FILE NAME: Eaton (EAT)

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EATON SUMMARY

We understand that Eaton Corporation was originally founded in 1911 and was incorporated in Ohio in 1916.[2] Officers and representatives of Eaton believed that the quickest way to grow the business was through acquisitions and it began buying companies. Kyle Corporation merged with Line Material Company in 1947. Line Material Company became part of McGraw Electric in 1949. McGraw Electric Company joined Thomas Edison, Inc. to form McGraw-Edison[1] in 1957. Eaton Corporation purchased Cutler-Hammer, Inc. in 1978. McGraw-Edison joined Cooper[2] in 1985. RTE[3] Company became part of Cooper Power Systems in 1988. Eaton renamed its industrial and commercial control business, along with the Cutler-Hammer unit, as Eaton Electrical, Inc. in 2003. In March 2008, Eaton Electrical Inc., which had been a wholly-owned subsidiary of Eaton Corporation, was merged into Eaton Corporation. Eaton Corporation became a wholly-owned subsidiary of Eaton Corporation plc (Ireland) in December of 2012. On November 26, 2012, Cooper Power Systems was taken over by the Eaton Corporation. In its acquisition of the aforementioned predecessor companies, Eaton Corporation assumed the liabilities and assets of those companies.

In 2024, Eaton Corporation's Net income was $3.794 billion, and its total assets were $38.38 billion. Pursuant to the Annual Report filed by Eaton Corporation plc with the U.S. Securities and Exchange Commission for the year ended December 31, 2024, Eaton Corporation had revenues of nearly $25 billion.

Eaton Corporation and its predecessor entities manufactured, distributed and sold products used in the "generation, transmission, distribution and utilization of electrical power," and certain of those types of products and equipment included components made of asbestos-containing materials.

Eaton's products and the products of its predecessor entities put people at risk of asbestos exposure and the potential development of asbestos-related disease(s), including mesothelioma, lung cancer or asbestosis. Despite the

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2 McGraw Edison was created in 1957 when the McGraw Electric Company acquired Thomas A. Edison, Inc. McGraw Edison was an American manufacturer of electrical equipment. It was created in 1957 through a merger of McGraw Electric and Thomas A. Edison, and was in turn acquired by Cooper Industries in 1985.

2 Cooper industries was an American worldwide electrical products manufacturer headquartered in Houston, TX. Founded in 1833, the company and seven operating divisions, including Kyle and McGraw-Edison power systems products.

3 RTE was founded in 1947 under the name of Rural Transformer and Equipment Company. It became part of the Cooper Power Systems in 1988.

general knowledge, use of substitute materials by electrical product and equipment distribution manufacturers in the 1980's, and Eaton's acknowledgment "that in approximately 1972, it was aware of OSHA regulations referencing exposure to certain levels of airborne asbestos as being potentially harmful...." (*see* Defendant Eaton Corporation, as Successor-In-Interest to Eaton Electrical Inc. And Cutler-Hammer, Inc.'s Answers and Objections to Plaintiffs' Premises Interrogatories, Interrogatory No. 13, (Case No. 15-L-710, *Curtin vs. Eaton Corporation, et al.*, Circuit Court, Third Judicial Circuit, Madison County, Illinois – ATTACHMENT 3), Cooper Power Systems was still attempting to purchase "asbestos material" for its products in 1994. (see Cooper Power Systems Engineering Change Notice No. 32602, advising of changes to its asbestos-containing products that need to be made due to "Asbestos Material...No Longer Available as An Option" - ATTACHMENT -4).

The record demonstrates that Eaton products make up the lion's share of asbestos containing equipment and components utilized by SEEC and worked on and around by Mr. Kerr. Through the deposition testimony of Mr. Kerr's longtime co-worker, Jerry Kalstrom, given in *Kerr* on December 2, 2022, both in direct and cross-examination and as further testified to by Mr. Kalstrom in his Affidavit (Ex. 5 to his deposition taken in Kerr on December 2nd), SEEC used power distribution equipment and devices manufactured by Eaton Corporation and its predecessor entities. Additionally, through Mr. Kerr's testimony, we have been able to firmly place Eaton's asbestos-containing electrical equipment, products, and component parts throughout the system at SEEC and to demonstrate Mr. Kerr's repeated exposure thereto during his years of employment at the Co-op. [4]

As testified to by Mr. Kalstrom in his deposition[5] and Affidavit that he personally observed Mr. Kerr install, repair, maintain, and remove thousands of gaskets from transformers and OCR tanks during his career at SEEC. Specifically, Mr. Kalstrom saw Mr. Kerr remove and replace original gasket material on RTE/Cooper transformers. Also, Mr. Kalstrom saw Mr. Kerr repair oil circuit reclosures at SEEC's shop, where he performed maintenance on Kyle OCRs between 1982 and 2000. Most of the OCR's that Mr. Kerr worked on were

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4 See attached Eaton Corporation and its predecessors' spreadsheets documenting electrical products, equipment, and component parts manufactured, distributed, and sold by Eaton Corporation and/or its predecessor entities to SEEC directly and/or through its co-Defendants in Kerr – ATTACHMENT 2.

5 See depositions of Mr. Kalstrom dated December 2, 2022, December 20, 2022, and February 7, 2023, (12/2/22 – e.g.'s of 45:23-46:7; 47:1-8; 47:19-23; 77:7-22; 107:11-108:9; 129:24-130:20; 138:8-139:2; 203:18-23; 223:7-224:7;; 12/20/22; and ; 2/7/23 –and Mr. Kalstrom's Affidavit (Ex. 5 to his deposition in Kerr dated 12/2/22) – ATTACHMENT 7.

original units that had been installed new, and most of the OCRs in the system were Kyle's. Additionally, Mr. Kalstrom observed Mr. Kerr perform repairs at the Cooperative shop to RTE/Cooper regulators. Regulators had a lot of gaskets inside them, in addition to tank lid gaskets. Mr. Kerr also was seen by Mr. Kalstrom handling, repairing, and replacing thousands of lightning arrestors, that had been damaged or blown out by lightning strikes that were original equipment supplied by RTE/Cooper. Additionally, the three phase transformers in the Cooperative's system had fuse cut outs. Mr. Kalstrom observed Mr. Kerr perform repairs on fuse cut outs during the time that they worked together for SEEC. The fuse cut outs that he saw Mr. Kerr work on were located on transformers manufactured by RTE/Cooper. At SEEC, there were many substations through its system, where Mr. Kalstrom personally observed Mr. Kerr performing inspections, repairs and maintenance to substation equipment at all of the Cooperative's substations, including work on larger transformers that had control panel boards, smaller capacitors in panels, isolation switches, disconnects, circuit breakers, lightning arrestors, bushings and bushing gaskets. Mr. Kalstrom personally saw Mr. Kerr inspect, connect, disconnect, test, maintain and repair all of the Cooperative's substation equipment and connected devices. Inside the substations there were isolation switches, disconnects, relays and circuit breakers manufactured by Eaton and Cutler Hammer, that he personally saw Mr. Kerr inspect, clean, connect, disconnect, maintain and repair all of the equipment.

Also, there were more than 1000 streetlights and yard lights in place in the Cooperative's district. They were primarily 150-175 watt, 250 watt, and 400 watt mercury vapor lights. The smaller 150-175 watt mercury vapor lights in the system were manufactured, in part, by Cooper. He observed Mr. Kerr, who as a foreman, was personally responsible for inspecting, maintaining, repairing, installing and changing burned out bulbs for these lights. To do this type of work, Mr. Kerr would have to remove the glass from the enclosed streetlights and disassemble the lights' heads to access the ballast, lamp mount, or wiring. Most of the lights had heat insulation in their mounting heads. The Cooperative performed all maintenance on sports lights located at the Ekalaka high school and Ekalaka rodeo arena. The sports lights at the high school were all 1500 watt incandescent light fixtures and the breaker boxes for the high school sports lights were manufactured by Cutler Hammer. These lights were the original lights installed in 1965, when lights were added at the high school. The lights at the high school were also controlled by circuit breakers for each bank of lights.

From an initial review of SEEC invoices produced to date, we have identified numerous examples of where Mr. Kerr worked on Eaton Corporation and/or its predecessor entities' power distribution equipment as per Transformer Records, Work Reports and Job Orders produced by SEEC to the

parties.[6] These records were obtained through a partial review of all SEEC records and do not represent a comprehensive and final review. In addition, this series of records does not encompass all instances of work performed by Mr. Kerr on Eaton Corporation and its predecessor entities' equipment, products, and component parts and many of the maintenance and repair activities performed at SEEC were not documented in writing.

We will have no issue in demonstrating that Eaton and its predecessor entities' electrical equipment, products, and component parts contained asbestos. Examples include [7] RTE ELB Bushings that contained Johns-Manville Quinterra Type 3 Asbestos Sheet(s), that was discontinued April 11, 1984; McGraw Edison asbestos gasket material used prior to 1986 Engineering Change no. 20416 issued; phenolic material product formulation and cost sheets to Cutler-Hammer for its electrical Switch-gear (BRN-5350 Two step resin), dated November 8, 1968. Additionally, Cutler-Hammer manufactured and sold electrical equipment that contained asbestos-containing components and/or materials from the 1940s through approximately the late 1970s and early 1980s, including without limitation, Insulation paper/tape component (enclosure for definite purpose contactor), Asbestos Insulated Wire, Asbestos Arc Shield/Chute Component, Ebony Panel Board Component, Phenolic/Melamine Plastic Components (see Eaton Corporation as Successor-In-Interest to Eaton Electrical Inc. and Cutler-Hammer, Inc.'s Objections and Answers to Plaintiffs' Manufacturer Interrogatories, Interrogatory No.6, dated January 7, 2016, in the matter of *Gerli vs. Eaton Corporation, et al.*, Cause No. 1522-CC10133, Circuit Court of City of St. Louis, State of Missouri) (ATTACHMENT 6). Also, *see* all documents obtained through Eaton document inspections demonstrating asbestos-containing materials contained in Eaton and its predecessor entities' electrical products and equipment manufactured and sold during the relevant time frame and marked as Attachment 1 to Plaintiff's First Supplemental Responses to Eaton's Third Set of Discovery Requests to Plaintiff.

Eaton Corporation will be hard pressed to assert ignorance of whether its electrical products, equipment and/or component parts contained asbestos or of its knowledge regarding the hazards to workers associated with working with its asbestos-containing equipment, products and/or component parts.

In September of 1965, Cutler-Hammer removed the "caution" label from its batch(es) of phenolic molding materials and its hazards to personnel,

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6 See, e.g., example Job Orders, Work Reports and Transformer Records identifying some of the work performed by Mr. Kerr as an employee of SEEC on Eaton Corporation and/or its predecessor entities' power distribution equipment – ATTACHMENT 8.

7 See e.g.'s of asbestos products of Eaton Corporation and its predecessor entities – ATTACHMENT 6).

equipment, or material.[8] In fact, Cutler Hammer specifically requested "special packing requirements" where the warning label on the container "must" be blanked out. On October 9, 1964, the third production run for BMMA-5715 was scheduled to begin. At that time, 25,000 pounds of the "medium-impact molding material" will be produced to fill requirements for Cutler-Hammer in Milwaukee, Wisconsin, while Cutler-Hammer "expressed concern" over the "caution label" appearing on their bags. As a result, J.R. Wilkinson authorized "painting or blanking out" of the caution label on all bags to be used for packaging this and all future materials for Cutler-Hammer.

Eaton Corporation acknowledged "that in approximately 1972, it was aware of OSHA regulations referencing exposure to certain levels of airborne asbestos as being potentially harmful" yet continued to manufacture and market abnormally dangerous asbestos containing products for decades thereafter. (*see* Defendant Eaton Corporation, as Successor-In-Interest to Eaton Electrical Inc. And Cutler-Hammer, Inc.'s Answers and Objections to Plaintiffs' Premises Interrogatories, Interrogatory No. 13, Case No. 15-L-710, *Curtin vs. Eaton Corporation, et al.*, Circuit Court, Third Judicial Circuit, Madison County, Illinois – ATTACHMENT 3).

8 See Union Carbide Internal Correspondence from its Union Carbide Plastics Division dated October 8, 1964, Originating Dept. R&D – Applications, Subject Production Run BMMA – 5715, to Mr. G.J. Kuzmak, Union Carbide Corporation, Plastics Division with copies to Mr. D.R. Albright – BB, et al. – ATTACHMENT 5.