

COPY

The Honorable Sharon Armstrong

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BERGMAN & FROCKT

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

ALVIN JENSEN and PAULINE JENSEN, a
married couple,

Plaintiff,

v.

SAGERHAGEN HOLDINGS, INC., et al.

Defendants.

Case No. 04-2-20249-3SEA

**SUPPLEMENTAL DECLARATION OF
J. MICHAEL MATTINGLY IN
SUPPORT OF WARREN PUMPS,
LLC'S MOTION FOR SUMMARY
JUDGMENT ON THE ISSUE OF
MATERIALS SPECIFICATIONS**

I, J. Michael Mattingly declare and state as follows:

1. I am one of the attorneys representing Warren Pumps, Inc. in this matter.
2. During oral argument on August 26, 2005 on Warren Pumps, LLC's Motion for Summary Judgment and Warren Pumps, LLC's Motion for Summary Judgment on the Issue of Corporate Successor Liability, plaintiff's counsel asserted for the first time (to my knowledge) that Warren Pumps itself "specified" the use of certain asbestos-containing components for use in pumps that it manufactured for the vessels built for the U.S. Navy. In support of that

PAGE 1 - SUPPLEMENTAL DECLARATION OF J. MICHAEL MATTINGLY IN
SUPPORT OF WARREN PUMPS, LLC'S MOTION FOR SUMMARY
JUDGMENT ON THE ISSUE OF MATERIALS SPECIFICATIONS

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1 contention, plaintiff has submitted a supplemental affidavit pointing to portions of the record
2 that she contends establish that Warren Pumps "specified" the use of these asbestos-containing
3 component parts.

4 3. As discussed in the supplemental exhibits below, Warren Pumps' previously
5 designated "person most knowledgeable," Roland Doktor, has testified on numerous occasions
6 that Warren Pumps did not specify the use of any components for pumps that it contracted to
7 build for installation on U.S. Navy vessels. Rather, as he explained in his depositions, Warren
8 Pumps built pumps to military specifications, and the materials used for construction of those
9 pumps were specified by the military, not by Warren Pumps.

11 4. Attached hereto as "Exhibit A" is a true and accurate copy of the relevant pages
12 of the deposition transcript of Roland Doktor in the matter of In re XXIV Cases of Bergman,
13 Senn, Pageler & Frockt, KCSC 89-2-18455-9SEA, taken on April 24, 2003. Mr. Doktor was
14 designated as Warren Pumps' "person most knowledgeable" for numerous subjects at issue in
15 that deposition. Among the subjects discussed were Warren Pumps compliance with military
16 specifications in the production of various pumps for use onboard U.S. Navy vessels. His
17 testimony included the following passages:

19 **Page 26, Lines 17-22:**

- 20 Q. Can you describe the type of support that Warren Pumps provides to the United
21 States Navy?
22 A. We manufacture products to both naval, as well as specific shipyard
23 specifications, and within those confines would produce a product to meet all the
24 requirements therein.

25 **Page 31, Lines 14-22:**

- 26 Q. In the ordinary course of shipboard repair, how would Navy personnel at
shipyards know how to maintain and repair Warren products?
A. Under the provisions of the military specifications and most of the ship
specifications, we're required to submit with the products instruction manuals or
technical manuals, as well as the Navy has their own ongoing programs for

1 instructions.

2 **Page 32, Lines 2-8:**

3 Q. Okay. What was the nature of the technical manuals that would be provided to
4 the Navy?

5 A. The technical manuals had their own specifications that they were written to.
6 They were submitted for approval and approved as such by whatever buying
7 activity or the Navy itself, depending on who the procuring activities might be.

8 **Page 33, Lines 11-23:**

9 Q. Okay. Would those – would the Navy specify a Warren pump for a particular
10 class?

11 A. No. Normally the procedure would be a competitive procurement based on a
12 specific military specification or a specification that the government would
13 supply to those entities.

14 Q. And that would be called the—you're familiar with the term "QPL"?

15 A. Yes, sir.

16 Q. Okay, qualified products list. Would that be the process that Warren Pumps
17 would undergo to obtain approval of its products?

18 A. Yes, sir.

19 **Page 35, Lines 5-20:**

20 Q. Were there particular shipyards that Warren maintained a particularly
21 competitive advantage at?

22 A. Not that I can think of, no.

23 Q. It was just the practice of, say, Pascagoula would like Ingersoll-Rand and – for
24 some reason, and Bath would like – Bath Naval Shipyard would like Warren? Is
25 that the –

26 A. Not necessarily.

27 Q. Okay.

28 A. Again, there were certain government rules that had to be, you know, met; and
29 the shipyards had to go to—in a lot of instances years ago, they had to go to
30 those people who were on the QPL, which meant that, you know, they didn't
31 have a choice, you know, and usually it came down to, you know, a price-
32 competitive situation at that point.

33 **Page 35, Line 21 through Page 36, Line 22:**

34 Q. Can you describe for us – I'm familiar with the QPL qualification process for
35 inert products. I'm not familiar with it particularly for machinery such as pumps.
36 Can you describe what would be the process of obtaining approval under the
37 QPL for Warren Pumps?

38 A. Well, within a particular military specification, it would list those tests that had
39 to be completed to qualify the product; and again, without a particular
40 specification in front of me, I'd just be going from memory; and if you'd like me
41 to—I mean, I don't know.

42 Q. Yes, if you could, you know, walk us through the product—excuse me—walk us
43 through the process of obtaining approval under a QPL, that would be very
44 helpful.

1 A. There was usually a performance test that had to be run to demonstrate the
2 product would meet the conditions of the specification. There was an endurance
3 test to make sure that it did have the life expectancy that was required by the
4 specification. There was a shock test that was required. A vibration test might
5 have been required. Those were the—and also an incline test. Those were the
6 tests that had to be performed.

7 **Page 36, Liine 23 Through Page 37, Line 10:**

8 Q. Would Warren Pumps design a new product around a particular naval building
9 program?

10 A. Usually the specification would tell you how to build the product. So depending
11 on what specification was given to us, we would use that specification to build
12 the product.

13 Q. So you would kind of design the product around the specifications that the Navy
14 set forth for, say, the Arleigh Burke class of destroyers?

15 A. The specifications are fairly specific on what they're looking for. So it kind of
16 paints a very narrow box of what is actually to be done.

17 **Page 42, Lines 21-24; Page 43, Lines 3-11:**

18 Q. Okay. I'm trying to lapse into the vernacular. Did—can you describe for us the
19 requirements for these technical manuals?

20 Mr. Rizzo: This has been asked and answered, but I will allow the witness to answer
21 the question again.

22 A. Again, I'm not—it's per the military specification; and without reviewing the
23 specification, I couldn't tell you exactly what the content might be or what was
24 required.

25 Q. Okay. I appreciate that, sir. What would you review to be able to answer that
26 question more fully?

A. The military specification that a particular manual was written to.

Page 43, Line 25 Through Page 44, Line 8:

Q. Okay, and so long as Warren meets those technical – strike that. As long as
Warren satisfies the mil. Specs for technical manuals, other than that, the
composition of those manuals is Warren's prerogative?

A. No. Again, the specification is pretty precise on the information that they're
looking for. I mean, that's just based on my knowledge of regular just Navy
specifications.

Page 47, Lines 14-20:

A. Okay. Again, the pump is built to the specification. The specification tells us
what types of materials to use in most cases, if not all cases. So we would just be
following those guidelines within the specification to design and build the pump.
So I mean, as far as the Navy is concerned, that's what we have to do.

Page 97, Lines 12-24:

Q. Noting counsel's objection, the package pump turbine unit designated in Exhibit
6, what would be done to protect individuals working around it from the heat that

1 was generated both from the steam going through the turbine and from the hot
2 water going through the pump?

3 A. That would be totally depending on the specification that we built the pump to,
4 whether the military specification required it or the ship specification itself
5 would require it; but without seeing the—for a particular application, I couldn't
6 tell you. I mean, this is the standard product here as you see it.

7 **Page 99, Lines 3-9:**

8 Q. Okay. What would be the type of instances that would require insulation? And
9 again, I'm just talking now about the turbine end of the pump designated in
10 Exhibit 6.

11 A. Usually the specification that the turbine was bought to or procured through, or
12 the ship spec might have that specification that that be done.

13 **Page 123, Lines 2-8 & 16-21:**

14 Q. And so that I understand, what was the purpose of this document? And by "this
15 document," I mean Exhibit 8.

16 A. This document would have been required

17 Q. I want to ask you just some questions—and is the information provided in the
18 various charts on Exhibit 8 the information that the shipyard needs to know in
19 order to install the product correctly and in conformity with military
20 specifications?

21 A. Yes.

22 **Page 125, Lines 18-24; Page 126, Lines 1-9:**

23 Q. Okay. Can you explain for us the—moving up—we're still on the right-hand
24 side of 000308—can you explain to me what this certification data encompasses?

25 A. The certification data lists the applicable military specifications or any other
26 ship-specific or contractual-specific information that might be required.

Q. Would these applicable specifications be the specifications that we were talking
about earlier in this examination?

A. Yes, these were the military specifications themselves.

Q. And would they govern the pump at issue in these documents?

A. Yes, sir.

5. Attached hereto as "Exhibit B" is a true and accurate copy of the relevant pages

of the deposition transcript of Roland Doktor in the matter of Gudmundson v. John Crane, Inc.,

et al., Madison County (Illinois) Circuit Court Case No. 03-L-538, taken on January 18, 2005.

Plaintiff's attorneys, Waters & Kraus, served as plaintiff's counsel in that matter. In the

Gudmundson deposition, Mr. Doktor testified as follows:

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Page 60, Lines 12-24:

Q. Okay. What I'm asking is why is it relevant for Warren Pumps to have a Military specification?

A. We would --

MS. PERRITANO: objection, beyond the scope.

A. We would be building pumps for the government that would be required to be furnished under this military specification.

Q. The government sets the specifications for which you build a pump to furnish to them, correct?

A. Yes.

Page 95, Lines 20-25:

Q. This fire and bilge pump drawing is dated when?

MS. PERRITANO: There it is.

A. It was traced or drawn in 1940.

Q. And it was finally approved by Warren Pumps on what date?

Page 96, Lines 1-5:

A. It doesn't --doesn't have a Warren Pumps approval, it has a bureau of ships approval, supervisor of ship building approval

Q. And the date of that is what?

A. March 20th, 1941.

Page 98, Lines 20-24:

Q. This drawing was made when?

A. This one was November of 1940.

Q. And it was approved by the bureau of ships when?

A. March 20th, 1941.

6. Attached hereto as "Exhibit C" is a true and accurate copy of the relevant pages of the deposition transcript of Roland Doktor in the matter of Cadlo v. Asbestos Defendants (BHC), Alameda County (California) Superior Court Case No. 412325, taken on October 20, 2003. In that deposition, Mr. Doktor testified as follows:

Page 112, Lines 19 Through Page 113, Line 15:

Q. So getting back to paragraph 4—we're going to fight this one here—you state that NAVSEA personnel, and I suppose that also refers to Bureau of Ships, its predecessor, personnel exclusively developed ship designs and plans as well as comprehensive and detailed regulations and specifications for all shipboard equipment, correct?

A. Yes.

Q. And let me just stop right there. With respect to the specifications, would those be the type of specifications that Warren Pumps would adhere to, if you will, in

1 manufacturing pumps for the Navy?
2 A. If that was a requirement of the contract, yes.
3 Q. Was it always a requirement of the contract?
4 A. I would say inmost cases, yes.
5 Q. Were there ever cases that you're aware of that Warren Pumps did not have to
6 build pumps to specifications pursuant to a contract for the United States Navy?
7 Mr. Dumont: For use on a Navy ship?
8 Mr. Andreas: Yes.
9 The Witness: No, no. No to that one.

6 **Pages 114, Lines 4-25:**

7 A. They specifically told you what materials to use in most cases. They would tell
8 you all the tests that had to be done, any reports that had to be submitted and in
9 some cases what type of calculations to use in your design.
10 Q. Were Warren Pumps designed for specific Navy ships or for specific needs
11 associated with those ships?
12 A. Yes.
13 Q. You would agree the two of those would probably go together, correct?
14 A. For the most part.
15 Q. And you would agree that on board a ship there's a specific need for what the
16 pump would do so if would be designed as such, correct?
17 A. Yes.
18 Q. And that would be part of the design, correct?
19 A. Yes.
20 Q. And you would agree with me that in getting it qualified under the qualified
21 products list for use in a Navy ship—first of all, that's the process you have to go
22 through, correct?
23 A. Yes, you had to go through.

16 **Page 115, Lines 1-24**

17 Q. You had to go through. There's usually a performance test, correct?
18 A. Yes.
19 Q. And that was to demonstrate that the product would meet the conditions of
20 specification, correct?
21 A. Performance specification, correct.
22 Q. There was an endurance test to make sure it had the life expectancy that was
23 required by specifications, correct?
24 A. Yes.
25 Q. The specifications spoke to that issue as well?
26 A. Yes.
27 Q. There was a shock test that was required so that it met, I suppose, the shock
28 requirements as laid out in the specifications, correct?
29 A. Yes.
30 Q. There was a vibrations test that might have been required, correct?
31 A. Yes.
32 Q. And maybe even an incline test, correct?
33 A. Yes.
34 Q. These are all tests that had to be performed to meet the specifications, correct?
35 A. Yes.

Page 117, Lines 10-21:

Q. Well, let me ask you about the two ships in question here then, the 666 and the 781. Were the pumps' specifications exclusively developed by NAVSEA or the Bureau of Ships?

A. They carry specifications noting that the Navy Department did—Navy Department specifications as well as BUSHIPS approval.

Q. With respect to the drawings with respect to the 666 and the 781, are you telling us that those were—those specs were exclusively developed by the Navy and/or the Bureau of Ships?

A. I believe so, yes.

6. Attached hereto as "Exhibit D" is a true and accurate copy of drawing previously submitted by plaintiff and Bates stamped WP24-000066. This document was previously submitted by plaintiff as "Exhibit 16" in her Response In Opposition to Warren Pumps Motion for Summary Judgment On Corporate Successor Liability on August 15, 2005. Plaintiff resubmitted only a partial copy of this document in her August 29, 2005 supplemental Declaration of David Frockt. The full drawing previously submitted includes a section for "List of Materials" that was omitted by plaintiff in her supplemental Declaration. The "List of Materials" states that the material specification for "asbestos metallic cloth" is "33P2." The "List of Materials" further states that the material specification for "insulating material" is "33M2."

7. Attached hereto as "Exhibit E" is a true and accurate copy of Navy Department Specification 33P2e for "Packing, Asbestos-Metallic Cloth, Sheet." This is the military specification for the "asbestos metallic cloth" listed in plaintiff's "Exhibit 1."

8. Attached hereto as "Exhibit F" is a true and accurate copy of Navy Department Specification 33M2b for "Magnesia; Block, Cement, and Pipe-Covering." This is the military specification for the "insulating material"/"85% magnesia insulation" identified by plaintiff in her supplemental "Exhibit 1."

9. Plaintiff's supplemental "Exhibit 2," which concerns Quimby Pump Company,

PAGE 8 - SUPPLEMENTAL DECLARATION OF J. MICHAEL MATTINGLY IN
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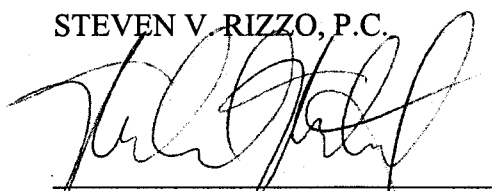
1 Inc. pumps, includes documents relating to certain "globe valves" that plaintiff contends were to
2 be incorporated into the Quimby Pump Company, Inc. pumps. The drawing that is Bates
3 stamped JEN 000921 identifies the "Globe, Angle & Cross Valves" to be used incorporated into
4 the Quimby pumps as needing to comply "Per Navy Spec. 45-V-14."

5
6 10. Plaintiff's supplemental "Exhibit 3," a generic drawing of what plaintiff refers to
7 as a Quimby Pump Company, Inc., "Gear In Head Screw Pump," specifies "Packing J. Mansvill
8 #270." I have not seen anything in the record, including in the Supplemental Declaration of
9 Everett Cooper, that this product contains asbestos or that it was in any particular pump used
10 onboard the USS Hornet (CV-12). In fact, the drawing has a date of 1952, which is almost a
11 decade after the vessel was built.

12 I declare under penalty of perjury under the law of the State of Washington that the
13 foregoing is true and correct to the best of my knowledge.

14 Dated: August 30, 2005 at Portland, Oregon.

15
16
17 STEVEN V. RIZZO, P.C.

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19
20 
21 J. Michael Mattingly, WSBA# 33452
22 Attorney for Warren Pumps, Inc.
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24
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26

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

JANE GUDMUNDSON, Individually)
and as Special Administrator of)
the Estate of HARVEY G.)
GUDMUNDSON, Deceased,)
) No. 03-L-538
Plaintiff,)
)
vs.)
)
JOHN CRANE, INC., et al.,)
)
Defendants.)

VIDEOTAPED EVIDENCE DEPOSITION OF
ROLAND DOKTOR

Taken on behalf of Plaintiff
January 18, 2005

Certify Question:
Page 114, Line 13

Sarah L. Paszkiewicz, CSR/RMR/CCR
Certified Shorthand Reporter
License No. 084-004225
C.C.R. No. 801

Page 58 1 need to get the both-sided copy. 2 MR. IOLA: Well, here's mine. I 3 don't care. Is what you gave me this morning 4 both-sided? 5 MS. PERRITANO: I did, but I have 6 another one for him. 7 MR. IOLA: Okay. 8 MS. PERRITANO: Give me one second. 9 MR. IOLA: One sec, Mr. Doktor. 10 We're going to pull the correct form of the 11 document here with copying of both sides of the 12 page, so that you'll have a complete set. 13 THE WITNESS: Thank you. 14 MS. PERRITANO: Why don't you mark -- 15 MR. IOLA: Here, let me just mark 16 mine. When she finds it, I'll take hers. 17 (Whereupon Exhibit 4 was marked.) 18 Q. (By Mr. Iola) Let me hand you what's 19 been marked as Deposition Exhibit Doktor Number 20 4. 21 And ask you if that is the Mil Spec 22 that was produced to me this morning, in 23 reference to the Gudmundson case? 24 A. Yes. 25 Q. Okay. And at the very top, right	Page 60 1 19158 dated December 29, 1955, correct? 2 A. Yes, sir. 3 Q. Can you tell the Members of the Jury, 4 Mr. Doktor, what a Military Specification is 5 designed to do or what it's designed to say and 6 to whom it speaks? 7 MS. PERRITANO: Objection to the 8 extent it's beyond the scope of the deposition. 9 Feel free to -- 10 A. I'm not sure what -- what you're 11 really asking. 12 Q. (By Mr. Iola) Okay. What I'm asking 13 is why is it relevant for Warren Pumps to have a 14 Military Specification? 15 A. We would -- 16 MS. PERRITANO: Objection, beyond the 17 scope. 18 A. We would be building pumps for the 19 government that would be required to be furnished 20 under this Military Specification. 21 Q. (By Mr. Iola) The government sets 22 the specification for which you build a pump to 23 furnish to them, correct? 24 A. Yes. 25 MS. PERRITANO: Objection, time
Page 59 1 corner of that document, it lists that Mil Spec 2 as what number? 3 A. MIL-P-19158. 4 Q. And it says a date of that Mil Spec, 5 correct? 6 A. Yes. 7 Q. And what's the date, sir? 8 A. 29 December 1955. 9 Q. And then it says it supersedes a 10 prior version of the Mil Spec, correct, sir? 11 A. Well, the S47-1 is a specification. 12 I would not call that what we would know today as 13 a Mil Spec, because it doesn't have the MIL 14 designation. 15 Q. But it is a specification from the 16 United States Navy, correct? 17 A. It's a specification from the United 18 States Government, whether it was a naval spec or 19 a general spec, I don't know. 20 Q. Very well. A specification from the 21 U.S. Government dated when? 22 A. 1 March 1939. 23 Q. So at least as early as March 1, 1939 24 the U.S. Government issued some kind of spec with 25 respect to a portion of what became Military Spec	Page 61 1 frame. 2 Q. (By Mr. Iola) They kind of outline 3 what they require the pump to have and be built 4 like; and then you put your heads together to 5 build the finest pump you can that meets that 6 outline, correct? 7 MS. PERRITANO: Objection, time 8 frame, relevance. 9 A. It is -- It is a document for which 10 we would use to design the pump and manufacture 11 the pump. 12 Q. (By Mr. Iola) What is your 13 understanding of why you produced this Mil Spec 14 that's dated December 29, 1955 in this case? 15 A. It's within the time frame that we 16 were asked to look at. 17 Q. And the time frame that you were 18 asked to look at, was what? 19 A. 1951 to 1955. 20 Q. And in 1951 to 1955 was the time 21 frame of what? 22 A. Mr. Gudmundson's service on the 23 Bausell. 24 Q. Okay. And Mr. Gudmundson's service 25 on the Bausell was while he was in the United

16 (Pages 58 to 61)

1 on this drawing?
2 A. Can you give me a second just to look
3 real quick?
4 Q. Absolutely.
5 MS. PERRITANO: Take your time.
6 THE WITNESS: I need to take my
7 glasses off.
8 A. I did not see any.
9 Q. (By Mr. Iola) Okay. These gaskets
10 are installed during the initial construction of
11 the pump, correct?
12 A. Yes.
13 Q. The initial construction of this pump
14 takes place at the Warren Pumps or Warren Steam
15 Pump Company manufacturing facility, correct?
16 A. Yes.
17 Q. Was this pump, this fire and bilge
18 pump, manufactured at the Warren, Massachusetts
19 Warren Pump facility?
20 MS. PERRITANO: If you know.
21 A. It doesn't indicate on the drawing
22 whether -- whether it was or not.
23 Q. (By Mr. Iola) But it's not the type
24 of pump that you identified earlier was
25 manufactured at the Rhode Island facility,

1 correct?
2 A. That's correct.
3 Q. So, naturally, you would assume that
4 this is a pump that was manufactured at the
5 Warren manufacturing facility in Warren,
6 Massachusetts, correct?
7 A. Yes.
8 Q. Did Warren purchase these gaskets
9 precut?
10 A. I do not know.
11 Q. Did Warren purchase sheet gaskets?
12 MS. PERRITANO: For this particular
13 pump?
14 Q. (By Mr. Iola) Yes, sir.
15 A. I don't know.
16 Q. Do you know who was the supplier of
17 these asbestos gaskets for the fire and bilge
18 pump?
19 A. No.
20 Q. This fire and bilge pump drawing is
21 dated when?
22 MS. PERRITANO: There it is.
23 A. It was traced or drawn in 1940.
24 Q. (By Mr. Iola) And it was finally
25 approved by Warren Pumps on what date?

1 A. It doesn't -- doesn't have a Warren
2 Pumps approval, it has a Bureau of Ships
3 approval, supervisor of ship building approval.
4 Q. And the date of that is what?
5 A. March 20th, 1941.
6 Q. Is it your understanding that this is
7 the drawing that was in effect at the time the
8 fire and bilge pumps installed upon the USS
9 Bausell were constructed?
10 A. Yes.
11 Q. Next --
12 MS. PERRITANO: Is that two pages?
13 Q. (By Mr. Iola) Yes. Next I want to
14 turn your attention to Bates stamped drawings
15 WP-IL-00238 and WP-IL-00239. Do you see those
16 documents, sir?
17 A. Yes.
18 MR. IOLA: If you would kindly,
19 please, mark WP-IL 00238 as Deposition Exhibit
20 Number 9.
21 (Whereupon, Exhibit 9 was marked.)
22 Q. (By Mr. Iola) And let me state for
23 the record and ask you to confirm that these two
24 drawings, 238 and 239, are the lagging outline
25 6-by-9-by-12 vertical single fire and bilge pump,

1 correct?
2 A. Yes.
3 Q. And this is one drawing that, again,
4 is too big to fit on one page, correct?
5 A. Yes.
6 Q. So that's why we're only marking it
7 as Deposition Exhibit Number 9, even though it's
8 two Bates stamp numbers for the record.
9 This is a drawing of Warren Steam
10 Pump Company, Incorporated, correct?
11 A. Yes.
12 Q. Of the lagging outline for the
13 6-by-9-by-12 vertical single fire and bilge pump,
14 correct?
15 A. Lagging and outline, yes.
16 Q. And the lagging and outline for
17 6-by-9-by-12 vertical single fire and bilge pumps
18 installed upon the USS Bausell, correct?
19 A. Yes.
20 Q. Again, it shows the range of DD-829
21 to DD-849, correct?
22 A. Yes.
23 Q. And the purchase order number
24 A-17909, correct?
25 A. Yes.

Page 98 1 Q. Which we previously discussed is 2 exactly the order number that we previously 3 marked as Exhibit Number -- 4 MS. PERRITANO: I believe it was 7. 5 Q. (By Mr. Iola) 7, correct? 6 A. Yes. 7 Q. This is a lagging and outline, 8 correct? 9 A. Yes. 10 Q. What is a lagging and outline? 11 A. Well, the outline shows all the 12 critical dimensions of the size of the pump. The 13 lagging is the metal covering the steam cylinder. 14 Q. And the purpose of this drawing or 15 these two pages is to do what? 16 A. To show the customer the exact sizes 17 and locations of all pertinent information that 18 they would need, once the pump was delivered to 19 them. 20 Q. This drawing was made when? 21 A. This one was November of 1940. 22 Q. And it was approved by the Bureau of 23 Ships when? 24 A. March 20th, 1941. 25 Q. And this is a drawing that Warren	Page 100 1 scope, irrelevant. 2 A. I don't know what Warren's thinking 3 was at that time. 4 Q. (By Mr. Iola) Well, when Warren 5 makes these drawings, Warren understands that the 6 pump must be installed and lagged in accordance 7 with these or they wouldn't bother to make the 8 drawings, right? 9 MS. PERRITANO: Objection, relevance, 10 beyond the scope. 11 A. This is the information the customer 12 would need to make sure it was installed 13 properly. 14 Q. (By Mr. Iola) But this information 15 comes from Warren, correct? 16 A. Yes. 17 Q. Warren knows it's giving the customer 18 this information, correct? 19 A. Yes. 20 Q. Warren is knowledgeable about 21 educating the customer about the use of this 22 pump, correct? 23 MS. PERRITANO: Objection, beyond the 24 scope. 25 A. Yes.
Page 99 1 Pumps puts together, correct? 2 A. Yes. 3 Q. And this is intended show the 4 customer what the customer must do with this pump 5 to properly install it and for it to properly 6 operate, correct? 7 MS. PERRITANO: Objection. 8 A. In a manner of speaking, yes. 9 Q. (By Mr. Iola) In other words, if the 10 customer ignored this lagging and outline 11 drawing, would this pump work effectively? 12 MS. PERRITANO: Objection, if you 13 know. 14 A. They wouldn't know how to -- how to 15 run the piping, so that it would run properly. 16 Q. (By Mr. Iola) So the customer has to 17 hook up the pump in accordance with these 18 specifications to properly work and maintain the 19 product that you're selling them, correct? 20 MS. PERRITANO: Objection. 21 A. Yes. 22 Q. (By Mr. Iola) And Warren knows that 23 at the time these drawings are made by Warren, 24 correct? 25 MS. PERRITANO: Objection, beyond the	Page 101 1 Q. (By Mr. Iola) Warren identifies a 2 list of material to be used on this pump, 3 correct? 4 A. Part -- Part of the list of 5 materials, yes. 6 Q. Part of the list of materials, right? 7 A. Yes. 8 Q. Part of the list of materials 9 includes material part number 232, correct? 10 A. Yes. 11 Q. And what is material part number 232? 12 A. Asbestos metallic cloth ring. 13 Q. And what do you understand asbestos 14 metallic cloth ring is? 15 MS. PERRITANO: Objection, if you 16 know. 17 A. Well, there's a further description 18 under remarks. 19 Q. (By Mr. Iola) And what does that 20 say? 21 A. It's 1/16th-by-one-inch wide. 22 Q. And what is the type of material? 23 A. The description on the drawing is 24 asbestos and it's material spec 33P2. 25 Q. And what does that mean, that the

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF ALAMEDA

3 ---000---

4 ANTHONY CADLO, ELAINE ROSCHEWSKI,
5 Plaintiffs,

6 vs.

No. 412325

400223

7 ASBESTOS DEFENDANTS (BHC),
8 Defendants.

_____ /

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13 DEPOSITION OF ROLAND DOKTOR

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18 Taken before CATHERINE M. MEYER

19 CSR No. 11596

20 October 20, 2003

21
22
23
24
25
EXHIBIT C
PAGE 1 OF 6

1 MR. DUMONT: I'm going to object. If you're
2 asking him in general, I'm going to object. If you're
3 asking him about these specific ships, then --

4 MR. ANDREAS: Let me ask a foundational
5 question on that, Dick.

6 BY MR. ANDREAS:

7 Q. Mr. Doktor, do you have any specific knowledge
8 about how the contracts were administered and
9 specifications utilized with respect to those contracts
10 as to the DD666 or the DD781?

11 A. The drawings list those specifications for the
12 materials of those pumps, yes.

13 Q. Sure. And to the extent that you make the
14 statements you do in paragraph 4 of your declaration
15 here, you would expect that the same type of process was
16 followed with respect to these ships, the DD666 and 781,
17 correct?

18 A. I would suspect, yes.

19 Q. So getting back to paragraph 4 -- we're going
20 to fight this one here -- you state that NAVSEA
21 personnel, and I suppose that also refers to Bureau of
22 Ships, its predecessor, personnel exclusively developed
23 ship designs and plans as well as comprehensive and
24 detailed regulations and specifications for all
25 shipboard equipment, correct?

1 A. Yes.

2 Q. And let me just stop right there. With respect
3 to the specifications, would those be the type of
4 specifications that Warren Pumps would adhere to, if you
5 will, in manufacturing pumps for the Navy?

6 A. If that was a requirement of the contract, yes.

7 Q. Was it always a requirement of the contract?

8 A. I would say in most cases, yes.

9 Q. Were there ever cases that you're aware of that
10 Warren Pumps did not have to build pumps to
11 specifications pursuant to a contract for the United
12 States Navy?

13 MR. DUMONT: For use on a Navy ship?

14 MR. ANDREAS: Yes.

15 THE WITNESS: No, no. No to that one.

16 BY MR. ANDREAS:

17 Q. And with respect to the specifications
18 themselves, let's just talk about those for a minute,
19 the specifications were primarily performance
20 specifications; were they not?

21 A. No.

22 Q. Tell me what they were.

23 A. They were design specifications.

24 Q. They were design specifications, design in the
25 sense that the Navy wanted a pump or pumps to fit within

1 Q. You had to go through. There's usually a
2 performance test, correct?

3 A. Yes.

4 Q. And that was to demonstrate that the product
5 would meet the conditions of specification, correct?

6 A. Performance specification, correct.

7 Q. There was an endurance test to make sure it had
8 the life expectancy that was required by specifications,
9 correct?

10 A. Yes.

11 Q. The specifications spoke to that issue as well?

12 A. Yes.

13 Q. There was a shock test that was required so
14 that it met, I suppose, the shock requirements as laid
15 out in the specifications, correct?

16 A. Yes.

17 Q. There was a vibrations test that might have
18 been required, correct?

19 A. Yes.

20 Q. And maybe even an incline test, correct?

21 A. Yes.

22 Q. These are all tests that had to be performed to
23 meet the specification, correct?

24 A. Yes.

25 Q. And to the extent that there were component

1 parts that the Navy wanted incorporated in the pumps
2 themselves, what involvement did Warren Pumps have in
3 that process?

4 MR. DUMONT: Well, I'm going to object unless
5 you want to specify these two ships. It goes beyond the
6 scope of the notice again.

7 MR. ANDREAS: Are you instructing him not to
8 answer this question?

9 MR. DUMONT: Yes, I am.

10 BY MR. ANDREAS:

11 Q. Well, getting back to paragraph 4 of your
12 declaration, sir, it says that "NAVSEA personnel
13 exclusively developed ship design and plans, as well as
14 comprehensive and detailed regulations and
15 specifications for all shipboard equipment..." So I
16 want to get to that part about the personnel at NAVSEA
17 exclusively developed those specs. Would that include
18 specs for the pumps?

19 A. I'm sorry?

20 MR. DUMONT: Unless you want to relate it to
21 the ships that are relative to this case, then it's
22 beyond the scope.

23 MR. ANDREAS: I think we already agreed that
24 the two ships at issue were constructed and would fall
25 within the category of what he described here in

1 paragraph 4 of his declaration.

2 MR. DUMONT: So if you want to ask the
3 question --

4 MR. ANDREAS: Reading it --

5 MR. DUMONT: If you want to ask the question
6 with respect to these ships, then it's relevant. If
7 you're talking in general terms, it's beyond the scope
8 of the notice.

9 BY MR. ANDREAS:

10 Q. Well, let me ask you about the two ships in
11 question here then, the 666 and the 781. Were the
12 pumps' specifications exclusively developed by NAVSEA or
13 the Bureau of Ships?

14 A. They carry specifications noting that the Navy
15 Department did -- Navy Department specifications as well
16 as BUSHIPS approval.

17 Q. With respect to the drawings with respect to
18 the 666 and the 781, are you telling us that those
19 were -- those specs were exclusively developed by the
20 Navy and/or the Bureau of Ships?

21 A. I believe so, yes.

22 Q. How do you know that?

23 A. Just from the type of information that's on
24 those drawings.

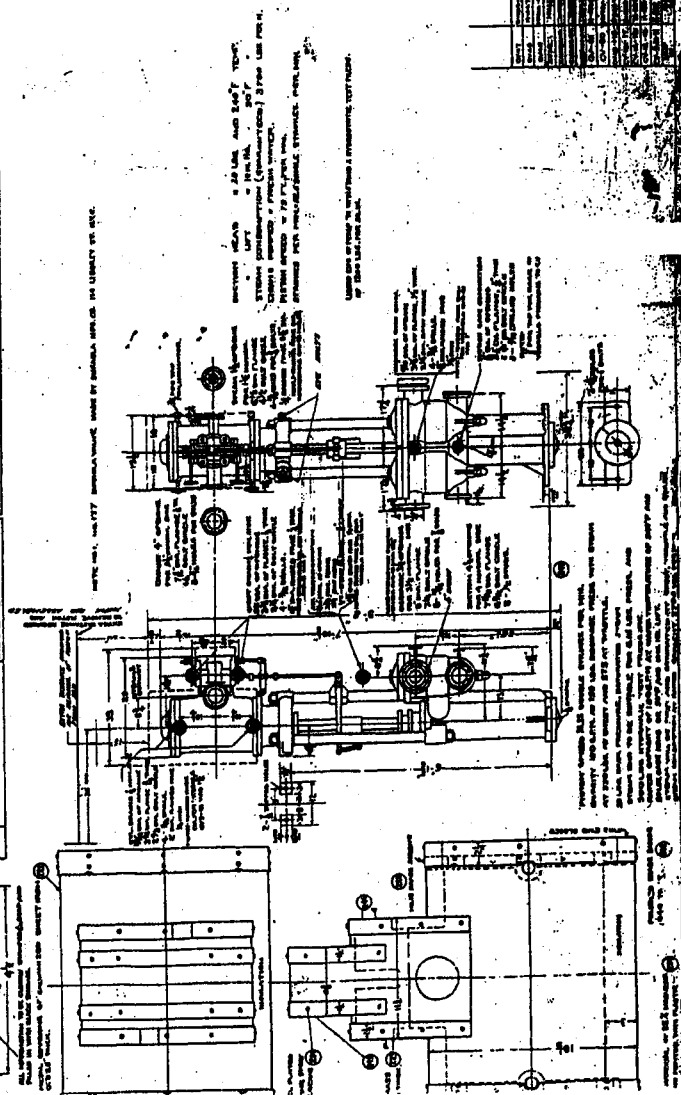
25 Q. What involvement did Warren Pumps have in the

[illegible][illegible]

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LIST OF SPARE PARTS AND TOOLS FOR SHIP		REMARKS	
NO.	NAME OF PART	QTY.	REMARKS
1	STEEL PLATE 1/2"	1	
2	STEEL PLATE 1/4"	1	
3	STEEL PLATE 1/8"	1	
4	STEEL PLATE 1/16"	1	
5	STEEL PLATE 1/32"	1	
6	STEEL PLATE 1/64"	1	
7	STEEL PLATE 1/128"	1	
8	STEEL PLATE 1/256"	1	
9	STEEL PLATE 1/512"	1	
10	STEEL PLATE 1/1024"	1	
11	STEEL PLATE 1/2048"	1	
12	STEEL PLATE 1/4096"	1	
13	STEEL PLATE 1/8192"	1	
14	STEEL PLATE 1/16384"	1	
15	STEEL PLATE 1/32768"	1	
16	STEEL PLATE 1/65536"	1	
17	STEEL PLATE 1/131072"	1	
18	STEEL PLATE 1/262144"	1	
19	STEEL PLATE 1/524288"	1	
20	STEEL PLATE 1/1048576"	1	
21	STEEL PLATE 1/2097152"	1	
22	STEEL PLATE 1/4194304"	1	
23	STEEL PLATE 1/8388608"	1	
24	STEEL PLATE 1/16777216"	1	
25	STEEL PLATE 1/33554432"	1	
26	STEEL PLATE 1/67108864"	1	
27	STEEL PLATE 1/134217728"	1	
28	STEEL PLATE 1/268435456"	1	
29	STEEL PLATE 1/536870912"	1	
30	STEEL PLATE 1/1073741824"	1	
31	STEEL PLATE 1/2147483648"	1	
32	STEEL PLATE 1/4294967296"	1	
33	STEEL PLATE 1/8589934592"	1	
34	STEEL PLATE 1/17179869184"	1	
35	STEEL PLATE 1/34359738368"	1	
36	STEEL PLATE 1/68719476736"	1	
37	STEEL PLATE 1/137438953472"	1	
38	STEEL PLATE 1/274877906944"	1	
39	STEEL PLATE 1/549755813888"	1	
40	STEEL PLATE 1/1099511627776"	1	
41	STEEL PLATE 1/2199023255552"	1	
42	STEEL PLATE 1/4398046511104"	1	
43	STEEL PLATE 1/8796093022208"	1	
44	STEEL PLATE 1/17592186044416"	1	
45	STEEL PLATE 1/35184372088832"	1	
46	STEEL PLATE 1/70368744177664"	1	
47	STEEL PLATE 1/140737488355328"	1	
48	STEEL PLATE 1/281474976710656"	1	
49	STEEL PLATE 1/562949953421312"	1	
50	STEEL PLATE 1/1125899906842624"	1	
51	STEEL PLATE 1/2251799813685248"	1	
52	STEEL PLATE 1/4503599627370496"	1	
53	STEEL PLATE 1/9007199254740992"	1	
54	STEEL PLATE 1/18014398509481984"	1	
55	STEEL PLATE 1/36028797018963968"	1	
56	STEEL PLATE 1/72057594037927936"	1	
57	STEEL PLATE 1/144115188075855872"	1	
58	STEEL PLATE 1/288230376151711744"	1	
59	STEEL PLATE 1/576460752303423488"	1	
60	STEEL PLATE 1/1152921504606846976"	1	
61	STEEL PLATE 1/2305843009213693952"	1	
62	STEEL PLATE 1/4611686018427387904"	1	
63	STEEL PLATE 1/9223372036854775808"	1	
64	STEEL PLATE 1/18446744073709551616"	1	
65	STEEL PLATE 1/36893488147419103232"	1	
66	STEEL PLATE 1/73786976294838206464"	1	
67	STEEL PLATE 1/147573952589676412928"	1	
68	STEEL PLATE 1/295147905179352825856"	1	
69	STEEL PLATE 1/590295810358705651712"	1	
70	STEEL PLATE 1/1180591620717411303424"	1	
71	STEEL PLATE 1/2361183241434822606848"	1	
72	STEEL PLATE 1/4722366482869645213696"	1	
73	STEEL PLATE 1/9444732965739290427392"	1	
74	STEEL PLATE 1/18889465931478580854784"	1	
75	STEEL PLATE 1/37778931862957161709568"	1	
76	STEEL PLATE 1/75557863725914323419136"	1	
77	STEEL PLATE 1/151115727451828646838272"		

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NAVY DEPARTMENT SPECIFICATION

PACKING, ASBESTOS-METALLIC-CLOTH, SHEET

Technical requirements conform in detail to Federal Specifications HH-P-31, Grade I officially revised by the Federal Specifications Board on May 26, 1931. Copies of the Federal specification are therefore unnecessary and are not available for distribution by the Navy Department.

A. GENERAL SPECIFICATIONS.

General Specifications for Inspection of Material, issued by the Navy Department, and Federal Specification ZZ-R-601, Rubber Goods; General Specifications (Methods of Physical Tests and Chemical Analyses), in effect at date of invitation for bids, shall form part of this specification.

B. GRADE.

Packing shall be furnished in but one grade.

C. MATERIAL AND WORKMANSHIP.

C-1. *Material*.—Asbestos-metallic cloth sheet packing shall be made of woven asbestos wire-insertion cloth treated with a rubber compound.

C-2. *Workmanship*.—Packing shall show no evidence of poor workmanship.

D. GENERAL REQUIREMENTS.

See section E.

E. DETAIL REQUIREMENTS.

E-1. *Cloth*.—Shall be woven from yarn containing not less than 90 per cent, by weight, long fiber asbestos of not less than 12 per cent, by weight, water of composition. There shall be not less than 20 strands in the warp and 10 strands in the filling per linear inch.

E-2. *Strands*.—Each strand of the warp and filling shall consist of two plies of asbestos yarn and one brass or copper wire, twisted together.

E-3. *Wire insertion*.—The wire insertion shall be brass or copper and shall be 0.007 inch in diameter, plus or minus 0.001 inch.

E-4. *Rubber compound*.—The rubber compound shall be not more than 50 per cent, by weight, of the finished packing.

E-5. *Construction*.—Sheet packing: $\frac{1}{16}$ inch in thickness shall be one ply of cloth weighing not less than 2.75 pounds per square

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EXHIBIT

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yard before application of the rubber compound. Sheet packing $\frac{1}{8}$ inch, $\frac{1}{4}$ inch, and $\frac{1}{2}$ inch in thickness shall be made of two, three, and four plies, respectively, of $\frac{1}{8}$ -inch cloth cemented together. Unless otherwise specified, it shall be 40 inches in width.
E-6. *Weight*.—The finished packing shall conform to the weights shown in the following table:

Thick- ness	Weight per square yard	
	Minimum	Maximum
Inch	Pounds	Pounds
$\frac{1}{8}$	5.50	6.25
$\frac{1}{4}$	10.50	11.75
$\frac{3}{8}$	16.00	17.75
$\frac{1}{2}$	21.50	24.00

E-7. *Tolerances*.—A plus tolerance of $\frac{1}{16}$ inch in thickness will be permitted. No minus tolerance in thickness will be allowed.
E-8. *Bending strength*.—The finished packing shall not crack nor show any signs of injury when bent flat on itself in any direction.
E-9. *Steam test*.—Packing shall show no signs of flowing, cracking, material hardening, or disintegration of the rubber compound when subjected to the action of saturated steam at 275 pounds per square inch for a total of 24 hours.

F. METHODS OF SAMPLING, INSPECTION, AND TESTS.

F-1. *Sampling*.—A sample of finished packing 12 inches square and of untreated fabric 12 inches square shall be taken at random by the inspector from each lot of 2,000 pounds of packing or less and forwarded to the testing laboratory designated by the bureau concerned.
F-2. *Inspection*.—Packing shall be inspected to determine compliance with this specification.
F-3. *Tests*.—See section A.

G. PACKING AND MARKING.

G-1. *Packing*.—Unless otherwise specified, packing shall be supplied in rolls weighing approximately 100 pounds or 250 pounds. Each roll shall be wrapped in waterproof paper, and shall be delivered in substantial commercial containers, so constructed as to insure acceptance by common or other carriers for safe transportation, at the lowest rate, to the point of delivery.
G-2. *Marking*.—
G-2a. *Branding*.—Packing shall be marked with the maker's name and brand neatly stencilled upon each linear yard. The date of manufacture shall be marked on each end of each roll.
G-2b. *Marking*.—Unless otherwise specified, shipping containers shall be marked with the name of the material, the size, and the

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quantity contained therein, as defined by the contract or order under which shipment is made, the name of the contractor and the number of the contract or order.

H. NOTES.

H-1. Requisitions should state the thickness and quantity desired.
H-2. Packing, asbestos-metallic cloth, sheet, is suitable for flange joints under the following conditions:
Steam to 300 pounds pressure and 700° F. temperature.
Hot or cold water or brine to 300 pounds pressure.
Air to 3,000 pounds pressure.
Gases of combustion to 725° F. temperature.
H-3. Copies of Navy Department specification and any other specifications forming a part thereof may be obtained upon application to the Bureau of Supplies and Accounts, Navy Department, Washington, D. C. When requesting, refer to specification by both title and number (or symbol).

REFERENCES:

Enc. JI-33P2a (22-13-Ds), Dec. 14, 1932, and Jan. 20, 1933.
Navy Department Specifications Board 33-P-2a, Dec. 16, 1932.
Mil. J. 133P2 (Draft), Dec. 29, 1932.
V. & J. 133P2, Jan. 6, 1933.
N. & A. 133P2, Dec. 1932.
N. & A. 133P2 (NDS), Jan. 13, 1933.
N. & A. 133P2.
[33P2e]

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32M2b

32M2b

June 1,
1935

SUPERSEDING

32M2a

Jan. 2, 1929

32P2b

July 1, 1925

NAVY DEPARTMENT SPECIFICATION

MAGNESIA: BLOCK, CEMENT, AND PIPE-COVERING

Technical requirements conform in detail to Federal Specification HH-M-61, approved by the Director of Procurement April 3, 1934. Copies of the Federal specification are therefore unnecessary and are not available for distribution by the Navy Department.

A. APPLICABLE SPECIFICATIONS

A-1. Navy Department General Specifications for Inspection of Material, of the issue in effect on date of invitation for bids, forms a part of this specification, and bidders and contractors should provide themselves with the necessary copies.

B. GRADE AND TYPES

B-1. The material shall be furnished in one grade only, and in the following types, as required:

- Type I. Pipe-covering, standard thickness.
- Type II. Pipe-covering, double standard thickness.
- Type III. Blocks.
- Type IV. Cement or plaster.

C. MATERIAL AND WORKMANSHIP, ETC.

C-1. Magnesia insulating materials shall contain not less than 85 percent of pure hydrated magnesium carbonate ($4\text{MgCO}_3 \cdot \text{Mg}(\text{OH}) \cdot 5\text{H}_2\text{O}$) and not less than 10 percent long-fiber asbestos.

D. GENERAL REQUIREMENTS

D-1. The mixture of the magnesia and the asbestos fiber shall be homogenous throughout.

D-2. The finished material shall weight not more than 18 pounds per cubic foot.

E. DETAIL REQUIREMENTS

E-1. *Types I and II, pipe-covering.*—

E-1a. *Type I pipe-covering* shall be furnished in a single layer. For pipe sizes from $\frac{1}{2}$ inch up to and including 10 inches, the covering shall be furnished in sections. For pipe sizes larger than 10 inches the covering shall be furnished in curved segments.

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(1 : 1) is allowed to run in on the sample, and when the main reaction is over the solution is boiled gently for 2 minutes. Cold air is then drawn through to displace the carbon dioxide and the apparatus is weighed. The loss in weight is CO_2 . This method is subject to errors of precision of as much as 0.5 percent.

G. PACKAGING, PACKING, AND MARKING FOR SHIPMENT

G-1. *Packaging*.—Unless otherwise specified, commercial packages are acceptable under this specification.

G-2. *Packing*.—Unless otherwise specified, the subject commodity shall be delivered in standard commercial containers, so constructed as to insure acceptance by common or other carrier for safe transportation at the lowest rate, to the point of delivery.

G-3. *Marking*.—Unless otherwise specified, shipping containers shall be marked with the name of the material, the size, the type, and the quantity contained therein, as defined by the contract or order under which shipment is made, the name of the contractor, and the number of the contract or order.

H. NOTES

H-1. Requests and requisitions should specify the type desired and whether brass bands are desired.

H-2. When a cotton jacket heavier than 3.8 ounces per linear yard $37\frac{1}{2}$ inches wide is required, the weight of jacket desired should be stated in the proposal as follows:

Cotton sheeting—up to 6 ounces per square yard.

Cotton duck—over 6 and up to 11 ounces per square yard.

Cotton canvas—over 11 ounces per square yard.

H-3. The material covered by this specification is intended for insulation where the temperature does not exceed 500°F .

H-4. Copies of Navy Department specifications may be obtained upon application to the Bureau of Supplies and Accounts, Navy Department, Washington, D. C., except that naval activities should make application to the Commandant, Navy Yard, New York, N. Y. When requesting, refer to specification by both title and number.

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F-3f. *Lime*.—The combined filtrate and washings obtained as above are brought to the boiling temperature and made slightly acid with HCl . About 10 ml of a saturated solution of ammonium oxalate are then added, and the solution is made slightly alkaline with NH_4OH . After boiling for 5 minutes, the solution is allowed to cool, and when thoroughly cold the bulk of the solution is decanted through a filter and the precipitate in the beaker is washed two or three times by decantation with cold water, using about 50 ml of water each time. The precipitate on the filter is dissolved in dilute HCl and is returned to the beaker in which the precipitation was made. Sufficient HCl is added to redissolve the entire precipitate and the solution is brought to boiling, a few cubic centimeters of ammonia oxalate solution are added and then dilute NH_4OH in slight excess. When cold, the precipitate of calcium oxalate is collected on a filter, washed with cold water, ignited, and weighed as CaO . It is especially important that the double precipitation of lime be carried out in order that the occlusion of magnesia with the lime shall be avoided.

F-3g. *Magnesia*.—The combined filtrates, but not the washings from the last lime precipitation, are acidified with hydrochloric acid and evaporated on a hotplate to about 500 ml. A sufficient quantity of a saturated solution of sodium ammonium phosphate to precipitate all of the magnesia is added, and a considerable excess of ammonia. The solution is thoroughly stirred until precipitation is complete and is allowed to stand at least 12 hours in the cold. The bulk of the liquid is then decanted through the filter; the precipitate on the filter is washed back into the beaker and dissolved in the least possible amount of dilute hydrochloric acid. A few drops of phosphate solution are added and then ammonia in slight excess, with stirring, as before. After standing at least 6 hours, the precipitate is filtered off and washed with dilute ammonia (1 : 10). It is then dried, detached from the paper, and the latter burned on a platinum wire above the crucible containing the bulk of the precipitate and the ash added to the contents of the crucible. The covered crucible is first heated gently and when ammonia is no longer evolved the heating is increased to a full blast until constant weight is obtained. The residue is magnesium pyro-phosphate ($\text{Mg}_2\text{P}_2\text{O}_7$). The following formula may be used to determine the weight of the basic magnesium carbonate.



(In place of 0.8723 the fraction $\frac{0.349}{0.4}$ may be used.)

F-3h. *Loss on ignition*.—About 2 grams of the sample is placed in a weighed covered crucible. This is heated slowly to redness and then at the full temperature of the blast for 15 minutes. After weighing, blast for 5 minutes more to insure constant weight. The loss in weight includes water and CO_2 from the magnesium carbonate and loss due to heating the asbestos.

F-3i. *Carbon dioxide*.—About 1 gram of the sample is introduced into a weighed Schroeder alkalimeter. Dilute hydrochloric acid

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8 SUPERIOR COURT FOR THE STATE OF WASHINGTON
9 FOR THE COUNTY OF KING

10 PAULINE JENSEN, Individually and as
11 Personal Representative of the Estate of ALVIN
12 JENSEN,

12 Plaintiff,

13 v.

14 SABERHAGEN HOLDINGS, INC., et al.,

15 Defendants.

Case No. 04-2-20249-3SEA

**DECLARATION OF DELIVERY
AND/OR MAILING**

16 I am employed by the law firm of Steven V. Rizzo, P.C. in Portland, Oregon. I am over
17 the age of eighteen years and not a party to the subject cause. My business address is Lincoln
18 Place, Suite 350, 1620 SW Taylor Street, Portland, OR 97205.

19 On the date below, I caused to be served the **SUPPLEMENTAL DECLARATION OF J.**
20 **MICHAEL MATTINGLY IN SUPPORT OF WARREN PUMPS, LLC'S MOTION FOR**
21 **SUMMARY JUDGMENT ON THE ISSUE OF MATERIALS SPECIFICATIONS** on all
22 parties in this action by transmitting a true copy thereof in the following manner unless otherwise
23 indicated.

21 I. Via US Mail

23 Matthew Bergman
24 Bergman & Frockt
25 The Hoge Building, Suite 1601
26 705 Second Avenue
Seattle, WA 98104
Counsel for Plaintiffs

Diane J. Kero
Gordon, Thomas, Honeywell
600 University, Suite 2101
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PAGE 1 - DECLARATION OF DELIVERY AND/OR MAILING

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7 700 Fifth Avenue, Suite 5800
8 Seattle, WA 98104-7016
9 **Counsel for Saberhagen Holdings, Inc.**

8 I declare under penalty of perjury and under the laws of the State of Washington (RCW
9 9A.72.085) that the foregoing is true and correct.

10 Executed at Portland, Oregon, this 30th day of August 2005.

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12 
13 Tasha Danner
14 Litigation Assistant
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