

COMMONWEALTH OF KENTUCKY
HANCOCK CIRCUIT COURT

SHIRLEY H. McGLENON and)
TERRY L. PARKER,)
CO-EXECUTORS OF THE)
ESTATE OF LEON FISCHER,)
Plaintiffs,)
vs.) Case No. 08-CI-00022
SECO/WARWICK)
CORPORATION, et al.,)
Defendants.)

Videotaped deposition of LINDA A.
SNOWBALL, a Witness herein, called by the
Plaintiffs for cross-examination pursuant to
the Kentucky Rules of Civil Procedure, taken
before me, the undersigned, Lori K. Phillips,
an RMR and Notary Public in and for the State
of Ohio, at the offices of Vorys, Sater,
Seymour and Pease, 1100 FirstMerit Tower,
Akron, Ohio, on Thursday, the 5th day of
February, 2009, at 9:00 o'clock a.m.

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LINDA A. SNOWBALL
of lawful age, a Witness herein, having been
first duly sworn, as hereinafter certified,
deposed and said as follows:

CROSS-EXAMINATION

BY MR. JOHNSON:

Q. Would you state your full name,
please.

A. Linda Ann Snowball.

Q. Okay. Miss Snowball, I'm Rick
Johnson one of the attorneys for the
Plaintiffs in this case and introduced myself
just briefly when we started. To my knowledge
we never have met before. Is that your
understanding also?

A. Yes.

Q. Would you tell me your address,
please.

**A. 3831 Columbia C-o-l-u-m-b-i-a Avenue,
Norton, Ohio.**

Q. And your office address?

**A. At Goodyear it's 1144 East Market
Street, Akron, Ohio.**

Q. When did you begin your employment
with Goodyear?

A. 1977.

Q. And were you known as Linda Ann
Snowball at that time?

A. No.

Q. Okay. What was your name at the time
you were hired?

MS. WELSH: Rick, this is
Rosemary. Could you and the witness get any
closer to the phone?

THE WITNESS: Do you want me to
put this up?

MS. WELSH: You're fading out at
the end of your sentences.

MR. TAGGART: Hold on. Let's --
I'm going to move this phone around a little
bit so it's sort of equidistant between the
two of them and hopefully that will improve
your reception.

THE WITNESS: I'm sorry. Would
you repeat the question.

BY MR. JOHNSON:

Q. Yes, ma'am. Your name at the time
that you were hired by Goodyear in 1977?

A. Was Linda Wertman.

Q. Approximately how long were you Linda

Wertman?

A. For ten years.

Q. Can you tell me the years?

A. 1967 to 1977 -- '76.

Q. Have you been known as Linda Snowball
the other periods of your life?

A. No. I was known as Linda Fleming.

Q. And what were the years that you were
known as Linda Fleming?

A. 197 -- well, 1977 to 1991.

Q. Okay. And since 1991?

A. Linda Snowball.

Q. Thank you. And prior to 1967?

A. Linda Snowball.

Q. Okay. Thank you. What position were
you hired at in 1977 at Goodyear?

**A. I was hired in as a secretary in the
Patent and Trademark Department.**

Q. Is that secretary in the traditional
sense of the word that providing secretarial
assistance to another person or is that
secretarial in a corporate title position?

**A. It was providing secretarial
assistance.**

Q. And how long did you serve in the

secretarial position?

A. From 1977 to 1984.

Q. And who was your immediate supervisor
during that time?

A. Frank Pincelli P-i-n-c-e-l-l-i.

Q. What position did Mr. Pincelli hold?

**A. He was a patent and trademark
attorney.**

Q. Did you receive, excuse me, did you
receive a promotion in 1984?

A. Yes.

Q. And to what position?

**A. To the manager of the corporate
secretary's office.**

Q. Did that require a relocation to
another building or were you in the same
general location as your previous position
with the patent office?

A. No, it did not require relocation.

Q. Okay. You were still at Goodyear's
headquarters in Akron?

A. Yes.

Q. Okay. And who was your immediate
supervisor in the -- tell me the name of that
position again, manager of?

1 **A. Manager of the secretary's office.**
 2 Q. Was the secretary your supervisor?
 3 **A. Ah, no.**
 4 Q. Okay. Who was your supervisor?
 5 **A. Bob Stadevec, S-t-a-d-e-v-e-c I**
 6 **believe. Been awhile.**
 7 Q. What position did Mr. Stadevec hold?
 8 **A. I'm not sure of his exact title. I**
 9 **think he was the director.**
 10 Q. Director of the office of the
 11 secretary?
 12 **A. I'm not sure what -- exactly what his**
 13 **title was.**
 14 Q. Okay. What did you do in your
 15 position as manager of the office of the
 16 secretary?
 17 **A. I was in charge of the corporate**
 18 **records vault, which was a contract vault, and**
 19 **also had responsibility for the people that**
 20 **managed or handled the corporate minute books**
 21 **for Goodyear subsidiaries and we also did**
 22 **delegations of authority in that department as**
 23 **well.**
 24 Q. What is a delegation of authority?
 25 **A. Under our signing resolution an**

1 **executive -- an elected vice president,**
 2 **president or chairman is authorized to sign**
 3 **documents. A delegation of authority allows**
 4 **other folks to -- other people, employees to**
 5 **sign delegations -- or to sign documents on**
 6 **behalf of Goodyear.**
 7 Q. Approximately how many employees were
 8 under your supervision as manager of the
 9 office of the secretary?
 10 **A. Five.**
 11 Q. And what were those type of positions
 12 that were under your supervision?
 13 **A. There were four analysts, contract**
 14 **analysts and one person that did the**
 15 **delegations of authority and minute books.**
 16 Q. How long did you continue in that
 17 position as manager?
 18 **A. Until 2003.**
 19 Q. Did your job duties remain the same
 20 during that 1984 to 2003?
 21 **A. No.**
 22 Q. Okay. When did your job duties
 23 change?
 24 **A. In 1987.**
 25 Q. And how did they change?

1 **A. In 1987 I also took responsibility**
 2 **for the record center and for Goodyear's**
 3 **record retention program, document management**
 4 **program.**
 5 Q. And who did you report to at -- in
 6 that capacity?
 7 **A. Jim Boyazis B-o-y-a-z-i-s and also**
 8 **Pat Kemp K-e-m-p-h.**
 9 Q. What position did Mr. Boyazis --
 10 **A. Boyazis.**
 11 Q. -- did he hold?
 12 **A. He was assistant general counsel and**
 13 **secretary.**
 14 Q. So he was secretary of Goodyear Tire
 15 & Rubber Company?
 16 **A. Yes.**
 17 Q. And what position did Ms. Kemp hold?
 18 **A. Assistant secretary.**
 19 Q. Did you have any other changes in
 20 your job duties until 2003?
 21 **A. No.**
 22 Q. Explain for me, Miss Snowball, if you
 23 will, what was involved in your job
 24 responsibilities from 1987 to 2003 in regards
 25 to overseeing the record center.

1 **A. Yes. I had people that worked for**
 2 **me. We -- when records were sent to the**
 3 **record center from departments, we entered**
 4 **that information, kept track of it and at the**
 5 **time that they were eligible for review for**
 6 **discard we sent out destruction notices to the**
 7 **people that had sent the documents down there**
 8 **and after appropriate review and a sign off on**
 9 **that we would destroy those documents. At the**
 10 **time we also -- I also had a microfilming**
 11 **operation and we did microfilming.**
 12 Q. The departments that would send you
 13 records did that include every department with
 14 Goodyear Tire & Rubber Company?
 15 **A. No.**
 16 Q. Okay. Which departments would not
 17 have been included?
 18 **A. I don't know.**
 19 Q. If a department did not send its
 20 records to the record center, were the records
 21 retained at the department?
 22 **A. Yes.**
 23 Q. There wasn't like a second record
 24 center?
 25 **A. No.**

1 Q. The records that were sent to the
2 records center that you were managing did they
3 include records from any of the company's
4 subsidiary companies?
5 **A. I don't -- from the sub -- I'm sorry.**
6 **Repeat the question.**
7 Q. Okay. Any subsidiary of Goodyear?
8 **A. I don't know.**
9 Q. Okay. Did you receive record from
10 any company other than Goodyear Tire & Rubber
11 Company?
12 **A. No.**
13 Q. Did you receive record from --
14 records from plants across the United States?
15 **A. When the plants would close, we may**
16 **have received records.**
17 Q. When was --
18 (Mr. Gault joined conference.)
19 BY MR. JOHNSON:
20 Q. -- when was the microfilming
21 operation started?
22 **A. Oh, I don't know the year.**
23 Q. Was it before you --
24 **A. Yes.**
25 Q. -- came?

1 **A. Yes.**
2 Q. So before 1987?
3 **A. Yes.**
4 Q. When you were managing the records
5 center from 1987 to 2003, what were the
6 criteria in determining whether or not a
7 record would be reduced to microfilm?
8 **A. We had a list of vital records and**
9 **based on that it was -- that's the list that**
10 **they used to determine whether they would be**
11 **microfilmed or not.**
12 Q. Who replaced you as manager? Is that
13 the right title of the record center?
14 **A. Manager of secretary's office.**
15 Q. Okay. You oversaw the records
16 center. Who replaced you in that position?
17 **A. Anita Castora C-a-s-t-o-r-a.**
18 Q. Is Ms. Castora still in that
19 position?
20 **A. No.**
21 Q. Do you know who replaced her?
22 **A. I replaced her.**
23 Q. When did you replace her?
24 **A. In fall of 2004 as a contract**
25 **consultant for Goodyear.**

1 Q. And are you continuing in that
2 position as of today?
3 **A. Yes.**
4 Q. When you began working as a contract
5 consultant for Goodyear in 2004, did you
6 assume the other job responsibility that you
7 had had prior to I guess retiring in 2003?
8 **A. Yes, everything except the management**
9 **responsibility.**
10 Q. And who assumed that responsibility?
11 **A. Would have been Bert Bell.**
12 Q. I'm sorry?
13 **A. Bert Bell.**
14 Q. Is he still in that position?
15 **A. Yes.**
16 Q. What is his title?
17 **A. I'm not sure of the exact title, but**
18 **he's an assistant secretary and I believe**
19 **associate general counsel.**
20 Q. Do you have -- does your department
21 have possession and control of the list of the
22 vital records that were directed to be reduced
23 to microfilm?
24 **A. I don't know.**
25 Q. Is that -- when did, or if it did

1 stop, when did microfilming stop?
2 **A. I don't know the exact date. It was**
3 **in the '90s sometime. I'd have to go back. I**
4 **don't know what the exact date -- I don't**
5 **remember.**
6 Q. You were there when it stopped?
7 **A. Yes.**
8 Q. And what became of the records that
9 had been microfilmed?
10 **A. We have those, still have those.**
11 Q. And do you also have a list of what's
12 included in those records?
13 **A. Yes.**
14 Q. But you're not sure if you have a
15 policy? I'm not sure about your earlier
16 answer when I asked you if you had the
17 criteria for what was a vital record or the
18 listing of which items would be vital records.
19 **A. Yeah. When we stopped microfilming,**
20 **we basically shut down that part of the**
21 **department and I'm not sure if we still have a**
22 **list of the vital records that were on that**
23 **list. I haven't had to look for that and I**
24 **don't know whether we still have it or not.**
25 Q. Can you give me an example of a vital

1 record that would have been microfilmed?
 2 **A. The minute books.**
 3 Q. I believe you stated that in 1987
 4 your job responsibilities also included the
 5 retention -- record retention policy at
 6 Goodyear; is that correct?
 7 **A. Yes.**
 8 Q. Was that policy already in place in
 9 1987 when you took that position?
 10 **A. Yes.**
 11 Q. Did you have any involvement during
 12 your work in that position of modifying,
 13 making changes to the records retention
 14 policy?
 15 **A. Yes.**
 16 Q. Do you recall when those changes were
 17 made?
 18 **A. No.**
 19 Q. Do you have at Goodyear in your
 20 control a copy of the records retention
 21 policy?
 22 **A. Yes.**
 23 Q. Does that document indicate when it
 24 was changed or you just have a current version
 25 or do you have previous versions?

1 **A. I have previous versions.**
 2 Q. Okay. And throughout your time in
 3 the position, both as an employee, as a
 4 consultant, have you continued to work in the
 5 records retention department?
 6 **A. I've continued to work in the**
 7 **secretary's office.**
 8 Q. Okay. Records retention did it stop
 9 being under your authority at one time?
 10 **A. No.**
 11 Q. Is it still under your authority?
 12 **A. Yes.**
 13 Q. Does the records retention policy
 14 apply to all of the facilities of Goodyear
 15 Tire & Rubber Company?
 16 **A. I don't understand the question.**
 17 Q. Okay. You work at the Akron
 18 headquarters for Goodyear Tire & Rubber,
 19 correct?
 20 **A. Yes.**
 21 Q. Okay. I assume the records retention
 22 policy applies at the headquarters?
 23 **A. Yes.**
 24 Q. Does it apply at manufacturing
 25 facilities?

1 **A. No.**
 2 Q. What policy, if any, do the Goodyear
 3 manufacturing facilities have for records
 4 retention?
 5 **A. I don't know.**
 6 Q. Would you have obtained any records
 7 from any of the Goodyear manufacturing
 8 facilities through the corporate office?
 9 MR. TAGGART: Object to form. Go
 10 ahead.
 11 THE WITNESS: Can you repeat the
 12 question.
 13 BY MR. JOHNSON:
 14 Q. Yeah. In your position at the
 15 corporate headquarters in records retention
 16 have you obtained records from Goodyear
 17 manufacturing facilities?
 18 **A. Yes, when the plants were closed.**
 19 **Let me rephrase that. Possibly when the**
 20 **plants were closed. I can't speak to all**
 21 **plants that were closed.**
 22 Q. If a document from a Goodyear
 23 manufacturing facility was utilized by a
 24 Goodyear employee at the Goodyear
 25 headquarters, might the document that

1 originated at the manufacturing facility
 2 become a part of the document at the Goodyear
 3 headquarters?
 4 **A. I don't know.**
 5 Q. You don't recall seeing such
 6 documents?
 7 **A. I don't know.**
 8 Q. You don't know if you recall seeing
 9 them?
 10 **A. No, I don't recall seeing any.**
 11 Q. Your position as a consultant with
 12 Goodyear is that your exclusive employer?
 13 **A. I own a used book store in Barberton,**
 14 **Ohio.**
 15 Q. Okay. You don't do any other
 16 professional consulting?
 17 **A. No.**
 18 Q. What is the time period included in
 19 the Goodyear records retention policy for
 20 retaining records?
 21 MR. TAGGART: Object to form.
 22 THE WITNESS: I don't understand
 23 the question.
 24 BY MR. JOHNSON:
 25 Q. Okay. You have a retention policy

1 that I assume has certain criteria on how long
2 the document is held before it can be
3 destroyed; is that correct?

4 **A. Yes.**

5 Q. And what is that period that the
6 document is to be held?

7 MR. TAGGART: Objection. Go
8 ahead.

9 THE WITNESS: What document?

10 BY MR. JOHNSON:

11 Q. It varies from document to document?

12 **A. Yes.**

13 Q. Okay. Documents concerning an
14 employee's personnel file at Goodyear?

15 **A. It's termination plus six years.**

16 Q. Documents pertaining to medical
17 examinations of Goodyear employees?

18 **A. I don't know.**

19 Q. Are you aware of such documents?

20 **A. I know there are medical files.**

21 Q. Is there a retention time period
22 assigned for medical files?

23 **A. I believe there is, yes.**

24 Q. What's that?

25 **A. I don't know what that is. I'd have**

1 **to look at the retention schedule.**

2 Q. How long is the retention schedule,
3 how many pages?

4 **A. 133.**

5 Q. Do you know how many different
6 classifications it includes?

7 **A. No.**

8 Q. And how many individuals work under
9 your supervision in the records retention
10 area?

11 **A. Well, I don't supervise any more.**

12 Q. Under -- what's the gentleman's name
13 that's the supervisor now, Mr. Bell?

14 **A. Yes.**

15 Q. How many individuals work under his
16 supervision?

17 **A. One.**

18 Q. One. And what's that person's title
19 or job description?

20 **A. Record coordinator.**

21 Q. Is that employee the employee that is
22 primarily responsible for reviewing a document
23 that is submitted to records retention?

24 **A. No.**

25 Q. Who is?

1 **A. I don't understand the question.**

2 Q. Okay. Does your record retention
3 policy include advising departments as to
4 their responsibilities in retaining records?

5 **A. I'm sorry. Repeat the question.**

6 Q. Does your records retention policy
7 include advising departments as to their -- as
8 to the requirements of them retaining records?

9 MR. TAGGART: Objection. Go
10 ahead.

11 THE WITNESS: I'm sorry. I still
12 don't understand the question.

13 BY MR. JOHNSON:

14 Q. To whom does the records retention
15 policy give direction?

16 **A. The policy gives direction to
17 associates of The Goodyear Tire & Rubber
18 Company in Akron.**

19 Q. To whom do those associates call upon
20 for advice or direction concerning the
21 requirements of records retention?

22 **A. Generally they would call me.**

23 Q. Do you get such calls from employees
24 outside of the corporate headquarters in
25 Akron?

1 **A. Occasionally.**

2 Q. Does the same records retention
3 policy relate to the calls outside of
4 Goodyear's headquarters?

5 **A. Currently what I do is give them the
6 guidelines that we are using in Akron
7 corporate headquarters.**

8 Q. Do you know if they're required to
9 follow those guidelines?

10 **A. No, I don't know.**

11 Q. In addition to informing associates
12 and others of the Goodyear record retention
13 policy, does the records retention department
14 also involve itself directly with retaining
15 records?

16 MR. TAGGART: Objection.

17 THE WITNESS: I don't understand
18 that question. I'm sorry.

19 BY MR. JOHNSON:

20 Q. Are records ever sent to the records
21 retention department for the purpose of the
22 records retention -- retention department
23 deciding whether or not to retain the record?

24 MR. TAGGART: Objection. Go
25 ahead.

1 THE WITNESS: I'm sorry. Repeat
2 the question.

3 BY MR. JOHNSON:

4 Q. Are records ever sent to the records
5 detention -- records retention department for
6 the purpose of the records retention
7 department deciding whether or not to retain
8 the record?

9 A. Well, when we receive records in the
10 record center, the department makes the
11 decision as to whether they can hold them in
12 their department, whether they have room for
13 them or not.

14 If they are on the record
15 retention schedule and there is a record
16 retention period assigned to it, we accept it
17 into the record center. We do not look at
18 individual documents. We just accept the box
19 as -- and enter that information onto our
20 database.

21 Q. Would the record center receive
22 records from a department with the specific
23 request from the department that it be
24 retained at the record center?

25 A. When the department sends records to

1 the record center, it has to be on the
2 retention schedule as a valid record series
3 and has to still have a remaining period of
4 time for which it needs to be held.

5 Q. What factors are used in the
6 departments in determining which records are
7 sent to the record center for retention as
8 opposed to which records are kept in the
9 department for retention?

10 A. That's up to the departments.

11 Q. What is the approximate volume -- I'm
12 sorry. What is the approximate volume of the
13 number of records that are currently at the
14 record center?

15 A. Over 44,000 boxes.

16 Q. How large a box?

17 A. They're generally 1.2 cubic foot
18 boxes, but we do have some larger boxes as
19 well.

20 Q. And do you know approximately how
21 many cubic feet or square feet the building is
22 where the records are retained?

23 A. No.

24 Q. Are they all retained in one
25 building?

1 A. Yes.

2 Q. And where's that building?

3 A. It's at the corporate headquarters at
4 1144 East Market Street.

5 Q. Are those boxes identified by the
6 date that they are placed into the records
7 retention at the record center?

8 A. Currently on the physical boxes the
9 only thing that is on the physical box is a
10 bar code label.

11 Q. What is the purpose of the bar code
12 label?

13 A. The bar code label is the unique
14 identifier for that particular box of records.

15 Q. And what information would the bar
16 code label supply?

17 A. Just the accession number, the unit
18 number of the box.

19 Q. What does the unit number of the box
20 tell you?

21 A. It just tells us -- the unit -- the
22 bar code label just has a unit number on it
23 which is a box number and that's all that
24 would be on the physical box.

25 Q. And how is that utilized in

1 identifying the contents of the box?

2 A. It -- okay. Let me explain that when
3 records are sent to the record center the
4 individual sending them down to the record
5 center fills out an accession sheet. That
6 accession sheet has a bar code number and
7 other identifying information regarding the
8 box of material that was sent down to us.

9 Q. Are there requirements on what that
10 other identifying information is to be?

11 A. Yes, it's part of the form.

12 Q. And what would be an example of the
13 other identifying information?

14 A. The record series name.

15 Q. Is time period identified?

16 A. There is a place on the form for the
17 time period to be filled in.

18 Q. Would there be a place to identify
19 medical records?

20 A. Medical records is a record series
21 name, so that would fall under the record
22 series.

23 Q. Is there a place to identify air
24 sampling data?

25 A. I don't -- I don't know if that's a

1 **record series or not.**

2 Q. Do you have a list of all the record
3 series?

4 **A. Yes.**

5 Q. Do you know about how many different
6 record series there are?

7 **A. No.**

8 Q. Is there a record series for
9 asbestos-containing products?

10 **A. No.**

11 Q. Are the boxes placed on shelves in an
12 organized manner such that they can be located
13 through their bar code number?

14 **A. Yes.**

15 Q. And how far back in time -- well, let
16 me ask that another way.

17 Out of the approximately 44,000
18 boxes of records that are in the record center
19 what would be the oldest time period that a
20 box would have been assembled?

21 I'm not talking about how long,
22 you know, how old the record in the box might
23 be, but when the box itself would have been
24 assembled for storage how many years back did
25 that go?

1 **A. I don't know.**

2 Q. Was it there in 1987?

3 MR. TAGGART: Objection. Go
4 ahead.

5 BY MR. JOHNSON:

6 Q. Were the boxes there when you began
7 in 1987?

8 **A. There were boxes in the record center
9 in 1987.**

10 Q. Do you remember how many thousand
11 were there then?

12 **A. No.**

13 Q. Was it the same room that it's in
14 now?

15 **A. Yes.**

16 Q. But you've been there almost 21, 22
17 years. You have seen the number of boxes
18 increase that are in storage at the record
19 center?

20 MR. TAGGART: Objection. Go
21 ahead.

22 THE WITNESS: Yes. Well, I can't
23 say that they have increased. I know I -- no,
24 I can't. I rephrase that. No, I cannot say
25 that they have increased.

1 BY MR. JOHNSON:

2 Q. You don't have a recollection then of
3 the space that was retained -- that was
4 required, I'm sorry, that was required to
5 house the boxes that were being kept at the
6 record center in 1987 having to be increased
7 to the current time?

8 **A. Yes, it was increased.**

9 Q. Okay. When was it increased?

10 **A. In 2003, maybe early 2004.**

11 Q. Were the -- was the increase
12 necessary for different type of arrangement
13 that was being used as far as the storage of
14 the boxes or was it needed because there was a
15 larger number of boxes?

16 **A. There were a larger number of boxes.**

17 Q. When you began overseeing the record
18 center in 1987 who did you replace in that
19 position?

20 **A. Pat Kempf. In 1987? I'm sorry.
21 Please repeat the question.**

22 Q. Okay. In 1987 I believe was the date
23 that you began responsibilities in overseeing
24 the record center?

25 **A. Yes.**

1 Q. And who did you replace?

2 **A. Harriet Boggs B-o-g-g-s.**

3 Q. Do you know how long Miss Boggs had
4 been in that position?

5 **A. No.**

6 Q. Do you know who was in that position
7 before Miss Boggs?

8 **A. No.**

9 Q. Did you work with Miss Boggs in a
10 transition in your new job responsibilities
11 over the record center?

12 **A. Yes.**

13 Q. Do you recall any conversation with
14 Miss Boggs about how long she had worked in
15 that position?

16 **A. No.**

17 Q. Do you recall any conversations with
18 Miss Boggs about how long the records had been
19 located in that location?

20 **A. No.**

21 MR. TAGGART: Objection. Go
22 ahead.

23 THE WITNESS: No.

24 BY MR. JOHNSON:

25 Q. Excuse me. What requirements does

1 the records retention policy provide
2 concerning the intake of the records once
3 they're received in -- at the record center
4 from a department?

5 MR. TAGGART: Objection.

6 THE WITNESS: I'm sorry. I don't
7 understand the question. Could you repeat it,
8 please.

9 BY MR. JOHNSON:

10 Q. Yes. What are the requirements of
11 the records retention policy when the records
12 are sent there from the departments in
13 relation to records center employees recording
14 the intake of those records?

15 MR. TAGGART: Objection. Go
16 ahead.

17 THE WITNESS: When a department or
18 someone sends records down to the record
19 center, they put material in the box, they put
20 a bar code label on the box and they fill out
21 a transmittal form.

22 The person in the records center
23 then takes that information, puts it into our
24 database and puts the box on a shelf.

25 BY MR. JOHNSON:

1 Q. The written transmittal destroyed at
2 that time?

3 A. No.

4 Q. What happens with it?

5 A. **We keep that permanently.**

6 Q. Is it kept with the box or is it kept
7 in another records?

8 A. **It is kept separately.**

9 Q. So you have the database and the
10 paper copy of the transmittal both reflecting
11 the receipt of the box of records from the
12 department at the record center?

13 A. Yes.

14 Q. Does the record center employee
15 perform any duties in relation to the box or
16 the records other than recording the
17 information that is submitted by the
18 department in the transmittal?

19 A. Yes.

20 Q. What else do they do?

21 A. **They would retrieve boxes if they
22 were requested by the person that sent them
23 down to us.**

24 **From time to time we're asked by
25 our attorneys to cooperate with outside**

1 **counsel because they need to do review of
2 documents and he would pull those records at
3 that time.**

4 Q. At the time that the records are
5 received does the record center employee
6 perform any other responsibilities other than
7 entering the transmittal information into the
8 database?

9 A. **If the information wasn't correct or
10 it was not a valid record series, he might
11 educate the people that were sending those
12 records and require them to contact me if
13 there were not an existing record series and
14 they needed to send those things to the record
15 center. So he has an education responsibility
16 too.**

17 Q. Is there any responsibility at the
18 record center of involving opening the box
19 that is sent to the record center?

20 A. **The record center associate would not
21 review the records that were in the box or
22 look at them to my knowledge, no.**

23 Q. The transmittal sheet that is
24 received from the department includes -- which
25 people from the department are listed on the

1 transmittal sheet?

2 A. **No people are listed on the
3 transmittal sheet.**

4 Q. So the person responsible for
5 assembling the box or the person that was
6 responsible for preparing the records their
7 name would not appear on the transmittal
8 sheet?

9 A. **The person that sent the records to
10 the box their name would be on the transmittal
11 sheet.**

12 Q. Would their department name also be
13 on the transmittal sheet?

14 A. **I don't remember whether the
15 department name is on there. Department
16 number I believe is on there.**

17 Q. Can any Goodyear management employee
18 obtain access to records that are stored at
19 the record center by making a request through
20 your office?

21 A. No.

22 Q. What are the criteria for releasing
23 the records or allowing a Goodyear employee to
24 review the records?

25 A. **If they are not the person or**

1 department that had sent those records down to
2 us, then we would have to find out why someone
3 else wanted to look at those records. We are
4 the custodian of those records, not the owner
5 of those records.

6 So we would probably go to the law
7 department and ask them or we would ask the
8 person that was making the request why they
9 needed to see them. In some cases the tax
10 department may need to see those records. We
11 would advise the people that had sent that
12 down that they were asking to see them and the
13 law department does have access to the
14 documents as well.

15 Q. If access is gained to a box of
16 records is the access recorded in your
17 department?

18 A. If a box is delivered to a person
19 that has requested it and is authorized to see
20 it, that would be recorded.

21 Q. If a person views the documents at
22 the center it would not be recorded?

23 A. I'm not sure.

24 Q. Have you been called upon to
25 authenticate documents that are in the control

1 origin of the document, where it was stored
2 is.

3 Q. What would be the extent of your
4 representation in the authentication; what
5 would you be; is it under oath?

6 A. Yes.

7 Q. Okay. What would you be swearing to?

8 A. That it was a Goodyear document.

9 Q. And that it had been retained at the
10 record center?

11 A. No, not necessarily.

12 Q. Okay. Well, at times would you have
13 so authenticated that; in other words, some of
14 the documents that you've been asked, called
15 upon to authenticate were stored at the record
16 center?

17 A. I don't know that.

18 Q. You can't ever recall that happening?

19 A. Well, I don't know where the document
20 came from. I don't know whether it came from
21 the record center or if it came from an office
22 area. I don't know where the record was
23 housed at the time that I authenticated it.

24 Q. What are the criteria that you use in
25 authenticating a document?

1 of the record center?

2 A. I don't know.

3 Q. Do you recall ever signing an
4 affidavit that a document that was produced
5 from the record center was, in fact, a
6 document that had been received and stored in
7 the record center?

8 MR. TAGGART: Objection. You're
9 talking about in this case or just generally
10 ever?

11 MR. JOHNSON: In her capacity
12 working for Goodyear ever.

13 MR. TAGGART: Okay.

14 THE WITNESS: Well, I have been
15 asked to authenticate documents. I don't
16 always know where they come from, so I don't
17 know how to answer that question.

18 BY MR. JOHNSON:

19 Q. You don't know where the request
20 comes from?

21 A. No, I don't know where the documents
22 come from. I've been asked to authenticate
23 documents whether they are Goodyear Tire &
24 Rubber Company document, you know, and I've
25 done that, but I don't always know what the

1 A. I look to see if it's a format that
2 Goodyear may have used, to see who it was sent
3 to, who may have received it, who may have
4 been copied on it.

5 Q. Have you utilized a form document for
6 this authentication of records?

7 A. A form document? I don't know what
8 you mean by that.

9 Q. Okay. Do you recall when you were
10 authenticating a record if the document that
11 you signed was a form whereas it might have
12 been the same format that had been used on
13 various documents with different information
14 supplied and particular reference to a
15 document?

16 MR. TAGGART: Objection. Go
17 ahead.

18 THE WITNESS: I don't understand
19 the question.

20 BY MR. JOHNSON:

21 Q. You deal with a lot of forms in your
22 business, don't you?

23 A. Yes.

24 Q. Do you know what a form is?

25 A. Yes, I do.

1 Q. Okay. Do you ever remember filling
2 out a form in authenticating a document?

3 A. No.

4 Q. Do you know where the document that
5 you signed as the authentication came from?

6 MR. TAGGART: Objection. Go
7 ahead.

8 THE WITNESS: Generally they come
9 from the attorneys.

10 BY MR. JOHNSON:

11 Q. Goodyear attorneys?

12 A. **They could be outside attorneys.**

13 Q. Does your responsibility at the
14 record center also involve retention of
15 electronic data?

16 A. No.

17 Q. Under whose supervision is that?

18 A. **I don't know who that would be.**

19 Q. During your employment at the record
20 center for Goodyear do you recall any of the
21 documents being removed for the purpose of
22 retention by electronic format?

23 A. **I don't know.**

24 Q. You don't recall?

25 A. **No, I don't know.**

1 Q. Okay. I believe you testified
2 earlier that part of your job responsibility
3 at the record center is to oversee and I guess
4 to some degree coordinate requests for access
5 to documents and removal of documents from the
6 record center, correct?

7 A. **I have been asked for access, right,
8 and removal or return to the department or for
9 someone else to review, correct.**

10 Q. And you also testified that if it --
11 if the record has been requested by someone
12 other than the party that submitted the record
13 or the department that submitted the record
14 that an inquiry is done as to the purpose of
15 the access?

16 A. Yes.

17 Q. Can you recall, do you recall purpose
18 of that access ever being to reduce the
19 document to an electronic format?

20 A. **I would have no way of knowing that.
21 When we turn over the documents to whoever
22 requested them or the box to whoever requested
23 them, I don't know what they do with them.**

24 Q. But you would have a way of knowing
25 if they had given you that purpose for the

1 reason they wanted access to the document?

2 MR. TAGGART: Objection.

3 THE WITNESS: Well, I don't know
4 that.

5 BY MR. JOHNSON:

6 Q. How do you not know if someone has
7 ever -- you don't recall it?

8 MR. TAGGART: Objection.

9 THE WITNESS: When we turn over
10 the box of records to someone, I don't know
11 what they do with them after that. I don't
12 know whether they reduce them to an electronic
13 format or not.

14 BY MR. JOHNSON:

15 Q. I understand that and that's not my
16 question.

17 A. Okay.

18 Q. My question is, have you ever had
19 someone seeking access to give you as a reason
20 for their access that they were going to make
21 an electronic copy of the document?

22 A. **Not that I recall.**

23 Q. Thank you. Do you recall any of the
24 documents at the record center ever being
25 damaged due to, you know, storm damage, water

1 leaks, anything of that nature?

2 A. Yes.

3 Q. Do you recall any of the documents
4 ever having to be destroyed because of that --

5 A. No.

6 Q. -- damage?

7 A. **They were not.**

8 MR. JOHNSON: Can we take a break.

9 MR. TAGGART: Sure.

10 (Break had.)

11 BY MR. JOHNSON:

12 Q. Miss Snowball, do you recall at the
13 record center receiving any records that
14 included air sampling test?

15 A. **I don't know whether we have or not.**

16 Q. Do you recall ever being asked by
17 anyone to retrieve documents related to air
18 sampling test?

19 A. **Not that I recall.**

20 Q. Did you testify in the Connell case?

21 A. Yes.

22 Q. Were you asked about air sampling
23 records in that case?

24 A. **I don't remember.**

25 Q. You don't recall air sampling records

1 were produced in that race -- in that case?

2 **A. I don't remember.**

3 Q. Do you recall giving a deposition in
4 the Connell case on August 15, 2008?

5 **A. Yes.**

6 Q. Did you testify in that case after
7 that deposition?

8 **A. Yes.**

9 Q. When was that?

10 **A. In January of 2009.**

11 Q. And was that at trial?

12 **A. Yes.**

13 Q. Do you recall any questions
14 concerning air sampling data?

15 **A. I was asked to authenticate documents
16 and I authenticated documents at that time. I
17 don't remember the content of all the
18 documents.**

19 Q. Do you remember who was asking you to
20 authenticate the documents?

21 **A. Both our attorney and Goodyear -- The
22 Goodyear Tire & Rubber Company's attorney and
23 Mr. Bevan I believe. Well, The Goodyear Tire
24 & Rubber Company asked me to authenticate
25 documents.**

1 Q. And you don't recall if the
2 Plaintiff's lawyer asked you to authenticate
3 documents also?

4 **A. Yes, I believe he did.**

5 Q. Do you know Mr. Joseph Holtshouser
6 H-o-l-t-s-h-o-u-s-e-r I believe?

7 **A. Yes.**

8 Q. And in what capacity do you know Mr.
9 Holtshouser?

10 **A. I knew him as an employee of The
11 Goodyear Tire & Rubber Company.**

12 Q. And in what area was he employed?

13 **A. I believe he was in the industrial
14 hygiene area or health and safety. I'm not
15 sure exactly.**

16 Q. Do you also know him to have been a
17 consultant since his retirement from Goodyear?

18 **A. No, I didn't know that.**

19 Q. You haven't had any contact with him
20 as a consultant?

21 **A. No.**

22 Q. Did you have contact with him
23 concerning the Connell case?

24 **A. No.**

25 Q. Did you provide any assistance, any

1 information in obtaining air sample -- air
2 sampling records in the Connell case?

3 **A. I'm sorry. Repeat the question.**

4 Q. Did you provide any information or
5 any assistance in obtaining air sampling
6 records in the Connell case?

7 **A. Well, I don't know.**

8 Q. You don't know if anyone asked for
9 access to your records in relation to that
10 litigation?

11 MR. TAGGART: Objection. Go
12 ahead.

13 THE WITNESS: Not that I recall
14 specifically for that litigation, no.

15 BY MR. JOHNSON:

16 Q. Do you recall being asked for access
17 to records at the record center in relation to
18 asbestos litigation?

19 **A. Yes.**

20 Q. When do you last recall that being
21 done?

22 **A. In 2002 Vorys Sater at the direction
23 of Goodyear's general counsel came in and I
24 was asked to give them access to the records
25 in the record center. I gave them copies and**

1 **lists of the database that we had for the
2 records that were in the record center. They
3 spent several months gathering records there.
4 My understanding was that they were
5 asbestos-related documents.**

6 **They also spent a lot of time
7 throughout Goodyear in other departments
8 collecting information, records and to my
9 knowledge those records are all in a
10 repository maintained by Vorys Sater in
11 Columbus, Ohio.**

12 Q. And prior to those records being --
13 well, you said -- did you say copies were
14 made?

15 **A. I don't know what they did. I don't
16 know whether they made copies or whether they
17 took originals. We only provided them access
18 to the records.**

19 Q. So based upon that I assume that
20 since this records assembling was done in 2002
21 by Vorys Sater that you have not provided any
22 asbestos records from the record center?

23 **A. That's true.**

24 Q. Okay. Prior to 2002 did you provide
25 any asbestos records from the record center?

1 **A. I don't know whether they were**
 2 **asbestos records. Our attorneys who dealt**
 3 **with that particular subject matter would from**
 4 **time to time ask for records to be delivered**
 5 **to them from the record center.**

6 **Again, my understanding was all**
 7 **those records were turned over and are in the**
 8 **repository as well, but I can't speak to what**
 9 **they collected specifically.**

10 Q. Does Goodyear have a records
 11 retention policy in relation to the time
 12 period that a record is retained for an
 13 employee who has undergone medical tests?

14 MR. TAGGART: Objection. Go
 15 ahead.

16 THE WITNESS: Nothing that
 17 specific, no.

18 BY MR. JOHNSON:

19 Q. Are you familiar with a policy that
 20 requires retention of the records for a 30
 21 year period after the employee's employment
 22 ends at Goodyear?

23 MR. TAGGART: Objection.

24 THE WITNESS: I'm sorry. Would
 25 you repeat the question.

1 BY MR. JOHNSON:

2 Q. Yes. Are you familiar with any
 3 records retention policy that would require
 4 retaining a record on an employee for a 30
 5 year period after the employee's employment
 6 ended at Goodyear?

7 **A. I'd have to look --**

8 MR. TAGGART: Objection.

9 THE WITNESS: -- I'd have to look
 10 at the retention schedule. I don't know off
 11 the top of my head.

12 BY MR. JOHNSON:

13 Q. Do the records at the record center
 14 include any brochures about products
 15 manufactured by Goodyear?

16 **A. That I don't know.**

17 Q. Is the marketing department a
 18 separate department at Goodyear?

19 **A. Yes.**

20 Q. Is the marketing department one of
 21 the departments that utilizes the records
 22 retention center?

23 **A. I don't know.**

24 Q. Is there any reason that the
 25 marketing department wouldn't be eligible to

1 use the record center for retention of
 2 records?

3 **A. No.**

4 Q. Does Goodyear maintain a library in
 5 relation to Goodyear manufactured products?

6 **A. Not that I know of.**

7 Q. Does Goodyear maintain in archives,
 8 other than the record center that we're
 9 talking about, that includes Goodyear
 10 historical records?

11 **A. No.**

12 Q. How old is the Goodyear corporation?

13 **A. August 29, 1898. Was incorporated in**
 14 **Akron, Ohio.**

15 Q. Does Goodyear corporation have an
 16 individual as part of their job responsibility
 17 is corporate history, corporate archives?

18 **A. Not that I know of.**

19 Q. You'd know if Goodyear has entered
 20 into any type of agreements with university,
 21 some other institution for preservation of
 22 historical records?

23 **A. Yes.**

24 Q. And which institution or institutions
 25 might that be?

1 **A. The University of Akron.**

2 Q. Do you know when that agreement was
 3 reached?

4 **A. In the '90s. I'm not sure of the**
 5 **exact date.**

6 Q. Did you have any involvement in
 7 discussions leading up to that agreement?

8 **A. Ah, no.**

9 Q. Do you know who the representative
 10 from the University of Akron was that was
 11 involved in discussing arrangements for those
 12 records?

13 **A. I believe it was John Miller.**

14 Q. Do you know what position he held at
 15 the university?

16 **A. No.**

17 Q. Do you know who was the person
 18 responsible at Goodyear for entering into or
 19 negotiating that agreement?

20 **A. Patricia Kempf.**

21 Q. Miss Kempf still with Goodyear?

22 **A. No.**

23 Q. Do you know her current whereabouts?

24 **A. No.**

25 Q. Do you know when she left Goodyear?

A. I'm not exactly sure, no.

Q. She used to be assistant secretary; is that correct?

A. Yes.

Q. Do you know if she had a position after assistant secretary?

A. I -- no, she did not that I know of, not at The Goodyear Tire & Rubber Company.

Q. Do the corporate minutes at Goodyear Tire & Rubber Company reflect the position of assistant secretary?

MR. TAGGART: Objection. Go ahead.

THE WITNESS: I'm not sure what the question is.

BY MR. JOHNSON:

Q. Is assistant secretary an officer of the corporation?

A. Yes.

Q. Do the minutes of the corporate -- corporation indicate who the corporate officers are at the time the minutes are generated?

A. I don't know.

Q. Do you know if assistant secretary is

like storage cabinets, but I don't know the volume of records that were turned over to The University of Akron.

Q. Have you had any contact with the representatives from University of Akron concerning Goodyear records since this turning over of records was made to them in the '90s?

A. No.

Q. Have you ever viewed the records that were turned over to The University of Akron after they were turned over?

A. No.

Q. Do you know what use University of Akron is making of them at this time?

A. No.

Q. Who is the head of the public relations department?

A. Yeah, I don't know who that is right now.

Q. Okay. Do you recall the previous?

A. No, didn't have too much dealings with them.

Q. I believe you testified that you would have contact some of the Goodyear manufacturing facilities from time to time if

required to sign the minutes?

A. I don't know that.

Q. Were you involved in producing, providing any of the Goodyear records to University of Akron?

A. Ah, yes.

Q. When did that occur?

A. In the '90s. I'm not sure exactly what date that was.

Q. And do you remember the number of records that were provided?

A. Well, the public relations department had in archives and they turned those over. I have no idea what the volume of those were. We also had some records in the record center and those went to The University of Akron as well.

Q. Which records were those in the record center?

A. There were some artifacts and some things that the trademark department had collected and they were down in our area and those were turned over to them.

Q. Do you remember how many boxes?

A. Oh, those were in a couple cabinets,

a inquiry was made concerning records retention policies; is that correct?

A. Yes.

Q. Have you had contact with the Goodyear facilities in Bayport, Texas concerning records retention policies?

A. Not that I recall.

Q. How about Niagara Falls, New York?

A. Possibly a long time ago. I don't remember when. I remember having a conversation, but I don't -- can't really say specifically what it was about.

Q. What about Beaumont, Texas?

A. Well, we recently visited Beaumont, Texas because we're working on retention schedules for manufacturing facilities.

Q. When was that visit?

A. Ah, fall of last year. I think we did theirs in December, but that was just to gather information as far as record series that they would have in their possession.

Q. Do you know if they have any air sampling records in their possession?

A. I don't know specifically about that.

Q. Do you know if any of the

1 manufacturing facilities have air sampling
2 records?

3 **A. I don't know specifically if they do**
4 **or don't.**

5 Q. Have you had interactions or dealt
6 with the Goodyear facility in Houston, Texas?

7 **A. Yes.**

8 Q. In relation to records retention
9 policies?

10 **A. Yes.**

11 Q. When was that?

12 **A. In the same time frame that we did**
13 **Beaumont, Texas.**

14 Q. Do you have any information
15 concerning air sampling studies or records at
16 the Houston facility?

17 **A. Not specifically, no.**

18 MR. JOHNSON: I'm going to ask the
19 court reporter to mark this document as
20 Plaintiff's Exhibit 1.

21 (Plaintiff's Exhibit 1
22 was marked for identification.)

23 MR. JOHNSON: For those of you on
24 the telephone, the document that was
25 introduced in Mr. Holtshouser's deposition

1 **a document that was sent to The Goodyear Tire**
2 **& Rubber Company.**

3 MR. JOHNSON: Okay. I'd ask the
4 court reporter to mark the next group of nine
5 pages as Plaintiff's Exhibit 2.

6 (Plaintiff's Exhibit 2
7 was marked for identification.)

8 MR. JOHNSON: For those of you on
9 the phone, this is the document that was
10 introduced at Mr. Holtshouser's deposition
11 except for the fact that it has nine pages
12 instead of ten because the duplicate page that
13 was used in that other document has been
14 removed.

15 MR. TAGGART: Okay. Just for the
16 record this is Brent Taggart. I'm going to
17 object to this as being characterized as a
18 single document because it appears very
19 clearly to me to be portions of several
20 different documents.

21 One of them is an incomplete copy
22 of a Goodyear products catalog. Then there's
23 what appears to be a single sheet ad and
24 there's three different pages of what appears
25 to be a different catalog, two of which have

1 indicated correspondence from International
2 Talc Company to Goodyear Tire & Rubber Company
3 dated October 10, 1973 has been marked as
4 Plaintiff's Exhibit 1 and I provided Brent
5 with a copy and Miss Snowball is looking at it
6 at this time.

7 BY MR. JOHNSON:

8 Q. I don't think you've had time to read
9 the entire letter, Miss Snowball, and if you'd
10 like to that's fine, but my initial question
11 is do you recognize that document?

12 **A. I do not recognize this document**
13 **specifically, no.**

14 Q. Okay. Can you tell me if this
15 document includes some of the factors that you
16 testified about previously that would allow
17 you to authenticate a document as being a
18 document in -- a Goodyear record?

19 **A. Well, this appears to be a document**
20 **that was sent by International Talc Company to**
21 **The Goodyear Tire & Rubber Company. The**
22 **address is correct. It was to the attention**
23 **of J.P. Mullett in chemical purchasing and I**
24 **do know that there was a J. Mullett in the**
25 **purchasing department. So I would say it was**

1 the page numbers from the original 61 and 91.
2 And then there's another one that appears to
3 be another single sheet ad.

4 So I don't think this can fairly
5 be characterized as a single document. It
6 appears to be several different documents and
7 portions of documents.

8 MR. JOHNSON: That's fine. Your
9 objection is well taken.

10 BY MR. JOHNSON:

11 Q. And I would instead like to make
12 reference to the top page that was marked as
13 Exhibit 2 that indicates that Goodyear
14 Industrial Rubber Products and ask Miss
15 Snowball if she would look at that document
16 and ask her if that is something that she
17 recognizes as a Goodyear Tire & Rubber Company
18 document?

19 MR. TAGGART: Again, I object to
20 it being characterized as a document because
21 it's the first page of what is probably a
22 hundred page catalog, but go ahead.

23 THE WITNESS: Um --

24 BY MR. JOHNSON:

25 Q. Okay. For the purposes of the record

1 do you recognize that as being perhaps one
2 page of a document Goodyear Tire & Rubber
3 Company?

4 **A. It appears to be The Goodyear Tire &
5 Rubber Company logo is at the top. There was
6 an industrial rubber products department. I
7 know we produced industrial rubber products
8 and I would say it could be, probably is a
9 page of a Goodyear document.**

10 MR. JOHNSON: Okay. Thank you.
11 Ask the court reporter to mark this next
12 exhibit and it would constitute three pages
13 indicating at the bottom for the purposes of
14 identification GYP 000122, second page 123 and
15 third page 124.

16 MR. TAGGART: You know, we can
17 maybe cut this short. She's only listed as a
18 witness for authentication if you make us
19 authenticate documents. I think we can
20 stipulate each of these sheets as being a page
21 from a Goodyear document because I recognize
22 all of them so --

23 MR. JOHNSON: That'd be fine.

24 MR. TAGGART: I don't need you to
25 go through the exercise with her for purposes

1 of your documents. I imagine we can probably
2 stipulate to all of them if you just show them
3 to me.

4 MR. JOHNSON: Well, that is half
5 of the objective.

6 MR. TAGGART: Okay.

7 MR. JOHNSON: The other half is
8 that I think it's important to have a clear
9 understanding as to the criteria --

10 MR. TAGGART: Okay.

11 MR. JOHNSON: -- that she uses.

12 MR. TAGGART: That's fine.

13 (Plaintiff's Exhibit 3
14 was marked for identification.)

15 BY MR. JOHNSON:

16 Q. Okay. Showing you Plaintiff's
17 Exhibit 3, Miss Snowball, are you able to
18 authenticate that three pages -- those three
19 pages marked as Plaintiff's Exhibit 3 as
20 Goodyear doc -- Goodyear -- part of a Goodyear
21 document?

22 **A. There's -- no, I'm not.**

23 Q. Okay. Direct your attention at the
24 bottom to the initials GYP. Are you familiar
25 with those, that initial?

1 **A. No.**

2 Q. You haven't dealt with Goodyear
3 documents that include notations GYP?

4 MR. TAGGART: Objection. Go
5 ahead.

6 THE WITNESS: I don't remember.

7 BY MR. JOHNSON:

8 Q. Okay. Direct your attention to the
9 first page of Exhibit 3 on the right-hand side
10 where it identifies the photograph as wingfoot
11 welding. Do you see that?

12 **A. I'm sorry. Where?**

13 Q. On the right-hand side underneath the
14 picture, the term --

15 **A. Wingfoot welding.**

16 Q. -- wingfoot welding?

17 **A. Uh-huh.**

18 Q. Are you familiar with the phrase, the
19 term wingfoot?

20 **A. Yes.**

21 Q. Does it relate to Goodyear?

22 **A. It can relate to Goodyear, yes.**

23 Q. Is it a trademark or a copyright?

24 **A. I believe it's a registered
25 trademark.**

1 Q. You aware of any companies using that
2 registered trademark other than Goodyear?

3 **A. I don't know.**

4 Q. You don't know if you're aware of it?

5 **A. I don't know if any other companies
6 use it.**

7 MR. JOHNSON: Okay. The next
8 exhibit I'd like to have marked as Plaintiff's
9 Exhibit 4, one page, indicates at the bottom
10 GYP 000121.

11 (Plaintiff's Exhibit 4
12 was marked for identification.)

13 BY MR. JOHNSON:

14 Q. Okay. Miss Snowball, you able to
15 identify Plaintiff's Exhibit 4 as a Goodyear
16 document?

17 **A. I would say it is.**

18 Q. And the basis for that?

19 **A. It has the Goodyear name at the
20 bottom. It also indicates to write to
21 Goodyear Akron in Ohio or Los Angeles,
22 California.**

23 Q. Okay. Thank you.

24 **A. Uh-huh.**

25 MR. JOHNSON: I'd like to have

1 this next document. For purposes of
2 identification at the bottom appears to be the
3 number 73.

4 (Plaintiff's Exhibit 5
5 was marked for identification.)

6 BY MR. JOHNSON:

7 Q. Showing you Plaintiff's Exhibit 5,
8 Miss Snowball, can you authenticate that
9 document?

10 **A. I would say this is a page 73. It is**
11 **a Goodyear Tire & Rubber Company document. It**
12 **has the Goodyear name on it. It also**
13 **indicates through your Goodyear industrial**
14 **products in Akron at the bottom and --**

15 MR. JOHNSON: Thank you. Okay.
16 I'd like to have the next document marked as
17 Plaintiff's Exhibit 6.

18 (Plaintiff's Exhibit 6
19 was marked for identification.)

20 BY MR. JOHNSON:

21 Q. Can you authenticate that document?

22 **A. This appears to be, again, a Goodyear**
23 **document. It has Goodyear with the logo at**
24 **the top. Goodyear Wingfoot made in U.S. is at**
25 **the bottom. That appears to be our mark as**

1 well.

2 Q. Okay. Thank you.

3 **A. So I would say it's a page from a**
4 **Goodyear document.**

5 MR. JOHNSON: Okay. Next mark
6 Plaintiff's Exhibit 8, please -- 7. Sorry.

7 (Plaintiff's Exhibit 7
8 was marked for identification.)

9 BY MR. JOHNSON:

10 Q. Okay. Showing you Plaintiff's
11 Exhibit 7, Miss Snowball.

12 **A. Okay.**

13 Q. Can you authenticate that document?

14 **A. It has the Goodyear logo at the top.**
15 **Again, it has the wingfoot and Goodyear**
16 **wingfoot at the bottom. I would say it looks**
17 **like a document, a page from possibly a**
18 **Goodyear document.**

19 Q. Well, do you have any -- any
20 reservation in authenticating that document?
21 That's a little bit -- maybe you didn't intend
22 for your response to be different than in the
23 other ones, but it appeared that you weren't
24 as confident for some reason.

25 **A. Well, no. It's a page so, you know,**

1 **I -- all I can say is that it has The Goodyear**
2 **Tire & Rubber Company logo at the top and**
3 **wingfoot and Goodyear made in U.S.A. at the**
4 **bottom. Without having seen the whole**
5 **document I guess I'm a little -- it appears to**
6 **be a Goodyear page --**

7 Q. Okay.

8 **A. -- from some document.**

9 MR. JOHNSON: Okay. Thank you.
10 I'd like to ask the next page be marked as
11 Exhibit 8.

12 (Plaintiff's Exhibit 8
13 was marked for identification.)

14 BY MR. JOHNSON:

15 Q. Okay. It's the last one that I have
16 at this time, Miss Snowball. Would you review
17 that document for me and tell me if you can
18 authenticate it.

19 **A. Okay. This again appears to be a**
20 **page out of some type of document. It has the**
21 **Goodyear logo at the top and I would say that**
22 **it is probably a page from a Goodyear**
23 **document.**

24 (Plaintiff's Exhibit 9
25 was marked for identification.)

1 BY MR. JOHNSON:

2 Q. Okay. Miss Snowball, I'm showing you
3 a document one page that's been marked as
4 Plaintiff's Exhibit 9. Indicates at the top
5 Wingfoot Clan and I believe there's a date of
6 November 23, 1964. If you would, would you
7 look at that and tell me if you can
8 authenticate that document.

9 **A. Yes, I can.**

10 Q. And the basis for that would be?

11 **A. It says the Wingfoot Clan and that is**
12 **the symbol that was used on the Wingfoot Clan,**
13 **Akron, Ohio which is where our corporate**
14 **headquarters is. If -- now, this also the**
15 **Wingfoot Clan was a very large format. So**
16 **this would only be a segment of a page --**

17 Q. Okay.

18 **A. -- from that Wingfoot Clan.**

19 Q. All right. Thank you.

20 (Plaintiff's Exhibit 10
21 was marked for identification.)

22 BY MR. JOHNSON:

23 Q. Showing you a document marked
24 Plaintiff's Exhibit 10 which at the top says
25 page 5 the Wingfoot Clan January 14, 1995 I

1 believe.
 2 MR. TAGGART: Objection. I
 3 believe that's 1965.
 4 BY MR. JOHNSON:
 5 Q. '65. Okay.
 6 A. Oh, gosh. Yeah, I see the Wingfoot
 7 Clan up at the top and, again, it's a very
 8 small part of one page. I guess based on what
 9 I have I would say it's probably a Goodyear
 10 Tire & Rubber Company. If it is, in fact,
 11 The Goodyear Tire & Rubber Company's, yeah,
 12 yeah. There were --
 13 Q. Okay. Thank you.
 14 (Plaintiff's Exhibit 11
 15 was marked for identification.)
 16 BY MR. JOHNSON:
 17 Q. As Plaintiff's Exhibit 11 showing you
 18 three pages that indicate The Goodyear Tire &
 19 Rubber Company at the top in a letter dated
 20 January 26, 1990 ask that you look at those
 21 three pages, please. Can you authenticate
 22 that document?
 23 A. Yes.
 24 Q. And what would be the basis for that?
 25 A. It is on The Goodyear Tire & Rubber

1 Company letterhead. W.E. Barr was an attorney
 2 at the time. We did have a plant in
 3 Greensburg, Ohio and I recognize the name
 4 Althouse just as a name. I don't know the
 5 gentleman personally, but I remember -- notice
 6 that name.
 7 Q. I'm sorry, which name did you say you
 8 recognize?
 9 A. Althouse sounded familiar. It was on
 10 the carbon copy piece of that.
 11 Q. All right. Does E.W. DeMarse sound
 12 familiar?
 13 A. No. I've heard the name. I don't
 14 know. I've heard the name. I don't know wh
 15 -- as a Goodyear associate, but I don't know
 16 what he did or where he was from.
 17 (Plaintiff's Exhibit 12
 18 was marked for identification.)
 19 BY MR. JOHNSON:
 20 Q. Showing you one page marked as
 21 Plaintiff's Exhibit 12 and ask if you would
 22 review that. Is that a document that you can
 23 authenticate?
 24 A. No, I cannot.
 25 Q. Okay. Did you observe the language

1 at the top right-hand corner where it said
 2 Goodyear?
 3 A. Yes, I see that it says Goodyear.
 4 Q. Okay. Does that give you any
 5 indication as to whether or not it's a
 6 Goodyear document?
 7 A. No. I -- based on that is the only
 8 information on there. I can't authenticate
 9 this.
 10 Q. Okay. Thank you.
 11 (Plaintiff's Exhibit 13
 12 was marked for identification.)
 13 BY MR. JOHNSON:
 14 Q. Showing you Plaintiff's Exhibit 13,
 15 which at the top appears to be the date
 16 7/21/64, ask that you look at that document.
 17 Sorry.
 18 MR. TAGGART: Thank you.
 19 BY MR. JOHNSON:
 20 Q. And there also is a name at the
 21 bottom of that. Appears to be is it W.M.
 22 Clark?
 23 A. Correct.
 24 Q. Do you recognize that name?
 25 A. No.

1 Q. Okay. Is that a document you can
 2 authenticate?
 3 A. I can't authenticate it as a Goodyear
 4 document. Again, I see Goodyear up at the
 5 top, but I don't know that this is a Goodyear
 6 document.
 7 Q. Okay. Thank you.
 8 (Plaintiff's Exhibit 14
 9 was marked for identification.)
 10 BY MR. JOHNSON:
 11 Q. Showing you Plaintiff's Exhibit 14,
 12 which at the top appears to indicate 6/11/65,
 13 and ask if you would look at that and there
 14 also appears to be a signature at the bottom.
 15 A. There is a name at the bottom Yeist
 16 and it says Goodyear at the top. There was a
 17 Yeist that worked at Goodyear, but I don't
 18 know if that's the same one. So I can't
 19 positively confirm that this is a Goodyear
 20 document.
 21 Q. Okay. There also appears to be a
 22 signature at the bottom, which I'm sure would
 23 be subject to interpretation, but if I ask you
 24 if you are familiar with a Snyder does that
 25 sound -- a familiar name to you at Goodyear?

1 **A. There was a Dr. Snyder and I was**
2 **familiar with his name, but I don't know what**
3 **his initials were.**

4 Q. Okay. I'd like to go back to Exhibit
5 12 for just a moment. And at the bottom of
6 that is there also a last name typed at the
7 bottom of that document?

8 **A. Yes. It's Dorstewits or Dorstewitz**
9 **D-o-r-s-t-e-w-i-t and I don't know what the**
10 **last initial is.**

11 Q. I assume it's not a name that you're
12 familiar with?

13 **A. I'm not familiar with that name.**
14 **(Plaintiff's Exhibit 15**
15 **was marked for identification.)**

16 **BY MR. JOHNSON:**

17 Q. Showing you Plaintiff's Exhibit 15,
18 which indicates at the top a heading
19 Industrial Products Notification of Stock
20 Change, and ask if you would look at that and
21 see if you can identify that document or
22 authenticate that document?

23 **A. I can't authenticate this as a**
24 **Goodyear document, no.**

25 Q. Okay.

1 (Plaintiff's Exhibit 16
2 was marked for identification.)

3 **BY MR. JOHNSON:**

4 Q. Okay. Plaintiff's 16 indicates at
5 the top I believe the heading says
6 Confirmation of Change in Industrial Products
7 Specifications. And again ask you to review
8 that document, tell me if you can authenticate
9 it.

10 **A. No, I cannot authenticate that as a**
11 **Goodyear Tire & Rubber Company document.**

12 MR. JOHNSON: Okay. If I could
13 have just a moment to look over my notes I
14 think we're about finished.

15 MR. TAGGART: Sure.
16 (Break had.)

17 MR. JOHNSON: Just a couple more
18 questions, Miss Snowball.

19 **BY MR. JOHNSON:**

20 Q. Part of your job --

21 MS. WELSH: Brent, this is
22 Rosemary. Before you get started again, could
23 I have a moment to put an objection on the
24 record?

25 MR. JOHNSON: Okay.

1 MS. WELSH: I object to the use of
2 the exhibits with this witness that were not
3 produced prior to the deposition. They were
4 requested in discovery requests served in 2008
5 and follow-up letters were sent, and as
6 recently as last week, asking that all
7 documents be produced prior to the deposition.

8 Only a small portion of them were,
9 those that were used with the deposition of
10 Mr. Holtshouser last week and I want to object
11 to the use of all other documents in this
12 deposition. Thank you.

13 **BY MR. JOHNSON:**

14 Q. In your position with the records
15 center and the records retention policy, Miss
16 Snowball, do you have any responsibility in
17 formulating those policies and procedures or
18 is your position limited to administering
19 them?

20 **A. I helped to formulate them.**

21 Q. And did that begin going back to
22 1987? Did you help formulate at that time? I
23 mean, is that something that's been a constant
24 job responsibility in that position that
25 you've held when you've held it since 1987?

1 **A. Yes.**

2 Q. Did you have any particular training
3 in records retention policies?

4 **A. Yes. When I took the position in**
5 **1984 in -- well, in 1987 and took over**
6 **responsibility for the record center and the**
7 **record retention program, I joined the**
8 **Association of Records Managers and**
9 **Administrators. And was active in the local**
10 **chapter and went to the international**
11 **conferences to continue my education in regard**
12 **to being able to carry out those functions.**

13 In 199 -- it was in the '90s,
14 early '90s I obtained a certified records
15 managers certification from the Institute of
16 Certified Records Managers and it was a pretty
17 rigorous test. You had to have so many years
18 of experience in the field of records
19 management and then continuing education to
20 keep that certificate valid. So, yes, I did
21 have training on it.

22 Q. Okay. Do you continue to have that
23 certification?

24 **A. No.**

25 Q. Okay. When did you last have it?

1 A. It would have lapsed in 2004 I
2 believe.

3 Q. Have you been a member of any other
4 professional organizations related to your job
5 responsibilities at Goodyear?

6 A. I have been from time to time a
7 member of AIIM, the Association of Image
8 Managers -- Information and Image Managers.

9 Q. And what was the previous association
10 that you had the certification from?

11 A. Institute of Certified Records
12 Managers.

13 Q. Okay. Did either or both of those
14 associations provide publications to its
15 members?

16 A. AIIM did. ICRM was just a newsletter
17 to the members.

18 Q. Did you ever hold any leadership
19 positions in either organization?

20 A. In the Assoc -- in the ARMA,
21 Association of Records Managers and
22 Administrators I was president of the local
23 chapter and held various positions on the
24 board.

25 Q. Okay. Are you familiar with any type

1 of standards that records custodians are to
2 follow that are generally accepted by either
3 or both of these organizations?

4 MR. TAGGART: Objection. Go
5 ahead.

6 THE WITNESS: No.

7 BY MR. JOHNSON:

8 Q. Now, if records were destroyed after
9 they were in your custody at the record
10 center, what steps would be involved in the
11 destruction? I think you might have said
12 earlier that they were returned to the
13 department; is that correct?

14 A. No, that's not correct.

15 Q. Okay. What steps would be taken?

16 A. When records are eligible for
17 destruction -- for review for destruction,
18 there is a destruction or discard notification
19 sent to the owner of the documents, that would
20 be the department manager, with instructions
21 that they should review the listing and
22 determine if any of the records are on a
23 litigation hold or subject to audit or any
24 other kind of hold and designate those which
25 are eligible for destruction.

1 And then that is sent back to me.

2 I review that, sign off on it. We have
3 someone from the law department sign off on
4 it. If there is intellectual property
5 involved, someone from the patent and
6 trademark or intellectual property department
7 signs off on it. If there are tax issues or
8 financial issues, we may have the tax
9 department sign off on it.

10 And then at that point in time
11 those records that have been marked for
12 destruction are updated in our database and a
13 pick list is produced. Record center
14 personnel then pull those boxes. They scan
15 the bar codes, they check it against the
16 original pick list and then they are -- those
17 documents or those boxes are destroyed. The
18 documents in the boxes are destroyed.

19 Q. Now, explain for me what you were
20 referring to when you said that the database
21 was -- there was a step involving the
22 database.

23 A. Well, the database has -- one of the
24 fields is a review for destruction date. So
25 at the point in time, usually on a yearly

1 basis, when those are eligible for destruction
2 that destruction notification is published and
3 it is given to the departments. When the
4 information comes back to us, we update the
5 database as far as those records that can be
6 destroyed and it creates a list for us to pull
7 those boxes. Did that answer your question?
8 I'm not --

9 Q. Yes, ma'am.

10 A. Okay.

11 Q. I believe you told me earlier that
12 you're not involved in records retention for a
13 database, correct?

14 MR. TAGGART: Objection. Go
15 ahead.

16 THE WITNESS: I'm not sure what
17 the question is.

18 BY MR. JOHNSON:

19 Q. Okay. Well, I think I was asking you
20 earlier in addition to written documents that
21 would be in storage and retention at the
22 record center that if there were other data
23 that would be retained in electronic database
24 and I think you told me that either you didn't
25 know or that was outside of your area?

A. If you're talking about electronic records, that is outside of my scope of responsibility.

Q. I just wanted to make sure I understood that earlier. Thank you.

The -- is there a permanent record kept based on the bar code and the destruction date of the fact that the written records were destroyed?

A. The disposal requests are kept permanently, yes.

MR. JOHNSON: Okay. That's all I have. Thank you.

MR. TAGGART: The witness will read and sign.

THE WITNESS: Uh-huh.

MR. TAGGART: Thank you.

(Deposition concluded at 11:05 o'clock a.m.)

— — —

LINDA A. SNOWBALL

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I, LINDA A. SNOWBALL, do verify that I have read this transcript consisting of eighty-three (83) pages and that the questions and answers herein are true and correct with corrections as noted on the errata sheet.

Linda A. Snowball

Sworn to before me, _____,
a Notary Public in and for the State of _____,
this _____ day of _____,
_____, 2009.

Notary Public in and for the
State of -----.

My commission expires -----.

CERTIFICATE
STATE OF OHIO,)
) SS:
SUMMIT COUNTY.)

I, Lori K. Phillips, RMR and
Notary Public within and for the State of
Ohio, duly commissioned and qualified, do
hereby certify that the within named witness,
LINDA A. SNOWBALL, was by me first duly sworn
to testify the truth, the whole truth and
nothing but the truth in the cause aforesaid;
that the testimony then given by the witness
was by me reduced to Stenotypy in the presence
of said witness, afterwards transcribed upon a
computer; and that the foregoing is a true and
correct transcription of the testimony so
given by the witness as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified, and was completed without adjournment.

I do further certify that I am not a relative, employee of or attorney for any of the parties in the above-captioned action; I am not a relative or employee of an attorney of any of the parties in the above-captioned action; I am not financially interested in the action; and I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Akron, Ohio on this 12th day of February, 2009.

Lori K. Phillips, RMR and Notary
Public in and for the State of Ohio.

My Commission expires December 2, 2010.

A

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