you that?

A. John Canoni.

Q. Can you tell me where you're presently employed?

A. I'm presently employed with Accurate Partitions in McCook, Illinois.

Q. Okay. What's the nature of your business there?

A. We manufacture and distribute toilet compartments.

Q. All right. Are you currently employed by or do you do any consulting work for Maremont?

A. No, I don't.

Q. Do you provide any services for which you receive any remuneration from Maremont to the current time?

A. No.

Q. Are you being paid in any way for your services today?

A. Yes.

Q. What's the nature of your arrangement?

A. They offered to pay me an hourly rate for my time.

Q. Okay. What's the hourly rate?

A. \$175.

Q. Portal to portal?

A. I'm not sure I understand what that means.

Q. Sure. Door to door, \$175 for your time today?

A. Well, this is at my door.

Q. Okay. Did you also spend time getting ready for the deposition?

A. Yes, I did.

Q. And how long did you spend?

A. Three -- Two or three hours.

Q. What did you do during those two or three hours?

A. I met with people of the law firm and they basically explored what my job had been and what my duties were and what my recollections were at that time.

Q. And were you paid for your time during those two to three hours?

A. Yes, I was.

Q. Okay. You also signed an affidavit in this case. Do you remember that or am I correct there?

A. That's correct.

Q. All right. Was that part of the two to three hours or was that an additional time you spent?

A. That was additional.

Q. Were you paid for the work -- or your time in connection with -- well, let me back up.

How much time did you spend that ultimately resulted in that affidavit?

MR. CANONI: Objection as to form. You can answer if you understand.

BY THE WITNESS:

A. Explain the question, please.

BY MR. DUMLER:

Q. Sure. Did you have any meetings or spend any time before you received that affidavit for your signature?

A. I had the time that I mentioned to you

1 previously.  
 2 Q. Okay. So the affidavit came after the two  
 3 to three hours.  
 4 A. That's correct.  
 5 Q. Did you make revisions to the affidavit?  
 6 A. No.  
 7 Q. How did you get it, in the mail or fax  
 8 machine or otherwise?  
 9 A. In the mail.  
 10 Q. And you signed it and sent it back?  
 11 A. That's correct.  
 12 Q. Did you receive any pay for the time that  
 13 you spent reviewing the affidavit?  
 14 A. No.  
 15 Q. Have you rendered a bill or do you -- have  
 16 you already received payment?  
 17 MR. CANONI: Objection as to form.  
 18 He's already said he hasn't been paid for  
 19 it but the first part of your question you can  
 20 answer.  
 21 BY MR. DUMLER:  
 22 Q. Have you rendered a bill yet or you're --  
 23 you've not yet rendered a bill?  
 24 A. I did render a bill for my initial meeting

1 with the firm.  
 2 Q. All right.  
 3 MR. CANONI: No, I think his question was have  
 4 you rendered a bill for the affidavit.  
 5 BY THE WITNESS:  
 6 A. I have not rendered a bill for the  
 7 affidavit.  
 8 BY MR. DUMLER:  
 9 Q. All right. And when you come out to  
 10 testify, I take it you'll bill for your time from  
 11 the time you leave until the time you go back; is  
 12 that fair to say?  
 13 A. I haven't given that any thought.  
 14 Q. Okay. Have you testified for Maremont  
 15 previously?  
 16 A. Are you asking for the entire time I've  
 17 worked for them?  
 18 Q. Well, let's start -- When did you stop  
 19 working for Maremont?  
 20 A. Sometime around '79.  
 21 Q. All right. Have you provided any services  
 22 to Maremont since 1979?  
 23 MR. CANONI: Actually let's back up. The  
 24 witness stopped working for New Turn.

1 MR. DUMLER: Okay.  
 2 THE WITNESS: Correct.  
 3 MR. CANONI: I just -- So the record is clear.  
 4 MR. DUMLER: That's fine.  
 5 MR. CANONI: He obviously -- His job continued  
 6 in pretty much the same capacity but what -- Let's  
 7 back up.  
 8 BY MR. DUMLER:  
 9 Q. All right. Let's do it this way then.  
 10 When did you start working for Maremont?  
 11 A. Sometime in 1973.  
 12 Q. What was your position there?  
 13 A. I started as the operations manager of a  
 14 facility in Nashville, Tennessee.  
 15 Q. What facility?  
 16 A. Allied Drive.  
 17 Q. What did that facility do?  
 18 A. It assembled brake shoes and disk pads for  
 19 Sears.  
 20 Q. All right. Where did you go after that?  
 21 A. I continued to manage that facility and  
 22 also managed the Paulding, Ohio facility.  
 23 Q. And what did the Paulding, Ohio facility  
 24 do?

1 A. They made brake linings, disk pads, truck  
 2 block and clutch facings.  
 3 Q. What year did you start there or what year  
 4 did you assume responsibilities over that  
 5 operation?  
 6 A. I believe it was 1976.  
 7 Q. And when did New Turn purchase or take  
 8 over those operations?  
 9 A. I don't recall the exact date.  
 10 Q. All right. What were your duties and  
 11 responsibilities at the Paulding, Ohio plant?  
 12 A. I was responsible for all manufacturing  
 13 operations.  
 14 Q. So between 1973 and 1979, did you testify  
 15 on behalf of Maremont in any asbestos-related  
 16 litigation?  
 17 MR. CANONI: Well, just -- '79 is not the  
 18 date. I mean I can represent to you that the date  
 19 was June 30, 1977.  
 20 MR. DUMLER: Okay.  
 21 MR. CANONI: But if you want to use '79, that's  
 22 fine.  
 23 BY MR. DUMLER:  
 24 Q. Between 1973 and 1977, June 30th, did you

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1 testify on behalf of Maremont in any  
 2 asbestos-related litigation?  
 3 A. No, I did not.  
 4 Q. Did you provide any services as far as  
 5 consulting or litigation assistance in connection  
 6 with any asbestos litigation between 1973 and June  
 7 of 1977?  
 8 A. Not to the best of my knowledge.  
 9 Q. Now after 1970 - June of 1977, did you  
 10 provide any litigation services, consulting  
 11 services or testimony for Maremont?  
 12 A. To the best of my knowledge, no.  
 13 Q. Okay. Were you ever hired by Maremont  
 14 other than in connection with asbestos litigation  
 15 after 1977?  
 16 A. To the best of my knowledge, no.  
 17 Q. When you say to the best of your knowledge  
 18 you never testified for Maremont after 1977, is  
 19 there some reason that you wouldn't be able to  
 20 remember that?  
 21 A. Nothing other than it being many years  
 22 ago.  
 23 Q. You have no recollection being in a  
 24 deposition or a courtroom in which you were asked

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1 questions about Maremont or its brake linings?  
 2 A. I certainly don't think so.  
 3 Q. While you were at Maremont, did you have  
 4 any other duties and responsibilities other than  
 5 operations manager and your responsibilities over  
 6 the Paulding, Ohio plant?  
 7 A. I'm not sure I understand the question.  
 8 Q. Sure. In 1973 you started as operations  
 9 manager over the Allied - what's the name of the  
 10 plant that you were responsible for then?  
 11 A. Allied Drive plant.  
 12 Q. Okay. What did you actually do? What was  
 13 encompassed in the responsibilities of operations  
 14 manager?  
 15 A. I would be responsible for purchasing,  
 16 scheduling, production, quality, maintenance,  
 17 shipping, receiving, personnel.  
 18 Q. All right. Did you have any  
 19 responsibility for the design of the packaging that  
 20 brake shoes were sold in?  
 21 A. No, I did not.  
 22 Q. Did you have any responsibility for  
 23 marketing?  
 24 A. Nothing other than assisting those people

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1 that did have responsibility.  
 2 Q. Okay. And what type of responsibility or  
 3 services would you provide to the marketing  
 4 department?  
 5 A. Well, if the marketing department were to  
 6 meet with a customer or client and they would need  
 7 scheduling information or quality information, I  
 8 would assist in providing that.  
 9 Q. Okay. Do you consider marketing and  
 10 advertising to fall within the same department?  
 11 A. That would be hard to say. It was a  
 12 fairly small company. They were certainly closely  
 13 related.  
 14 Q. If somebody were to take out a billboard  
 15 or an advertisement in a magazine, whose  
 16 responsibility - what department does that  
 17 generally fall under?  
 18 A. I think I would say that's sales and  
 19 marketing.  
 20 Q. Okay. Did you ever assist with the sales  
 21 and marketing efforts as far as advertisements?  
 22 A. No, I did not.  
 23 Q. All right. Now you said you did not have  
 24 responsibility for the design of the packaging that

Page 16

1 brake shoes were sold in?  
 2 A. I wouldn't have responsibility for design  
 3 of it but I would be responsible for purchasing it.  
 4 Q. All right. From whom did Maremont  
 5 purchase - Did it purchase from a single source  
 6 the packaging that sold its brake shoes or brake  
 7 linings in?  
 8 A. I don't recall.  
 9 Q. Do you know whether Maremont - strike  
 10 that.  
 11 Who did the actual design of the box as  
 12 far as the color, look, logo, et cetera, that  
 13 appeared on the box?  
 14 MR. CANONI: You mean just brake -- just  
 15 friction products?  
 16 MR. DUMLER: Correct.  
 17 BY THE WITNESS:  
 18 A. Probably Jim Mello and Bob Rogers.  
 19 BY MR. DUMLER:  
 20 Q. All right. What department were they in?  
 21 A. The general manager and sales and  
 22 marketing.  
 23 Q. What were the brake lines that were -- or  
 24 the trade names that were manufactured out of the

Page 17

1 Allied Drive plant?  
 2 MR. CANONI: Objection as to form.  
 3 Do you understand the question?  
 4 THE WITNESS: No.  
 5 BY MR. DUMLER:  
 6 Q. Well, you said that you assembled brake  
 7 shoes at the Allied Drive facility, is that  
 8 correct?  
 9 A. That's right.  
 10 Q. All right. When you assembled them, did  
 11 you package them at that plant?  
 12 A. Yes, we did.  
 13 Q. All right. Did you package them for  
 14 resale to consumers or for some other purchaser?  
 15 A. We assembled them for Sears.  
 16 Q. Okay. So Maremont had a direct -- was a  
 17 direct supplier to Sears out of that plant.  
 18 A. That's correct.  
 19 Q. All right. Did Maremont sell any brake  
 20 shoes from that plant to anyone else other than  
 21 Sears?  
 22 A. Not that I recall.  
 23 Q. The boxes that were sold -- The brake  
 24 shoes that were sold to Sears, how were they

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1 labeled?  
 2 A. Sears.  
 3 Q. This is sort of a -- Is this a rebranding  
 4 or a -- basically you're just acting as a Sears  
 5 manufacturer for their product?  
 6 A. That's correct.  
 7 Q. And there were no Maremont products --  
 8 brake shoes -- manufactured out of the Allied Drive  
 9 plant and sold to consumers.  
 10 A. That's correct.  
 11 Q. All right. Now in 1976, you went to  
 12 Paulding, Ohio and I take it that you left there or  
 13 at least left Maremont in June of 1977, is that  
 14 correct?  
 15 A. Well, ask your question again, please.  
 16 Q. Sure. Well, I'm trying to figure out how  
 17 long you worked under Maremont at the Paulding,  
 18 Ohio facility.  
 19 A. For about a year-and-a-half.  
 20 Q. Did you have any responsibility -- Did you  
 21 actually physically work there or you just assumed  
 22 the responsibility over that operation?  
 23 A. I was physically at both facilities most  
 24 weeks.

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1 Q. All right. Prior to 1976, what  
 2 interaction did you have with the Paulding, Ohio  
 3 facility?  
 4 A. The Paulding, Ohio facility provided the  
 5 Allied Drive facility with its brake linings and  
 6 disk pads.  
 7 Q. Did you have any responsibility with  
 8 respect to the Paulding, Ohio facility for the  
 9 packaging of the products?  
 10 A. That were shipped out of Paulding?  
 11 Q. Correct.  
 12 A. No, I did not.  
 13 Q. Did you have any responsibility for  
 14 marketing or sales with respect to any of the  
 15 products manufactured or sold from the Paulding,  
 16 Ohio facility?  
 17 A. No, I did not.  
 18 Q. Did you physically work at the Paulding,  
 19 Ohio facility prior to 1976?  
 20 A. Nothing --  
 21 MR. CANONI: You mean was he physically present  
 22 there?  
 23 MR. DUMLER: Well, did he go there as part of  
 24 his normal work.

Page 20

1 BY THE WITNESS:  
 2 A. I visited occasionally.  
 3 BY MR. DUMLER:  
 4 Q. What do you mean by occasionally?  
 5 A. Once or twice a year.  
 6 Q. How much interaction did you have with  
 7 respect to the sales and marketing department  
 8 and -- strike that.  
 9 How much interaction did you have with the  
 10 sales and marketing department at the Paulding,  
 11 Ohio facility?  
 12 MR. CANONI: Well, objection. I don't know  
 13 that he's said that they're different from what  
 14 he's testified to before.  
 15 BY MR. DUMLER:  
 16 Q. Is it one sales marketing facility or is  
 17 the responsibility divided between the two  
 18 facilities?  
 19 A. It was divided.  
 20 Q. So there would be a separate sales and  
 21 marketing department responsible for sales and  
 22 marketing over the products produced by the  
 23 Paulding, Ohio facility, is that correct?  
 24 A. That is correct.

1 Q. Where was that department located?  
 2 A. At Paulding, Ohio.  
 3 Q. Makes sense.  
 4 What interaction did you have with the  
 5 sales and marketing department at the Paulding,  
 6 Ohio facility?  
 7 MR. CANONI: What --  
 8 BY MR. DUMLER:  
 9 Q. Prior to 1976.  
 10 A. Only incidental.  
 11 Q. What interaction did you have with the  
 12 marketing department of the Paulding, Ohio facility  
 13 after 1976?  
 14 A. I was responsible for providing their  
 15 products so quite a bit.  
 16 Q. Did you assist in the packaging -- design  
 17 of any packaging while you were at Paulding, Ohio?  
 18 A. Personally, no.  
 19 Q. Did you assist in any of the advertising  
 20 for any of the products that were manufactured or  
 21 sold at Paulding, Ohio?  
 22 A. No, not directly.  
 23 Q. All right. What were the specific  
 24 products that were manufactured at the Paulding,

1 Ohio facility?  
 2 MR. CANONI: By product line or trade name?  
 3 What --  
 4 MR. DUMLER: Let's talk about product line.  
 5 BY THE WITNESS:  
 6 A. Brake linings.  
 7 BY MR. DUMLER:  
 8 Q. All right.  
 9 A. Disk pads, truck block and clutch facings.  
 10 Q. Now, sir, during the time that you were  
 11 there, how would you describe the line of business  
 12 in which Maremont was in?  
 13 MR. CANONI: Objection as to form.  
 14 BY THE WITNESS:  
 15 A. Are you --  
 16 MR. CANONI: Do you understand?  
 17 BY THE WITNESS:  
 18 A. Are you talking about they sold shock  
 19 absorbers?  
 20 BY MR. DUMLER:  
 21 Q. I'm talking about generally if you were  
 22 describing Maremont. You'd say I work for  
 23 Maremont. How would you describe their business  
 24 during the time that you worked there?

1 MR. CANONI: At Paulding?  
 2 MR. DUMLER: No, at Maremont from '73 to '77.  
 3 BY THE WITNESS:  
 4 A. I would say they were in the automotive  
 5 aftermarket business.  
 6 BY MR. DUMLER:  
 7 Q. Okay. In other words they manufactured  
 8 and sold automotive parts.  
 9 A. Correct.  
 10 Q. I was supplied with -- strike that.  
 11 What products did Maremont sell under its  
 12 own name during the time that you worked there?  
 13 A. You know, I wouldn't know that much about  
 14 shocks and exhaust. They didn't supply any, to my  
 15 knowledge, of the friction products under the  
 16 Maremont name.  
 17 Q. What products are you aware that they did  
 18 sell under their name? You don't know of any?  
 19 A. I think they did some shocks and some  
 20 exhaust.  
 21 Q. Any others?  
 22 A. Not that I can think of.  
 23 Q. I was supplied with answers to  
 24 interrogatories in this case that indicate that in

1 1953 Maremont purchased Grizzly Manufacturing. Do  
 2 you have any reason to believe that that is  
 3 incorrect?  
 4 A. I wouldn't have any recollection of what  
 5 that would be.  
 6 Q. You don't have any knowledge about  
 7 Maremont's purchase of Grizzly?  
 8 A. Well, I know they purchased it but I would  
 9 have been 10 years old in 1953.  
 10 Q. Okay. You don't have any -- any knowledge  
 11 from your review of any books and records that  
 12 Maremont -- or your work at Maremont -- as to when  
 13 the purchase occurred?  
 14 A. That's probably the right time period.  
 15 Q. Do you know whether or not Maremont  
 16 manufactured any brake products prior to its  
 17 purchase of Grizzly?  
 18 A. No, I don't know.  
 19 Q. Do you know what products Grizzly  
 20 manufactured at the time Maremont purchased the  
 21 company?  
 22 A. I don't know. I would presume it was the  
 23 same product line they were still making when I got  
 24 there.

1 Q. All right. What product line was that?  
 2 A. Brake linings, disk pads, truck block and  
 3 clutch facings.  
 4 Q. What's the relationship between the  
 5 Paulding, Ohio facility and Grizzly?  
 6 A. The way I understand it, the man that  
 7 started the Paulding plant was from California and  
 8 the grizzly bear was the state animal so that's why  
 9 he called it Grizzly and he used to go to Paulding  
 10 to pheasant hunt.  
 11 Q. Did Maremont own the -- Did Maremont  
 12 purchase the Paulding, Ohio plant from Grizzly?  
 13 A. That would be my assumption.  
 14 Q. Now after Maremont purchased the --  
 15 purchased Grizzly, do you know what efforts the  
 16 company made to have customers identify the Grizzly  
 17 name with Maremont?  
 18 A. To the best of my recollection, all  
 19 marketing was done under the Grizzly name because  
 20 that was the brand name that was well-known and  
 21 they wanted to just continue that brand  
 22 representation in the market.  
 23 Q. Okay. When you say "all marketing was  
 24 done," can you give me any specific recollections

1 you have of any marketing campaigns or marketing  
 2 efforts with respect to Grizzly?  
 3 A. I know all the boxes and cartons we had  
 4 said Grizzly. I know the catalogs that we had said  
 5 Grizzly. I don't recall anything that didn't have  
 6 Grizzly.  
 7 Q. Are you aware of any marketing efforts  
 8 that were made to have customers associate the  
 9 Grizzly name with Maremont?  
 10 A. No, to the contrary. I think they tried  
 11 to keep it as Grizzly and not have any connection  
 12 to Maremont.  
 13 Q. Okay.  
 14 MR. CANONI: Can we just get a -- Do you want  
 15 to ask the witness what his understanding of  
 16 customers is because I think it might be different  
 17 than yours.  
 18 MR. DUMLER: Okay. We'll get there.  
 19 MR. CANONI: Okay.  
 20 MR. DUMLER: Can I get the court reporter --  
 21 Did the court reporter bring the exhibit that I  
 22 sent out there?  
 23 THE REPORTER: No, I didn't. I didn't get to  
 24 the office.

1 MR. DUMLER: You're kidding me.  
 2 MR. CANONI: Why don't we do this.  
 3 THE REPORTER: You know what? I can call the  
 4 office and have them fax it here.  
 5 MR. DUMLER: All right. Let's take a  
 6 five-minute break and have them fax it over.  
 7 THE REPORTER: Okay.  
 8 MR. CANONI: We can fax it right here if you  
 9 want to fax it or we can have her office do it.  
 10 Whatever is quicker.  
 11 MR. DUMLER: I'll fax it. What's the number?  
 12 THE WITNESS: It is 708-442-7439.  
 13 MR. DUMLER: Okay. Let me put you on hold.  
 14 MR. CANONI: Okay. Do you want to -- All  
 15 right. Go ahead.  
 16 (A recess was had.)  
 17 MR. CANONI: Okay. We're back on.  
 18 BY MR. DUMLER:  
 19 Q. All right. Can you describe for me, sir,  
 20 the boxes that Maremont sold its brake linings in  
 21 between 1960 and 1982?  
 22 A. Again, I wouldn't be aware of everything  
 23 but all that I recall seeing had the stylized  
 24 grizzly bear on it and the Grizzly logo.

1 Q. When you say you don't recall  
 2 everything --  
 3 A. Well, I wasn't there in 1963.  
 4 Q. All right. So how about --  
 5 A. I can tell you what all the boxes in the  
 6 plant looked like when I got there. I can tell you  
 7 what they looked like when I left.  
 8 Q. Okay. Well, do you have any  
 9 information -- Other than seeing boxes when you got  
 10 there, do you have any information about what the  
 11 boxes looked like prior to 1973?  
 12 A. I just know that the Grizzly brand was  
 13 well-known, that they were doing what they could to  
 14 promote and continue the Grizzly brand and that any  
 15 marketing efforts that I was aware of promoted  
 16 Grizzly.  
 17 Q. Okay. That's -- I appreciate that answer  
 18 but that doesn't answer my question.  
 19 Do you have any specific knowledge about  
 20 the product boxes prior to 1973? Did you ever see  
 21 any boxes of Maremont brake linings prior to 1973?  
 22 MR. CANONI: Other than what you've already  
 23 testified to.  
 24 BY THE WITNESS:

1 A. No.  
 2 BY MR. DUMLER:  
 3 Q. Now when you got there in 1973, you worked  
 4 at the Allied Drive operation. You didn't see any  
 5 boxes of Grizzly brake linings at the Allied Drive  
 6 operation, correct?  
 7 A. Well, we would receive boxes of Grizzly  
 8 brake linings, put them onto the metal shoe or disk  
 9 pad and put them in a Sears box.  
 10 Q. Okay. But they were not packaged as they  
 11 would be packaged for ultimate purchase by a  
 12 consumer.  
 13 MR. CANONI: Objection as to form. I think --  
 14 Well, I don't know if you want to get into the  
 15 definition of consumer now.  
 16 MR. DUMLER: We'll get there.  
 17 MR. CANONI: Okay.  
 18 Do you understand?  
 19 BY THE WITNESS:  
 20 A. Ask the question again, please?  
 21 BY MR. DUMLER:  
 22 Q. Sure. When you got brake linings from the  
 23 Paulding, Ohio plant at the Allied Drive plant, how  
 24 were they packaged?

1 A. They were in bulk in boxes.  
 2 Q. What did the boxes say?  
 3 A. They would have a part number on them.  
 4 Q. Did they say anything else on the boxes?  
 5 A. Not really. It would be an interplant  
 6 shipment.  
 7 Q. Now between '73 and '76, you did not have  
 8 any specific responsibilities over the Maremont  
 9 brake linings that were manufactured at the  
 10 Paulding, Ohio plant, correct?  
 11 A. That's correct.  
 12 Q. How frequently did you see the boxes for  
 13 the brake linings that were manufactured from the  
 14 Paulding, Ohio plant between '73 and '76?  
 15 MR. CANONI: Objection as to form.  
 16 BY THE WITNESS:  
 17 A. If I visited that facility, I might see  
 18 the boxes.  
 19 BY MR. DUMLER:  
 20 Q. All right. But it'd be fair to say that  
 21 you did not have -- strike that.  
 22 Would it be fair to say that you never saw  
 23 all the products that were shipped out of that  
 24 plant?

1 A. I guess that would be fair.  
 2 Q. All right. Would it also be fair to say  
 3 that you do not have a complete knowledge of all  
 4 the boxes that contained brake linings that were  
 5 shipped out of the Paulding, Ohio plant between '73  
 6 and '76?  
 7 A. That would be fair.  
 8 Q. All right. And with respect to the design  
 9 and what those boxes said on them, your knowledge  
 10 is not exhaustive between '73 and '76 as to whether  
 11 or not -- as to each design or style of all the  
 12 brake lining boxes, correct?  
 13 MR. CANONI: Objection as to form. If you  
 14 understand, you can ...  
 15 BY THE WITNESS:  
 16 A. No, I would not be an expert on everything  
 17 that ever could have transpired there.  
 18 BY MR. DUMLER:  
 19 Q. And would it be fair to say that whatever  
 20 knowledge you have about the boxes that were used  
 21 between '73 and '76 from Paulding, Ohio was based  
 22 upon your one to two trips per year to that plant?  
 23 MR. CANONI: Objection as to form.  
 24 BY THE WITNESS:

1 A. I certainly had a general knowledge of  
 2 what they did at that plant and how they sold their  
 3 products.  
 4 BY MR. DUMLER:  
 5 Q. Based upon your trips there twice a year?  
 6 A. My trips there, my phone conversations and  
 7 my interaction with them visiting our plant, us  
 8 visiting their plant and meeting at headquarters in  
 9 Chicago.  
 10 Q. All right. Between 1973 and 1976, how  
 11 often did you actually see the boxes of Maremont  
 12 brake linings that were produced from the Paulding,  
 13 Ohio plant?  
 14 MR. CANONI: You mean the physical boxes?  
 15 MR. DUMLER: Sure.  
 16 BY THE WITNESS:  
 17 A. Two to four times a year.  
 18 BY MR. DUMLER:  
 19 Q. What was the reason that you would see  
 20 them at that time?  
 21 A. I would be visiting the factory.  
 22 Q. All right. Would you actually be  
 23 inspecting them or you would be visiting them and  
 24 happen to see them there?

1 A. The latter would be correct.  
 2 Q. All right. So you would go -- Would you  
 3 take a tour of the facility or you happened to be  
 4 in the plant while they were loading boxes  
 5 somewhere?  
 6 A. That's correct. I would be in the plant  
 7 on business -- you know, working on various  
 8 production quality-related issues and observe what  
 9 was around me.  
 10 Q. Okay. So it would be fair to say, sir,  
 11 wouldn't it, that you wouldn't be comfortable  
 12 testifying that between 1973 and 1976 that there  
 13 were no boxes shipped out of the Paulding, Ohio  
 14 plant that contained the name Maremont?  
 15 (Brief interruption.)  
 16 BY THE WITNESS:  
 17 A. Would you say that again, please?  
 18 BY MR. DUMLER:  
 19 Q. Sure.  
 20 MR. CANONI: The exhibit --  
 21 BY THE WITNESS:  
 22 A. I'm sorry. The fax was being brought in.  
 23 BY MR. DUMLER:  
 24 Q. Okay. It's fair to say, isn't it, that

1 you're not comfortable saying that between 1973 and  
 2 1976 there were no boxes shipped out of the  
 3 Paulding, Ohio plant containing brake linings that  
 4 had the word Maremont somewhere on the box.  
 5 MR. CANONI: Objection as to form.  
 6 BY THE WITNESS:  
 7 A. I would not know everything that went out  
 8 of there. That is correct.  
 9 BY MR. DUMLER:  
 10 Q. Okay. And therefore you're not able to  
 11 say that it did not go out of there; a box -- boxes  
 12 containing brake linings with the name Maremont on  
 13 them.  
 14 MR. CANONI: Objection as to form.  
 15 BY THE WITNESS:  
 16 A. Well, I wouldn't be able to say either  
 17 way.  
 18 BY MR. DUMLER:  
 19 Q. All right. Now the same is true prior to  
 20 1973; that you do not know whether or not there  
 21 were boxes of brake linings sold by Maremont that  
 22 had the name Maremont somewhere on the box.  
 23 MR. CANONI: Objection as to form.  
 24 BY THE WITNESS:

1 A. I don't guess I would know what happened  
 2 before I joined the company.  
 3 BY MR. DUMLER:  
 4 Q. Okay.  
 5 MR. DUMLER: If I could have the court reporter  
 6 mark the exhibit that's been brought in over the  
 7 fax machine?  
 8 (The document was thereupon marked  
 9 Liggett Deposition Exhibit No. 1,  
 10 for identification, as of 9-26-01.)  
 11 (The document was tendered.)  
 12 THE REPORTER: Okay.  
 13 MR. DUMLER: Now hold on. While you take a  
 14 look at that, sir, let me run out. I faxed you my  
 15 copy so let me run out and grab it.  
 16 (Pause.)  
 17 MR. DUMLER: This is marked as Exhibit 1,  
 18 correct?  
 19 THE REPORTER: Yes.  
 20 BY MR. DUMLER:  
 21 Q. If you look at Exhibit 1, sir, it's an  
 22 advertisement appearing in a magazine in February  
 23 of 1966. Have you ever seen this before?  
 24 A. No, I have not.

1 Q. Do you have any reason to doubt that this  
 2 is an advertisement placed by Maremont Marketing,  
 3 Inc., Chicago, Illinois, in February of 1966?  
 4 A. You know, I wouldn't know one way or the  
 5 other.  
 6 Q. Do you ever --  
 7 MR. HONE: Mark, this is John Hone. Is Exhibit  
 8 1 the advertisement which you reproduced in one of  
 9 your pleadings?  
 10 MR. DUMLER: Correct.  
 11 MR. HONE: Okay. Thank you.  
 12 BY MR. DUMLER:  
 13 Q. While you were employed by Maremont, sir,  
 14 do you ever remember seeing advertisements that  
 15 looked similar to this advertisement?  
 16 MR. CANONI: Objection as to form.  
 17 BY THE WITNESS:  
 18 A. No, I do not.  
 19 BY MR. DUMLER:  
 20 Q. Okay. Do you ever remember seeing any  
 21 advertisements by Maremont in any magazines while  
 22 you were employed there?  
 23 A. Say that again?  
 24 Q. Sure. While you worked at Maremont, do

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1 you ever remember picking up a magazine and seeing  
2 an advertisement -- an advertisement for Maremont  
3 brake linings whether they were Grizzly or  
4 otherwise?

5 A. I do recall seeing some Grizzly  
6 advertisements. I don't recall seeing any  
7 Maremont.

8 Q. All right. Do you know why the  
9 advertisement refers to Maremont/Grizzly brake  
10 linings?

11 A. No, I don't.

12 Q. Do you have any explanation for why the  
13 advertisement states, quote, "always order  
14 Maremont/Grizzly brake linings"?

15 MR. CANONI: Objection as to form.

16 BY THE WITNESS:

17 A. No, I wouldn't know that.

18 BY MR. DUMLER:

19 Q. Do you see where it indicates at the  
20 bottom, Maremont Marketing, Inc.?

21 A. Yes, I do.

22 Q. Do you know what that entity is?

23 A. No, I don't.

24 Q. Now if I were a mechanic back in 1969 --

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1 I'm sorry, back in 1966, where could I go buy  
2 Maremont/Grizzly brake linings?

3 MR. CANONI: Objection as to form.

4 BY THE WITNESS:

5 A. I don't believe as a mechanic that you  
6 could go buy Grizzly brake linings.

7 BY MR. DUMLER:

8 Q. And why do you say that?

9 A. Because the brake linings would be sold to  
10 a rebuilder company and the rebuilder would -- you  
11 know, clean up the old brake linings and put the  
12 new linings on the old shoe and resell them.

13 Q. All right. Who were the rebuilders that  
14 Maremont/Grizzly sold to?

15 A. I don't remember their names but there was  
16 a large quantity of them.

17 Q. Do you have any knowledge about Maremont's  
18 sales in the state of New Jersey between 1960 and  
19 1977?

20 A. No, I do not.

21 Q. Were brake linings for -- Were Maremont  
22 brake linings under the name Grizzly manufactured  
23 in any other plant other than the Paulding, Ohio  
24 plant?

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1 A. Not to the best of my knowledge.

2 Q. Okay. So Paulding, with respect to

3 Grizzly -- strike that.

4 Did Maremont ever manufacture any brake  
5 linings anywhere else other than the Allied Drive  
6 facility or the Paulding, Ohio facility?

7 MR. CANONI: Objection as to form. I think  
8 he's testified that Nashville -- Allied Drive did  
9 not manufacture.

10 MR. DUMLER: Okay. You're correct.

11 MR. CANONI: So you want to take the question  
12 as to Paulding, you can answer that.

13 BY MR. DUMLER:

14 Q. Did Maremont -- well, strike that.

15 Why don't you tell me the brake linings  
16 that Maremont manufactured between 1960 and 1982.

17 A. If you ask me for information prior to  
18 1976, I would only be speculating.

19 Q. All right. Let's start with 1970 -- well,  
20 '76. What brake linings did Maremont manufacture  
21 between 1976 and 1982?

22 A. They manufactured a line of resin-based  
23 brake linings and a line of oil-based brake  
24 linings.

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1 Q. What were the trade names or marketing  
2 names of those brake linings between '76 and '82?

3 MR. CANONI: Objection as to form. You mean  
4 '77?

5 MR. DUMLER: I'm sorry.

6 BY MR. DUMLER:

7 Q. Between '73, when you started in '73  
8 and -- Well, what years are you able to testify to?

9 MR. CANONI: And --

10 MR. DUMLER: I wrote down 1976. I must have  
11 the date wrong.

12 THE WITNESS: That's right.

13 MR. CANONI: Seventy-six is right for when Mr.  
14 Liggett went to Paulding.

15 BY MR. DUMLER:

16 Q. All right. So prior to 1976, you can't  
17 testify about any of the products that Maremont  
18 sold or manufactured, is that correct?

19 MR. CANONI: Well, objection as to personal  
20 knowledge.

21 MR. DUMLER: Okay.

22 BY THE WITNESS:

23 A. I can tell you --

24 BY MR. DUMLER:

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1 Q. Do you have personal knowledge of any of  
2 the brake products that Maremont manufactured or  
3 sold other than to Sears prior to 1976?  
4 A. Yes. I know that is -- from the time I  
5 joined the company in 1973 that they were selling  
6 Grizzly brake linings to rebuilders at the same  
7 time they were selling brake linings to the Allied  
8 Drive facility to be assembled, packaged and sold  
9 to Sears.  
10 Q. All right. So between 1973 and when you  
11 left in '77, what were the trade names or marketing  
12 names of those brake linings?  
13 A. Grizzly.  
14 Q. All right. Were any brake linings sold by  
15 Maremont under any other name other than Grizzly?  
16 A. To the best of my knowledge, no.  
17 (Pause.)  
18 BY MR. DUMLER:  
19 Q. Now the boxes that Grizzly was sold in,  
20 there would be no statement on there anywhere on  
21 the box sold by or manufactured by Maremont  
22 Corporation?  
23 A. To the best of my recollection, they did  
24 not have any reference to Maremont.

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1 Q. Have you ever heard the name Ultra?  
2 A. Yes.  
3 Q. What do you understand that to be?  
4 A. That would be another brand name that was  
5 produced at the Paulding plant.  
6 Q. All right. Where was that? What type of  
7 material or product was that?  
8 A. I believe that was truck block.  
9 Q. What about Leland or Leland?  
10 A. Those were all heavy duty truck parts.  
11 Q. Hyper?  
12 A. I don't recall what that was.  
13 Q. You have no idea whether it was linings,  
14 block or otherwise?  
15 A. No, I don't.  
16 Q. All-in-One?  
17 A. That was a Sears brake set that in  
18 addition to having the brake shoes had the parts to  
19 rebuild the wheel cylinder.  
20 Q. And was that manufactured under the Sears  
21 name?  
22 MR. CANONI: Objection as to form. You mean  
23 sold under the Sears name?  
24 MR. DUMLER: Yes.

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1 BY MR. DUMLER:  
2 Q. Was it sold by Sears under Sears name?  
3 A. Yes.  
4 Q. Over The Counter?  
5 A. That was also brake linings assembled at  
6 Allied Drive that were for Sears to sell to the  
7 home rebuilder -- or, excuse me, the home mechanic.  
8 Q. Saftigrip?  
9 A. That was a trade name that I can't  
10 remember if it applied to linings or truck block.  
11 Q. All right. Assuming that it applied --  
12 Well, let's take Saftigrip as an example.  
13 If Saftigrip is either linings or truck  
14 block, where could someone purchase that product?  
15 A. It would be sold to a remanufacturer who  
16 would then sell it to warehouse distributors who  
17 would sell it to the local parts house who would  
18 then sell it to whomever wanted it.  
19 Q. Are you familiar with the name Silvertip?  
20 A. That was a truck block.  
21 Q. XP Woven?  
22 A. I don't recall that.  
23 Q. Do you know whether or not it's a brake  
24 lining?

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1 A. No, I do not.  
2 Q. Synco -- Syncro? S-y-n-c-r-o.  
3 A. I don't recall but it sounds like a clutch  
4 facing.  
5 Q. And Trugard? T-r-u-g-a-r-d.  
6 A. I believe that was a truck block.  
7 Q. All right. What about SS Metallic?  
8 A. I don't recall that one.  
9 Q. Now when Maremont sold brake linings to  
10 rebuilders, were they sold in individual cartons?  
11 A. There would be a quantity of 25, 50 or  
12 maybe a hundred pieces of lining in a carton.  
13 Q. And the rebuilder would take the lining,  
14 put it -- affix it to the shoe and resell it?  
15 A. That's correct.  
16 Q. Under what name would the rebuilder sell  
17 the lining and the shoe?  
18 A. Most would use the Grizzly trade name  
19 because of its brand image.  
20 Q. Did you have any agreements with the  
21 rebuilders that they had to use the Grizzly name?  
22 A. Not that I'm aware of.  
23 Q. Do you have any knowledge prior to 1973  
24 about the names that the rebuilders placed on their

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1 products?  
 2 A. No, I don't.  
 3 Q. A rebuilder could just as easily sell a  
 4 rebuilt shoe with a Maremont brake lining and call  
 5 it Maremont as call it Grizzly.  
 6 MR. CANONI: Objection as to form.  
 7 BY MR. DUMLER:  
 8 Q. Correct?  
 9 A. I don't believe there would be any  
 10 incentive to do that because the Grizzly name was  
 11 known in friction material. I don't see why you'd  
 12 pick some name out of the air and put it on your  
 13 product.  
 14 Q. Well, Maremont was already known as an  
 15 automobile parts manufacturer, correct?  
 16 A. Correct.  
 17 Q. And Maremont sold other products; for  
 18 example, mufflers, correct?  
 19 A. Correct.  
 20 Q. And someone who orders Maremont mufflers  
 21 obviously knows the name Maremont, correct?  
 22 A. Correct.  
 23 Q. And somebody who purchases Maremont  
 24 mufflers, there's no Grizzly muffler, correct?

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1 A. There's no Grizzly muffler that I'm aware  
 2 of.  
 3 Q. Did Grizzly make any other automotive  
 4 parts other than brake linings?  
 5 A. Grizzly had a line of heavy duty truck  
 6 products.  
 7 Q. I'm talking about automobile replacement  
 8 parts.  
 9 Did Grizzly manufacture any automobile  
 10 replacement parts other than brake linings?  
 11 A. Not that I'm aware of.  
 12 MR. CANONI: And clutch facings.  
 13 BY MR. DUMLER:  
 14 Q. So it would be fair to say that as far as  
 15 an automotive parts manufacturer, Maremont would  
 16 have a wider name than Grizzly, correct, as far as  
 17 selling more parts?  
 18 MR. CANONI: Objection as to form.  
 19 BY THE WITNESS:  
 20 A. They are sold in different channels of  
 21 distribution.  
 22 BY MR. DUMLER:  
 23 Q. But you have no knowledge whether or not  
 24 remanufacturers were selling under the name

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1 Maremont or Maremont/Grizzly or Grizzly, correct?  
 2 MR. CANONI: Objection as to form.  
 3 BY THE WITNESS:  
 4 A. My general knowledge would be that anybody  
 5 that was selling it sold it under the Grizzly label  
 6 or the rebuilder might put his own house brand  
 7 label on it.  
 8 BY MR. DUMLER:  
 9 Q. All right. What knowledge do you have of  
 10 that prior to 1973?  
 11 A. Nothing other than the information I heard  
 12 about as I joined the company.  
 13 Q. So you have no personal knowledge about  
 14 the names that rebranders would put on the product  
 15 prior to 1973, correct?  
 16 A. That's correct.  
 17 Q. Now if you could take back Exhibit No. 1,  
 18 could you provide me with any explanation as to why  
 19 this advertisement would appear with both the  
 20 Maremont and the Grizzly name on it?  
 21 MR. CANONI: Objection. Asked and answered.  
 22 You can --  
 23 BY THE WITNESS:  
 24 A. I -- No, I can't help you with that.

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1 BY MR. DUMLER:  
 2 Q. Is there someone that's more  
 3 knowledgeable -- well, strike that.  
 4 Is there somebody who you believe would  
 5 have any knowledge about the marketing that was  
 6 done back in 19 -- in the 1960's with respect to  
 7 the name Maremont/Grizzly?  
 8 A. That's going back pretty far beyond me to  
 9 go back into the '60's. I don't think I would know  
 10 any names associated with the business at that  
 11 time.  
 12 MR. CANONI: In marketing.  
 13 THE WITNESS: In marketing.  
 14 BY MR. DUMLER:  
 15 Q. You went -- Did you go to work for the  
 16 company that purchased the brake line division of  
 17 Maremont?  
 18 A. Yes, I did.  
 19 Q. What was their name?  
 20 A. New Turn.  
 21 Q. How long did you work for New Turn?  
 22 A. For about three years.  
 23 Q. What responsibilities did you have there?  
 24 A. My title was vice president of

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1 manufacturing.  
 2 Q. Were you still responsible for the sale of  
 3 brake linings from the Paulding, Ohio plant?  
 4 A. I was responsible for the manufacture of  
 5 brake linings until I closed the Paulding plant and  
 6 moved it to Tennessee.  
 7 Q. When did you do that?  
 8 A. Oh, I don't remember exactly. About 1979.  
 9 Q. Am I correct, sir, that the Grizzly brake  
 10 operation was a division of Maremont?  
 11 MR. CANONI: Objection as to form.  
 12 BY THE WITNESS:  
 13 A. At one time prior to its sale, it was a  
 14 division of Maremont.  
 15 BY MR. DUMLER:  
 16 Q. You understand the distinction between a  
 17 division and a subsidiary?  
 18 A. Probably not.  
 19 MR. CANONI: I'm not sure I do.  
 20 BY MR. DUMLER:  
 21 Q. Now if I were a remanufacturer and wanted  
 22 to order brake linings manufactured by Maremont,  
 23 who would I call between 1976 and 1977?  
 24 A. You would call the Grizzly factory in

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1 Paulding, Ohio.  
 2 Q. Do you have any knowledge about who I  
 3 would call prior to 1976?  
 4 A. Yes, I do.  
 5 Q. All right. What knowledge -- How do you  
 6 get that knowledge?  
 7 A. From being associated with the company  
 8 from 1973.  
 9 Q. All right. Would I call a purchasing  
 10 department or a sales department?  
 11 A. You'd call the sales department.  
 12 Q. Is that the same sales and marketing  
 13 department that we talked about before?  
 14 A. Right.  
 15 Q. All right. So I'm a remanufacturer. I  
 16 want to buy brake linings that are manufactured by  
 17 Maremont. I call the sales and marketing  
 18 department at the Paulding, Ohio plant?  
 19 A. That's correct.  
 20 Q. Who would I speak to there between 1973  
 21 and 1977?  
 22 A. Wayne Knight.  
 23 Q. What was Mr. Knight's position?  
 24 A. General manager.

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1 Q. Other than Mr. Knight, was anyone else  
 2 taking orders between '73 and '77 for  
 3 Maremont-manufactured brake linings?  
 4 A. There were a couple of customer service  
 5 people.  
 6 Q. When you were at the Paulding, Ohio plant,  
 7 did you have letterhead that said Maremont on it?  
 8 A. Not that I recall.  
 9 Q. Did you have any documents -- business  
 10 cards or otherwise -- that indicated Maremont?  
 11 A. Yes.  
 12 Q. What documents indicated that Paulding,  
 13 Ohio had an association with Maremont?  
 14 A. Probably business cards.  
 15 Q. Your business card said Maremont?  
 16 A. Correct.  
 17 Q. All right. Can you tell me what else your  
 18 business card said between 1973 and 1977?  
 19 A. My name, phone number, address.  
 20 Q. And Maremont Corporation?  
 21 A. Right.  
 22 Q. Did it say Grizzly on it as well?  
 23 A. No, but mine were with the Allied Drive  
 24 facility.

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1 Q. How about when you worked in the Paulding,  
 2 Ohio plant?  
 3 A. I didn't get new business cards.  
 4 Q. All right. And how about the rest of the  
 5 staff at the Paulding, Ohio plant that had business  
 6 cards? Did their cards also say Maremont on them?  
 7 A. I'm not sure I recall.  
 8 Q. How about the external sales force? Do  
 9 you ever remember seeing their business cards? Was  
 10 there a sales force that called on customers?  
 11 A. There really was not a big external sales  
 12 force. It was done by one or two people.  
 13 Q. And those people, do you know whether  
 14 their sales -- what their business cards said?  
 15 A. Grizzly.  
 16 Q. What were their names?  
 17 A. Wayne Knight and I honestly can't  
 18 remember.  
 19 Q. All right. While you worked at Maremont,  
 20 did you have occasion to send letters?  
 21 A. Yes.  
 22 Q. You had letterhead that said Maremont  
 23 Corporation?  
 24 A. Yes.

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- 1 Q. Did your letterhead ever say -- ever  
 2 indicate the name Grizzly?  
 3 A. Yes, it did. At the Ohio plant.  
 4 Q. Did the Ohio plant also have the name  
 5 Maremont on it?  
 6 A. No, I think it just had Grizzly.  
 7 Q. So it depends upon whether you were  
 8 sending out a letter related to the Ohio plant?  
 9 One day you would use Grizzly letterhead and one  
 10 day you would use Maremont letterhead?  
 11 A. That's correct.  
 12 Q. Do you have in your possession, sir, any  
 13 advertisements that say Grizzly?  
 14 A. No, I don't.  
 15 Q. Do you have in your possession any  
 16 documents that you've retained from your employment  
 17 at Maremont?  
 18 A. I don't know. I'd have to go look in my  
 19 basement.  
 20 Q. Do you have your business card from when  
 21 you were at Maremont?  
 22 A. No.  
 23 Q. Your old business cards?  
 24 A. No, I don't.

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- 1 Q. Do you have your old letterhead and copies  
 2 of old letters or letterhead from when you worked  
 3 at Maremont?  
 4 A. I don't think so.  
 5 Q. I take it that when you got your paycheck  
 6 it said Maremont Corporation on it?  
 7 A. Yes, it did.  
 8 Q. Do you have any information about the  
 9 rebuilders to whom Maremont sold its brake linings  
 10 that would resell those products in the state of  
 11 New Jersey?  
 12 A. I don't believe I could do anything  
 13 specific to New Jersey.  
 14 Q. All right. Could you do anything specific  
 15 that would be in any way related to this case?  
 16 A. Well, I know they sold to rebuilders. I  
 17 have some general knowledge of what rebuilders did.  
 18 Q. Do you have any knowledge of the  
 19 rebuilders in the state of New Jersey that used  
 20 Maremont-manufactured brake linings?  
 21 A. No, I don't.  
 22 Q. Did you ever have occasion, sir, to go  
 23 into the field to mechanics and see actual  
 24 mechanics changing brakes during the time that you

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- 1 worked at Maremont?  
 2 A. Yes, I did.  
 3 Q. Do you have any knowledge about the  
 4 practices of those mechanics with respect to  
 5 grinding or using of -- using air hoses?  
 6 A. Some knowledge.  
 7 Q. Did you ever witness mechanics grinding  
 8 brakes in the field?  
 9 A. Yes, I did.  
 10 Q. What was your understanding of the reason  
 11 that they ground brakes?  
 12 A. They wanted clearance at the heel and toe  
 13 of the lining so that it would contact first in the  
 14 center of the lining and wear out gently toward  
 15 both extremes so that the brakes would not grab.  
 16 Q. Did you recognize that as a fairly common  
 17 practice among auto mechanics who change brakes?  
 18 A. Yes.  
 19 Q. Did you also recognize that it was a  
 20 common practice among auto mechanics who change  
 21 brakes to use an air hose and compressed air to  
 22 blow out any debris around the brake drums?  
 23 A. It was my understanding that any debris  
 24 that accumulated in a brake drum was fosterite and

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- 1 not asbestos related and wasn't necessarily  
 2 harmful.  
 3 MR. DUMLER: I move to strike as nonresponsive.  
 4 BY MR. DUMLER:  
 5 Q. My question is not your understanding of  
 6 the dangers involved. My question, sir, is whether  
 7 or not you understood it was a common practice for  
 8 mechanics to use compressed air to blow out debris  
 9 from around the brake drum.  
 10 A. Most of the ones I saw at Sears used a  
 11 bowl-shaped device to put over the brake drum and  
 12 would vacuum and blow simultaneously.  
 13 Q. What years did you see this practice being  
 14 done at Sears?  
 15 A. In the late '70's.  
 16 Q. Is all of your experience or with --  
 17 strike that.  
 18 Did you visit any other auto shops other  
 19 than Sears?  
 20 A. Yes.  
 21 Q. Did you -- You also saw the practices of  
 22 using compressed air and grinding at the other auto  
 23 shops?  
 24 A. That's correct.

## Page 57

1 Q. Now how early do you remember seeing these  
2 practices?  
3 A. Oh, mid '70's.  
4 Q. All right. And how late -- As late as  
5 when do you remember seeing mechanics grinding  
6 brakes?  
7 A. 1980.  
8 Q. In 1980, were the mechanics that you  
9 saw -- were they using any protective mechanism  
10 with respect to the dust caused by the grinding of  
11 brakes?  
12 A. All the grinders I saw had dust collectors  
13 as an integral part of the grinder.  
14 Q. Were there any respirators being used?  
15 A. Some did.  
16 Q. Where did you see mechanics using  
17 respirators?  
18 MR. CANONI: You're talking about the actual  
19 brake mechanic on the car itself?  
20 MR. DUMLER: Correct.  
21 BY THE WITNESS:  
22 A. Are you asking for the physical location?  
23 BY MR. DUMLER:  
24 Q. Sure.

## Page 58

1 A. I don't think I could recall that with any  
2 certainty.  
3 Q. Okay. Can you tell me, sir, when is the  
4 first time that you learned that there was any  
5 health hazard associated with asbestos?  
6 A. When I joined the company in 1973.  
7 Q. What were you told at that time?  
8 A. That breathing asbestos, if you were a  
9 smoker, could cause asbestosis.  
10 Q. Were you told anything else about the  
11 dangers of asbestos?  
12 A. I was told that there was a remote  
13 possibility of mesothelioma.  
14 Q. Who told you these things about asbestos?  
15 A. There was a lot of news about that and a  
16 lot of industry awareness. The Asbestos  
17 Information Association.  
18 Q. Did you ever attend any meetings on behalf  
19 of Maremont at either the Asbestos Information  
20 Association, the Friction -- the FMSI, Friction  
21 Material Standards Institute?  
22 A. Yes, I did.  
23 Q. All right. What was your involvement with  
24 those organizations?

## Page 59

1 A. I was a member of the Asbestos Information  
2 Association and would attend an annual conference.  
3 Q. Could you tell me for how long Maremont  
4 was a member of the Asbestos Information  
5 Association?  
6 A. I know they were when I joined them in  
7 1973.  
8 Q. And were you a member from 1973 until the  
9 time you left in '77?  
10 A. That's correct.  
11 Q. And would you say that you were an active  
12 member of the Asbestos Information Association  
13 while you were employed at Maremont?  
14 MR. CANONI: Objection as to form.  
15 BY THE WITNESS:  
16 A. What do you mean by active?  
17 BY MR. DUMLER:  
18 Q. Did you regularly attend meetings?  
19 A. Annually.  
20 Q. Were you on any committees?  
21 A. No, I was not.  
22 Q. All right. At the annual meetings of the  
23 Asbestos Information Association, were there  
24 presentations regarding the dangers of asbestos?

## Page 60

1 A. Yes, there were.  
2 Q. Did you attend the Asbestos Information  
3 Association annual meetings each year between 1973  
4 and 1977?  
5 A. I believe I attended most years.  
6 Q. Were you also a member of the FMSI?  
7 A. No, I was not.  
8 Q. Was Maremont a member?  
9 A. Yes, they were.  
10 Q. Did you ever receive any materials or  
11 information provided by the FMSI to Maremont?  
12 A. Yes, I did.  
13 Q. What material did you receive?  
14 A. Classification systems, testing systems,  
15 test procedures, dynamometer routines, labeling  
16 systems.  
17 Q. Did you ever receive any material provided  
18 by the FMSI to Maremont Corporation regarding  
19 asbestos?  
20 A. I didn't personally see that.  
21 Q. Do you know whether any -- You're saying  
22 did not personally. Are you aware of anyone else  
23 in the corporation that did obtain such  
24 information?

## Page 61

1 A. No, I'm not.  
 2 Q. What other organizations are you aware  
 3 that Maremont was a member of?  
 4 MR. CANONI: Related to asbestos?  
 5 MR. DUMLER: Well, if you know that they're  
 6 related to asbestos, sure.  
 7 BY THE WITNESS:  
 8 A. There were some other industry  
 9 associations that -- that Maremont participated in.  
 10 I had no involvement with them and don't know who  
 11 they were.  
 12 BY MR. DUMLER:  
 13 Q. Did Maremont place a warning on the  
 14 packages of brake linings it shipped?  
 15 A. Yes, it did.  
 16 Q. What year did Maremont first place a  
 17 warning?  
 18 A. I don't know. I believe they were on  
 19 there when I joined the company.  
 20 Q. Do you remember what the warning said?  
 21 A. Something to the effect that Caution,  
 22 breathing asbestos fibers can be harmful.  
 23 Q. And that was put on the boxes that were  
 24 sent to the rebuilders?

## Page 62

1 A. I certainly believe so.  
 2 Q. Did Maremont have any interaction with the  
 3 rebuilders with respect to the packaging of brake  
 4 linings and shoes that were sold to customers?  
 5 A. There were OSHA regulations and we tried  
 6 to pass that information on to all of our  
 7 customers.  
 8 Q. How did you do that?  
 9 A. Sales and marketing would send them  
 10 letters and copies of the required warnings.  
 11 (Pause.)  
 12 BY MR. DUMLER:  
 13 Q. Can you tell me how many different designs  
 14 there were for the packaging that contained  
 15 Maremont-manufactured brake linings between 1973  
 16 and 1977?  
 17 A. No, I couldn't tell you that.  
 18 Q. Was there more than one?  
 19 A. Yes.  
 20 Q. More than 10?  
 21 A. I really don't know.  
 22 Q. How about prior to 1973? Do you know how  
 23 many different designs there were for the packaging  
 24 that contained Maremont-manufactured brake linings?

## Page 63

1 A. No, I wouldn't know.  
 2 Q. Do you believe that you've seen all of the  
 3 boxes -- the different styles of boxes that were  
 4 manufactured and contained the  
 5 Maremont-manufactured brake linings between 1973  
 6 and 1977?  
 7 A. Yes, I do.  
 8 Q. Now if I were looking at a box of brake  
 9 linings that have Grizzly brake linings in them,  
 10 what else is on there other than the Grizzly name?  
 11 A. It would have some numbers that indicated  
 12 the part number. It would have the warning that  
 13 product contains asbestos. Breathing asbestos dust  
 14 can be harmful. And that's all I can think of.  
 15 Q. Did the box have an insert?  
 16 A. Those sold to Sears did.  
 17 Q. What about the boxes of brake linings that  
 18 were not sold to Sears?  
 19 A. I don't believe they had an insert.  
 20 Q. What did the insert say that was contained  
 21 in the boxes sold to Sears?  
 22 A. It typically told how to do a brake job.  
 23 Q. Step-by-step explanation?  
 24 A. Correct.

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1 MR. DUMLER: All right. Let's take a  
 2 two-minute break. We may be done here.  
 3 MR. CANONI: Okay.  
 4 (A recess was had.)  
 5 MR. CANONI: Okay. We're on the record.  
 6 MR. DUMLER: All right. I have a few more  
 7 questions for you, sir.  
 8 BY MR. DUMLER:  
 9 Q. Could you relate for me your educational  
 10 background?  
 11 A. I have a B.S. degree from the University  
 12 of Tennessee in Knoxville in industrial management.  
 13 Q. Prior to going to work for Maremont, where  
 14 did you work?  
 15 A. I worked for Proctor & Gamble.  
 16 Q. I take it that you did not have any duties  
 17 and responsibilities related to brakes there.  
 18 A. That's a safe assumption.  
 19 Q. All right. How long did you work there  
 20 and where did you go next?  
 21 A. I worked there for three years and I went  
 22 from there to Maremont Corporation. Do you want to  
 23 know prior to Proctor & Gamble?  
 24 Q. Correct.

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1 A. I was in the U.S. Air Force.  
2 Q. What other manufacturing companies did you  
3 work for?  
4 A. Ford Motor Company.  
5 Q. What did you do for Ford?  
6 A. Assembly line foreman at Lorain, Ohio.  
7 Q. What years did you work at Ford?  
8 A. I worked there less than a year in 1966  
9 and got drafted.  
10 Q. Okay. Prior to going to work for Ford,  
11 did you work for anyone else?  
12 A. No, I did not.  
13 MR. DUMLER: That's all the questions I have.  
14 Thank you.  
15 MR. CANONI: Okay. Anyone else?  
16 VOICE 1: None here.  
17 VOICE 2: No questions.  
18 MR. BERNIER: No questions from Bernier.  
19 Madam Court Reporter, I do not want a copy.  
20 THE REPORTER: Thank you.  
21 MR. OSBORNE: Mike Osborne here. I have no  
22 questions and I would like a copy.  
23 THE REPORTER: Okay.  
24 MR. ROBERTS: Ted Roberts. No questions.

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1 Please send me a copy.  
2 THE REPORTER: Okay.  
3 MR. WALSH: James Walsh. No questions. Please  
4 send me a copy.  
5 THE REPORTER: Okay.  
6 MR. DAY: Paul Day. No questions but I would  
7 like a copy.  
8 THE REPORTER: Okay.  
9 MR. KOUTRAS: James Koutras. No questions but  
10 I'd like a copy, please.  
11 THE REPORTER: Okay.  
12 VOICE 3: Madam Court Reporter, would you  
13 please give me your name and phone number?  
14 THE REPORTER: My name is Deborah Janicek,  
15 J-a-n-i-c-e-k. I'm with Certified Reporting and my  
16 phone number is 312-922-1666.  
17 VOICE 3: Thank you, ma'am.  
18 THE REPORTER: You're welcome.  
19 MR. CANONI: Okay. Thank you.  
20 MR. DUMLER: Thank you.  
21 (AND FURTHER DEPONENT SAITH NAUGHT.)  
22  
23  
24

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## IN THE CIRCUIT COURT FOR BALTIMORE CITY

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IN RE: Personal Injury \*

Asbestos Litigation

GABRIEL NOVO, et al.

\* October 2001

Trial Group

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Plaintiffs,

\* Case No.

24X00000003

8

-vs-

\* Lead Case No.

24X000000197

10

ACandS, INC., et al.,

\* Consol. No.

24X00000378

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Defendants.

12

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\* \* \* \* \*

14

I hereby certify that I have read the foregoing transcript of my deposition given on 9-26-01 at the time and place aforesaid and I do again subscribe and make oath that the same is a true, correct and complete transcript of my deposition given as aforesaid, with corrections, if any, appearing on the attached correction sheet(s).  
 \_\_\_\_\_ correction sheets attached.

19

20

ALBERT CARL LIGGETT

21

SUBSCRIBED AND SWORN to  
 before me this \_\_\_\_ day of  
 \_\_\_\_\_, A.D., 2001

23

Notary Public

24

0068

1 STATE OF ILLINOIS )

)

2 COUNTY OF C O O K )

I, Deborah Janicek, Certified Shorthand Reporter and Notary Public in and for the County of Cook and State of Illinois, do hereby certify that ALBERT CARL LIGGETT was first duly sworn by me to testify the whole truth and that the above deposition was recorded stenographically by me and was reduced to typewriting under my personal direction.

I further certify that the foregoing deposition transcript is a true, correct and complete record of the testimony given and of all proceedings had before me.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor financially interested directly or indirectly in this action.

In witness whereof, I have hereunto set my hand and affixed my seal of office at Chicago, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2001.

23

Deborah Janicek

Certified Shorthand Reporter

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