

RONALD CREAMER

Page 1

DEBBIE ACCETURO, : SUPERIOR COURT OF
INDIVIDUALLY AND AS : NEW JERSEY
ADMINISTRATRIX AND : MIDDLESEX COUNTY
ADMINISTRATRIX AD :
PROSEQUENDUM OF THE :
ESTATE OF VINCENT :
ACCETURO JR. :
Plaintiff :
vs. :
ABEX CORPORATION, et al :
Defendants : NO. MID-L-6601-99

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Oral Deposition of RONALD W.

CREAMER, taken pursuant to notice, held at
Kelley, Jasons, McGowan, Spinelli & Hanna,
LLP, on Friday, March 30, 2007, beginning at
8:30 a.m., before Janice L. Welsh, Registered
Professional Reporter-Notary Public, there
being present.

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APPEARANCES:

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Representing: Motion Control

EXHIBIT
Hobbre 36
9-8-08 JIR

SCF-EC-6000

1 on its products.

2 A. No.

3 MR. MCGUIRE: I'm going to
4 object because it's unclear what exactly you
5 mean when you seem to distinguish between a
6 need and a requirement.

7 BY MR. BARTELS:

8 Q. Setting aside the requirement, if there
9 was one for such a warning, do you know if
10 Motion believed that it was necessary to put
11 such a warning on its asbestos products at
12 that time?

13 A. In 1973?

14 Q. Yes.

15 A. No. I don't know the answer to that.

16 Q. Again, I'm going to refer you to the
17 very same answer to question 11 down here
18 again. I'm going to read it, and I'm going to
19 ask you if I read it correctly, and then I
20 have some follow-up questions.

21 A. Okay.

22 Q. "Research has indicated that since 1977
23 answering defendant has included in its
24 containers of asbestos-containing brake
25 linings, a statement which has the same or

1 substantially the same form and wording as
2 that attached as Exhibit-5, entitled
3 Recommended Procedures For Reducing Asbestos
4 Dust During Brake Servicing." Did I read that
5 correctly?

6 A. That's correct.

7 Q. My question is what research are you
8 referring to, to come to the conclusion that
9 it was used in 1977 in every container?

10 A. Because I was there at that point in
11 time, and I recall us putting them in the
12 boxes.

13 Q. Is that the research you're referring
14 to, your own personal knowledge?

15 A. Yes.

16 Q. You didn't have to go to anybody else to
17 get the information?

18 A. No.

19 Q. You didn't review any documents?

20 A. ~~No. It may have been in Tami's~~
21 deposition as well.

22 Q. Who actually produced this little
23 document that went into the containers?

24 A. I believe the document -- I remember us
25 putting them in there. Initially we sent out

1 a mailing to everybody, but I believe it was
2 FMSI that produced the original information.

3 Q. This exhibit that's attached to this was
4 actually placed physically into a container
5 that contained what?

6 A. That contained our asbestos-containing
7 brake products.

8 Q. And this document I guess is listed as
9 Exhibit-5; is that correct?

10 A. Yes.

11 Q. So, let's go to Exhibit-5.

12 MR. MCGUIRE: That's the
13 same exhibit you were asking him about a few
14 minutes ago.

15 BY MR. BARTELS:

16 Q. Exhibit-5 is actually Creamer-1A?

17 A. Right.

18 Q. So, it's your testimony that sometime
19 around 1977 --

20 A. ~~We started putting that in the boxes.~~

21 Q. At the time Motion began to put this
22 document into their boxes which contained
23 asbestos brakes, do you know whether or not
24 the company believed that asbestos was a dust
25 hazard that could cause disease?

SEP-07-1993 13:52 FROM CARLISLE COMPANIES INC. TO

12158548434 P.005/018

RECOMMENDED PROCEDURES FOR REDUCING ASBESTOS DUST DURING BRAKE SERVICING

Because studies have indicated that exposure to excessive amounts of asbestos dust may be a potential health hazard, OSHA has set maximum limits of levels of airborne asbestos dust to which workers may be exposed. Since most automotive friction materials normally contain a sizable amount of asbestos, it is important that people who handle brake linings and clutch facings understand the nature of the problem and know the precautions to be taken.

1. Areas where brake work is done should be set aside if possible, and entrances should be posted with an asbestos exposure sign as follows:

**Asbestos
Dust Hazard
Avoid Breathing Dust
Wear Assigned Protective Equipment
Do Not Remain in Area Unless Your Work
Requires It
Breathing Asbestos Dust May Be Hazardous
To Your Health**

2. The amount of asbestos in the dust from brake lining wear is normally at an extremely low level because of chemical breakdown during use, and if machining of friction material does not take place, simple procedures will minimize exposure. During brake servicing, the mechanic should wear a respirator approved by NIOSH for asbestos dust. It should be worn during all procedures starting with the removal of wheels and including reassembly.
3. When removing worn friction materials, remove the accumulated dust in the assemblies with an industrial vacuum cleaner equipped with a high efficiency filter system. If such equipment is not available, dust can be removed with a damp cloth. Do not use compressed air or dry brushing for cleaning unless the assembly is enclosed and properly exhausted.
4. Whenever possible, purchase friction materials preground and ready for installation. If machining is necessary, the precautions which must be taken are of extreme importance. This is the case even in brake service

when exposure to asbestos dust may be at its highest. This increases the difficulty in complying with the OSHA standards. In addition to the approved respirator, there must be local exhaust ventilation such that worker exposures are maintained below the OSHA asbestos standards. If there is any question as to the efficiency of asbestos dust removal by the machine, the manufacturer should be contacted.

5. Industrial vacuum cleaner bags containing asbestos dust and cloths used for wiping brake assemblies should be sealed in plastic bags and labeled with the following warning label printed in letters of sufficient size and contrast to be readily visible and legible.

**Caution
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause
Serious Bodily Harm**

All asbestos waste should be disposed of in accordance with OSHA and EPA asbestos regulations. During removal of vacuum bags, an approved respirator, as described in (2) above should be worn.

6. Good housekeeping is essential in a workplace where asbestos containing materials are handled. Industrial vacuum cleaners equipped with multiple stage high efficiency filters should be used for removing accumulations of asbestos dust and waste. Never use compressed air or dry sweeping for cleaning. Water or other dust suppressants should be applied if brooms are used.
7. Good personal hygiene practices are important in minimizing asbestos dust exposure. Do not smoke. Wash before eating. Shower after work. Change to work clothes upon arrival at work and change from work clothes at conclusion of work. Work clothing should not be taken home. Laundering of asbestos contaminated clothing shall be done so as to prevent release of airborne asbestos fibers in excess of the exposure limits.

**CAUTION: DO NOT BREATHE ASBESTOS
DUST**

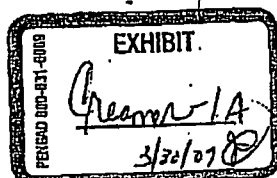


EXHIBIT 5