

STATE OF WEST VIRGINIA

CIRCUIT COURT OF MONONGALIA COUNTY

WITNESS: ANDREW R. TOTH

DATE: June 20, 1997

In Re: Mon Mass II,

COPY

DEPOSITION OF ANDREW R. TOTH was taken

at the instance of the Plaintiff under and pursuant to the provisions of Section 804.05 of the Wisconsin Statutes, and the acts amendatory thereof and supplementary thereto, before me, Corinne Trawicki, Notary Public in and for the State of Wisconsin, at 4747 South Howell Avenue, Milwaukee, Wisconsin, on the 20th day of June, 1997, commencing at 10:56 a.m. and concluding at 5:20 p.m.

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1 A P P E A R A N C E S

2 GOLDBERG, PERSKY, JENNINGS & WHITE, P.C.,
3 by MR. THOMAS W. WHITE, 1030 Fifth Avenue, Pittsburgh,
4 Pennsylvania 15219, appeared on behalf of the Plaintiff.

5 SPILMAN, THOMAS & BATTLE, by MR. ERIC M.
6 JAMES, Spilman Center, 300 Kanawha Boulevard, East, P.O.
7 Box 273, Charleston, West Virginia, 25321-0273, appeared
8 on behalf of the Defendant, Harnischfeger.

9 BAKER, LANCIANESE & SMITH, by MR. RICHARD
10 L. LANCIANESE, 1667 K Street, NW, Washington, D.C. 20006,
11 appeared on behalf of the Defendant, Borg-Warner
12 Automotive, Inc.

13 DAVIES, McFARLAND & CARROLL, P.C., by MR.
14 ERIC K. FALK, The Tenth Floor, One Gateway Center,
15 Pittsburgh, Pennsylvania 15222-1416, appeared on behalf of
16 the Defendant, Allied Signal, Inc.

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I N D E X

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E X H I B I T S

EXHIBIT	DESCRIPTION	MARKED	ID'D
No. 1	Harnischfeger Instruction Manual	4	28
No. 2	List of Companies	4	83
No. 3	Drawing of Crane	49	50
No. 4	Sweet's Catalog	73	73

(The original exhibits were attached to the original transcript.)

(The original transcript was delivered to Mr. White.)

1 TRANSCRIPT OF PROCEEDINGS

2 (Exhibit Nos. 1 & 2 were marked for
3 identification.)

4 ANDREW R. TOTH, called as a witness herein
5 by the Plaintiff, after having been first duly sworn, was
6 examined and testified as follows:

7 EXAMINATION

8 BY MR. WHITE:

9 Q. Sir, would you state your full name?

10 A. Andrew R. Toth, T-o-t-h.

11 Q. Are you employed?

12 A. No.

13 Q. You're retired?

14 A. Yes.

15 Q. When did you retire?

16 A. August 1st, 1995.

17 Q. Where were you working prior to retirement?

18 A. For Harnischfeger Industries, Incorporated.

19 Q. How long had you worked for Harnischfeger?

20 A. I worked for Harnischfeger Industries for eight
21 years, and I worked for Harnischfeger Corporation for
22 seventeen years before that -- pardon me, twenty-five
23 years before that.

24 Q. Twenty-five years. So your total employment with
25 Harnischfeger is twenty-five plus eight?

1 A. Yes.

2 MR. JAMES: As long as you're on that, let
3 me interject because of the corporate history and
4 relationships you may get into, we are offering Mr.
5 Toth pursuant to Rule 30B6 notice of deposition, as a
6 corporate representative for Harnischfeger
7 Corporation and its division, P&H Material Handling.
8 Not only is Harnischfeger Industries not an entity
9 that has been sued in this litigation, it would have
10 no relevance to Harnischfeger Corporation only that
11 we are offering Mr. Toth for.

12 In addition, as long as I have the
13 floor, we are also offering Mr. Toth as a corporate
14 representative pursuant to your notice relating to
15 the overhead cranes and hoists manufactured and
16 distributed by Harnischfeger Corporation or P&H and
17 on the subject matter of the friction materials
18 contained therein, and those are the only products
19 that he is familiar with or the component parts he is
20 prepared to testify and which we are offering Mr.
21 Toth.

22 MR. WHITE: If Harnischfeger made products
23 containing asbestos, I am going to ask him about
24 those products

25 MR. JAMES: He can testify to that general

1 knowledge in response to your question, but the only
2 products component parts to which plaintiffs have put
3 into issue in this case are friction issues.

4 BY MR. WHITE:

5 Q. Sir, when did Harnischfeger Corporation become
6 Harnischfeger Industries?

7 A. In 1986 there was a holding company or parent company
8 formed, and Harnischfeger Corporation became a
9 subsidiary of Harnischfeger Industries, Incorporated,
10 in 1986.

11 Q. Is Harnischfeger Industries the parent or holding
12 company?

13 A. Yes.

14 Q. What is it, a parent or a holding, if you know?

15 A. Parent.

16 Q. Is Harnischfeger Industries a parent to Harnischfeger
17 Corporation?

18 A. Yes.

19 Q. Is Harnischfeger Corporation still in existence?

20 A. Yes.

21 Q. As what in relation to Harnischfeger Industries?

22 A. Harnischfeger Corporation Material Handling Division
23 is a manufacturer of overhead cranes and hoists, and
24 lifting equipment material handling equipment.

25 Q. Is that Harnischfeger Corporation though?

- 1 A. Yes.
- 2 Q. What is the relationship between that corporation and
3 the parent Harnischfeger Industries?
- 4 A. Harnischfeger Corporation is a subsidiary of
5 Harnischfeger Industries, Incorporated.
- 6 Q. Is it not a division?
- 7 A. It is --
- 8 Q. Only if you know. If you don't know, that's all
9 right.
- 10 A. It's a material handling products division.
- 11 Q. Of Harnischfeger Industries?
- 12 A. Of Harnischfeger Corporation and Harnischfeger
13 Corporation is a subsidiary of Harnischfeger
14 Industries.
- 15 Q. Why did all that occur in 1986, do you know?
- 16 A. Yes. The company, Harnischfeger, was acquiring other
17 manufacturing companies and decided at that time to
18 set themselves up as a parent company or a holding
19 company for various subsidiaries other than
20 Harnischfeger Corporation.
- 21 Q. In 1986 what other companies did Harnischfeger
22 Industry acquire or become the parent of?
- 23 A. Beloit Corporation, B-e-l-o-I-t. There was another
24 company that I can't think of the name of right now
25 that was in the systems business -- engineering

1 systems business, and there was a second company that
2 was set up as a subsidiary as a systems business that
3 was called Harnischfeger Engineers, Incorporated.
4 That's the companies that I remember in 1986.
5 Q. After 1986 did the parent company Harnischfeger
6 Industries acquire any other corporations?
7 A. Yes.
8 Q. Who did them acquire?
9 A. They acquired Joy Manufacturing Company.
10 Q. Excuse me. What year was that, Joy Manufacturing, if
11 you know?
12 A. I don't know. Approximately 1994.
13 Q. Go ahead.
14 A. They acquired a company called Morris Mechanical.
15 Let's see, they also acquired another company that is
16 in the underground mining, manufacturing equipment
17 business, and I don't know the name of that company.
18 Q. Where is that company from?
19 A. Great Britain.
20 Q. Anything else?
21 A. That's all I recall.
22 Q. When Harnischfeger Industries, the parent
23 corporation, acquired Joy Manufacturing, how did that
24 occur, do you know was it a merger acquisition,
25 assets if you know?

1 A. I don't know.

2 Q. And Joy Manufacturing was from Pittsburgh?

3 A. Yes.

4 Q. What was the business of Joy Manufacturing?

5 A. Joy Manufacturing manufactures underground mining
6 equipment.

7 Q. Does Joy Manufacturing manufacture any asbestos
8 products?

9 MR. JAMES: If you know.

10 THE WITNESS: I don't know.

11 BY MR. WHITE:

12 Q. Do you know what the relationship is between Joy
13 Manufacturing and T&L Supply?

14 A. No, I don't.

15 Q. Did the Harnischfeger Industries, the parent, also
16 acquire T&L Supply?

17 A. I don't know.

18 Q. Have you ever heard of T&L Supply?

19 A. No, I have not.

20 Q. What's the relationship now between Joy Manufacturing
21 and Harnischfeger Industries?

22 A. Joy Manufacturing is a subsidiary of Harnischfeger
23 Industries.

24 Q. What's the relationship between Joy Manufacturing and
25 Harnischfeger Corporation P&H Material Division?

1 A. No relationship whatever. They are both subsidiaries
2 of Harnischfeger Industries.

3 Q. What does P&H mean?

4 A. Pawling and Harnischfeger.

5 Q. They were the original gentlemen that founded the
6 corporation?

7 A. They founded the corporation in 1884.

8 Q. When Harnischfeger Industries acquired Joy
9 Manufacturing, who was in charge of Joy
10 Manufacturing, who was the president?

11 A. I believe his name was Hansen.

12 Q. Do you have his first name please?

13 A. I don't know.

14 Q. Who was the vice president or second in command?

15 A. I don't know.

16 Q. Did you deal with anyone at Joy Manufacturing at any
17 time?

18 A. Yes, I did.

19 Q. And who is that please?

20 A. I can't recall.

21 Q. Can you recall anybody's name from Joy
22 Manufacturing?

23 MR. JAMES: Before the '86 time period or
24 whenever -- when did --

25 MR. WHITE: I have '94.

1 MR. JAMES: After the relationship turned
2 into parent and subsidiaries or before?

3 BY MR. WHITE:

4 Q. Let's say in 1994 when Harnischfeger Industries was
5 looking to purchase Joy Manufacturing or at the time
6 that the deal was in process, did you deal with
7 anyone at Joy Manufacturing?

8 A. Yes, I did.

9 Q. Was it Mr. Hansen?

10 A. No.

11 Q. Who did you deal with?

12 A. I can't recall the name of the gentleman. He was --
13 he had a position in the engineering department.

14 Q. Was that in Pittsburgh or elsewhere?

15 A. Franklin, Pennsylvania.

16 Q. Was the business of -- in 1994 -- the business of Joy
17 Manufacturing similar to the business of
18 Harnischfeger Corporation?

19 A. No.

20 Q. You said Joy Manufacturing manufactured mining
21 equipment I believe you said, is that correct, or am
22 I wrong?

23 A. Joy Manufacturing manufactured underground mining
24 equipment, yes.

25 Q. Okay. Did Harnischfeger manufacture underground

1 mining equipment?

2 A. No.

3 MR. JAMES: Can we assume for when we each
4 refer to Harnischfeger in the generic sense we're
5 referring to Harnischfeger Corporation unless
6 otherwise delineated?

7 MR. WHITE: Okay.

8 BY MR. WHITE:

9 Q. Did any of the officers from Joy Manufacturing become
10 officers of either Harnischfeger Industries or
11 Harnischfeger Corporation?

12 A. Yes.

13 Q. Who was that?

14 A. Mr. Hansen I believe is now an officer of
15 Harnischfeger Industries, Incorporated.

16 Q. The parent?

17 A. Yes.

18 Q. Do you know what his position is?

19 A. It's either senior vice president or president.

20 Q. Is he here in Milwaukee or is he elsewhere?

21 A. He's in Milwaukee.

22 Q. Anyone else from Joy Manufacturing who became an
23 officer or -- an officer of Harnischfeger Industries?

24 A. Not that I know of.

25 Q. Did anyone from Joy Manufacturing become an officer

- 1 of Harnischfeger Corporation?
- 2 A. No.
- 3 Q. Do you know of any other individuals that came over
- 4 from Joy Manufacturing to Harnischfeger Industries in
- 5 any position?
- 6 A. No, I do not.
- 7 Q. Is there any other corporate structure of
- 8 Harnischfeger in existence other than Harnischfeger
- 9 Industries and its material handling division, P&H?
- 10 A. Yes.
- 11 Q. What's that name?
- 12 A. Harnischfeger Corporation of mining equipment
- 13 division. They manufacture above ground mining
- 14 equipment.
- 15 Q. Any other corporate structure in existence with the
- 16 name Harnischfeger?
- 17 A. No.
- 18 Q. Have you given a previous deposition or given
- 19 testimony at trial in an asbestos case?
- 20 A. No.
- 21 Q. Have you ever testified or given a deposition in any
- 22 litigation?
- 23 A. Yes.
- 24 Q. How often did that occur?
- 25 A. As I recall, and I don't know exactly, I have not

1 kept track of them, approximately thirty times in
2 deposition and five or six appearances or testimony
3 in court at trial.

4 Q. None of these have dealt with allegations of a
5 product manufactured or sold by Harnischfeger that
6 contained asbestos or an asbestos component?

7 A. Yes, that's true.

8 Q. Has anyone to your knowledge from Harnischfeger given
9 testimony in an asbestos related case?

10 A. No one that I'm aware of, no.

11 Q. Do you know other than in West Virginia whether
12 Harnischfeger has been sued in other jurisdictions?

13 MR. JAMES: Relating to?

14 BY MR. WHITE:

15 Q. Asbestos.

16 A. Yes.

17 Q. Where else have they been brought in as a defendant?

18 A. The one -- In asbestos?

19 Q. Yes.

20 A. The one that I can recall I believe was in Maryland.

21 Q. Who was the plaintiff's attorney, do you know?

22 A. No.

23 Q. How many cases were involved in that litigation in
24 Maryland?

25 A. One case that I'm aware of.

- 1 Q. And do you know where the exposure was alleged to
2 have been of a Harnischfeger product?
- 3 A. The name of the company?
- 4 Q. The name of the job site or --
- 5 A. Yes. It was Mack Trucks.
- 6 Q. Do you recall which Harnischfeger product was at
7 issue?
- 8 A. Overhead cranes and hoists.
- 9 Q. Did you not give a deposition in that case?
- 10 A. No, I didn't.
- 11 Q. Is that case still pending?
- 12 A. No.
- 13 Q. Did anyone from Harnischfeger give a deposition in
14 that case?
- 15 A. No.
- 16 Q. Did anyone from Harnischfeger testify in trial?
- 17 A. No.
- 18 Q. Do you know who represented Harnischfeger in
19 Maryland?
- 20 A. No, I can't remember his name.
- 21 Q. Do you know what law firm he came from?
- 22 A. No, I don't.
- 23 Q. Was that the only jurisdiction -- Excuse me. Strike
24 that.
- 25 Are there any other jurisdictions in

1 which Harnischfeger has been sued in an asbestos
2 case?

3 MR. JAMES: I'm sorry. What was the
4 question?

5 MR. WHITE: Any other jurisdictions in
6 which Harnischfeger has been sued in an asbestos
7 case.

8 THE WITNESS: Not that I recall.

9 MR. WHITE: Do you want to say something?

10 MR. JAMES: No, that's fine. To your
11 knowledge if you know.

12 BY MR. WHITE:

13 Q. Go ahead. Were you going to say something?

14 A. No. I'm trying to recall if there were any other,
15 and I can't recall any.

16 Q. Prior to your deposition today, did you speak with
17 anyone at Harnischfeger other than the attorneys in
18 terms of previous or prior asbestos cases where
19 Harnischfeger was a defendant?

20 A. No.

21 Q. What -- Just briefly tell us what your positions have
22 been with Harnischfeger since you started with the
23 company.

24 A. Okay. I started with the company in 1962 as an
25 engineering trainee.

- 1 Q. Where were you before that in terms of employment?
- 2 A. Before that I was in college at the University of
- 3 Wisconsin, and I worked part time for -- part time
- 4 and full time for a company called TL Schmidt Company
- 5 in Milwaukee. Following college I went to work for
- 6 Harnischfeger Corporation in 1962 as an engineering
- 7 trainee and became a product designer and design
- 8 engineer and a project engineer and an assistant
- 9 chief engineer, a chief engineer and director of
- 10 engineering.
- 11 Q. I take it you're an engineer?
- 12 A. Yes, I am.
- 13 Q. Do you have a degree in engineering from the
- 14 University of Wisconsin?
- 15 A. Yes, I have a bachelor's of science in mechanical
- 16 engineer.
- 17 Q. Any advance degree?
- 18 A. No. A lot of on-the-job training though.
- 19 Q. Have you always worked in the Milwaukee area for
- 20 Harnischfeger?
- 21 A. Yes.
- 22 Q. Harnischfeger manufacturers facility is located
- 23 where?
- 24 A. Material Handling?
- 25 Q. Yes.

- 1 A. In the Milwaukee area.
- 2 Q. Where else are they located?
- 3 A. In terms of manufacturing facilities, that's it in
4 Milwaukee.
- 5 Q. Other than material handling, just so I'm not missing
6 something, what other manufacturing facilities are
7 there?
- 8 MR. JAMES: Of Harnischfeger --
- 9 MR. WHITE: Yes.
- 10 MR. JAMES: -- Corporation?
- 11 MR. WHITE: Yes.
- 12 THE WITNESS: The mining shovel
13 manufacturing facility located in Milwaukee and
14 electrical manufacturing facility located in
15 Milwaukee. That's it.
- 16 BY MR. WHITE:
- 17 Q. So Harnischfeger manufactures mining shovels,
18 electrical equipment, material handling products, is
19 that correct generally?
- 20 A. Yes, that's correct.
- 21 Q. Does Harnischfeger manufacture anything else?
- 22 A. No.
- 23 Q. No division, subsidiary, or other corporation related
24 to Harnischfeger Industries or Harnischfeger
25 Corporation that manufacture some other type of

1 product?

2 MR. JAMES: That's a broader question.

3 THE WITNESS: Yes. The Morris Mechanical
4 Systems is a subsidiary of Harnischfeger Corporation
5 I believe. I'm not familiar with all the more
6 current relationships between these companies, but
7 Morris manufactures material handling equipment in
8 Great Britain.

9 BY MR. WHITE:

10 Q. Does Morris -- M-o-r-r-I-s?

11 A. Yes, it is.

12 Q. Do they export their products to the United States?

13 A. Yes.

14 Q. And is there a sales arm or a sales corporation here
15 in the United States that sells the Morris material
16 handling products?

17 A. I don't know.

18 Q. Does Harnischfeger sell the material handling
19 products manufactured by Morris in Great Britain?

20 A. Yes.

21 Q. Do any of those Morris products contain asbestos?

22 A. I don't know.

23 Q. Do the Morris products contain brake linings?

24 A. I know the Morris products have brakes.

25 Q. And do all brakes have linings?

1 A. No.

2 Q. Who would know about Morris from Harnischfeger?

3 MR. JAMES: Anything about Morris?

4 MR. WHITE: Well, about the asbestos..

5 THE WITNESS: Probably -- I don't really
6 know. I can only assume that someone would know, but
7 I don't know a specific person that would know the
8 product -- a specific person at Harnischfeger
9 Corporation that would know the product. Like I say,
10 I would assume that someone does, but I don't know
11 who that would be.

12 BY MR. WHITE:

13 Q. How long has Morris been manufacturing material
14 handling products and selling them in the United
15 States?

16 MR. JAMES: As a subsidiary of
17 Harnischfeger Corporation?

18 MR. WHITE: No.

19 MR. JAMES: Previous?

20 MR. WHITE: Previous also.

21 THE WITNESS: I don't know.

22 BY MR. WHITE:

23 Q. 1950's?

24 A. I don't know when they were formed or how long
25 they've been in business. I just don't know.

- 1 Q. When do you recall first hearing of a company called
2 Morris? Was it the '50's -- Was it in the '60's when
3 you started with Harnischfeger?
- 4 A. I would say sometime during the 1970's I became aware
5 that there was hoist products that were manufactured
6 by Morris.
- 7 Q. What kind of product?
- 8 A. Hoist.
- 9 Q. Other than Morris, any other corporate structures
10 that are related to Harnischfeger that we haven't
11 discussed today?
- 12 A. No.
- 13 Q. Nothing on the west coast or down south or anything?
- 14 A. No.
- 15 Q. East coast?
- 16 A. No.
- 17 Q. No other foreign corporations other than Morris?
- 18 A. Not that I know of, no. As I say, there have been a
19 lot of changes in the structure of Harnischfeger
20 Corporation since I retired, and I'm not the best
21 person to ask those questions, and I don't know who
22 the best person is to get the relationships between
23 Harnischfeger Corporation and some of the
24 subsidiaries.
- 25 Q. You retired in 1995; is that correct?

- 1 A. Yes.
- 2 Q. So over the past two years you're saying to your
3 knowledge that there have been a lot of changes in
4 terms of corporate structure?
- 5 A. Yes.
- 6 Q. Have there been changes in terms of who -- which
7 corporate structure manufactures what?
- 8 A. No.
- 9 Q. Other than the formation of the parent corporation in
10 terms of the material handling corporation, the
11 Harnischfeger Corporation, has there been any changes
12 in what corporate structure manufactures the material
13 handling products?
- 14 A. No.
- 15 Q. Is Harnischfeger Corporation and P&H Material
16 Handling Division the only corporate division that
17 manufactures material handling products?
- 18 A. Yes.
- 19 Q. To your knowledge, are the material handling products
20 of Harnischfeger the only products that contain
21 asbestos?
- 22 A. No.
- 23 Q. What other products contain asbestos as manufactured
24 by Harnischfeger?
- 25 A. Harnischfeger Corporation mining division mining

- 1 shovels contain asbestos.
- 2 Q. Anything else?
- 3 A. No.
- 4 Q. The electric manufacturing division, does that
- 5 division manufacture any products that contain
- 6 asbestos?
- 7 A. Yes.
- 8 Q. Which products?
- 9 A. Brakes -- electric brakes.
- 10 Q. Anything else?
- 11 A. No.
- 12 Q. The electric -- The corporate structure that makes
- 13 electrical products, is that a division of
- 14 Harnischfeger Corporation or a division of
- 15 Harnischfeger Industries?
- 16 A. It's a -- part of the material handling division of
- 17 Harnischfeger Corporation.
- 18 Q. Is there a name to it?
- 19 A. No, just electrical products manufacturing.
- 20 Q. Division?
- 21 A. I'm not sure if it's a division or if it's just part
- 22 of the P&H Material Handling Corporation.
- 23 Q. So are they products -- electrical products
- 24 manufactured by the Harnischfeger Corporation, P&H
- 25 Material Handling Division?

- 1 A. Yes.
- 2 Q. And there's no further breakdown in terms of a
3 corporate name?
- 4 A. No.
- 5 Q. Is there further breakdown in terms of the corporate
6 name for the mining shovel manufacturing division?
- 7 A. No.
- 8 Q. Does Harnischfeger -- Strike that.
9 The electric products division, okay?
- 10 A. Okay.
- 11 Q. You say they manufacture a product that contains
12 asbestos?
- 13 A. Yes.
- 14 Q. What is that product that contains asbestos?
- 15 A. The electric brake.
- 16 Q. I'm sorry, you told me that. Excuse me. Does
17 Harnischfeger manufacture that electric brake?
- 18 A. Yes.
- 19 MR. JAMES: The brake itself?
- 20 THE WITNESS: Yes.
- 21 BY MR. WHITE:
- 22 Q. Does Harnischfeger -- Is there a brake lining
23 involved?
- 24 A. Yes.
- 25 Q. Does Harnischfeger manufacture the brake lining?

1 A. No.

2 Q. Does the brake lining contain asbestos?

3 A. It did at one time.

4 Q. When did it contain asbestos?

5 MR. JAMES: Let me reiterate my earlier
6 statement. We have not -- because of the products at
7 issue by plaintiffs arguably and testimony in
8 evidence and disclosure pursuant to pretrial orders,
9 the only product of Harnischfeger Corporation at
10 issue is the overhead cranes and hoists. And to his
11 knowledge or potential knowledge of the electrical
12 products that may have been manufactured in that --
13 calling it a division, but I don't think it is -- but
14 that part of P&H or what he knows about the mining
15 shovels division, but we have not investigated nor is
16 he prepared to testify nor preview any documents that
17 may or may not exist related to those other divisions
18 or sections

19 BY MR. WHITE:

20 Q. Are the -- The brake linings at some point in time
21 contained asbestos?

22 A. Yes, they did.

23 Q. From when to when did the brake lining contain
24 asbestos?

25 A. I don't know when they first did, but up until the

1 period of approximately the mid-1980's they contained
2 asbestos.

3 Q. And who was the manufacturer and supplier of the
4 asbestos containing brake linings?

5 A. There were a number of manufacturers and suppliers of
6 that component.

7 Q. May I have those names?

8 MR. JAMES: Are we talk about the
9 electrical product section or --

10 MR. WHITE: I'm talking about the
11 electrical products division.

12 MR. JAMES: Again, I'll state that I think
13 the division is a misnomer and just give me a
14 continuing objection.

15 BY MR. WHITE:

16 Q. What do you call the electric product manufacturing?

17 A. It's a part of Harnischfeger Material Handling
18 Company Corporation.

19 Q. Is it a division?

20 A. I'm not sure. I don't think it is. It's just a part
21 of P&H Material Handling Company.

22 Q. Okay. Who made the brake -- the asbestos containing
23 brake linings that were used in the electric products
24 used by Harnischfeger?

25 A. H. K. Porter. Raybestos-Manhattan. A company called

- 1 Gatke, G-a-t-k-e. Johns-Manville. There may have
2 been others, but I don't recall who they all were.
- 3 Q. Who -- Were there any distributors in addition to the
4 manufacturers that supplied the asbestos containing
5 brake lines to Harnischfeger?
- 6 A. I don't know what you mean by distributors.
- 7 Q. Well, there is a manufacturer and a manufacturer may
8 sell to a distributor and a distributor may sell to
9 Harnischfeger, the end user. Is there some middle
10 type corporate structure involved?
- 11 A. Not that I'm aware of no.
- 12 Q. Was there ever, for instance, a local Milwaukee
13 distributor that handled asbestos products from the
14 manufacturer and then resold them to Harnischfeger?
- 15 A. To the best of my knowledge, we dealt with the
16 manufacturer of the product. I don't recall dealing
17 with any distributors.
- 18 Q. Is Gatke still in existence?
- 19 A. I don't know.
- 20 Q. Where was Gatke located?
- 21 A. I don't remember.
- 22 Q. Were there different manufacturers of brake linings
23 for the electric product division than were for the
24 material handling division?
- 25 A. No.

1 MR. JAMES: Tom, let me also refer you to
2 the documents which were provided to you previously
3 and you marked as Deposition 1, and I think there are
4 other potential other manufacturers of friction
5 products.

6 THE WITNESS: There probably are some, but
7 I don't recall who they all are.

8 BY MR. WHITE:

9 Q. Okay. But you don't recall any distributors who
10 supplied to Harnischfeger the asbestos brake lining?

11 A. Not that I can recall.

12 Q. Now, when I went through the documents on Exhibit 1,
13 there were some reference to electric con --
14 electrical control boards or control panels, okay?

15 A. Okay.

16 Q. And contained therein were reference to contactors?

17 A. Yes.

18 Q. Okay. In reference to the electric control panels
19 and/or the contactors, were there any asbestos
20 products involved or utilized?

21 A. Yes, in some of them.

22 Q. What asbestos containing product was involved in the
23 contactors or electrical control panels?

24 A. Some of the very large direct current contactors used
25 arc shields which contained asbestos.

- 1 Q. Would those arc shields be made by General Electric?
- 2 A. I don't know.
- 3 Q. Were they made by Westinghouse?
- 4 A. I know Harnischfeger purchased contactors from both
- 5 Westinghouse and General Electric, but I don't know
- 6 whether those contactors had arc shields or whether
- 7 they contained asbestos.
- 8 Q. Other than General Electric or Westinghouse who else
- 9 did Harnischfeger purchase the arc shields from?
- 10 A. Harnischfeger provided arc shields for Harnischfeger
- 11 manufactured contactors.
- 12 Q. Did Harnischfeger make asbestos containing arc
- 13 shields?
- 14 A. No, they were purchased.
- 15 Q. Other than General Electric and Westinghouse did
- 16 Harnischfeger purchase them from somebody else, the
- 17 arc shields?
- 18 A. Yes.
- 19 Q. Who were those other companies?
- 20 A. I don't know.
- 21 Q. Was Westinghouse the largest supplier to your
- 22 knowledge of the arc shields?
- 23 A. No.
- 24 Q. Who was the largest supplier of the arc shield?
- 25 A. I believe that the contactors that were made by

1 Harnischfeger were the -- were the majority of the
2 contactors that used arc shields that contained
3 asbestos, but the arc shields themselves were not
4 manufactured by Harnischfeger. They were purchased
5 from someone who made arc shields, and I don't know
6 who that is.

7 Q. Did the contactors contain asbestos, or did the arc
8 shields contain asbestos or did they both?

9 A. The arc shields contained asbestos.

10 Q. Did the contactors contain asbestos?

11 A. No.

12 Q. Who is the major supplier or manufacturer or supplier
13 of the arc shields containing asbestos?

14 A. I don't know.

15 Q. I think you told me that GE and Westinghouse at some
16 point in time supplied the arc shields?

17 A. They didn't supply arc shields, they supplied
18 contactors which also included arc shields.

19 Q. Do all contactors include arc shields?

20 A. No.

21 Q. Did GE and Westinghouse supply the contactors that
22 contained the asbestos containing arc shields?

23 A. They supplied some of them, and others were all
24 Harnischfeger manufactured were purchased with arc
25 shields that were purchased from whoever manufactured

- 1 the arc shields, but I don't know who that is.
- 2 Q. Who would know that?
- 3 A. I don't know.
- 4 Q. Whose job was it to buy the asbestos containing arc
5 shields?
- 6 A. I don't recall. It could have been many people over
7 many years.
- 8 Q. Which department?
- 9 A. It was in the electrical manufacturing area of
10 Harnischfeger Corporation or Harnischfeger Material
11 Handling as it is now known.
- 12 Q. Did you ever look for records as to who -- from whom
13 Harnischfeger purchased the asbestos containing arc
14 shields?
- 15 A. Yes.
- 16 Q. And did you find any records identifying who made the
17 asbestos containing arc shields?
- 18 A. I don't recall if I did or if I didn't.
- 19 Q. Were those records supplied to me, do you know?
- 20 A. I don't think there's any records supplied here for
21 that particular product.
- 22 Q. Where are the records as to the asbestos containing
23 arc shields?
- 24 A. With Harnischfeger Corporation.
- 25 Q. Still in existence?

1 A. I think so.

2 Q. And the contactors and the arc shields were
3 incorporated into the materials handling product; is
4 that correct?

5 A. Yes.

6 MR. WHITE: I think I would like to make a
7 request that we be supplied the Harnischfeger records
8 as to asbestos containing contactors and the asbestos
9 containing arc shields.

10 MR. JAMES: It's something we may have to
11 address. Again, we have provided you documents and
12 collected documents and are prepared to talk about
13 the main things that are at issue and that friction
14 and overhead crane. I think further testimony would
15 be elicited we don't know if any overhead crane that
16 was ever installed at a facility in West Virginia
17 contained asbestos containing arc shields or any
18 other asbestos containing component or highly
19 unlikely they did but other than friction material.
20 Without knowing the specific cranes at issue by
21 serial number, pictures, or walk throughs, or
22 whatever, we cannot determine if any overhead crane
23 or hoist that is located in West Virginia and there
24 by relevant contained any other asbestos containing
25 component. However, to the extent they exist and to

1 the extent it becomes at issue, we'll do our est
2 comply.

3 MR. WHITE: All right. Thank you.

4 BY MR. WHITE:

5 Q. I'll get off this subject in a moment. Did you tell
6 me that Harnischfeger made contactors or made arc
7 shields?

8 A. Harnischfeger manufactured contactors.

9 Q. Did Harnischfeger not manufacture arc shields?

10 A. They did not manufacture arc shields, no.

11 Q. Did Harnischfeger manufacture contactors that
12 contained asbestos arc shields?

13 A. Yes.

14 Q. But they did not make the asbestos arc shield?

15 A. Yes, that's true.

16 Q. That's true. Okay. Other than the contactors
17 containing the asbestos as a component part, did
18 Harnischfeger manufacturer -- what other products
19 containing asbestos did Harnischfeger manufacturer?

20 A. Harnischfeger didn't manufacture any parts that
21 contained asbestos.

22 Q. Did Harnischfeger manufacture a product that
23 contained asbestos; is that correct?

24 A. Harnischfeger manufactured brakes -- does manufacture
25 brakes. Brakes at one time contained components that

- 1 contained asbestos, but they were purchased by
2 Harnischfeger not manufactured by Harnischfeger.
- 3 Q. Which component contained asbestos?
- 4 A. The brake discs and brake shoes.
- 5 Q. What's a brake disc?
- 6 A. It's a -- the friction element used in a disc type of
7 electric brake.
- 8 Q. What's a brake shoe?
- 9 A. It's the friction component that is used in a shoe
10 brake -- electric shoe brake.
- 11 Q. So there are two different types of brakes both of
12 which contained asbestos, one is a disc brake, and
13 one is a brake shoe; is that correct?
- 14 A. A disc brake and a shoe brake, yes.
- 15 Q. They're two different types of brakes?
- 16 A. Yes.
- 17 Q. And both of these brakes at some point in time
18 contained asbestos friction products?
- 19 A. Yes.
- 20 Q. Other than the friction component for a disc brakes
21 and the friction component for the brake shoes and
22 the arc shields that we've previously talked about,
23 is there any other product or component part
24 manufactured and sold by Harnischfeger that contained
25 asbestos?

1 A. No.

2 Q. All right.

3 MR. JAMES: You stated manufactured and
4 sold component part that may have contained the
5 asbestos manufactured and sold by Harnischfeger?

6 MR. WHITE: Right.

7 MR. JAMES: That's fine.

8 THE WITNESS: Could we have that question
9 repeated?

10 BY MR. WHITE:

11 Q. Well, I can't do it. Let me do it. We talked about
12 the asbestos containing arc shield, and now we talked
13 about asbestos containing friction element of a disc
14 brake and the asbestos containing friction element of
15 a brake shoe?

16 A. Yes.

17 Q. Other than those three component parts I'll call
18 them -- if you want to correct me, correct me. Other
19 than those three component parts, did Harnischfeger
20 Corporation or Harnischfeger parent corporation or
21 any of the Harnischfeger structures at any time
22 manufacture or sell a product or a component part
23 containing asbestos other than those three?

24 A. Yes.

25 Q. What was that or what were they?

1 A. There are -- Although they're in the minority, there
2 are a few cranes that contained an insulation board
3 that contained asbestos.

4 Q. Tell me -- Describe the insulation board.

5 A. The insulation board was called transite board, and
6 it was used in a pan below the cab on a cab operated
7 crane as a heat shield for the cab and the operator
8 in the cab.

9 Q. What was that product used -- During what time
10 period?

11 A. As far as I know -- Well, it would have been before
12 approximately 1985, but when it started I don't
13 know.

14 Q. Was it last used in 19 -- was it the asbestos
15 containing transite last used in 1985?

16 A. Yes.

17 Q. For how many years had it been used?

18 A. I don't know.

19 Q. Was it being used as a transite -- was the asbestos
20 containing transite used when you started in the
21 early '60's?

22 A. I don't know that. It may have been. I would say my
23 knowledge of it I became aware of its use possibly
24 about 1970.

25 MR. JAMES: Let me interpose, if you could

1 give me a continuing objection. Again, his statement
2 that very few cranes may have contained a transite
3 board or insulating board without further knowledge
4 of the actual overhead cranes there were the cab type
5 may be at issue in West Virginia or located in West
6 Virginia, the relevancy of this cross-examination is
7 questionable.

8 BY MR. WHITE:

9 Q. So as early -- Was it the early 1970's you recall
10 asbestos contained transite being used as a
11 floorboard in the cabs?

12 A. My recollection is approximately the year 1970 is
13 when I became aware that there was an insulating
14 panel beneath the floor of the operator's cab.

15 Q. How did you become so aware, can you recall?

16 A. I worked in overhead crane engineering where the
17 product was designed and engineered.

18 Q. Did you work in overhead crane engineering in the
19 '60's -- 1960?

20 A. Yes.

21 Q. Did you know in the 1960's that asbestos containing
22 transite was being used as you've described it today?

23 A. I don't recall the exact time when I became aware of
24 it.

25 Q. Who was your predecessor?

1 MR. JAMES: In what position?

2 BY MR. WHITE:

3 Q. Who was your predecessor in the engineering aspect of
4 the overhead crane cabs?

5 A. There were many people involved in the engineering
6 department involved with overhead crane cabs. I
7 would say there was no such person as a predecessor.

8 Q. Who was your boss so to speak? Every one has a
9 boss.

10 A. Yes. I -- When I worked in overhead crane
11 engineering, I worked for an Edward M. Jagodzinski.

12 Q. Is he still living?

13 A. No, he's not.

14 Q. Can you give me the gentleman or ladies who are still
15 living?

16 MR. JAMES: The question was when he was in
17 overhead crane engineering who was your boss.

18 BY MR. WHITE:

19 Q. Or someone above you. It doesn't have to be one
20 person boss.

21 A. I don't understand the question. Can you repeat it?

22 Q. I want to find out if there is any one individual
23 still living that I can go to and ask him the
24 question did -- In the 1960's was Harnischfeger
25 making overhead cranes that contained asbestos

- 1 containing transite. Who would have been there in
2 the 1960's who is still living that I can ask that
3 question?
- 4 A. I don't know.
- 5 Q. No one comes to mind?
- 6 A. No.
- 7 Q. Have you ever seen any documentation as to when the
8 transite board was used in an overhead crane cab?
- 9 A. Yes.
- 10 Q. Have you seen documentation establishing how far back
11 in time the use of the transite containing asbestos
12 was?
- 13 A. No.
- 14 Q. When I looked through what has been marked as
15 Deposition Exhibit 1, I don't recall seeing any
16 reference to transite board. Was it a board?
- 17 A. That's what it was called, yes.
- 18 Q. A transite board being used in overhead cranes. Is
19 my recollection poor or was that your recollection
20 also?
- 21 A. That's my recollection also.
- 22 Q. But there are documents in existence showing the use
23 or showing the use of the asbestos containing
24 transite board in overhead crane cabs; is that
25 correct?

1 A. Yes.

2 MR. WHITE: I would like to make a request
3 that we be supplied with those documents.

4 MR. JAMES: If you don't make me repeat my
5 previous statements, I'll incorporate. But to the
6 extent it ever becomes at issue and the plaintiffs
7 are able to establish that an overhead crane that was
8 a cab type was shipped to or installed at a facility
9 in West Virginia, we will do our best to comply

10 BY MR. WHITE:

11 Q. To your knowledge the -- who made the transite board
12 containing asbestos that was used by Harnischfeger?

13 A. I believe that was Johns-Manville.

14 Q. Was there any other manufacturing of the transite
15 board containing asbestos?

16 A. Not that I can recall.

17 Q. Was there a distributor from whom Harnischfeger
18 bought the transite board containing asbestos?

19 A. Not that I know of, no.

20 Q. Which overhead crane cabs utilized the Johns-Manville
21 transite board containing asbestos?

22 A. There were some cranes that were designed to be used
23 in atmospheres that were -- that was a lot of heat --
24 direct heat radiation from some source of heat. As I
25 say, they were in the minority, maybe one in five

- 1 hundred or one in a thousand of the cranes
2 manufactured. But the ones that were subjected to
3 radiation from a heat source contained an insulation
4 board for the cab -- the operator's cab.
- 5 Q. Were the cab numbers for the cab designations that
6 utilized the J. M. transite board asbestos containing
7 transite?
- 8 A. I don't understand your question.
- 9 Q. You said some of the overhead crane cabs contained a
10 transite board?
- 11 A. Yes.
- 12 Q. Okay. Those overhead crane cabs that contained a
13 transite board, were they designated with a specific
14 number or name or brand name like the M-16 or
15 something like that?
- 16 A. The cab had a part number.
- 17 Q. Okay. Which part number contained the transite
18 board?
- 19 A. I don't know. I don't recall.
- 20 Q. So the cab would have a part number?
- 21 A. Yes.
- 22 Q. And if the cab contained the transite board, it would
23 have a particular number?
- 24 A. Yes.
- 25 Q. Did it have a further name designation?

- 1 A. No.
- 2 Q. Which overhead crane cab number contained the
- 3 asbestos transite board?
- 4 MR. JAMES: Object. Asked and answered.
- 5 THE WITNESS: I don't think there was only
- 6 one cab. Cranes are custom designed components, and
- 7 cabs are designed for each crane for its purpose. So
- 8 there were a number of cabs that were identified by a
- 9 part number that would have had insulating panels on
- 10 them.
- 11 BY MR. JAMES:
- 12 Q. Which cabs were they?
- 13 A. The ones that were used in high heat atmospheres.
- 14 Q. A steel mill?
- 15 A. Yes.
- 16 Q. An aluminum plant?
- 17 A. Possibly.
- 18 Q. A chemical plant?
- 19 A. I don't know.
- 20 Q. Where else were the crane cabs used that had the
- 21 asbestos transite board other than steel mills and
- 22 possibly aluminum production facilities?
- 23 A. In areas where the cab was exposed to direct
- 24 radiation from a heat source.
- 25 Q. Such as? Do any come to mind other than steel mills

- 1 and aluminum facilities?
- 2 A. In general, molten material atmospheres.
- 3 Q. A foundry?
- 4 A. Yes.
- 5 Q. Anything else?
- 6 A. Generally in an area where there are molten materials
- 7 of any kind.
- 8 Q. Where would that be to your knowledge?
- 9 A. Refractories, foundries, steel mills, possibly
- 10 aluminum melting. That's all that comes to mind.
- 11 Q. What would be the size of the transite containing
- 12 asbestos width, length, and thickness?
- 13 A. Approximately six feet by six feet by three-eighths
- 14 of an inch or one-half inch thick.
- 15 Q. What was the percentage of asbestos in the transite?
- 16 A. I don't know.
- 17 Q. What was the type of asbestos fiber in the transite?
- 18 A. I believe it was chrysotile.
- 19 Q. What's the basis of your understanding it was
- 20 chrysotile?
- 21 A. My recollection of looking at specifications for the
- 22 material.
- 23 Q. Who wrote the specifications for the transite board?
- 24 A. The manufacturer of the transite board.
- 25 Q. Harnischfeger didn't write a specification spec on

1 asbestos -- or documenting -- specifying an asbestos
2 containing transite board?

3 A. No, it did not.

4 Q. When Harnischfeger made the crane cab, they'd have
5 specified -- or would Harnischfeger have specified
6 using an asbestos containing transite?

7 A. No.

8 Q. Who specified the use of the asbestos containing
9 transite?

10 A. The manufacturer of the transite.

11 Q. But in terms of the -- Harnischfeger was the
12 manufacturer of the crane cab?

13 A. Yes.

14 Q. And Harnischfeger wrote specifications as to the
15 manufacture of the crane and the crane cab; is that
16 correct?

17 A. The specifications for the crane and the crane cab
18 and in terms of performance in particular for the
19 transite board has insulation value not the materials
20 that were used in it.

21 Q. I don't understand. What do you mean Harnischfeger
22 would write that specification for the use of a piece
23 of insulation?

24 A. In terms of performance. As far as the capability of
25 the board to provide an insulating value, that's the

1 kind of specifications that Harnischfeger wrote.

2 Q. What do you mean by that? Do you mean a heat range?

3 A. Yes.

4 Q. Now, what was the Harnischfeger specification for
5 heat range that would require the use of asbestos
6 containing transite?

7 A. I don't recall.

8 Q. Was it above five hundred degrees?

9 A. I really don't recall.

10 Q. As I recall now, that's the fourth product that we've
11 talked about today that contains asbestos, is that
12 correct, the manufacture of a product or utilized as
13 a component part by Harnischfeger?

14 MR. JAMES: I think that's a
15 mischaracterization. There's no testimony -- it's
16 contrary testimony that Harnischfeger ever
17 manufactured a part or component that contained
18 asbestos.

19 BY MR. WHITE:

20 Q. Well, I meant to say utilizing a component part. We
21 talked about four component parts, the arc shields,
22 the disc brake friction product, the brake shoe
23 friction product, and now transite board; is that
24 correct?

25 A. Yes.

1 Q. Are there any other asbestos containing products that
2 were used as a component part in any product
3 manufactured by Harnischfeger?

4 A. Not that I can recall.

5 MR. WHITE: Okay. Let's take a break.

6 (Break taken.)

7 BY MR. WHITE:

8 Q. Sir, when Harnischfeger sold the crane cabs that
9 contained the asbestos transite, was there a warning
10 on the crane cab in any location that the crane cab
11 contained an asbestos transite board and asbestos as
12 a health hazard?

13 A. No.

14 Q. The next product containing asbestos -- Let me ask
15 you this, was there a specific department within
16 Harnischfeger at any time that had to fabricate the
17 transite board?

18 A. In the manufacturing area there was a -- In the
19 manufacture and assembly of the cab, it was installed
20 in the heat shield, yes.

21 Q. Was the transite board containing asbestos sawed?

22 A. I don't know.

23 Q. Was the board hard?

24 A. Yes.

25 Q. Did you ever see the board sawed?

1 A. No.

2 Q. Did you ever see the board cut in any respect
3 utilizing any implement or tool?

4 A. No.

5 Q. Did you ever see a used crane cab with a used piece
6 of transite after the crane cab had been in use for a
7 number of years for instance or forever how long?

8 A. I may have, but I don't recall.

9 Q. Did you ever receive -- Strike that.

10 Did Harnischfeger receive back from a
11 customer for instance a crane cab for refurbishing or
12 any repairs?

13 MR. JAMES: At any time for any reason?

14 MR. WHITE: Yes.

15 THE WITNESS: Not that I can recall, no.

16 Not that I've seen.

17 BY MR. WHITE:

18 Q. Okay. Have you ever seen a crane cab that had been
19 in use for instance in a steel mill and do you
20 remember seeing the transite board and the condition
21 of the transite board?

22 A. Yes.

23 Q. And what was the condition of the transite board?

24 A. It was covered with dirt.

25 Q. Anything else that you recall?

- 1 A. No.
- 2 Q. Where was the transite board in relation to where the
3 operator would be?
- 4 A. Transite board was placed in sheet shield below the
5 operator and the cab.
- 6 Q. Did the operator step on the transite board?
- 7 A. No.
- 8 Q. What would prevent the operator from stepping on the
9 transite board?
- 10 A. It was put in a sheet metal panel or heat shield that
11 was located below the cab.
- 12 Q. Did the operator step on the sheet metal?
- 13 A. No.
- 14 Q. What did the operator step on?
- 15 A. The floor of the cab.
- 16 Q. Where was the floor of the cab in relation to sheet
17 metal?
- 18 A. Immediately above it.
- 19 Q. What was the floor of the cab made out?
- 20 A. Sheet steel.
- 21 Q. Sheet steel?
- 22 A. Yes.
- 23 Q. What was outside in below -- or if you go from
24 outside in underneath the crane cab, was the transite
25 board exposed to the outside?

1 A. It was exposed on its top side but not on its bottom
2 side.

3 Q. What do you mean top side/bottom side?

4 A. Well, it was located inside a sheet metal -- heat
5 shield on the upper surface -- upper surface of that
6 heat shield below the cab of the crane, so it was not
7 visible from the bottom, but if you looked underneath
8 the cab, you could see the top surface of it from
9 above.

10 Q. Could you draw me a diagram? I don't understand what
11 you're talking about.

12 A. (Witness complies.)

13 Q. Tell me where the heat would be coming from. Write
14 the word heat where the heat would be coming from.

15 A. (Witness complies.)

16 Q. Okay. Thank you.

17 A. If you look at this sketch, this represents an
18 operating cab of an overhead crane --

19 Q. Hold on. Let's mark this as an Exhibit.

20 (Exhibit No. 3 was marked for
21 identification.)

22 BY MR. WHITE:

23 Q. Sir, just showing what you have just drawn and what
24 we have marked as Exhibit 3, can you show me where
25 the asbestos transite would be or just explain what

- 1 you've drawn please?
- 2 A. Yes. I've drawn what represents an outline of an
3 operator cab on an overhead crane showing a window on
4 the side of the cab and a door and a window in the
5 door and below the cab supported from the cab is a
6 pan -- sheet metal pan, and inside of that pan is
7 where the transite insulating board was located.
- 8 Q. Now, if you look up -- Say for instance if an
9 individual was standing in the area where the heat is
10 coming from, would that be -- and look up at the
11 bottom of the crane, is that accurate, I mean, is
12 that possible?
- 13 A. Yes.
- 14 Q. Would that individual see the asbestos transite
15 board?
- 16 A. No, he would not.
- 17 Q. From what angle looking at Exhibit 3 would the
18 individual looking at the metal pan see the transite
19 board?
- 20 A. It's possible that it would -- that person in the cab
21 or on the crane would not see it at all because it's
22 located underneath the surface of the cab. On the
23 other hand, it's possible that if you bent over or
24 looked underneath the cab from above that you might
25 see the insulating board in this heat shield panel.

1 Q. The transite?

2 A. Well, it's an insulating board.

3 Q. But at some point in time the insulating board was
4 asbestos containing transite?

5 A. Yes.

6 Q. Is the pan underneath the cabin open at the top?

7 A. Yes.

8 Q. Okay. I see. And how many pieces of transite board
9 would have been placed in that pan?

10 A. Enough pieces to fill the pan. It could be one
11 piece.

12 Q. How deep was the pan?

13 A. Inch and a half or two inches.

14 Q. So it could be more than one piece of asbestos
15 containing transite that was placed in that pan?

16 A. No, there would be only one thickness of insulating
17 board in the pan.

18 Q. What else would -- Would there be anything in the
19 panel other than the asbestos containing transite?

20 A. No.

21 MR. JAMES: Except for the sheet metal on
22 top that you previously described?

23 THE WITNESS: Well, the sheet metal is
24 underneath, it's not on top. It supports the
25 insulating board.

- 1 BY MR. WHITE:
- 2 Q. The sheet metal is not on top of the pan?
- 3 A. The pan itself is the sheet metal. The insulating
4 board is inside of the pan.
- 5 Q. The pan is like a frying pan open on top?
- 6 A. Yes.
- 7 Q. Okay. You also stated that the friction element of
8 the disc brake contained asbestos; is that correct?
- 9 A. Yes, it did at one time.
- 10 Q. During what time period did the friction element of
11 the disc brake contain asbestos?
- 12 A. From the time of its inception which I don't know
13 because it was prior to my time until approximately
14 the mid to late 1980's.
- 15 Q. On what product manufactured and sold by
16 Harnischfeger were the disc brakes containing the
17 asbestos friction element placed?
- 18 A. The products were overhead hoists and overhead
19 cranes.
- 20 Q. Would the disc brakes containing asbestos placed on
21 anything else other than the overhead cranes and the
22 hoists?
- 23 A. No.
- 24 Q. How many different types of overhead cranes did
25 Harnischfeger manufacture?

- 1 A. Each overhead crane is a custom-designed crane so as
2 many cranes as Harnischfeger manufactured. Each one
3 is unique. Each one would have its own particular
4 design as far as types are concerned. They weren't
5 classed for types, they were designed for years.
- 6 Q. In a good year -- a good manufacturing year -- how
7 many cranes would Harnischfeger manufacture just to
8 give me some idea?
- 9 A. I would estimate between 100 and 150.
- 10 Q. And Harnischfeger made other types of cranes other
11 than overhead cranes; is that correct?
- 12 A. At one time Harnischfeger did have a construction
13 crane manufacturing division.
- 14 Q. When was that?
- 15 A. Up until 1988, and I don't know when it began.
- 16 Q. Were there asbestos products utilized as a component
17 part on those cranes?
- 18 A. Yes.
- 19 Q. And what were those asbestos products?
- 20 A. Friction material. Brakes. Clutches.
- 21 Q. Would they be cranes that would run along the ground
22 on wheels or tracks?
- 23 A. Yes.
- 24 Q. Would these cranes have been used in steel mills?
- 25 A. No.

1 Q. Aluminum plants or foundries?

2 A. No.

3 Q. Talking again about the asbestos containing friction
4 element on the disc brakes on an overhead crane --

5 A. Yes.

6 Q. -- how many -- what's the quantity of friction
7 element that would have been used on an overhead
8 crane?

9 MR. JAMES: Disc or clutch?

10 MR. WHITE: Disc. I'm just talking about
11 disc.

12 THE WITNESS: Well, most overhead cranes
13 have three motions, a bridge motion, a trolley
14 motion, and a hoist motion. And it's conceivable
15 that each of those motions would have a disc brake on
16 it. So there could be three disc brakes on that
17 crane and possibly each of the brakes have two
18 friction discs in it.

19 BY MR. WHITE:

20 Q. So the motions would be back and forth on an overhead
21 crane, up and down, and then something would go
22 sideways?

23 A. Yes.

24 Q. And each of those three motions would be controlled
25 by a friction element that contained asbestos?

- 1 A. They could be.
- 2 Q. Were they?
- 3 A. Each hoist motion certainly had a brake on it, and it
4 could have been a disc brake.
- 5 Q. Containing asbestos?
- 6 A. Yes. And each bridge motion usually most often --
7 put it that way -- had a brake on it that could have
8 been a disc brake, and the trolley motion may or may
9 not have had a brake that contained a disc brake.
- 10 Q. Okay. The trolley motion is what motion?
- 11 A. It is the motion traversing the width of a building
12 generally. A trolley rolls and moves along the
13 girders of the crane, and the girders of the crane
14 span the width of the building, and the girders run
15 the length of the building. The bridge runs through
16 the length of the building.
- 17 Q. Go ahead.
- 18 A. The trolley spans and the girders that span the width
19 of the building, so the trolley spans the width of
20 the building and the hoist is vertical motion. What
21 I stated earlier was that it's conceivable that all
22 three motions had a brake on it, and each of those
23 brakes could be a disc brake.
- 24 Q. Did all the disc brakes up until the late 1980's
25 contain asbestos?

1 A. Mid to late 1980's, yes.

2 MR. JAMES: To help you out, not to be
3 accused of helping, L00007 may be of assistance in
4 talking about girders and trollies and hoists and so
5 forth.

6 MR. WHITE: Okay.

7 BY MR. WHITE:

8 Q. And then each one of these overhead cranes is
9 manufactured specifically for a particular customer?

10 A. For a particular purpose for a particular customer,
11 yes.

12 Q. I mean, the overhead crane would have to fit in a
13 customer's steel mill, foundry, or something and so
14 forth; is that right?

15 A. It would have to fit in the building it was intended
16 to be used in, yes.

17 Q. In talking about overhead cranes, is the hoist
18 something different than the overhead crane or is the
19 hoist part the overhead?

20 A. A hoist is one of the components of an overhead
21 crane.

22 Q. Is a hoist separate -- or can a hoist be separate
23 from an overhead crane?

24 A. Yes.

25 Q. So the disc brakes could be used in a hoist that was

1 part of an overhead crane, and the disc brakes
2 containing asbestos could be used on a hoist separate
3 from an overhead crane?

4 A. Yes.

5 Q. I'll talk more about the hoist in a moment but
6 talking about the friction element of the brake
7 shoes, where were the brake shoes containing the
8 asbestos friction element used?

9 A. Brake shoes were used in the shoe brake that was used
10 in an overhead crane for any one -- could be used for
11 any one of those motions, hoist, trolley, or bridge.

12 Q. Were disc brakes and brake shoes used interchangeably
13 in an overhead crane?

14 A. Not interchangeably, but they could -- you could use
15 a disc brake and a shoe brake on the same overhead
16 crane, yes.

17 Q. What's the difference between the disc brake and a
18 friction element containing asbestos of disc brakes
19 and a friction element containing asbestos of a shoe
20 brake?

21 A. A disc brake uses a disc -- a friction disc which is
22 compressed by a spring to provide a braking action to
23 the motion. A shoe brake consists of two shoes that
24 partially surround a brake drum that rotates and
25 provide spring action, a compressing braking action

- 1 to that rotating drum.
- 2 Q. Who would determine what type of braking system to
3 use whether it be a disc braking system or a shoe
4 braking system?
- 5 A. It would depend upon the size of the crane, the
6 requirement for the brake, and generally the size
7 and -- the duty that crane is going to perform.
- 8 Q. Did all the friction -- Did all the friction elements
9 of the shoe braking system up until the mid to late
10 1980's in products manufactured and sold by
11 Harnischfeger contain asbestos?
- 12 A. Yes.
- 13 Q. Describe for me the size of these disc brakes largest
14 to smallest if possible on all three of the different
15 motion elements -- I guess motions.
- 16 A. The disc brake I think the largest would have a disc
17 that was approximately twelve inches in diameter, and
18 the smallest would have a -- use a disc that was
19 approximately four inches in diameter.
- 20 Q. How thick would disc brakes -- or the disc friction
21 element be?
- 22 A. The thickness was -- the thickness was either
23 three-eighths of an inch or half an inch thick.
- 24 Q. Now, what would be the size of the friction element
25 of the braking shoes -- shoe brakes?

- 1 A. The brake shoes were used on a circumference of a
2 brake drum, and the brake drum varied in size from
3 five inches in diameter up to thirty inches in
4 diameter.
- 5 Q. Would the friction element of the brake shoe be as
6 large as thirty inches in diameter?
- 7 A. The brake shoe did not encompass the entire
8 circumference of the brake wheel but two segments of
9 the brake wheel approximately through a sixty degree
10 arc on each side of the drum and the radius of those
11 formed shoes would have been two-and-a-half inches to
12 fit the five inch diameter drum or fifteen inches in
13 radius to fit the thirty inch diameter drum.
- 14 Q. What was the shape of these -- the friction element
15 of the brake shoes?
- 16 A. Like a crescent.
- 17 Q. Curved?
- 18 A. Yes. Molded and formed to fit the circumference of
19 the brake wheel.
- 20 Q. And the largest friction element would be
21 approximately fifteen inches in length?
- 22 A. No. It would have a curved inter-radius of fifteen
23 inches such that if you had two of them it would form
24 the diameter of the thirty inch brake drum.
- 25 Q. If you straightened out the fifteen inch curvature of

1 the inter-radius, how long would that --

2 A. I don't know right offhand. Perhaps there are some
3 documents that will show what that developed length
4 is.

5 Q. And how wide would the friction element of the brake
6 shoe be?

7 A. Approximately six to seven inches wide.

8 Q. How heavy would they be?

9 A. Between a quarter inch thick and a half inch thick.

10 Q. How much would they weigh?

11 MR. JAMES: Just the friction element of
12 the shoes or shoes themselves?

13 MR. WHITE: Friction element.

14 MR. JAMES: If you know.

15 THE WITNESS: I don't know exactly. Maybe
16 as little as a pound up to six or eight pounds.

17 BY MR. WHITE:

18 Q. So the friction element could weigh as much as six to
19 eight pounds?

20 A. Yes.

21 Q. What was the percentage of asbestos that was
22 contained within the friction element for the brake
23 shoe?

24 A. As I recall, it was fifty-three percent.

25 Q. And what was the percentage of the asbestos fibers in

- 1 the disc braking friction element?
- 2 A. The same.
- 3 Q. Fifty-three percent asbestos?
- 4 A. Yes.
- 5 Q. And these were two different types of friction
6 elements that were used on overhead cranes?
- 7 A. Yes.
- 8 Q. Now, during the '60's, '70's, and the '80's, from
9 whom did Harnischfeger purchase the friction elements
10 for use -- the disc braking friction elements and the
11 shoe brake friction elements?
- 12 A. The sources would have been as the ones that I named
13 earlier, H. K. Porter, Johns-Manville,
14 Raybestos-Manhattan, and others who I can't
15 remember.
- 16 Q. You said Gatke also?
- 17 A. Okay. Gatke.
- 18 Q. Um-hum. Looking at document 424 which is a part of
19 Plaintiff's Exhibit No. 1, does that refresh your
20 recollection as to the manufacturers and suppliers of
21 the asbestos friction elements used as disc brakes
22 and brake shoes purchased by Harnischfeger?
- 23 A. Yes, it does.
- 24 Q. So you purchased asbestos friction products from
25 Abex, American Brakelok; is that correct?

- 1 A. Yes.
- 2 Q. Allen Friction?
- 3 A. Yes.
- 4 Q. Where was Allen Friction from?
- 5 A. Houston, Texas.
- 6 Q. Fenner American, where were they from?
- 7 A. I don't know.
- 8 Q. And you mentioned Gatke. H. K. Porter. National
- 9 Friction. Where was National Friction from?
- 10 A. Indiana. Where in Indiana, I'm not sure. I don't
- 11 recall, but they were located in Indiana.
- 12 Q. You mentioned Raybestos and then finally Standco; is
- 13 that correct?
- 14 A. Yes.
- 15 Q. Where was Standco from?
- 16 A. I believe they were in -- were or are in Houston,
- 17 Texas.
- 18 Q. Now, the hoists, were they the manufacturer also of
- 19 the friction products used in the hoist equipment --
- 20 the hoists I should say?
- 21 A. The hoists used disc brakes, and they were the --
- 22 some of them were the manufacturers of those disc
- 23 brakes, yes.
- 24 Q. Were there any other manufacturers or suppliers of
- 25 the disc brakes used not on the overhead cranes but

- 1 on the hoists?
- 2 A. Not any others that I can recall beyond the names
- 3 that are listed on this sheet, no.
- 4 Q. The hoists that were not used as a part of the
- 5 overhead crane, were they also -- did they also
- 6 utilize friction disc type friction products?
- 7 A. Yes.
- 8 Q. And would the manufacturers and suppliers of those
- 9 disc type friction products be the same as you have
- 10 talked about today?
- 11 A. Yes.
- 12 Q. Nothing different?
- 13 A. Not that I can recall, no.
- 14 Q. Is H. K. Porter still in existence to your knowledge?
- 15 A. I don't know.
- 16 Q. To whom did -- Let me ask it this way. Did
- 17 Harnischfeger sell the hoists to steel mills, not the
- 18 hoists that were part of the overhead cranes but the
- 19 stand alone hoists?
- 20 A. Yes.
- 21 Q. Did they sell the hoist to aluminum facilities --
- 22 aluminum manufacturing facilities?
- 23 A. Yes.
- 24 Q. Did they sell the hoist to chemical facilities?
- 25 A. Yes.

- 1 Q. Did they sell the hoist to power houses?
- 2 A. Yes.
- 3 Q. Were overhead cranes sold to power generation
- 4 facilities?
- 5 A. Yes.
- 6 Q. Were overhead cranes and hoists sold to chemical
- 7 manufacturing facilities?
- 8 A. Yes.
- 9 Q. Did these friction elements wear out with use?
- 10 A. I don't think wear out is a correct term. They did
- 11 wear with use, yes.
- 12 Q. Would they disintegrate?
- 13 A. No, not disintegrate. Wear would take place on the
- 14 surface of the friction material.
- 15 Q. What would a three-eighths inch disc friction
- 16 material wear down to, a half inch friction material?
- 17 MR. JAMES: Three-eighths and a half inch.
- 18 MR. FALK: You have it growing.
- 19 THE WITNESS: That would be nice.
- 20 MR. FALK: Maybe you can answer it any
- 21 way.
- 22 BY MR. WHITE:
- 23 Q. Say if we had a three-quarter inch friction element,
- 24 would that wear down to a half inch?
- 25 A. Yes.

- 1 Q. So there would be wear out through usage?
- 2 A. There would be wear taking place through usage, yes.
- 3 Q. And you would lose some of the asbestos fibers,
- 4 correct?
- 5 A. No. We don't believe that that's correct.
- 6 Q. Why is that not correct?
- 7 A. Because the wear debris or the product of wear does
- 8 not contain any asbestos fibers.
- 9 Q. How do you know that?
- 10 A. We had it tested and analyzed.
- 11 Q. When was it tested?
- 12 A. In 1990.
- 13 Q. Who tested it?
- 14 A. The gentleman that wrote the report and did the
- 15 testing, his name is Bradt, B-r-a-d-t.
- 16 Q. What's his first name?
- 17 A. I don't remember.
- 18 Q. Who did Mr. Bradt work for?
- 19 A. I don't know.
- 20 Q. Did he work for Harnischfeger?
- 21 A. No.
- 22 Q. But this report was generated in 1991?
- 23 A. The testing was done in 1990. I don't know when the
- 24 report was generated.
- 25 Q. And through the wear what would happen to the

- 1 asbestos fibers?
- 2 A. They became transformed into wear debris of very fine
3 powder, wear debris that contained no asbestos fiber.
- 4 Q. When did you first learn that?
- 5 A. I guess, as I would say, I learned it as a result of
6 the test that was made in 1990, but we made a
7 considered decision prior to that time during 1980's
8 that this was -- that was the case that the debris
9 did not contain asbestos fibers.
- 10 Q. How did you know that before the test was performed?
- 11 A. By looking at the wear debris.
- 12 Q. Who looked at the wear debris before it was looked at
13 by Mr. Bradt?
- 14 A. A number of people did including myself.
- 15 Q. And when you looked at the wear debris, did you see
16 asbestos fibers?
- 17 A. No.
- 18 Q. How could you tell the difference between wear debris
19 that was asbestos and that was not asbestos?
- 20 A. It was such a fine dust that composed the wear
21 debris, it was not fibrous in nature.
- 22 Q. Asbestos fibers can be reduced to powder; is that
23 correct?
- 24 A. Apparently they can, yes.
- 25 Q. When did you first hear the term fosterite?

1 A. I believe it was -- I heard the term as a result of
2 the testing that was done in 1990.

3 Q. And before 1990 you never heard the term fosterite?

4 A. No.

5 Q. And in 1990 Harnischfeger was no longer using
6 asbestos friction products; is that correct?

7 A. That's correct.

8 Q. Why was the test performed in 1990 if Harnischfeger
9 was no longer using asbestos friction products?

10 A. To confirm what we already knew and as a result of
11 asbestos litigation.

12 Q. Did you in the 1980's have an expert look at the wear
13 debris under an electron microscope to determine
14 whether asbestos fibers were present?

15 A. No.

16 Q. What is -- What is your belief as to how asbestos
17 fibers are transformed into fosterite?

18 MR. JAMES: If you know.

19 THE WITNESS: I don't claim to be an expert
20 on asbestos and its formation and its change in
21 formation, but I would -- my opinion it would come
22 about as a result of friction, heat, and pressure.

23 BY MR. WHITE:

24 Q. Were you aware that Harnischfeger has advertised in
25 the past that there is low pressure and low heat in

1 utilizing the friction elements on the braking
2 systems in the products made by Harnischfeger?

3 A. Yes.

4 Q. If there is low pressure and low heat, the wear
5 element would not -- the dust elements would not
6 transfer to fosterites?

7 A. No.

8 Q. No what? No, that's not correct?

9 A. Yes, that's not correct.

10 Q. Why is that not correct?

11 A. Well, the term low heat and low pressure is relative
12 to high heat and high pressure. The type of brake
13 that's used on a crane and on a hoist is used in a
14 location in the machinery where low pressure and low
15 heat occur, but the term low heat is a total concept
16 of looking at the entire brake. It does not mean
17 that there are not very hot spots on the surface of
18 that brake.

19 Q. If there are not hot spots on the surface of the
20 brake and also at the same time a wear element, that
21 brake would not -- with the asbestos fiber at that
22 spot would not become fosterite; is that correct?

23 A. There couldn't be a brake that did not have these
24 individual isolated hot spots.

25 Q. But the spots that were not isolated as hot spots

- 1 would not transform the asbestos fibers to fosterite;
2 is that correct?
- 3 A. No.
- 4 Q. What temperature has to be applied to transfer an
5 asbestos fiber to fosterite?
- 6 A. I don't know.
- 7 Q. How many tests did Mr. Bradt perform?
- 8 A. To the best of my knowledge, one.
- 9 Q. Did you see the test performed?
- 10 A. No.
- 11 Q. Can you describe for me how the test was performed?
- 12 A. Well, I read his report, and I recall that there was
13 an analysis made of the material which the brake was
14 composed of, and there was also an analysis made of
15 the wear debris that was collected from that same
16 brake. And in the brake material that was analyzed
17 there was asbestos fiber, and in the wear debris
18 there was no asbestos fibers.
- 19 Q. Who instructed Mr. Bradt to perform that test?
- 20 A. Harnischfeger.
- 21 Q. Who at Harnischfeger?
- 22 A. I don't recall.
- 23 Q. Which department instructed Mr. Bradt to perform that
24 test?
- 25 A. It would have been the hoist products group.

- 1 Q. Who headed up the hoist products group?
- 2 A. In 1990 I don't recall. I was the responsible
3 engineer, and I was a part of that group, but I don't
4 recall who the general manager was in 1990.
- 5 Q. Did you instruct him to perform that test, Mr. Bradt?
- 6 A. I could have. It could have been me.
- 7 Q. Who asked you to have Mr. Bradt perform the test?
- 8 A. I don't remember.
- 9 Q. Where is Mr. Bradt today?
- 10 A. I don't know.
- 11 Q. Where was he at that time when he performed the test?
- 12 A. I know he was in our plant to gather the material.
13 Where he performed the test, I don't know.
- 14 Q. Who was he employed by?
- 15 A. I don't know.
- 16 Q. What was his first name?
- 17 A. I don't remember.
- 18 Q. Was he from Milwaukee?
- 19 A. No, I don't believe so.
- 20 MR. WHITE: Off the record.
- 21 (Discussion held off the record.)
- 22 MR. WHITE: Back on the record.
- 23 BY MR. WHITE:
- 24 Q. Who made the friction element that was tested by Mr.
25 Bradt?

1 A. I don't know which one of the suppliers made it. It
2 would have been one of the ones we talked about.

3 Q. So a special effort had to be made to go back to a
4 supplier in 1990 to get a piece of friction material
5 for testing by Mr. Bradt; is that correct?

6 A. No. The material that was analyzed was a friction
7 disc that had been in use in a hoist -- in an
8 overhead hoist in the Harnischfeger plant for quite a
9 few years. I don't know exactly how many years, but
10 at least fourteen to fifteen years.

11 Q. Someone took it out of that piece of equipment --
12 removed it from that piece of equipment?

13 A. Yes.

14 Q. Did they test the element -- Was the dust debris
15 tested when the disc friction materials were removed
16 from that product or that crane?

17 MR. JAMES: Hoist?

18 MR. WHITE: Hoist.

19 THE WITNESS: The disc brake on that hoist
20 was totally enclosed by a cover as are most disc
21 brakes on hoists.

22 BY MR. WHITE:

23 Q. Is that where the friction material or the dust --
24 the dust debris was obtained from?

25 A. Yes. Both the friction material and the wear debris

1 that was obtained came from that hoist that was in
2 the Harnischfeger plant on the hoist that was totaled
3 with the brake that was totally enclosed.

4 Q. It was in an overhead crane -- It was a hoist of an
5 overhead crane?

6 A. No, it was a hoist on a jib crane.

7 Q. What type of crane?

8 A. Jib crane, j-i-b.

9 Q. Was it the same type of friction disc material that
10 would have been incorporated into a hoist or on an
11 overhead crane that would have been sold to a steel
12 mill?

13 A. Yes.

14 Q. How do you know that?

15 A. The specifications for the friction material tell you
16 that it's the same composition.

17 Q. Was that the only test that was ever performed by
18 Harnischfeger to determine whether asbestos fibers
19 remained in the debris material?

20 A. Yes.

21 Q. Did Mr. Bradt test the transite board that was part
22 of the overhead crane cab?

23 A. No.

24 (Break taken.)

25 (Exhibit No. 4 was marked for

- 1 identification.)
- 2 BY MR. WHITE:
- 3 Q. Sir, the test that Mr. Bradt performed, he performed
- 4 it on a friction element taken from where or from
- 5 what -- what was it?
- 6 A. From an overhead hoist.
- 7 Q. It was taken from a hoist?
- 8 A. Yes.
- 9 Q. Now, I want to show you what's been marked as
- 10 Plaintiff's Exhibit 4, and I'll represent to you it's
- 11 a copy that we picked out of Sweet's catalog, and if
- 12 you'll turn to the second page, you'll see that
- 13 Exhibit 4 pertains to -- to Harnischfeger; is that
- 14 correct?
- 15 A. Yes.
- 16 Q. Okay. And if you turn to -- actually it's page two.
- 17 If you turn to page two of the Harnischfeger
- 18 Corporation, what would you call this whole
- 19 document? Is it a sales brochure? What would you
- 20 call it?
- 21 A. It looks like a document that exhibits the products
- 22 of Harnischfeger Material Handling, the products
- 23 being electric hoists and then overhead cranes also.
- 24 Q. Would it be a sales brochure or an advertisement?
- 25 A. Yes.

1 Q. And if you look at page two of Exhibit 4, it speaks
2 of balanced design means less maintenance; is that
3 correct?

4 A. Yes.

5 Q. And I believe they're talking about -- Harnischfeger
6 is talking about the hoist or a hoist that they
7 manufacture?

8 A. Yes.

9 Q. Okay. And they're talking about self-adjusting
10 brakes; is that correct?

11 A. Yes.

12 Q. And they say -- I'm going to ask you whether you
13 agree with this statement, "The self-adjusting brakes
14 needs no periodic tinkering, and brake lining
15 pressure is so low that it never heats up, wears
16 little, and needs no replacement for years." Did I
17 read that correct?

18 A. Yes, that's correct.

19 Q. And if the brake lining does not heat up, fosterite
20 can't be created; is that correct?

21 MR. JAMES: Objection. Asked and
22 answered.

23 THE WITNESS: I explained that I don't
24 claim to know the temperatures and pressures that are
25 involved in the transformation of material from one

1 form to another, and it's true that the pressure is
2 low -- relatively low compared to the application of
3 other brakes.

4 BY MR. WHITE:

5 Q. Well, in the advertisement represented by Exhibit 4,
6 they're not only speaking of the pressure but they're
7 speaking of the temperatures generated in brake
8 lining use; is that correct?

9 A. Yes. It relates to the entire braking system.

10 Q. Including the brake linings?

11 A. Yes. But it does not mean that where there are
12 points of contact between the friction disc and its
13 meeting surface that there are not hot spots where
14 that occurs. It just doesn't generate a lot of heat
15 to cause distortion or noticeable heat to the entire
16 brake system.

17 Q. So if the friction -- the friction element does not
18 hit a hot spot, fosterite will not be created and
19 asbestos fibers will be retained?

20 A. But there are hot spots. They're very small areas of
21 contact between the meeting surface and the brake.

22 Q. But there are also points of contact on the friction
23 product that are not hot spots, and fosterite is not
24 created; is that correct?

25 A. If the spots are not hot, they're not in contact.

1 Q. And fosterite can't be created?

2 A. Nothing would be created.

3 Q. And asbestos fibers would be retained?

4 A. In the friction material.

5 Q. Okay. Let me ask you, did, to your knowledge,
6 Harnischfeger ever purchase any asbestos friction
7 products from any of the following named companies,
8 I'm going to read you a list, okay?

9 A. Okay.

10 Q. I'm going to quickly go through the following list of
11 companies and ask you, and the question's going to be
12 pertaining to each company's name that I read. Did
13 Harnischfeger, the corporation, the P&H Material
14 Handling Division or Harnischfeger Industries or any
15 Harnischfeger that you're aware of did any of those
16 corporate structures buy any asbestos containing
17 friction products from any of these companies?

18 A. Okay.

19 MR. JAMES: Let me interject and say,
20 again, he is prepared and we're presenting him only
21 as to knowledge relating to Harnischfeger
22 Corporation. Your question is much broader as to any
23 other entity that may have been raised here today.
24 If he knows, he knows, and you're welcome to ask.
25 But I'm saying it's only related to friction products

1 purchased for friction products by Harnischfeger
2 Corporation --

3 THE WITNESS: That's the only one that I
4 would know.

5 MR. JAMES: -- and its division material
6 handling.

7 BY MR. WHITE:

8 Q. First company is Abex Corporation. Now, you already
9 stated that they bought asbestos friction products
10 from Abex?

11 A. Yes, they did.

12 Q. And that's known as American Brakelok?

13 A. I believe so, yes.

14 Q. Did you buy from Pnemo Abex?

15 A. I don't recognize the name.

16 Q. Bigelow-Liptak?

17 A. No.

18 Q. Allied Signal?

19 A. I don't recognize that as a name on a list that has
20 any of the sources.

21 Q. Bendix Corporation?

22 A. That's possible, but I don't know for sure. It isn't
23 one that stands out in my mind as a source.

24 Q. Why do you think it's possible that you bought
25 asbestos friction products from Bendix?

1 A. It may have been listed in some of these
2 specifications, I just don't recall.
3 Q. Barritts?
4 A. No.
5 Q. American Optical?
6 A. No.
7 Q. Coppers?
8 A. No.
9 Q. Beazer East?
10 A. No.
11 Q. B.F. Goodrich?
12 A. No.
13 Q. Bondex, B-o-n-d-e-x?
14 A. No.
15 Q. Borg-Warner?
16 A. No.
17 Q. Carborundum?
18 A. No.
19 Q. Cooper Industries?
20 A. No.
21 Q. Potomac Edison?
22 A. No.
23 Q. Wagner Electric?
24 A. We did not buy friction material from them, but we
25 did use Wagner brakes when specified.

- 1 Q. Who would have specified Wagner brakes?
- 2 A. The purchaser of the crane.
- 3 Q. Your customer?
- 4 A. Yes.
- 5 Q. If you used Wagner brakes, whose friction material
- 6 would you use? Whose asbestos friction material
- 7 would you use?
- 8 A. Whatever friction material was used by Wagner in the
- 9 brake. I don't know what that would be.
- 10 Q. Well, you bought Wagner brakes, would the asbestos
- 11 friction material already have been affixed?
- 12 A. Yes, it would be a part of the Wagner brake.
- 13 Q. When do you recall purchasing Wagner brakes?
- 14 • A. I don't know specifically what time frame, but I know
- 15 there were cranes on which we used Wagner brakes when
- 16 requested by the purchaser.
- 17 Q. During the '60's, the '70's, or the '80's, was
- 18 there -- were there any particular time periods or
- 19 years where you only bought the asbestos friction
- 20 materials from a particular manufacturer? For
- 21 instance, in 1975 did you only buy asbestos
- 22 containing friction material from one manufacturer?
- 23 A. I'm sure that was the case, but, you know, for what
- 24 period of time a particular supplier supplied it, I
- 25 don't know.

- 1 Q. Who would know that?
- 2 A. As a matter of fact, I tried to find that out myself
- 3 and was not able to do that because the records that
- 4 would reflect that kind of information are no longer
- 5 available.
- 6 Q. What happened to those records?
- 7 A. They were destroyed.
- 8 Q. Do you know when they were destroyed?
- 9 A. No.
- 10 Q. Do you know under whose direction they were
- 11 destroyed?
- 12 A. No.
- 13 Q. How do you know they were destroyed?
- 14 A. I asked for the records, and I was not able to get
- 15 them.
- 16 Q. Who did you ask? What individual?
- 17 A. I asked people in the purchasing department who would
- 18 have been responsible for those records.
- 19 Q. Who was that individual?
- 20 A. Well a particular individual that I can think of is a
- 21 Dwight Shumway, S-h-u-m-w-a-y.
- 22 Q. How long has he been in purchasing?
- 23 A. I don't know. More than fifteen years.
- 24 Q. Who was his predecessor?
- 25 A. I don't recall.

- 1 Q. He still with Harnischfeger?
- 2 A. Yes.
- 3 Q. In Milwaukee?
- 4 A. Yes.
- 5 Q. Crane Company?
- 6 A. No.
- 7 Q. John Crane?
- 8 A. No.
- 9 Q. There's reference to John Crane Company or Crane
- 10 Company in Plaintiff's Exhibit 1. Did you know that?
- 11 A. No.
- 12 MR. JAMES: In regard to what context?
- 13 MR. WHITE: Friction material I believe.
- 14 MR. JAMES: In that regard, if documents
- 15 say something to what Mr. Toth recalls, then the
- 16 documents speak for themselves.
- 17 BY MR. WHITE:
- 18 Q. Durabla?
- 19 A. No.
- 20 Q. Durametallic?
- 21 A. No.
- 22 Q. Elof Hansson?
- 23 A. No.
- 24 Q. Garlock?
- 25 A. No.

- 1 Q. Good Year?
- 2 A. No.
- 3 Q. Did I ask you Goodrich?
- 4 A. No, yes.
- 5 Q. No Goodrich?
- 6 A. No Goodrich.
- 7 Q. Grant Wilson?
- 8 A. No.
- 9 Q. Greene Tweed?
- 10 A. No.
- 11 Q. Palmetto?
- 12 A. No.
- 13 Q. Ingersoll-Rand?
- 14 A. No.
- 15 Q. Did you ever hear of a company called Trimbow and
- 16 Lutz?
- 17 A. No, I have not.
- 18 Q. M.H. Detrick?
- 19 A. No.
- 20 Q. Norton, N-o-r-t-o-n?
- 21 A. No.
- 22 Q. Okonite?
- 23 A. No.
- 24 Q. Plibrico?
- 25 A. No.

- 1 Q. Record Industrial?
- 2 A. No.
- 3 Q. Rockwell International?
- 4 A. No.
- 5 Q. Safety First?
- 6 A. No.
- 7 Q. Sepco?
- 8 A. No.
- 9 Q. Triangle?
- 10 A. No.
- 11 Q. Uniroyal?
- 12 A. No.
- 13 Q. Westinghouse?
- 14 A. No.
- 15 Q. I want you to take a look at what I marked as
- 16 Plaintiff's Exhibit 2 and tell me whether your
- 17 company, Harnischfeger, ever sold any product
- 18 containing asbestos to any of those job sites or
- 19 companies.
- 20 A. Yes.
- 21 Q. Yes what?
- 22 A. Yes, they did.
- 23 Q. Which ones, please?
- 24 A. I'll give you the ones I recognize.
- 25 Q. Okay.

1 MR. JAMES: Do you understand? He wants to
2 know if you recall an overhead crane or hoist
3 specifically ever being sold to any of those
4 companies in general.

5 THE WITNESS: Yes.

6 MR. JAMES: And, therefore, this question
7 is any component parts were shipped or sold to those
8 companies that contained asbestos.

9 BY MR. WHITE:

10 Q. I want you to take a look at what's been marked as
11 Exhibit 2 and tell me whether Harnischfeger ever sold
12 any products containing asbestos to any of those
13 companies or any of those job sites.

14 A. Okay.

15 Q. Okay.

16 A. DuPont. Dow Corporation. Union Carbide. PPG. U.S.
17 Steel. Jones & Laughlin/LTV Steel.
18 Wheeling-Pittsburgh Steel. Weirton Steel.
19 Westinghouse. That's it.

20 Q. Did you ever sell to Ormet/Conalco in Ohio?

21 A. I don't recall.

22 Q. Or Olin Matheson?

23 A. Again, I don't recall seeing or -- I don't recall
24 that name as being a customer. Maybe they were.

25 Q. Did you ever sell to International Nickel or Inco in

- 1 Huntington, West Virginia?
- 2 A. I don't recall specifically that name either.
- 3 Q. American Car Foundry in Huntington, West Virginia?
- 4 A. No.
- 5 Q. Conner Steel in Huntington, West Virginia?
- 6 A. I don't recall the name.
- 7 Q. What did you sell to Wheeling-Pittsburgh Steel?
- 8 A. Overhead cranes and hoists.
- 9 Q. When?
- 10 A. Well, certainly during the period of time that I was
11 employed by Harnischfeger. Perhaps since then,
12 perhaps before then.
- 13 Q. During the '60's, the '70's, or '80's?
- 14 A. Yes.
- 15 Q. Okay. How many?
- 16 A. I don't know.
- 17 Q. How many overhead cranes?
- 18 A. I don't know.
- 19 Q. Can you estimate for me?
- 20 A. No, I can't.
- 21 Q. Did you ever go to Wheeling-Pittsburgh Steel to
22 inspect the overhead crane?
- 23 A. Not that I can recall, no.
- 24 Q. Did you ever go out to the customer's location to
25 participate in the installation or the repair of an

- 1 overhead crane or hoist?
- 2 A. Yes.
- 3 Q. Do you recall going to Wheeling-Pittsburgh Steel?
- 4 A. No, I don't. Not to say I didn't, I just don't
- 5 recall.
- 6 Q. Do you know in which facility of Wheeling-Pittsburgh
- 7 Steel the overhead crane or the hoist was installed?
- 8 A. No. I don't remember.
- 9 Q. Do you remember -- Strike that.
- 10 Do you remember the
- 11 Wheeling-Pittsburgh Steel in Stubenville, Ohio?
- 12 A. No.
- 13 Q. Follansbee, West Virginia?
- 14 A. No.
- 15 Q. Wheeling-Pittsburgh Steel?
- 16 A. No.
- 17 Q. Yorkville, Ohio?
- 18 A. No.
- 19 Q. Mingo Junction, Ohio?
- 20 A. No.
- 21 Q. Martins Ferry, Ohio?
- 22 A. No.
- 23 Q. Did Harnischfeger have sales personnel to travel to
- 24 different job sites and customers seeking to sell
- 25 their overhead cranes and hoists?

- 1 A. Yes.
- 2 Q. Do you know the individual in the '60's, '70's, and
- 3 '80's who had the responsibility to sell to
- 4 Wheeling-Pittsburgh Steel?
- 5 A. There were a number of people that would have been
- 6 involved in the sales and in those areas over the
- 7 years.
- 8 Q. Which areas? Now are you talking about a customer or
- 9 a territory?
- 10 A. Well, both a customer and a territory, but I don't
- 11 recall who was there when. If we can identify the
- 12 cranes by serial number, that information could be
- 13 determined.
- 14 Q. Who had the sales responsibility for Harnischfeger to
- 15 seek to sell to eastern Ohio, West Virginia, and
- 16 western Pennsylvania?
- 17 A. The individual would have been a person located in
- 18 our Pittsburgh office, but over the years, that was a
- 19 number of different people.
- 20 Q. Can I have some of their names of the individuals who
- 21 are still living if possible?
- 22 A. One of them is James Mock, M-o-c-k.
- 23 Q. Is he still with Harnischfeger?
- 24 A. No.
- 25 Q. Who is he with now, do you know?

- 1 A. He's retired.
- 2 Q. In Pittsburgh?
- 3 A. No, in Milwaukee. Another name that I can recall is
- 4 Koffman, but I can't remember his first name.
- 5 K-o-f-f-m-a-n.
- 6 Q. Does he still work with Harnischfeger?
- 7 A. No.
- 8 Q. Is he retired?
- 9 A. Retired. And I'm not sure he's living any longer.
- 10 That's all I can remember that worked out of the
- 11 Pittsburgh office. There were others. I just can't
- 12 recall who they were.
- 13 Q. Do you recall any people who lived in Pittsburgh who
- 14 are still living in Pittsburgh who had the sales
- 15 responsibility in that area?
- 16 A. No.
- 17 Q. If the individuals working out of the Pittsburgh
- 18 office seek to sell into West Virginia?
- 19 A. Yes.
- 20 Q. Is the Pittsburgh office still in existence?
- 21 A. Yes.
- 22 Q. What's the address?
- 23 A. I don't know.
- 24 Q. Is it under Harnischfeger?
- 25 A. Harnischfeger or P&H, yes.

1 Q. What did you sell to Union Carbide and when?

2 A. I know we sold them overhead cranes, and I don't
3 remember during any particular period or whether
4 there was any particular period during the selling of
5 cranes to them, and I believe they also bought
6 overhead hoists.

7 Q. What did you sell to DuPont and when?

8 A. The same things, overhead cranes and hoists.

9 Q. Which DuPont facility was that?

10 MR. JAMES: If you know.

11 BY MR. WHITE:

12 Q. If you know.

13 A. I don't know, and it may be that we don't know
14 because they were sold to DuPont for their own
15 location as to where they were going to go.

16 Q. But Harnischfeger people would go -- Harnischfeger
17 employees would go out to the location to install the
18 overhead crane; is that correct?

19 A. No, not always. Sometimes Harnischfeger people were
20 involved in the installation, sometimes they were
21 not. In the case of overhead hoists, we did not sell
22 them directly to the end user. They were sold
23 through distributors and being once removed,
24 Harnischfeger would not know a specific location that
25 a company like DuPont would use the equipment in.

1 Q. Would Harnischfeger sell asbestos containing hoists
2 through distributors?

3 A. Yes.

4 Q. Which distributors did you sell through in eastern
5 Ohio, western Pennsylvania, and West Virginia?

6 A. Couple that I can remember in Pittsburgh are
7 Braunlich-Russle, B-r-a-u-n-l-I-c-h, dash,
8 R-e-e-s-l-e, I believe that's the way it's spelled.
9 I'm trying to think of the other one. It's on the
10 tip of my tongue, but I can't remember. It was our
11 most recent distributor in the Pittsburgh area.

12 Q. Is it McCullough?

13 A. No, I can't think of it.

14 Q. Did you ever visit the facilities in Pittsburgh?

15 A. Yes.

16 Q. Where in Pittsburgh was it located?

17 A. It was out of the city somewhere out among the hills
18 by the valley.

19 Q. That happens lot.

20 A. I was never able to keep track of where I was in
21 Pittsburgh, so I can't give you an accurate
22 location.

23 Q. Who would have better knowledge of that distributor
24 than you right now?

25 A. The home office here in Milwaukee.

1 Q. That's a current distributor?

2 A. No. It's -- our most recent distributor but not a
3 distributor any longer.

4 Q. When were they last a distributor?

5 MR. JAMES: PDS, that's the name of the
6 company.

7 BY MR. WHITE:

8 Q. Pittsburgh Design Services?

9 A. It's Pittsburgh Design Services.

10 Q. Any other distributors for eastern Ohio, western
11 Pennsylvania, or West Virginia?

12 A. At one time we had a number of distributor dealers --
13 distributors in the Cleveland area that covered Ohio,
14 but I can't remember what they all were -- their
15 names.

16 Q. Do you recall any of their names? Would these
17 Cleveland distributors cover Wheeling-Pittsburgh
18 Steel in southeastern Ohio?

19 A. I don't remember the extent of their territories
20 whether that was covered out of Cleveland or
21 Pittsburgh. I don't remember or whether it was
22 always one way or the other.

23 Q. Were there any other distributors that you recall out
24 of Pittsburgh or West Virginia?

25 A. Not that I can remember the names of, no.

1 Q. These distributors would somewhere be in the records
2 of Harnischfeger?

3 A. Yes.

4 Q. Would these distributors be distributors for overhead
5 cranes also?

6 A. No. Hoists.

7 Q. Only hoists?

8 A. Yes.

9 Q. Why did you utilize distributors for the hoists and
10 not utilize distributors for the overhead cranes?

11 A. There are far more overhead hoists than there are
12 overhead cranes, and Harnischfeger dealt with three
13 dealers and distributors to cover the needs for those
14 hoists whereas overhead cranes were sold directly to
15 the end user. There were not as many cranes. They
16 required more knowledge and detail in their sale than
17 an overhead hoist did. Those are a couple of
18 reasons.

19 Q. If you were to sell, for instance, an overhead crane
20 to Wheeling-Pittsburgh Steel, would the Harnischfeger
21 people go to the job site to direct the installation
22 or to do the installation?

23 A. I can't answer directly for Wheeling-Pittsburgh
24 Steel, but there were times when Harnischfeger was
25 involved in the installation, and there was times

1 when they were not involved in the installation
2 depending on the customer and whether he wanted our
3 involvement in this.

4 Q. What would be the more likely scenario that
5 Harnischfeger would or would not be involved?

6 A. Harnischfeger would be involved.

7 Q. Would these be engineering people like yourself or
8 would these be like labor -- millwright type people,
9 iron type people, or ironworkers, or what would be
10 their expertise I should say?

11 A. It would typically be a person in our services
12 division for technical expertise in the installation
13 of the equipment. In the initial sale it could be
14 the sales person in that particular area. Depending
15 upon the complexity of the crane, it may be a
16 technical person such as myself to go help set up the
17 crane to get it to do what it's supposed to do.

18 Q. What would Harnischfeger charge for these cranes?
19 Can you give me a ball park figure?

20 A. A price for a crane?

21 Q. For the overhead crane.

22 A. The prices of a crane can vary anywhere from ten to
23 twelve thousand to a couple of million dollars.

24 Q. Okay. And the hoists, how much would a hoist cost?

25 A. Perhaps as little as \$4,000 to \$100,000.

- 1 Q. What did you sell to Weirton Steel?
- 2 A. Overhead cranes and hoists.
- 3 Q. Westinghouse. What did you sell to Westinghouse?
- 4 A. Overhead cranes and hoist.
- 5 Q. Which Westinghouse facility?
- 6 A. I don't know.
- 7 Q. And what did you sell to J & L/LTV?
- 8 A. Overhead cranes and hoists.
- 9 Q. Which facilities?
- 10 A. I don't remember.
- 11 Q. What did you sell to U.S. Steel?
- 12 A. Overhead cranes and hoists.
- 13 Q. Which facilities?
- 14 A. I don't know.
- 15 Q. You don't recall?
- 16 A. I don't recall.
- 17 Q. And that's overhead cranes and hoists that contained
- 18 asbestos?
- 19 A. Yes.
- 20 Q. Would Harnischfeger sell replacement asbestos
- 21 components to these companies?
- 22 A. Yes.
- 23 Q. So, in other words, Harnischfeger would purchase from
- 24 the manufacturer asbestos containing friction
- 25 products and then sell it to the customer?

- 1 A. Yes. Usually through a parts distributor for that
2 particular area where the equipment is being used.
- 3 Q. Who do you utilize as a parts distributor in eastern
4 Ohio, western Pennsylvania, and West Virginia?
- 5 A. Same companies I mentioned earlier.
- 6 Q. Braumlich-Reesle and Pittsburgh Design Services?
- 7 A. Yes. There may have been others, but I don't recall
8 who they were.
- 9 Q. Those two companies were in Pittsburgh. Who did you
10 utilize in eastern Ohio as a parts distributor and
11 West Virginia?
- 12 A. Well, again, we had dealers and distributors in the
13 Cleveland area whose names I can't you recall that
14 would have covered that area. I think that that
15 would be it as far as that area is concerned, western
16 Pennsylvania, West Virginia, and eastern Ohio.
17 Possibly Cincinnati we had dealers and distributors
18 in an office there at one time.
- 19 Q. Is Pittsburgh Design Services still in existence?
- 20 A. Yes.
- 21 Q. And you say they're in Pittsburgh?
- 22 A. Yes. And in the Pittsburgh area.
- 23 Q. Did you utilize Frick and Linsey as a parts
24 distributor?
- 25 A. I don't recognize the name. I would say no.

- 1 Q. Do you recall selling hoists or overhead cranes to
2 power houses?
- 3 A. Yes.
- 4 Q. In eastern Ohio, West Virginia, and western
5 Pennsylvania?
- 6 A. I don't recall. We dealt with power companies and
7 with the designer of power plants who actually bought
8 the equipment, and it may be that we have equipment
9 in that area. I don't recall. I know we have cranes
10 and hoists in power plants.
- 11 Q. Would you recognize -- If I were to give you a list
12 of power facilities, would you recognize any of those
13 power facilities as being locations where you
14 installed overhead cranes and/or hoists?
- 15 A. I would recognize some of them.
- 16 Q. Stratton, Ohio?
- 17 A. I don't recall.
- 18 Q. Toronto?
- 19 A. I don't recall.
- 20 Q. Brillian-Cardinal (phonetic)?
- 21 A. I don't recall.
- 22 Q. Berger?
- 23 A. I don't recall that.
- 24 Q. Mount Storm?
- 25 A. No.

- 1 Q. Fort Martin?
- 2 A. It's not a familiar name.
- 3 Q. Mitchell Power, West Virginia?
- 4 A. I don't recall that.
- 5 Q. Do you recall selling to Edison -- excuse me -- Ohio
- 6 Power?
- 7 A. No, not specifically.
- 8 Q. Monongahela Power?
- 9 A. No.
- 10 Q. AEP?
- 11 A. No.
- 12 Q. Virginia Electric Power Company?
- 13 A. No.
- 14 Q. Did you sell to Ravenswood or Kaiser and Ravenswood,
- 15 West Virginia?
- 16 A. Well, I know that Kaiser was a customer. I don't
- 17 know if it was specific at the Ravenswood facility.
- 18 Q. Have you ever heard of the Ravenswood facility?
- 19 A. I've heard of Ravenswood, yes.
- 20 Q. Do you recall in what context you heard of
- 21 Ravenswood?
- 22 A. I think it's a street name in Wauwatosa.
- 23 Q. What's the name of the city?
- 24 A. Wauwatosa.
- 25 MR. JAMES: Let me ask a follow-up question

1 or I'll be doing it later. Mr. Toth, when you stated
2 that you believed that you sold overhead cranes and
3 Harnischfeger sold overhead cranes and hoists, you
4 mentioned several sounded familiar,
5 Wheeling-Pittsburgh, DuPont, and the others?

6 THE WITNESS: Yes.

7 MR. JAMES: You have no knowledge without
8 further information as to serial numbers or specific
9 information as to specific overhead cranes and hoists
10 specifically where any of those products were sold
11 to, correct?

12 THE WITNESS: Yes. I think I stated that,
13 and if we can identify the crane, we can identify
14 where it went and who sold it.

15 MR. JAMES: So you have no specific
16 knowledge whether or not any overhead crane or hoists
17 are located within these facilities that we've talked
18 about?

19 THE WITNESS: That's correct.

20 MR. JAMES: Thank you.

21 BY MR. WHITE:

22 Q. On the overhead cranes and the hoists that
23 Harnischfeger sold, the name Harnischfeger is affixed
24 in terms of a plate or an identification plate; is
25 that correct?

- 1 A. P&H and Harnischfeger.
- 2 Q. It is affixed to an overhead crane or hoist via a
3 metal plate?
- 4 A. Yes, or a decal.
- 5 Q. Okay. When did you first become aware that asbestos
6 was a hazard?
- 7 A. Probably sometime during the 1970's.
- 8 Q. Did you receive that information from some individual
9 at Harnischfeger?
- 10 A. No, it was just general information known to the
11 public.
- 12 Q. When in 1970's?
- 13 A. I don't recall specifically. Perhaps between 1975
14 and 1980.
- 15 Q. And how long had -- after that did Harnischfeger
16 continue to sell overhead cranes or hoists with
17 friction components containing asbestos?
- 18 A. Until approximately 1985.
- 19 Q. And you never saw any warning on any overhead crane
20 or hoist warning of the asbestos hazard danger?
- 21 A. That is correct.
- 22 MR. JAMES: If you know.
- 23 BY MR. WHITE:
- 24 Q. Thank you. When did you last work for
25 Harnischfeger? In 1995; is that correct?

- 1 A. Yes.
- 2 Q. Okay. Do you recall in 1994 what the gross sales of
3 Harnischfeger totaled?
- 4 A. No, I don't.
- 5 Q. Do you have any information as per any year in the
6 '80's or '90's in terms of the gross sales of the
7 products that Harnischfeger manufactured?
- 8 A. No. I don't recall what they are. They're a matter
9 of public record, but I don't recall what they were
10 for any given year.
- 11 Q. Do you have any information as to the insurance
12 coverage for product liability cases carried by
13 Harnischfeger in terms of asbestos litigation?
- 14 A. No, I do not.
- 15 Q. Do you have any information as to any medical
16 literature contained within any medical library or
17 within the facility of Harnischfeger on asbestos
18 disclosed disease?
- 19 A. No, I don't.
- 20 Q. Did Harnischfeger have a medical director?
- 21 A. No.
- 22 Q. To your knowledge -- I'm sorry. Were you done?
- 23 A. Yes.
- 24 Q. I'm sorry. Did Harnischfeger have any industrial
25 hygienist?

1 A. No.

2 Q. Do you know whether Harnischfeger ever had any
3 worker's compensation claims filed against for
4 asbestos caused disease?

5 A. Yes. I know that they did not.

6 Q. How do you know that?

7 A. It was one of the answers we gave to the
8 interrogatories, but that question was asked.

9 Q. And you researched it in answering the
10 interrogatories?

11 A. Yes.

12 Q. Do you know whether any of the asbestos containing
13 components whether it be friction product for disc
14 brakes or friction products for the brake shoes or
15 the transite or whether it was sawed or drilled or
16 shaved or with a grinding wheel within the facilities
17 of Harnischfeger?

18 MR. JAMES: Objection. Asked and
19 answered. Go ahead and answer.

20 THE WITNESS: There were discs and brake
21 shoes that were drilled.

22 BY MR. WHITE:

23 Q. At Harnischfeger?

24 A. At Harnischfeger.

25 Q. During what time period?

1 A. Up until the time Harnischfeger stopped using
2 asbestos materials, approximately 1985, but I don't
3 remember at what time that process began.

4 Q. Do you know whether the individual who did this
5 fabrication, this drilling, grinding, and so forth
6 wore respirators?

7 MR. JAMES: Object. That's a
8 mischaracterization. The question incorporated
9 grinding other, but he's stated disc and brake shoes
10 were at times drilled only.

11 THE WITNESS: Right.

12 MR. JAMES: Rephrase the question.

13 THE WITNESS: I'm aware that at times --
14 Well, I'm not aware of every occasion upon which this
15 process took place, but I'm aware that at times when
16 it was done, workers were given protection to perform
17 that operation

18 BY MR. WHITE:

19 Q. What type of protection?

20 A. Masks.

21 Q. Do you know when they first began to wear masks?

22 A. No, I don't.

23 Q. Do you know why the workers were given masks when
24 they drilled the asbestos friction products?

25 A. To prevent the inhalation of dust.

1 Q. Was it to prevent inhalation of the asbestos fibers?

2 A. Dust.

3 Q. Was the asbestos fiber one component of the dust?

4 MR. JAMES: If you know.

5 THE WITNESS: I don't know.

6 BY MR. WHITE:

7 Q. Were there any airborne samples taken within the
8 Harnischfeger facilities to determining the quantity,
9 if any, asbestos fibers had become airborne with the
10 drilling of the asbestos friction component?

11 A. I don't know. There could have been. I don't know
12 that there were. That is not something that was part
13 of my regular responsibilities. I don't know if it
14 was, but it possibly was.

15 Q. Did you ever see the process or where the asbestos
16 friction products were drilled?

17 A. Yes.

18 Q. Did you see dust created?

19 A. No.

20 Q. What did you see?

21 A. I saw a work table -- arc worker operating a drill
22 press and drilling holes in asbestos discs.

23 Q. You saw this person wear a face mask or a respirator?

24 A. Yes.

25 Q. But you saw no dust?