

ROGER HOBBIE

Page 46

1 That is addressed to you, is it not?
 2 A Yes. It is addressed to me by a representative of
 3 the axle brake division, Dave Jones. I think at the time he
 4 was their tech service manager.
 5 Q And what is the date on that document?
 6 A January 14, 1987.
 7 Q And what is being discussed in that?
 8 A They are asking, it was during the approval period,
 9 I guess, certification period, for nonasbestos linings. They
 10 were asking us to supply them with some specific fleet
 11 recommendations, in other words, fleet users that would be
 12 willing to put these new nonasbestos linings on their vehicles
 13 and run a field test. We were being asked that because we
 14 were the -- under me, I had the contact people reporting to me
 15 that would contact those fleets.
 16 Q What size brake were they talking about there?
 17 A I think it looks like a steer axle, 18,000 pound
 18 steer axle. It probably at that time would have been a 16 and
 19 a half by five, I think.
 20 Q Now, it sounds to me like when Eaton was moving from
 21 the use of asbestos to nonasbestos, there had to be this
 22 process where they were testing the new nonasbestos products;
 23 is that correct?
 24 A Yes.
 25 Q Is that correct?

Page 47

1 A That is correct.
 2 Q And the purpose for testing those products was to
 3 ensure that they met the SAE requirements for safe braking
 4 distances, right?
 5 A Well, yeah. In that period of time too, the Federal
 6 Motor Vehicle Standards were developed which gave specifics as
 7 far as standards that the brakes had to meet as far as
 8 stopping distance and wear, those types of things.
 9 Q Prior to the use of nonasbestos, would it be fair to
 10 say that all of the brakes were actually spec'ed for use with
 11 asbestos-containing brakes?
 12 A Yeah, that was the technology at the time.
 13 Q So in this process, now this is 1987, am I to
 14 understand that as late as 1987, Eaton is still testing
 15 nonasbestos brake linings before they are actually using them
 16 because they are still not able to meet the requirements
 17 necessary?
 18 A Well, yes, but this is a specific request that --
 19 the percentage of trucks that would use an 18,000 pound steer
 20 axle is very small. It's probably a big probably a dump truck
 21 or a mixer. And they are asking for specific operators that
 22 would be operating in a winter environment. So that is
 23 uncommon. They probably had the confidence, I'm sure it
 24 probably would have passed all of the other lab tests, a lot
 25 of other tests and other field testing but this was a specific

Page 48

1 area they wanted to make sure the product would meet the
 2 standards.
 3 Q Do you recall when Eaton first started the process
 4 of testing these NAB brake linings, nonasbestos brake linings,
 5 before offering them to their OEMs?
 6 MR. QUICK: You mean regardless of class?
 7 MR. BARTELS: Regardless of class.
 8 A I would say to the best of my recollection, probably
 9 late '70s.
 10 Q Do you recall if there were any particular truck
 11 models that posed more of a problem with respect to the use of
 12 nonasbestos brakes than others, specifically various weight
 13 sizes?
 14 A I would say probably the on-off road type of heavy
 15 haul vehicles more so than any of the general highway use
 16 vehicles.
 17 (Exhibit 6, internal correspondence-4/16/85,
 18 was marked for identification.)
 19 Q Mr. Hobbie, I'm going to show you what I have marked
 20 as Hobbie 6 for identification and just ask you to look at it.
 21 Show counsel. Have you had a chance to look at that document?
 22 A Yes.
 23 Q Do you recognize what it is, generally?
 24 A Yes.
 25 Q What is it for the record?

Page 49

1 A It is a communication from Tom O'Boyle who was at
 2 that time the marketing manager of the axle brake division to
 3 his boss George Cotter I think just communicating the position
 4 that nonasbestos brake linings were coming to the market and I
 5 guess there had been an EPA meeting to discuss that, it sounds
 6 like we were not represented at. And he was just making his
 7 boss aware of the situation as it was evolving.
 8 Q And this is dated April 16, 1985, correct?
 9 A Yes.
 10 Q Do you agree based on your knowledge as you were
 11 working, during the time you were working with Eaton, do you
 12 agree with the statement that the standard friction material
 13 found in heavy truck brakes today is asbestos?
 14 A Yes.
 15 Q Based on your knowledge of Eaton at the time you
 16 were working for Eaton, do you agree with this statement
 17 written in this particular document, while the industry is
 18 progressing toward the elimination of asbestos, there is still
 19 a great deal of work to be done before we can be confident of
 20 success.
 21 Did I read that correctly?
 22 A Yes.
 23 Q The next sentence, to eliminate asbestos in the near
 24 term would cause unproven and potentially unsafe products to
 25 be put on the nation's highways. Did I read that correctly?

13 (Pages 46 to 49)

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