

IN THE CIRCUIT COURT OF KANAWHA COUNTY,
WEST VIRGINIA

LORRAINE JAMROM, an individual,
Plaintiff,

vs.

CASE NO. 07-C-795

A.W. CHESTERTON COMPANY, et al.,
Defendant.

TELEPHONIC
DEPOSITION OF: JOHN KATZBECK

DATE: January 24, 2008

TIME: 10:19 p.m.

LOCATION: Offices of A. William Roberts, Jr.
1201 Main Street
Columbia, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: Susan M. Valsecchi, CRR
Registered Professional Reporter

Computer-Aided Transcription By:

A. WILLIAM ROBERTS, JR., & ASSOCIATES

Charleston, SC
(843) 722-8414

Columbia, SC
(803) 731-5224

Myrtle Beach, SC
(843) 839-3376

Greenville, SC
(864) 234-7030

Charlotte, NC
(704) 573-3919

1 APPEARANCES OF COUNSEL:
2 ATTORNEYS FOR THE PLAINTIFF
3 LORRAINE JAMROM, an individual:

4 AARON J. DELUCA, PLLC
5 BY: AARON J. DELUCA
6 21021 Springbrook Plaza Drive,
7 Suite 150
8 Spring, Texas 77379
9 866-435-1831
10 aarondeluca@aarondeluca.com

11 ATTORNEYS FOR THE DEFENDANT
12 SQUARE D COMPANY:

13 ORNDORFF & HATFIELD
14 BY: JON ORNDORFF
15 418 Eleventh Street, Suite 202
16 Huntington, WV 25701
17 304-781-5656
18 jonrdorff@oandhlaw.com

19 - and -

20 KIRKPATRICK, LOCKHART, PRESTON, GATES,
21 ELLIS, LLP
22 BY: MICHAEL J. ZUKOWSKI
23 535 Smithfield Street
24 Pittsburgh, PA 15222-2312
25 412-355-6397
Michael.zukowski@klgates.com

ATTORNEYS FOR THE DEFENDANT
UNION BOILER:

MARKS, O'NEILL, O'BRIEN & COURTNEY
BY: DANIEL R. BENTZ (TELEPHONIC)
Suite 2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
(412) 391-6171, ext. 2021
dbentz@mooclaw.com

1 ATTORNEYS FOR THE DEFENDANT
2 SHEPARD NILES:

3 WILBRAHAM LAWLER & BUBA
4 BY: WILLIAM D. HAGUE (TELEPHONIC)
5 603 Stanwix Street
6 Two Gateway Center, 17N
7 Pittsburgh, PA 15222
8 (412) 255-0568
9 whague@wlbdeflaw.com

10 ATTORNEYS FOR THE DEFENDANT
11 AMERICAN STANDARD, INC. AND VIMASCO
12 CORPORATION:
13 JENKINS FENSTERMAKER, PLLC
14 BY: BRIAN S. LINDSAY (TELEPHONIC)
15 401 11th Street
16 Suite 1100
17 Huntington, WV 25701
18 304-523-2100
19 BSL@JenkinsFenstermaker.com

20 ATTORNEYS FOR THE DEFENDANT
21 VALSPAR CORPORATION:
22 STEPTOE & JOHNSON, PLLC
23 BY: J. GREG GOODYKOONTZ (TELEPHONIC)
24 Chase Tower - Sixth Floor
25 229 West Main Street
Clarksburg, WV 26301
304-624-8000
greg.goodykoontz@steptoe-johnson.com

ATTORNEYS FOR DEFENDANT:
GOULDS PUMPS:
WATERS, WARNER & HARRIS, PLLC
BY: BRANDY BELL (TELEPHONIC)
321 W. Main St.
701 Goff Building
Clarksburg, WV 26301
(304) 624-5571
bbell@wwhlaw.com
(INDEX AT REAR OF TRANSCRIPT)

1 ATTORNEYS FOR THE DEFENDANT
2 PNEUMO ABEX:

3 CAMPBELL WOODS, PLLC
4 BY: CHARLES F. BAGLEY III (TELEPHONIC)
5 517 Ninth Street, Suite 1000
6 Huntington, WV 25719-1835
7 304-529-2391
8 cbagley@campbellwoods.com

9 - and -

10 CELBA, DES, ROCHERS
11 BY: STEVEN CELBA
12 4493 N. Prospect Avenue
13 Milwaukee, WI 53211
14 scelba@celba.com

15 ATTORNEYS FOR THE DEFENDANT
16 WEIR HAZLETON, INC.,
17 HAZLETON PUMPS, INC.
18 SHUMAN, MCCUSKEY & SLICER, PLLC
19 BY: JASON WANDLING (TELEPHONIC)
20 1411 Virginia Street East
21 Suite 200
22 Charleston, WV 25301
23 304-345-1400
24 jwandling@shumanlaw.com

ATTORNEYS FOR THE DEFENDANT
GENERAL ELECTRIC:
FARMER CLINE & CAMPBELL, PLLC
BY: KIMBERLY A. MARTIN (TELEPHONIC)
746 Myrtle Road
Charleston, WV 25314
304-346-5990
kamartin@fcclaw.net

ATTORNEYS FOR THE DEFENDANT
MAGNETEK, INC.:
DINSMORE & SHOHL
BY: DAVID J. SINGLEY (TELEPHONIC)
One Oxford Centre, Suite 2900
301 Grant Street
Pittsburgh, PA 15219
(412) 288-5868
david.singley@dinslaw.com

1 (PLF. EXH. 1, Plaintiff's Notice of
2 Deposition Duces Tecum, was marked for
3 identification.)

4 (PLF. EXH. 2, a letter to Cathy Gatson,
5 Circuit Clerk, dated 1/22/2007 from J. Phillip
6 Fraley with attachments, marked for
7 identification.)

8 JOHN KATZBECK
9 being first duly sworn, testified as follows:
10 EXAMINATION

11 BY MR. DELUCA:

12 Q. State your name, please.

13 A. John W. Katzbeck.

14 Q. Mr. Katzbeck, my name is Aaron DeLuca.
15 I represent the Plaintiff in this action.

16 Have you had a chance to review the
17 Notice of Deposition that's been marked as Exhibit
18 1?

19 A. Yes.

20 Q. Are you prepared to speak to some of
21 the issues set forth in that Notice of Deposition
22 today?

23 A. Yes.

24 Q. And do you understand that you're here
25 today as a corporate representative of Square D?

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1 A. Yes. 2 Q. And do you understand that you're here 3 today to talk to us not necessarily as an 4 individual, but to speak for the corporation? 5 A. Yes. 6 Q. Are you employed by Square D? 7 A. Yes. 8 Q. What is your present position? 9 A. Senior mechanical staff engineer. 10 Q. How long have you been employed by 11 Square D? 12 A. A little over 30 and a half years. 13 Q. Started sometime in 1976, '77? 14 A. '77. 15 Q. And when you started in 1977, how old 16 were you? 17 A. 32. 18 Q. What experience did you have at that 19 point in time as an engineer? 20 A. I worked with RCA Corporation as a 21 design and development engineer and with ITE 22 Corporation as a design and development engineer. 23 Q. Okay. I was provided two depositions 24 that you had given in the past. 25 As I understand it, when you worked for	1 of producing video recorders or storage media; was 2 it? 3 A. Correct. 4 Q. Okay. 5 A. They were not. 6 Q. And the work you started doing at 7 Square D in 1977 was different than the work you 8 had done at ITE in terms of the products you were 9 working on; is that correct? 10 A. Oh, yes, correct. 11 Q. You're a Professional Engineer? 12 A. Yes. 13 Q. You have a degree in mechanical 14 engineering? 15 A. Yes. 16 Q. And when did you get that? 17 A. 1967. 18 Q. When did you get your Professional 19 Engineer certification? 20 A. 1977. 21 Q. About ten years later? 22 A. Yes. 23 Q. I was provided with two depositions 24 that you've given in asbestos-related personal 25 injury actions. One from April 6th, 2006. It was
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1 RCA, you were involved in designing broadcast 2 quality video recorders? 3 A. Yes. 4 Q. And you had something to do with 5 polishing media that would be used to record? 6 A. Mass memory storage disks for 7 computers. 8 Q. Okay. And I saw that you -- when you 9 were employed by ITE, you were in Greensburg, 10 Pennsylvania? 11 A. Yes. 12 Q. I was in Greensburg about a week ago. 13 What did you do for ITE? 14 A. ITE, I started off in the development 15 laboratory as a technician; and then shortly after 16 that, moved into the development engineering slot. 17 Q. Okay. How did you get the job at 18 Square D? 19 A. With Square D, through a headhunter. 20 Q. Okay. Was your work at Square D 21 fundamentally different than the work you had done 22 at RCA and ITE? 23 A. I'm not sure what you mean by 24 fundamentally different. 25 Q. Well, Square D wasn't in the business	1 in the Earner case that was pending in Baltimore. 2 Do you recall that? 3 A. I recall that deposition, yes. 4 Q. And then I was given a copy of a 5 deposition that you gave in the Cross case which 6 was in Trumble County, Ohio. 7 A. Correct. 8 Q. Do you recall that? 9 A. Yes. 10 Q. Have you given any other depositions in 11 asbestos-related personal injury cases? 12 A. No. 13 Q. Okay. So this would be the third 14 asbestos-related deposition you've given. 15 A. Yes. 16 Q. Okay. Have you ever testified at trial 17 in an asbestos personal injury case? 18 A. No. 19 Q. I understand from reviewing these 20 transcripts that you have been deposed on prior 21 occasions. 22 A. Yes. 23 Q. Approximately how many times? 24 A. Ten or eleven. 25 Q. And were all of those depositions

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1 involving cases where Square D had been named as a 2 defendant in a lawsuit? 3 A. Yes. 4 Q. Did any of those other depositions 5 involve Square D's product line of crane controls, 6 brakes, panel boards, anything like that? 7 A. Not that I can recall. 8 Q. Without getting into the details of 9 those cases, can you just tell me -- give me an 10 overview of what types of cases they were? 11 A. Personal injury cases, property damage 12 cases, dealing with motor control products, push 13 buttons, medium-voltage motor controllers, things 14 of that nature. 15 Q. Okay. Have all of those been within 16 the last ten, fifteen years? 17 A. I would say fifteen. Let me see. That 18 would bring me back to 1992, '93, maybe the last 18 19 years. 20 Q. Okay. All right. Have you reviewed 21 any of the testimony of Lorraine Jamrom or Dimitri 22 Novickoff taken in connection with the case that 23 we're here to talk to you about? 24 A. Yes. 25 Q. Have you reviewed both Mr. Novickoff's	1 that it sold under its name; is that correct? 2 A. We made the brakes. Square D 3 manufactured the brakes. 4 Q. Okay. I guess maybe it's very 5 important that I be sure that we're all using the 6 same terms and terminology. 7 The crane brakes were made by Square D 8 but the friction material was made by another 9 company; is that true? 10 A. That's correct. 11 Q. And when we talk about crane brakes, 12 what pieces of equipment comprise a, quote, crane 13 brake, end quote, as you use that term? 14 A. It's -- if I understand you correctly, 15 it's an assembly of -- essentially consisting of an 16 electromagnet, a clapper arrangement with 17 mechanical linkages that -- and springs -- that 18 then function as essentially to clamp a brake wheel 19 with the brake shoes. 20 Q. So if I were to use the term brake 21 assembly, that would consist of all the different 22 parts that you identified, including the 23 electromagnet, the clapper arrangement, the 24 mechanical linkage, springs, and the actual brakes 25 which have a friction material component?
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1 testimony and Ms. Jamrom's? 2 A. Yes. 3 Q. What do you understand the allegations 4 against Square D to be in this case? 5 A. My understanding is that the allegation 6 is related to asbestos exposure on clothing due to 7 crane brakes, exposure to crane brakes. 8 Q. Do you have an understanding as to the 9 medical condition that the Plaintiff alleges that 10 she has? 11 A. Yes, mesothelioma. 12 Q. What do you know about mesothelioma? 13 MR. ORNDORFF: I'm going to object as 14 far as he's not a medical expert and not offered as 15 such. 16 MR. DELUCA: I understand. 17 THE WITNESS: It's a disease affecting 18 the lungs or the areas surrounding the lungs. It's 19 very bad. 20 BY MR. DELUCA: 21 Q. Have you known anyone that's had 22 mesothelioma? 23 A. No. 24 Q. Now, as I understand from your prior 25 testimony, Square D did not make the crane brakes	1 A. The brake shoes and brake lining. 2 Q. Am I correct that the only potential 3 source of asbestos in all of those items would be 4 in the brake lining? 5 A. The brake. 6 MR. CELBA: Objection, foundation. 7 MR. DELUCA: Can I ask you who you are? 8 MR. CELBA: Abex. 9 MR. DELUCA: Okay, thank you. 10 THE WITNESS: As I understand it, the 11 brake linings could potentially have contained 12 asbestos. There's also some power wiring that is 13 connected to the electromagnet that extends the 14 short distance, a matter of inches, outside the 15 magnet case and where you would connect external 16 wiring to it. That wire that extends from the 17 magnet case could possibly have an asbestos 18 insulation. I don't know. 19 BY MR. DELUCA: 20 Q. Okay. That's fair enough. Any other 21 possible or potential components of the brake 22 assemblies that historically have had asbestos in 23 them? 24 A. Well, to the extent that they may have 25 had, that's all I can -- I can say.

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1 Q. What can you tell me about the history 2 of Square D? 3 A. Square D was founded in the early 1900s 4 and existed under several names, in about 1917 5 changed its name to Square D, and then has grown to 6 this day. 7 Q. All right. I understand in 8 about -- was it 1955 -- that Square D entered the 9 crane brake segment of industry? 10 A. Well, that -- that's when they 11 purchased EC&M. 12 Q. Prior to Square D's purchase of EC&M, 13 Square D was not in the business of selling crane 14 controls; is that fair? 15 A. I think generally fair, yes. And to 16 just -- I do have some recollection of Square D 17 attempting to do some crane control panels 18 business, but it just was not -- 19 Q. Prior to the purchase of EC&M? 20 A. I believe I'm correct in that. 21 Q. At the time Square D purchased EC&M, 22 was EC&M already in the business of manufacturing 23 crane controls? 24 A. Oh, yes. 25 Q. Including brakes?	1 correctly, please let me know. But there's a WB 2 style brake assembly? 3 A. Yes. 4 Q. And an AT style brake assembly. 5 A. Correct. 6 Q. I understand the AT brake assembly 7 stands for adjustable torque; is that right? 8 A. Yes. 9 Q. What does that mean? 10 A. It means that the brake is capable of 11 multiple holding forces, if you will. It can clamp 12 at a certain pressure and then clamp at another 13 pressure on the brake wheel. 14 Q. All right. And is the WB style brake 15 assembly different than the AT? 16 A. There are -- yes, it's -- it's -- it 17 shares a lot in common with the AT but the AT has 18 some extra features on it, yeah. 19 Q. Okay. Are there any other styles of 20 brake assemblies sold by Square D between 1955 and 21 2003 other than the WB style and the AT style? 22 A. Um, yes, yes. Very late in the Square 23 D history towards 2002, 2003, they were developing 24 a disk-type brake. 25 Q. That would have been years after any of
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1 A. Yes. 2 Q. And brake lines? 3 A. Well, they didn't manufacture brake 4 lines, but... 5 Q. They, like Square D, bought them from 6 another company and incorporated them into their 7 finished product? 8 A. Correct. 9 Q. And I understand that Square D sold off 10 the EC&M portion of the business in 2003? 11 A. Yes. 12 Q. And when that sale took place, Square D 13 was no longer in the business of manufacturing 14 crane controls for brakes, brake assemblies; is 15 that right? 16 A. That's correct. It was assembled by 17 EC&M Company, the new EC&M. 18 Q. So the time period that Square D was in 19 the business of selling brake assemblies would have 20 been 1955 to 2003? 21 A. Yes. 22 Q. I've seen references in your 23 depositions and I've seen references in some 24 product information that I have to two types of 25 crane brake assemblies. If I'm not using that term	1 the friction material in the Square D brake 2 assemblies contained asbestos, correct? 3 A. That's correct. 4 Q. So for purposes of this case, we 5 probably need not discuss that; is that right? 6 A. That's correct. 7 Q. During the 1960s and 1970s, did Square 8 D sell any styles of brake assemblies other than 9 the WB style and the AT style? 10 A. Right. I believe I'm correct in saying 11 that the WB brake style and the AT brake style were 12 the only two. 13 Q. Okay. You told me that you reviewed 14 Dimitri Novickoff's deposition testimony. 15 A. Yes. 16 Q. Having reviewed that, have you come to 17 a conclusion as to what style of Square D brakes he 18 was describing? 19 A. Yes. 20 Q. What style was he describing, in your 21 judgment? 22 A. I believe he alluded to both styles. 23 Q. Okay. Did Mr. Novickoff appear, from 24 your reading of his testimony, to be knowledgeable 25 about crane brakes and crane brake assemblies?

1 A. He seemed to be knowledgeable, yes, I
2 would say so.

3 Q. Have you ever -- I understand you're an
4 engineer and that you work for Square D, but have
5 you ever changed the brakes or brake assemblies on
6 a crane?

7 A. No.

8 Q. Have you ever seen that done in the
9 field?

10 A. No.

11 Q. Have you ever changed brakes on your
12 car?

13 A. Yes.

14 (PLF. EXH. 3, a Square D document,
15 Non-Asbestos Brake Linings, was marked for
16 identification.)

17 BY MR. DELUCA:

18 Q. Mr. Katzbeck, I'm going to hand you
19 what I've marked as Exhibit 3 and ask you to take a
20 look at it.

21 A. Okay.

22 Q. Have you seen that before, sir?

23 A. Yes.

24 Q. Do you recognize that as a document
25 generated by Square D?

1 A. Yes.

2 MR. DELUCA: John, I believe this is
3 substantially the same.

4 MR. ORNDORFF: That's good. Thank you.

5 BY MR. DELUCA:

6 Q. Is this document dated 1982?

7 A. Yes, that's the date that I see.

8 Q. At that point was Square D advertising
9 the fact that it was producing brake assemblies
10 that contained non-asbestos brake linings?

11 A. Correct.

12 Q. Is that about the time, to the best of
13 your knowledge, that Square D transitioned from
14 asbestos-containing friction products to
15 non-asbestos-containing friction products?

16 MR. CELBA: Object to the form.

17 THE WITNESS: Yes. I would have to
18 assume that some of the products contained asbestos
19 because we're now advertising non-asbestos. So
20 that's about the time frame, yes.

21 BY MR. DELUCA:

22 Q. Do you know when Square D last sold a
23 crane brake or crane brake assembly which contained
24 an asbestos-containing friction material?

25 A. No.

1 Q. This document which has been marked as
2 Exhibit 3 in the third paragraph says the
3 following:

4 "The new non-asbestos lining is easily
5 distinguished from the old asbestos lining by
6 color. The non-asbestos lining is green with
7 brass-colored particles and asbestos lining is gray
8 with silver-colored particles."

9 Did I read that correctly?

10 A. Yes.

11 Q. And does that accurately describe the
12 appearance of the asbestos-containing and the
13 non-asbestos-containing friction materials that
14 were incorporated into the Square D brakes and
15 brake assemblies?

16 A. To the best of my knowledge, that's a
17 good description.

18 Q. Have you seen both asbestos-containing
19 and non-asbestos-containing brake linings that were
20 incorporated into the Square D brake assemblies?

21 A. Yes.

22 Q. And is it true that their appearances
23 are easily distinguished from one another?

24 MR. CELBA: I'm going to object,
25 indefinite, overbroad.

1 THE WITNESS: To the extent that one is
2 gray and the other one is a greenish lighter -- a
3 greenish hue, that's accurate.

4 BY MR. DELUCA:

5 Q. And I don't mean to be flippant, but if
6 a person is capable of distinguishing gray from
7 green, they could look at the Square D brake
8 linings and tell the difference between the
9 asbestos-containing ones and the
10 non-asbestos-containing ones. Is that fair?

11 MR. CELBA: Again, I'm going to object.
12 Indefinite as to time.

13 MR. ORNDORFF: Object as overbroad.

14 THE WITNESS: I will concede that you
15 could tell the difference between green and gray,
16 assuming they don't change color over time, from
17 usage, or just from aging, yeah, I think -- I'll
18 concede that somebody should be able to tell the
19 difference between green and gray.

20 BY MR. DELUCA:

21 Q. And you raised the issue of whether
22 they would change color over time. You're not
23 aware of any evidence that that happened, correct?

24 A. No. I don't know one way or the other.

25 Q. The fourth paragraph says that the new

1 non-asbestos brake lining provides 300 percent
2 increase in the lining life with no increase in
3 brake wheel wear. Did I read that correctly?

4 A. Yes.

5 Q. Would it be correct for me to infer
6 that the -- essentially what this says is that the
7 non-asbestos brakes lasted longer than the ones
8 that contained asbestos?

9 MR. CELBA: Object, foundation,
10 document speaks for itself.

11 MR. ORNDORFF: I'll join in that
12 objection and also add that it mischaracterizes the
13 statement.

14 THE WITNESS: I would have to -- I
15 mean, that's what it says. I'm not sure -- I would
16 have to think about how the relationship in brake
17 wheel wear would relate in some way to the lining
18 wear.

19 Just looking at it, as it says, I would
20 say, well, the non-asbestos lasts longer for the
21 same amount of brake wheel wear.

22 BY MR. DELUCA:

23 Q. I wasn't really asking about -- I
24 didn't mean to ask about brake wheel wear. I was
25 asking about the lining life.

1 A. Yes.

2 The inference from here, if I'm -- just
3 to read it, would be that the non-asbestos lasts
4 longer. That would be an inference.

5 Q. Do you have any personal experience
6 with that?

7 A. No.

8 Q. Do you have any knowledge as to whether
9 or not the non-asbestos linings were more expensive
10 than the asbestos linings?

11 A. I noticed here it says that the brake
12 lining kits prices have been increased; but I don't
13 know if you just look at the price of a lining
14 from the manufacturer -- an asbestos-containing
15 lining from a manufacturer and a non-asbestos,
16 whether one would be more expensive than the other,
17 I simply don't know.

18 Q. Over the course of your career with
19 Square D, did you have any contact with any issues
20 concerning the wear life of the linings?

21 A. Not really, no.

22 Q. Did you have any responsibilities
23 towards marketing or sales of the Square D crane
24 brakes or crane brake assemblies?

25 A. No.

1 Q. What if any contact did you have with
2 the Square D crane brake or crane brake assembly
3 business?

4 A. I worked in the same facility with the
5 people who were in the crane business, crane
6 control business. For a short period of time I had
7 responsibility for a product line engineering group
8 that one of their responsibilities was to, you
9 know, do engineering work on the existing
10 brake -- crane brake product line.

11 Q. When was that?

12 A. I'm trying to remember. It was in the
13 nineties sometime. I can't remember exactly when.
14 And, of course, I -- because at one time I was
15 a -- several times I was a lab supervisor and I
16 would interface a lot with the crane engineers,
17 crane control engineers, in the various electrical
18 tests that we did on the products.

19 Q. Have you provided me with a full answer
20 to that question?

21 A. To the extent that, yes, that as to
22 personal contacts and personal experience with the
23 products, yes.

24 Q. Okay. I want to ask you about those,
25 all right?

1 A. Okay.

2 Q. If I haven't accurately captured what
3 you've told me, let me know.

4 You had some responsibilities in the
5 1990s with a product line engineering group that
6 was dealing with crane brake issues?

7 A. Well, really, issues with all the
8 products that we manufactured. Among them was
9 crane brakes.

10 Q. Of all the products that you
11 manufactured -- you meaning Square D --

12 A. In the Columbia, South Carolina,
13 facility.

14 Q. -- in the Columbia South Carolina
15 facility, what percentage of your production was
16 related to these crane brakes or crane brake
17 assemblies?

18 A. A small percentage.

19 Q. And your contact with that product line
20 engineering group would have been no earlier than
21 sometime in the 1990s?

22 A. That is correct.

23 Q. Okay. And then you indicated that you
24 had some experience perhaps overseeing lab
25 supervisors who were interfacing with crane

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1 engineers on electrical tests. 2 A. Electrical tests, right. 3 Q. Did I get that right? 4 A. Yes. 5 Q. When did you first have such 6 experiences at Square D? 7 A. Um, when I hired onto Square D I 8 was -- in 1977 -- my job was to do product 9 submissions to underwriter laboratories. 10 Q. In Canada. Were they Canadian? 11 A. No, this was in the United States. 12 Q. Okay. 13 A. And so I conducted -- as part of 14 my -- my job duties -- I would have conducted 15 electrical tests on crane control products. At 16 that point in time, the crane brake line was being 17 manufactured in another facility. 18 Q. Okay. When did that come to the 19 Columbia facility that you worked at? 20 A. Around 1985. 21 Q. Would I be correct, Mr. Katzbeck, that 22 prior to 1985 you wouldn't have had much contact 23 with these crane engineers who were doing 24 electrical tests on crane brakes and crane brake 25 assemblies?	1 did not have asbestos-containing friction materials 2 in them. 3 A. Correct. 4 Q. Let me see if I can fairly summarize 5 what you've told me. During the time period when 6 Square D was manufacturing crane brakes and crane 7 brake assemblies which contained asbestos friction 8 materials, you really didn't have much if any 9 contact with that product line. 10 A. To the extent that they may have 11 contained asbestos friction materials, that's 12 correct. 13 Q. What documents have you reviewed that 14 allow you to conclude that any of the Square D 15 crane brakes or crane brake assemblies historically 16 contained an asbestos friction material? 17 A. The documents that I reviewed were the 18 drawings for crane brakes, the instruction 19 bulletins for crane brakes, many of the materials 20 that were produced in this case coming from 21 catalogs, and other materials that, you know, I 22 can't categorize right now, simply because I don't 23 recall, but dealing with crane brakes, crane 24 control products, in the context of the 25 asbestos-type litigation.
Page 27	Page 29
1 A. That's correct. 2 Q. And if I understand you correctly, your 3 contact with them would have been with respect to 4 electrical tests, which wouldn't necessarily have 5 been closely related to the friction material 6 component of those crane brakes and crane brake 7 assemblies. 8 A. That's correct. Well, any testing that 9 I personally was involved with was not on crane 10 brakes. 11 Q. Okay. And then the first thing you 12 told me, as well, I worked at the same facility 13 where our crane control business was located. 14 A. Yes. 15 Q. But if I understood what you just told 16 me, that wouldn't have been until 1985? 17 A. That is correct. 18 Q. All right. 19 A. Let me clarify. The crane control 20 business, crane control panels, was in Columbia 21 starting about 1972 when it was transferred from 22 the old Cleveland facility. Crane brakes did not 23 come into Columbia until about 1985. 24 Q. All right. And at that point in time, 25 to the best of your knowledge, those crane brakes	1 Q. Would it be fair to say that most of 2 your knowledge about Square D's use of asbestos 3 friction materials has come to you through your 4 work assisting Square D with litigation matters? 5 A. I think that's a fair statement, yeah. 6 Q. Am I correct in understanding that when 7 Square D sold the crane control business to EC&M in 8 2003, all of the records pertaining to the crane 9 control business went to EC&M as part of that 10 purchase agreement? 11 A. Yes. That was the agreement. 12 Physically the records transferred to EC&M facility 13 over a period of time. 14 Q. Had Square D to your knowledge been 15 named as a defendant in asbestos personal injury 16 litigation prior to 2003? 17 MR. ORNDORFF: Let me just object and 18 ask for clarification as to any asbestos litigation 19 or asbestos litigation regarding crane components? 20 MR. DELUCA: Sure. That's fair. 21 BY MR. DELUCA: 22 Q. Mr. Katzbeck, to your knowledge, had 23 Square D been sued as a defendant in an asbestos 24 personal injury action for its crane control 25 products prior to 2003?

1 A. Yes.

2 Q. When Square D sold its crane control
3 business to EC&M in 2003, did it copy any of the
4 records before they were transferred to EC&M?

5 A. No, no, there was no special -- there
6 was no effort made to copy records.

7 Q. Has there been any effort made by
8 Square D to cause EC&M to preserve those records?

9 A. Yes.

10 Q. Can you tell me about that?

11 A. Well, there's an agreement with the new
12 EC&M to simply not destroy records, to contact us
13 should they ever feel the need; but they understand
14 the need to preserve records in the scope of
15 litigation so that we don't -- they're not throwing
16 things away, no.

17 Q. All right. Now, Square D produced
18 1200-plus documents to me a couple days ago. Are
19 you familiar with those documents that were
20 produced?

21 A. I'm probably familiar with some of
22 them, but I couldn't say for sure all of them.

23 Q. Did you play any role in selecting the
24 documents to be produced?

25 A. For this particular case, I don't

1 Q. If there were such an effort, would you
2 as the corporate representative of Square D for
3 this division of products be the person who would
4 coordinate that?

5 A. I would be involved in the process,
6 yes.

7 Q. And you haven't been asked to do that,
8 nor have you done that, correct?

9 A. That's correct.

10 Q. There are some other pieces of
11 equipment that have been referenced in some of your
12 prior depositions and may or may not be applicable
13 here. I would like to just get a brief
14 understanding from you as to what these things are,
15 because I have never worked with a crane.

16 You've talked about motion control
17 panels and I believe Mr. Novickoff talked about
18 panels in some of his testimony.

19 A. Yes.

20 Q. What is a motion control panel?

21 A. If I understand Mr. Novickoff's
22 testimony correctly, a crane -- when we're talking
23 about cranes -- have three motions. They move, for
24 lack of a better description, north and south, east
25 and west and then the hook moves up and down, the

1 believe so.

2 Q. Do you know where those particular
3 documents came from?

4 A. I'm sorry. At what point in time?
5 They came from the lawyer's office, but, I mean --

6 Q. Those were provided to the lawyers
7 representing Square D by Square D, correct?

8 A. Yes, by Square D.

9 Q. Prior to 2003 or after?

10 A. Well, I'm sure that many of them were
11 prior to 2003. There may have been some provided
12 after 2003 that may have specifically related to
13 this litigation. I just don't know about that.

14 Q. Okay. Do you know if for the Lorraine
15 Jamrom case, which is what we're here to discuss,
16 whether any of the documents that were produced
17 were obtained by Square D specifically for this
18 case from EC&M?

19 A. I don't believe -- I don't believe any
20 were, no.

21 Q. Do you know whether for this case
22 Square D has made any effort to see what documents
23 are in the possession of EC&M?

24 A. As far as I know, there's been no
25 effort to do that.

1 crane hook.

2 Q. Okay.

3 A. So there are control panels that are
4 involved in causing the -- you know, sending
5 signals to the motor to cause those three motions
6 to take place.

7 Q. All right.

8 A. And that's what Square D would
9 manufacture, those control panels.

10 Q. And what does a control panel look
11 like?

12 A. Well, it depends what time frame.
13 Today they're in a steel enclosure, a big gray box.

14 Q. What did they look like in the sixties
15 and seventies, if you know?

16 A. In the -- they're -- I can just tell
17 you they're different styles. There were some that
18 were open controllers which were essentially
19 control boards with components mounted on them that
20 had no covers, no doors, and then also there were
21 styles that had the doors, enclosures for these
22 controllers.

23 Q. Historically, were there any
24 asbestos-containing materials used in association
25 with the control panels?

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1 A. It is -- to the extent that there are 2 electrically insulated -- that there are materials 3 on the control panels that have to provide 4 electrical insulation, I could not rule that out. 5 Q. Okay. Would the actual panel be made 6 out of a material that contained asbestos fiber as 7 a reinforcement or insulating material? 8 MR. ORNDORFF: Let me just object that 9 there's no time period given here. 10 BY MR. DELUCA: 11 Q. Just historically. I'm just asking for 12 an overview of your understanding. 13 A. Well, the board itself onto which these 14 components were mounted was an electrically -- had 15 electrical insulation properties. It may or may 16 not have contained asbestos. 17 Q. Would that be something like a Bakelite 18 or a mycarta or a row stone type board? 19 A. Well, something like that. I'm not 20 sure if those were the ones that were used, but it 21 would be yeah, Bakelite. 22 Q. Are those boards cementitious in 23 nature? Are they like a hard cement-type board 24 or -- 25 A. The ones that I can recall seeing were	1 Q. Let me give you an example. 2 A. Yeah, sure, please. 3 Q. Let's say Mr. Novickoff said that the 4 Square D brakes were purple and had green polka 5 dots. And you say, Aaron, I know from my 6 experience that they weren't purple, they didn't 7 have green polka dots. 8 Or, you know, he said they were 42 9 inches long and shaped like a -- you know, they 10 were triangular. And you said, well, our brakes 11 weren't triangular, they were circular, and we 12 never made any that were that big. Those are just 13 examples. 14 Do you have any issues in your mind 15 with respect to what Mr. Novickoff said about the 16 products he associated with Square D? 17 MR. ORNDORFF: Same objections. 18 MR. CELBA: Join. 19 THE WITNESS: To the extent that he 20 said this was a Square D product and how do you 21 know it's a Square D product, it had a Square D 22 name on it, or it was a brake and it said Square D, 23 I have no problem with that, for the description. 24 In other words, I don't doubt that 25 there were Square D products from his product
Page 35	Page 37
1 a brown -- oh, like Benolux or something. It's not 2 cementy, it's a solid smooth surface type. 3 Q. Is that like a phenolic-type material? 4 A. As far as I know, and I couldn't swear 5 to it. 6 Q. Did Square D ever manufacture that type 7 of board or material? 8 A. No, those materials were all purchased. 9 Q. Did you have any specific criticisms or 10 disagreement with the way Dimitri Novickoff 11 described the products he associated with Square D? 12 MR. CELBA: Object to the form. 13 MR. ORNDORFF: Object as overbroad. 14 Are you talking about just describing the products 15 or the use of the products? 16 MR. DELUCA: Anything. 17 BY MR. DELUCA: 18 Q. I mean, is there anything that you read 19 with respect to Dimitri Novickoff's testimony about 20 products he associated with Square D that you 21 disagreed with or questioned or have any issues 22 with that you would discuss at the time of trial. 23 MR. ORNDORFF: Overbroad, vague. 24 MR. CELBA: Join. 25 BY MR. DELUCA:	1 descriptions. 2 Q. Okay. Is there anything about his 3 testimony that you disagree with or don't find 4 credible or don't think is accurate? 5 MR. ORNDORFF: Same objection. 6 MR. CELBA: Join. 7 THE WITNESS: I can't -- some of the 8 things that he testified that they did I would -- 9 may not be advisable to do, but I have no basis to 10 say that he didn't do what he said he did. 11 The same with the condition in which he 12 found the equipment. I have no reason to -- to 13 say, oh, no, that couldn't have happened, that's 14 not possible. 15 BY MR. DELUCA: 16 Q. Okay. Do you understand that why I 17 came down here to meet you is I want to find out 18 what you'd say if you come to Charleston and 19 testify. And the idea is no one wants to be 20 surprised as to what you're going to say. 21 A. Yeah, yeah. You know I -- fair enough, 22 yeah. 23 Q. Okay. So there's really nothing about 24 his testimony that you're prepared to say, look, 25 Aaron, that's just not the way it would have

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1 happened or that's not accurate or that's not 2 credible or that's not an accurate description of 3 what the products we make look like or how they 4 were used; is that fair? 5 MR. ORNDORFF: Same objection. 6 MR. CELBA: Join. 7 THE WITNESS: I -- in reading the 8 deposition of Mr. Novickoff, I -- nothing jumped 9 out at me as in that context. 10 BY MR. DELUCA: 11 Q. Okay. Thank you. 12 A. Yeah. 13 Q. Now, as I understand it from your prior 14 testimony, there were, over time, various suppliers 15 of the friction materials that were used on the 16 brake assemblies. 17 A. Yes. 18 Q. Can you identify, first, just the 19 identity of those suppliers. And then we'll talk 20 about time periods. 21 MR. CELBA: Object. Foundation, 22 speculation. 23 THE WITNESS: Concerning the brake 24 linings there were two suppliers that I know of, 25 Abex and Scan-Pac.	1 more; but based on everything that you know, you're 2 unable to identify any other companies, correct? 3 MR. CELBA: Object, vague, ambiguous 4 indefinite, overly broad, foundation, speculation. 5 THE WITNESS: Correct. 6 BY MR. DELUCA: 7 Q. All right. And if I understood what 8 you said in the past, it's your understanding and 9 your testimony, based on everything that you've 10 looked at and reviewed, that Square D did not 11 obtain friction materials from Scan-Pac until about 12 19 -- let's see. 13 Let me strike that question. I've lost 14 the date. Just give me one moment, please. Let's 15 go off the record. 16 (A recess transpired.) 17 BY MR. DELUCA: 18 Q. Okay. Let me ask you a question. 19 Is it correct, Mr. Katzbeck, from 20 everything that you've reviewed, including the 21 drawings, the instructional bulletins, the catalogs 22 and other materials that you've reviewed in the 23 course of your employment with Square D, that to 24 the best of your knowledge, Square D did not begin 25 purchasing friction materials from Scan-Pac until
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1 BY MR. DELUCA: 2 Q. And just to lay a foundation for your 3 knowledge concerning that, you have, as part of 4 your work with Square D and consulting with Square 5 D on litigation matters, looked at drawings for 6 crane brakes and crane brake assemblies, 7 instruction bulletins and other catalogs, as well 8 as other documents, in order to be able to tell me 9 who supplied the friction materials to Square D, 10 correct? 11 MR. CELBA: Object, indefinite, vague, 12 ambiguous, overly broad. 13 THE WITNESS: Yes. 14 BY MR. DELUCA: 15 Q. And based upon your review of those 16 materials, it's your testimony that Square D 17 obtained friction materials from two companies over 18 time, Abex and Scan-Pac, correct? 19 MR. CELBA: Same objection, 20 foundation -- 21 THE WITNESS: Correct. There may have 22 been more, but those are the two that I was able 23 to -- whose names I came across. 24 BY MR. DELUCA: 25 Q. Okay. And you said that there may be	1 the early 1980s? 2 A. It is. I don't independently recall 3 the date; but if that's what I had said prior to 4 that, I would have no reason to doubt that. 5 Q. I appreciate that. Let me just show 6 you what you said. This is the Earner transcript 7 from April 6th, 2006. 8 A. Okay. 9 Q. We talked about that transcript 10 earlier. 11 A. Okay. 12 Q. It was taken, I guess, here in 13 Columbia. 14 A. Yes. 15 Q. And you were asked on Page 28 -- I'm 16 going to hand this to you. It says, "And do you 17 know when the Square D Company first began 18 purchasing friction materials from Scan-Pac?" 19 And your answer on Line 24 was, "My 20 understanding is somewhere in the early 80s, I 21 would have to get a specific date." 22 And the guy says okay. 23 And then you said on Line 2 of Page 29, 24 "Or something to get that, like '81, 1981." 25 Does that refresh your recollection?

1 A. Yes. I'll stand by that.

2 Q. Okay. Would it be fair to say, sir,
3 that prior to the early eighties, you're unaware of
4 any other supplier of the friction materials used
5 in the Square D crane brakes or crane brake
6 assemblies other than Abex?

7 MR. CELBA: Object to form, foundation,
8 speculation, vague, ambiguous, indefinite, overly
9 broad.

10 THE WITNESS: That's correct.

11 BY MR. DELUCA:

12 Q. Now, we looked at Exhibit 3 which is
13 dated 1982, correct?

14 A. Yes.

15 Q. And it talks about new non-asbestos
16 brake liners?

17 A. Correct.

18 Q. All right. Would you agree that on a
19 more likely than not basis, the brake linings that
20 were used in the 1960s and 1970s contained
21 asbestos?

22 MR. CELBA: Object, foundation,
23 speculation, vague, indefinite, overly broad.

24 MR. ORNDORFF: Same objections.

25 THE WITNESS: I can't rule out that

1 non-asbestos brake linings were used prior to '80
2 because I simply don't know what -- if a drawing
3 said a certain manufacturer, a certain compound
4 number, I don't know what's in that compound. It
5 may have been asbestos, it may not have been
6 asbestos. You know, you have to ask the supplier
7 of the brake lining what was in there.

8 BY MR. DELUCA:

9 Q. Okay.

10 A. Okay.

11 Q. Let me ask you about that. You said I
12 can't rule it out.

13 A. Right.

14 Q. Let me not ask you for you to rule
15 something out. I just want to know what you have
16 knowledge of.

17 Do you have any knowledge that prior to
18 1980, let's say, that any of the friction materials
19 used on Square D crane brakes or crane brake
20 assemblies were asbestos free?

21 MR. ORNDORFF: Objection, overbroad.

22 MR. CELBA: Same objection.

23 THE WITNESS: I don't have any specific
24 knowledge to that.

25 BY MR. DELUCA:

1 Q. Have you ever seen any reference in any
2 of the things that you've looked at that would
3 suggest to you as a professional engineer that the
4 friction materials used on the Square D crane brake
5 or crane brake assemblies prior to 1980 were
6 asbestos-free?

7 MR. CELBA: Same objection.

8 MR. ORNDORFF: Same objection.

9 THE WITNESS: I have not seen anything
10 like that.

11 BY MR. DELUCA:

12 Q. I take it that when Square D needed
13 friction materials to incorporate into its crane
14 brake assemblies, it would contact a vendor of
15 those products, perhaps the manufacturer, and order
16 them.

17 MR. CELBA: Object, foundation,
18 speculation, vague, indefinite.

19 MR. ORNDORFF: Is that a question?

20 BY MR. DELUCA:

21 Q. Is that correct? I mean, this is a
22 simple question. You would order the stuff. You
23 didn't make it, right?

24 A. Exactly, we didn't make it. We would
25 order it. My hesitation was at what point in time?

1 Were we just buying stuff from them that we've
2 already been using or is this something brand new
3 that we have to prove first? That's what I was
4 hesitating about.

5 Q. All right. So I think I understand
6 what you're saying is that perhaps initially you
7 went to the vendor and made a specific request for
8 materials that met your needs and then thereafter
9 you had a standing order.

10 A. Well, initially, we would say, look, we
11 have an application. We have a holding brake, we
12 need -- we need a brake lining that will, when put
13 on our brakes, will meet certain performance
14 requirements.

15 And the manufacturer of the lining
16 would then -- with their expertise -- would design
17 various linings to fit our brakes with whatever
18 compounds. And then we would have to make sure
19 that they functioned properly, performed properly.
20 And then we'd say, okay, that's what we'd like you
21 to -- you know, make those linings for us; we'll
22 use them in production.

23 Q. All right. So Square D -- let me see
24 if I understand what you're saying.

25 Square D would convey a certain set of

Page 46	Page 48
1 performance characteristics to the manufacturer of 2 the brake linings. The manufacturer of the brake 3 linings would make a recommendation and then Square 4 D would test that material to see if it in fact met 5 the performance characteristics that you wanted for 6 your product. 7 A. Yes. 8 Q. At any point in that process did Square 9 D ever test those materials to see if they 10 contained any constituents which posed a potential 11 health hazard to users? 12 A. Not in the ordinary course of business. 13 Q. Okay. Did Square D in the ordinary 14 course of business ever undertake any investigation 15 to determine what constituents were in the brake 16 linings? 17 MR. CELBA: Object, foundation, 18 speculation. 19 BY MR. DELUCA: 20 Q. Not whether they posed a health hazard, 21 but just to find out what was in them? 22 A. No, not that I'm aware of. 23 Q. You mentioned instructional bulletins 24 as a category of documents you reviewed for your 25 knowledge about this product line.	1 Q. Did Square D include safety information 2 in its instructional bulletins over time? 3 A. Yes. 4 Q. Were there ever any warnings in those 5 instructional bulletins about electrical hazards? 6 A. Yes. 7 Q. About avoiding dropping a load which 8 could pose an immediate trauma to someone if they 9 were underneath it, I guess, those types of things? 10 A. Well, related to that. 11 Q. Okay. At any point ever, have you ever 12 seen any instructions or cautions or warnings in 13 the Square D crane brake or crane brake assembly 14 instructional manuals that pertained to the 15 potential health hazards of asbestos? 16 A. No. 17 Q. Did there ever appear any caution label 18 or warning on any of the Square D crane brakes or 19 crane brake assemblies? 20 A. I believe so. I believe so. 21 Electrical type. 22 MR. DELUCA: Could you read the 23 question back for me. 24 THE COURT REPORTER: Question, "Did 25 there ever appear any caution label or warning on
Page 47	Page 49
1 A. Yes. 2 Q. What was an instructional bulletin? 3 A. An instructional bulletin simply 4 would -- something that would be supplied with a 5 product, in this case a brake. 6 It would give the owner, the customer, 7 an idea of the different components of the brake, 8 the part numbers, replacement parts, how to maybe 9 replace replaceable elements, how to install it 10 properly on a crane, things of that nature, 11 ratings, stuff like that. 12 Q. Was one of the purposes of the 13 instructional bulletin to educate the user of that 14 brake as to its proper installation? 15 A. Yes, and it would depend. I've looked 16 at a large number, but, yes, how to install it 17 properly. 18 Q. Would one purpose of that instructional 19 bulletin be to educate the user how to use the 20 Square D brake assembly properly? 21 A. I would say, yes, fair enough. 22 Q. To use it safely? 23 A. Well, safe in the context of its 24 intended application, which is to hold a load, 25 clamp against the brake wheel.	1 any of the Square D crane brakes or crane brake 2 assemblies?" 3 THE WITNESS: I believe so. 4 BY MR. DELUCA: 5 Q. All right. Did there ever appear any 6 caution label or warning label on the Square D 7 crane brake or crane brake assemblies which 8 discussed the hazards of asbestos? 9 A. No. 10 MR. DELUCA: Let's go off the record. 11 (Off-the-record discussion.) 12 (A recess transpired.) 13 BY MR. DELUCA: 14 Q. Mr. Katzbeck, I just have a couple more 15 minutes of questions for you, hopefully. 16 I understand that Square D began 17 looking for non-asbestos friction materials in the 18 late 1970s in response to some OSHA pressures; is 19 that right? 20 A. I think the OSHA pressures were on the 21 lining manufacturers, but, yes, there was 22 a -- there was an effort to find a non-asbestos 23 substitute in that general time frame. 24 MR. CELBA: I'm going to move to strike 25 that to the pressure on manufacturers as

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1 foundation, speculation. 2 BY MR. DELUCA: 3 Q. Do you have any understanding as to 4 when OSHA was enacted into law? 5 A. I can't give you a date. 6 Q. You've been asked before about when you 7 first learned that asbestos can be a potential 8 health hazard. And I believe you said that you 9 really didn't remember when you learned that. 10 Is that still your testimony today? 11 A. Yes, I just -- there was a gradual 12 awareness. I just can't remember. 13 Q. Did you know asbestos was a health 14 hazard in 1977 when you started for Square D? 15 MR. ORNDORFF: Objection, 16 mischaracterizes the -- let me start that one over. 17 Objection, lack of foundation, calls 18 for speculation. And he is not an IH expert or 19 state-of-the-art expert. 20 MR. CELBA: Also argumentative. 21 THE WITNESS: Yeah, I can't give you a 22 date. And as to whether it was a health hazard, at 23 some point in time, the realization came upon me 24 that there were bad things associated with 25 asbestos. I just -- I can't tell you when that	1 parts. And we sold through distributors. 2 BY MR. DELUCA: 3 Q. Okay. Do you understand that from the 4 testimony of Dimitri Novickoff that these cranes 5 that he and Frank Martinkovich, Lorraine Jamrom's 6 father, worked on were in various large industrial 7 facilities such as mills, steel mills, plants like 8 that? 9 A. Yes. 10 Q. Would you agree that that would be a 11 place where you would expect to find the types of 12 products he identified? 13 A. Yes. 14 MR. ORNDORFF: Objection, vague, overly 15 broad. 16 MR. CELBA: Same, foundation, 17 speculation. 18 BY MR. DELUCA: 19 Q. In other words, to the best of your 20 knowledge, the types of cranes that he identified 21 working on would be the type of cranes you would 22 expect in a steel mill. 23 MR. CELBA: Same objection. 24 THE WITNESS: Correct. 25 BY MR. DELUCA:
Page 51	Page 53
1 happened. It was a gradual thing, I'm sure. 2 BY MR. DELUCA: 3 Q. Do you know the source of that 4 information? 5 A. Oh, I'm sorry. That was my personal 6 recollection. 7 Q. Was that ever communicated to you by 8 Square D in the course of your employment, that 9 asbestos could be a potential health hazard? 10 A. No. 11 Q. I understand that Square D would sell 12 replacement parts, including the friction materials 13 that we've discussed, for its crane brake and crane 14 brake assemblies through distributors; is that 15 right? 16 A. Yes. 17 Q. And during the 1960s and 1970s, would 18 you agree that Square D distributed its crane 19 brakes and crane brake assemblies and friction 20 materials in Pennsylvania, Ohio and West Virginia? 21 MR. CELBA: Object, vague, ambiguous, 22 indefinite, overbroad and also foundation, 23 speculation. 24 THE WITNESS: I know that customers in 25 those states purchased brakes and replacement	1 Q. We talked about your work at Square D. 2 I just wanted to be sure I understood one thing. 3 With respect to the WB or AT-type crane brake 4 assemblies, you were never an engineer on those 5 particular product lines, correct? 6 A. That is correct. Only -- my only 7 involvement with engineering on those was with 8 respect to the group that I had that did product 9 maintenance in the nineties. 10 Q. Okay. One of the things that I wanted 11 to ask Square D was concerning its knowledge of the 12 hazards of asbestos and what it knew and when it 13 knew it. 14 Would I be correct that you're not the 15 person who can address that? 16 MR. ORNDORFF: And I will just point to 17 our general response to everything, to all of your 18 requests. You can answer. 19 THE WITNESS: Let me just say that just 20 like -- just like an average person, the awareness, 21 whether it be a corporate awareness or a personal 22 awareness, of asbestos and OSHA regulations 23 regarding friable asbestos in the air, that 24 knowledge slowly accumulated personally and in the 25 company over time, predominantly in the late

1 seventies.

2 And I think just like we would have no
3 reason to actively pursue hazards associated with
4 asbestos, we did not manufacture asbestos products
5 or anything like that.

6 So other than as a user of a brake
7 lining, or a whatever, that we purchased from
8 somebody else, we would have no specific interest
9 in getting additional information. We became aware
10 of it just like everybody else did.

11 Q. You would agree, though, that Square D
12 was in a much different position than everyone else
13 in that they were selling products that contained
14 asbestos.

15 A. Well, we sold products that may have
16 contained asbestos. To the extent that -- whether
17 we had an obligation to become more informed than
18 the average person, I just -- I can't answer that.
19 I don't know. I just don't know.

20 Q. In speaking to what the corporation
21 knew and when it knew it, which is really the
22 question I had asked you, you're not in a position
23 to tell me when the corporation first learned that
24 asbestos could be a potential health hazard.

25 MR. ORNDORFF: Let me just state again

1 that we have provided our response and we have
2 provided him for that purpose.

3 THE WITNESS: That's correct.
4 BY MR. DELUCA:

5 Q. Square D never had a corporate library
6 of any type that you're aware of?

7 A. Square D had libraries.

8 Q. Do you know if there was any health or
9 safety information in the library?

10 A. I don't know.

11 Q. You've been asked before about Square
12 D's membership in the National Safety Council.

13 Do you know anything about that?

14 A. No.

15 Q. Do you know anything about what
16 information, if any, Square D would have received
17 from the National Safety Council?

18 A. No.

19 Q. Did Square D ever have an industrial
20 hygienist assigned to its crane control division?

21 MR. ORNDORFF: We have objected to
22 getting into industrial hygiene issues. I will
23 allow that question, but I'm willing to state an
24 objection as far as it going any further into
25 industrial hygiene issues at the facilities.

1 THE WITNESS: I've never heard or have
2 I ever been aware that we had one.

3 BY MR. DELUCA:

4 Q. Are you ever aware of Square D
5 employing a medical director?

6 A. No.

7 MR. ORNDORFF: Same objection.

8 THE WITNESS: Sorry, no.

9 BY MR. DELUCA:

10 Q. Are you familiar with any of the
11 companies who would have purchased Square D crane
12 brakes or crane brake assemblies for incorporation
13 into cranes that they manufactured, what you
14 described as OEM, original equipment manufacturers?

15 A. Yes.

16 Q. Let me ask you about certain crane
17 companies. And I just simply would like to know if
18 you're aware of whether or not Square D sold its
19 crane brakes or crane brake assemblies to these
20 entities: Harnischfeger?

21 A. I don't know.

22 Q. Give me a moment, please.

23 Are you familiar with Harnischfeger as
24 a company that makes cranes?

25 A. It's my understanding. I'm familiar

1 with the name. I can't tell you for sure whether
2 they make cranes or not.

3 Q. I've been using the word crane, but is
4 a hoist something different?

5 A. Well, a hoist can be on a crane. Some
6 people might use those terms interchangeably. But
7 the kind of hoists we're talking about on cranes
8 are typically cranes that have bridges and trolleys
9 and pretty large pieces of equipment.

10 Q. Reading Crane?

11 A. Yes.

12 Q. And let me maybe ask a clearer
13 question. You're familiar with Reading Crane?

14 A. I am. Mr. Novickoff's deposition
15 transcript refreshed my memory.

16 Q. Okay. Did Square D sell crane brakes
17 or crane brake assemblies to Reading Crane?

18 MR. CELBA: Object, vague as to time.

19 THE WITNESS: It's my understanding we
20 did.

21 BY MR. DELUCA:

22 Q. Do you know the time frame?

23 A. No.

24 Q. Morgan Crane?

25 A. I'm not familiar with Morgan Crane.

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1 Q. Alliance Crane? 2 A. Yes. 3 MR. CELBA: Same objection. 4 THE WITNESS: Sorry. 5 BY MR. DELUCA: 6 Q. Did Square D sell crane brakes or crane 7 brake assemblies to Alliance Crane? 8 A. I believe so, yes. 9 Q. Whiting Crane. 10 MR. CELBA: Same objection. 11 THE WITNESS: Yes. 12 BY MR. DELUCA: 13 Q. Did Square D sell crane brakes or crane 14 brake assemblies to Whiting Crane? 15 A. Yes. 16 Q. Shepard Niles? 17 MR. CELBA: Same objection. 18 THE WITNESS: I believe, yes. 19 BY MR. DELUCA: 20 Q. Yes, as to familiar and yes they sold 21 crane brake and crane brake assemblies? 22 A. Yes. 23 Q. Shaw Box? 24 MR. CELBA: Same objection. 25 THE WITNESS: I don't think to Shaw	1 A. No. 2 Q. Was that a conversation that you had 3 specifically with regard to the Jamrom case? 4 A. Yes. 5 Q. For the purposes of answering my 6 questions today? 7 A. Correct. 8 Q. Who did you speak with? 9 A. The person's name is Sonny Haile, 10 H-a-i-l-e. 11 Q. What is Mr. Haile's position with EC&M? 12 A. I believe he's sales and marketing 13 director. 14 Q. And does -- did Mr. Haile prior to 2003 15 work for Square D? 16 A. Yes. 17 Q. In as much as Square D would typically 18 sell replacement parts through vendors, do you have 19 any knowledge as to whether or not Square D crane 20 brakes were used at any of the U.S. Steel 21 facilities in Pittsburgh which were discussed in 22 this case -- 23 MR. CELBA: Object, vague. 24 BY MR. DELUCA: 25 Q. -- other than reading Mr. Novickoff's
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1 Box. 2 BY MR. DELUCA: 3 Q. A company called Crane Manufacturing 4 Services? 5 MR. CELBA: Same objection. 6 THE WITNESS: I believe so, Crane 7 Manufacturing. 8 BY MR. DELUCA: 9 Q. You're both familiar with that company 10 and you believe that Square D sold crane brakes and 11 crane brake assemblies to Crane Manufacturing 12 Services? 13 MR. CELBA: Same objection. 14 THE WITNESS: Yes. 15 BY MR. DELUCA: 16 Q. Let me give you a -- let me pick one of 17 these, let's say Reading Crane. How is it that you 18 know that Square D sold either crane brakes or 19 crane brake assemblies to Reading Crane? 20 A. The -- I had a conversation with one of 21 the current members of EC&M Company who was in the 22 business of -- you know, who has knowledge of -- of 23 the business. 24 Q. Okay. Is that one of the principals, 25 Mr. Hudgins or Mr. Carter?	1 testimony? 2 A. Yes, crane control equipment was sold 3 to various vendors, crane builders, and also I'm 4 sure a recollection of replacement parts or 5 whatever being supplied to various U.S. Steel 6 facilities. 7 Q. Did Square D -- and U.S. Steel 8 facilities is a very broad term -- 9 A. Yes. 10 Q. -- and I recognize that. 11 A. Yes. 12 Q. But did Square D ever sell directly to 13 U.S. Steel? 14 MR. CELBA: Object, foundation, 15 speculation. 16 THE WITNESS: It's not our policy to 17 sell directly. We always sell through a 18 distributor. 19 BY MR. DELUCA: 20 Q. Even for a big customer like -- I 21 imagine U.S. Steel would be a pretty big customer. 22 A. Right. The product -- let me clarify. 23 The product may -- may be -- say, a replacement 24 lining or a replacement brake shoe or any 25 replacement part -- it may or may not be stocked at

Page 62 1 a distributor. 2 But if U.S. Steel or any customer 3 wanted that part, they would order it through the 4 distributor. It may be shipped directly from the 5 distributor; it may be shipped directly to the 6 end-use customer from the factory, but the 7 distributor would get credit. 8 MR. CELBA: Move to strike, 9 speculation, foundation. 10 BY MR. DELUCA: 11 Q. Let me show you Item 34 on the Notice 12 of Deposition which is marked as Exhibit 1. There 13 are a number of job sites listed in that paragraph. 14 Do you have any knowledge as to whether 15 or not Square D ever directly sold any crane 16 brakes, crane brake assemblies or replacement parts 17 to any of those facilities? 18 A. By directly you mean -- 19 Q. Bypassing the distributor? 20 A. We would not bypass a distributor. 21 Q. Okay. So you're unaware of, for 22 example, Square D ever selling anything directly to 23 U.S. Steel Homestead? 24 A. Let me just say, our policy is to sell 25 through a distributor.	Page 64 1 (Off-the-record discussion.) 2 EXAMINATION 3 BY MR. CELBA: 4 Q. I just want to follow up on a few 5 things. One is that you mentioned that there may 6 have been more suppliers of friction materials. 7 And the reason you say that is because 8 you haven't seen all of the documents relating to 9 suppliers. 10 Would that be a fair statement? 11 A. Sure. 12 MR. DELUCA: Object to the form. Calls 13 for speculation. 14 THE WITNESS: I think that's a fair 15 statement, sure. 16 BY MR. CELBA: 17 Q. And, for instance, even with respect to 18 Abex, you can't give me any specific dates when 19 they supplied any linings to Square D, correct? 20 A. I can't give you specific dates. 21 Q. Also, Plaintiff's counsel brought up to 22 you the composition, I think -- asbestos or 23 non-asbestos -- of WD brakes. Remember those 24 questions? 25 A. WB.
Page 63 1 Q. Okay. 2 A. It could have happened -- 3 Q. All right. 4 A. -- but I don't -- 5 Q. I understand that it could have 6 happened. I'm just asking if you have any 7 knowledge of whether it did. 8 A. No, I don't have any knowledge. 9 Q. Do you know who your distributors were 10 in the Pittsburgh area? 11 A. Not by name. 12 Q. Were there -- can anybody sell Square D 13 equipment or did you have to be sort of a licensed 14 distributor or a franchisee? 15 A. Right. You had to be licensed or a 16 franchisee. 17 Q. Do you have a record of -- does Square 18 D have a record of who its distributors were for 19 its crane controls in the sixties and seventies in 20 various areas of the country? 21 A. They may. They may. I can't rule it 22 out. 23 MR. DELUCA: Thank you. 24 MR. CELBA: I just have a few 25 questions, Mr. Katzbeck.	Page 65 1 Q. WB. 2 A. Right. 3 Q. You really can't say -- you haven't 4 seen -- well, with respect to that, you haven't 5 seen all of Square D's files regarding WD 6 composition in brakes, correct? 7 MR. ORNDORFF: Objection, lack of 8 foundation, speculation. 9 THE WITNESS: I've seen a great many. 10 I can't say that I've seen them all. 11 BY MR. CELBA: 12 Q. And when you're talking about 13 distributors, those are independent distributors 14 we're talking about, correct? 15 A. I'm not sure legally what the term is. 16 Graybar, for example, it's an independent company, 17 but they're a distributor of ours. 18 Q. In order to identify, let's say a 19 specific brake at a specific location, you would 20 need to have the factory order number, the shop 21 order number or the serial number, correct? 22 A. That would be a start. That would be 23 the way -- the best way I could think of -- to try 24 to identify details. 25 Q. Who supplied the friction material; you

Page 66 1 would have to know that, correct? That would be 2 required. 3 A. Well, I could -- to the extent that 4 they might exist, I would backtrack -- if that were 5 my goal, to try to identify a friction material 6 supplier, I would backtrack through the 7 documentation to the drawings and then look at the 8 specification on the drawing. And that would tell 9 me -- depending on the vintage, I would eventually 10 get to approved manufacturers or the manufacturer 11 and some sort of a number. 12 Q. So it would be still general in scope 13 somewhat as the supplier? 14 A. Exactly. That would be the material 15 and manufacturer specified for that product during 16 that time frame, applicable time frame on a 17 drawing. I can't tell you if they actually 18 supplied it or what they made it from, but that's 19 what the drawing said should have happened. 20 MR. CELBA: Thank you very much. 21 THE WITNESS: Okay. 22 MR. ORNDORFF: Anybody on the phone? 23 Last chance. Okay, we are done. He will read and 24 sign. 25 MR. HAGUE: Wait a minute. I'm sorry,	Page 68 1 over the years. But it was -- the name Shepard 2 Niles was not unfamiliar to him as a customer of 3 Square D. 4 Q. Okay. And do you know what product 5 line Square D sold to Shepard Niles? 6 A. No. I mean, I assume crane control 7 products because we were talking with respect to 8 crane control products in general, but I cannot 9 tell you specific equipment, no. 10 Q. Do you know which assembly it was, 11 whether it was the AT or the WB? 12 A. No, I don't. 13 MR. HAGUE: That's all I have. Thank 14 you. 15 MR. ORNDORFF: Anybody else on the 16 phone? And we will be finished. 17 (The deposition was concluded at 18 11:51.) 19 20 21 22 23 24 25
Page 67 1 I was getting my phone off mute there. This is 2 Bill Hague. I have a couple of questions. 3 THE WITNESS: Yes. 4 EXAMINATION 5 BY MR. HAGUE: 6 Q. Sir, my name is Bill Hague and I 7 represent Shepard Niles and I just have a couple 8 questions about them. Do you have any idea as to 9 when Square D sold to Shepard Niles? 10 A. No, no, not -- not at the time -- not 11 as I sit here today. 12 Q. Are there records to that effect? 13 A. There may be. Again, if I had a 14 particular factory order number from a crane brake 15 or a crane control panel or whatever Square D 16 product at Shepard Niles, if they even exist 17 anymore, I would have to backtrack to find that 18 out. 19 Q. Okay. And how do you know that Square 20 D sold to Shepard Niles? 21 A. In my conversations with Sonny Haile, 22 I -- I listed the names of the companies from 23 Mr. Novickoff's deposition and asked him; and he 24 would say, yes, that's -- Shepard Niles or some 25 variant of the name. The name may have changed	Page 69 1 SIGNATURE OF DEPONENT 2 3 I, the undersigned, JOHN KATZBECK, do 4 hereby certify that I have read the foregoing 5 deposition and find it to be a true and accurate 6 transcription of my testimony, with the following 7 corrections, if any: 8 9 PAGE LINE CHANGE REASON 10 11 12 13 14 15 16 17 18 19 20 21 JOHN KATZBECK Date 22 23 24 25

1 CERTIFICATE OF REPORTER

2
3 I, Susan M. Valsecchi, Registered
4 Professional Reporter and Notary Public for the
5 State of South Carolina at Large, do hereby certify
6 that the foregoing transcript, pages 1 through 68,
7 is a true, accurate, and complete record.

8 I further certify that I am neither
9 related to nor counsel for any party to the cause
10 pending or interested in the events thereof.

11 Witness my hand, I have hereunto
12 affixed my official seal this 24th day of January,
13 2008 at Charleston, Charleston County, South
14 Carolina.
15
16
17
18

19 Susan M. Valsecchi, RPR, CRR
20 My Commission expires
21 January 4, 2015
22
23
24
25

1 I N D E X

2 Page

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17 2. A letter to Cathy Gatson,
18 Circuit Clerk, dated 1/22/2007
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21 3. A Square D document, Non-Asbestos
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