

CHARLES GREENING

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JAMES W. GINTER,

Plaintiff,

- vs - Index No.
 I2010-4061

ANDERSON & VREELAND, INC.,
ASBESTOS CORPORATION, LTD.,
BONDEX INTERNATIONAL, INC.,
BORG-WARNER CORPORATION by its successor
 in interest, BorgWarner Morse TEC Inc.,
FISHER SCIENTIFIC COMPANY,
FORD MOTOR COMPANY,
FRONTIER INSULATION CONTRACTORS, INC.,
 f/k/a FRONTIER INSULATION AND ASBESTOS, INC.,
GARLOCK SEALING TECHNOLOGIES LLC,
GENERAL ELECTRIC COMPANY,
GEORGIA-PACIFIC CORPORATION,
HEDMAN RESOURCES, LTD.,
HONEYWELL INC., individually and as successor
 to ALLIED SIGNAL, and as successor to
 BENDIX CORPORATION,
INDUSTRIAL INSULATION SALES, INC.,
INSULATION DISTRIBUTORS, INC.,
McLAUGHLIN INSULATION CO., INC.,
NIAGARA INSULATIONS, INC.,
 f/k/a NIAGARA ASBESTOS CO., INC.,

JACK W. HUNT & ASSOCIATES, INC.

1 PLASTICS ENGINEERING COMPANY d/b/a PLENCO,
2 PNEUMO ABEX LLC as successor to ABEX CORPORATION,
3 REICHHOLD, INC.,
4 ROGERS CORPORATION,
5 UNITED GILSONITE LABORATORIES,

6
7 Defendants.
8 -----
9

10 Examination before trial of **CHARLES**
11 **GREENING**, taken pursuant to Notice, in the law
12 offices of GIBSON, McASKILL & CROSBY, LLP,
13 69 Delaware Avenue, Suite 900, Buffalo, New York,
14 on July 7, 2011, commencing at 8:40 a.m., before
15 ANNE T. BARONE, RPR, Notary Public.
16

17 APPEARANCES: LIPSITZ & PONTERIO, LLC,
18 By KEITH R. VONA, ESQ., and
19 MICHAEL A. PONTERIO, ESQ.,
20 35 Delaware Avenue, 5th Floor,
21 Buffalo, New York 14202,
22 Appearing for the Plaintiff.
23

GIBSON, McASKILL & CROSBY, LLP,
By BRIAN P. CROSBY, ESQ.,
69 Delaware Avenue, Suite 900,
Buffalo, New York 14202-3866,
Appearing for the Defendant,
Ford Motor Company.

1 (STIPULATIONS: Waive filing and signing of
2 the transcript, waive Oath of the Referee,
3 reserve all objections until trial, with
4 exception of objections as to form, an
5 objection by one defense attorney deemed
6 to be an objection by all.)
7

08:31:28 8 C H A R L E S G R E E N I N G, 19061 San Diego
08:31:43 9 Boulevard, Lathrup Village, Michigan, 48076, after
08:31:43 10 being duly called and sworn, testified as follows:

08:31:43 11

08:31:43 12 EXAMINATION BY MR. VONA:

08:31:43 13

08:32:00 14 Q. Good morning, Mr. Greening. How are
08:32:02 15 you?

08:32:02 16 A. Good morning. Good. Thank you.

08:32:04 17 Q. How old are you, sir?

08:32:05 18 A. 81.

08:32:06 19 Q. And when did you get into Buffalo?

08:32:16 20 A. Tuesday night. Would it be Tuesday
08:32:20 21 night? No. No. It would be Wednesday night.

08:32:22 22 Q. Was it last night?

08:32:23 23 A. No. Tuesday night. I'm sorry.

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08:32:24 1 Q. Tuesday night. Okay. What time did
08:32:26 2 you get in?

08:32:26 3 MR. CROSBY: Into Buffalo?

08:32:28 4 THE WITNESS: No. No. Not into Buffalo. I
08:32:30 5 got into Detroit Tuesday night. Buffalo yesterday
08:32:33 6 morning.

08:32:34 7 BY MR. VONA:

08:32:34 8 Q. So you got to Buffalo Wednesday
08:32:36 9 morning?

08:32:36 10 A. Yes. It seems like a long time ago.

08:32:38 11 Q. And you said you got into Detroit on
08:32:40 12 Tuesday night?

08:32:40 13 A. Tuesday night.

08:32:41 14 Q. Where were you coming from when you got
08:32:43 15 to Detroit?

08:32:44 16 A. From Stag Island, Ontario. Corunna,
08:32:54 17 Ontario. C-U-R-N-N -- N-N-A.

08:33:02 18 Q. Your guess is as good as mine.

08:33:05 19 A. Anyway.

08:33:07 20 Q. Go ahead.

08:33:07 21 A. No. That's fine.

08:33:09 22 Q. So what were you doing there? I assume
08:33:13 23 you're retired, right?

08:33:14 1 A. Semi.

08:33:14 2 Q. Semi. Okay. Where do you work?

08:33:16 3 A. Greening, Incorporated. I'm the
08:33:19 4 chairman.

08:33:19 5 Q. You're the chairman of the company?

08:33:21 6 A. And president.

08:33:22 7 Q. Okay.

08:33:23 8 A. Of Greening, Incorporated.

08:33:24 9 Q. Greening, Incorporated. Okay.

08:33:26 10 Sir, have you ever given a deposition
08:33:29 11 before?

08:33:30 12 A. I feel as though I have. It's been a
08:33:32 13 lot of years.

08:33:33 14 Q. Sure.

08:33:34 15 A. In fact, I have, yes.

08:33:35 16 Q. Okay. Do you remember under what
08:33:39 17 circumstances it was?

08:33:40 18 A. I was suing my former employer.

08:33:44 19 Q. Okay. Is that the only time that you
08:33:46 20 can think of?

08:33:47 21 A. That's the only time.

08:33:48 22 Q. Have you ever given any testimony in a
08:33:50 23 courtroom in a trial setting?

08:33:52 1 A. Not in a -- in a trial, meaning with a
08:33:56 2 jury?

08:33:57 3 Q. Yes.

08:33:58 4 A. No.

08:33:58 5 Q. Or a judge?

08:33:59 6 A. A Circuit Court judge.

08:34:00 7 Q. Was that the same case or was that
08:34:02 8 something --

08:34:03 9 A. Same case.

08:34:05 10 Q. All right. And sir, could you just go
08:34:08 11 through your background, your education, just
08:34:12 12 briefly for me? Do you have any degrees or
08:34:14 13 anything like that?

08:34:14 14 A. I have a degree in industrial
08:34:16 15 engineering from Wayne University in Detroit.

08:34:20 16 Q. Okay.

08:34:21 17 A. And I was a Registered Professional
08:34:24 18 Engineer about six years later in the State of
08:34:27 19 Michigan.

08:34:27 20 Q. Okay.

08:34:30 21 A. For 40 years or so.

08:34:32 22 Q. Okay. And I apologize for making that
08:34:36 23 assumption that you were retired.

08:34:37 1 A. Well, that's all right. I'm old enough
08:34:38 2 to be retired.

08:34:39 3 Q. Most certainly. Can you tell me a
08:34:42 4 little bit about your work history? When did you
08:34:46 5 graduate from college and become an engineer?

08:34:47 6 A. 1953.

08:34:48 7 Q. Okay. And where did you work after
08:34:51 8 that?

08:34:51 9 A. I worked at Webber Testing
08:34:55 10 Laboratories.

08:34:55 11 Q. And what did you do there, just
08:34:56 12 briefly?

08:34:57 13 A. I was a sales engineer.

08:35:02 14 Q. And was that from -- in 1953?

08:35:05 15 A. 1953 until 1954.

08:35:08 16 Q. Okay. Where did you go after that?

08:35:10 17 A. To Link Engineering Company.

08:35:11 18 Q. Okay. How long were you at Link? What
08:35:15 19 years?

08:35:15 20 A. '54 through '62.

08:35:18 21 Q. And what did you do for Link?

08:35:20 22 A. I was a sales engineer.

08:35:21 23 Q. All right. Following Link, where did

08:35:24 1 you go next?

08:35:24 2 A. I was in business for myself starting
08:35:26 3 in 1962 as a sales representative for the Link
08:35:32 4 Engineering Company, as well as the Kahn
08:35:41 5 Dynamometer, I guess it was called. It was out of
08:35:45 6 Hartford, Connecticut.

08:35:45 7 Q. You said you went into business for
08:35:46 8 yourself. Were you part owner of Link or --

08:35:48 9 A. No. I was a commissioned -- partially
08:35:53 10 commissioned salesperson for Link.

08:35:55 11 Q. So you were like an independent
08:35:56 12 contractor or -- so to speak?

08:35:58 13 A. Well, no.

08:35:59 14 Q. Okay.

08:35:59 15 A. I started out as a salaried employee,
08:36:03 16 over a period of some years went from a salary only
08:36:07 17 to a salary plus commission, commission increasing
08:36:12 18 as the years went on, salary decreasing. So at the
08:36:16 19 end of so many years, I was fully commissioned,
08:36:20 20 no --

08:36:20 21 Q. I think I understand. You eat what you
08:36:23 22 kill?

08:36:24 23 A. Well, that's right.

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08:36:25 1 Q. Okay.

08:36:25 2 A. And then I represented Link for two
08:36:28 3 years, and also this other company, and then was
08:36:35 4 asked to build a machine of a type that I was
08:36:39 5 familiar with.

08:36:40 6 Q. Okay. Who asked you to build a
08:36:43 7 machine?

08:36:50 8 A. Comins, I believe, C-O-M-I-N-S,
08:36:54 9 Manufacturing or something like that in
08:37:00 10 Massachusetts, outside of Boston.

08:37:04 11 Q. Okay.

08:37:05 12 A. Lawrence. Lawrence, Massachusetts.

08:37:07 13 Q. Okay. And what machine did they ask
08:37:11 14 you to build?

08:37:11 15 A. A Chase Machine.

08:37:12 16 Q. A Chase Machine. Okay. And when was
08:37:16 17 that, sir? What year roughly?

08:37:20 18 A. Well, it would have been -- it would
08:37:23 19 have been 1964.

08:37:27 20 Q. Okay. And following your work with
08:37:35 21 Link and Comins, where did you go next? Where was
08:37:40 22 your next employment?

08:37:41 23 A. That's it.

08:37:43 1 Q. You --

08:37:43 2 A. That was the start of Greening
08:37:47 3 Associates and then Greening Testing Laboratories
08:37:48 4 and Greening, Incorporated.

08:37:49 5 Q. 1964?

08:37:53 6 A. 1964 is when we should have been
08:37:57 7 incorporated in 1964, but --

08:37:59 8 Q. I see?

08:38:00 9 A. -- the attorneys weren't too swift, and
08:38:04 10 so it turned out to be 1965.

08:38:06 11 Q. Mr. Crosby didn't represent you back
08:38:08 12 then, did he?

08:38:09 13 A. No, he didn't.

08:38:10 14 Q. All right.

08:38:10 15 MR. CROSBY: Nor do I today.

08:38:12 16 BY MR. VONA:

08:38:12 17 Q. I was going to ask you that. Mr.
08:38:14 18 Crosby's not representing you today, correct?

08:38:16 19 A. No, he is not. No.

08:38:19 20 Q. Okay.

08:38:20 21 A. So we started -- we were incorporated
08:38:23 22 September 9th, 1965, and our first -- and had the
08:38:32 23 machine -- I sublet various things.

08:38:37 1 Q. The Chase Machine?

08:38:38 2 A. The Chase Machine, right.

08:38:39 3 Q. All right. Let me ask you this, sir:

08:38:41 4 You have never been employed by Ford, correct?

08:38:43 5 A. No.

08:38:43 6 Q. Okay. Have any of your family

08:38:45 7 members -- family members ever worked for Ford in

08:38:49 8 the past?

08:38:49 9 A. And family members meaning?

08:38:51 10 Q. Say, you know, your immediate family,

08:38:53 11 we'll say within maybe first cousins.

08:38:55 12 A. We have a nephew that worked -- had

08:38:58 13 worked for Ford for many years.

08:39:00 14 Q. Okay. Anyone else that you can think

08:39:05 15 of?

08:39:06 16 A. No, I don't think so.

08:39:06 17 Q. How about today? Does any of your

08:39:10 18 family work for Ford today?

08:39:12 19 A. No.

08:39:12 20 Q. Do you own any Ford stock?

08:39:14 21 A. No.

08:39:16 22 Q. Have you ever been to any Ford

08:39:19 23 facility?

08:39:21 1 A. You mean a plant?

08:39:22 2 Q. Yeah.

08:39:22 3 A. Well, certainly.

08:39:23 4 Q. Which ones?

08:39:25 5 A. Well, the Scientific and Research

08:39:29 6 Laboratory would have been the -- and the

08:39:34 7 dynamometer laboratory both on the south side of

08:39:38 8 Oakwood Boulevard, and then they had a proving

08:39:45 9 ground at that time which was the old Ford airport,

08:39:48 10 and I've been there. That's principally it. Oh,

08:39:58 11 I've been through the Dearborn assembly plant, but

08:40:01 12 not as a business.

08:40:02 13 Q. I was going to ask you, when you went

08:40:05 14 to -- well, let me ask you this first. The

08:40:08 15 scientific research building at Ford, when's the

08:40:10 16 first time you went there?

08:40:16 17 A. Well, I was working at Link at the

08:40:22 18 time, and the first time I was at Ford in that

08:40:30 19 general area was the dynamometer laboratory.

08:40:34 20 Q. Are those separate?

08:40:35 21 A. Yeah, they're side by side but they're

08:40:37 22 separate buildings.

08:40:37 23 Q. Okay. Well, I want to focus on the

08:40:40 1 scientific research lab. When do you recall is the
08:40:43 2 first time you were in there?

08:40:51 3 A. I would have been in business for
08:40:52 4 myself at that point.

08:40:54 5 Q. Okay.

08:40:57 6 A. So it would have to be --

08:41:00 7 Q. It would have to be after 1965?

08:41:02 8 A. Oh, yeah.

08:41:03 9 Q. Was it after 1970?

08:41:08 10 A. Probably right about then.

08:41:10 11 Q. Around 1970?

08:41:12 12 A. Yeah. We also -- we sold them an SAE
08:41:17 13 Number 2 machine, which is a machine that we
08:41:20 14 manufacture, since about 1967, so we -- you know, I
08:41:25 15 was in there, so it would be after 1967. And it
08:41:30 16 was well after -- it could have been 1980 when we
08:41:33 17 finally sold that machine to them.

08:41:34 18 Q. Okay. So I'm a little -- I'm a little
08:41:36 19 confused.

08:41:36 20 A. You're asking when was the first time
08:41:38 21 we went to -- the building --

08:41:43 22 Q. Let me ask a question.

08:41:45 23 A. You ask the question. I'm sorry.

08:41:46 1 Q. That's all right, sir.

08:41:47 2 When was the first time you personally
08:41:52 3 stepped foot in the scientific research lab at
08:41:55 4 Ford?

08:41:55 5 A. I really don't know. It's been a very
08:41:58 6 long time.

08:41:59 7 Q. I understand.

08:41:59 8 A. And the building wasn't built until --
08:42:06 9 gee, I don't know when it was built.

08:42:08 10 Q. Your best estimate.

08:42:18 11 A. I would think sometime in the '60s.
08:42:21 12 Early '60s, I suppose.

08:42:23 13 Q. When it was built?

08:42:24 14 A. I'm guessing, yeah. That's a guess.

08:42:26 15 Q. I don't want you to guess today.

08:42:27 16 A. I can't give you -- I cannot give
08:42:31 17 you -- I would not say -- I would not bet you a
08:42:34 18 dime on what year I'm telling you.

08:42:36 19 Q. Okay. So you have no idea when the
08:42:37 20 first time you went in there was?

08:42:39 21 A. I would say, no, I don't.

08:42:40 22 Q. All right. And how many times over the
08:42:43 23 years have you been in that building?

08:42:49 1 A. A dozen, I suppose.

08:42:51 2 Q. And can you tell me generally for what
08:42:53 3 reasons you would be there?

08:42:55 4 A. Well, I was there for seeing what Arne
08:43:02 5 Anderson -- you know about him.

08:43:05 6 Q. You know Mr. Anderson?

08:43:06 7 A. Oh, yes.

08:43:07 8 Q. Is Mr. Anderson still alive?

08:43:09 9 A. I believe he is.

08:43:10 10 Q. Do you have any contact with him still?

08:43:11 11 A. No.

08:43:12 12 Q. I'm sorry. So you were there to see
08:43:14 13 Mr. Anderson?

08:43:15 14 A. To see Mr. Anderson because he was in
08:43:17 15 the friction business sort of thing. He attended
08:43:21 16 some meetings of the SAE Friction Subcommittee
08:43:25 17 Group but not every meeting.

08:43:26 18 Q. Okay.

08:43:32 19 A. Certainly saw him more when he started
08:43:35 20 this quality control thing for the -- for the Ford
08:43:40 21 Motor Company.

08:43:40 22 Q. What do you mean by that quality
08:43:42 23 control thing?

08:43:43 1 A. Well, he had developed this so-called
08:43:46 2 friction appraisal screening test which is a FAST
08:43:50 3 acronym.

08:43:51 4 Q. Friction assessment screening test?

08:43:52 5 A. Yes.

08:43:54 6 Q. Okay. When did you develop that to
08:43:56 7 your knowledge?

08:43:57 8 A. Would have been the '60s, sometime.

08:44:01 9 Q. Did you help him at all?

08:44:02 10 A. No.

08:44:11 11 Q. Sir, would it be a fair statement that
08:44:17 12 you have no personal knowledge about what Ford did
08:44:21 13 internally as a company? Would that be a fair
08:44:23 14 statement?

08:44:25 15 A. Regarding what?

08:44:26 16 Q. Anything. You didn't work for Ford,
08:44:29 17 correct?

08:44:30 18 A. No, I didn't work for Ford, but I
08:44:32 19 certainly was -- over the years, I -- I had a lot
08:44:36 20 of dealing with Ford Motor Company people and we
08:44:39 21 sold Ford Motor Company SAE Number 2 machines on
08:44:43 22 several occasions.

08:44:43 23 Q. Did you sell Ford FAST machines?

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08:44:47 1 A. No.

08:44:47 2 Q. Did you sell FAST machines?

08:44:50 3 A. Yes.

08:44:50 4 Q. Okay. We'll get to that in a minute

08:44:55 5 but I guess what I'm getting at is because you were

08:44:57 6 not an employee -- you were never an employee of

08:44:59 7 Ford, correct?

08:45:00 8 A. No, never.

08:45:00 9 Q. So you weren't involved in decision

08:45:02 10 making that went on at Ford?

08:45:06 11 A. No.

08:45:07 12 Q. So you weren't involved in decision

08:45:09 13 making, correct?

08:45:10 14 A. No.

08:45:10 15 Q. You weren't involved in what Ford

08:45:14 16 engineers like Mr. Anderson were designing?

08:45:16 17 A. No.

08:45:17 18 Q. You weren't involved in decisions that

08:45:19 19 were made at Ford on what they were going to sell,

08:45:21 20 correct?

08:45:21 21 A. No.

08:45:23 22 Q. Sir, when's the first time you heard

08:45:27 23 about this case? The present case.

08:45:28 1 A. Two days ago.

08:45:29 2 Q. Two days ago. And let me ask you this:
08:45:36 3 When was the first time you or anyone from Greening
08:45:39 4 was contacted by Ford about this case?

08:45:44 5 A. Would have been a date preceding the
08:45:47 6 two days, so it would have been three days.

08:45:50 7 Q. Okay. So two days ago would put us at
08:45:52 8 Monday? No. Tuesday?

08:45:54 9 MR. CROSBY: Tuesday. The 5th of July.

08:45:56 10 BY MR. VONA:

08:45:56 11 Q. So the first time you were contacted
08:45:58 12 was Tuesday?

08:45:59 13 A. Yes.

08:45:59 14 Q. You didn't speak to Ford on Monday at
08:46:02 15 all?

08:46:02 16 A. No. My -- no. My son called me first.

08:46:06 17 Q. Okay. What did your son say to you?

08:46:08 18 A. He said that he had been contacted by
08:46:13 19 this firm. I don't know who it was. But said they
08:46:18 20 were looking for someone who had some knowledge of
08:46:22 21 the FAST machine and so forth.

08:46:25 22 Q. And did your son mention as to when he
08:46:28 23 was first contacted by Ford?

08:46:30 1 A. No, I don't know. He didn't say, but I
08:46:33 2 would assume it would have been that day. He
08:46:34 3 wouldn't have waited for anything particularly.

08:46:37 4 Q. So when did your son call you exactly?
08:46:40 5 Was it over the weekend?

08:46:41 6 A. No, it would have been --

08:46:43 7 Q. Monday?

08:46:43 8 A. -- Monday.

08:46:44 9 Q. Okay.

08:46:45 10 A. My son was with me on the weekend.

08:46:48 11 Q. But I'm correct, you didn't have any
08:46:50 12 conversations with anybody from Ford, yourself
08:46:52 13 personally, till Tuesday?

08:46:56 14 A. Anybody from Ford?

08:46:57 15 Q. Yeah. Any of the lawyers?

08:46:58 16 A. Oh, yes, that's correct.

08:47:00 17 Q. Okay. Yeah, I didn't mean way back
08:47:04 18 when or anything like that. I'm just talking about
08:47:06 19 specifically.

08:47:06 20 A. All right.

08:47:07 21 Q. Do you know anything about my client in
08:47:08 22 this case?

08:47:09 23 A. I don't.

08:47:09 1 Q. You don't know that he's 61 years old
08:47:13 2 and he's dying from mesothelioma?

08:47:16 3 A. I knew he had a problem with --

08:47:18 4 Q. It's a tough one.

08:47:19 5 A. Anyway.

08:47:20 6 Q. Do you know anything about that
08:47:21 7 disease?

08:47:21 8 A. I know it's a disease. It's a bad
08:47:24 9 disease.

08:47:24 10 Q. Do you know that it's only caused by
08:47:27 11 exposure to asbestos?

08:47:28 12 A. Only?

08:47:29 13 Q. Yeah.

08:47:30 14 A. I didn't know that.

08:47:31 15 Q. Okay. And besides you and your son,
08:47:35 16 was anyone else ever contacted, phoned, message
08:47:40 17 left at the Greening facility that you're aware of?

08:47:42 18 A. No.

08:47:43 19 Q. Okay. If I represented to you that the
08:47:45 20 attorneys from Ford have said that they've been
08:47:48 21 trying to get a hold of Greening for months, would
08:47:51 22 you have any reason to dispute that?

08:47:52 23 A. No.

08:47:53 1 Q. Okay.

08:47:54 2 A. How would I know?

08:47:55 3 Q. Well, they would have left phone

08:47:56 4 messages or something.

08:47:58 5 A. Oh, okay. No.

08:47:58 6 Q. You have no knowledge of that?

08:48:00 7 A. No knowledge.

08:48:08 8 Q. Okay. Now, when you were contacted --

08:48:12 9 well, let me back up.

08:48:14 10 So your son called you, correct?

08:48:15 11 A. Yes.

08:48:16 12 Q. Okay. Were you on that island at that

08:48:18 13 point?

08:48:18 14 A. Yes.

08:48:20 15 Q. I had heard that you were on a boat?

08:48:22 16 A. Yes.

08:48:22 17 Q. Is that true? Your own boat,

08:48:24 18 obviously?

08:48:24 19 A. Yes.

08:48:24 20 Q. Okay. Were you just taking some

08:48:28 21 vacation time?

08:48:28 22 A. Yes.

08:48:28 23 Q. How was the weather by the way?

08:48:30 1 A. Great.

08:48:30 2 Q. It was nice here, too.

08:48:32 3 A. You can thank us.

08:48:38 4 Q. So I've got to ask you: If you're
08:48:43 5 there on vacation, the weather's gorgeous and
08:48:47 6 everything, why would you agree to just get on a
08:48:48 7 plane and fly out to Buffalo and come and testify
08:48:51 8 in this case?

08:48:51 9 A. Well, I'm interested in the subject.

08:48:53 10 Q. So just out of general interest, you're
08:48:56 11 here?

08:48:56 12 A. No. We're in the business. We
08:48:58 13 manufacturer test machines. Test friction
08:49:01 14 materials.

08:49:01 15 Q. Sir, I realize you're not represented
08:49:03 16 by Mr. Crosby here today. Do you feel that you
08:49:06 17 should be represented by counsel at all today?

08:49:08 18 A. No.

08:49:08 19 Q. Okay. You do realize anything you --
08:49:11 20 that you do say today could be used against you or
08:49:14 21 Greening Associates in the future?

08:49:16 22 A. Yes. Yes.

08:49:16 23 Q. Okay. I just want to make sure that

08:49:18 1 you're aware of your rights. Okay.

08:49:20 2 So you were on vacation when Ford called
08:49:24 3 you. Well, let me ask you this: How many phone
08:49:25 4 calls did the Ford lawyers make to you personally?

08:49:31 5 A. The staff? Their staff?

08:49:34 6 Q. Anybody.

08:49:34 7 A. Anybody. Probably two.

08:49:37 8 Q. Probably?

08:49:38 9 A. Well, I'd say two. One to talk to me
08:49:41 10 about would I be interested in testifying and then
08:49:48 11 another call telling me where the information that
08:49:54 12 I would need to get here would be available to me.

08:49:59 13 Q. Okay. What information?

08:50:00 14 A. Well, the airplane ticket.

08:50:02 15 Q. Your travel information?

08:50:04 16 A. Yeah, right. And it was e-mailed to me
08:50:10 17 so I didn't get it until 10:30 on Tuesday night.

08:50:14 18 Q. You don't have a copy of that e-mail
08:50:16 19 with you, do you?

08:50:18 20 A. I do not.

08:50:19 21 MR. VONA: I put a request for that if you
08:50:20 22 have a copy of whoever sent that e-mail, I'd like
08:50:24 23 to see it.

08:50:24 1 BY MR. VONA:

08:50:29 2 Q. Now, do you recall who you spoke with
08:50:30 3 exactly? The person's name.

08:50:32 4 A. Renee.

08:50:33 5 Q. Both times?

08:50:40 6 MR. CROSBY: About travel you're talking
08:50:41 7 about?

08:50:42 8 BY MR. VONA:

08:50:42 9 Q. No. You said you had two phone calls?

08:50:45 10 A. Yeah. The first phone call was from
08:50:47 11 Renee.

08:50:48 12 Q. Who's Renee?

08:50:49 13 MR. PONTERIO: You have to testify, sir.

08:50:51 14 MR. VONA: Yeah. The best of your
08:50:52 15 knowledge.

08:50:52 16 THE WITNESS: I don't know. It's a woman
08:50:53 17 for this firm.

08:50:54 18 BY MR. VONA:

08:50:55 19 Q. Do you know if she's an attorney or
08:50:56 20 not?

08:50:56 21 A. I do not.

08:50:57 22 Q. Okay. What did you and Renee discuss?

08:51:00 23 A. Would I be willing to come to testify

08:51:05 1 in a -- in a legal proceeding against Ford Motor
08:51:05 2 Company.

08:51:13 3 Q. So that was -- she called you up and
08:51:16 4 said, sir, would you be willing to come to Buffalo
08:51:18 5 and testify with regard to Ford? That's all she
08:51:20 6 said.

08:51:21 7 A. With regard to the asbestosis thing.

08:51:23 8 Q. Okay. And based on just that, you said
08:51:26 9 okay?

08:51:28 10 A. Well, it was -- it was --

08:51:32 11 Q. What else did she say, sir?

08:51:41 12 A. For me to be interested -- the asbestos
08:51:44 13 thing is the interesting thing to me.

08:51:46 14 Q. Why so?

08:51:47 15 A. Because we're in the business of making
08:51:50 16 friction materials test machines. That's almost
08:51:53 17 all we do.

08:51:55 18 Q. I understand that.

08:51:56 19 A. Of all types.

08:51:57 20 Q. I researched your company. I
08:51:58 21 understand.

08:51:58 22 A. Okay. You understand.

08:51:59 23 Q. But I'm curious as to what she actually

08:52:02 1 said to you to convince you to come to Buffalo?

08:52:04 2 A. Well, I understood there was a suit
08:52:07 3 against the company by your client. It was a brief
08:52:14 4 conversation. I didn't need any arm twisting
08:52:18 5 particularly to be interested. It's something I
08:52:22 6 could learn something from.

08:52:24 7 Q. So you don't really recall exactly what
08:52:26 8 she said to you?

08:52:27 9 A. I don't. No.

08:52:28 10 Q. I see.

08:52:29 11 A. It was a very brief conversation.

08:52:31 12 Q. The second call that you received from
08:52:33 13 Ford from this office -- Ford's attorney's
08:52:36 14 office -- who was that? Who did you speak to?

08:52:38 15 A. You know, I'd like to tell you it was
08:52:40 16 Renee, again. It probably was Renee.

08:52:43 17 Q. You don't remember? It was two days
08:52:45 18 ago, sir.

08:52:46 19 A. I know. I understand.

08:52:47 20 Q. Do you have any issues with memory?

08:52:50 21 A. Do I have any issues with memory as far
08:52:53 22 as names are concerned?

08:52:53 23 Q. And just in general.

08:52:56 1 A. No, not necessarily.

08:52:58 2 Q. Okay.

08:52:59 3 A. I may be a little slow at times.

08:53:01 4 Q. I'm not going to knock you. You're 81
08:53:04 5 years old, sir.

08:53:04 6 A. Okay.

08:53:05 7 Q. But you understand that we're talking
08:53:06 8 about a lot of thing that happened many, many years
08:53:09 9 ago?

08:53:09 10 A. Yes, that's correct. I understand.

08:53:10 11 Q. So you can see my concern?

08:53:14 12 A. I understand that.

08:53:15 13 Q. You understand if you can't remember
08:53:16 14 who you spoke to two days ago, I have some concerns
08:53:19 15 about what you might remember 30 or 40 years ago,
08:53:22 16 you understand, right?

08:53:24 17 A. I understand that point of view;
08:53:27 18 however, the call for me on the second thing was
08:53:32 19 just an instruction as to where I'm going to get my
08:53:35 20 travel information.

08:53:37 21 Q. Okay.

08:53:38 22 A. Really inconsequential type of
08:53:41 23 conversation.

08:53:42 1 Q. Okay. So if I'm clear, you had two
08:53:46 2 conversations with Ford's attorneys, one that you
08:53:48 3 really don't recall the substance of, just in
08:53:50 4 general that you -- they wanted you to come to
08:53:53 5 Buffalo to testify, and the other was for travel
08:53:55 6 arrangements; is that fair?

08:53:56 7 A. No.

08:53:57 8 Q. Okay. Well, why don't you tell me what
08:53:59 9 happened.

08:53:59 10 A. In the first instance, it was about the
08:54:03 11 suit on the asbestos thing.

08:54:04 12 Q. Right.

08:54:05 13 A. That's of interest to me. The second
08:54:07 14 call was to advise me where I was going to find my
08:54:12 15 information on travel.

08:54:14 16 Q. I understand that.

08:54:14 17 A. And could I get there and could I get
08:54:16 18 the data. I'm at a location where I have no
08:54:21 19 computer, which meant I had to go to two different
08:54:24 20 locations just to get home, and I did it at about
08:54:28 21 10:30 at night, so that was my concern, that I
08:54:32 22 would be able to get the travel information because
08:54:36 23 their office was going to be closed. There would

08:54:40 1 be no one I could contact by phone. They expected
08:54:44 2 me to come the next day.

08:54:45 3 Q. On Tuesday.

08:54:46 4 A. I had to know what it was.

08:54:47 5 Q. Sure. I understand that part.

08:54:48 6 A. Okay. But the name was incidental.

08:54:51 7 Whether it was Renee or some other secretary that
08:54:53 8 called, I don't know.

08:54:55 9 Q. On that first call --

08:54:57 10 A. Yes.

08:54:59 11 Q. -- what did they tell you about this
08:55:01 12 case exactly?

08:55:02 13 A. Well, they didn't tell me much about
08:55:05 14 the case other than it was a suit with Ford Motor
08:55:09 15 Company regarding someone who was ill with this
08:55:12 16 asbestosis.

08:55:13 17 Q. Do you have any loyalty to Ford?

08:55:14 18 A. No.

08:55:15 19 Q. So you just left your boat, got on your
08:55:18 20 plane, and came to Buffalo based on that
08:55:20 21 conversation?

08:55:20 22 A. Let me say, Ford Motor Company is not
08:55:23 23 high on my list as clients.

08:55:27 1 Q. Okay. Has Greening Associates ever
08:55:29 2 done business with Ford?

08:55:30 3 A. They have. Years ago they have.

08:55:32 4 Q. Okay. When was that?

08:55:35 5 A. That would have been in the '70s and
08:55:40 6 '80s, when we sold them SAE Number 2 machines.

08:55:43 7 Q. Okay. Did the Renee or whoever called
08:55:46 8 you from this office, when they spoke to you on the
08:55:48 9 phone, did they discuss with you at all my client's
08:55:50 10 work on the FAST machine?

08:55:56 11 A. No.

08:55:57 12 Q. Have anybody -- you're kind of making a
08:56:01 13 face.

08:56:02 14 A. Well, yeah. I'm thinking. No.
08:56:04 15 Certainly she didn't.

08:56:05 16 Q. Okay. That's my next question. Has
08:56:07 17 anybody from Ford discussed with you my client's,
08:56:11 18 Mr. Ginter's, work on the FAST machine?

08:56:12 19 A. These are Ford people.

08:56:14 20 Q. Well, she's not. He is.

08:56:16 21 MR. CROSBY: When you say from Ford, you're
08:56:17 22 talking about Ford's attorneys?

08:56:19 23 MR. VONA: I'm talking about anybody.

08:56:20 1 Ford's attorneys or Ford employees.

08:56:22 2 **THE WITNESS:** I've been advised about the
08:56:24 3 FAST machine and the claim of something about
08:56:27 4 working on that machine was detrimental to this
08:56:30 5 person's health.

08:56:31 6 **BY MR. VONA:**

08:56:31 7 **Q.** Okay. Exactly how was that explained
08:56:33 8 to you? And by the way, who explained that to you?

08:56:37 9 **A.** Brian.

08:56:38 10 **Q.** And what did he say to you?

08:56:40 11 **A.** Well, that this chap worked at the
08:56:44 12 Durez friction -- friction or chemical company, and
08:56:50 13 that they used the FAST machine for their purposes
08:56:54 14 to correlate, I suppose, with the Ford Motor
08:57:00 15 Company as far as this quality control thing
08:57:03 16 between vendor and user.

08:57:14 17 **Q.** At any time either on the phone or
08:57:16 18 since you've come here, has Ford or Ford employees
08:57:19 19 or Ford attorneys spoken to you about exactly what
08:57:22 20 it is they want you to testify about?

08:57:25 21 **A.** What they want me to testify about?

08:57:27 22 **Q.** Yeah, what --

08:57:28 23 **A.** That you were going to ask me questions

08:57:30 1 about this FAST machine.

08:57:31 2 Q. Okay. Do you realize that you're
08:57:32 3 supposed to come to court this afternoon to testify
08:57:35 4 as well in front of a jury?

08:57:37 5 A. Yes.

08:57:37 6 Q. Did they talk to you about what they
08:57:39 7 expect or want you to say in front of that jury?

08:57:43 8 A. Tell the truth.

08:57:44 9 Q. What do they want you to tell?

08:57:46 10 A. Well, answer the questions.

08:57:48 11 Q. Okay. Sir, how much are you being
08:57:52 12 compensated for your time?

08:57:55 13 A. I'm being compensated for -- generally
08:57:59 14 for the time that I'm away from my home.

08:58:01 15 Q. Okay. At what rate? How much per
08:58:05 16 hour?

08:58:10 17 A. Well, I got today --

08:58:12 18 Q. No. No. I'm asking you do you have an
08:58:15 19 hourly rate, or are you billing just as a bulk sum?

08:58:22 20 A. I figured it was about a \$2,000 fee for
08:58:25 21 coming down here.

08:58:25 22 Q. Okay.

08:58:26 23 A. I would be gone a couple of days. Two

08:58:29 1 and a half days probably.

08:58:30 2 Q. And did you receive that money already?

08:58:32 3 A. No.

08:58:34 4 Q. Did Ford pay for your airfare here?

08:58:36 5 A. Yes.

08:58:37 6 Q. They put you up at a hotel?

08:58:39 7 A. Yes.

08:58:40 8 Q. Where are you staying?

08:58:41 9 A. Embassy Suites.

08:58:44 10 Q. Did they take you to dinner last night?

08:58:46 11 A. No.

08:58:46 12 Q. Okay. Did you meet with anyone from
08:58:48 13 Ford last night?

08:58:50 14 A. No. Well, we had a discussion until --
08:58:54 15 what do you mean by last night?

08:58:56 16 Q. Well, let me ask you this: Who picked
08:58:58 17 you up from the airport?

08:58:59 18 A. The -- this firm.

08:59:01 19 Q. Okay. Do you remember who it was?

08:59:03 20 A. It was -- I do remember. Bill has been
08:59:07 21 my main driver but Eric was the other driver.

08:59:10 22 Q. Okay. So you've had two drivers since
08:59:13 23 you've been here?

08:59:13 1 A. Two different drivers.

08:59:14 2 Q. Okay. Eric and Bill?

08:59:16 3 A. Yes.

08:59:16 4 Q. They both work for this firm, as far as

08:59:18 5 you know?

08:59:18 6 A. As far as I know.

08:59:19 7 Q. Do you know if they're lawyers or not?

08:59:20 8 A. I would say probably not, but I don't

08:59:22 9 know.

08:59:22 10 Q. Did they discuss this case with you at

08:59:24 11 all?

08:59:24 12 A. No.

08:59:24 13 Q. You guys just made small talk?

08:59:26 14 A. Yes.

08:59:26 15 Q. Okay. And just so we're clear, you got

08:59:31 16 in on Tuesday?

08:59:33 17 A. Yes.

08:59:33 18 Q. Okay. What did you -- what did you do

08:59:35 19 on Tuesday --

08:59:37 20 MR. CROSBY: Objection.

08:59:41 21 MR. VONA: -- when you were in Buffalo.

08:59:42 22 MR. CROSBY: Today's Thursday.

08:59:44 23 THE WITNESS: I got in on Wednesday.

08:59:45 1 BY MR. VONA:

08:59:46 2 Q. So you got in on Wednesday?

08:59:47 3 A. Wednesday, in the early afternoon.

08:59:49 4 Q. Do you remember what time, roughly?

08:59:53 5 A. It was a lousy get off, but I think we
08:59:56 6 weren't too late, so probably 2 o'clock or
08:59:59 7 thereabouts.

09:00:00 8 Q. Okay. Just so we're clear, you got in
09:00:06 9 yesterday?

09:00:06 10 A. Yes.

09:00:07 11 Q. So you had one driver pick you up from
09:00:09 12 the airport?

09:00:09 13 A. Yes. That was Eric.

09:00:10 14 Q. Okay. He took you to the hotel?

09:00:12 15 A. Yes, he did.

09:00:13 16 Q. The second driver, what did he do?
09:00:14 17 When did he pick you up?

09:00:15 18 A. He picked me up this morning. Picked
09:00:18 19 me up from the hotel yesterday.

09:00:20 20 Q. Picked you up from the hotel. Where
09:00:23 21 did he take you yesterday?

09:00:23 22 A. Here.

09:00:24 23 Q. So you came to this office last night?

09:00:25 1 A. Yes.

09:00:25 2 Q. Okay. Let's talk about that.

09:00:28 3 A. Okay.

09:00:28 4 Q. What time did you come here?

09:00:32 5 A. I'll say 5:30 or 5 o'clock.

09:00:37 6 Q. Okay. Did you meet in this room here?

09:00:40 7 A. Yes.

09:00:41 8 Q. Okay. Who was here besides you?

09:00:47 9 A. There was Jason -- is it Chris?

09:00:53 10 Q. You're the one testifying. You can't

09:00:54 11 ask him any questions. To the best of your

09:00:57 12 recollection.

09:00:57 13 A. Well, Chris sat there, Jason sat there,

09:01:00 14 Brian sat here.

09:01:00 15 Q. Anyone else?

09:01:02 16 A. No.

09:01:03 17 Q. Was Mark Taylor here?

09:01:06 18 A. I don't know Mark Taylor.

09:01:08 19 Q. You haven't met Mark Taylor? He

09:01:10 20 works --

09:01:11 21 A. If I did, I shook his hand, but I don't

09:01:14 22 recall.

09:01:14 23 Q. He's a taller gentleman with glasses,

09:01:17 1 works for Ford. Did you ever meet him?

09:01:21 2 A. Well, I just walked in, you know, and
09:01:26 3 I -- I -- I don't -- you know, it was an incidental
09:01:31 4 thing if there was a Mark Taylor, why, I don't
09:01:35 5 recall.

09:01:35 6 Q. Okay. I was just going to say it's a
09:01:37 7 simple question, a yes or no.

09:01:39 8 A. Okay. I'd say no.

09:01:40 9 Q. So no, you didn't meet Mark Taylor?

09:01:44 10 A. No. It's not a comfortable question as
09:01:49 11 far as I'm concerned.

09:01:50 12 Q. Why is --

09:01:51 13 A. Because when you walk in a strange
09:01:53 14 building, you don't remember everybody you see. I
09:01:55 15 mean, I passed other people. How would I remember
09:01:58 16 them? No meaningful discussion. No nothing.

09:02:01 17 Q. Well, if he had introduced himself,
09:02:03 18 said I'm Mark Taylor, I work for Ford, I think you
09:02:05 19 might remember, correct?

09:02:06 20 A. Well, I might.

09:02:07 21 Q. But you don't remember that?

09:02:08 22 A. Well, if there's a bunch of people, you
09:02:10 23 meet a lot of people. If I'm introduced to a dozen

09:02:15 1 people, am I going to remember their names? No. I
09:02:19 2 might remember one or two.

09:02:20 3 Q. How many people were in this room last
09:02:22 4 night?

09:02:22 5 A. There would have been four of us.

09:02:23 6 Q. Okay. You, Brian, Jason and Chris?

09:02:25 7 A. Yes.

09:02:25 8 Q. Okay. What did you guys talk about?

09:02:27 9 A. Talked about the FAST machine.

09:02:31 10 Q. Okay. Be a little more elaborate about
09:02:35 11 that. What about the FAST machine?

09:02:37 12 A. Well, you know, who started it when was
09:02:41 13 it done. What was the purpose of it. You know,
09:02:47 14 who were the manufacturers of those machines. That
09:02:53 15 would be the principal things.

09:02:56 16 Q. How long did you guys meet for last
09:02:57 17 night?

09:02:57 18 A. Till about 8 o'clock.

09:02:59 19 Q. So you guys were in here for two and a
09:03:02 20 half hours?

09:03:03 21 A. I would say so.

09:03:03 22 Q. What else did you talk about?

09:03:05 23 A. My background.

09:03:08 1 Q. That's it?

09:03:09 2 A. Well, that's pretty much it. We didn't

09:03:14 3 chitchat about other things.

09:03:16 4 Q. Sure. This was a business meeting,

09:03:18 5 correct?

09:03:18 6 A. Absolutely.

09:03:19 7 Q. And you're being paid by Ford to be

09:03:22 8 here, correct?

09:03:22 9 A. That's correct.

09:03:25 10 Q. They didn't feed you, though?

09:03:26 11 A. I had a hamburger. One hamburger.

09:03:30 12 Q. In here?

09:03:31 13 A. In this office.

09:03:31 14 Q. I was going to say, it's just courteous

09:03:34 15 that they at least give you dinner.

09:03:35 16 A. Well, they did. They brought in a

09:03:37 17 hamburger and suggested did I want to go out to

09:03:40 18 dinner, and I told them no, the hamburger's fine.

09:03:43 19 Q. Man after my own heart.

09:03:45 20 A. I mean, good enough for me.

09:03:48 21 Q. Fine with me, too.

09:03:50 22 Let me ask you a little bit more about

09:03:53 23 Greening. You said you had some big dealings with

09:03:55 1 Ford in the past; is that right?

09:03:56 2 A. Yes.

09:03:57 3 Q. You mentioned selling a --

09:03:59 4 A. SAE Number 2 machine. It's a machine

09:04:01 5 which we -- although it has a common name, SAE

09:04:05 6 Number 2, it's because it was -- it was originally

09:04:09 7 the idea of a Ford Motor Company engineer and a

09:04:18 8 General Motors engineer.

09:04:19 9 Q. Is that a Chase machine?

09:04:20 10 A. No.

09:04:20 11 Q. What was that?

09:04:21 12 A. That is a friction materials test
09:04:23 13 machine for automatic transmission clutch plates.

09:04:26 14 Q. Okay. It's not a FAST machine,
09:04:28 15 correct?

09:04:28 16 A. It is not a FAST machine.

09:04:29 17 Q. Did you ever sell FAST machines to
09:04:35 18 Ford?

09:04:35 19 A. No.

09:04:35 20 Q. Has Greening ever had any contracts
09:04:37 21 with Ford?

09:04:38 22 A. For?

09:04:38 23 Q. Anything.

09:04:40 1 A. SAE Number 2 machines.

09:04:42 2 Q. So you had an on going contract with
09:04:43 3 them?

09:04:43 4 A. Not an on going contract. No. These
09:04:46 5 are individual contracts to build a machine.

09:04:47 6 Q. I understand. Anything else that you
09:04:51 7 have built for Ford or sold to Ford over the years?

09:04:53 8 A. No.

09:04:56 9 Q. Does Greening currently have any
09:04:59 10 business dealings with Ford?

09:05:03 11 A. Not directly.

09:05:04 12 Q. Please --

09:05:05 13 A. Through tier one suppliers we would.

09:05:07 14 Q. Can you explain that a little bit?

09:05:11 15 A. Well, our testing laboratory, we have a
09:05:14 16 number of inertia brake dynamometers, and there's
09:05:19 17 always a lot of data that the Ford engineers
09:05:21 18 require from their tier one suppliers.

09:05:26 19 Q. Tier one suppliers, does that include
09:05:29 20 friction companies?

09:05:30 21 A. Yeah, friction companies, principally.
09:05:32 22 I mean, I'm only speaking about friction companies.

09:05:35 23 Q. Okay.

09:05:36 1 A. Fras-Le I know is one doing some work
09:05:38 2 for Ford and we're doing testing from Fras-Le.

09:05:41 3 MR. CROSBY: Can you spell that?

09:05:43 4 THE WITNESS: F R A S, hyphen, L E. It's a
09:05:50 5 Brazilian firm.

09:05:52 6 BY MR. VONA:

09:05:53 7 Q. Your son, does he currently own
09:05:54 8 Greening or do you still own it?

09:05:56 9 A. I own the voting stock. My sons own
09:05:58 10 the common stock, essentially. It's all common
09:06:01 11 stock.

09:06:02 12 Q. It's a family business?

09:06:03 13 A. It's a family business.

09:06:04 14 Q. All right. Sir, is it fair to say that
09:06:08 15 your business currently owns -- or strike that.

09:06:11 16 Would it be fair to say that your business
09:06:13 17 currently earns money from Ford, whether it be
09:06:17 18 indirectly or not?

09:06:18 19 A. It's not by the blessing of Ford Motor
09:06:21 20 Company that we have this business.

09:06:23 21 Q. I don't doubt that, sir.

09:06:24 22 A. Okay. Well --

09:06:25 23 Q. But I'm just asking --

09:06:27 1 A. We have no allegiance to Ford.

09:06:29 2 Q. That's not what I'm asking you.

09:06:32 3 A. Okay.

09:06:32 4 Q. I'm just asking you if your business

09:06:33 5 makes any money from Ford. That's all.

09:06:36 6 A. From Ford? Well, I'd have to say no.

09:06:41 7 Q. Okay. And why would you say no?

09:06:43 8 A. I would say no because it's not at the

09:06:47 9 Ford Motor Company's -- it's not their desire to be

09:06:52 10 doing business with us. The work that we're doing

09:06:58 11 is for Fras-Le.

09:06:59 12 Q. Right.

09:06:59 13 A. Fras-Le is doing it in spite of Ford, I

09:07:02 14 would say.

09:07:03 15 Q. They're not doing it for Ford?

09:07:05 16 A. Well, I think that it's Fras-Le who

09:07:08 17 brought the work to us. It certainly wasn't Ford.

09:07:11 18 Ford knows we're there. Ford doesn't come to us.

09:07:14 19 Q. Right. Fras-Le's the intermediary?

09:07:18 20 A. Fras-Le is saying, look, Ford, I'm not

09:07:20 21 going to send it over to brand X. I want Greening

09:07:22 22 to do it.

09:07:23 23 Q. Well, you guys are probably very good

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09:07:25 1 at what you do, I assume.

09:07:26 2 A. We are.

09:07:27 3 Q. Okay. And you've never met any of
09:07:30 4 these lawyers from Ford before, have you?

09:07:32 5 A. No.

09:07:32 6 Q. All right. And you don't know any of
09:07:33 7 them personally, right?

09:07:34 8 A. I don't.

09:07:47 9 Q. Sir, besides the \$2,000 and your
09:07:52 10 expenses for travel, lodging, et cetera, is Ford
09:07:56 11 compensating you in any other way?

09:07:58 12 A. No.

09:07:58 13 Q. How about Greening Associates? Are
09:08:01 14 they compensating Greening Associates in any other
09:08:04 15 way?

09:08:04 16 A. No.

09:08:04 17 Q. They haven't promised you anything, any
09:08:07 18 contracts or anything like that?

09:08:08 19 A. Nothing.

09:08:13 20 Q. Okay. Sir, since the time you've been
09:08:21 21 contacted by Ford's counsel, Ford's attorneys to
09:08:25 22 the present, have you been shown any documents?

09:08:28 23 A. I've been shown some Ford FAST machine

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09:08:38 1 information.

09:08:38 2 Q. Do you have those? Can I see them
09:08:40 3 please?

09:08:41 4 MR. CROSBY: Absolutely. I showed him two
09:08:47 5 documents. One is the SAE 670079. I'm sorry.

09:08:54 6 MR. VONA: It's wet there.

09:08:55 7 MR. CROSBY: I'm sorry.

09:08:56 8 MR. VONA: That's all right.

09:08:57 9 THE WITNESS: It's wet.

09:09:11 10 MR. PONTERIO: There's tissues right over
09:09:13 11 there, Brian.

09:09:18 12 MR. CROSBY: And the other was a document
09:09:22 13 Bates stamped 0010719, which is out of another Ford
09:09:29 14 document.

09:09:29 15 MR. VONA: We'll have these marked.

09:09:29 16 The following were marked for Identification:

09:09:29 17 EXH. 1 Test Report

09:09:29 18 EXH. 2 Diagram of equipment containing
09:10:27 19 a tag on the diagram

09:10:27 20 BY MR. VONA:

09:10:28 21 Q. Okay, sir, I'm going to show you what's
09:10:29 22 been marked as Exhibits 1 and 2 for your deposition
09:10:33 23 and ask you to just take a look at those. And I'm

09:10:37 1 going to ask you if those are the documents that
09:10:39 2 the Ford attorney showed you last night.

09:10:43 3 Is that when they showed them to you, last
09:10:45 4 night?

09:10:46 5 A. Yes.

09:10:46 6 Q. Did they show you any other documents
09:10:49 7 besides those two?

09:10:52 8 A. No. There's one other name tag that I
09:10:54 9 saw. That was a Busch thing.

09:10:57 10 MR. PONTERIO: Can we have that produced,
09:10:59 11 please?

09:10:59 12 MR. CROSBY: Yup. I'd have to go get it.

09:11:01 13 MR. VONA: Go ahead.

09:11:02 14 THE WITNESS: It was just a name tag, which
09:11:05 15 I didn't recognize. This is the only one that I
09:11:08 16 recognize.

09:11:10 17 BY MR. VONA:

09:11:11 18 Q. Okay. You're pointing to Exhibit
09:11:13 19 Number 2?

09:11:13 20 A. Yes.

09:11:13 21 Q. You recognize that name tag there?

09:11:16 22 A. Yes.

09:11:17 23 Q. What does that say, sir?

09:11:18 1 A. It says USH Manufacturing Company.

09:11:22 2 Q. Can I see that?

09:11:27 3 Sir, I'll represent to you -- and I'm 38
09:11:31 4 years old, and I don't wear prescription
09:11:35 5 eyeglasses, and I can't read that.

09:11:36 6 A. And you don't recognize the tag either.

09:11:38 7 Q. Would you agree with me, sir, that
09:11:40 8 that's black and white and that you actually can't
09:11:42 9 read those letters?

09:11:43 10 A. You say you can't, I say you're in
09:11:45 11 trouble.

09:11:45 12 Q. Okay. So you can actually read those
09:11:47 13 letters?

09:11:47 14 A. I can -- I can tell that -- that it's a
09:11:51 15 UCH on the -- right here.

09:11:54 16 Q. How do you know that, sir?

09:11:56 17 A. Well, first of all, the machine gives
09:11:58 18 me the clue. This is a FAST machine as originally
09:12:04 19 manufactured.

09:12:05 20 Q. Okay.

09:12:08 21 A. This is a Ford Motor Company brass tag.

09:12:10 22 Q. Right there?

09:12:11 23 A. Right there. It's an inventory tag.

09:12:15 1 Q. Can you just write -- put a little
09:12:18 2 arrow right next to the Ford tag, sir?

09:12:22 3 MR. PONTERIO: And write Ford tag.

09:12:23 4 BY MR. VONA:

09:12:24 5 Q. And you can write Ford tag there,
09:12:26 6 please.

09:12:29 7 A. It's a property tag or something like
09:12:32 8 that, inventory.

09:12:34 9 Q. Whatever you called it. You called it
09:12:35 10 a Ford tag, I think?

09:12:37 11 A. Okay. All right.

09:12:38 12 MR. CROSBY: I think he called it an
09:12:39 13 inventory tag.

09:12:39 14 THE WITNESS: It is an inventory tag. You
09:12:41 15 want inventory?

09:12:45 16 BY MR. VONA:

09:12:45 17 Q. Let me ask you about this tag here,
09:12:47 18 though. Is it -- is it based on just your
09:12:54 19 recollection -- well, first of all, have you ever
09:12:56 20 seen this actual machine that's in this picture?

09:12:58 21 A. Absolutely.

09:12:59 22 Q. This very machine?

09:13:00 23 A. That very machine?

09:13:01 1 Q. Yes.

09:13:02 2 A. I don't know which machine that is.

09:13:03 3 Q. You don't?

09:13:04 4 A. But I recognize it as a FAST machine.

09:13:06 5 Definitely. Now, which one it is? Do I know it's

09:13:11 6 Ford's machine, or do I know it's one manufactured

09:13:13 7 by Link? Well, I can tell by the way this thing

09:13:18 8 looks that this is one made by Busch.

09:13:21 9 Q. Okay. And this has a Ford property tag
09:13:24 10 on it?

09:13:25 11 A. That's a Ford property tag.

09:13:27 12 Q. And you realize this is a Ford
09:13:29 13 document? Ford showed it to you?

09:13:31 14 A. Yes, that's true.

09:13:32 15 Q. But you don't -- you don't know the
09:13:34 16 context of this machine, where that picture was
09:13:36 17 taken or anything like that, right?

09:13:37 18 A. No, I don't.

09:13:38 19 Q. And what I was going to ask you, sir --
09:13:41 20 listen, I understand you know a lot more about this
09:13:43 21 than I do, okay, but what I wanted to ask you is
09:13:47 22 with respect to this, all I'm saying is, would it
09:13:50 23 be fair to say that you can't read this and maybe

09:13:52 1 it's based on your recollection of the machine that
09:13:54 2 that's why you believe it's UHF?

09:13:57 3 A. If you had showed me this and I didn't
09:14:00 4 know what the machine was and I looked at that --
09:14:05 5 at those letters, if I was in an eye exam and I was
09:14:14 6 in the -- and the doctor was asking me to take your
09:14:17 7 best guess what they are, I'd say it's UCH.

09:14:20 8 Q. Can you show me where the --

09:14:22 9 A. And manufacturing also, company.

09:14:22 10 Q. Now -- so --

09:14:38 11 A. Nobody suggested to me when that
09:14:41 12 picture was given to me --

09:14:42 13 Q. I didn't say that, sir.

09:14:45 14 Who is -- is it UGF? What did you say?

09:14:50 15 UCF?

09:14:51 16 A. I said UCH.

09:14:52 17 Q. What's UCH?

09:14:53 18 A. B-U-S-C-H.

09:14:58 19 Q. Busch?

09:14:59 20 A. Busch.

09:15:01 21 MR. VONA: Okay. Can we see that other --

09:15:03 22 MR. CROSBY: Sure. We'll go off the record.

09:15:09 23 MR. VONA: Yeah.

09:17:43 1 (A recess was then taken.)

09:17:43 2 BY MR. VONA:

09:17:43 3 Q. Sir, with respect to Exhibit 2, how do
09:17:49 4 you know that that's a Ford property tag?

09:17:51 5 A. Well, I've seen it many times.

09:17:53 6 Q. Where have you seen those tags?

09:17:54 7 A. On my machine.

09:17:55 8 Q. What machine?

09:17:56 9 A. SAE Number 2.

09:17:58 10 Q. Okay. So any other Ford machines that
09:18:01 11 you've seen that tag on before?

09:18:04 12 A. Not that I recall.

09:18:05 13 Q. Does your company sell those SAE
09:18:08 14 machines?

09:18:09 15 A. Yes, we make them.

09:18:10 16 Q. You make them. And Ford puts their tag
09:18:13 17 on them?

09:18:13 18 A. They do. They would.

09:18:14 19 Q. And then you sell them?

09:18:16 20 A. No. No.

09:18:18 21 Q. Okay. That's what I thought you said.

09:18:20 22 A. We make the machine.

09:18:21 23 Q. Right.

09:18:22 1 A. You, Ford Motor Company, ordered the
09:18:25 2 machine from us. You get the machine. You can do
09:18:29 3 as you choose. You put the tag on. It's a
09:18:32 4 property machine.

09:18:33 5 Q. Where have you seen the machines with
09:18:35 6 the Ford tag on them?

09:18:35 7 A. Ford transmission.

09:18:38 8 Q. So in their plants. Okay. I see.
09:18:40 9 And when you were -- strike that.

09:18:42 10 Let me ask you about -- let me have this
09:18:45 11 marked as 3. I'm sorry.

09:18:45 12 The following was marked for Identification:

09:19:24 13 EXH. 3 Document with picture of tag

09:19:24 14 BY MR. VONA:

09:19:25 15 Q. I'm going to show you what's been
09:19:26 16 marked as Exhibit 3 for your deposition. Is that
09:19:29 17 also one of the documents Ford attorneys showed you
09:19:31 18 last night?

09:19:32 19 A. No.

09:19:32 20 Q. It's not?

09:19:33 21 A. No.

09:19:37 22 MR. CROSBY: He saw it this morning.

09:19:38 23 MR. VONA: Oh, okay. I apologize.

09:19:38 1 BY MR. VONA:

09:19:40 2 Q. So you saw that this morning?

09:19:41 3 A. Yes, I saw it on his desk.

09:19:44 4 Q. Very good. Were you shown it or you

09:19:46 5 just observed it?

09:19:47 6 A. No. I just observed it.

09:19:48 7 Q. Okay.

09:19:50 8 A. I said I didn't recognize the tag.

09:19:53 9 Q. Would that be because at the top there

09:19:55 10 it says old woodworking machines?

09:19:58 11 A. No. I didn't look at that. You

09:19:59 12 pointed that out now. I didn't see that. I saw

09:20:02 13 the tag.

09:20:02 14 Q. Well, do you see that at the top there?

09:20:04 15 A. I do now.

09:20:05 16 Q. Okay. Would you agree with me that

09:20:06 17 that tag doesn't -- isn't the same as that tag?

09:20:08 18 A. I would agree with that.

09:20:10 19 Q. Okay.

09:20:11 20 MR. CROSBY: Well, that tag and that tag.

09:20:13 21 MR. VONA: I'm sorry. You're right, Brian.

09:20:13 22 BY MR. VONA:

09:20:16 23 Q. Let's say, would you agree with me that

09:20:18 1 the tag in Exhibit number 3 is not the tag in
09:20:22 2 Exhibit Number 2, which you referenced as Busch?

09:20:25 3 A. Yes.

09:20:25 4 Q. All right.

09:20:26 5 A. That is not.

09:20:27 6 Q. It is not.

09:20:28 7 Do you recognize that tag at all in
09:20:30 8 number 3?

09:20:31 9 A. Not at all. It's the first time you
09:20:33 10 saw it today.

09:20:34 11 Q. Do you recognize that company, Busch
09:20:37 12 Manufacturing Company?

09:20:37 13 A. Absolutely.

09:20:37 14 Q. Okay. And what -- do you know -- what
09:20:41 15 can you tell me about Busch from your personal
09:20:43 16 knowledge? Do you know when they incorporated?

09:20:47 17 A. No.

09:20:47 18 Q. Okay. Were they around in the late
09:20:49 19 1960s?

09:20:50 20 A. Yes, they were.

09:20:50 21 Q. Okay. Were they a competitor of yours?

09:20:53 22 A. No.

09:20:53 23 Q. Do you know what they manufactured in

09:20:55 1 the late '60s?

09:20:56 2 A. I thought it was a tool shop, a
09:20:59 3 parts -- parts -- small production. Low production
09:21:02 4 type shop.

09:21:03 5 Q. Like what kind of tools, though?

09:21:04 6 A. Well, I don't know. I saw it from the
09:21:06 7 outside, not the inside.

09:21:07 8 Q. Okay.

09:21:08 9 A. When I realized that they were making
09:21:11 10 this machine, I took a ride out to see what the
09:21:14 11 shop looked like.

09:21:15 12 Q. Okay. When was that?

09:21:18 13 A. Probably in the 1970s, sometime.

09:21:21 14 Q. Sometime in the '70s?

09:21:23 15 A. Early. Might have been '70 or '69 or
09:21:28 16 something like that.

09:21:29 17 Q. Do you have a specific recollection of
09:21:30 18 that?

09:21:30 19 A. I do.

09:21:30 20 Q. That was in 1970, '69?

09:21:33 21 A. No. I don't have a recollection of the
09:21:34 22 date. I do recall driving out there. They were on
09:21:39 23 Rochester Road just north of 14 Mile Road and I

09:21:42 1 believe it was Fraser, Michigan or Clawson.

09:21:49 2 Q. Right. It says Clawson on there. Do
09:21:53 3 you know whether or not Busch made woodworking
09:21:55 4 machines?

09:21:55 5 A. I have no experience with that.

09:21:56 6 Q. You would agree with me that Exhibit
09:21:59 7 Number 3 does say old woodworking machine at the
09:22:02 8 top?

09:22:02 9 A. That's what it says.

09:22:04 10 Q. It's fair you don't actually know the
09:22:06 11 exact date that you went to Busch to see the FAST
09:22:09 12 machine that they were making? Is that fair?

09:22:10 13 A. I didn't see the FAST machine. I just
09:22:12 14 was outside. I wanted to know -- you know, I like
09:22:17 15 to know what's going on.

09:22:18 16 Q. Sure. Of course.

09:22:20 17 A. And when I found out they were Arne
09:22:23 18 Anderson's father-in-law's shop, I wanted to see
09:22:26 19 what it looked like.

09:22:27 20 Q. I see.

09:22:27 21 A. So I took a ride.

09:22:32 22 Q. And Arne Anderson's the man who
09:22:35 23 conceived and developed the FAST machine, right?

09:22:37 1 A. As far as I know.

09:22:39 2 Q. So you just drove up and you were
09:22:41 3 outside the plant?

09:22:41 4 A. That's correct.

09:22:42 5 Q. So would it be fair, sir, that you
09:22:45 6 would have no personal knowledge as to when --
09:22:48 7 well, first of all, strike that.

09:22:49 8 Do you have any personal knowledge that
09:22:51 9 Busch actually manufactured FAST machines?

09:22:59 10 A. Other than the name plates on the
09:23:00 11 machines?

09:23:01 12 Q. Yeah.

09:23:01 13 A. I mean, that would be my --

09:23:03 14 Q. Right. So based just on that, you
09:23:06 15 don't have any personal knowledge that they
09:23:08 16 actually put these things together?

09:23:10 17 A. I never saw anything inside the shop.

09:23:11 18 Q. Okay. So that would be a yes that you
09:23:14 19 have no personal knowledge that --

09:23:15 20 A. That would be a yes, personal
09:23:18 21 knowledge.

09:23:19 22 Q. Okay. And you said that they were a
09:23:32 23 tool shop of sorts. Do you know at all like what

09:23:35 1 types of things that they made or sold at all?

09:23:38 2 A. I never had any competition with Busch.

09:23:42 3 Q. Okay.

09:23:44 4 A. They were not in the test machine
09:23:46 5 field, to my way of thinking.

09:23:48 6 Q. Right. They didn't do what you guys
09:23:50 7 did, right?

09:23:50 8 A. They don't do it. They didn't. No.

09:23:52 9 Q. So that would lead me to think they
09:23:54 10 probably have no reason to manufacture a FAST
09:23:57 11 machine, true?

09:23:57 12 A. No.

09:23:57 13 Q. They wouldn't, right?

09:23:59 14 A. If you offer me a job to make some
09:24:03 15 parts and I'm a parts maker, I'm going to say yes.

09:24:07 16 Q. I understand what you're saying. But
09:24:10 17 again, you have no knowledge whether or not they
09:24:11 18 ever actually did that, though? You have no
09:24:14 19 knowledge that they actually ever assembled a FAST
09:24:16 20 machine and sold it?

09:24:17 21 A. I don't know if they assembled it. I
09:24:19 22 don't know if they sold it. I don't think they
09:24:21 23 gave them away. And I did have to repair them.

09:24:25 1 I've had them in my shop.

09:24:27 2 Q. Okay. When was that? When were you
09:24:29 3 repairing FAST machines?

09:24:31 4 A. Since probably in the '70s sometime.

09:24:32 5 Q. Okay. When in the '70s?

09:24:35 6 A. But mostly later because they would --
09:24:37 7 they would be running unsatisfactorily. People
09:24:42 8 knew that we were in the test machine business and
09:24:45 9 that's how we'd get our business.

09:24:47 10 Q. So you would repair FAST machines
09:24:50 11 sometime in the --

09:24:50 12 A. We would repair some.

09:24:52 13 Q. In the later '70s?

09:24:54 14 A. Okay. Or later.

09:24:55 15 Q. Or '80s?

09:24:56 16 A. Or '90s.

09:24:57 17 Q. Or '90s.

09:24:58 18 They're still being used today, do you know?

09:25:01 19 A. I would suppose so. But not -- not --
09:25:03 20 mostly in foreign countries.

09:25:05 21 Q. Okay. Sir, besides these three
09:25:07 22 documents now, were there any other documents that
09:25:11 23 Ford showed you that you looked at?

09:25:14 1 A. No. Ford. I'm sorry. Because I'm
09:25:18 2 thinking back 30 years or 40.

09:25:21 3 Q. I'm sorry. I just meant with respect
09:25:24 4 to --

09:25:25 5 A. No. This is it.

09:25:26 6 Q. So they didn't show you the Ford FAST
09:25:29 7 instruction manual?

09:25:34 8 Well, sir, what is that, Exhibit Number 1?

09:25:36 9 A. This is a test report.

09:25:37 10 Q. Right.

09:25:37 11 A. I did see the manual.

09:25:38 12 Q. You did see the manual?

09:25:40 13 A. I did.

09:25:40 14 Q. When?

09:25:41 15 A. Would have been yesterday. And it is
09:25:46 16 the same manual that I have probably back at the
09:25:48 17 shop.

09:25:48 18 Q. Okay. And you would agree it says Ford
09:25:51 19 on it?

09:25:55 20 A. I would say so, yes.

09:25:57 21 MR. VONA: Okay. Do you have the manual
09:26:00 22 that you showed him, Brian?

09:26:02 23 MR. CROSBY: Sure.

09:26:03 1 (A recess was then taken.)

09:30:40 2 BY MR. VONA:

09:30:40 3 Q. Sir, before we go forward on this, I've
09:30:46 4 got to ask you: With respect to the money that
09:30:50 5 you're being paid, the \$2,000, did Ford offer to
09:30:53 6 pay that to you to come to Buffalo?

09:30:54 7 A. No.

09:30:55 8 Q. Was that your idea?

09:30:56 9 A. Yes.

09:31:14 10 Q. Did your company, Greening, did you
09:31:15 11 ever sell FAST machines?

09:31:17 12 A. Yes.

09:31:17 13 Q. Okay. When was the first time you sold
09:31:19 14 a FAST machine?

09:31:19 15 A. We made the FAST machine.

09:31:22 16 Q. You made them and sold them?

09:31:23 17 A. Yes.

09:31:23 18 Q. Okay. When was the first time you guys
09:31:25 19 actually sold a FAST machine?

09:31:34 20 A. Early '70s.

09:31:39 21 Q. Okay. And you said that you guys --
09:31:41 22 sir, do you have any personal knowledge whether
09:31:47 23 any -- well, strike that.

09:31:49 1 Let me ask you about -- who did you sell
09:31:53 2 FAST machines to? Do you recall any specific
09:31:57 3 customers?

09:32:01 4 A. Well, I know Karachi, Pakistan.

09:32:07 5 Q. The country Pakistan?

09:32:10 6 A. Yeah.

09:32:10 7 Q. Okay.

09:32:11 8 A. There's one in Afghanistan. One in
09:32:15 9 India. Remco I think was the name of the outfit at
09:32:21 10 that time.

09:32:21 11 Q. Would this have been in the '70s or --

09:32:25 12 A. No. Well, it might have been the '70s
09:32:27 13 or '80s, yeah.

09:32:29 14 Q. You still sell them, right?

09:32:31 15 A. We would. We haven't, but we would.

09:32:37 16 Q. And did -- you said that they -- you
09:32:42 17 guys manufactured the FAST machines?

09:32:45 18 A. Yes.

09:32:46 19 Q. Okay. Who did that exactly? Who
09:32:50 20 actually manufactured them? Who put them together?
09:32:52 21 Just technicians at Greening?

09:32:54 22 A. Yes.

09:32:55 23 Q. Okay. How did you know how to do that?

09:32:56 1 A. We're machine builders.

09:32:58 2 Q. Okay.

09:32:59 3 A. And we were given the plans, the things

09:33:05 4 we don't have here. We were given the document

09:33:08 5 showing the machine. We were given drawings from

09:33:11 6 Ford, from -- Arne Anderson was my only contact at

09:33:15 7 that Scientific and Research Laboratory.

09:33:17 8 Q. Understood.

09:33:20 9 A. They --

09:33:20 10 Q. So -- go ahead. I didn't mean to cut

09:33:23 11 you off.

09:33:23 12 A. All right. I don't want to say too

09:33:26 13 much.

09:33:26 14 Q. Why's that?

09:33:27 15 A. Well, I don't want to talk too much.

09:33:33 16 (Telephonic interruption.)

09:33:32 17 **THE WITNESS:** Excuse me please.

09:33:36 18 **MR. VONA:** Sure.

09:33:44 19 (Discussion off the record.)

09:33:59 20 **THE WITNESS:** So, we were given the plans.

09:34:02 21 **BY MR. VONA:**

09:34:03 22 Q. By Ford?

09:34:04 23 A. By Ford. The drawings to make these

09:34:07 1 pieces. And, now, when you're given a set of
09:34:14 2 drawings, you take a look at them and you then --
09:34:18 3 you develop an opinion as to certain issues that
09:34:24 4 you see and the tolerances on these particular
09:34:27 5 parts, but you make them according to the drawings.

09:34:33 6 Q. Ford's drawings?

09:34:34 7 A. Ford's drawings.

09:34:35 8 Q. Did you -- did Greening have to pay
09:34:37 9 anything to receive that information?

09:34:38 10 A. No.

09:34:39 11 Q. And so then there's a number of parts
09:34:43 12 that go into constructing this FAST machine,
09:34:46 13 correct?

09:34:47 14 A. Yes.

09:34:47 15 Q. And as we look at Exhibit Number 2,
09:34:50 16 like, for instance, we see these things up here
09:34:52 17 that say AB, that's Allen-Bradley, right?

09:34:55 18 A. That's correct.

09:34:56 19 Q. What are those, sir?

09:34:57 20 A. Those are starters. Motor starters.

09:35:00 21 Q. And would it be fair to say that the
09:35:02 22 FAST machine that Greening constructed would
09:35:05 23 compose a number of different component parts from

09:35:07 1 other manufacturers?

09:35:08 2 A. Yes.

09:35:13 3 Q. Do you have any personal knowledge, you
09:35:15 4 yourself, of any companies that actually sold FAST
09:35:18 5 machines in the late 1960s?

09:35:21 6 A. Link Engineering Company would have
09:35:23 7 done that.

09:35:26 8 Q. In the 1960s?

09:35:31 9 A. It would have been late 1960, I would
09:35:34 10 think.

09:35:34 11 Q. Well, do you have any personal
09:35:36 12 knowledge exactly when they started this?

09:35:38 13 A. I wasn't there. Remember, '62, I was
09:35:40 14 outside.

09:35:41 15 Q. Right?

09:35:41 16 A. '64, I'm starting my own company.

09:35:46 17 Q. Right.

09:35:46 18 A. And to my knowledge, at that point, I
09:35:49 19 probably didn't know about the FAST machine.

09:35:50 20 Q. Sure. What's your understanding as to
09:35:53 21 when Arne Anderson developed the FAST machine?
09:35:56 22 Around what year? Or what time frame?

09:36:00 23 A. Probably when he gave this paper.

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09:36:07 1 Q. 1967?

09:36:08 2 A. I would say so.

09:36:10 3 Q. And at that time you were already with
09:36:11 4 Greening Associates, correct?

09:36:12 5 A. We had our own shop in 1966.

09:36:16 6 Q. Fair. So would it be fair to say that,
09:36:18 7 I mean, nobody outside of Ford, prior to 1967,
09:36:25 8 would even know how to make one of these FAST
09:36:29 9 machines? Wouldn't that be true?

09:36:31 10 A. Probably even Ford, right?

09:36:33 11 Q. I'm sorry?

09:36:34 12 A. Probably Ford wouldn't know. You know,
09:36:36 13 when they got started with the thing it probably
09:36:39 14 didn't work very well.

09:36:40 15 Q. Well, in 1967, Arne Anderson wrote a
09:36:43 16 paper?

09:36:43 17 A. Okay. He wrote the paper.

09:36:45 18 Q. So clearly they knew how to make one in
09:36:47 19 1967?

09:36:48 20 A. That's right. He was pushing that in
09:36:49 21 competition with the Chase machine --

09:36:50 22 Q. Sure.

09:36:51 23 A. -- which we were making.

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09:36:54 1 Q. Sure. And do you recall when -- strike
09:36:56 2 that.

09:36:56 3 Was Link manufacturing -- did they start
09:37:01 4 selling FAST machines around the same time that you
09:37:03 5 did?

09:37:03 6 A. No. Before we did.

09:37:04 7 Q. How long before you guys did?

09:37:07 8 A. Several years.

09:37:08 9 Q. Okay. Do you know one way or another
09:37:12 10 whether or not it was -- they started in 1971 or
09:37:16 11 1972? Do you know specifically?

09:37:19 12 A. Not specifically.

09:37:23 13 Q. So it would be fair -- you really
09:37:26 14 don't -- it's a long time ago, I understand that.

09:37:28 15 A. It's not that. How would I know?

09:37:30 16 Q. Right, because you weren't working for
09:37:32 17 Link.

09:37:32 18 A. They could be selling them for a couple
09:37:35 19 years. I might not know that.

09:37:36 20 Q. I guess that's why I kind of asked you
09:37:39 21 the question that way. Really, I'm concerned
09:37:41 22 with -- I want to know what your personal knowledge
09:37:43 23 is, what you really know. And it would be fair to

09:37:45 1 say that you actually don't know specifically when
09:37:47 2 Link started selling FAST machines, isn't that
09:37:49 3 true?

09:37:50 4 A. Specifically, correct.

09:37:52 5 Q. Thank you.

09:37:54 6 Any other companies in the late 1960s that
09:37:57 7 you have personal knowledge was selling FAST
09:38:02 8 machines?

09:38:02 9 A. No, I don't know.

09:38:06 10 Q. All right.

09:38:06 11 MR. CROSBY: Other than who?

09:38:08 12 THE WITNESS: Other than the original Busch
09:38:10 13 and then Link.

09:38:12 14 BY MR. VONA:

09:38:13 15 Q. Sir, let me back up again and ask these
09:38:16 16 questions again.

09:38:17 17 A. Okay.

09:38:17 18 Q. All right. And I'd appreciate --

09:38:19 19 MR. PONTERIO: And you know you're just
09:38:21 20 supposed to raise objections, not suggest answers,
09:38:23 21 Brian.

09:38:23 22 MR. CROSBY: I didn't suggest an answer.

09:38:25 23 MR. PONTERIO: You know you did.

09:38:26 1 MR. VONA: Come on. If you've got an
09:38:28 2 objection, Brian, make an objection, but don't
09:38:30 3 speak like that. That's not fair. Please.

09:38:33 4 MR. CROSBY: I thought -- well --

09:38:35 5 MR. VONA: Let's just -- we'll go forward.

09:38:37 6 MR. CROSBY: Go ahead.

09:38:37 7 MR. VONA: All right.

09:38:37 8 BY MR. VONA:

09:38:39 9 Q. Sir, as you know, we're here and I'm
09:38:41 10 asking you questions about what you actually know.

09:38:44 11 A. I understand.

09:38:45 12 Q. You never worked for Busch, correct?

09:38:47 13 A. Correct.

09:38:47 14 Q. And we already established earlier you
09:38:49 15 testified that you have no personal knowledge as to
09:38:52 16 if they even sold FAST machines, isn't that right?

09:38:55 17 MR. CROSBY: Objection to form.

09:38:56 18 BY MR. VONA:

09:38:56 19 Q. Didn't you say that earlier?

09:38:58 20 A. If they -- if they ever sold FAST
09:39:02 21 machines?

09:39:02 22 Q. Yeah. Do you have personal knowledge
09:39:05 23 whether or not Busch ever actually sold FAST

09:39:08 1 machines? Do you know that?

09:39:13 2 A. Only as evidenced by the machines that
09:39:15 3 we repaired.

09:39:18 4 Q. Okay. So the answer to that then --
09:39:21 5 you're -- you're -- hold on. Let me ask you a
09:39:24 6 question.

09:39:25 7 A. Yes.

09:39:25 8 Q. So basically you're making an
09:39:27 9 assumption that because you repaired a FAST machine
09:39:29 10 in the '70s that had a Busch tag on it, that Busch
09:39:33 11 made it; is that a fair statement?

09:39:35 12 A. That's what I'm assuming.

09:39:36 13 Q. Okay. Now, likewise, since you didn't
09:39:40 14 work for Busch or Link when they were making FAST
09:39:46 15 machines in the '70s, you would have no personal
09:39:50 16 knowledge who they were even selling them to, is
09:39:54 17 that fair?

09:39:54 18 A. That's correct. Unless I saw them in a
09:39:56 19 plant.

09:39:56 20 Q. True. I understand what you're saying.

09:39:58 21 A. And I would get around different
09:40:00 22 places.

09:40:00 23 Q. So you were in the plants in the '70s,

09:40:02 1 '80s, there were machines that had Link on them as
09:40:07 2 well?

09:40:07 3 A. Absolutely.

09:40:07 4 Q. Did Greening put name tags on any of
09:40:10 5 the FAST machines they sold?

09:40:12 6 A. Yes. It said Greening & Associates.
09:40:14 7 Absolutely. And if we repaired one, it would be on
09:40:18 8 there.

09:40:19 9 Q. So you put a tag on after you repaired
09:40:21 10 it?

09:40:21 11 A. Well, because we changed it.

09:40:23 12 Q. Sure.

09:40:24 13 A. Made it work.

09:40:26 14 Q. To your knowledge, did Link or Busch
09:40:28 15 make repairs to FAST machines?

09:40:34 16 A. I would assume they had to.

09:40:36 17 Q. Okay. So would it be fair, then, if
09:40:40 18 they're repairing FAST machines, they might have
09:40:42 19 put their tag on after they repaired the machine,
09:40:44 20 just like Greening?

09:40:45 21 A. One of our machines?

09:40:46 22 Q. Any machine.

09:40:47 23 A. Well, they might have.

09:40:49 1 Q. Okay. Sir, would it be a fair
09:41:03 2 statement that you have no personal knowledge
09:41:05 3 whether or not Ford actually built FAST machines?

09:41:10 4 A. I've never seen one.

09:41:12 5 Q. Okay.

09:41:13 6 A. I would say no.

09:41:15 7 Q. No what?

09:41:16 8 A. Well, no personal knowledge if Ford
09:41:18 9 ever made a machine. I don't know how they would
09:41:22 10 do it with the facilities that they have, but, you
09:41:28 11 know -- but I've never run across a machine that
09:41:32 12 anybody said they bought from Ford Motor Company.

09:41:34 13 Q. Fair enough. And that would be in the
09:41:37 14 '70s and 1980s, though, correct?

09:41:39 15 A. Any time.

09:41:39 16 Q. Okay. Well, you never testified that
09:41:41 17 you were coming across FAST machines in the late
09:41:46 18 '60s?

09:41:46 19 A. That's correct.

09:41:47 20 Q. Okay. Let me ask you about the
09:41:49 21 scientific building at Ford. The research
09:41:51 22 building.

09:41:51 23 A. Yes.

09:41:51 1 Q. Was it a laboratory?

09:41:52 2 A. Yes.

09:41:52 3 Q. What kinds of thing did they do in
09:41:54 4 there?

09:41:55 5 A. It was a research building.

09:41:56 6 Q. Yeah.

09:41:59 7 A. And my only -- my only entry into the
09:42:03 8 building was through Anderson's department.

09:42:06 9 Q. Do you know if they tested friction
09:42:07 10 material in that building?

09:42:10 11 A. If they tested friction material?

09:42:12 12 Q. Brake lining material?

09:42:14 13 A. I would suppose they did, yeah.

09:42:16 14 Q. Okay. And the same thing, and I
09:42:25 15 understand your opinion, but you don't have any
09:42:27 16 personal knowledge one way or the other whether or
09:42:30 17 not Ford actually sold FAST machines, right?

09:42:34 18 A. If they had sold a machine, would I
09:42:36 19 have known about it? Is that what you're asking?

09:42:39 20 Q. No. I'm asking if you personally know
09:42:42 21 whether or not -- yes or no, whether or not Ford
09:42:45 22 sold FAST machines?

09:42:46 23 A. I would have to say no.

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09:42:47 1 Q. You don't know?

09:42:48 2 A. I don't know.

09:42:49 3 Q. You've heard of Durez Plastics?

09:42:53 4 A. Yes.

09:42:53 5 Q. The first time you heard of it was from

09:42:55 6 the Ford lawyers?

09:42:56 7 A. No. I've heard of Durez before.

09:42:57 8 Q. Have you ever done any business

09:42:59 9 dealings with Durez?

09:43:00 10 A. I think we've done testing for them.

09:43:03 11 Q. Okay. Where was Durez located?

09:43:05 12 A. I don't know.

09:43:06 13 Q. Okay. Do you know what state they were

09:43:08 14 in?

09:43:08 15 A. No.

09:43:10 16 Q. What can you tell me about the Durez

09:43:12 17 that -- well, strike that.

09:43:13 18 When did you think that Greening did any

09:43:15 19 business with a company called Durez?

09:43:17 20 A. I would have no idea.

09:43:19 21 Q. Would it have been --

09:43:21 22 A. We have been in business doing testing

09:43:23 23 since 1967 on the Chase machine.

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09:43:26 1 Q. Sure.

09:43:28 2 A. Now, the name is familiar to me. The
09:43:33 3 testing, if we did it for them, whenever we did it,
09:43:38 4 how would -- I wouldn't know.

09:43:39 5 Q. Do you even know what kind of testing
09:43:42 6 you maybe did?

09:43:42 7 A. It would have been friction testing.
09:43:44 8 It would have been on a Chase machine.

09:43:46 9 Q. The Durez that you think you may have
09:43:47 10 done some testing for, do you know what type of
09:43:49 11 business it was?

09:43:50 12 A. A chemical company, I thought.

09:43:52 13 Q. Did they make friction material?

09:43:55 14 A. I assume they would have. Either that
09:43:57 15 or -- either that or they were thinking about it.

09:44:00 16 Q. Okay.

09:44:01 17 A. Mind you -- can I tell you?

09:44:03 18 Q. Yeah. Go ahead. Please.

09:44:06 19 A. Many times we get samples from people
09:44:09 20 that are not in the business. We had 3M send us
09:44:12 21 some stuff one time thinking they were maybe going
09:44:15 22 to try that. And they have their own ideas and you
09:44:18 23 do some testing and they decide it's not

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09:44:21 1 worthwhile.

09:44:22 2 Q. And just so we're clear, you don't have
09:44:25 3 any time frame as to when you did business with
09:44:28 4 Durez?

09:44:28 5 A. No. No. We've done business with
09:44:35 6 hundreds of friction companies around the world.

09:44:37 7 Q. Have you ever been to the Durez plant?

09:44:38 8 A. No.

09:44:39 9 Q. You would agree with me then that you
09:44:41 10 have no personal knowledge as to what was going on
09:44:44 11 at the Durez plant?

09:44:44 12 A. No, I wouldn't know.

09:44:45 13 Q. Has Greening ever sold a FAST machine
09:44:47 14 to Durez?

09:44:48 15 A. I'd have to check our records.

09:44:49 16 Q. Do you have records for that?

09:44:50 17 A. We have records.

09:44:51 18 Q. Okay. And if you did, though, it would
09:44:53 19 have been sometime in the 1970s, according to your
09:44:59 20 testimony, right?

09:44:59 21 A. Not necessarily. I mean, we've sold
09:45:03 22 the machine for 30 years.

09:45:04 23 Q. Okay. Well, that would take us back to

09:45:06 1 1981.

09:45:07 2 A. Let's go the other way. We haven't
09:45:18 3 sold a machine in the last ten years, not in this
09:45:22 4 century.

09:45:23 5 Q. So that takes us back to the early
09:45:25 6 '70s?

09:45:26 7 A. Yeah. I'm saying during that time.

09:45:31 8 Q. But you don't have a specific
09:45:33 9 recollection of selling a FAST machine to Durez?

09:45:37 10 A. No.

09:45:45 11 Q. Do you have any personal knowledge
09:45:47 12 concerning the friction particle project that was
09:45:50 13 going on at Durez in the late '70s, early '80s?

09:45:54 14 A. No.

09:45:56 15 Q. Were you told what Mr. Ginter was
09:46:02 16 actually doing with the FAST machine by the Ford
09:46:04 17 attorneys?

09:46:05 18 A. They mentioned he was using the
09:46:07 19 machine.

09:46:07 20 Q. Okay.

09:46:08 21 A. He was running it.

09:46:09 22 Q. Okay. Did they talk to you about how
09:46:12 23 he prepared test samples?

09:46:13 1 A. No.

09:46:14 2 Q. Okay. Have you ever worked on a FAST

09:46:16 3 machine?

09:46:16 4 A. Yes.

09:46:17 5 Q. Okay.

09:46:20 6 A. A long time ago.

09:46:21 7 Q. With friction material?

09:46:23 8 A. Sure.

09:46:23 9 Q. How did you prepare the sample to put

09:46:26 10 it into the FAST machine?

09:46:27 11 A. You have a little fixture and it's

09:46:30 12 shaped, and then you file off the edges.

09:46:32 13 Q. You hacksaw the material to a shape?

09:46:35 14 A. Yeah.

09:46:35 15 Q. And then you file it?

09:46:36 16 A. Hacksaw or on the machine a --

09:46:40 17 Q. Grinder?

09:46:40 18 A. Not a grinder but a band. Band saw.

09:46:43 19 Q. Okay. Band saw.

09:46:44 20 A. You would have a special machine set

09:46:46 21 aside in an area where you're doing any cutting.

09:46:51 22 Actually we have a paint booth, old paint booth.

09:46:54 23 Turn the blowers on and do your work in the paint

09:46:57 1 booth.

09:47:03 2 Q. You would have no personal knowledge as
09:47:05 3 to who sold Durez a FAST machine in the late '60s,
09:47:09 4 would you?

09:47:09 5 A. No.

09:47:10 6 Q. And you'd have no personal knowledge
09:47:12 7 how they came to have a FAST machine in the late
09:47:15 8 1960s?

09:47:16 9 A. No.

09:47:17 10 MR. CROSBY: I just object to the form of
09:47:19 11 those two questions.

09:47:21 12 MR. VONA: Sure.

09:47:21 13 BY MR. VONA:

09:47:24 14 Q. You have no personal knowledge as to
09:47:27 15 how Durez came to have a Ford instruction manual,
09:47:32 16 do you?

09:47:33 17 A. Again, please.

09:47:35 18 Q. Would you have any personal
09:47:36 19 knowledge -- would you know why Durez had a Ford
09:47:40 20 FAST machine instruction manual? Do you have any
09:47:42 21 personal knowledge as to that?

09:47:45 22 A. Only in that I got a manual from Arne
09:47:49 23 Anderson.

09:47:50 1 Q. Okay. But that's not --

09:47:52 2 A. But I don't know, no. I wouldn't know
09:47:54 3 anything about them. Nothing.

09:47:55 4 Q. Right. Okay.

09:48:03 5 And so, sir, would it be fair to say that
09:48:05 6 when you go over to court this afternoon, you can't
09:48:09 7 tell this jury that Ford did not manufacture the
09:48:14 8 FAST machine that Mr. Ginter used? You can't say
09:48:20 9 that, can you, based on your personal knowledge?

09:48:23 10 A. Based on my personal knowledge, I can't
09:48:25 11 tell them if Ford sold them the machine. Right?
09:48:29 12 Is that what you're saying?

09:48:30 13 Q. That they didn't. Let me ask it again.

09:48:32 14 A. Okay. You've got it reversed.

09:48:35 15 Q. Let me ask it again. It's a poor
09:48:37 16 question.

09:48:37 17 A. Okay, go ahead.

09:48:39 18 Q. So, sir, you have no personal
09:48:40 19 knowledge, there's no way that you can tell this
09:48:42 20 jury that Ford did not sell Durez a FAST machine in
09:48:47 21 the late 1960s or 1970?

09:48:50 22 A. No, I can't say that.

09:48:51 23 Q. And certainly Ford had the capability,

09:48:53 1 they knew how to make a FAST machine, they created
09:48:55 2 it, right?

09:48:58 3 A. We disagree with this.

09:49:01 4 Q. Let me ask you this: Arne Anderson
09:49:03 5 developed and conceived this machine, right?

09:49:05 6 A. Yes.

09:49:06 7 Q. Do you know, did Ford make a prototype
09:49:08 8 at all? Do you know?

09:49:12 9 A. Can we have an off --

09:49:15 10 MR. PONTERIO: We have got to stay on the
09:49:16 11 record.

09:49:16 12 MR. VONA: You've got to stay on.

09:49:19 13 THE WITNESS: Okay. It's inconceivable to
09:49:22 14 me that Arne Anderson would have all of the parts
09:49:26 15 for a FAST machine fabricated at the Ford Motor
09:49:26 16 Company.

09:49:30 17 BY MR. VONA:

09:49:30 18 Q. Well, isn't it possible that he could
09:49:33 19 have had them fabricated somewhere else?

09:49:35 20 A. Somewhere else.

09:49:35 21 Q. Brought the parts in and assembled it?

09:49:37 22 A. He could have done that, he should have
09:49:41 23 done it at their shop.

09:49:43 1 Q. Sure. I guess -- we're mincing words
09:49:45 2 there, I guess -- well, my question is, they knew
09:49:46 3 the parts necessary to make the FAST machine?

09:49:48 4 A. They knew the parts. They had to put
09:49:50 5 them together to see if they worked. Which, of
09:49:50 6 course, they didn't work when they first put it
09:49:53 7 together. It never does.

09:49:57 8 Q. Eventually, they did, though.

09:49:58 9 A. Eventually, they did.

09:50:21 10 Q. Sir, again, one more question again
09:50:24 11 based on your personal knowledge. You can't sit
09:50:27 12 here today and tell this jury who -- based on your
09:50:30 13 personal knowledge, who, what companies were
09:50:32 14 selling FAST machines in the late 1960s, correct?

09:50:47 15 A. I'd have to say that's -- that would be
09:50:49 16 correct.

09:50:51 17 MR. VONA: Thank you. I don't have any
09:50:52 18 other questions for you, sir.

09:50:53 19 THE WITNESS: Okay.

09:50:54 20 MR. VONA: Appreciate your time.

09:50:55 21 THE WITNESS: You're welcome.

22 (Deposition concluded at 9:50 a.m.)

23 * * *

1 STATE OF NEW YORK)

2 ss:

3 COUNTY OF ERIE)

4

5 I DO HEREBY CERTIFY as a Notary Public in and
6 for the State of New York, that I did attend and
7 report the foregoing deposition, which was taken
8 down by me in a verbatim manner by means of machine
9 shorthand. Further, that the deposition was then
10 reduced to writing in my presence and under my
11 direction. That the deposition was taken to be
12 used in the foregoing entitled action. That the
13 said deponent, before examination, was duly sworn
14 to testify to the truth, the whole truth and
15 nothing but the truth, relative to said action.

16

17

18

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22

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ANNE T. BARONE, RPR,
Notary Public.

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EXH. 3	Document with picture of tag	52

* Exhibits retained by Mr. Crosby.