FILE NAME: Eaton (EAT)

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EATON

Fran D. Ruckdeschel

Did Eaton Warn Its Customers And End Users?

Date	Sworn Statement	Witness	Claim
2008_09_08	Deposition (Kolasinski)	Hobbie	Q: Sir, would you agree with me based on your prior testimony, that Eaton never provided any warnings with its brakes concerning the potential health hazards of asbestos. [OBJECTION] A: I'd say yes. I don't believe they ever did. 232:20 – 233:2 Q: And, Mr. Hobbie, would you, would you agree with me that if warnings on the dangers asbestos were placed on brake linings that were purchased by Eaton for use in their products, it would be reasonable to expect Eaton to pass those warnings on to its customers? [OBJECTION] A: I guess it would be a reasonable idea. 245:19 - 246:2
2010_09_08	Deposition (Bankhead)	Hobbie	Eaton shipped its asbestos-containing as part of axle assemblies in totes (returnable metal boxes) or on pallets – No asbestos warnings on the packaging. 155:20 – 156:15

			In the mid-1980s, Eaton warned in its manuals not to blow dust out of its brake drums with compressed air because of asbestos hazards. 189:18 - 189:22 Eaton warned in the mid-1980s because of "the issue of asbestos and what OSHA had to say about it and those types of things." 191:6 - 191:12 Eaton's warnings were limited to manuals. 191:14 - 191:18 The mid-1980s warnings did not warn of the risk of death or the risk of cancer. 274:4 - 274:11 The warning in the manual was the only warning ever given by Eaton. 274:4 - 275:25
2011_05_11	Deposition (Stillman)	Hobbie	Hobbie testified that he has never seen a warning on a box and that there are no Eaton documents to indicate that a warning was placed on a box . 61:4 - 62:6 Eaton did not put a warning label on its brake products.

			47:7 – 47:9 Eaton placed a caution statement in service manuals. 47:10 – 47:12 The caution went into the service manuals in 1982. 65:21 – 65:24
2017_11_15	Deposition (Crowe)	Hobbie	Were there any warnings put on the boxes of Eaton replacement brakes? "There were a - - a eight and half by eleven sheet with that same warning stamped or printed into the center of that sheet placed inside the box with certain brake shoes, lining shoe, and lining assemblies." 171:1 – 171:7 When did this start to happen? "It was in the seventies. I don't have a firm handle on that." 171:19 – 171:21 Eaton claims it placed an 8.5" x 11" sheet of paper with an asbestos warning in each box of replacement a-c brake shoes – it never placed a sticker on the boxes of a-c brake shoes because "Sticker could have fallen off. / Sheet of paper inside the box as long as the box retained its seal."

			179:2 - 179:18 When did Eaton label it's a-c products as being a-c products? A: "I think it was 1982 was the first time that we published a warning in one of our manuals" 157:13 - 157:17
2018_12_10	Interrogatories (Fisher)	Hobbie - 2018_12_11.	Warnings on boxes. Interrogatory No. 9: [Identify all Products Eaton Supplied to Entities in Question from 1958 through 1978] Interrogatory No. 10: [Identify all products supplied to Equipment Manufacturers] Interrogatory No. 11: [When and why asbestos was used] Interrogatory No. 12: [Any impediments preventing warnings] **Answer: "[] Beginning in or about 1983, boxes containing brake shoes with asbestos-containing linings included a warning label that included warnings relating to asbestos."** -
2005_11_22	Deposition testimony of Eaton Rep. Miles L. Tuttle; Franklin v. General Motors Cor.; Anderson		Q: And tell me specifically what warnings Eaton Corporation gave relating to asbestos and tell me, the best you can recall, when that first occurred.

	Cir. Ct., Kentucky; Case: 04 – CI-00274		A: It occurred in the early eighties, and we put a cautionary warning in our service manuals for technicians who work on the product to - - not to blow the dust in their face when they blow it out with air and not to use air if they could find other means. (26:1 – 26:8) Q: [] The language or words that Eaton Corporation used to warn the public about asbestos, did they do that? Did Eaton actually put a warning label on some asbestos-containing products? A: NO. (24:22 – 25:1) Q: Okay. So you worked with warnings but you didn't put them on any products? A: That's correct. (25:4 – 25:6)
2011_02_28	[DeBlase] Interrogatories (California); In Re: Complex Asbestos Litigation (Case No.: 828684) **Interrogatory** No. **57** and Eaton's verified Answer	**Verified by Hobbie**	"(a) Beginning in the mid 1980s, Eaton included warnings in its products advising individuals not to use compressed air to blow out dust from the interior of brake drums because of the potential harmful effect of the inhalation of asbestos dust."

	thereto.		[THIS IS A WARNING TO OTHERS]
2008_08_03	Kolasinski Matter: Eaton Corporation's Responses to Plaintiffs' Interrogatories Interrogatory No. 45	Verified by Hobbie	"Did [Eaton] ever publish or distribute any books, manuals, pamphlets brochures or other writings which indicated that exposure to any of the that [sic] asbestos in any brake shoes or linings incorporated as component parts in its axles, wheel assemblies or replacement brake shoes or linings was potentially dangerous to human health." [Objections omitted]. []Eaton is unaware of any causal connection between the use of its axles or brake assemblies and any disease process. Further answering, Eaton is aware that during the 1970s and 1980s OSHA considered and published certain standards regarding airborne asbestos dust and that those standards were based on the possible connection between the inhalation of certain types of airborne asbestos dust at certain levels and the potential for an increased risk of certain types of adverse health effects. Eaton further believed that based on its own experience that threshold limit values of asbestos dust from brake linings were not exceeded and that there was no asbestos related health hazards related to its axle or brake products." ***NONE IDENTIFIED BY EATON IN ITS RESPONSE***

2009_10_28	Larry Williams v. Advance Auto Parts, Inc.; Cir. Ct. 3rd Jud. Cir., Madison Co., Ill; Case: 09-L-537 **Interrogatory No. 68** and Eaton's verified Answer thereto.	Verified by Hobbie	Rogg 68: If Defendant, any predecessor or related company obtained raw asbestos and/or asbestos containing material used by Defendant, any predecessor or related company, to manufacture or process any product listed in response to Interrogatory 16 [***"friction linings manufactured by third parties unrelated to Eaton"***], did such raw asbestos and/or asbestos containing material contain any warning of any type - - either affixed to the container, contained within the container, or affixed to the product itself - - when received by the Defendant, any predecessor or related company? **ANSWER: OBJECTION. Vague. Without in any way waiving this objection, and based on the information currently available to Eaton, no.** **Compare this answer to Eaton's internal training program from 1986 in which Eaton tells its employees that incoming a-c brakes are coming into Eaton's facilities with a label.** **SEE 2008_09_08 Kolasinski transcript (Ex. 28 to tx) that states:** *"Certain types of brake lining used in this facility in the manufacture of brake shoes contain asbestos. The containers in which these brake*

			*linings are received from suppliers **have asbestos warning labels affixied**. Other types of brake linings used in this facility do not contain asbestos; the containers in which these linings are received do not have asbestos warning labels affixed.*

When Did Eaton Know About Dangers?

Date	Source	Witness	Claim
2008_09_08	Deposition (Kolasinski)	Hobbie	Q: [] Would you agree with me then that , that Eaton, as a member of the [friction] industry, would have been aware of the potential health hazards of asbestos sometime in the mid '70s? [OBJECTION] A: I'd say at a low level, yes, as a developing issue.
2011_02_28 – Verification Date: 2011_02_27	[DeBlase] Interrogatories (California); In Re: Complex Asbestos Litigation (Case No.: 8[illegible]684) **Interrogatory No. 33** and Eaton's verified Answer thereto	Verified by Hobbie	Early 1970s OSHA published standards regarding asbestos based on possible connection between inhalation of "certain types and amounts of airborne asbestos dust at certain levels and the potential for an increased risk of certain types of adverse health effects."
2011_02_28 – Verification Date: 2011_02_27	[DeBlase] Interrogatories (California); In Re: Complex Asbestos Litigation (Case	Verified by Hobbie	"(b) Eaton may have been a member of the National Safety Council from time to time during the 1960s through the 1970s and/or 1980s."

	No.: 8[illegible]8684) Interrogatory No. 1[illegible] and Eaton's verified Answer thereto.		
2008_10_28	Larry [illegible]lliams v. Ad[illegible]ce [illegible]uto[illegible]ts, Inc.; [illegible]ir. C[illegible]d Jud. [illegible]ir., [illegible]dison [illegible]o., [illegible] Case: [illegible]9-L[illegible] [illegible]nte[illegible]gatory [illegible]o. 7[illegible]d [illegible]aton's [illegible]erified Answ[illegible] [illegible]ere[illegible]	Verified by Hobbie	State the date on which any official of Defendant or any predecessor or any related company first had knowledge, notice, information or understanding that exposure to asbestos would, could or might cause each of the following: A. Pleural disease, B. Asbestosis, C. Mesothelioma, D. Lung Cancer, E. Any other forms of cancer. Answer: Eaton is unaware of any causal connection between the use of brake assemblies, axles or transmissions and any disease process. Eaton is not able to determine when any of its employees first learned of an alleged relationship between any type of asbestos and exposure and any particular type of disease. Further answering, Eaton is aware that during the 1970s and 1980s OSHA considered and published certain standards regarding airborne asbestos dust and that those standards were based on the possible connection between the inhalation of certain types of airborne asbestos dust at certain levels and the potential for an increased risk of certain types of adverse health effects. Eaton further believed that based on its own experience

			that threshold limit values of asbestos dust from brake linings, axles and transmissions were not exceeded and that there was no asbestos related health hazards related to its transmission, axle or brake products." **CLAIMING NO KNOWLEDGE, despite OSHA.**

"[],Eaton believes that Roger Hobbie has the broadest based knowledge of any one individual concerning Eaton's incorporation of asbestos-containing friction linings into its brake assemblies." February 28, 2011 Interrogatory No. 10 and Response in California Case 828684 (In Re: Complex Asb. Litigation)

Roger Hobbie is the person most knowledgeable about Eaton's A-C product and their packaging and "written instructions, wrapping or printed insert which was or in placed in the container, package or carton with each such product and the inclusive period of time during which each instruction, wrapping or printed insert was placed in the container, package or carton." February 28, 2011 Interrogatory No. 43 and Response in California Case 828684 (In Re: Complex Asb. Litigation).