

FILE NAME: Volkswagon (VK)

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DOCUMENT DESCRIPTION: Legal - Motion for Partial Summary Judgment

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

ASBESTOS DIVISION

ROBERT G. CLARK and
ALANA CLARK, his wife,

CASE NO.: 14-027985

Plaintiffs,

v.

VOLKSWAGEN AKTIENGESELLSCHAFT, et al.,

Defendants.

_____ /

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

COME NOW, Plaintiffs, by and through the undersigned counsel, pursuant to Florida Rule of Civil Procedure 1.510, and hereby move for partial summary judgment on Defendant VOLKSWAGEN AKTIENGESELLSCHAFT's ("VWAG") affirmative defenses numbers 23 and 53. In support thereof, Plaintiffs state as follows:

LEGAL STANDARD

Pursuant to Rule 1.510(c) of the Florida Rules of Civil Procedure, a motion for summary judgment should be granted in favor of the moving party if "the pleadings, depositions, answers to interrogatories and admissions on file together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Fla. R. Civ. P. 1.510(c); *see also Zabrani v. Riveron*, 495 So. 2d 1195, 1199 (Fla. 3d DCA 1986). The purpose of summary judgment "is to avoid the expense and delay of trials when all facts are admitted or when a party is unable to support by any competent evidence a contention of fact." *Nat'l Airlines, Inc. v. Fla. Equipment Co. of Miami*, 71 So. 2d 741, 744 (Fla. 1954). See also *Bakker v. First Fed. Sav. & Loan Ass'n of Hammonton, New Jersey*, 575 So.2d 222, 224 (Fla.

3d DCA 1991) (explaining that the purpose of the partial summary judgment procedure is to narrow the issues in a case so as to limit the matters genuinely in dispute which must be taken to trial). The party moving for summary judgment must show the absence of a genuine issue of material fact, and the court must draw every possible inference in favor of the non-moving party. *Craven v. TRG Boynton Beach, Ltd.*, 925 So. 2d 476, 480 (Fla. 4th DCA 2006) (citing *Wills v. Sears, Roebuck & Co.*, 351 So. 2d 29 (Fla. 1977)).

Once the movant on summary judgment meets his burden of conclusively demonstrating that no genuine issue of material fact exists, the burden shifts to the opposing party to come forward with evidence sufficient to show an issue of fact. *See Slachter v. Abundio Inv. Co.*, 566 So. 2d 348, 349 (Fla. 3d DCA 1990); *see also Lenhal Realty, Inc. v. Transamerica Comm. Fin. Corp.*, 615 So. 2d 207, 208 (Fla. 4th DCA 1993). It is not enough for the opposing party to merely assert that a genuine issue of material fact exists. *See Almond Constr. Co. v. Evans*, 547 So. 2d 626, 628 (Fla. 1989). Likewise, summary judgment is appropriately granted where there is a complete lack of evidence concerning an essential element of the cause of action. *See Mahoney v. Burger King Corp.*, 600 So. 2d 1252 (Fla. 3d DCA 1992); *F & R Builders v. Lowell Dun Co.*, 364 So. 2d 826, 828 (Fla. 3d DCA 1978).

ARGUMENT

Robert G. Clark and Alana Clark (“Plaintiffs”) filed their initial Complaint on October 31, 2014. Plaintiffs allege that Mr. Clark’s exposure to defendants’ asbestos-containing products caused him to develop asbestosis and diffuse pleural thickening. On February 10, 2015, VWAG filed its answer and affirmative defenses. *See **Exhibit A***.

VWAG's affirmative defense number 23 states as follows:

If Plaintiff, Robert G. Clark, either used, or was exposed to, products manufactured or supplied by VW AG, and if it is shown that such use and/or exposure is causally related to his alleged injuries and/or damages, all of which is specifically denied, then it is averred that he was himself negligent in the following particulars:

In failing to use proper safety equipment, which was available to Mr. Clark; In failing to demand the proper safety equipment be supplied to Mr. Clark; **In failing to read the instructions and/or warnings distributed by VWAG in connection with the sale or use of its products;** By using improper techniques and methods in the use and application of products for which VWAG may have legal responsibility; In otherwise failing to exercise due care and caution under the circumstances.

Exhibit A, at ¶ 23 (emphasis added).

Summary judgment in favor of Plaintiffs is appropriate as to VWAG's contention in affirmative defense number 23 that Mr. Clark failed to "read warnings distributed by VWAG in connection with the sale or use of its products." VWAG admits that it never placed any warnings about asbestos on any Volkswagen vehicles, brakes, clutches or owner's manuals. Dep. Tr. of Airbert Kolms, *New York City Asbestos Litigation*, Jan. 29, 2004, at 67:17 – 69:22, attached as **Exhibit B**. VWAG's wholly owned subsidiary, Volkswagen Group of America, Inc. ("VWGoA"), also admits that it never placed any warnings about asbestos on the packaging of any Volkswagen products it distributed and never passed along any warnings about asbestos to anyone, including Volkswagen consumers. Dep. Tr. of Robert P. Cameron, Jr., *Steiner v. Advance Auto Parts, et al.*, June 24, 2011, at 258:5-13, attached as **Exhibit C**; Dep. Tr. of Robert P. Cameron, Jr., *Boman v. Alfal Laval, Inc.*, July 31, 2009, at 171:17 – 172:23, 180:8-24, attached as **Exhibit D**. A VWAG memorandum dated August 17, 1987, states that its asbestos-containing brake linings are "currently not labeled as 'asbestos-containing' . . . no warning and safety instructions are given to the user (after sales service or private purchaser) who may be exposed to asbestos exposure."

Exhibit E. Finally, VWAG’s corporate representative (who was deposed in this matter on April 9, 2019) admitted that, VWAG did not place any warnings on its products about the health hazards of asbestos until 1993 when it was *required* to do so by German regulations (approximately nine years after Plaintiff Mr. Clark last worked with a Volkswagen product). Dep. Tr. of Juergen Albers, *Clark v. Borg Warner Corp., et al.*, April 9, 2019, at 65:24 – 66:7, 75:5-11, 128:22 – 129:1, attached as **Exhibit F**.

VWAG’s affirmative defense number 53 states as follows:

Any products that contained asbestos that were designed, manufactured, distributed, sold and/or supplied or otherwise placed in the stream of commerce by VWAG were made so that the **asbestos fibers were encapsulated in other material which would prevent the release of injury producing levels of such fibers based on the use of said product.**

Exhibit A, at ¶ 53 (emphasis added).

Summary judgment in favor of Plaintiffs is also appropriate as to VWAG’s affirmative defense number 53. Evidence produced in this matter by VWAG shows that the asbestos fibers in its asbestos-containing products were not “encapsulated” and indeed were capable of releasing asbestos fibers at dangerous levels:

- A VWAG memorandum dated January 1, 1981, in reference to the “use of asbestos or asbestos-containing materials” at VWAG’s production factory states that “[d]eposits of asbestos fine dust or asbestos-containing fine dust in the lungs lead to asbestosis and/or cancer.” **Exhibit G**.
- A VWAG memorandum dated August 1, 1983, explains that “[r]egardless of dust measurements or structural measures taken, the following points should be noted when asbestos . . . dust occurs: . . . If despite technical and organizational measures, it cannot be achieved that the respiratory air can be sufficiently freed of . . . asbestos, respiratory protective equipment must be used.” **Exhibit H**.
- A VWAG memorandum dated December 15, 1982, regarding “[a]sbestos emissions from brake lining processing machines,” states that “[b]rake service workshops for trucks and buses use increasingly brake pads processing machines for over-revving of used and new brake pads, which are placed directly on the axle without disassembly of the brake shoe

carrier. The resulting dust contains asbestos fibers, which get into the respiratory air of the employees and, depending on the concentration and exposure time, can lead to damaging health effects. Extensive measures of dust concentrations at workplaces in brake workshops showed that the dust concentrations vary greatly depending on the work intensity, spatial and ventilation conditions as well as the type of brake pads and the processing machine . . . When blowing out brake drums, the threshold for asbestos-containing and inert dust at the workplace are exceeded for a short period of time . . .”.

Exhibit I.

- A VWAG memorandum dated April 4, 1980, in reference to asbestos-related hazards, states that “[i]t is therefore apparent that the technical thresholds for chrysotile-containing fine dust . . . are likely to be reached or exceeded over time as a result of the work on riveting the clutch linings. **Exhibit J.**
- A VWAG memorandum dated October 31, 1988, in reference to the riveting of brake shoes, states that “[i]n the last asbestos dust measurement . . . was for the first time in years during brake shoe riveting . . . thus the threshold trigger was exceeded. **Exhibit K.**
- A VWAG memorandum dated October 14, 1987, in reference to the packaging of asbestos-containing parts, explains that in October 1987, asbestos measurements were taken in VWAG’s “spare parts warehouse.” **Exhibit L.** VWAG concluded that “the workplaces must be kept free of dust with the aid of special vacuum cleaners.” *Id.*
- A VWAG memorandum dated March 18, 1980, in reference to asbestos dust concentration measurements, noted that asbestos dust concentration measurements on a brake pad grinding machine showed a fine dust content of 0.19 mg/m³. **Exhibit M.**
- A VWAG memorandum dated November 6, 2001, in reference to pollutant levels in the service station, found that asbestos dust concentration measurements were exceeded “during the blowing out of the brake drums.” **Exhibit N.**
- A VWAG memorandum dated September 2, 1987, in reference to “asbestos determination in Braunschweig,” noted that asbestos in fine dust was detected in correlation to grinding and riveting brake shoes. **Exhibit O.**
- A VWAG memorandum dated July 3, 1991 in reference to the measurement of asbestos in the workplace, noted that asbestos in fine dust was detected in correlation to grinding and riveting brake shoes. **Exhibit P.**

CONCLUSION

As the aforementioned evidence demonstrates, VWAG *never* provided warnings to Plaintiff Mr. Clark about the health hazards of asbestos. In addition, the asbestos fibers in its asbestos-containing products were not “encapsulated,” as VWAG alleges, and indeed were capable

of releasing asbestos fibers at dangerous levels. Thus, no genuine issues of material fact exist in this regard and partial summary judgment should be entered in favor of Plaintiffs.

WHEREFORE, Plaintiffs respectfully request that the Court enter partial summary judgment in Plaintiffs' favor and grant such other relief the Court deems necessary and proper.

Dated: December 20, 2019.

THE FERRARO LAW FIRM, P.A.
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By: /s/ David A. Jagolinzer
David A Jagolinzer, ESQ.
FLORIDA BAR NO. 181153

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically on all counsel of record via Florida's eFiling Portal and electronic mail this 20th day of December, 2019.

By: /s/ David A. Jagolinzer
David A Jagolinzer, ESQ.
FLORIDA BAR NO. 181153

EXHIBIT A



IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

ROBERT G. CLARK and
ALANA CLARK, his wife,

ASBESTOS LITIGATION

Plaintiffs,
v.

CASE NO.: 14-027985

BORG WARNER CORPORATION, et al.,

Defendants.

**VOLKSWAGEN AG'S ANSWER AND AFFIRMATIVE
DEFENSES TO PLAINTIFF'S COMPLAINT**

Defendant, Volkswagen AG, (hereinafter "VWAG" or "Defendant"), hereby files its Answer and Affirmative Defenses to Plaintiffs' Complaint (hereinafter, "Complaint"), and states as follows:

ANSWER

1. VWAG admits that it is a German company with its principal place of business located in Wolfsburg, Germany. All other allegations of Plaintiffs' Complaint are denied.
2. Specifically, Plaintiff, Robert G. Clark, was not exposed to and did not inhale asbestos dust or other dust from products for which this Defendant is or was responsible.
3. VWAG denies all allegations of the Complaint not specifically admitted, controverted or denied and demands strict proof thereof at trial. VWAG further denies each and every allegation and claim for relief sought in the "Wherefore" clauses of Plaintiffs' Complaint.

AFFIRMATIVE DEFENSES

4. Plaintiffs' claims should be dismissed, because they do not comply with the Florida Asbestos & Silica Compensation Fairness Act Chapter 774, Florida Statutes (the "Act").

5. Venue in this county is improper, either because none of the Defendants reside or conduct business in this county, or because of forum non conveniens, or none of the operative events occurred in this county or state, or in the interest of justice or otherwise, the action should be transferred to another court.

6. Plaintiff, Robert G. Clark, was neither exposed to nor used any product manufactured, sold, or supplied by VWAG.

7. VWAG specifically denies that any products manufactured, distributed or sold by it caused or contributed to the alleged damages or injuries of Plaintiff, Robert G. Clark, and further denies that it is liable to Plaintiffs for the causes alleged or for any other cause whatsoever.

8. VWAG has never mined or milled asbestos fibers. Consequently, any strict liability claims are barred by the Act.

9. VWAG was not a miner of asbestos fibers, and any alleged failure to inspect a product does not constitute an intentional wrongdoing pursuant to the Act.

10. Each and every cause of action in the Complaint is time barred by the applicable statute of limitations. The statute of limitations began to run when Plaintiffs knew or should have known that Plaintiff, Robert G. Clark, suffered from an asbestos-related illness or health condition.

11. Each and every cause of action in the Complaint is barred by the applicable statute of repose.

12. Each and every count in the Complaint fails to state a single cause of action against VWAG.

13. This Court lacks In Personam Jurisdiction over VWAG

14. The Complaint improperly commingles allegations against all Defendants such that it is impossible for any individual Defendant to answer overly broad and vague allegations directed against all Defendants as a group.

15. VWAG asserts that if the Plaintiffs have suffered injuries or losses as alleged, they are the proximate result of negligence or wrongdoing by persons, entities, whether parties or non-parties, not within VWAG's control whereby VWAG is not liable. In accordance with §768.81(3) Fla. Stat. and *Fabre v. Marin*, 623 So. 2d 1182 (Fla. 1993), VWAG reserves the right that these other entities or persons, whether parties or non-parties, appear on the verdict form so that a jury can apportion liability among all participants to the incidents which caused Plaintiffs' damages. VWAG seeks apportionment of any damages awarded in this case and will include some or all of the entities listed below on the jury verdict form in accordance with *Nash v. Wells Fargo*, 678 So. 2d 1262 (Fla. 1996). Entities that may be listed include, but are not limited to: non-Defendant employers of Mr. Clark, and non-Defendant premises owner(s) of property upon which Plaintiffs claim that Plaintiff, Robert G. Clark, was allegedly exposed to asbestos, including but not limited to John Crook Limited Dealership in Kingston, Jamaica; various dealerships in Ontario, Canada, including but not limited to East West Motors, Aero Way Motors, and Oakville Volkswagen; Melville & Drew Construction in Kingston, Jamaica;

Talleres Europeas, SA in Managua, Nicaragua; Compania Cervecera de Nicaragua in Managua, Nicaragua; Volkswagen South in Miami, Florida; Concrete of Medley in Miami, Florida; Milano Imported Motors in Miami, Florida; David Tate Exporting in Miami, Florida. AC&S, Inc., A. P. Green Refractories, A. W. Chesterton Company, Allied Signal, Inc., Alstom Power, Inc., American Optical Corporation, American Optical Corp., American Standard, Inc., American Honda Motor Company, Inc., Aqua-Chem, Inc., Armstrong International, Inc., Armstrong World Industries, Inc., Arrow Automotive Industries, Inc., Auto Machine, Arvinmeritor, Inc., Asbestos Claims Management Corp., Asbestos Spray Corporation, Asten, Inc., The Babcock & Wilcox Co., Bennett Auto Supply, Betchel Corp., Borg Warner Corporation, Borg-Warner, Inc., Bridgestone/Firestone North American Tire, LLC as successor by merger to Bridgestone/Firestone, Inc. as successor in interest to Worldbestos, Briggs Stratton Corp., Brock & Blevins Company, Inc., Brown & Williamson Tobacco Corp., CBS Corporation, C. E. Thurston & Son, Inc., Carlisle Companies, Inc., Caterpillar, Inc., Cafco Pipe Company, Carlisle Companies, Inc. through its subsidiaries Motion Control Industries, Inc., Certainteed Corporation f/k/a Certainteed Products Corporation, individually and as successor in interest to Bestwall Gypsum Company, Cleaver Brooks Company, Celotex Corp., Chrysler LLC, Combustion Engineering, Inc., Combustion Engineering Corp., Congoleum Corporation, Consumer Automotive Parts, Inc., Controls Installation Company of Florida, Cooper Industries, LLC as successor in interest to Cooper Industries, Inc. and Crouse-Hinds Company i/s/h/a Cooper-Crouse Hinds Co., Crown Cork and Seal Co., Inc., D-O Holding Company, Inc., Dana Companies LLC f/k/a Dana Corporation, Dana Corporation d/b/a Dana Racine Corporation f/k/a Spice Manufacturing Corp., Davy McKee Lakeland, Inc., Deere and Co. Inc., Deere and

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Company, Dowman Products, Inc. Deere & Co., Inc., Dresser, Inc., through its subdivision/business unit Waukesha Engine, Durabla Manufacturing Company, Eagle Pitcher Industries, Eaton Corporation, Farrel Birmingham, Federal-Mogul Asbestos Personal Injury Trust, as successor to Felt-Products Manufacturing Co. and successor to the former Vellumoid Division of Federal-Mogul, Federal Mogul Corporation d/b/a Wagner brake products, Fern Auto Parts, Ferro Corporation, Fireboard Corporation, Foseco, Inc., Flexitallic, Inc., Flinkote Company, Flinkote Corporation, Ford Motor Company, Foster Wheeler Energy Corporation, Frank A. McBride Company, GAF Corp., Garlock Sealing Technologies, LLC, General Electric Company, Genuine Parts Company, General Refractories Company, Genuine Parts Company, Georgia-Pacific LLC f/k/a Georgia-Pacific Corporation f/k/a Georgia Hardwood Lumber Co. f/k/a Georgia-Pacific Plywood and Lumber Co. f/k/a Georgia-Pacific Plywood Co., individually and as successor in interest and/or parent of Bestwall Gypsum Company, Goodyear Tire and Rubber Company, Gould Pumps, Inc., Guard-Line, Inc. Harley Murray, Inc., H. B. Fuller Company, H.K. Ferguson Company, Harbison-Walker Refractories Company, H. K. Porter Company, Inc., Hennessy Industries, Inc., Honeywell International, Inc. f/k/a Allied Signal, Inc., individually and as successor in interest to Allied Corporation, as successor in interest to the Bendix Corporation, Independent Parts Warehouse, Inc., Indian River Construction Company, Indian River Industrial Contractors, Inc., Industrial Holdings Corporation f/k/a The Carborundum Company, Ingersoll-Rand Company, Instrument Engineering Co., IMO Industries, Inc., Johns Manville, Johnson-Manville Corp., Johns-Manville Sales Corporation, Johns-Manville Corporation, Johnson Controls, Inc., KCG, Inc., Kaiser Aluminum, Keene Corporation, Keasby and Mattison, Kelly-Moore Paint, Co., Kelsey-Hayes, Lewis Marine

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Supply, Inc., The Liggett Group, Lipe Rollway, Lorillard Tobacco Co., M&H Automotive, Inc., Mack Trucks, Inc., Mahle Clevite, Inc., Mancini Automotive, Inc., Mazda Motor of America, Inc., Maremont Corporation, McCord Corporation, individually and as successor in interest to A.E. Clevite, Inc. and J.P. Industries, Inc., McKoy Helgerson Company, Inc., Metropolitan Life Insurance, Morton International, Inc., Mitsubishi Motor's North America, Inc., Morton Int'l Transportation Corp., f/k/a International Harvester, Nissan North America, Inc., National Gypsum Company, Mundet, North Brothers, National Service Industries, Inc., Nicolet, Inc., Oshkosh Truck Corp., Owens-Illinois, Inc. f/k/a Owens Bottle Machine Corp. f/k/a Owens Bottle Co. f/k/a Owens-Illinois Glass Co., Owens Corning Corporation, Owens Corning Fiberglass Inc., Pacor, Inc., individually and through its division, Kenworth Trucks and Peterbilt Motors, Phillip Carey Mfg. Co., Philip Morris, Inc., Pittsburg Corning Corp., Pfizer, Inc., Pittsburgh Corning Corporation; Pneumo Abex LLC as successor to Pneumo Abex Corporation. Power Brake Exchange, Inc., Proko Industries, Inc., Quigley Co., Inc., R&M Manufacturing Company, Rapid American Corp., Rapid American Corporation, Raybestos Manhattan, Inc., Raymark Industries, Inc., Reichtien International Trucks, Inc., R. J. Reynolds Tobacco Company, SEPCO Corporation, Shook and Fletcher, Steel Grip, Inc. f/k/a Industrial Gloves Co., f/k/a Steel Grip Safety Apparel Co., Standard Insulation, Inc., Stradley Auto Parts, T&N Plc, Tompkins Beckwith, Inc., The Anchor Packing Company, Toyota Motor North America, Inc., Treadwell Corporation, Unarco Industries, Inc., Union Carbide Corporation, Uniroyal, Inc., Universal Refractories, Inc., United States Gypsum, U. S. Mineral Products Co., Viacom Inc., W.W. Gay Mechanical Contractor, Westinghouse, Wheeling Brake Block Manufacturing Co., Inc., Wheeling Brake Block Manufacturing Company, Inc., TRW Automotive, Federal

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Mogul Corporation d/b/a Wagner Brake Products, Standard Motor Products d/b/a EIS Brake Parts, The Parts Source d/b/a Ace Auto Parts, a Florida Corporation 122, American Suzuki Motor Corporation, Discount Auto Parts, Genuine Parts Company, Fern Auto Parts, Napa Auto Parts, Moffet Bearings, Kennon Bearings, Millen Machine, Auto Machine, Victor Clutch, West Dixie Auto Parts, Wheeling Brake Block Manufacturing Co., Inc. Chrysler, LLC, Toyota Motor Sales, U.S.A. Inc., Harley Murray, Plank Motors, Ryerson Motors, Courtland Foreign Motors, Worthington Corporation, W. R. Grace & Co., Zurn Industries, Inc, Advance Stores Company, Inc., Coflax Corporation, Warren Pumps, LLC, Crane Co. individually and as successor to National-U.S. Radiator, Discount Auto Parts, Daimler Chrysler Corporation, General Motors Corporation, Western Auto Supply Company, Smurfit-Stone Container Enterprises, Inc., Alfa Laval, Inc., Bayer Cropscience, Inc., (f/k/a Aventis Cropscience USA, Inc. f/k/a Rhone Poulenc AG Company, Inc. f/k/a Union Carbide Agricultural Products, Inc. f/k/a Amchem Products, Inc., a successor to Benjamin Foster Company), Buffalo Pumps, Inc., Elliott Turbomachinery Co., Inc., Gardner Denver, Inc., Hardie-Tynes Co., Inc., Kentile Floors, Inc., Leslie Controls, Inc., Owens-Illinois, Inc. f/k/a Owens Bottle Machine Corp f/k/a Owens Bottle Co f/k/a Owens-Illinois Glass Co., Nash Engineering Company, McNally Industries, Inc., Sealing Equipment Products Company, Inc., Schutte & Koerting LLC, Viad Corp. f/k/a the Dial Corporation, Individually and as successor to Griscom Russell Company, Yarway Corporation, Yeomans Chicago Corporation, BW/IP International, Inc. individually and as successor-in-interest to Byron Jackson Pumps, Cameron International Corporation f/k/a Cooper Cameron Corporation (individually and as successor-in-interest to The Cooper-Bessemer Corporation), Crane Co. (individually and as successor in interest to Chapman Valve Co. and Cochrane, Inc.), Cummins,

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Inc., Honeywell Bremsbelag GmbH, d/b/a Jurid, f/k/a Allied Signal Bremsbelag GmbH, f/k/a Jurid Werke GmbH, Honeywell Deutschland GmbH, as successor in interest to Energit, Honeywell Aftermarket GmbH, and the U.S. Navy and all premises owned by it Defendant will update said Defense to the extent same becomes known during discovery.

16. Any exposure of Plaintiff, Robert G. Clark, to VWAG product(s) was so minimal as to be insufficient to establish to a reasonable degree of medical probability that such exposure to the product or products was a contributing cause of his injuries.

17. Plaintiffs, Robert G. Clark's injuries, if any, were due to the acts or omissions of persons over whom VWAG had neither control nor the right to control. Therefore, Plaintiffs are barred from recovery against VWAG.

18. VWAG is entitled to a set-off for the amount of any monies paid to Plaintiffs in settlement of claims with other parties and non-parties.

19. VWAG is entitled to a set-off from any verdict of all collateral sources of indemnity and disability benefits paid to Plaintiffs by third parties as a result of this incident.

20. Plaintiff, Robert G. Clark, willingly, knowingly and voluntarily assumed the risk of his injuries.

21. Plaintiff, Robert G. Clark's injuries, if any, were caused by his own negligent conduct, or by the negligent conduct of another and, therefore, the Plaintiffs are barred from recovery or, alternatively, barred from full recovery from VWAG.

22. If Plaintiff, Robert G. Clark, was injured or damaged, which injuries and damages are denied, the injuries and any damages were the result of intervening or superseding acts, events,

factors, occurrences or conditions which were in no way caused by VWAG and for which VWAG is not liable.

23. If Plaintiff, Robert G. Clark, either used, or was exposed to, products manufactured or supplied by VWAG, and if it is shown that such use and/or exposure is causally related to his alleged injuries and/or damages, all of which is specifically denied, then it is averred that he was himself negligent in the following particulars:

- In failing to use proper safety equipment, which was available to Mr. Clark;
- In failing to demand the proper safety equipment be supplied to Mr. Clark;
- In failing to read the instructions and/or warnings distributed by VWAG in connection with the sale or use of its products;
- By using improper techniques and methods in the use and application of products for which VWAG may have legal responsibility;
- In otherwise failing to exercise due care and caution under the circumstances.

24. Plaintiff, Robert G. Clark's injuries and damages, if any, proximately resulted from the negligence of fellow servants employed in the course of common employment and, thus, the Plaintiffs are barred from recovery.

25. The products and materials in question were abused, misused and improperly used by Plaintiff, Robert G. Clark, or others not under VWAG's control and, by reason thereof, the Plaintiffs are barred from recovery from VWAG.

26. The Plaintiffs are barred from recovery for damages, if any, by the exclusive liability provisions of the workers' compensation law of the State of Florida or any other applicable jurisdiction.

27. The Plaintiffs' claims are barred, in whole or in part, because the products distributed and sold by VWAG conformed with available technological, medical, scientific and industrial state-of-the-art at all material times (*see* Fla. Stat. § 768.1257).

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28. VWAG reasonably relied upon the sophisticated employers of Plaintiff, Robert G. Clark, and is not responsible for the failure of said employers to warn or take proper precautions with regard to the use of such products.

29. The products in question were changed, altered or modified after they left VWAG's control and such change, alteration or modification was the legal cause of the Plaintiffs' damages, if any.

30. Plaintiff, Robert G. Clark, knew of the existence of the danger complained of in the Complaint, realized and appreciated the possibility of injury as a result of the danger, and having reasonable opportunity to avoid it, voluntarily exposed himself to said danger.

31. Any sales or distribution of asbestos-containing products, if any, by VWAG were made to sophisticated users and purchasers who were fully aware of the risks, if any, and any characteristics associated with such products. Any claims of liability by the Plaintiffs against VWAG are, therefore, barred as a matter of law.

32. If Plaintiff, Robert G. Clark, was exposed and/or injured as a result of his use of or exposure to any product of VWAG, Plaintiffs' claims are barred because any such product was manufactured, produced or sold in strict conformity to the specifications furnished by his employers, premises owners, contractor, lessees, or any governmental entity.

33. The Plaintiffs' action is barred, in whole or in part, in that the products manufactured or distributed by VWAG were manufactured or distributed in accordance with local, state and federal statutes, regulations, and governmental specifications and standards, and said government entities had actual or constructive knowledge with regard to the alleged hazards of

the products. Said products are accordingly not defective or unreasonably dangerous (*see* Fla. Stat. § 768.1256).

34. Although VWAG denies that Plaintiffs are entitled to recover any damages, any recovery for any injuries or damages alleged by Plaintiffs are limited by Fla. Stat. § 768.21.

35. Any product or equipment sold or delivered to the initial purchaser or user complied with all federal or state codes, statutes, rules, regulations or standards relevant to the Plaintiffs' claims, including, without limitation, OSHA regulations, and United States Government regulations, which were all designed to protect the health of workers and users and were specified by said organizations.

36. To the extent Plaintiffs assert that VWAG failed to give adequate warnings about its products, such claims are preempted by federal regulations, including those promulgated by the Occupational Safety and Health Administration.

37. The number of different agents to which Plaintiff, Robert G. Clark, was exposed in and out of the workplace, and the lack of definitive evidence as to the amount of actual exposure to each agent, makes it impossible to determine, to a requisite degree of legal certainty, the alleged causal connection, if any, between his injuries and said agents.

38. To the extent that Plaintiffs are relying upon a theory of market share liability to support Plaintiffs' strict liability claim, this count should be dismissed because the theory of market share liability does not apply.

39. The Plaintiffs have failed to join indispensable parties as Defendants in this action.

40. If Plaintiffs have filed lawsuits in other jurisdictions against some or all of the same Defendants, Plaintiffs are precluded from seeking double recovery.

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41. If Plaintiffs have filed or sought to collect or collected sums for Plaintiff, Robert G. Clark's alleged exposure to asbestos, Plaintiffs are precluded from seeking double recovery.

42. To the extent that it is learned that the Plaintiffs have released, settled, or otherwise compromised their claims with VWAG, the Plaintiffs' claims are barred.

43. Defendants cannot be held jointly and severally liable.

44. Plaintiff, Robert G. Clark, was not exposed to any products of VWAG and there is no connection between VWAG's business activities in Florida, if any, and the alleged injuries.

45. If any defect existed in the design or manufacture of the subject unidentified product or its component parts which allegedly forms the basis of this lawsuit, all of which is specifically denied, then such product or its component parts were not in the same condition as when they left the custody or control of VWAG, substantial changes or alterations having been made thereto, which changes or alterations were the proximate cause of any defective condition or conditions, thus barring or reducing proportionally all claims for damages against VWAG.

46. The design of the unidentified product which allegedly forms the basis of this lawsuit was reasonably safe as measured by the risk utility analysis set forth in the Restatement (Third) of Torts.

47. VWAG has been prejudiced in its defense to the extent the evidence in this case has been destroyed or altered by others.

48. The Complaint fails to comply with the pleading requirements of the Florida Rules of Civil Procedure and the product identification requirements of Florida law. The Complaint and the causes of action pled therein fail to identify VWAG as the manufacturer, distributor, user or retailer of any injury-causing products. Nor does it properly identify any particular product of

VWAG to which Plaintiff, Robert G. Clark, was allegedly exposed or the specific date, location, or duration of such exposure.

49. The Plaintiffs have failed to state a cause of action for negligence. The Complaint fails to state a cause of action for negligence in that it fails to allege the circumstances, if any, whereby Plaintiff, Robert G. Clark, used VWAG product(s). Specifically, it fails to allege facts sufficient to establish a duty or breach thereof by VWAG which proximately resulted in any injuries to Plaintiff, Robert G. Clark. Furthermore, by not identifying the particular products of VWAG to which Plaintiff, Robert G. Clark, was allegedly exposed, it fails to state a cause of action for negligence under Florida law.

50. Florida law does not recognize a duty on the part of a product manufacturer, distributor, or supplier to control the work environment in which its product might be used, to provide or warn of the need for wearing protective equipment, to offer post sale warnings and advice, or to publish, adopt, and enforce a safety plan and a safe method of handling and installing asbestos materials.

51. The Plaintiffs have failed to state a cause of action for strict liability. The Complaint fails to allege sufficient ultimate facts to identify a specific product and to establish the relationship of VWAG to any specific product. Furthermore, it fails to allege specific ultimate facts to establish an allegedly defective and unreasonably dangerous condition of any product allegedly manufactured, distributed or sold by VWAG, specifically, the nature of the defects and when the product left VWAG's control. Finally, it fails to allege ultimate facts, as opposed to broad generalizations, to establish the existence of any proximate causal connection between

the alleged defect and any product manufactured or sold by VWAG, and to the alleged injuries or damages.

52. Plaintiff, Robert G. Clark, failed to mitigate his damages by seeking employment within his limitations or by following the reasonable medical advice and treatment recommended by his healthcare providers.

53. Any products that contained asbestos that were designed, manufactured, distributed, sold and/or supplied or otherwise placed in the stream of commerce by VWAG were made so that the asbestos fibers were encapsulated in other material which would prevent the release of injury producing levels of such fibers based on the use of said product.

54. Any products that contained asbestos that were designed, manufactured, distributed, sold and/or supplied or otherwise placed in the stream of commerce by VWAG could not have contributed to Plaintiff, Robert G. Clark's disease.

55. The Plaintiffs have failed to state a cause of action for Loss of Consortium.

56. VWAG asserts and relies upon any and all prior orders of this Court dismissing and/or striking claims in asbestos-related personal injury cases similar to the claims alleged in the Complaint, and any other Complaint filed by counsel in this litigation.

57. VWAG adopts each and every other affirmative defense filed by any other Defendant in this action.

58. VWAG reserves the right to amend its Answer and Affirmative Defenses if investigation, discovery, further information, or the development of any applicable matters of law warrants such amendment during the pendency of this action.

Respectfully submitted,

By: /s/ Ari C. Shapiro

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has filed via E-Portal and has been delivered via File & ServeXpress to all counsel of record on this 10th day of February, 2015.

/s/ Ari C. Shapiro

Ari Shapiro
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EXHIBIT B

SUPREME COURT: ALL COUNTIES
WITHIN THE STATE OF NEW YORK

IN RE: NEW YORK CITY :
ASBESTOS LITIGATION :
: DEPOSITION UPON
This Document Applies To: : ORAL EXAMINATION
: OF
THOMAS WALL : AIRBERT KOLMS

T R A N S C R I P T of the deposition of
AIRBERT KOLMS, called for Oral Examination in the above
entitled action, said deposition being taken pursuant to
Rules governing Civil Practice in the Courts of New York,
by and before KERRY D. HALPERN, a Notary Public and
Shorthand Reporter of the State of New York, at HERZFELD &
RUBIN, P.C., 40 Wall Street, New York, New York 10005, on
Thursday, January 29, 2004, commencing at 11:05 a.m.

Priority-One Court Reporting Services
899 Manor Road
Staten Island, New York 10314
(718) 983-1234

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1 IT IS HEREBY STIPULATED AND AGREED
2 by and between the attorneys for the respective parties
3 hereto that filing, sealing and certification of the
4 within Examination Before Trial be waived; that all
5 objections, except as to form, are reserved to the time of
6 trial.

7 IT IS FURTHER STIPULATED AND AGREED
8 that the transcript may be signed before any Notary Public
9 with the same force and effect as if signed before a Clerk
10 or Judge of the Court.

11 IT IS FURTHER STIPULATED AND AGREED
12 that the within examination may be utilized for all
13 purposes as provided by the CPLR.

14 IT IS FURTHER STIPULATED AND AGREED
15 that all rights provided to all parties by the CPLR shall
16 not be deemed waived and the appropriate sections of the
17 CPLR shall be controlling with respect thereto.

18 IT IS FURTHER STIPULATED AND AGREED by and
19 between the attorneys for the respective parties hereto
20 that a copy of this Examination shall be furnished,
21 without charge, to the attorney representing the witness
22 testifying herein.

23
24
25

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23
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25

Page 5

1 AIRBERT KOLMS,
2 having first been duly sworn, was
3 examined and testified as follows:

4 EXAMINATION

5 BY MR. FOX:

6 Q. Good morning, Mr. Kolms.

7 A. Good morning.

8 Q. My name is Jordan Fox. I represent Thomas
9 and Ruth Wall in this matter, and I am going to welcome
10 you to the deposition.

11 MR. GRASSO: I am curious. Is any
12 defendant other than us going to make any
13 sort of appearance here?

14 MR. FOX: Apparently not. They have
15 chosen not to be here, and frankly I am not
16 surprised by that.

17 MR. GRASSO: You are not expecting
18 anyone to call on the phone?

19 MR. FOX: No. The case has been
20 largely resolved except for Volkswagen AG
21 and a couple of other defendants.

22 This was scheduled to go to trial
23 and we brought Volkswagen in late.

24 MR. GRASSO: Yes, you did.

25

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1 MR. FOX: And, therefore, you guys
2 remain in the case as one of the few
3 remaining defendants.

4 And also just as a back up to the
5 deposition today, we had received a few
6 days ago the Volkswagen's Answers to
7 Standard Set of Liability Interrogatories
8 and Request for Production of documents.

9 I have written back to counsel for
10 Volkswagen outlining the area that in my
11 view they were deficient in producing
12 documents and information to us that were
13 in our view critical and necessary to the
14 prosecution of this case.

15 I have had conversation with
16 Mr. Grasso where we have talked about it.
17 But, to a large extent this deposition is
18 proceeding, but it is difficult, if not
19 impossible, for us to be able to proceed.
20 But, we are going to do it anyway and, of
21 course, in the event that there is an
22 amendment, and additional documents and
23 information provided to the plaintiffs, we
24 will reserve our rights to continue this
25 deposition as necessary.

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1 MR. GRASSO: Not to burden the
2 record too much, we believe that the
3 interrogatories, which are Standard Set,
4 they obviously are way overbroad as
5 pertains to this particular defendant,
6 which has a specific sort of exposure
7 which, frankly, seems rather unique in any
8 experience. It may well be unique in your,
9 Mr. Fox, and I had agreed to go forward
10 with the deposition, and see how we do.

11 If there are other problems, we will
12 try and work them out as we go. If not,
13 they will be subject to discussion.

14 MR. FOX: Not to burden the record
15 any further, but there is directive --
16 there is a clarifying memorandum directive
17 that all questions have to be asked and
18 answered for all products without
19 objection, and that is from her, a
20 directive clarifying what is in the case
21 management order. There is really no issue
22 in the special master's order other than it
23 has to get done.

24 MR. GRASSO: Then, I have to make a
25 statement simply since we were not largely

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1 in the case when the special master's order
2 indicated that, these things -- obviously,
3 VWAG had no part in negotiations of these
4 things. Frankly, when it comes down to it
5 VWAG is deprived to due process of law
6 being subjected to an order before even in
7 the case which sounds to me somewhat --

8 MR. FOX: You can make your --

9 MR. GRASSO: Again, I think --

10 MR. FOX: -- argument.

11 MR. GRASSO: -- these sort of things
12 can be worked out on a reasonable basis.

13 MR. FOX: You can make your
14 arguments to the judge. The order applies
15 to every defendant in this litigation as
16 well as plaintiff whether or not they
17 negotiated the initial case.

18 MR. GRASSO: They apply to
19 defendants, even those that have not been
20 served?

21 MR. FOX: Rules are important. Let's just

22 --
23 MR. GRASSO: Please proceed.

24 MR. FOX: Thank you.

25 Q. Where do you live, what country?

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1 A. Germany.

2 Q. What part of Germany do you live in?

3 A. Northern part. The city I live in is
4 Braunschweig.

5 Q. How do you spell that?

6 A. B-R-A-U-N-S-C-H-W-E-I-G. You would
7 pronounce it Brunswick properly.

8 Q. You would want to stick with the former
9 one. It sounds better than Brunswick. We think of other
10 places when we think of Brunswick.

11 (Discussion held off the record).

12 Q. So, who are you employed by?

13 A. By Volkswagen AG.

14 Q. What is your position?

15 A. My position is best described as safety test
16 engineer.

17 Q. How long have you been a safety test
18 engineer for?

19 A. Since I started with Volkswagen.

20 Q. When was that?

21 A. August '73.

22 Q. So, you had the same title since you began
23 for 30 years?

24 A. Basically, yes.

25 Q. Today, or this period of time in 2004, what

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Page 12

1 are your duties in terms of being a safety test engineer?

2 A. Well, it has changed a little bit from what
3 I was starting out with which was actually testing
4 vehicles in compliance test to safety standards, motor
5 safety standards.

6 Nowadays, I am kind of supervising test
7 engineers as well as educating young engineers in safety
8 matters.

9 Q. And how much -- what role, if any, do you
10 have in Volkswagen -- do you mind if I call it VWAG for
11 the purposes of this deposition?

12 MR. GRASSO: VWAG as shorthand?

13 MR. FOX: Yes.

14 Q. What role do you now play in any litigation
15 that VWAG is involved?

16 A. Well, as far as any technical assistance
17 needed by the attorneys, I am the person who will provide
18 the necessary assistance to get to technical matters.

19 Q. So --

20 MR. GRASSO: So, we don't have a
21 lag, are you the only guy in VWAG who does
22 this for all litigation against VWAG?

23 WITNESS: No.

24 MR. FOX: Okay.

25 Q. How much of your time in 2003 was spent on .

1 A. In other countries.

2 Q. In times you have been involved in
3 litigation, but in litigation related to the United
4 States?

5 A. Yes.

6 Q. Of the 20, 25 times that you have testified
7 has that been at trial, or at deposition, or both, what
8 does that reflect?

9 A. Your question was related to testify only in
10 court?

11 Q. Yes.

12 A. This was strictly in court.

13 Q. So, how many times have you been deposed
14 outside of a courtroom setting?

15 A. Maybe 30, 40 times. I am not sure about it.

16 Q. Do you have -- do you maintain a list of the
17 times that you have testified?

18 A. No.

19 Q. Does anybody that you know of retain a list
20 of the times that you testified?

21 A. Well, you have to ask my attorneys. They
22 may have.

23 Q. Okay. Do you get copies of your testimony
24 at --

25 A. Usually, yes.

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1 litigation-related matters, approximately?

2 A. Approximately 50 percent.

3 Q. How much was spent actually working as a
4 safety test engineer?

5 A. The rest of it.

6 Q. Other than litigation-related activities,
7 and other than being a safety test engineer, and
8 mentioning the education part of it, do you have any other
9 responsibilities for VWAG?

10 A. No.

11 Q. And have you testified in a court of law
12 before?

13 A. Yes.

14 Q. How many times, approximately?

15 A. Well, I have -- approximately 20, 25 times.

16 Q. Okay. And in how many countries?

17 A. In this country only.

18 Q. Okay. Are you assigned only to work with
19 lawyers in the United States in terms of litigation?

20 A. No. I am assigned generally to where that
21 kind of work, if it comes up, to give some technical
22 assistance.

23 Q. It is not restricted to the United States?

24 A. It hasn't occurred yet.

25 Q. It hasn't?

1 Q. What do you do with it?

2 A. I review the transcript, and if there is
3 some change to be added or -- you know, I do a correction
4 sheet, and sign both, and send it back to the attorneys.

5 Q. Do you maintain a copy for yourself?

6 A. Usually, yes.

7 Q. So, you have a library of testimony that you
8 have given?

9 A. No.

10 Q. What do you do with it?

11 A. Destroy them.

12 Q. You destroy them?

13 A. After a while when the case is closed, there
14 is no need to keep them for all the time. You know, the
15 attorneys do it.

16 Q. Right now, how many depositions do you think
17 that you have of your prior testimony either in deposition
18 or at trial?

19 A. I discarded everything so far.

20 Q. So, nothing?

21 A. Nothing.

22 Q. Do you have them on disk or anything
23 maintained on disk anywhere?

24 A. No.

25 Q. Of the 20, 25 times that you testified at

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1 trial and 30 to 40 times that you testified by deposition,
2 how many of those, if at all, related to any issue
3 regarding asbestos?

4 A. Two depositions.

5 Q. Let's start with those.
6 Where were those taken?

7 A. One was taken in Chicago and the other one
8 here at this office.

9 Q. Okay. Do you recall the plaintiff's law
10 firm that took your deposition in Chicago?

11 A. No.

12 Q. Do you recall the name of the plaintiff in
13 Chicago?

14 A. Yes.

15 Q. What is that name?

16 A. Hinkledy.

17 Q. Hinkledy?

18 A. H-I-N-K-L-E-D-E-Y.

19 Q. Thank you.

20 And New York, do you recall?

21 A. Novo.

22 Q. Novo?

23 A. N-O-V-O.

24 Q. Do you recall who the law firm is that
25 examined you during that deposition?

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1 A. I don't recall the name.

2 Q. Other than testifying about asbestos in
3 those two depositions, did any of your testimony at trial
4 or at deposition relate to brake pads or clutch facings?

5 A. No.

6 Q. All right. The deposition that you gave in
7 Chicago, do you recall the issue or issues that you
8 testified about in that case?

9 A. Generally about asbestos metals, brake
10 linings.

11 Q. In New York, do you recall what the issues
12 were?

13 A. The same.

14 Q. Do you recall when the deposition was in
15 Chicago?

16 A. A couple of years ago, '98, I guess. About
17 that time.

18 Q. And New York?

19 A. Two years ago, 2001.

20 Q. Reflecting back on those two depositions, is
21 there anything that you testified about that you recall in
22 those depositions that you would want to change?

23 A. The matter of fact that I have at that time
24 reviewed the depo in the Hinkleday case and have supplied
25 a correction sheet, which I didn't have in the Novo case.

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1 Q. Okay. Since you completed the correction
2 sheet, is there anything about that deposition that you
3 think is incorrect that you stated that you know of?

4 A. Well, I have not reviewed precisely the Novo
5 depo yet because the case was somehow, you know, settled.

6 Q. All right. Is there anything that you have
7 learned about Volkswagen brake linings and clutch facings
8 over the past two years that you were not aware of in 2001
9 when you gave the deposition in New York?

10 A. I have no reason to exactly pinpoint to one
11 or another field of expertise. There is always a learning
12 process if you are dealing with that matter.

13 Q. Just, is there anything that comes to your
14 mind in terms of something that you learned in the last
15 two years about Volkswagen brakes and clutches that you
16 did not know when you gave those depositions?

17 A. No. Not that I know of.

18 Q. All right. What did you do to prepare for
19 this testimony today, if anything?

20 A. Well, I have partly read Mr. Wall's depo
21 and, you know, just glanced at it. More precisely, I was
22 reading the first section of it where he describes his
23 employment at the shipyard and with Volkswagen OA, and I
24 reviewed Volkswagen's Answers to Interrogatories and I
25 have a notice of examination before trial before me, so it

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1 is basically my file.

2 Q. And when you reviewed the VWAG's Answers to
3 Interrogatories and document requests, did you notice
4 anything in there that you believed was not correct?

5 A. No.

6 Q. When you said that you read the Wall
7 deposition in part, were you provided the entire
8 transcript or were you provided excerpts from the
9 transcript?

10 A. The entire transcript.

11 Q. How much of that deposition did you read?

12 A. Maybe a third.

13 Q. Were you provided one day or more than one
14 day of transcripts?

15 A. More than one day.

16 Q. Did you watch a videotape of him?

17 A. No.

18 Q. Did you create any notes in preparation for
19 this deposition?

20 A. No.

21 Q. All right. After reading Mr. Wall's
22 testimony, did you have any reaction to his testimony in
23 terms of his statements regarding his work at VW U.S.A.?

24 MR. GRASSO: Any reaction, I don't
25 quite understand.

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1 Could you clarify that?
2 Q. Sure. After reading parts of his testimony,
3 what was your response as a safety engineer, safety
4 testing engineer, to his testimony?
5 MR. GRASSO: His response?
6 MR. FOX: Yes.
7 Q. Did you have any reason to believe that it
8 was not credible?
9 A. He was describing his work as either
10 the person who was packaging and used brake shoes to have
11 them sent out and replaced by new ones and he was
12 describing his work at the shipyard where -- this really
13 touches my understanding of safety. He was using his
14 hands in removing asbestos insulation from pipes and
15 stuff, so this was, what I claim it was, not proper to do.
16 Q. Are you talking at the shipyard?
17 A. Yes. At the shipyard, yes. There was
18 certainly a protection available, you know, in that type
19 of work.
20 Q. At the shipyard?
21 A. Yes. I think so.
22 Q. Are you --
23 A. The respiratory protection or mask, so.
24 Q. Are you talking about his work on ships?
25 A. Yes.

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1 Q. Are you a Navy expert?
2 A. No, no.
3 Q. Okay.
4 A. You were asking me about my feeling as in
5 safety test engineer.
6 Q. But, you are not an expert in naval
7 engineering, are you, sir?
8 A. No, sir.
9 Q. And you don't know whether or not there were
10 masks available in the ships that he worked on, do you,
11 sir?
12 A. No.
13 Q. Okay. So, I want to ask you, not about his
14 ship experience because I know that you are not an expert
15 in those affairs. I want to ask you about his work in
16 Volkswagen O.A.
17 Was there anything about his testimony that
18 led you to believe that anything that he testified about
19 was not credible or true?
20 A. No.
21 MR. GRASSO: Well, so this is clear,
22 I mean, Mr. Kolms said he didn't read all
23 of the testimony.
24 Q. That which you read?
25 A. Yes -- no.

Page 20

1 Q. No. There was nothing there that led you to
2 believe that he was not telling the truth?
3 A. I have no reason to say so.
4 Q. Do you have -- do you recall what facility
5 he worked at?
6 A. Excuse me?
7 Q. Do you recall what facility he worked for
8 Volkswagen O.A.?
9 A. The distribution center in Wilmington.
10 Q. Were you ever there?
11 A. No.
12 Q. Do you know whether or not anybody has any
13 photographs of that particular location from back in the
14 '60s and '70s?
15 A. I don't know.
16 Q. Did you talk to anybody, other than your
17 counsel for VWAG, in preparation for this deposition?
18 A. No, sir.
19 Q. Did you ever have any personal contact with
20 the facility in Massachusetts that Mr. Wall worked for
21 VWoA?
22 A. No, sir.
23 Q. Did you make any effort to determine if
24 anybody presently at VWAG had any personal contact in the
25 past with that facility?

Page 21

1 A. No.
2 Q. Would there be a way to do something like
3 that?
4 A. Probably not at Volkswagen AG.
5 Q. Okay. Why is that?
6 A. Because Volkswagen AG is the manufacturer of
7 the vehicles and has nothing to do with the distribution
8 of the parts over here in the States.
9 Q. Do you know whether or not VWAG maintains
10 records that date back to the '60s and early '70s?
11 MR. GRASSO: That is way broad.
12 What kinds of records?
13 Q. Correspondence, sales records, distribution
14 records, things like that?
15 A. At AG?
16 Q. Yes.
17 A. I don't think so.
18 Q. Do they have a policy, a records retention
19 policy?
20 A. Safety related documents are being kept for
21 ten years and an internal policy is 15 years.
22 Q. So, safety policy is ten years?
23 A. Yes. That is the requirement.
24 Q. And 15 years is?
25 A. Is the internal policy.

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1 Q. Internal policy?
2 A. Documentation period.
3 MR. GRASSO: When you say "safety
4 policy," for ten years?
5 MR. FOX: Safety records, he said.
6 A. Safety records or records related to
7 safety-related parts.
8 Q. Do you know how long that ten-year policy
9 has been in place?
10 A. No.
11 Q. Is there somebody at VWAG whose only
12 responsibility is to maintain records?
13 MR. GRASSO: Well, again, you know,
14 how many kinds of records are we talking
15 about?
16 There's millions of kinds of
17 records. I could imagine some people spend
18 their lives on one.
19 Q. Is there anybody who is in charge of sales
20 records?
21 A. I am not into sales, so I don't know.
22 Q. Okay. Is there any kind of historian at
23 Volkswagen AG?
24 MR. GRASSO: Somebody with the title
25 historian?

Page 23

1 MR. FOX: Yes.
2 A. Never heard of anybody.
3 Q. Never heard of anybody?
4 A. Right.
5 Q. Is there a museum?
6 A. Yes.
7 Q. Where is that located?
8 A. In Wolfsburg.
9 Q. Do you know if historical records are kept
10 at the museum?
11 A. I can guess, yes.
12 Q. Would you be familiar with the inventory of
13 those records?
14 A. No.
15 Q. Do you know who the person is who would be?
16 A. No.
17 Q. At the museum, are there models of cars?
18 A. Yes.
19 Q. And do you know if any of the -- those models
20 of cars present at the museum are cars that were
21 manufactured in the mid-to late '60s?
22 A. Yes.
23 MR. GRASSO: When you say "models of
24 cars," are you talking about a -- little
25 models you sit on a table or the actual

Page 24

1 car?
2 MR. FOX: The actual car, yes.
3 A. Yes.
4 Q. Do you have any reason to believe that the
5 cars in the museums have or do not have the original
6 brakes and clutches that would have been on those cars
7 originally?
8 MR. GRASSO: When I say
9 "originally," you are talking about
10 originally when it rolled off the assembly
11 line?
12 MR. FOX: Yes.
13 MR. GRASSO: As opposed to what was
14 added to the car when it was originally in
15 the museum?
16 MR. FOX: Yes.
17 A. I don't know.
18 Q. Let's take a step back. I want to get back
19 into your background. I know we have kind of gone astray
20 here. I want to bring you back to that now?
21 A. Yes.
22 Q. When you first started at VWAG, were you at
23 Wolfsburg at that time?
24 A. I was.
25 Q. Were you in Wolfsburg when you started in

Page 25

1 1973?
2 A. Yes.
3 Q. What was your background before you went to
4 VWAG?
5 A. I studied mechanical engineering at the
6 Technical University in Braunschweig, and have a master's
7 degree and still have from that institute.
8 Q. Masters in?
9 A. Mechanical engineering. Actually,
10 automotive engineering. I was specializing in automotive
11 engineering.
12 Q. All right. So, you actually have a masters
13 in automotive engineering?
14 A. Yes.
15 Q. Can you explain to me the kinds of courses
16 somebody would take to be given the masters in automotive
17 engineering?
18 A. Well, it is a study -- well, it depends on
19 how many special courses you take. But, it is about an
20 eight-year education at the university level, and it
21 starts with basic sciences, like, chemistry, physics and
22 mathematics, and then goes into automotive-related field
23 as to construction and evaluation, calculation of
24 vehicle-related related issues.
25 Q. Now, when was the first time that you ever

Page 26

1 did a brake job, if at all?
2 A. A brake job?
3 Q. Yes.
4 A. Well, that is long ago. I mean, usually as
5 a young boy you are interested in taking the stuff, so I
6 can't exactly tell you when it was, but it was early.
7 Q. So, when you were in your teens. Is that
8 fair to say?
9 A. Yes.
10 Q. Have you ever done a brake job on a
11 Volkswagen car?
12 A. Oh, yes.
13 Q. Did you do that when you were a teen as well
14 or was that later on in life?
15 A. When?
16 Q. Did you do a brake job on a Volkswagen car
17 when you were a teen or was that later on in your life?
18 A. I mean, at any time in my life, I was
19 working on cars with friends.
20 Q. Volkswagen's?
21 A. Yes.
22 Q. So, you think you did brake jobs on
23 Volkswagen's as a teenager?
24 A. Yes.
25 Q. Did you do brake jobs on Volkswagen's when

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1 disc brake.
2 He was talking about drums.
3 Now, you are talking about a lining.
4 Answer the best you can, if you
5 can.
6 A. Well, I didn't remove the lining.
7 Q. Okay. Have you ever removed any brake
8 lining on any Volkswagen car?
9 A. No.
10 MR. GRASSO: Well, you are talking
11 about removing a lining, you are talking
12 about removing it from the brake or taking
13 --
14 A. From the brake shoe?
15 Q. Yes.
16 A. From the brake shoe, we have the brake shoe
17 covered by or the lining is attached on top of it.
18 Q. Okay.
19 A. My answer is, no.
20 Q. Have you ever seen it done?
21 MR. GRASSO: Removing a lining from
22 a brake shoe, have you ever seen that done?
23 A. I don't recall.
24 Q. How about a clutch facing, have you ever
25 removed a clutch facing from a Volkswagen?

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1 you were in school getting your masters, do you know?
2 A. Yes. I was part time working with a plumber
3 company, and I specifically was taking care of the
4 vehicles.
5 Q. So, can you just describe for me when you
6 were getting your masters and doing brake jobs on
7 Volkswagen's the process that you used to do that brake
8 job?
9 A. Well, you know, you have to take off the
10 wheel with the drum, and then you get into inner structure
11 of the brake system where the brake shoes are attached to
12 the back plate, and where, you know, take off the brake
13 shoes, exchange them with the ones that you have somewhere
14 bought or you have been supplied with by your boss, and
15 put it on, and reverse the entire installation putting on
16 the drum, and wheel, and that is it.
17 First, you have to naturally adjust the
18 brake system to the brake drum, but then it is all the
19 reverse of the brake drum and the wheel.
20 Q. How would you remove the brake pad when you
21 were doing one of these jobs?
22 MR. GRASSO: You said "brake pad."
23 Q. Brake lining.
24 MR. GRASSO: Well, I am a little
25 confused here. Brake pad to me is lining a

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1 A. No.
2 Q. Have you have seen it done?
3 A. I know how it works.
4 Q. Have you ever seen it done?
5 A. I personally have done it on a Fiat because
6 as a young kid I had a Fiat vehicle, and I have done
7 myself, but other --
8 Q. None on a Volkswagen?
9 A. No.
10 Q. All right. Now, when you were getting your
11 masters, do you recall any discussion about the use of
12 asbestos in either the brake linings or clutch facings?
13 A. No.
14 Q. Did you know when you were getting your
15 masters that brake linings and clutch facings had asbestos
16 as a component part?
17 A. Not at that time.
18 Q. When did you first learn that asbestos was a
19 component part of brake linings and clutch facings?
20 A. I mean, to a wide degree only in the recent
21 couple of years.
22 Q. So, now, we are back to your first days at
23 Volkswagen, okay?
24 A. Okay.
25 Q. During the first, say, few years at

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1 Volkswagen, VWAG, I am sorry, what kinds of projects did
2 you work on?
3 A. The main projects were compliance testing
4 with motor safety standards and other tests which have to
5 be done or had to be done in connection with prototypes,
6 prototype development.
7 Q. Were you assigned to a particular type of
8 car? Did it work like that?
9 A. It was related to the multipurpose vehicle.
10 Q. The multipurpose vehicle?
11 A. Yes.
12 Q. So, for how many years were you working on
13 the multipurpose vehicles?
14 A. Well, still. My duty hasn't changed that
15 much except for the last recent years I have more a
16 supervisory job in my division as to the safety testing.
17 Q. So --
18 A. But, I have done it all my life with
19 Volkswagen.
20 Q. Now, when you say you are working on the
21 multipurpose vehicles, does that mean that you were
22 working on the multipurpose vehicles to the exclusion of
23 the other vehicles manufactured by VWAG?
24 A. As far as the safety testing is concerned,
25 yes.

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1 Q. Is that throughout your career?
2 A. Yes.
3 Q. What are the model names of VWAG
4 multipurpose vehicles?
5 A. We call it bus.
6 Q. Bus?
7 A. Type two bus. Type two is actually the
8 internal distribution of this vehicle.
9 Q. So, if I were to go to a Volkswagen dealer
10 in the U.S.A., what model names or brand names would be on
11 those cars?
12 A. Nowadays, it is a Euro Van. Before, it was
13 Vanagon, and before that it was the type two generation.
14 Q. Type?
15 A. Type two.
16 Q. Do you know, when you first got there in
17 1973, what those cars would have been that were the
18 multipurpose vehicles, what they were called, if you would
19 have purchased them in the United States.
20 A. Volkswagen bus, micro bus, probably.
21 Q. So, for somebody that doesn't recall any of
22 this like me, were these buses or were these like what you
23 refer to as an SUV today?
24 MR. GRASSO: Or something else.
25 Q. Or something else? Don't be limited by my

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1 choices.
2 A. This is the bug-shaped multipurpose vehicle
3 which has up to nine seats or you can move out seats and
4 transport cargo, so it was a sliding door, two doors in
5 front, basically, a bus-shaped vehicle.
6 Q. When you first got to VWAG, did you have
7 anything to do with the specification of the brakes and
8 clutches on any VWAG vehicle?
9 A. What do you mean specification?
10 Q. How the brakes and clutches themselves were
11 manufactured or the component parts of the brakes and
12 clutches.
13 A. Well, my job was basically related to safety
14 testing which means I had test to according to brake
15 testing standards.
16 Q. Okay. So, you would test whether or not the
17 brakes and the clutches basically were defective?
18 A. Yes.
19 Q. And if they met standards?
20 A. Performance. You said, brakes and
21 clutches?
22 Q. Was it brakes and clutches or just brakes?
23 A. Actually, brakes, just brakes.
24 Q. And did the testing that you did in your
25 early years at VWAG, did the testing in any way measure

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1 the effectiveness of the friction on the brake?
2 A. Yes.
3 Q. In what way?
4 A. By means of stopping distance.
5 Q. That when you were to put your foot on the
6 brake how quickly the vehicle would stop. Is that a
7 layperson's --
8 A. Yes. Basically, that is it. But, you have
9 to meet requirements of the applicable safety standard.
10 Q. Do you recall any time in the first ten
11 years that you were at VWAG when you made a determination
12 based on your tests that the friction on the brakes was
13 not sufficient to meet standards?
14 A. No.
15 Q. Do you recall during the first ten years
16 that you were at VWAG having any conversations with
17 anybody who ordered the linings for the brakes on the
18 vehicles?
19 MR. GRASSO: You mean, ordered them
20 from a supplier?
21 MR. FOX: Ordered from the supplier.
22 A. Back then?
23 Q. Yes.
24 A. Not that I recall.
25 Q. Now, there's is a few companies that are

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1 identified in the interrogatories.
2 A. Yes, sir.
3 Q. And I want to go back to them later, but I
4 just want to ask you this at this point about them
5 initially.
6 There is a company called Energit?
7 A. Yes, sir.
8 Q. Are you familiar with them?
9 A. Yes.
10 Q. When was the first time that you knew a
11 company called Energit even existed?
12 A. Well, forever.
13 Q. Forever?
14 A. Yes.
15 Q. Who do you know them to be?
16 What kind of company are they?
17 A. Well, on the friction market, during the
18 last decades there have been so many reorganizations
19 between this and that company, I can't really tell which
20 was when.
21 Q. You and I both, we have that in common.
22 A. Because it is pretty much not confusing, I
23 would say, but you have specifically get into it and find
24 out who was owned by who.
25 Q. Do you recall being familiar with Energit in

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1 1973?
2 A. Not specifically, but basic knowledge, yes.
3 I mean, as a supplier of brake linings.
4 Q. Was Energit the most significant supplier or
5 were they just one of many?
6 A. One of four.
7 Q. And would you say that they -- what
8 percentage -- do you know the percentage of brake linings
9 that they supplied VWAG?
10 A. Not to my knowledge. You have to take into
11 consideration that there are many models, which one model
12 may now have the Energit and the other has the Textar
13 lining.
14 Q. Textar?
15 A. T-E-Z-T-A-R.
16 MR. GRASSO: Z?
17 A. T-E-X-T-A-R, not Z. Sorry, did I say that?
18 Q. Yes.
19 A. I am sorry.
20 Q. Do you know which vehicles the Energit brake
21 linings went on?
22 A. I have to refer to my, you know, file or
23 something, you know, to check.
24 Q. Is that something that you could determine
25 if you looked?

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1 A. Oh, yes, I can.
2 MR. FINBERG: Just to clarify, if I
3 could interject.
4 You mean, as original equipment or
5 as something that would be compatible in
6 general?
7 I assumed that you meant original
8 equipment only.
9 Q. Let me ask you this. Do you have any
10 knowledge what brake linings were used to replace original
11 brake linings on the original car?
12 A. I could find out.
13 Q. How would you find out what was used to
14 replace original brake linings on a vehicle?
15 MR. FINBERG: In the United States,
16 in the after market?
17 A. Replace?
18 Q. Do you have any knowledge as to what brake
19 linings were used to replace the original equipment on the
20 Volkswagen cars?
21 A. It was the EPE, European Parts Exchange, and
22 they used Mintex linings, and certainly there was a list
23 of which part replaced the other.
24 Q. Any others that you recall that you know of
25 that were used?

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1 A. I can check with, you know, drawings and
2 stuff, and documentation to find out which was the
3 original equipment lining.
4 Q. But, other than EPE relining the original
5 equipment for the VWAG cars, are you familiar with any
6 other -- would you have any other knowledge as to which
7 brake linings were used to replace original equipment on
8 the VWAG cars in the United States?
9 MR. FINBERG: I have to object.
10 That is really --
11 MR. FOX: I don't know who --
12 MR. FINBERG: -- I mean --
13 MR. FOX: Who do you represent?
14 MR. FINBERG: I represent
15 Volkswagen.
16 MR. FOX: I am concerned about two
17 of you objecting at once.
18 MR. FINBERG: That is why I
19 hesitated to put it on.
20 I think it is really confusing. It
21 is confusing to me, and I am not sure you
22 are talking about the same thing.
23 Q. Do you understand my question?
24 A. Yes, I understand. But, I mean, this is not
25 a question that I can answer because this is strictly

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1 related to the Volkswagen of America Company.
2 Q. Right.
3 A. And I am representing AG which is a
4 different company.
5 Q. So, other than your knowledge about EPE, do
6 you have any other knowledge about any replacement linings
7 that were used on VWAG cars in the United States?
8 A. You mean, on the free market?
9 Q. Yes.
10 A. No. As I sit here?
11 Q. So, now we are back on the other question
12 which was I think -- I forgot already.
13 MR. FOX: Thanks.
14 You got me completely off line.
15 It is not hard to get me off line.
16 Q. So, you testified that you could make some
17 determination as to which of the four companies that
18 supplied the brake linings were used on which vehicles if
19 you looked in your files. Is that correct?
20 A. Yes.
21 MR. FOX: What I will do depends how
22 you want to deal with it. There will be
23 certain things that come up today I am sure
24 I want to follow up on.
25 Would you like me to write a letter

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1 or make a statement at the deposition?
2 MR. GRASSO: I would rather you
3 write a letter. I don't see how anything
4 -- as far as I know, there is no evidence
5 of what sort of brake linings or which
6 brake linings Mr. Wall actually handled, so
7 I don't know, really know where you are
8 going with this.
9 If you want to know on a 1962 car,
10 did it take Energit brakes or Textar
11 brakes, Mr. Kolms can probably figure it
12 out.
13 As to determining how it relates to
14 the brake shoes Mr. Wall was handling, I
15 have no idea.
16 MR. FOX: I do, okay, so let's move on.
17 Q. All right. Do you know if, for example, on
18 the Beetle which supplier supplied the brake linings for
19 the Beetle when you first got there?
20 A. I have to look it up.
21 Q. What kind of resource do you have that would
22 provide you with that information?
23 A. I can, for instance, call another factory
24 where the spare parts were actually or the parts, you
25 know, were manufactured, and they look up in their system,

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1 and they come up with, you know, the specification for the
2 brake lining.
3 Q. Did you provide the information in the
4 interrogatories regarding these four companies?
5 A. Yes.
6 Q. How did you figure out that these were the
7 four companies that provided the brake linings?
8 A. I had checked first the company to come up
9 with these four suppliers.
10 Q. And did you do the search or did they do the
11 search?
12 A. I asked for it, and they did the search.
13 Q. Okay. Do you know what they did?
14 A. They looked in their system, nowadays the PC
15 stuff, and they have it there, and they provided me with
16 the information I was asking for.
17 Q. Did they provide you with some kind of a
18 readout or just a verbal communication?
19 A. It was a readout.
20 Q. Do you know -- what information did that
21 readout have on it?
22 A. Different model years and different models
23 and different linings to them.
24 Q. Do you still have that?
25 A. Yes.

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1 MR. FOX: That is an -- we will put
2 it into a letter to you. That is an item
3 we would like to take a look at.
4 MR. GRASSO: Just for clarification,
5 is that something that you obtained
6 specifically for this case?
7 THE WITNESS: No.
8 MR. GRASSO: That is why he didn't
9 have it in his file. He got it sometime
10 for some other purpose, I guess.
11 Q. Do you know anything about the composition
12 of the brake linings that were supplied by Energit,
13 Juridwerke, Pagid and Textar?
14 Do you know anything about the composition
15 of those brake linings?
16 A. In general.
17 Q. What do you know?
18 A. Well, depending on which model year you are
19 referring to. There was -- in the past, there was a time
20 where asbestos was part of the content, and there was a
21 time after that, so. Basically, it is resin filler fiber
22 particles and dust of different substances.
23 Q. Okay. Do you know whether or not the
24 composition of the brake linings were different depending
25 upon the manufacturer?

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1 A. To my knowledge, they differ a little bit,
2 but not that much.
3 Q. Do you know if for the ones that had
4 asbestos in them, if the asbestos content differed in
5 terms of percentage depending upon the manufacturer?
6 A. Well, actually, there is no -- not -- I mean,
7 not the manufacturer is the issue, but the specific lining
8 is the issue. But, even at a certain manufacturer
9 different linings have a different content.
10 Q. Okay. Who specified the content of the
11 linings that Volkswagen used on the cars?
12 A. Basically, the technical need.
13 Q. So, it came from VWAG to the manufacturers?
14 A. No. It came from testing relining.
15 MR. GRASSO: I would like to -- we
16 are confused here.
17 Mr. Fox asked you who was it that
18 said how much asbestos used to be in the
19 linings.
20 MR. FOX: No.
21 Q. Who specified what the manufacturer had to
22 provide to VWAG?
23 MR. FINBERG: You mean, in terms of
24 contents ingredients?
25 MR. FOX: Yes, yes.

1 MR. GRASSO: That is compound.
2 Can you read that question back?
3 (The last question was read back)
4 MR. GRASSO: What they needed for
5 the cars?
6 MR. FOX: Yes. That is as simple as
7 you could get.
8 MR. GRASSO: Maybe it is me.
9 Q. Do you understand what I am talking
10 about?
11 MR. GRASSO: Could you rephrase it?
12 Q. Do you understand it?
13 A. In two ways.
14 MR. GRASSO: Well, then, let's not
15 guess which way.
16 Can you rephrase the question,
17 please?
18 Q. My understanding from your testimony is that
19 Volkswagen technical people would communicate with the
20 brake lining manufacturers. They would tell them what
21 they needed to comply with the standards, and the brake
22 lining manufacturers would provide brake linings in accord
23 with those specifications. Is that fair?
24 A. Specifications, this has nothing to do with
25 ingredients or the mixture, right?

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1 Q. Who specified the brake linings?
2 A. You were asking about the asbestos content
3 and who specified?
4 Q. No. Who specified what the manufacturer had
5 to provide to VWAG for its brake linings for its cars --
6 for its brake linings?
7 MR. GRASSO: That is a different
8 question than you had before.
9 A. That is the same answer I gave you. The
10 technical need was the source for the specific mixture or
11 ingredients within the brake lining.
12 Q. Who determined what the technical need was?
13 A. Well, actually, it comes from the results of
14 the brake testing and within the conversation or
15 discussion between the lining supplier and the testing
16 people at the manufacturer, Volkswagen manufacturer there
17 was decided to change it or to come closer to comply with
18 the requirements.
19 Q. And the requirements of VWAG?
20 A. Well, generally, the requirements like SAE,
21 ISO and European standards.
22 Q. But, the technical people at Volkswagen VWAG
23 would tell the brake lining manufacturers what they needed
24 for the cars and then brake lining manufacturers would
25 provide them?

1 Q. No.
2 A. Just a requirement as a technical goal to
3 arrive at in testing?
4 Q. Right.
5 A. Yes.
6 Q. So, is what I said a fair statement?
7 A. Yes.
8 Q. Okay. Do you have any copies of documents
9 from VWAG to the brake lining manufacturers regarding the
10 specifics of what was required?
11 MR. GRASSO: Could we have a time
12 frame for this?
13 Q. Well, you started in '73. Do you have any
14 access to documents that would reflect that sometime
15 before '73?
16 A. No, I don't.
17 MR. FINBERG: You referred to SAE,
18 and ISO and European standards. Do those
19 exist?
20 A. This is conversation between -- well, it is
21 also my information and belief that most of them was just
22 verbal, not in writing.
23 Q. Now, in terms of the time period between
24 1966 and 1970, do you have any knowledge as to which
25 companies provided the brake linings to Volkswagen AG

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1 during that period?
2 A. I can figure it out, but I don't have the
3 information right here.
4 MR. GRASSO: Well, was it at least
5 some of those four?
6 THE WITNESS: I guess so, yes.
7 Q. But, you are not sure?
8 A. I need the model year and the model, to be
9 precise and the year, the time frame, that you are
10 referring to.
11 Sixty-six to '70? What model, what model
12 year?
13 Q. Do you know whether or not the brake linings
14 supplied to VWAG by the brake lining manufacturers between
15 1966 and 1970 contained asbestos?
16 A. That is my information, yes.
17 Q. Where does that information come from?
18 A. Well, at that time, every brake lining had
19 asbestos in there.
20 Q. Do you have any knowledge as to what percent
21 of the composition of the brake linings supplied to VWAG
22 replaced on the vehicles by VWAG between 1966 and 1970 had
23 asbestos?
24 A. The contents were different.
25 Q. And what percentage, do you have any

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1 knowledge as to the percentage of asbestos used?
2 A. Yes, roughly. You know, if you ask about,
3 let's say, brake pads or -- what is your question, brake
4 pads?
5 Q. Brake pads.
6 A. We didn't have brake pads at that time.
7 Q. There were no brake pads between '66 and
8 '70?
9 A. I don't think so, no.
10 Q. Are you sure about that?
11 A. I have to check. Maybe the type three had.
12 Q. Okay. Were there clutch facings at that
13 time that had asbestos on them?
14 A. Yes.
15 Q. Do you know what percentage of the clutch
16 facings were asbestos?
17 A. It depends which model year because it is
18 all different according to the model and the model year.
19 Q. Is that something that you can also
20 determine?
21 A. Yes, I can.
22 Q. Do you know, as you sit here today, the
23 range of percentage of asbestos on the clutch facings
24 between '66 and '70?
25 A. Only roughly.

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1 Q. What is it roughly?
2 A. About maybe 35 percent.
3 Q. Do you know what type of asbestos they were?
4 A. Chrysotile.
5 Q. How do you know they were chrysotile?
6 A. We used just chrysotile.
7 Q. How do you know?
8 A. I know that.
9 Q. How do you know?
10 A. Out of discussion and information I have.
11 Q. Okay. Who was the discussion with?
12 A. With the people at the Volkswagen Company.
13 Q. Okay. What did they tell you?
14 Specifically, what did they tell you?
15 A. I mean, this is the common knowledge. I
16 mean, I was asking for some more information about brake
17 linings, and clutch facings, and so on, and this came up
18 within the conversation and discussion.
19 Q. Who was it that told you that the clutch
20 facings contained chrysotile asbestos?
21 A. This was -- you mean, the name?
22 Q. Yes.
23 A. This was part of the information --
24 actually, it was coming from VWoA, Volkswagen of America.
25 Q. Who did you talk to there, do you recall?

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1 A. To the people in the legal department.
2 Q. So, the verbal information you got came from
3 lawyers?
4 A. No, technical people.
5 Q. There are technical people in the legal
6 department?
7 A. Yes.
8 Q. Do you know on what basis they told you that
9 the clutch facings contained chrysotile asbestos?
10 A. This was the kind of information that I got
11 from the supplier of clutch facings.
12 Q. Do you know which supplier told them that?
13 A. Raybestos.
14 Q. Okay. Do you know, was Raybestos ever used
15 on original VWAG vehicles?
16 A. I am not sure whether it was used worldwide
17 or just in the States, I don't know.
18 Q. But, the cars themselves were manufactured
19 in Germany, correct?
20 A. Yes.
21 Q. So, if they were used in the United States,
22 they would be after market, correct?
23 MR. GRASSO: Say that again.
24 Q. If Raybestos was used in the United States
25 only, they would be after market brake linings, correct?

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1 A. I cannot tell you that.
2 Q. How would a Raybestos clutch facing get on
3 an original Volkswagen car?
4 MR. FINBERG: We are talking 1966 to
5 1970?
6 MR. FOX: Yes.
7 Q. '66 to '70, if you know.
8 A. I have no information about that.
9 Q. You don't have any information that
10 Raybestos clutch facings were used on the original
11 equipment manufactured by Volkswagen AG, correct?
12 A. I have to figure it out and check it
13 factually to be precise about that.
14 Q. As I said earlier, you can review the
15 deposition and edit information that is necessary.
16 A. Okay.
17 Q. Other than the conversation with the
18 technical people in the legal department, what other
19 basis, if any, do you have for concluding that the clutch
20 faces contained chrysotile asbestos?
21 A. That is the only information that I have
22 except from general information from during the years.
23 Q. That you have heard?
24 A. Yes.
25 Q. I want to go back to something that you

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1 said. You said that VWAG, you are not sure, but you would
2 have to check whether or not between 1966 and 1970 VWAG
3 used brake linings or pads. Is that a fair
4 statement?
5 MR. GRASSO: Brake linings or pads?
6 Q. What is the difference between a pad and a
7 lining?
8 A. A lining is a drum brake or attached to the
9 brake shoes in drum brakes, and the pad is on the disc
10 brake usually in the front axle.
11 MR. GRASSO: I think your little
12 summary misstated his testimony. I think
13 he is going to check if there were pads
14 used.
15 MR. FINBERG: On type three's is
16 what he said.
17 THE WITNESS: Type three I wasn't sure.
18 Q. But, brake linings were used on VWAG cars
19 between 1966 and 1970?
20 A. Yes, sir.
21 Q. Okay. We are going to keep on switching
22 around here, so you will excuse my pattern or lack of
23 pattern here.
24 Have you ever written anything on behalf of
25 VWAG that has been in the public domain? That is,

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1 articles, studies, patents, speeches, presentations,
2 anything like that.
3 MR. GRASSO: You are saying written
4 on behalf of VWAG?
5 MR. FOX: Right.
6 Q. On behalf of them as their employee, have
7 you ever written anything on their behalf that has been in
8 the public domain?
9 MR. GRASSO: I don't know what you
10 mean by on their behalf.
11 MR. FOX: I will take that part out.
12 Q. Have you ever written anything about
13 Volkswagen vehicles?
14 A. In general or related to brake --
15 Q. In general.
16 A. Yes.
17 Q. What kinds of materials have you written?
18 A. Just once. There was a coauthor on it, the
19 presentation or a paper, a meeting in Detroit in 1977,
20 which was dealing with the energy absorbing steering
21 column on type two.
22 Q. Okay. Other than that, have you ever
23 written a letter to the editor regarding VWAG
24 cars?
25 MR. GRASSO: A letter to the

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1 editor.
2 What editor?
3 Q. A letter to any editor. I don't care who it
4 is.
5 A. No.
6 Q. Have you ever given a speech about VWAG
7 cars?
8 MR. GRASSO: To anybody, to lawyers,
9 to anybody?
10 MR. FOX: Anybody. I don't care.
11 MR. GRASSO: To an assembly of
12 people?
13 MR. FOX: To any assembly of people
14 with two or more that doesn't include us.
15 MR. FINBERG: Even a public speech
16 of some kind.
17 MR. FOX: A speech to a group.
18 A. Yes, often.
19 Q. What kind of speeches do you give?
20 A. Well, you know, as I told you earlier, I
21 kind of educate. I am educating younger engineers in
22 engineering matters and also in product liability issues
23 because this is part of the certification, so they need to
24 know about it, and that is what I do or I have done.
25 Q. During the course of your teaching your

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1 education, do you address in the product liability part any
2 issue related to asbestos?
3 A. Well, I have not and there is no need to do
4 it today.
5 Q. I just want to know if you did it or not?
6 A. No.
7 Q. You have never addressed that issue?
8 A. I might have mentioned it, but not in a
9 wider range.
10 Q. Would there be anything in writing from
11 where you may have mentioned it that would reflect what
12 you said?
13 A. No. Just out of my head.
14 Q. Have you ever written an article for a
15 magazine about VW cars?
16 A. No.
17 Q. Have you ever testified before a
18 governmental body or quasi-governmental body regarding
19 VWAG cars?
20 MR. GRASSO: You mean aside from
21 testimony?
22 A. No, sir.
23 Q. Have you ever committed to writing any of
24 your recollection or opinions about the use of asbestos in
25 VWAG cars?

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1 A. What do you mean by committed, planned?
2 Q. In any form, have you ever written anything
3 about asbestos?
4 MR. FINBERG: I would assume that
5 you would be excluding any communications
6 he may have given to counsel?
7 Q. Other than given to counsel, anything about
8 your review or recollection about asbestos in vehicles?
9 A. No.
10 Q. Have you ever addressed a group of lawyers
11 about asbestos-related issues?
12 A. No. You mean a group, more than two?
13 Q. More than two.
14 A. No.
15 Q. Do you know what period of years VWAG used
16 asbestos-containing brake linings on vehicles?
17 MR. GRASSO: You mean when they --
18 MR. FOX: When they began and when
19 they ended.
20 MR. GRASSO: When they built
21 vehicles that came equipped with the
22 original equipment brake linings that had
23 asbestos?
24 MR. FOX: Period of years.
25 A. Well, my information that they started early

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1 with the beginning of a model, and then the end of it was
2 in the middle of the '80s. It depends on which model year
3 we are talking, so it was a kind of a period of phasing
4 out the asbestos out of the brake linings, but it is all
5 depending on the model year.
6 Q. When did it begin?
7 When was the first time that a Volkswagen
8 used brake linings that contained asbestos, if you
9 know.
10 MR. GRASSO: VWAG?
11 Q. VWAG, sorry.
12 A. With no asbestos?
13 Q. With asbestos, when did they first do it, if
14 you know?
15 A. It depends when the specific model started.
16 Let's say, '49 they started with type one with Beetle and
17 started right away with asbestos-containing linings.
18 Q. Do you know why they used asbestos on the
19 linings?
20 A. This was the material of choice because it
21 was -- it had an advantage to the technical performance of
22 the brakes.
23 Q. What was the advantage?
24 A. The advantage was the mineral does not
25 really change in its structure or in its ability to, for

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1 instance, isolate heat from the caliper in the brake
2 system which is very important because this insulation
3 ability is a safety factor.
4 Q. So, is it your -- as a product safety
5 engineer, is it your judgment that asbestos is asbestos,
6 no matter what you do with it, it stays as
7 asbestos?
8 MR. GRASSO: That is way too broad.
9 MR. FOX: It is very simple.
10 MR. GRASSO: Asbestos is asbestos?
11 MR. FOX: Asbestos is asbestos.
12 MR. GRASSO: And it doesn't matter
13 what you do to it?
14 Q. How much when you do --
15 MR. FINBERG: Let's make it clear.
16 Mr. Kolms is not being proffered by us as
17 an expert on brake engineering at trial or
18 in this deposition. There are material
19 scientists, there are brake engineers,
20 industrial hygienists and other people who
21 will be testifying on issues like that
22 aside from, you know, from the objections
23 that Mr. Grasso --
24 MR. FOX: Well --
25 MR. FINBERG: Besides the objections

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1 Mr. Grasso may assert to the form of the
2 question.
3 MR. FOX: Okay. We don't need to
4 get into discussions of who we are going to
5 call at trial.
6 You can object and state your basis
7 of the objection without going into
8 elongated comments about other people and
9 what they may do.
10 MR. FINBERG: You are asking him an
11 expert engineering question and that
12 presumes a whole lot aside from the --
13 Q. You testified that asbestos does not change
14 its structure?
15 A. Well, I have to be preciser than that
16 because during the brake process the decomposition of
17 asbestos as well by grinding, abrasion, and friction and
18 by heat. But, I was referring to the asbestos within the
19 brake lining before it's going to be micro ground or
20 exposed to heat.
21 Q. So, before it is micro ground or heated to
22 some extent, it does not change its structure, correct?
23 A. Well, it depends on the heat might as well
24 change its structure.
25 Q. Okay. Do you consider yourself an expert on

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1 how much heat is necessary to change its structure?
2 A. Only from publications I have access to.
3 Q. Read?
4 A. Yes.
5 Q. But, you don't consider yourself an expert
6 other than what you have read in publications, correct?
7 A. Correct.
8 MR. FINBERG: On this issue?
9 MR. FOX: Yes.
10 Q. All right. So, after Volkswagen AG ceased
11 to use asbestos, what did they use as a substitute for
12 asbestos, if you know?
13 A. Not specifically. Because every
14 manufacturer of brake linings had their own recipe.
15 Q. Do you have any idea about the substitute
16 materials, what they were?
17 A. Only I can guess more or less because --
18 MR. GRASSO: We don't want you to
19 guess here.
20 A. I know. That is why I don't tell you or I
21 can't tell you what it is because the recipe is trade
22 secrets.
23 Q. The brake linings that were supplied that
24 did not contain asbestos, did they meet specifications?
25 A. Yes, they have.

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1 Q. Did they meet all the standards that were
2 applicable at that time?
3 A. Of course.
4 MR. GRASSO: At what time?
5 Q. Whenever they were supplied without
6 asbestos?
7 A. Any time. Otherwise, you can't sell them.
8 Q. Right. Do you have any reason to believe
9 that the ones that do not contain asbestos do not work as
10 well or do not meet specifications --
11 MR. GRASSO: That is compound.
12 Q. -- as ones that had asbestos in
13 them?
14 MR. GRASSO: That is a compound
15 question.
16 Q. Do you have any reason to believe that the
17 non-asbestos containing brake linings did not work as well
18 as ones that had asbestos in it?
19 MR. GRASSO: You are talking which
20 time frame, when first introduced?
21 MR. FOX: In the '80s when they
22 substituted them, sometime in the '80s.
23 A. I have no specific knowledge. You can apply
24 a standard well ahead of the limit or you can just comply
25 with it. But, I have no specific knowledge about how well

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1 the non-asbestos linings comply, but they have to comply
2 with the standards. Otherwise, you can't introduce to the
3 market.
4 Q. Do you know when in the '80s they stopped
5 using asbestos-containing brake linings?
6 A. It, again, depends on the model year or the
7 model.
8 Q. The last date was --
9 A. Well, in the '86 model year, I think there
10 was any car at Volkswagen model range without asbestos
11 with the brake lining.
12 Q. Did Volkswagen -- did VWAG tell the brake
13 lining manufacturers they didn't want asbestos anymore, if
14 you know, or was it done through the brake lining
15 manufacturers, they just changed their formula? Do you
16 know how it worked?
17 MR. GRASSO: Well, that is -- how what
18 worked?
19 Q. How did it come to be that they stopped
20 using the other -- how did it come to be that VWAG stopped
21 using asbestos in their brake linings?
22 A. Well, there was the information or spread
23 by, you know, EPA, for instance.
24 Q. EPA?
25 A. Yes. When in the '70s they mentioned that

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1 they are going to intend to ban and phase out asbestos in
2 all uses, and so and so. This was not just related to
3 brakes, but also to other products which had asbestos in
4 it, like, tiles, and paper, everything. So, this was the
5 first information that the technical world received that
6 asbestos was going to be banned in the future, and in '89,
7 actually, EPA promulgated the ban and phase out rule for
8 the '94 model year. So everybody knew at that time, the
9 supplier or the manufacturer of vehicles.

10 MR. GRASSO: We have been going
11 about an hour here.

12 Could we have a little break here?

13 MR. FOX: That is fine.

14 You can have a break any time you
15 want.

16 (Recess taken)

17 Q. In terms of the knowledge of what the EPE
18 was to doing back in the '70s, is that something that you
19 were privy to, that you were aware of, at the
20 time?

21 MR. GRASSO: In the '70s, you said?

22 A. No.

23 Q. EPE was the '70s?

24 A. EPE.

25 Q. EPA was in the '70s.

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1 MR. FINBERG: Lack of foundation.

2 Q. Have you seen any documents -- withdrawn.
3 Well, have you seen you can answer.

4 A. The internal procedure, that is the
5 department at the factory which is dealing with the
6 governmental regulations, and they certainly must have
7 gotten information early on from any governmental agency
8 or --

9 Q. What is that called, that particular
10 department?

11 A. It is called vehicle related requirements.

12 Q. Do you know regarding that particular
13 department when that department started -- withdrawn.

14 Has it been in existence since the beginning
15 of Volkswagen AG?

16 A. Well, not that early. But, you know, later
17 when actually, for instance, the safety standards came out
18 in the mid '60s, so that is my impression. I have no
19 specific information about that.

20 Q. Is there any book, or articles, any which
21 way to figure out when that department started?

22 A. I got to ask them.

23 Q. Okay. And if you asked them they tell you?

24 A. Certainly, yes, if somebody knows. This is
25 the correction. We are talking of a time frame of 40

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1 A. Oh, EPA?

2 Q. Yes.

3 A. No. Now, I understand.

4 Q. Were you aware of -- you mentioned their
5 pronouncements in the '70s.

6 Were you aware of it in the '70s or aware of
7 it later?

8 MR. GRASSO: Actually, his prior
9 testimony was 1989.

10 MR. FOX: You are talking about
11 something else?

12 A. I said they intended -- they mentioned it in
13 the early 70s, but they are intending to, you know, ban
14 and give a phase out to asbestos-containing material.

15 Q. But, when this happened, were you aware of
16 it back then or did you learn about it later?

17 A. I learned about it later.

18 Q. When later?

19 A. Recent years.

20 Q. Okay. And how did you come to find out
21 about that?

22 A. Through publications and through information
23 I was scheduling from the internet.

24 Q. Have you reviewed any of the documents
25 internal to VWAG regarding the proposed ban on asbestos?

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1 years, 45 years, and most of the people are retired, and
2 young folks here, they don't know.

3 Q. Were you personally aware of any government
4 compensation for workers who had asbestosis while you had
5 been at VWAG?

6 MR. GRASSO: Government
7 compensation?

8 MR. FOX: German regulations
9 regarding workers that had asbestosis.

10 MR. GRASSO: Are you aware of
11 regulations or individuals that had been
12 compensated?

13 MR. FOX: Just regulations regarding workers
14 that had asbestos.

15 MR. GRASSO: Just generally workers
16 in German industry?

17 Q. Governmental regarding asbestosis, if you
18 are aware of it?

19 MR. GRASSO: Wait. You are talking
20 about compensation. I am talking
21 government regulations.

22 MR. FOX: I will withdraw it.

23 Q. Is there anything the equivalent of worker's
24 compensation in Germany?

25 A. Yes.

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1 Q. What is it called?
2 A. Occupational agency for safety and health.
3 Q. Is it true that they have been in existence
4 since certainly the early 1900s?
5 A. Yes. The first -- well, the first
6 appearance of such an idea was in 1858.
7 Q. Do you know if they, as part of their
8 regulatory scheme, have compensation for individuals with
9 asbestosis?
10 A. I have no knowledge about specifically
11 asbestosis.
12 Q. Okay.
13 A. But, you know, I have information on lung
14 cancer, which was in '43, or another regulation was
15 relating to mesothelioma in '77.
16 Q. Would the people in the government
17 regulations department, would they be able to tell you
18 when the German government began to recognize asbestosis
19 as a compensable disease?
20 MR. GRASSO: Wait, wait.
21 When the German government
22 recognized asbestosis as a compensable
23 disease?
24 MR. FOX: Yes.
25 MR. GRASSO: That is assuming facts

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1 not in evidence, for one thing.
2 Q. Would they be able to tell you that?
3 A. This specific department is not able to tell
4 you that.
5 Q. Is there another department that can tell
6 you that?
7 A. No. You have to -- I mean, you have to ask
8 the occupational agency for safety and health when it
9 was. But, I told you asbestosis is nothing I know of. I
10 told you about lung cancer and mesothelioma, but
11 asbestosis, I don't know.
12 Q. Is it fair to say that as far as you know
13 even before you got to Volkswagen that Volkswagen AG was
14 aware of and kept in touch with all applicable regulations
15 that could affect their business or employees?
16 A. Oh, yes.
17 Q. Now, do you know whether or not VWAG ever
18 placed any kind of a warning on any of its brakes or
19 clutches regarding the asbestos content?
20 MR. GRASSO: Well, on the brake?
21 Q. Anywhere on the vehicle itself including the
22 brake?
23 A. As to the asbestos content?
24 Q. Yes.
25 A. Percentage-wise?

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1 Q. No, no.
2 A. In general?
3 Q. Any warning or caution about any potential
4 hazards on the vehicle itself, did they ever do that?
5 A. No.
6 Q. Did they ever issue any kind of caution or
7 warning statement in the vehicle manuals?
8 MR. GRASSO: Well, you are talking
9 about manuals published by VWAG?
10 MR. FOX: Yes.
11 A. It is not to my knowledge, no.
12 Q. When you purchase a vehicle, it comes with a
13 manual, correct?
14 MR. GRASSO: With it.
15 MR. FOX: Yes.
16 A. Yes, sir.
17 MR. GRASSO: What kind of manual
18 now?
19 MR. FOX: I am going to ask him.
20 Q. A vehicle manual. Whenever you buy a car,
21 there is a manual?
22 MR. GRASSO: You were talking about
23 manuals published by VWAG?
24 Q. Who published the manuals that between 1966
25 and 1970 that were in the cars, was that published by VWAG

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1 or someone else?
2 A. VWAG.
3 MR. GRASSO: Are you talking about
4 owners manuals?
5 MR. FOX: Yes.
6 MR. GRASSO: I thought you referred
7 to another manual earlier.
8 You were talking about owners
9 manuals. You want to know talking about
10 asbestos in an owners manual?
11 Q. To your knowledge in the owners manuals
12 published by VWAG, was there a caution statement or
13 warning statement on asbestos content on the brakes or
14 clutches?
15 A. I can't answer that. Not to my knowledge.
16 Q. As far as you know, you have never seen one,
17 correct?
18 MR. FINBERG: You mean, referring to
19 the same time period that you --
20 Q. Referring to any time period, have you ever
21 seen a caution or warning statement regarding asbestos?
22 A. Owners manual, not that I recall.
23 Q. Did VWAG after it stopped using asbestos in
24 its brakes and clutches contact previous owners or make
25 efforts to make contact of previous owners of their

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1 vehicles to inform them of the potential hazards of
2 asbestos?

3 MR. GRASSO: I object to the form of
4 that question. It is kind of a wife beater
5 question.

6 It is assuming facts not in
7 evidence.

8 MR. FOX: I will rephrase it.

9 MR. GRASSO: And it is
10 argumentative.

11 MR. FOX: I will rephrase it.

12 I don't see the argumentative part
13 of it, but I will rephrase it.

14 Q. After VWAG stopped using asbestos brake
15 linings and face clutches in its vehicles, did they ever
16 make an effort to contact either the dealers or the owners
17 of those vehicles to inform them of the asbestos content
18 on the brakes and clutches?

19 MR. GRASSO: Sounds like the same
20 question to me.

21 Q. Did you inform them -- was there any effort
22 made to inform them of the asbestos content?

23 A. Well, when you talk about after they stopped
24 using asbestos, they are making vehicles constantly. They
25 make vehicles that have asbestos and they make different

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1 that don't have.

2 Q. And the ones that they made that had
3 asbestos, were there any efforts made to contact those
4 owners to tell them that they had asbestos in their brakes
5 and clutches? It is yes or no.

6 MR. GRASSO: Tell the owners?

7 MR. FOX: Yes. The owners of the cars, yes.

8 MR. GRASSO: All right, okay.

9 A. The owners or the ones that are just buying
10 a car?

11 Q. The previous owners.

12 A. The previous owners '66 to '70 any time?

13 Q. Let me rephrase it.

14 After VWAG stopped manufacturing vehicles
15 with asbestos-containing brake linings and clutch facings,
16 did they make any effort to contact individuals who had
17 purchased their vehicles that had the asbestos-containing
18 brake linings and clutches to inform them that there was
19 asbestos in the vehicles?

20 MR. GRASSO: You mean the vehicles
21 that had these as original equipment?

22 MR. FOX: Yes, exactly.

23 A. That is not to my knowledge.

24 Q. Did VWAG ever recall any of its vehicles
25 based on the asbestos content of their brake linings and

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1 clutch facings?

2 A. No.

3 Q. To your knowledge, did VWAG ever send out
4 any information, or manuals, or instructions to mechanics
5 or to dealers to inform them about how to work with or
6 around the asbestos-containing brake linings and clutch
7 facings?

8 MR. GRASSO: Or did they ever send
9 out materials. Is that your question?

10 Q. Any communication regarding how to deal with
11 the asbestos in the brake linings or clutches.

12 A. Here in the States?

13 Q. Yes.

14 A. Not to my knowledge.

15 Q. Anywhere?

16 A. I don't know.

17 Q. To your knowledge, were any other
18 asbestos-containing materials used in VWAG vehicles prior
19 to 1986?

20 MR. FINBERG: What --

21 Q. Other than brake linings and clutch facings
22 and brake pads, any other parts that contained asbestos?

23 MR. FINBERG: What relevance does
24 this have to Mr. Wall?

25 MR. FOX: This is a corporate

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1 deposition. It doesn't have to.

2 MR. FINBERG: Regarding events that
3 Mr. Wall's family asserts happened. This
4 is just -- we are going to listen to
5 questions about anything in the world at
6 all about Volkswagen AG in any component at
7 any time?

8 MR. FOX: This is no different than
9 the interrogatories which apply generally,
10 and this is pursuant to the case management
11 order. They don't want to repeat every
12 deposition by --

13 MR. GRASSO: Just to cut through it,
14 what you are saying by the case management
15 order, you don't feel constrained to ask
16 questions and pursue discovery related only
17 to the Wall case. You feel you have a
18 relief to conduct a global discovery
19 regarding Volkswagen AG regardless of time.

20 MR. FOX: Absolutely.

21 MR. FINBERG: I don't agree with
22 that.

23 MR. FOX: There is not much of a
24 discussion about that because that is clear
25 within the case management order, and we

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1 don't want to have the witness come back.
2 MR. FINBERG: Let's take a
3 two-minute recess.
4 MR. FOX: I will say this. I have
5 been careful to generally do that. Even if the
6 Wall case, I will still ask the same
7 question.
8 MR. GRASSO: We will take them
9 question by question.
10 MR. FINBERG: Let's take a recess.
11 MR. GRASSO: I think we managed to
12 get this far without too much disagreement
13 here and --
14 MR. FINBERG: I say it because I
15 think this is a --
16 MR. GRASSO: Let's just --.
17 MR. FINBERG: -- lawsuit, and I
18 think people are working reasonably, and I
19 think, however, not to cast any aspersions
20 on you or your law firm, you may have
21 noticed that there are other asbestos
22 lawsuits in this nation, and the concept
23 that people use one lawsuit to collect
24 information for use in another lawsuit is a
25 sensitive matter. In some places it would

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1 be considered as a tort. So, I mean,
2 nobody wants to restrain you in discovery
3 related to the Wall case, and I think
4 people want to work on that. If your
5 mission is to collect information for
6 global use, I have a very grave concern
7 about that.
8 MR. FOX: You know what, it doesn't
9 make a different because there is a court
10 order in this case that applies that has
11 dealt with the issues that you have raised
12 that relates to this, and it's been
13 clarified time and time again by the
14 Special Master.
15 They don't want the witnesses to
16 come back time and time again when we do a
17 corporate designation deposition. It
18 applies generally to the litigation.
19 MR. FINBERG: So, what you are
20 saying is there is an intent to conduct
21 further litigation against VWAG.
22 MR. FOX: That is a bizarre
23 comment.
24 I am saying there is a court order
25 covering this deposition.

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1 MR. FINBERG: Mr. Grasso said that
2 it is not something that VWAG was a
3 participant --
4 MR. GRASSO: It may or may not
5 ultimately apply to me, the court order.
6 MR. FOX: If you thought you were
7 special, you could have done something to
8 limit this deposition.
9 It is not a limited deposition. I
10 have been very careful to keep on point
11 about Mr. Wall even if it did only relate
12 to Mr. Wall. I would still ask that
13 question if they were aware of other
14 situations with asbestos. It would still
15 be relevant. What they did with that other
16 asbestos would still be relevant to Mr.
17 Wall. It wouldn't make a difference. For
18 the purposes of getting through this, there
19 is a court order in this case which governs
20 these kinds of depositions, and they cover
21 any situation.
22 MR. GRASSO: I am telling you that
23 they may or may not ultimately, but I am
24 saying let's go ahead with this deposition
25 and get as far as we can.

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1 MR. FOX: You can instruct him not
2 to answer and I will come back.
3 MR. GRASSO: I have not instructed
4 him yet not to answer.
5 MR. FOX: This is the way the
6 litigation is conducted. That is the way
7 it is. I even sent you the December 10
8 memorandum from her.
9 MR. GRASSO: We did see that and
10 noticed that it very specifically said
11 because these things are negotiated, etc.,
12 etc. -- let's not rehash.
13 MR. FOX: It is a court order.
14 Let's move on.
15 Q. Other than the brake linings and the clutch
16 facings, were there any other parts of the VWAG vehicles
17 that contained asbestos?
18 MR. FINBERG: With that question in
19 mind, we will take a recess and counsel
20 will confer.
21 MR. FOX: Go ahead.
22 (Recess taken)
23 MR. GRASSO: Okay. To the extent
24 that the question posed goes beyond the
25 allegations in this case made on behalf of

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1 Mr. Wall, they are clearly not relevant
2 and, frankly, you know, there is talk about
3 doing a global deposition. We could be
4 here for days if you feel that you are
5 entitled to that.

6 As of now, VWAG is a single
7 deposition of defendant and single lawsuit
8 where the allegations are specific, and I
9 will instruct Mr. Kolms not to answer that
10 question and see how much further we can
11 get here. And let's move on with inquiries
12 directed more directly to the allegations
13 in this case.

14 MR. FOX: For the purpose of the
15 record, I want to say that if the witness
16 would have answered the question, I would
17 have obviously asked him questions about
18 where the asbestos was, when it was used,
19 whether or not any instructions were
20 provided regarding that, and where it was
21 obviously on the vehicle as well as other
22 follow-up questions that may be
23 applicable.

24 Either today or tomorrow we will
25 visit with the Special Master and we will

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1 address this issue and move forward.

2 Q. Do you know whether or not VWAG ever itself
3 manufactured a product, or piece of equipment, or a
4 component part that contained asbestos?

5 MR. GRASSO: Equipment or --

6 MR. FOX: Product equipment or
7 component part that contained asbestos if
8 they manufactured it.

9 MR. GRASSO: You are talking about
10 did they make the component that had the
11 asbestos in it?

12 MR. FOX: Yes. Did they make any
13 product equipment or component.

14 Q. Did they manufacture any component product
15 or equipment that had asbestos?

16 MR. GRASSO: So we are clear, there
17 is ambiguity. Obviously, they manufactured
18 vehicles and these vehicles had a component
19 in it, some of them at some point had
20 asbestos in that component. You seem to be
21 drawing a distinction. Leaving that aside,
22 you are asking a different question now,
23 right?

24 Q. I will do it this way.

25 Other than the use of the brake linings, and

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1 brake pads and clutch facings, did VWAG ever manufacture
2 any product equipment or component part that contained
3 asbestos?

4 MR. GRASSO: That is ambiguous. You
5 are suggesting that VWAG manufactured those
6 parts that had in the first part of your
7 question which they did not.

8 Q. Let's try it this way.

9 Did VWAG ever manufacture any product
10 equipment or component part that contained
11 asbestos?

12 MR. GRASSO: Maybe I will just
13 object as compound.

14 Q. Did VWAG ever manufacture any product that
15 contained asbestos, to your knowledge?

16 MR. GRASSO: Product could be a
17 whole vehicle, correct?

18 MR. FOX: Yes. I guess so.

19 MR. GRASSO: Well, that is what we
20 have been talking about for the last hour
21 and a half or two hours.

22 Q. Did VWAG ever manufacture anything that
23 contained asbestos?

24 MR. FOX: It is very simple.

25 MR. GRASSO: What have we been

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1 discussing the last two hours? If
2 the answer is no, we can walk out of here
3 and the deposition is over.

4 MR. FOX: You said you objected to
5 the other question because it referred to
6 the use of the brake linings pads and
7 clutch facings. If that is not
8 manufacturing, then it is not
9 manufacturing. I am asking did they
10 manufacture anything.

11 MR. GRASSO: Do you want to ask the
12 question, did VWAG ever manufacture a
13 component part that ever contained
14 asbestos?

15 I put that question to you.

16 What is the answer to that?

17 That is one --

18 MR. FOX: If you want to ask the
19 question, you can ask the question.

20 MR. GRASSO: That is one of the
21 parts of the question that you asked
22 before.

23 MR. FOX: Let's start with that.

24 MR. GRASSO: Just component part.

25 THE WITNESS: I mean, this is

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1 actually what you were objecting to, I
2 think. Isn't it?
3 MR. GRASSO: I am just asking you.
4 Did VWAG ever manufacture any
5 component part that contained asbestos.
6 THE WITNESS: I don't think so.
7 Q. Did they manufacture anything that contained
8 asbestos?
9 MR. FINBERG: You are including the
10 whole automobile which is what Carl was
11 talking about before.
12 Q. Did they manufacture anything that contained
13 asbestos?
14 A. I can't think of anything else. Brake
15 linings are manufactured by suppliers. It is my
16 impression that suppliers provide Volkswagen with parts
17 containing asbestos.
18 Q. Did Energit, Juridwerke, Pagid or Textar
19 ever supply any other component parts to VWAG other than
20 the brake linings?
21 A. Not that I know of, no. It is my impression
22 they are strictly bound to the brake lining production and
23 brake pad production.
24 Q. I asked you about any cautions or warnings
25 regarding asbestos as it related to the brakes and the

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1 clutches.
2 A. Yes.
3 Q. To your knowledge, did VWAG ever issue any
4 caution or warning statements about asbestos on any of the
5 component parts on its vehicles?
6 MR. GRASSO: Other than brake
7 linings?
8 MR. FOX: Yes, and clutch facings.
9 MR. GRASSO: I will let him answer
10 that.
11 A. On the car or, let's say, parts, or
12 something like that?
13 Q. Anywhere in any form.
14 A. Yes. There was a warning sticker, which was
15 attached to, let's say, the replacement boxes or including
16 -- I mean, the content of which is replacement brake
17 shoes, so there was a warning stricker attached to it at
18 the time both were installed, asbestos-containing material
19 and non-asbestos containing material or part, I should say.
20 Q. Let's stop there for a moment and talk about
21 that. I want to understand this.
22 Who placed the warning on the replacement
23 brake shoes?
24 MR. GRASSO: Well, that misstates
25 the testimony.

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1 MR. FOX: I am sorry.
2 Q. I thought you testified that there was a
3 warning on the boxes of replacement brake shoes?
4 MR. GRASSO: Yes, on the boxes.
5 That is not what you said.
6 MR. FOX: I see, fine.
7 Q. Who placed, if you know, a warning on the
8 boxes of replacement brake shoes?
9 A. Whether this was the only department or not,
10 I don't know. But, I am aware that in Germany the
11 Volkswagen plant in Kassel, which was the plant for spare
12 parts, placed a sticker on asbestos-containing parts in
13 the mid '80s.
14 Q. Was that before or after they stopped using
15 asbestos?
16 A. It was within the period.
17 Q. And that component part plant, was that part
18 of VWAG?
19 A. It was a supplier plant.
20 Q. Was it owned by VWAG?
21 A. The plant itself?
22 Q. The plant that put --
23 A. Oh, yes.
24 Q. And do you recall what the warning said?
25 A. Generally, it was a sticker with an A on it

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1 which stood for asbestos, and there was some warning in
2 writing that in this part there is asbestos in a certain
3 range content, and it is dangerous to your health. Like
4 that. I am not aware of the precise description that is
5 what it says.
6 Q. Have you ever seen that sticker?
7 A. Yes, I have.
8 Q. In what context did you see that sticker?
9 A. Well, in the context of general information
10 about asbestos and asbestos brake linings and stuff.
11 Q. Did you see it at a time that it was being
12 used or did you see it after litigation?
13 A. Afterwards.
14 Q. Through litigation?
15 A. Yes.
16 Q. Do you have a copy of the sticker or do you
17 know where it would be?
18 A. I don't have it with me, but I can provide
19 you with one if you want to or at least a copy.
20 Q. Do you know what year that sticker was first
21 placed on the replacement parts?
22 MR. GRASSO: Misstates the
23 testimony. It is on the boxes, not on the
24 replacement parts.
25 Q. On the boxes.

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1 A. Well, starting in the early '80s.
2 Q. Early '80s?
3 A. Yes.
4 Q. Do you know when they stopped using the
5 sticker?
6 MR. GRASSO: When they stopped using
7 the sticker?
8 MR. FOX: On the boxes, yes.
9 MR. GRASSO: Assuming that they
10 stopped using a sticker.
11 MR. FOX: That is true.
12 Q. Have they stopped using a sticker?
13 A. Yes.
14 Q. Do you know when that happened?
15 A. Yes. When there was no use to it.
16 Q. When was that?
17 A. When all the brake linings had non-asbestos
18 content.
19 Q. You said that was around 1986?
20 A. Yes.
21 Q. In that zone?
22 A. Excuse me?
23 Q. In that general area?
24 A. Yes. I think it was in '86 according to, I
25 mean, referring to the brake lining. The clutch was the

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1 same year, I think, yes.
2 Q. Okay. These replacement brake shoes and
3 clutches, they were sold by VWAG, is that correct, the
4 once that had the sticker on them?
5 A. Since I represent Volkswagen AG, that is
6 true for Volkswagen AG. Whether that is true in the
7 States for Volkswagen of America, I don't know.
8 Q. Where did the boxes that contained the brake
9 shoes and clutches that had the stickers on them, where
10 were they sent to?
11 A. To the dealership.
12 Q. In the United States?
13 A. I don't know that in those years. I have to
14 check that.
15 MR. GRASSO: Wait a second.
16 You are talking about boxes coming
17 from Kassel of replacement parts.
18 THE WITNESS: Yes. Whether they
19 were sent to America, to the States, and
20 which model, I mean, I have to check that.
21 Q. That is something that you can figure out?
22 A. I hope so, yes.
23 Q. Other than the sticker on the boxes, are you
24 aware of any other way that VWAG communicated the asbestos
25 content of either the brakes or the clutches to anybody?

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1 A. I am not specifically informed of anybody
2 else, but, you know, I assume that the company advised the
3 dealership about it.
4 Q. When you say you would assume, do you have
5 any knowledge?
6 A. No precise knowledge.
7 MR. GRASSO: When you said
8 "dealership," which dealership are you
9 talking about?
10 THE WITNESS: Any dealership.
11 MR. GRASSO: Dealerships in the
12 United States?
13 THE WITNESS: I mean, the
14 information here to the dealership was
15 primarily or exclusively sent out by
16 Volkswagen of America which is not my
17 company.
18 MR. GRASSO: It is a different company.
19 THE WITNESS: It is a different
20 company.
21 MR. GRASSO: Was VWAG sending any --
22 MR. FOX: You can't just ask
23 questions like this. This is not usual.
24 It is not right. You can ask follow-up
25 questions. I don't mind if you interject

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1 objections. I am not somebody that tends
2 to interject myself in these things. It is
3 getting a little too much now with your
4 asking questions.
5 You can ask follow-up questions. I
6 am sorry.
7 MR. GRASSO: I am trying to clear up
8 something.
9 MR. FOX: It is not right to do it
10 this way.
11 MR. GRASSO: Then, I move to strike
12 the last two questions because there is a
13 profound misunderstanding going on, I
14 believe.
15 MR. FOX: You can't give speeches.
16 MR. GRASSO: I am trying to help
17 you.
18 MR. FOX: Go ahead, okay, so you say.
19 But, so far I don't get that sense
20 that you are trying to help me, but go on.
21 I prefer we not have any further
22 conversation about this unless there is an
23 objection.
24 MR. GRASSO: It is a simple --
25 MR. FOX: You want to testify, and

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1 that is not really appropriate. If you
2 want the witness to leave the room, have
3 the witness leave the room, and you can
4 communicate to me whatever you want to
5 communicate. That is fine. With him here
6 for you to clarify things is not
7 appropriate.

8 MR. FINBERG: Do you want to step
9 out?

10 THE WITNESS: Sure.

11 (The witness left the room)

12 MR. GRASSO: Why don't you ask him,
13 did VWAG send anything to any dealer in the
14 United States.

15 MR. FOX: I already did that. I
16 already asked him if they sent anything to
17 anybody. I already did that. He already
18 said "No."

19 MR. FINBERG: I mean, I think you
20 are kind of talking about different
21 things. I don't think there is a shared
22 understanding.

23 I think Carl was just trying to
24 assert an objection to help clarify that.
25 I mean, your point is well taken. This is

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1 MR. GRASSO: So you understand, VWAG
2 isn't sending anything to any dealer in the
3 United States. It doesn't happen.

4 MR. FOX: They could.

5 MR. FINBERG: It is a fair
6 question. I don't think he was on the same
7 wavelength.

8 MR. FOX: I am not here to make my
9 closing statement either. I am just here
10 to ask questions, that is all I am here to
11 do, and neither are you to make a closing
12 statement. So --

13 MR. FINBERG: We are certainly here
14 on the other side of a lawsuit.

15 We are not here to misinform you and
16 to have you thinking there are different
17 facts than --

18 MR. FOX: That is fine. I
19 appreciate that. That is why you have an
20 opportunity at the end to clarify it and
21 set me straight.

22 MR. GRASSO: So, in two days I can
23 ask a clarification question.

24 MR. FINBERG: I think an objection
25 that the question is ambiguous and the next

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1 your line of questioning, but I think it
2 was just my impression from listening that
3 the witness had a different concept of what
4 the topic was than what you were asking
5 about.

6 MR. FOX: If there was something
7 said that he hasn't talked about yet, you
8 guys are perfectly capable --

9 MR. FINBERG: You were talking about
10 different continents.

11 MR. FOX: I asked anywhere.

12 MR. FINBERG: To me, the appropriate
13 objection would be misstates facts or vague
14 and ambiguous.

15 MR. FOX: If I said have you sent
16 anything anywhere, other than the sticker,
17 and he says "No." I don't know how it is
18 vague and ambiguous.

19 MR. FINBERG: This is something
20 about companies.

21 MR. GRASSO: That was to dealers.

22 MR. FOX: He brought that up, not
23 me.

24 If you want to clarify with him, you
25 guys can do that. I don't care.

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1 question assumes facts.

2 MR. FOX: You can object to that.

3 MR. FINBERG: I think it is a
4 language --

5 MR. FOX: I don't want speeches to
6 happen. A lot of times that is, not by
7 you, used to direct the witness in a
8 certain way that is not really appropriate.

9 MR. GRASSO: I agree.

10 MR. FOX: I would rather not get to
11 that point.

12 MR. GRASSO: I would love to.
13 Frankly, I am holding myself back.

14 MR. FOX: Let's continue.

15 MR. FINBERG: All set?

16 (The witness entered the room)

17 Q. Let's kind of back up.

18 Have you ever conducted a review of all of
19 the available documents, if any, regarding VWAG's
20 knowledge of any potential dangers to asbestos.

21 MR. GRASSO: It is vague, ambiguous,
22 overbroad.

23 Q. I want to find out whether you have ever
24 done anything to systematically, not talk to lawyers,
25 actually go out and look at documents, and look at

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1 specifications to look at things, and make communications,
2 letters?
3 A. You are just referring to internal document?
4 Q. Internal only.
5 A. Nothing other than speaking to the people.
6 Q. Okay. Do you know what color the brake
7 linings were?
8 MR. GRASSO: Which brake linings?
9 What time frame?
10 Q. In the '66 to '70 frame.
11 A. Dark gray or brownish. I mean, this is a
12 mix of everything, you know, but basically it is dark
13 brownish, grayish.
14 Q. How about the clutch facings, do you know
15 what color they were between '66 and '70?
16 A. On the clutch?
17 Q. Yes.
18 A. I don't recall. It is, again, depending on
19 the manufacturer because we had four of them, so that they
20 are all different.
21 Q. But, you don't know the range of colors, do
22 you?
23 A. No, no.
24 Q. So, do you know whether or not VWAG has
25 today any asbestos-containing brake linings in its

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1 Q. No. Let me go back.
2 When Energit, Juridwerke, Pagid and Textar,
3 when they, supplied the brake linings to VWAG, were they
4 attached to a brake shoe when they supplied them or how
5 did that work?
6 Did they just supply the linings and you put
7 the linings on the shoe? Did you send them the shoe and
8 --
9 A. I would have to check them as to every model
10 and model year. This was different. If it was sent, the
11 lining, to the factory, it was riveted on, for instance,
12 and then it was ground to the diameter, the size, which
13 had to, you know, fit into the drum, so this is basically
14 the procedure which was performed.
15 Q. Who did the grinding?
16 A. This was done in another factory in
17 Braunschweig.
18 Q. Was that a VWAG factory?
19 A. Yes.
20 Q. Have you ever seen that grinding process?
21 A. No.
22 Q. Do you know what tools they used?
23 A. Yes. I have a general knowledge.
24 It is a machine with a grinding going on top
25 of the brake lining.

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1 possession?
2 A. You mean, in possession in general?
3 Q. Yes.
4 A. I mean, if we were referring to the museum
5 and suddenly if there are --
6 Q. Other than at the museum, are you aware of
7 any other information about them having a sample?
8 A. We don't do them anymore.
9 Q. When -- withdrawn.
10 Are you familiar with the process that was
11 used in the VWAG plants to install the brake linings once
12 they were received from those manufacturers?
13 A. In general, yes. But, not all of them.
14 I mean, this is a long period and too many
15 different models and model years.
16 MR. GRASSO: Let me impose a belated
17 objection, installing brake linings.
18 Q. Taking the ones that came from the four
19 manufacturers and placing them onto VWAG
20 vehicles.
21 MR. GRASSO: The lining is already
22 on the shoe. You are not talking about
23 installing the lining onto a shoe?
24 MR. FOX: Let me withdraw that and go back.
25 A. You mean, replacing?

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1 Q. Why would they have to grind the brake
2 lining?
3 A. To provide the exact fit into the brake
4 drum.
5 Q. Do you know if the same grinding process was
6 applied to the clutch facings?
7 MR. GRASSO: The same process?
8 MR. FOX: Yes.
9 MR. GRASSO: Obviously, not the same
10 process.
11 Q. Was there a grinding process?
12 A. No.
13 Q. Why was that?
14 A. Because the clutch facing is just a parallel
15 thing. It is not within, like, a drum brake. It is a
16 circumference. It is a flat surface and you don't have to
17 grind it.
18 Q. So I am clear, in terms of what the four
19 manufacturers who supplied the brake linings to VWAG, in
20 terms of what they sent to you, is it fair to say, if I
21 don't understand this you will correct me, hopefully, is
22 it fair to say at times they would just supply the
23 linings? There are times you would send them the brakes
24 and they would apply the linings and send them back. Is
25 that not fair?

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1 A. No. I mean, you are referring now to the
2 replacement of old linings?
3 Q. No.
4 A. I mean, otherwise, we don't send the shoes
5 to the supplier because they can get it from somewhere,
6 you know. But, again, I have to check as to every model,
7 range as to every model year, because every manufacturer
8 even is different.
9 Q. Between 1966 and 1970, when these four
10 companies would send the brake linings to VWAG, do you
11 know whether or not they sent just the linings or did they
12 send the linings already attached?
13 A. I have to check that.
14 Q. Okay. Do you know if they had sent the
15 brake linings already attached? Would that be attached to
16 an original Volkswagen VWAG equipment?
17 MR. GRASSO: You mean something made
18 by VWAG?
19 MR. FOX: Right, yes.
20 A. I don't know whether it was made by
21 Volkswagen or another supplier, but, you know, the OEM
22 standard -- the OEM status is just when the stamp is
23 printed on. There are other parts which are identical,
24 but have not the Volkswagen stamp on it.
25 Q. That are used?

1 Q. Do you know for sure?
2 A. No.
3 Q. Do you know if the clutches had any kind of
4 marking on them?
5 A. I mean, just an assumption, yes. But, I
6 don't know. I have to check.
7 Q. Do you know whether or not part numbers were
8 embossed on either the brakes or the clutches between 1966
9 and 1970?
10 A. It is not the part -- it is not the part
11 number, it is just embossed Volkswagen insi --
12 Q. There is no part number, but it would be
13 maybe a Volkswagen?
14 A. Again, to be precise, you have to tell me
15 which model and which model year, and then I can check.
16 Q. Okay. But, as you sit here today, you are
17 not aware whether or not the Volkswagen insignia was
18 embossed on any of the brakes or clutches between 1966 and
19 1970?
20 A. I don't know whether on all of them. That,
21 I don't know.
22 Q. On any of them?
23 A. Certainly, yes, which I said. But, I don't
24 know which model year and which model.
25 Q. But, as you sit here today, you are not

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1 A. For spare part market. They are the ones --
2 Q. On the new cars?
3 A. No, spare parts.
4 Q. Spare parts?
5 A. Yes.
6 Q. In terms of what they supplied for the new
7 cars, do you know whether or not these four manufacturers
8 supplied only the linings or did they supply the linings
9 already attached to the brakes?
10 A. I have to check that.
11 Q. All right. Did original VWAG brakes and
12 clutches, not the linings, but the brake drums and the
13 clutches themselves, were they marked in any way to your
14 knowledge between 1966 and 1970?
15 MR. GRASSO: You said, drums
16 marked?
17 MR. FOX: Right.
18 Q. The brakes themselves or clutches
19 themselves, were they marked in any way between 1966 and
20 1970?
21 A. You mean, the brake shoe, for instance?
22 Q. Yes, brake shoe.
23 A. I think so.
24 Q. You think so?
25 A. Yes.

1 aware of whether the ones from 1966 or 1970 contained any
2 insignia from Volkswagen?
3 A. No.
4 Q. Let's shift gears for a moment. I guess a
5 poor choice of terms.
6 Did VWAG supply replacement brakes and
7 clutches for their vehicles between 1966 and 1970?
8 A. Volkswagen AG supply?
9 Q. Replacement brakes from anywhere.
10 A. Yes.
11 Q. Did they supply to the United States
12 replacement brakes and clutches between 1966 and 1970?
13 A. I have to check that, again, and which model
14 year and which model again.
15 Q. Do you know, during the years 1966 and 1970,
16 I know you weren't there at the time, do you know whether
17 or not the replacement brake linings were supplied by the
18 same four companies that we have discussed?
19 A. Yes.
20 Q. How do you know that?
21 A. I was referring to my conversation with the
22 plant in Kassel which was responsible for supplying the
23 applicable brake parts.
24 Q. Any other basis other than conversation?
25 A. No.

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1 Q. Did the replacement brake linings contain
2 asbestos just like the original ones did?
3 MR. GRASSO: That is vague and ambiguous.
4 Q. From 1966 through 1970?
5 A. Yes.
6 Q. If you were to have in front of you an
7 original VWAG brake and a replacement VWAG brake, would
8 there be any way to distinguish one from the other that
9 were manufactured in the 1966 through 1970 period?
10 A. When you are referring to brake, you mean
11 the brake shoe or the brake lining?
12 Q. The brake linings were on the brake shoes,
13 correct?
14 A. Yes.
15 Q. So, the brake shoes.
16 A. So, you have two different.
17 Q. You have the original and you have the VWAG
18 replacement. Visually looking at both of them on a table,
19 could you distinguish between the two?
20 A. No.
21 MR. GRASSO: Let me know if you want
22 to take a lunch break at any point.
23 MR. FOX: Maybe in five minutes.
24 Q. Do you have any knowledge regarding how, on
25 the average, how many miles a VWAG vehicle manufactured

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1 between 1966 and 1967 on would travel before a replacement
2 of the brake lining would be required?
3 A. It depends on the driving of the customer,
4 but usually about 30,000 miles, 25, 30. It all depends on
5 the type of driving.
6 Q. Do you have -- is there a number of
7 millimeters that a brake lining would go down to before it
8 had to be replaced?
9 A. It is riveted just above the rivet heads,
10 right?
11 Q. Okay.
12 A. Otherwise, you would damage the brake drum.
13 Q. Do you know how many millimeters that is,
14 approximately?
15 A. About three millimeters.
16 Q. Do you recall what the VW -- Volkswagen
17 owners manuals indicated was the appropriate amount of
18 millimeters?
19 A. No.
20 MR. GRASSO: That is assuming that
21 the owners manual said anything about that.
22 MR. FOX: It does.
23 MR. FINBERG: You are agreeing that
24 it assumes that. You are not asserting
25 that it does say that.

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1 MR. FOX: I am just asking if he is
2 familiar with it. With you, I am
3 discussing. I am just asking if he knows.
4 MR. GRASSO: Owners manual and
5 repair manual is totally different animal.
6 MR. FOX: That is true.
7 I am asking if he is aware of it.
8 Just a couple more questions and we will
9 take a break.
10 Q. Have you ever been issued any
11 patents?
12 A. No.
13 Q. Have you ever reviewed -- withdrawn.
14 Do you know whether VWAG has any patents
15 that relate to the manufacturer of brakes, or clutches or
16 their component parts.
17 MR. GRASSO: That is pretty
18 compound, but, okay.
19 MR. FOX: I am trying to get an answer?
20 A. As to the manufacturer, I mean, the
21 manufacturer, you can't certainly get a patent on the
22 manufacturer. You can get a patent on the ability on the
23 design. I don't know.
24 Q. Do you know whether or not there is some
25 repository or library maintained by VWAG wherein all of

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1 its patents are stored?
2 A. Yes.
3 Q. Where would that be?
4 A. That is in Braunschweig.
5 Q. The department dealing with patents?
6 A. Would also be Braunschweig.
7 Q. Is it called the patent department or
8 something like that?
9 A. Yes.
10 MR. GRASSO: Just for clarification,
11 you want to know about patents relating to
12 the design of a brake component or
13 something?
14 MR. FOX: Yes.
15 A. Not the patent of a manufacturing process.
16 Q. Just the product, its manufacture, the
17 process comes afterwards?
18 MR. GRASSO: Yes. I could imagine
19 someone getting a patent on some
20 manufacturing process when you asked about
21 patenting or manufacturing of brakes.
22 MR. FOX: That is true.
23 MR. GRASSO: I am not sure.
24 Q. Do you know whether or not the patents that
25 we discussed relate to a process, or a piece of equipment

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1 or manufacturing process?
2 A. You are asking about a patent?
3 Q. Yes.
4 A. In relation to that?
5 Q. Yes.
6 A. I have to check that.
7 Q. And then -- all right.
8 Do you know whether or not VWAG at this time
9 has any promotional literature, brochures, information,
10 communications from any of the four companies that we have
11 discussed so far, Energit, Juridwerke, Pagid or Textar, if
12 they have now any -- I will withdraw the question.
13 Do you know whether or not they now have any
14 promotional literature, or communications, or documents
15 from these four companies, Energit, Juridwerke, Pagid or
16 Textar that date back to the period of 1966 through 1970?
17 A. That, I don't know. I mean, it is 45 years
18 ago, 48 or something.
19 Q. Do you know where that would be if it
20 existed at VWAG?
21 A. No. I don't know.
22 MR. FOX: All right.
23 Take a break
24 MR. GRASSO: It is about 40 minutes
25 after 1:00.

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1 Do you think you can finish
2 today?
3 Do you intend to try and finish
4 today?
5 MR. FOX: Off the record.
6 (Lunch recess).
7 (Read back)
8 Q. Have you had any communications ever with
9 either Energit, Juridwerke, Pagid or Textar?
10 A. Yes.
11 Q. In what way?
12 A. Just to retrieve some information, more
13 information, about the manufacturing process on the brake
14 lining and stuff.
15 Q. So, your communication with them was in
16 terms of litigation, correct?
17 A. Well, it was not specifically relating to a
18 specific case, but it was for my general information about
19 the subject.
20 Q. The reason that you were interested in it,
21 am I correct, was because of litigation?
22 A. Yes.
23 Q. Did they provide you with any written
24 materials?
25 A. No.

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1 Q. Do they indicate to you in any way what
2 percentage -- withdrawn.
3 Did they indicate to you in any way do, how
4 any quantity of brake linings that they provided to
5 Volkswagen AG?
6 A. No.
7 Q. When did these conversations take place?
8 A. A couple of years ago.
9 Q. Okay. Which company's representatives did
10 you talk to?
11 A. Pagid and on the phone I talked to the
12 person from Juridwerke.
13 Q. Okay. Do you know whether or not any
14 representatives of either Pagid, Juridwerke, Textar or
15 Energit had given legal testimony either in court or by
16 deposition regarding the brake linings?
17 A. That is not to my knowledge.
18 Q. Okay. I apologize in advance for some of
19 the jumping around. We will be all over the place here.
20 I want to get through the material.
21 A. Go ahead.
22 Q. First, do you know whether or not VWAG,
23 during the time that you have been with them, has ever
24 acquired any company that either manufactured, sold or
25 distributed any products that contained asbestos?

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1 A. I don't understand the question.
2 "Acquired," you said?
3 Q. During the time that you have been there has
4 VWAG ever acquired any company that was in the business,
5 in part or in whole, of manufacturing, or selling or
6 distributing products that contain asbestos?
7 MR. GRASSO: Since 1973?
8 MR. FOX: Yes.
9 A. You mean, asked to produce?
10 I don't understand the acquired to.
11 Q. Did VWAG buy any company?
12 A. No.
13 MR. FINBERG: Just to be clear, it
14 is extremely broad, and judging from some
15 of the previous questions, you are asking
16 about products, a company buys a product.
17 As I listen, I imagine hypothesizing that
18 VWAG bought another car company. Your
19 definition of a product, including a car,
20 so if VWAG bought another car company that
21 would qualify as a yes in your question.
22 It is not self-evident from the question.
23 MR. FOX: Yes. Well, if I include
24 car companies into the mix --
25 Q. Did VWAG acquire any car companies after

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1 1973?
2 A. Yes.
3 Q. Do you know which ones?
4 A. Skoda.
5 Q. S-K --
6 A. S-K-O-D-A.
7 Q. Thank you.
8 A. Seat, S-E-A-T.
9 Q. Okay.
10 A. Well, at one time point in time, it was
11 Rolls Royce.
12 Q. Any others?
13 MR. GRASSO: Do you know, for
14 example, did Rolls Royce have products that
15 contained asbestos?
16 Q. That is not the question right now.
17 MR. GRASSO: When you asked --
18 MR. FOX: It changed.
19 MR. GRASSO: The only question is
20 car companies.
21 Forget about whether the car had
22 asbestos.
23 MR. FINBERG: He is doing his best
24 as to the nature of the acquisition and so
25 on.

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1 MR. FOX: I can tell he is doing his best.
2 A. I think that is it.
3 Q. We don't want you to speculate on anything.
4 MR. FINBERG: The best source of
5 information about whether VWAG was the
6 acquiring entity and so on is not Mr.
7 Kolms's view of it, but he gave you his
8 best answer.
9 Q. Do you know when the Skoda acquisition was?
10 A. Not precisely.
11 Q. How about Seat?
12 A. Same.
13 Q. How about Rolls Royce?
14 A. Maybe five years ago.
15 Q. Do you know in 1973, when you first began
16 working at VWAG, at that time, did VWAG own other car
17 companies?
18 A. No.
19 MR. GRASSO: Well, can I -- just a
20 thought for a second.
21 MR. FOX: This is an unusual
22 deposition.
23 MR. FINBERG: We are trying to help.
24 MR. GRASSO: May I?
25 (Pause in proceedings)

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1 (Discussion held off the record)
2 A. I think it is not that important, but I mean
3 Audi may be one, and another company which comes to my
4 mind is Skania, the truck, the Swedish truck, and the
5 manufacturer, but only to a certain percentage, not the
6 entire thing.
7 Q. Do they -- did they own Skania in 1973?
8 A. Later.
9 Q. How about Audi?
10 A. Around that time, I don't know, '73.
11 Q. In 1973, when you began, was Volkswagen
12 manufacturing vehicles to be sold under another name other
13 than Volkswagen?
14 A. No.
15 Q. Do you know whether or not Volkswagen AG
16 ever conducted tests on whether or not the grinding of
17 brake linings released asbestos fiber -- whether VWAG ever
18 conducted tests on the release of asbestos fiber, from
19 brake linings by grinding?
20 A. I have no specific information about that.
21 Q. Do you know of tests conducted by anybody on
22 the release, if any, of asbestos fibers, from the grinding
23 of brake linings sold by Volkswagen AG?
24 A. No.
25 Q. Do you know whether or not Volkswagen AG

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1 ever funded, sponsored or conducted studies on the release
2 of asbestos fibers from any product?
3 A. No.
4 MR. GRASSO: Wait a second.
5 Your question was, do you know?
6 MR. FOX: Do you know.
7 A. I don't know.
8 MR. GRASSO: Your answer is you
9 don't know?
10 THE WITNESS: I don't know.
11 Q. You are not aware of any?
12 A. No.
13 Q. Have you asked anybody if any studies were
14 conducted on fibers released on products sold by VWAG?
15 A. No.
16 Q. When a car is sold by VWAG, and I am
17 referring to the time period of 1966 to 1970, I know you
18 weren't there, if you know, in addition to shipping the
19 actual car, let's say, to the United States, what else
20 would be shipped by VWAG, if anything?
21 I am talking about not the body of the car,
22 but any information, manuals or anything that would come
23 with the car?
24 A. Except the manuals?
25 Q. Other than the body of the car itself, what

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1 else was shipped?
2 A. Well, the thing is -- well, the position of
3 the car goes over to Volkswagen OA at the harbor.
4 Q. Which harbor?
5 A. The harbor in Germany. So, the shipment
6 needs to be done by somebody else of AG.
7 Q. When it gets to the harbor in Germany, what
8 exactly are they shipping?
9 A. The entire car, owners manual, probably not
10 with the car. It must be in another box or --
11 Q. So, basically the car?
12 MR. GRASSO: Do we have a time frame?
13 Q. 1966 to 1970?
14 A. Yes.
15 Q. Do you know if it was just the box and car?
16 A. Just the car.
17 Q. And the manuals separately?
18 A. Yes.
19 Q. After these cars were sold and were taken
20 possession by VWoA, are you familiar -- what, if any,
21 communications about these cars existed between VWAG and
22 VWoA?
23 MR. GRASSO: After taking possession?
24 Q. What forms of communication was there
25 between Volkswagen in Germany and Volkswagen in the United

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1 Q. To who?
2 A. I mean, I don't -- I mean, whether it is
3 expressed or not, I don't know whether it is express or
4 not. I don't know.
5 Q. They did warranty the cars as being in safe
6 and good condition?
7 MR. GRASSO: In any time frame or --
8 Q. In 1966 through 1970.
9 A. Yes.
10 Q. Do you know if during the period between
11 1966 and 1970, there were any recalls of products -- of
12 cars sold in the United States by VWAG?
13 A. For any reason?
14 Q. For any reason?
15 A. I have to check that.
16 Q. Is that something that you could determine?
17 A. Yes.
18 Q. Do you know during that period what the
19 process was, if there was a recall, how that would be
20 communicated to people in the United States?
21 A. The normal way is that the Volkswagen OA
22 contact the customer and make them aware that there is
23 certain part has been to be exchanged.
24 Q. Who would communicate from VWAG to VWoA
25 about the problem?

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1 States?
2 MR. GRASSO: Any specific cars?
3 Q. Let's say there is a problem with a car, how
4 would that be communicated to the dealers?
5 MR. GRASSO: Some type of warranty
6 claim?
7 MR. FOX: Whatever. If there was a
8 problem with the car.
9 A. I don't see any reason to, you know, contact
10 dealer for dealer if we have a problem with the car. The
11 car has left the final quality control, and it is in the
12 proper condition, and it's been sold to the distributor.
13 Q. Let's back up. Who warrantied, if anybody,
14 the cars sold by VWAG and then sold in the United
15 States?
16 MR. GRASSO: What time frame?
17 MR. FOX: For 1966 to 1970, we will start.
18 A. Who did what?
19 Q. Who warrantied it?
20 MR. GRASSO: Who had the warranty?
21 Q. Who had the warranty, if you know?
22 A. The warranty is kept by Volkswagen OA.
23 Q. Did VWAG warrant their cars to be in good
24 condition?
25 A. Yes.

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1 A. I mean, the directions, vice versa. It is
2 coming from the customer, and then if the claims are
3 numerous then AG would advise OA to do something about it
4 to solve the problem.
5 Q. Do you know who at VWAG would communicate
6 with VWoA during the period of 1966 to 1970?
7 A. I don't know that.
8 Q. Have you ever searched for any
9 communications between VWAG and VWoA during that
10 period?
11 MR. GRASSO: That is way too broad.
12 Any communication for a period?
13 MR. FOX: To determine what kind of
14 communication existed.
15 MR. FINBERG: On that topic.
16 MR. FOX: On any topic.
17 Q. Have you looked to see what was going on
18 between VWAG and VWoA during that time?
19 MR. GRASSO: I think there was daily
20 communication selling cars.
21 I don't understand where you are
22 going.
23 Q. I want to find out if you ever actually
24 looked at any document, did a historical search, between
25 '66 and '70 to determine what was being communicated

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1 between VWAG and VWoA during that period?
2 MR. GRASSO: Off the subject of
3 recalls now.
4 Generally.
5 A. I did not.
6 Q. When you first got to VWAG, do you know was
7 there a science library at the facilities?
8 A. A general library, yes.
9 Q. Where was that located?
10 A. In Wolfsburg at the factory.
11 Q. What kinds of materials were contained in
12 the library?
13 A. Basic science, like, physics, chemistry,
14 automotive engineering, languages pretty much printed
15 compared to today. Everybody has access to internet.
16 Q. At that time when you got there, there was
17 no internet, and it was done through books and through
18 publications?
19 A. Yes.
20 Q. Do you know if there exists anywhere an
21 inventory of the kinds of materials that existed in the
22 library at that time?
23 A. I doubt that.
24 Q. You are not aware of any?
25 A. No.

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1 Q. Do you know which, if any, magazines or
2 journals, VWAG subscribed to when you first got there?
3 A. No.
4 Q. Does that library still exist?
5 A. Yes.
6 Q. Is there a card catalog?
7 A. Oh, yes, everything.
8 Q. Does it indicate when the books were
9 received?
10 A. That, I don't know.
11 Q. Is there a database at the library, if you
12 know, when the books were received?
13 A. I don't know that.
14 Q. Was there a separate -- any other libraries
15 other than the general library that you are aware of?
16 A. Well, I -- no. I am not aware of anything
17 else.
18 Everybody has a kind of library in his
19 office, and certainly there's some libraries -- the
20 medical department is very oriented to their field of
21 expertise.
22 Q. Did you ever see the medical department's
23 library?
24 A. No.
25 Q. Was there a medical department when you got

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1 there in 1973?
2 A. Yes.
3 Q. Do you know how long it had been in
4 existence for at that time?
5 A. No.
6 Q. What kind of people worked in the medical
7 department?
8 A. Medicine doctors.
9 Q. Okay. Was there more than one doctor?
10 A. Well, my impression is, yes, more than one.
11 But, I can't be precise about the number.
12 Q. Do you recall the names of any of the
13 doctors that worked in that facility?
14 MR. GRASSO: In 1973?
15 MR. FOX: In 1973.
16 A. That, I don't know, no, no name from that
17 time.
18 Q. All right. Does the medical library that
19 you referred to still exist?
20 A. I have no idea.
21 MR. GRASSO: Well, you mean, the
22 library that existed in '73 still existed
23 in the same form?
24 MR. FOX: Not the exact same form.
25 Q. Just, is there still a library there?

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1 A. I think so. It was just an example I gave
2 you.
3 Q. Did employees, if you know, in 1973, did
4 they receive annual physicals?
5 MR. GRASSO: You mean, given by the
6 company?
7 MR. FOX: By the company.
8 A. You mean, standard physical examination?
9 Q. Yes.
10 A. No.
11 Q. Do you know whether or not they were, either
12 before they were employed or after they were employed,
13 given any type of routine chest x-rays?
14 MR. GRASSO: Again, by the company?
15 MR. FOX: By the company.
16 A. No.
17 Q. They were not?
18 A. No.
19 Q. Do you have any knowledge as to what medical
20 journals, if any, VWAG subscribed to in the 1973 time
21 period?
22 A. No.
23 Q. Do you know of any way if somebody wanted to
24 find out they could find out?
25 A. No. I tried it, and there is no information

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1 about that.
2 Q. How did you go about trying to find that
3 out?
4 A. I went to the medical department and asked
5 them that, and they didn't know. This was four years ago.
6 Q. Are you aware of any articles or studies
7 conducted by any doctors associated with the VWAG that
8 related to lung disease?
9 A. Haven't seen any.
10 Q. Do you know whether or not any doctor
11 associated with VWAG -- let me withdraw it and try it
12 again.
13 The doctors that were in the medical
14 department, what did they do?
15 What was their role in the plant?
16 MR. GRASSO: As best you can.
17 It is kind of vague.
18 What do doctors do. I don't know.
19 A. They closely work together with the company
20 and with different departments where a worker might be
21 working with hazardous material, so their duties are to
22 protect the workers from occupational diseases.
23 Q. Okay. Do you know how they went about doing
24 that?
25 A. Well, they are special -- I mean, therefore,

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1 special departments where the workers are getting kind of
2 in contact with, for instance, poisonous chemicals, so
3 they have to check the workplace as to the hazard and make
4 examination on the workers.
5 Q. So, these were occupational, then, doctors,
6 basically?
7 A. Yes.
8 Q. Do you know if those doctors did that same
9 function between 1966 and 1970?
10 A. That, I don't know.
11 Q. Do you recall or do you have any knowledge
12 at all whether or not these doctors ever addressed the use
13 of asbestos in the workplace?
14 A. No.
15 Q. Do you know anything about the backgrounds
16 of the doctors, where they were trained, what kind of
17 degrees they had or if they were board certified or
18 anything like that?
19 A. Just Ph.D.
20 Q. They were not medicine doctors?
21 A. Medicine doctor.
22 Q. And in Germany, are those called Ph.D's?
23 A. Doctor, medicine.
24 Q. Okay. Do you know what an industrial
25 hygienist is?

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1 A. Yes, I do.
2 Q. Were there any industrial hygienists
3 employed by VWAG in 1973?
4 A. We don't have that position in Germany.
5 Q. Do you know if anybody assisted these
6 occupational medicine doctors in determining if there was
7 any kind of a danger to workers to hazardous materials?
8 A. That, I don't know.
9 Q. Do you know whether or not there -- in 1973,
10 when you got there, was there any air testing, testing of
11 the air quality or particles in the air by anybody at
12 VWAG?
13 A. I have no precise knowledge. But, I mean,
14 it was common at that time in the industry to come up with
15 dust counting at the working place. They came up with
16 some certain number PPM, parts per million, so this was a
17 common known figure.
18 Q. Do you know what tools were used by VWAG to
19 conduct dust counts?
20 A. At that time, no.
21 Q. Do you know what a midget impinger is?
22 A. My knowledge midget impinger is?
23 Q. Yes.
24 A. I don't know what that is.
25 Q. Have you ever seen any results of dust

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1 counts taken at VWAG?
2 A. No.
3 Q. Do you know who would be in possession of
4 any dust counts taken at VWAG?
5 MR. GRASSO: In 1973 or at any
6 time?
7 MR. FOX: Conducted around that time.
8 A. Sixty-six or '70?
9 Q. Even when you were there --
10 MR. FINBERG: You are asking today?
11 Q. The reports of the dust counts, where they
12 would be?
13 A. I doubt that any reports from those days are
14 still available if they were there at that time.
15 Q. Why do you doubt that?
16 A. Because there is no reason to keep it
17 forever.
18 Q. Do you know whether or not there were any --
19 withdrawn.
20 Were you ever in the manufacturing plant of
21 VWAG?
22 A. Whether I have been?
23 Q. Yes.
24 A. Yes.
25 Q. How much of your time between 1973 and 1975

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1 was spent in the manufacturing plant,
2 approximately?
3 MR. GRASSO: Well, or a
4 manufacturing plant.
5 I am sure they had more than one.
6 Q. Or in the manufacturing plant.
7 A. This was not my duty to be there.
8 Q. Okay.
9 A. I went there for information, but my primary
10 duty was to perform tests.
11 Q. How much percentage of your time was
12 actually spent --
13 A. I can't figure my percentage. This is just
14 couple of -- maybe ten times a year I went there to get
15 information and then went back.
16 Q. Do you recall ever seeing any signs in the
17 plant facilities between 1973 and 1975 that contained any
18 warning, or warnings or instructions to their employees --
19 A. Yes.
20 Q. -- for any reasons?
21 A. Yes.
22 Q. Do you recall what kinds of reasons, what
23 kinds of things?
24 A. Noise, dust, wear your glasses, stuff like
25 that.

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1 Q. What kind of signs do you recall about dust
2 in the plant or plants?
3 MR. FINBERG: From 1973 --
4 MR. FOX: Through 1975.
5 A. Just normal advisement.
6 Q. Like what?
7 A. Like, you know, put on your breathing mask
8 or something of that --
9 Q. What type of employees would be wearing
10 breathing masks?
11 A. At the cast department.
12 Q. Cast?
13 A. Yes.
14 Q. C-A-S-T?
15 A. Yes. Because they were working with sand
16 and forming sand.
17 Q. What was the concern about, if you know,
18 about breathing sand?
19 A. Well, anything. You can accumulate the
20 minerals in your lung.
21 Q. What would happen to you?
22 A. This is a medical expression. I don't know
23 what happens. Protection is the main concern about it.
24 Q. Do you know whether or not in the plant
25 where they would grind the brake linings whether or not

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1 there were any signs in that area, if you know?
2 A. I don't know.
3 Q. Do you know whether or not the individuals
4 who did the grinding wore masks?
5 A. Whether they wore mask or it was a covered
6 machine, I have no idea.
7 Q. It was either a, what they call, the covered
8 machines like --
9 A. Grinding?
10 Q. -- like a hood?
11 A. Yes.
12 Q. It was either a hood or mask.
13 MR. FINBERG: In a particular time frame.
14 THE WITNESS: At that time.
15 Q. Nineteen seventy-three?
16 A. I have no precise information about it, but
17 that is what I would expect to be.
18 Q. All right. Do you know if the hoods were
19 used -- why was a hood used?
20 A. Well, this is my assumption. I don't know
21 exactly what was -- the way it was, you know, covered.
22 Q. What would a hood do?
23 MR. FINBERG: You are asking -- he
24 just said he didn't know if they used one
25 or had one.

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1 You are asking as an expert on
2 goods.
3 Q. If they had one, what was the function of a
4 hood, to protect people?
5 A. Yes. To protect people.
6 Q. How does it do it?
7 A. If you grind, for instance, steel or so, the
8 material is flying at you, and you have a hood or you have
9 -- or you wear your glasses.
10 Q. What does the hood do to protect --
11 A. It takes away to prevent material --
12 Q. How does a hood do that?
13 A. By structure, by its structure.
14 Q. Is there any kind of exhaust in the hood?
15 A. Can be.
16 Q. Do you know whether or not the hoods at
17 any of the plants at VWAG had exhausts?
18 MR. FINBERG: In 1973, has he
19 testified that they were there?
20 MR. FOX: Generally, I think.
21 A. The information I have is from talking over
22 the phone, I mean, that some people.
23 Q. What did you discover?
24 A. I didn't discover anything about it, just an
25 assumption that a hood or other protection would be

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1 helpful to protect the worker.
2 Q. Do you know if the hoods that were used in
3 1973 time frame, some of them, had an exhaust?
4 A. Well, I didn't even know whether there was a
5 hood.
6 Q. Okay.
7 A. But, I didn't see any.
8 Q. What kind of respiratory protection
9 equipment was available in 1973 at VWAG for the employees?
10 A. In general?
11 Q. In general.
12 A. I didn't check.
13 Q. But, you saw people with masks, correct, in
14 certain parts?
15 A. In the cast department, yes.
16 Q. What kind of masks were those?
17 A. Just to cover nose and mouth (indicating).
18 Q. Were they paper masks or were --
19 A. Yes.
20 Q. -- or with the tubes?
21 A. No, paper mask.
22 Q. Can you describe, if you can, the area where
23 the brake linings were being grinded by the VWAG
24 employees?
25 A. No, I can't.

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1 Q. Do you know if there was any kind of
2 ventilation?
3 A. No. I don't know.
4 Q. Do you know -- have you ever seen any
5 photographs of individuals grinding the brake linings at
6 VWAG?
7 A. No.
8 Q. Do you know whether or not VWAG ever
9 produced any videotapes before 1986 that captured
10 individuals doing brake jobs?
11 A. Not that I know of.
12 Did you say '86?
13 Q. Yes.
14 A. No.
15 Q. Do you have any knowledge about any claims
16 by employees at VWAG -- withdrawn.
17 Who would know at VWAG today what, if any,
18 claims have been made by employees alleging any injury due
19 to exposure to asbestos?
20 A. Who would know?
21 Q. Who would know.
22 MR. FINBERG: Who at VWAG would
23 know, you said?
24 MR. FOX: Right. Who at VWAG would know.
25 A. I assume legal people because it is a legal

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1 thing.
2 Q. There is a legal department?
3 A. Yes.
4 MR. GRASSO: Wait, this is a claim
5 by worker, you said?
6 THE WITNESS: Yes?
7 A. You are not talking about legal
8 complaint?
9 Q. Well, any claim.
10 A. Any claim.
11 Q. Compensation or other claim that they were
12 injured from the use of asbestos.
13 A. Oh, well, any claim. I thought it is a
14 legal issue.
15 Q. So, it is the legal department?
16 A. Well, no. If somebody feels that he's
17 contracted any disease, by a worker due to his occupation,
18 he's been examined by a doctor, and if it is a disease he
19 contracted it in combination or due to his position at the
20 factory or due to his occupation, this is negotiated with
21 the federal agency for health and safety. Whether it is,
22 you know, a compensable disease, it is going to be -- he
23 would be compensated for that.
24 Q. And was that true in 1973 as well?
25 A. Yes.

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1 Q. Have you ever studied or reviewed the
2 claims, if any, made by individuals alleging any injury
3 from asbestos-related use at VWAG?
4 A. No.
5 Q. Do you have any knowledge about any claims
6 made by anybody, any employee of VWAG, of injury from
7 asbestos-related activity?
8 A. No.
9 Q. Okay. Do you know whether or not any of the
10 companies that supplied either the brake linings or the
11 clutch facings to VWAG ever issued any warning or caution
12 statement about asbestos on the materials that they sold
13 to VWAG?
14 A. I haven't seen that, no.
15 Q. When you were there in 1973, 1974, 1975, did
16 you ever see the packaging that came in from any of the
17 companies that sold the brake linings and clutch facings
18 to VWAG?
19 A. No.
20 Q. Do you know whether or not in terms of
21 Energit, Juridwerke, Pagid and Textar whether or not any
22 of those companies today are related to each
23 other?
24 MR. GRASSO: What do you mean by
25 related?

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1 MR. FOX: Have any corporate
2 relationship.
3 MR. GRASSO: You mean by
4 contractual?
5 MR. FOX: Subsidiaries or owned any
6 other company.
7 A. As I mentioned this morning, these companies
8 have been, you know, doing mergers or being bought by
9 somebody, so I don't know what the position is now.
10 Q. Have you ever talked to any representatives
11 of companies from Luxembourg?
12 A. No.
13 Q. Do you know whether or not -- withdrawn.
14 In 1973, was Energit a company that resided
15 in Germany?
16 A. Yes.
17 Q. Was Juridwerke a company that resided in
18 Germany?
19 A. Yes.
20 Q. How about Pagid?
21 A. Same.
22 Q. And Textar?
23 A. Same.
24 Q. Do you know whether or not VWAG was ever
25 informed of any claims against those companies alleging

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1 any injury related to asbestos?
2 A. No.
3 Q. You are not aware of any?
4 A. I am not aware of any.
5 Q. You wouldn't be in a position to be aware of
6 any, correct?
7 A. Yes.
8 Q. Yes, you would not be?
9 A. Correct.
10 Q. All right. Do you know what process was
11 used to choose Energit, Juridwerke, Pagid and Textar to
12 supply the brake linings to VWAG?
13 A. Performance and quality.
14 Q. How do you know -- were you part of the
15 process to choose them?
16 A. No. I was not. But, this is the very
17 common way to, you know, get a supplier to contact,
18 whether they comply with the requirements we have of them
19 or the quality.
20 Q. Okay. Do you know who at VWAG, if anybody,
21 tested the brake linings manufactured by these companies
22 to see if they were of good quality?
23 A. Yes.
24 Q. Who is that?
25 A. The brake department in the test area.

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1 Q. Do you know whether or not the results of
2 those tests still exist anywhere?
3 A. From that time?
4 Q. Yes.
5 A. I don't know, but I doubt not.
6 Q. Is there still a brake department?
7 A. Yes.
8 Q. What kind of equipment was present in the
9 brake area, in the test area of the brake department in
10 1973?
11 A. Well, certainly, you might be looking for
12 any test machines or something -- that is not true because
13 this is a performance testing, so the brakes, the brake
14 shoes, and brake linings were actually installed on the
15 vehicles and test runs have been done at different
16 stopping distances, and different force to the pedal and
17 stuff.
18 Q. Okay. When force was applied to the pedal,
19 what was that testing?
20 A. What force is needed to get the vehicle to a
21 standstill.
22 Q. Did the brake department in the test area
23 measure the extent to which the friction material would
24 deteriorate after use or during use of the vehicle?
25 A. I mean, they might have after long test

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1 runs, for instance, for two weeks or three weeks. They
2 certainly will check on the brake lining itself.
3 Q. Do you know whether or not any air sampling
4 or dust counts were taken in the brake department test
5 area?
6 A. For what?
7 Q. For anything.
8 MR. FINBERG: Any particular time? Same
9 time period?
10 MR. FOX: During 1973 time frame, if
11 you know.
12 A. I don't know.
13 Q. Were there microscopes in the brake
14 department test area?
15 A. No.
16 Q. Were there microscopes in other laboratories
17 at VWAG?
18 A. Yes.
19 Q. What areas would those be?
20 A. The test lab.
21 Q. In 1973, how many people worked in the test
22 lab?
23 MR. GRASSO: Brake test lab?
24 MR. FOX: No.
25 A. The general?

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1 Q. The general test lab.
2 A. Hundreds.
3 Q. Hundreds?
4 A. Hundreds. I don't know.
5 Q. How many of them were, you know,
6 scientists?
7 MR. GRASSO: This is getting a
8 little far afield.
9 A. I have no precise number and I, you know.
10 Q. Is it fair to say that the test laboratory
11 at VWAG in 1973 was state of the art?
12 A. Of course, yes, or ahead even.
13 Q. Or ahead?
14 A. Yes.
15 Q. That was a source of great pride for VWAG?
16 A. Yes.
17 Q. That test laboratory, did that exist between
18 1966 and 1970?
19 A. It is not the same, but some kind of testing
20 laboratory, of course.
21 Q. Do you know whether or not in the testing of
22 the brake linings the brake department ever broke down the
23 constituents of the lining itself to determine what was in
24 there?
25 A. The ingredients?

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1 Q. Yes.
2 A. No.
3 Q. You don't know if they did that?
4 A. I don't know.
5 Q. Did they have the capacity to do that?
6 A. At that time?
7 Q. Yes.
8 A. Maybe, maybe not. I don't know.
9 Q. Do you know if in 1973 they had any
10 high-powered microscopes in the general testing
11 department?
12 A. Yes. Electron microscopes, yes.
13 Q. Do you know what TEM means?
14 A. Yes.
15 Q. Did they have any TEM at that time?
16 A. In '73?
17 Q. Seventy-three.
18 A. Or before?
19 Q. Or before.
20 A. I have no idea.
21 Q. Do you know with the electron microscopes
22 how powerful they were in 1973?
23 A. No. I don't know.
24 Q. Are you aware of any pictures, photographs,
25 of any of the laboratories in the 1973 or before time

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1 frame?
2 A. No.
3 Q. Do you know whether or not prior to 1996
4 there was any communication by any company to VWAG
5 inquiring about the asbestos content of the brake linings
6 or clutch facings?
7 A. Do I know?
8 Q. Do you know?
9 A. No.
10 Q. You have testified that VWAG stopped
11 manufacturing cars that contained the asbestos-containing
12 brake linings and clutch faces around 1996?
13 MR. GRASSO: Well, that is not
14 exactly true, but...
15 Q. It is not true? Is that true?
16 A. Well, the phase out period.
17 Q. Phase out period?
18 A. Eighty-six is the year where we didn't have
19 any brake or asbestos-containing brake linings on the
20 cars.
21 Q. My question to you is, was that true
22 worldwide or just for the United States?
23 A. This is worldwide.
24 Q. Was there any differentiation in when VWAG
25 stopped selling cars with asbestos-containing brake

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1 linings and clutch facings in terms of the country to
2 which the cars were sold?
3 A. I didn't get that. I am sorry.
4 Q. When they determined over this period of
5 time ending in 1986 to phase out the asbestos-containing
6 brake linings and clutches, was there any differentiation,
7 any difference, in terms of the different countries?
8 A. Was not.
9 Q. It was all the same as far as you know?
10 A. Yes.
11 Q. Do you know whether or not VWAG did any
12 competitive testing on other manufacturers' brake linings
13 or clutch facings?
14 MR. GRASSO: What time period?
15 Q. In the 1970s?
16 MR. FINBERG: What?
17 Do you mean by other manufacturers?
18 MR. FOX: Other companies.
19 MR. FINBERG: You mean other car
20 makers' sub-components?
21 MR. FOX: Right.
22 A. I don't know what the reason would have been
23 to do that because, you know, different cars have
24 different designs, and you are just testing the lining.
25 If the lining is coming from the same

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1 supplier, it doesn't make sense to put it on another car,
2 but they might have.
3 Q. If you know.
4 A. I don't know. I haven't checked that.
5 Q. You don't know, for example, in the brake
6 department if they looked at how the brakes manufactured
7 by other car manufacturers performed?
8 MR. FINBERG: I think it is -- you
9 said brakes manufactured by other car
10 manufacturers?
11 MR. FOX: Yes.
12 MR. FINBERG: Well --
13 MR. GRASSO: You are talking about
14 other cars?
15 A. Usually, an automotive manufacturer really
16 wants to know what the competition does. This is a very
17 normal every day work to compare with other vehicles or
18 other make, so it might have been.
19 Q. Okay. But, do you know in the brake
20 department if they did that competitive test?
21 A. I don't know.
22 Q. Again, you think if there were records that
23 reflected that, you are not sure where it would be, if
24 anywhere, at this point?
25 A. You mean, still available? I don't know.

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1 Q. Do you know of anybody in the brake testing
2 lab area, brake department testing area, that was working
3 for VWAG in the 1970s that is still there today?
4 A. I knew one engineer who is now retired, but
5 I know that a couple of people at the actual blue collared
6 working place are there for a long time.
7 Q. The who?
8 A. Blue collared.
9 Q. Do you know how long they were there for
10 when they began?
11 A. No.
12 Q. Was it in the '70s?
13 A. Yes. In the '70s.
14 Q. Do you know what their names are?
15 A. No.
16 Q. But, you can find them if need be?
17 A. Oh, yes.
18 Q. How about the general testing area, do you
19 know anybody who had been there since the '70s?
20 A. Yes. About the same.
21 Q. Do you know their names?
22 A. In the general?
23 Q. In the general, people that have been there
24 for a very long time.
25 A. Hundreds of people. I don't know the names

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1 of anybody.
2 Q. You know some of them had been there for a
3 long time?
4 A. Yes. But, nowadays, I should add, due to
5 the early retirement, they don't stay that long as up to
6 the 65 years age.
7 Q. Have you ever received any awards from VWAG?
8 A. Warranties?
9 Q. Awards.
10 A. Awards, no.
11 Q. Employee of the month or anything like that?
12 A. We don't have that.
13 Q. You don't have that stuff?
14 A. No, no.
15 Q. Do you have a resume?
16 A. I have a resume?
17 Q. Do you have a resume?
18 A. On my --
19 MR. GRASSO: CV.
20 A. Yes.
21 Q. Do you have one of those?
22 A. Not here.
23 Q. Do you have one in Germany?
24 A. Yes.
25 MR. FOX: I am going to ask that

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1 that be produced as well.
2 MR. GRASSO: I will take it under
3 consideration.
4 I will give it to you.
5 MR. FINBERG: Would you like it in
6 German?
7 Q. Is it in English or German?
8 A. It's three, four-line resume.
9 Q. That is it?
10 A. Very short, yes.
11 MR. FINBERG: All employers since 1973.
12 A. I mean, by resume you mean curriculum
13 vitae?
14 Q. Yes, yes. Do you have one of those?
15 A. Can't tell you.
16 MR. FINBERG: Do you want to relay
17 it to him? You know, date of birth and
18 stuff, you know. Any more than that?
19 MR. GRASSO: Maybe rank and serial
20 number.
21 MR. FINBERG: It's got your date of
22 birth, current employment, which dates back
23 to '73, and your education which you
24 stated.
25 THE WITNESS: Or daughter, that kind

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1 of family.
2 MR. FINBERG: Is there anything else
3 that you have not told him that is on your
4 resume?
5 MR. FOX: A verbal free-for-all,
6 this deposition.
7 MR. FINBERG: We are just trying to
8 help.
9 MR. FOX: We are finders of the
10 fact.
11 MR. GRASSO: Searchers for the
12 truth.
13 Q. Were there any trade associations that VWAG
14 belonged to in 1973?
15 A. Yes.
16 Q. Do you recall which ones they were?
17 A. Many, many. The whole list? I don't have
18 it in my --
19 Q. Does that list exist somewhere?
20 A. I could ask for it. I have seen it
21 before.
22 MR. GRASSO: This is a list that
23 they were members of in 1973?
24 MR. FOX: Any time.
25 Q. Does that list indicate when they first

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1 THE WITNESS: Yes.
2 Q. Any others that you recall?
3 A. The standard associations they belong to.
4 Q. Like?
5 A. I have to refer to the list. I don't know.
6 Q. As a safety test engineer, were there
7 associations that involved safety that VWAG belonged to in
8 the '70s or before that as far as you know?
9 MR. FINBERG: Do you want me to help?
10 MR. FOX: No.
11 A. Safety-related association, well, I don't
12 know of any.
13 MR. GRASSO: Are you talking about
14 corporate membership as opposed to its
15 employees being members?
16 Q. Individuals or corporate membership in any
17 safety organization in the 1970s, are you aware of any?
18 A. Well, I mean, for instance, the American
19 SAE, Society of Automotive Engineering. That is a very
20 common association where there's quite a, and also the
21 company is a member too.
22 Q. Are you a member of that?
23 A. No.
24 Q. Were you a member of any trade associations,
25 organizations?

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1 joined?
2 A. I don't know. That I don't know. Just the
3 membership, I guess it is.
4 Q. Are there any --
5 MR. FOX: Again, I will put that in
6 a letter to you and request it officially,
7 the list.
8 Q. Are there any trade associations in Germany
9 that existed in the '70s amongst the car manufacturers?
10 A. You mean, committees about brakes or stuff?
11 Q. I am asking in general, trade associations
12 where all the car manufacturers would get together in one
13 trade association?
14 A. I don't know that.
15 Q. Was there a communication between one car
16 manufacturer in Germany and the other in the 1970s?
17 A. Very little, I guess.
18 Q. As you sit here to today, do you recall any
19 of the trade associations that VWAG belonged to?
20 MR. GRASSO: In the '70s?
21 MR. FOX: In the '70s or before.
22 A. Generally, these trade organizations like
23 engineering organizations VDI and VDR and --
24 MR. GRASSO: Are those two different
25 ones, VDI and VDR?

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1 A. No.
2 Q. Never?
3 A. No.
4 Q. Not part of your benefit package.
5 A. I mean, it is not in Germany to be a member
6 of some trade organizations.
7 Q. SAE, is that a German group?
8 A. American. SAE, Society of Automotive
9 Engineers.
10 Q. Do you know if you were -- if they were a
11 member of that in the 1970s?
12 A. Yes.
13 Q. You are not aware of when that membership
14 began?
15 A. No.
16 Q. Were there any other American associations,
17 organizations that you are aware of that VWAG was aware of
18 or participated in, a member of?
19 A. I have to check the list.
20 Q. Do you know whether or not VWAG ever
21 participated in any safety-related studies either in the
22 1970s or before?
23 MR. GRASSO: Wait a second.
24 Any sort of safety related to
25 anything at all?

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1 MR. FOX: Yes.
2 Q. Any safety-related studies beyond what you
3 did in the laboratory, something that was either published
4 or was done on behalf of a trade association or group of
5 people.
6 MR. FINBERG: You mean, like, crash tests?
7 MR. FOX: Not something that was
8 done inside the company, but outside.
9 MR. FINBERG: This is not asbestos
10 now?
11 Q. Anything safety related.
12 A. There are a couple of international
13 committees. We are, the automotive manufacturers, sending
14 a member or an employee there to sit in and help decide on
15 safety measures and, of course, Volkswagen was a member of
16 many of them.
17 Q. Do you know the names of any of those
18 organizations?
19 A. No. But, I know there was, for instance,
20 the brake committee, International Brake Committee where
21 Volkswagen still is a member of, and they sit together and
22 find out about new standards, and what the standard should
23 ask for and stuff like that.
24 Q. Where is the International Brake Committee
25 based out of? Where is their home base?

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1 A. That, I don't know. They meet here and
2 there, in Japan and U.S., and wherever.
3 Q. It is not a German association. It is
4 international?
5 A. International, yes.
6 Q. Do you know whether VWAG was a member of the
7 International Brake Committee in the 1970s?
8 A. Yes.
9 Q. Do you know if they were in the '60s?
10 A. I don't know.
11 Q. Did you ever attend any conferences in the
12 1970s regarding safety, you, personally?
13 MR. FINBERG: You mean, beyond brakes?
14 MR. FOX: Any safety-related issues.
15 A. A meeting in Detroit where we present our
16 paper, and I have been to a number of triple AM
17 Association of Automotive Medicine of America, triple AM.
18 Q. Where are they located?
19 A. They used to reside in the Chicago area, and
20 these meetings are at different locations in the States or
21 overseas.
22 Q. Did they exist in the 1970s as far as you
23 know?
24 A. Yes.
25 Q. What kind of issues did they deal with?

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1 A. The issues they are dealing with is a
2 combination of medical and engineering problems with
3 automotive or, you know, using the automobile in traffic,
4 so it is injury, crash, collision-related sides.
5 Q. And it is called the American Association?
6 A. Triple AM.
7 Q. What do the three A's stand for?
8 A. American Association of Automotive Medicine.
9 Q. Okay.
10 MR. GRASSO: Could I speak to him
11 for just a moment?
12 MR. FOX: If he is done with his
13 answer, yes.
14 A. I am.
15 (Pause in proceedings)
16 A. You were asking for its name in the '70s?
17 Q. Yes.
18 MR. GRASSO: That was its name in
19 the '70s, okay.
20 Q. Is it the same name now?
21 Does it exist now?
22 A. Yes, it does.
23 Q. It was called that in the '70s?
24 A. I guess so.
25 MR. GRASSO: If you are really

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1 curious, I will go off the record and
2 explain.
3 MR. FOX: Okay. Off the record.
4 (Discussion held off the record)
5 Q. Do you recall ever attending any conference
6 or meeting where the issue of asbestos exposure was
7 raised?
8 A. Whether I have?
9 Q. Whether you have personally.
10 A. No.
11 Q. Do you recall during the entire time that
12 you have been with VWAG ever receiving in writing any
13 memoranda, or notification, or newsletter that addressed
14 the exposure to asbestos other than something that you may
15 have received from your attorneys?
16 A. Me, personally?
17 Q. Yes.
18 A. By somebody?
19 Q. By anybody at VWAG.
20 A. Yes. I recall it. Yes, I do. I haven't
21 got it.
22 Q. But, you received something?
23 A. No.
24 Q. Never?
25 A. Your question was, do you recall?

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1 Q. Yes.
2 A. I said --
3 Q. Yes, you do recall not receiving
4 anything?
5 A. Yes, right. So, I didn't get anything. I
6 didn't receive anything.
7 Q. So, just so I am clear, during the entire
8 time that you have been at VWAG, you have never seen
9 anything in writing from the company that addressed
10 asbestos exposure?
11 MR. FINBERG: Subject to our privilege.
12 Q. Outside of lawyers, but from VWAG itself,
13 you have never received anything that addressed that
14 issue, correct?
15 A. Internal? Within internal?
16 Q. Yes.
17 A. No. Well, except talk to the lawyers and
18 the legal department. Except for that?
19 Q. Yes. Except for that.
20 A. Okay.
21 Q. Do you have any knowledge as to the quantity
22 of VWAG vehicles that were sold in the United States
23 between 1966 and 1970?
24 A. Not exactly.
25 Q. Do you have an estimate?

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1 A. No.
2 Q. Can you give any factual basis to make any
3 estimate as to what that quantity would be?
4 A. This was four years.
5 Q. Yes.
6 A. Maybe 500,000.
7 Q. Is that per year or --
8 A. No.
9 Q. Over four years?
10 A. I am not sure. That is just a guess over
11 four years.
12 Q. Do you have any way of estimating of the
13 500,000 approximately that you estimated, what percentage
14 of those would be Beetles during those four years?
15 A. Well, Beetles were the car sold with the
16 highest numbers, but I have no idea.
17 Q. Would you say that more than 50 percent were
18 Beetles?
19 A. Yes.
20 Q. Would it be more than 75 percent?
21 A. Maybe. I don't know. I am sorry.
22 Q. Somewhere over 50 percent and maybe as high
23 as 75 percent. Is that a fair statement?
24 A. Well, it is over 50 percent.
25 Q. You mentioned earlier in the deposition the

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1 European Parts Exchange?
2 A. Yes.
3 Q. When was the first time that you became
4 aware that there was an European Parts Exchange or EPE
5 that existed?
6 A. A couple of years ago.
7 Q. Under what circumstances did you find out
8 that they existed?
9 A. By talking to folks from Volkswagen of
10 America -- well, OA.
11 Q. Under what circumstances? Was it
12 litigation-related conversation?
13 A. Yes.
14 Q. What did you discover at that time about
15 EPE?
16 MR. GRASSO: That is kind of broad.
17 I mean, what do you mean?
18 Q. I want to ask -- well, what did you ask them
19 and what did they tell you about EPE?
20 A. I didn't ask anything. This was -- well, it
21 came up during our discussion -- the general discussion on
22 certain subject.
23 Q. How did it come up?
24 A. I just learned that there was an EPE.
25 Q. They started talking about it?

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1 A. No. During our conversation, right, it was
2 mentioned that there was an EPE, European Part Exchange,
3 here in the U.S.
4 Q. That was the first time that you have heard
5 about it?
6 A. Yes.
7 Q. This was a couple of years ago?
8 A. Yes.
9 Q. I know this was a conversation, but what did
10 you learn, if anything, in that conversation about what
11 EPE did?
12 A. EPE was the organization where used brake
13 parts were sent to, and they were replaced by new ones.
14 The manufacturer of the brake lining was Mintex, so this
15 is basically the way -- this is the way used parts are
16 being replaced by new ones.
17 Q. You mentioned Mintex?
18 A. Yes.
19 Q. When did you first discover or hear that
20 Mintex was the manufacturer of the replacement parts?
21 A. The same time.
22 Q. Two years ago?
23 A. No. I mean, when I say couple, I don't mean
24 two. I mean five or six years.
25 MR. GRASSO: For clarity, you said

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1 that Mintex was the manufacturer of the
2 replacement parts?
3 Q. Replacement lining.
4 Was that in the same initial conversation?
5 A. Yes.
6 Q. That person that told you was somebody who
7 worked at VWoA?
8 A. Yes.
9 Q. Do you know who that person was?
10 A. Yes.
11 Q. Who was that?
12 A. Yves Lecoz.
13 Q. Could you spell that?
14 A. Y-V-E-S L-E-C-O-Z.
15 Q. What position did Yves Lecoz have with VWoA,
16 if you know?
17 A. I don't know exactly his position.
18 Q. Do you know how he knew about EPE?
19 A. No. It was just his general knowledge
20 because he is here located in the U.S., and he knows about
21 the relation of Volkswagen of America and his suppliers.
22 Q. Was he in the legal department?
23 A. Yes.
24 Q. Okay. When you had this conversation with
25 Mr. Lecoz, did you take any notes regarding that

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1 conversation?
2 A. No.
3 Q. Was it just one conversation with him or was
4 it more than one conversation?
5 A. Certainly, it was just one when I learned
6 about the EPE. But, we get in contact with each other on
7 business-related things.
8 Q. Did you ever see any documents that
9 reflected VWoA's business arrangement, if any, with EPE?
10 A. No.
11 Q. Did you ask for any?
12 A. No.
13 Q. Do you have any knowledge as to whether or
14 not the Mintex brake lining was in any respect any
15 different, whether it be in the constituents, or in the
16 color, or the size, or the performance, than the ones that
17 were used on the original equipment by VWAG?
18 MR. GRASSO: What time frame?
19 Q. Well, you were there since 1973?
20 A. That is not to my knowledge.
21 Q. Did VWAG ever use Mintex produced
22 manufactured brake linings, if you know?
23 A. Volkswagen AG, no.
24 Q. Other than the conversation or conversations
25 that you had with Mr. Lecoz regarding EPE, have you ever

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1 conducted any other investigation regarding what EPE did?
2 A. No.
3 Q. During the time that you were at VWAG, was
4 there ever an instance that VWAG wanted to communicate
5 something, an issue or a problem, to Volkswagen
6 dealerships or repair shops in the United States and, if
7 so, how did they get the communication from VWAG to the
8 individual dealers in the United States?
9 MR. GRASSO: Okay. I am a little
10 troubled with this.
11 MR. FOX: Do you want me to rephrase
12 it?
13 MR. GRASSO: Yes.
14 Q. I guess the question is, if VWAG wanted to
15 let the individual dealers or repair shops associated with
16 Volkswagen in the United States know something, how would
17 it communicate that?
18 A. Not directly.
19 Q. How would it be done?
20 A. They would go through Volkswagen OA.
21 Q. Did VWAG ever get -- withdrawn.
22 Did VWAG receive any -- withdrawn again.
23 If a car was defective in some way, that is,
24 there was some problem with the car, and an individual in
25 the United States would return the car to a Volkswagen of

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1 America, would that car find its way back to VWAG in any
2 respect?
3 MR. GRASSO: Wait a second.
4 First of all, give me time frame.
5 Q. In the 1970s, were cars returned from the
6 United States to VWAG?
7 A. For what reason?
8 Q. For any problem with the car?
9 A. You mean, it can be repaired, of course, it
10 would be repaired.
11 Q. Okay.
12 A. If there is an obvious malfunction?
13 Q. Right. I guess what I am asking, would that
14 repair be done in Germany --
15 A. No.
16 Q. -- or would it be done in the United States?
17 A. In the United States.
18 Q. Were cars ever sent back to Germany to be
19 repaired from the United States?
20 A. No.
21 Q. How would you communicate to the United
22 States VWoA how those repairs should proceed?
23 MR. GRASSO: You mean, if a specific
24 problem in a specific car as opposed to
25 publishing a repair manual.

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1 MR. FOX: Let me withdraw that.
2 Q. You don't recall any instance where a car or
3 a set of cars were returned from the United States back to
4 Germany?
5 A. No.
6 Q. Were there, I guess I would call them,
7 advisories about certain conditions or patterns of
8 conditions?
9 MR. GRASSO: I am sorry.
10 I don't understand what that means.
11 Are you finished with the question?
12 MR. FINBERG: Let's take five
13 minutes.
14 (Recess taken)
15 MR. GRASSO: For the record, we have
16 been going for about an hour and a half now
17 since lunch.
18 I have not heard a whole lot of
19 questions having to do with really this
20 case or even having to do with asbestos at
21 all.
22 Now, I have been, I think pretty
23 lenient and I don't think even you would
24 argue that the court order that you claim
25 governs gives you carte blanche to ask

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1 don't have answers to those.
2 I am compelled to have to revisit
3 them with this witness who has some
4 knowledge about them, but not complete
5 knowledge about a lot of topics, so I have
6 no choice, but to go through this with him
7 now, so you know I am just doing what I
8 have to do.
9 MR. FINBERG: May I ask you this?
10 Do you intend to sue Volkswagen AG in
11 another lawsuit?
12 MR. FOX: I have no intention on
13 answering that question.
14 MR. FINBERG: Why with regard to
15 this case are you asking any of the
16 questions that you asked this afternoon
17 because none of them has to do with
18 anything pre 1970 regarding a guy who
19 worked at a VW facility sorting brake shoes
20 and picking brake shoes which he already
21 testified he did.
22 MR. FOX: You produced somebody in
23 response to a Notice of Deposition for
24 Corporate Designee who did not start until
25 1973, so...

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1 about any subject in the world to this
2 witness.
3 Like I say, I think I have been
4 pretty easy in letting you go where you
5 want to go.
6 In an off the record conversation,
7 you indicated you were pretty sure you
8 could finish this deposition today.
9 I don't want to hear that when we
10 get to 5:00, I have a whole bunch of case
11 specific questions that we have to
12 reconvene.
13 If you have case specific questions,
14 I would urge you to get to them and not
15 hold them in abeyance to bring the witness
16 back another day. This is a practical
17 matter here.
18 Do you see what I am saying?
19 MR. FOX: I don't see what you are
20 saying.
21 Part of my problem here, my
22 questions to a large extent followed the
23 court ordered interrogatory standard
24 liability interrogatories that were not
25 answered completely by your client, so I

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1 MR. FINBERG: He is as good as he
2 could be to answer questions during the
3 relevant time period. He has tried to do
4 that where he can. You are asking
5 questions in 1986 and 1987 and about cars
6 with warranties and, I mean, nothing that
7 has to do, that I can tell, with anything
8 relating to Mr. Wall and his activities and
9 his time period and, you know, what of the
10 questions since lunch has related to
11 anything germane to Mr. Wall's activities
12 or circumstances.
13 MR. FOX: I am not going -- what I don't
14 want, what I think is inappropriate, is you
15 asking me questions.
16 MR. FINBERG: I wasn't --
17 MR. FOX: I have never been in a
18 situation where someone is asking me to
19 justify. I think every question I have
20 asked is relevant to this case.
21 MR. GRASSO: Since I --
22 MR. FOX: I think every question I asked --
23 MR. GRASSO: Since I am being left
24 out there, I would note many of your
25 questions has nothing to do with court

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1 ordered interrogatories.
2 MR. FOX: Like what.
3 MR. GRASSO: What sort of
4 microscopes in a general lab.
5 MR. FINBERG: 1973 to 1975.
6 MR. GRASSO: Whether cars are
7 shipped back to Volkswagen AG for repairs.
8 MR. FOX: If you don't see the
9 relevance of that, I can't help you with
10 that. If you don't see the relevance of
11 microscopes that were accessible to them in
12 1973 or may have been accessible
13 information beforehand, I can't help you.
14 That is all I have to say.
15 MR. GRASSO: All I can say is this
16 deposition --
17 MR. FOX: Nor am I going to help
18 you.
19 MR. GRASSO: This deposition will
20 not last forever.
21 If you have more case specific
22 questions, I would advise you to ask them.
23 MR. FOX: What I intend to do is
24 have Volkswagen AG respond as ordered by
25 the court as noted without objection.

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1 MR. FINBERG: Without regard to the
2 claim of Mr. Wall?
3 MR. FOX: Without objection.
4 You can violate the order of the
5 court. That is your choice.
6 What I want is an answer to every
7 question, I want the documents that are
8 required to be produced. Once I get the
9 complete -- without objection, the complete
10 answer to every question in those
11 interrogatories, then I will make a
12 determination as to whether or not I
13 believe a continuing deposition of him or
14 somebody else is required, and then we can
15 talk about it.
16 MR. FINBERG: What you are saying,
17 just to make sure I understand, in an
18 attempt to summarize what you are saying,
19 what you are doing and what you have been
20 doing for the last several hours really
21 does not relate to Mr. Wall's particular
22 claim against VWAG.
23 It relates to your understanding
24 first of the scope of the general order,
25 and the general discovery, and your

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1 authority or perhaps some kind of mandate
2 that authorizes you to ask these general
3 questions of VWAG, and you are going to do
4 that first before you get to any of the
5 case specific questions.
6 MR. FOX: I think it's been pretty
7 clear so far. I am not done with my
8 deposition, that he doesn't have much
9 knowledge about Mr. Wall's situation, that
10 he doesn't know Mr. Wall other than parts
11 of his testimony, heard about EPE, never
12 went to the facility. I don't know what I
13 will ask him at some point, what else he
14 has to offer in this case. But, I have not
15 asked him that. If he has any knowledge
16 that I am not aware of, he will have to say
17 that.
18 MR. FINBERG: All I think Carl was
19 asking, not to pile two against one, I
20 would encourage you to ask those kinds of
21 questions before we finish today, and let's
22 try and cover that today and whatever else
23 you think you can do or intend to do and
24 get a court order to do -- get that stuff
25 today.

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1 MR. FOX: Ironically, I have a court
2 order to do that. I don't need an
3 additional one in any event.
4 MR. GRASSO: I am not going to say
5 anything more.
6 Please, go ahead.
7 Off the record.
8 (Discussion held off the record)
9 MR. FOX: I was going to say that
10 given the responses to the interrogatories
11 which were basically, you know,
12 nonexistent, not a single document
13 produced, that if I were to truly go and
14 ask every question that I need to ask, this
15 deposition would last several days, if not
16 weeks.
17 MR. FINBERG: Actually, I recall you
18 saying before we went back on the record if
19 you wanted to you could go on for days and
20 weeks asking questions about anything you
21 wanted to ask.
22 MR. FOX: Now, you are not telling the
23 truth.
24 MR. GRASSO: Accurate except for the
25 last phrase.

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1 MR. FOX: You are dealing with a
2 very significant company. You are dealing
3 with, you know, a company that existed
4 since 1939, whatever it was, who
5 manufactured and sold cars throughout the
6 world that contained asbestos for many,
7 many years, so I could, yes. I could
8 certainly be justified in going through
9 each of the interrogatory answers asking
10 him if he has knowledge of these, and there
11 are many of them, and not just for the time
12 frame that you chose to ask them in
13 answering them in, but the entire time
14 frame.

15 I have chosen not to do that. I
16 have chosen even to try and extend this
17 deposition for only one day and revisit it
18 once I get the documents and the answers
19 without objections and self-serving
20 limitations that existed in the responses
21 that I got. That is my response.

22 Do you enjoy this?

23 THE WITNESS: I do.

24 MR. GRASSO: Please, proceed.

25 Q. When you first got to VWAG, were there

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1 linings and clutch facings?

2 A. No. I don't know.

3 Q. Are you aware of any car manufacturer that
4 stopped using it before VWAG stopped using it?

5 A. No. I don't know.

6 Q. Were you part of any conversation amongst
7 VWAG personnel regarding when to stop using asbestos in
8 brake linings and clutches?

9 A. No. I was not.

10 Q. To your knowledge, did VWAG ever ask any of
11 the manufacturers of the brake linings and clutch facings
12 for any tests that those companies may have conducted on
13 any fiber release from the asbestos brake linings and
14 clutches?

15 A. You mean test reports?

16 Q. Test reports from those companies regarding
17 those brake linings.

18 A. No.

19 Q. Do you know if there was any request for any
20 kind of test results from those brake lining manufacturers
21 or clutch facing manufacturers from VWAG?

22 A. That I don't know.

23 Q. Is there somebody presently at VWAG that may
24 know the answer to that question?

25 MR. GRASSO: What time frame are you

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1 specifications for each component part of the VWAG
2 vehicles promulgated by VWAG?

3 MR. GRASSO: For every single part?

4 MR. FOX: Yes.

5 A. You are starting, for instance, with a
6 design drawing which is a specification, yes.

7 Q. When VWAG ordered their brake linings and
8 the clutch facings from these different companies, did
9 they provide them with specifications, do you know?

10 A. Yes.

11 Q. Do you know whether or not the standards
12 that were promulgated by the different government agencies
13 that you referred to earlier, whether or not any of those
14 regulations required the use of asbestos in brake linings
15 or clutch facings?

16 A. No.

17 Q. They did not require it?

18 A. Correct.

19 Q. Do you have any knowledge as to when other
20 car manufacturers, other than VWAG, stopped using asbestos
21 in their brake linings and clutches?

22 A. All I know is they had to stop asbestos in
23 their products as of '94.

24 Q. I am asking if you know when other car
25 manufacturers stopped using asbestos in their brake

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1 talking about now?

2 Q. Well, they stopped between the '70s and '80s?

3 A. I doubt that any written report is still
4 available from the '70s, let's say. I can check with the
5 brake department to find out.

6 Q. Is there anybody now at VWAG, as far as you
7 know, that was part of the decision-making process
8 regarding when to stop using asbestos in brakes?

9 A. I don't know of anybody.

10 Q. Do you know when you received the brake
11 linings from these different manufacturers or the clutch
12 facings were they in any way marked or embossed with
13 either --

14 A. Their origin?

15 Q. Yes.

16 A. Yes.

17 Q. And what kind of marking was it?

18 A. There was an edge code on the side on the
19 flange of the brake lining indicating to the manufacturer
20 to the specific number or identification for the brake
21 lining, then the friction range by two digits.

22 Q. This way VWAG would know which vehicles the
23 brake linings belonged to. Is that a fair statement?

24 A. Yes.

25 Q. And the code that was on the side of the

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1 brake linings, what do you refer to that as?
2 A. Edge code.
3 MR. GRASSO: Etch or edge?
4 THE WITNESS: Edge, E-D-G-E.
5 Q. Do you know how many -- was it numbers or
6 letters?
7 A. Actually, letters as to the name of the
8 company, let's say, Textar or Pagid or Juridwerke. And
9 then there was a specific number for the identification of
10 the specific brake lining which it says Juridwerke 224.
11 And then there was double digit identification of the type
12 of friction, so let's say FF. The first F stands for the
13 performance up to 400 degrees Fahrenheit, and the second
14 digit stands for the hotter, 400 degrees and over, and F
15 stands for point 35 to point 45 friction coefficient, so
16 they are different, different numbers.
17 Q. Do you know whether or not these different
18 etchings or markings were used by these companies between
19 1966 and 1970?
20 A. I have no reason not to believe that.
21 Q. But, you don't have any personal knowledge.
22 Is that correct?
23 A. I can't recall that I have not seen it.
24 But, basically, yes. It has to. I remember seeing the
25 identification for the model years should be on the edge

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1 there either the base coat on the flange of the brake
2 lining or the back side towards the brake shoe.
3 Q. As I understand, that edge code was designed
4 not for the ultimate consumer, but for you, that being
5 VWAG, to determine which particular car that should go on,
6 correct?
7 A. Yes.
8 Q. Do the brakes manufactured by VWAG, do they
9 have any kind of a number on them, or code on them, or
10 model number on them?
11 A. What do you mean by brakes?
12 Q. The --
13 A. The drum?
14 Q. Or the shoes?
15 A. Usually, yes.
16 Q. Did the clutch -- did the clutches have some
17 kind of model number on there?
18 A. We covered this this morning already. I
19 wasn't sure about it. Usually, yes. The parts have parts
20 number, but it has it. There is a possibility there was
21 no number on it.
22 Q. Based on your reading of part of Tom Wall's
23 testimony, do you have any understanding of the areas that
24 you may testify about other than what we have discussed
25 already?

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1 code.
2 Q. Should be?
3 A. Yes, or the back side of it.
4 Q. But, on the lining itself, you are saying?
5 A. Yes.
6 Q. If the lining were to deteriorate or get
7 used, would that can -- marking go away?
8 A. Well, when the brake lining is worn down to
9 a certain thickness, maybe half of the identification is
10 gone.
11 Q. Okay.
12 MR. FINBERG: The edge code?
13 THE WITNESS: Yes.
14 Q. Was the entire name of the manufacturer on
15 the lining itself or only some kind of symbol for that?
16 A. The entire name of it.
17 Q. So, for example, with Energit, the entire
18 name Energit would be on there?
19 A. Yes.
20 Q. And you saw them in the 1970s?
21 A. That, I don't know.
22 Q. You saw it?
23 A. Yes.
24 Q. In the 1970s?
25 A. That, I don't know. Basically, it should be

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1 MR. GRASSO: Just based on Mr.
2 Wall's testimony or based on anything
3 else?
4 MR. FOX: Well, I will withdraw the
5 question.
6 Q. You know, do you anticipate providing
7 testimony on any area in this trial that we have not
8 testified about already or that you have not testified
9 about already?
10 MR. GRASSO: Excuse me, let me
11 interrupt.
12 We have not designated Mr. Kolms as
13 a witness. He may or may not testify at
14 trial.
15 He is here to give deposition on
16 behalf of the corporation. If he is a
17 witness at trial, I don't think when
18 whatever he testifies to would be desired
19 to by counsel, and I don't think we have
20 even figured out what all we may ask him.
21 Q. Is there any other area based upon your
22 review of his testimony that you consider of any import or
23 significance to his case?
24 A. Well, not related to his deposition. I am
25 here to answer your questions. That is all.

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1 Q. All right. Do you have any other knowledge
2 that we have not discussed regarding the specifics of the
3 allegations in Tom Wall's Complaint?
4 MR. GRASSO: Well, based upon
5 consultations with counsel? I don't
6 understand.
7 MR. FOX: I am trying to find out --
8 I thought this was a follow up to his other
9 question.
10 Q. I want to find out if there is anything else
11 that relates to Tom Wall's case that you know that we have
12 not discussed that may be of some import or
13 relevance?
14 MR. GRASSO: Well, if you understand
15 the question, go ahead and answer it.
16 A. No. I mean, I have read part of Mr. Wall's
17 deposition and one point which struck my eyes was that he
18 was working for quite a time in the shipyard location
19 where he was getting into contact with just the amount of
20 asbestos fibers, friable asbestos fibers, and certainly
21 that is quite, in my view, a hazardous occupation.
22 Q. Why is it hazardous?
23 A. Because he was probably exposed to a lot of
24 friable fibers.
25 Q. Because why?

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1 A. Because he was -- because he did work on the
2 insulation of pipes in ships.
3 Q. What did he do that caused those fibers to
4 be released?
5 A. He put it on with his own hands. I mean,
6 this is, you know, very hazardous.
7 Q. Because those fibers get released into the
8 air?
9 A. Yes. This specific asbestos there.
10 Q. How long did he do that for, do you recall?
11 A. No. I don't recall.
12 Q. Okay. On what basis do you say as a product
13 safety engineer that his activity with the pipe covering
14 on the ship was dangerous? What do you base that on?
15 A. As I recall, he didn't wear any protection
16 for his -- for the exposure he was in, and the type of
17 asbestos used in insulation was a type of mineral which
18 has been linked to diseases, lung diseases, as far as I
19 know, in publications that I have read, so amosite or
20 chrysotile was asbestos used for insulation of pipes.
21 Q. Do you have any knowledge that the pipe
22 covering that he came into contact with, what type of
23 asbestos was in those pipes? Specifically, do you have
24 any knowledge as to that other than what you read in an
25 article?

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1 A. That is true. I wasn't present when he was
2 performing his job there.
3 Q. And in your view because he was manipulating
4 asbestos-containing materials he should have been given a
5 mask or some kind of respiratory equipment?
6 A. Whatever protection was available.
7 Q. Should have been given him?
8 A. Yes.
9 Q. Should have protected him, correct?
10 MR. GRASSO: In that particular
11 asbestos exposure.
12 A. Yes.
13 Q. Because he was manipulating
14 asbestos-containing products?
15 MR. FINBERG: You are anticipating
16 his testimony. All he testified was type of
17 asbestos.
18 Q. Whatever type of asbestos it was, should
19 somebody have protected him against the manipulation of
20 those asbestos-containing materials?
21 A. Yes.
22 Q. Are you aware of any communication from VWoA
23 to VWAG regarding any potential hazard from
24 asbestos-containing brake linings or clutch
25 facings?

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1 MR. GRASSO: At any time?
2 Q. At any time from 1940s onward?
3 A. No.
4 Q. Again, you have not done any kind of a
5 search to determine if those kinds of documents exist,
6 correct?
7 A. Correct.
8 Q. Do you know of anybody that has done a
9 historical search to look for documents historically
10 within the company to make that determination?
11 A. I don't know of anybody, no.
12 MR. FOX: To the extent that I have
13 been able to ask you questions, you have
14 been very polite, and kind, and helpful,
15 and I appreciate your testimony today.
16 However, as we have discussed ad
17 nauseam today, and it had nothing to do
18 with you, there are issues that exist about
19 the nature of the discovery in this case,
20 and it may be they may have issues, and I
21 may have issues -- I do have issues that
22 will have to get resolved. But, in terms
23 of today, to the extent I have been able to
24 ask questions based on what I have
25 previously asked and based on what you

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1 said, I have completed my direct
2 questions.

3 However, because these disputes
4 still exist, I am reserving, as I indicated
5 earlier, my right to call you back and to
6 answer further questions as more material
7 and more discovery is produced by VWAG.
8 But, in the meantime, I have completed my
9 direct questions.

10 MR. GRASSO: Let's take a real quick
11 break.

12 I may want to ask questions.

13 MR. FOX: Yes, absolutely.

14 MR. GRASSO: There are a couple of
15 follow-up questions that I have, just a
16 few.

17 BY MR. GRASSO:

18 Q. In talking about an average or a possible
19 number of miles between brake jobs or how many miles the
20 car would likely have before its first brake job, could
21 you explain a little bit what you meant by some sort of
22 average?

23 A. Well, I mentioned in my answer that this is
24 pretty much depending on the way the driver drives the
25 car, whether he applies his brakes often and at what

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1 codes and the reason for these edge codes and, again, I am
2 not sure exactly what it was. There were some questions
3 about the purpose of these codes and were they VWAG only,
4 or were they for retail customers or --

5 A. Well, for everybody, actually, because this is
6 the special identification of this special lining. So, it
7 gives you information about the manufacturer, about the
8 precise identification, like, 224 something, and then the
9 edge code with two letters. So, it is there for everybody
10 who is interested in getting this or buy this type of
11 lining.

12 Q. There was testimony about Tom Wall when he
13 was working with asbestos on ships and whether he should
14 have perhaps worn some protection while he was doing that,
15 and you mentioned that the asbestos you believe was
16 chrysotile or amosite. Is that correct?

17 A. Yes. That is what I said.

18 Q. Your -- as I understood it, your opinion
19 that he perhaps should have been wearing protective gear
20 was based upon the fact that you understood that those two
21 types of asbestos were in there. Is that correct?

22 MR. FOX: Objection. You are
23 misstating his testimony.

24 You can ask him anything you
25 want.

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1 speed, whether it was a country, city traffic. In
2 general, my impression was to compare to the knowledge I
3 have from cars in Germany. It is about 25,000, 30,000
4 miles where we have the first brake job is necessary and
5 very much depending on the type of driver.

6 Q. So, it could be more, it could be less?

7 A. Right, yes, substantially.

8 Q. It could be substantially more or
9 substantially --

10 A. Even less than more, substantially less.

11 Q. All right. There was testimony about Mintex
12 linings and whether they were similar or identical, I
13 don't remember exactly, to linings provided by Energit and
14 the other three original suppliers. I am not sure I
15 remember the testimony exactly. But, were the
16 constituents of the Mintex linings identical to what was
17 provided by the original suppliers?

18 MR. FOX: Objection.

19 Lack of foundation.

20 A. Not necessarily. I mean, if you compare
21 linings you compare the performance, and when I was asked
22 this question I didn't really pick up on the ingredients.
23 It need not be the same. The performance is the most
24 important thing on the ability of the lining.

25 Q. Okay. There was some testimony about edge

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1 A. Yes.

2 Q. There were some questions about worker's
3 compensation type claims which may have been made by I
4 guess employees of VWAG, and you were asked about how
5 these are processed, and you mentioned the individual
6 would go to a doctor.

7 My question to you is, would VWAG ever
8 receive back a copy of some sort of claim that the person
9 would have made?

10 A. No. The employer doesn't get a feedback of
11 that, does not get a report what happened, you know, to
12 his employee.

13 Q. Okay. The claim goes through the -- what is
14 the name of that?

15 A. The Berufsgenossenschaft.

16 Q. Please spell that for the court reporter.

17 A. B-E-R-U-F-S-G-E-N-O-S-S-E-N-S-C-H-A-F-T. It
18 is equivalent to OSHA here in this country, and it is
19 occupational agency for safety and health. When an
20 employee feels that he is sick, so he goes to the doctor,
21 and if the doctor diagnose, for instance, a mesothelioma,
22 he might have contracted this, this is a disease you have
23 to report to a mesothelioma register which is under the
24 patronage of the Berufsgenossenschaft. And when there is
25 evidence that he contracted this type of disease due to

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1 his occupation, then this will be compensated by a type of
2 insurance by the Berufsgenossenschaft.
3 Q. Well, does --
4 A. But, the report, again, that was your first
5 question about that, there is no feedback to the employer
6 to the company.
7 Q. So --
8 A. Volkswagen wouldn't know that there was an
9 employee contracting some disease.
10 Q. Okay. Does VWAG have a file of worker's
11 compensation type claims of its workers who may have made
12 claims or received compensation for asbestos-related
13 diseases?
14 A. No. That is why Volkswagen cannot have such
15 a list because they don't get the information.
16 MR. GRASSO: Okay. That is all I have.
17 BY MR. FOX:
18 Q. Just a few more. In terms of the markings
19 on the clutches, clutch facings and the brake linings, if
20 they were there at that time, certainly if they were
21 deteriorated, then whatever markings were on there could
22 not be read if the clutch facings or the brake linings
23 were deteriorated, correct?
24 A. Yes.
25 Q. And --

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1 then he should know which model year, which car, and
2 probably also what the lining was. But, basically the
3 linings have -- all the linings which are on the market
4 whether they are original or OEM or after market linings
5 they have to comply with standards, and the performance is
6 a major issue of the lining.
7 Q. Did VWAG in any way communicate to either
8 the dealers or to the ultimate owners of these vehicles
9 what kind of replacement should be used on the brake
10 linings and the clutch facings?
11 A. The service station would know.
12 Q. How would they know?
13 A. By information from Volkswagen OA. They are
14 being trained to service their car.
15 Q. Did VWAG notify these dealers or mechanics
16 instructions on what was an appropriate replacement from
17 VWAG?
18 A. Any replacement. The mechanics are being
19 trained as well as the dealership, so they are very well
20 trained how to handle such a service.
21 Q. It is all based on what specifications are
22 used by VWAG and what would be an appropriate replacement
23 according to VWAG of the brake linings on the clutch
24 faces, correct?
25 A. Yes.

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1 MR. GRASSO: When you say
2 "deteriorated," you are including normal
3 wear on that?
4 MR. FOX: Normal wear.
5 MR. GRASSO: Okay.
6 Q. It may not be there?
7 A. Certainly, if you are aware, the lining if
8 that is worn down, that the flange is worn off, there is
9 nothing down.
10 Q. Why would anybody care to know or look to
11 know who manufactured that brake lining other than you
12 guys when VWAG received a shipment from these
13 manufacturers?
14 MR. GRASSO: I have to object to
15 that. He doesn't know what is in anybody's
16 mind.
17 Q. Do you have any reason to believe why
18 anybody would have any reason to want to know who
19 manufactured that brake lining or what code there was on
20 it other than VWAG?
21 MR. GRASSO: Or other than some
22 lawyer bringing a lawsuit?
23 A. Certainly, it might be important for when,
24 you know, the dealer has to or the garage really has to
25 get a replacement, you know, to replace the old lining,

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1 Q. Now, in terms of these claims against
2 Volkswagen AG, when an employee -- withdrawn.
3 Did you ever, at any time in your career,
4 ever be in a position to work with or deal with worker's
5 compensation claims?
6 MR. FINBERG: You mean U.S. worker's
7 compensation claims or Berufsgenossenschaft
8 claims?
9 MR. FOX: Thank you.
10 A. No.
11 Q. That wasn't your job, correct?
12 A. Correct.
13 Q. You never interacted with that group he
14 mentioned?
15 A. No.
16 Q. The German name?
17 A. No.
18 Q. And when an employee claimed that they had
19 some injury related to their employment, was, if you know,
20 was VWAG notified that there was a claim that existed?
21 A. No.
22 Q. If you know, did VWAG have any right to
23 challenge any claim by employee?
24 A. No personal data, protection.
25 MR. GRASSO: No what?

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1 THE WITNESS: Data.
2 Q. How would the German worker's compensation
3 claim board know if the claim was legitimate or not, do
4 you know?
5 A. This has been decided, you know, by the
6 Berufsgenossenschaft, the worker's compensation.
7 Q. Did they ever contact VWAG and say, did this
8 person even work there?
9 A. They would probably not, you know, mention
10 the name or the person. I mean, the way it works is that
11 if it is obvious that this employee got the disease due to
12 his occupation, the worker's compensation is an
13 institution which then would promulgate certain regulation
14 for that workplace to protect the other workers, so it is
15 kind of an increasement of the regulation.
16 Q. If an individual was diagnosed with a
17 respiratory disease, wouldn't VWAG be notified that that
18 individual has a problem and then they should be
19 protected?
20 A. No. There is no feedback.
21 Q. How do you know?
22 MR. FINBERG: Subject to what you
23 just said, you just said there is a way in
24 which there is a feedback.
25 A. Did I say? No.

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1 Q. What is your basis for saying that VWAG was
2 never notified about claims made from its own employees
3 that they were injured from the workplace? How do you
4 know that?
5 A. Well, this is the type of -- you know, the
6 organization, the Berufsgenossenschaft, is not entitled to
7 notify the company. What they do is if there is a hazard
8 or danger for the employees, they look for the change of
9 the regulation how to work at that place in general for
10 all the companies. That is the way it works.
11 Q. As far as you know, VWAG has no right to
12 provide any facts to the worker's compensation board in
13 support of or against the claim?
14 A. Oh, the compensation board will probably at --
15 will check with the working place --
16 Q. With the employer?
17 A. Yes.
18 Q. About what?
19 A. Just, you know. Checking the working place
20 how the protection is being maintained for the employee.
21 Q. Are you aware just personally of anybody
22 that had any lung impairment or mesothelioma who worked
23 for VWAG?
24 A. No.
25 Q. Have you ever attempted to try to find out?

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1 A. There is no way. There is no way to find
2 out.
3 Q. Do you know if -- withdrawn.
4 Are you aware of VWAG ever shifting
5 employees to different areas of the plant based upon
6 medical condition?
7 MR. GRASSO: Any medical condition,
8 you are talking? I mean, if somebody can't
9 stand up anymore, they give them a desk
10 job?
11 A. That is very common, yes.
12 Q. They would shift people depending on medical
13 condition?
14 A. Yes.
15 Q. If a person felt ill to work, would the
16 first place that they would go to, would that be the German
17 compensation or would it be the doctor?
18 A. His personal doctor.
19 Q. How about the doctors at VWAG, if somebody
20 had a problem or complaint about their health would they
21 go there to talk to those doctors at any time?
22 MR. GRASSO: I am sure that depends
23 on the complaint, if somebody cuts his
24 finger off --
25 MR. FOX: Don't answer the question.

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1 MR. GRASSO: -- he would probably go
2 to the doctor that is in the plant.
3 A. Only if there is an emergency accident, then
4 the internal medical department will interact or make an
5 examination on people, examinations on people who are
6 exposed to, let's say, chemicals and stuff.
7 Q. Did VWAG ever perform pre-employment chest
8 x-rays, if you know?
9 A. You asked that before.
10 Q. Pre-employment?
11 A. Pre-employment, no.
12 Q. Did VWAG ever have a consulting doctor
13 during the time that you were there who came in to review
14 any issue regarding the health of the employees?
15 A. Other than the internal medical?
16 Q. Yes.
17 A. No.
18 Q. Are you aware of any study of the entire
19 plant related to safety issue while you were
20 there?
21 MR. GRASSO: Any safety issue?
22 A. No.
23 Q. Did you have any contact with the German
24 compensation board while you were at the plant?
25 A. No.

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1 Q. Did the compensation for injured employees,
2 did that come from the government or from the employer?
3 A. This type of insurance is covered by the
4 employer, but the board consists of employer and employees
5 which is a union basically or unions.
6 MR. GRASSO: Wait a second, are you
7 talking about, which board? I thought we
8 were talking about Berufsgenossenschaft.
9 THE WITNESS: Right. There has to
10 be a decision.
11 Q. Who is on that board?
12 A. Members of the employer and of the employees
13 and that is the unions, members of the unions.
14 Q. So, there is a representative of VWAG and a
15 member of the union on there?
16 MR. FINBERG: Of the Berufsgenossenschaft?
17 A. Yes. But, the insurance is covered by the
18 employer or paid for.
19 Q. Is the representative -- do you know if the
20 representative from the VWAG would be a medical person or
21 a nonmedical person?
22 A. That, I don't know.
23 Q. Do you know who that person was?
24 A. No.
25 MR. FOX: Okay. That is all I have.

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1 BY MR. GRASSO:
2 Q. Whether or not there is a formal way to find
3 out, are you personally aware of anyone at VWAG who worked
4 in any way with brakes or clutches who came down with
5 mesothelioma?
6 A. No, I don't. I mean, you are asking if
7 formal, no.
8 MR. FINBERG: Besides a formal way,
9 aside from formal way.
10 THE WITNESS: No, I don't. I asked
11 about whether there is any knowledge about
12 anybody who has been working with brake
13 jobs has contracted any disease, and there
14 was the answer no. There was no.
15 MR. FINBERG: There was no knowledge
16 of it?
17 THE WITNESS: No, there was no
18 person.
19 MR. FOX: Do they know or not?
20 THE WITNESS: Yes. You know, I
21 asked, for instance, the brake shop, the
22 people, do you know of anybody who has
23 contracted any disease from working here.
24 No, nobody.
25 MR. FOX: Whoever you talked to

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1 didn't know of anybody, correct?
2 A. No.
3 MR. FOX: Was there --
4 MR. GRASSO: I am asking questions.
5 Q. The Berufsgenossenschaft, I think you have
6 indicated before it had the power to make regulations if
7 it decided there was some problem in the workplace
8 industry-wide?
9 A. Yes.
10 Q. This Berufsgenossenschaft is some kind of
11 governmental agency?
12 A. Well, is it governmental or -- since the
13 board is, you know, formed by members of the employer and
14 employees, it is not a governmental.
15 MR. FINBERG: As an officer of the
16 court, I am just going to represent my
17 understanding is --
18 MR. FOX: You can't do that now.
19 You are not an officer of the court. I am
20 not a judge or -- and nobody, no one is asking
21 for opinion or comments. Don't do it.
22 MR. FINBERG: Don't tell me what to
23 do or not to do. I think it is obligatory
24 for counsel if a witness misstated the
25 facts on the record to state it.

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1 MR. FOX: No. It is not. It is
2 called testimony or leading.
3 MR. GRASSO: It is on the record,
4 isn't it? It doesn't make a difference.
5 MR. FINBERG: I am not saying --
6 MR. FOX: Let's not having running
7 conversations.
8 Any other questions?
9 MR. GRASSO: No.
10 MR. FOX: Thank you very much, sir.
11 (The testimony was concluded at 4:57 p.m.)
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REPORTER'S CERTIFICATE

I, Kerry D. Halpern, Shorthand Reporter,
certify;

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all of
the objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
laws of the State of New York that the foregoing is true
and correct.

Dated this 30th day of January, 2004.

KERRY D. HALPERN, Shorthand Reporter

REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, KERRY D. HALPERN, Shorthand Reporter in
the State of New York, certify that the foregoing pages 1
through 199, constitute a true and correct copy of the
original deposition of AIRBERT KOLMS, taken on January 29,
2004.

I declare under the penalty of perjury under
the laws of the State of New York that the foregoing is
true and correct.

Dated this 30th day of January, 2004.

KERRY D. HALPERN, Shorthand Reporter

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STATE OF)
COUNTY OF) SS.

I, the undersigned, declare under penalty of
perjury that I have read the foregoing transcript, and I
have made any corrections, additions, or deletions that I
was desirous of making; that the foregoing is a true and
correct transcript of my testimony contained therein.

EXECUTED this _____ day of _____,
2004, at _____,
City State

WITNESS: _____

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EXHIBIT C

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SUPERIOR COURT STATE OF CALIFORNIA
CITY OF SANTA BARBARA

-----X
RICHARD STEINER and
CHRISTIE STEINER,

Plaintiffs,

-vs-

Case No. 1374169

ADVANCE AUTO PARTS, ET AL.,

Defendants.

-----X

VIDEOTAPED DEPOSITION of ROBERT P.
CAMERON, JR., (VOLUME 2) taken pursuant to Notice,
held at the DOUBLE TREE BY HILTON HOTEL, 2117 Route
4 East, Fort Lee, New Jersey, on Friday, June 24,
2011, at 9:30 a.m. before JEANNETTE MCCORMICK, a
Certified Shorthand Reporter, and a Notary Public.

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223 1 I N D E X 2 WITNESS EXAMINATION BY PAGE 3 4 ROBERT P. CAMERON, JR. 5 6 MR. ZADOROZNY 224 7 E X H I B I T S 8 9 NUMBER DESCRIPTION PAGE 10 14 Volkswagen Documents 311 11 12 15 Volkswagen of America's Responses in Simmons Cooper v. A.W. Chesterton 317 13 14 16 Volkswagen of America's Responses in Penza v. Audi AG 325 15 17 Defendant's Preliminary Statement and Objections in Reese v. AC Delco 334 16 18 VWGOA's Responses in Gaskill v. Abex 338 17 18 19 Volkswagen Documents 348 19 20 20 Volkswagen Documents 362 21 22 23 24 25	225 1 liaison. That was about '70, '71. 2 Q. Okay. And after that? 3 A. I became the product liaison manager. 4 Q. Okay. And that was when? 5 A. That was about '74, '75. 6 Q. And then after that? 7 A. I became the manager of product liaison. 8 Instead of a section, it became the department. The 9 manager title goes in front in our company. 10 Q. And what were the dates of that? 11 A. That would have been '76, maybe, '77, 12 somewhere in there. 13 Q. Okay. And then what was the next position? 14 A. I held that position until 2005 when I became 15 the general manager product liaison. 16 Q. And at some point did you begin testifying as 17 part of your duties for Volkswagen? 18 A. Yes. 19 Q. And when was that? 20 A. I believe 1968 was the first time I 21 testified. 22 Q. And you testified as an expert, correct? 23 A. Again, I believe I did. I testified 24 concerning mechanical component of the vehicle, how 25 it functioned and how it functioned in the accident
224 1 THE VIDEOGRAPHER: Good morning. The 2 time is approximately 9:37 a.m., Friday, June 3 24, 2011. This is tape number 1, Volume 2 of 4 the videotaped deposition of Mr. Robert 5 Cameron, Junior. We're back on the record. 6 7 ROBERT P. CAMERON, JR., 8 previously sworn, 9 10 CONTINUED EXAMINATION 11 BY MR. ZADOROZNY: 12 Q. Good morning, Mr. Cameron. 13 A. Good morning. 14 Q. You understand you're still under oath? 15 A. Yes. 16 Q. I think when we were going through your 17 background we ended I think in about '83. Can you 18 tell me after you became -- I'm just trying to find 19 the note so we don't have to go back -- after you 20 became a tech analyst, what was your next position? 21 A. After tech analyst? 22 Q. Yes. 23 A. That wasn't in '83. That was way back in the 24 '70s. I'm sorry. That was in the '60s. I became 25 the product liaison -- supervisor of product	226 1 in question, and what its performance was, and why 2 it did not relate to the recall campaign. At this 3 point I don't recall whether I was qualified as an 4 expert, but that's the type of testimony I gave. 5 Q. Have you since that time testified as an 6 expert? 7 A. Yes. 8 Q. On what areas? 9 A. I testified concerning the fuel systems on 10 our vehicles, the suspension systems on our cars, 11 the braking systems on our vehicles, engine 12 disassembly and assembly. That's what comes to mind 13 right at the moment. I didn't think back on it too 14 far. 15 Q. Okay. In terms of during your whole career 16 at Volkswagen, did you receive any other kind of 17 training or certifications that we haven't talked 18 about? 19 A. Well, I have attended all of the typical 20 schools that the manufacturers provide for their 21 mechanical employees, engines, transmissions, drive 22 train, general repairs, brakes, clutches, things of 23 that nature for Volkswagen and for Audi. I have 24 attended some optional courses for accident 25 reconstruction and injury causation courses at a

227 1 number of colleges in California that they put on. 2 Q. And is that in preparation for some of 3 your -- have you testified in accident cases 4 involving Volkswagens? 5 A. Yes. 6 Q. As an expert? 7 A. I believe I have. But again, I don't make 8 notes of what I am testifying. Usually the Person 9 Most Knowledgeable or as a person testifying 10 concerning the performance of the product itself, 11 but in a number of cases they did enter me I 12 remember as an expert testimony, which allows for I 13 guess different cross-examination. 14 Q. At some point did you become an officer of 15 Volkswagen? 16 A. No. 17 Q. Now, let's just say currently, how much of 18 your time is spent testifying, what percentage? 19 A. Of a year you mean or? 20 Q. Yes, let's say in a year. 21 A. Testifying over a year? 22 Q. Let's say 2010. 23 A. Less than ten percent, maybe five percent or 24 less. 25 Q. And how about what percentage would be	229 1 presentation, but presence in front of a television 2 camera, which is different than a movie camera. 3 Q. I mean, you have an amazing ability to look 4 at the camera and not make eye contact. I'm 5 wondering if you had some training for that? 6 A. No. I just prefer it if the jury is going to 7 see this that they can look at me and I'm looking at 8 them. 9 MR. WINTERMAN: As opposed to attorney 10 sitting at an angle and trying to get the 11 witness to look at them. 12 MR. ZADOROZNY: I'm just surprised at 13 his focus. He's tremendous, but -- 14 BY MR. ZADOROZNY: 15 Q. So you didn't take any courses in terms of 16 how to present to a jury or anything of that sort? 17 A. No. What you see is what you get. 18 Q. Let me ask you this. In terms of your role 19 testifying say in the last five years, would it be 20 about the -- preparation and testifying, would it be 21 the same, approximately 15 percent of your time? 22 MR. WINTERMAN: Misstates. 23 Mischaracterizes testimony. 24 THE WITNESS: No. I have -- in the last 25 five years? I don't think I have testified
228 1 involved in say preparation for testimony or, you 2 know, looking at documents for testimony, anything 3 that would -- 4 A. To prepare for that testimony that was 5 scheduled? 6 Q. Yes. 7 A. Maybe another five percent. 8 Q. Are you part of a liaison group that really 9 heads up testimony for Volkswagen on various issues? 10 A. Well, we provided technical and engineering 11 information and testimony for the group companies. 12 Q. Have you ever -- any other certifications or 13 training that you've received as part of your job at 14 Volkswagen? 15 A. I think I have mentioned what I recall at the 16 moment. 17 Q. Let me ask you this. Have you taken any 18 courses or done any training in terms of how to 19 present as a witness? 20 A. How to present as a witness? 21 Q. Yes. 22 A. No. The only information I received in that 23 area was way back in the '80s. At one point in time 24 I was going to appear on the 60 Minutes program and 25 I did receive a day's training for television, not	230 1 at trial in the last five years. It's only 2 been depositions, but it's small. Overall 3 for the year it's five percent or less. 4 BY MR. ZADOROZNY: 5 Q. Okay. How about the last ten years? 6 A. Ten years? It's been pretty quiet for the 7 last ten years. Probably about the same, maybe a 8 little bit more, but certainly not much more. 9 Q. How many in the last ten years, what would 10 you average, how many depositions say in a month? 11 A. A month average? 12 Q. Yes. 13 A. One maybe, if you can average it out. They 14 get scheduled over and over and over again. They 15 get postponed. After a while it's tough to remember 16 whether you actually did the deposition or not 17 because it gets rescheduled so many times. 18 Q. Now, I want to talk about your compensation. 19 Are you compensated with a bonus in terms of your 20 performance? 21 MR. WINTERMAN: The question is vague 22 and ambiguous. 23 THE WITNESS: No. 24 BY MR. ZADOROZNY: 25 Q. And have you ever received a bonus, has that

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1 ever been part of your compensation package?

2 A. The company has a bonus package in place. If
3 the company makes money, then there is a bonus paid
4 to all employees based upon the percentage of profit
5 that the company makes. Unfortunately, except for
6 the last two years, we haven't made money in a long
7 time. We have made money in the last two years. So
8 there were bonuses paid to all employees, not just
9 me.

10 Q. So you don't have a -- let me ask you this.
11 During your whole time at Volkswagen, you didn't
12 have a performance-based bonus?

13 A. Performance in your job function is part of
14 the evaluation to get the company's bonus, but
15 that's not the reason for the bonus. If you're a
16 bad-performing employee, then you didn't contribute
17 to the success of the company in making profit, you
18 are either not going to get a bonus or get a smaller
19 bonus. If you're a good-performing employee, then
20 you get the normal bonus.

21 Q. Let's just say in the last five years, what
22 has your salary averaged?

23 A. I'm not going to tell you that.

24 MR. WINTERMAN: That invades his right
25 to privacy.

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1 essence, his testimony is contingent or his
2 salary, rather, is contingent on the outcome
3 of the case which could link back to his
4 testimony? Is that what you are arguing?

5 MR. ZADOROZNY: That's what I'm arguing.

6 MR. RODEN: Is this depo going to finish
7 today?

8 MR. ZADOROZNY: I am hoping to, but I
9 don't know.

10 MR. RODEN: All right. So I'm going
11 to -- right now I'm not going to rule on
12 this. While you're yakking away on all the
13 other subjects, I'm going to do a little
14 quick research. Do you have any authority to
15 cite by the way?

16 MR. ZADOROZNY: I could probably find
17 some. Do you want me to --

18 MR. RODEN: I don't want to bog this
19 down, but I don't want to --

20 MR. ZADOROZNY: I can send a message to
21 the office and have them send you something.

22 MR. RODEN: Oh, all right. That would
23 be great. Yeah. Because this is a sensitive
24 area. I am not saying you're wrong, trust me
25 on that, but it strikes me that that's pretty

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1 MR. ZADOROZNY: I do believe it goes to
2 bias. And so I do think it's -- generally,
3 witnesses give this information all the time.

4 MR. WINTERMAN: Well, I disagree. And I
5 think it violates his right to privacy. And
6 I am going to instruct him not to answer.
7 You can ask the discovery referee if he wants
8 to make any recommendations for a ruling on
9 it if you think it's improper, but I think it
10 totally violates his right to privacy.

11 MR. ZADOROZNY: I do. Mr. Roden?

12 MR. RODEN: What's the justification for
13 this? How does how much money you earn show
14 bias, whether it's X or Y dollars?

15 MR. ZADOROZNY: Well, it certainly
16 obviously gives him a motivation to do well
17 in terms of his testimony. I mean, I think
18 it's a very common question that is asked of
19 PMQ witnesses, and it goes directly to, you
20 know, why he's doing what he's doing.

21 MR. RODEN: Wait a second. You are
22 arguing, if I am reading this correctly, you
23 are arguing that if he does well in the
24 deposition it saves money for the company, he
25 will be rewarded in some way so he's, in

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1 farfetched, pretty tenuous, but for discovery
2 purposes maybe it's allowable. I don't know.
3 I am sure there must be something out there
4 on it that I'm not aware of. Anybody on the
5 line have anything to contribute?

6 MR. WINTERMAN: This is Craig Winterman,
7 Mr. Roden, and clearly I believe it's totally
8 irrelevant. This witness has been with the
9 company for over 40 years. If anybody wants
10 to allege bias, go ahead and allege bias
11 because he happens to be a long-term company
12 employee. They asked for a PMQ of a company
13 to get -- going back to the '60s. We
14 produced a person who has been with the
15 company the longest. And now he's being
16 accused of purportedly being biased because
17 he gets paid by the company? I mean, that's
18 a non sequitur. It doesn't make any sense.
19 You know if this --

20 DEFENSE COUNSEL: It just seems to
21 me -- I know that expert witnesses are asked
22 how much money they make in connection with
23 expert testimony, not the total amount they
24 make. The only reason I'm chiming in is
25 because I don't want to get bogged down

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1 because. I want to get this thing finished
2 so I can get out of here.

3 MR. RODEN: I understand. If anybody
4 has any authority, please just e-mail it to
5 me. I am on West Law. So just give me
6 whatever it's going to take to rule on this,
7 and let's just -- don't forget, Brent, to
8 remind me not to conclude this until I've
9 ruled on it. I don't want to that happen,
10 but I also don't want to bog this down. If
11 you could move on to another subject, we will
12 just hold this in abeyance.

13 MR. ZADOROZNY: Let's just take a
14 one-minute break. I am going to ask for some
15 authority to be sent to you.

16 MR. RODEN: Okay. I appreciate that
17 very much.

18 MR. ZADOROZNY: Should it be sent to
19 everybody? I guess yes.

20 MR. RODEN: Yes, I would assume so.

21 MR. ZADOROZNY: Let's go off the record
22 for just a second.

23 (Discussion off the record.)

24 BY MR. ZADOROZNY:

25 Q. Something that I forgot to ask yesterday. Do

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1 that in Germany or was that in the United States?

2 A. I believe it was in the United States.

3 Q. He had brought the document to you?

4 A. He had the document in his briefcase.

5 Q. And that was in preparation for testimony?

6 A. He was here in reference to a case that he
7 was involved in and I was discussing asbestos with
8 him. He was the designated asbestos engineer from
9 Germany.

10 Q. And you didn't make a copy of that paperwork
11 that talked about the formulations of the
12 asbestos-containing products?

13 MR. FINBERG: Objection. Misstates.

14 Lack of foundation.

15 THE WITNESS: No. He simply showed me
16 the document. I believe, as I said
17 yesterday, it was in German, so I couldn't
18 read the whole thing, but he did point me to
19 a line that talked about percent asbestos,
20 and it said 30 percent for that particular
21 brake shoe that was involved in that case.

22 BY MR. ZADOROZNY:

23 Q. And the first lawsuit in which someone
24 alleged exposure to asbestos from a Volkswagen
25 product was in 1983?

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1 you know if VWGOA ever put out any MSDS sheets for
2 any of its products that contained asbestos?

3 MR. FINBERG: Objection. Lack of
4 foundation.

5 THE WITNESS: Volkswagen of America
6 itself, not that I know of.

7 BY MR. ZADOROZNY:

8 Q. Do you know if VWGOA ever received any MSDS
9 sheets for any of the asbestos-containing products
10 that it distributed?

11 A. I believe they did in the past. Sheets were
12 received from the suppliers of the parts.

13 Q. Okay. Do you know if those were ever passed
14 on to dealerships?

15 A. I don't know.

16 Q. Have you ever seen a copy of one of the MSDS
17 sheets that were received for asbestos-containing
18 parts by VWGOA?

19 A. No.

20 Q. We talked a little bit about the conversation
21 that you had regarding the product being chrysotile.
22 Do you remember that testimony?

23 A. Our conversation with one of the factory
24 engineers, yes.

25 Q. Yes. Do you remember at that time -- was

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1 A. We received it in 1983, yes.

2 Q. And was that when you -- in preparation for
3 that lawsuit, is that when you saw this document
4 from Volkswagen AG?

5 A. No. It was a number of years later when I
6 saw that document.

7 Q. Let me ask you this. In terms of defense of
8 asbestos-related injury or death cases, does
9 Volkswagen AG assist VWGOA in defending those cases?

10 MR. FINBERG: Objection. Argumentative.

11 Conclusory. Vague and ambiguous.

12 THE WITNESS: Yes, they do provide
13 technical assistance for us.

14 BY MR. ZADOROZNY:

15 Q. Witnesses?

16 A. Yes.

17 Q. Have you ever asked whether they still have
18 the document that talks about the material
19 specifications for asbestos-containing products sold
20 by Volkswagen?

21 A. Well, again, I couldn't tell you if that's
22 what that document is classified as. My question
23 was what was the percentage of asbestos in our brake
24 shoes, and he took this document out and it showed
25 on a line 30 percent. So that's what was on that

239 1 document. Was that the document showing the makeup 2 of brake linings and the specifications for it? I 3 don't know. It was in German and I don't read 4 German. 5 Q. Let me just rephrase my question then. Have 6 you -- during the time period when Volkswagen AG is 7 lending assistance, have you said hey remember that 8 document that you showed me do you still have that? 9 A. Well, I can't do that because that particular 10 engineer has retired a number of years ago. But I 11 have never asked them for a copy of the document. 12 Q. You ever asked them hey do you have any 13 documents that show how much asbestos and what type 14 of asbestos was in any of our asbestos-containing 15 products? 16 A. I've never asked them, but I'm sure they have 17 technical specifications for the brake shoes which 18 would outline what's in them. 19 Q. But you've never asked for that? 20 A. No. 21 Q. How difficult would it be? If you just 22 picked up the phone and called them, do you think 23 you could get that information? 24 A. Well, right now they are going on vacation, 25 so I doubt if I could get it right now, but I could	241 1 handling the friction products in Westmoreland. 2 They were installed in wheel assemblies that were 3 being put on the vehicles. Other than him being 4 there and inspecting those plants and the work areas 5 in there, I don't know of him doing anything else. 6 Q. When did you first find out about an 7 industrial hygienist going to the plant? 8 A. Going to the plant? 9 Q. Yes. Going to the plant. 10 A. Or being part of the work force at the plant. 11 Q. Either way. Being at the plant. 12 A. I believe it was when we received in a 13 Workmen's Comp claim concerning one of our 14 warehouses in Ohio. And when I read the report from 15 the insurance company in there, there was 16 information from an industrial hygienist who turned 17 out was an employee of the Westmoreland plant. 18 That's when I first came across the person. 19 Q. And when was that? 20 A. Oh, that -- late '80s, early '90s, somewhere 21 in there. I am just guessing. I couldn't give you 22 an exact date. 23 Q. I am going to try not to mark it because the 24 court reporter is already going to be carrying a lot 25 of things. She's such a great court reporter.
240 1 ask them for it. Whether they would supply that 2 particular document to me, they would have to decide 3 whether they wanted to release it or not. They 4 don't always give us the stuff that we ask for. 5 Q. I want to ask you this. Have you ever -- has 6 Volkswagen ever had an industrial hygienist visit a 7 plant where the friction products themselves were 8 being installed or removed? 9 MR. FINBERG: Objection. Vague. 10 MR. WINTERMAN: I didn't catch who you 11 asked for, which company did you say? 12 MR. ZADOROZNY: I will rephrase. I 13 think I said the wrong company. 14 MR. WINTERMAN: That's what I thought. 15 BY MR. ZADOROZNY: 16 Q. Has VWGOA ever had an industrial hygienist 17 visit a plant where friction products were being 18 installed or removed? 19 A. I'm sorry, what was the last word? 20 Q. Or removed. 21 A. Or removed? Well, the only place that 22 Volkswagen had the industrial hygienist was in 23 Westmoreland. The products were being installed 24 there, but they were included in another assembly. 25 So they weren't -- there was nobody actually	242 1 I'm going to hand you this. Let your counsel 2 see it first. It's a transcript from the Circuit 3 Court, Third Judicial Circuit, Madison County, 4 Illinois, Candas K. Frost and Greg Frost v. A. W. 5 Chesterton, et al. It's a deposition on May 27, 6 2009 of you. 7 DEFENSE COUNSEL: I'm sorry, Counsel, 8 what year did you say this transcript is 9 from? 10 MR. ZADOROZNY: It is from 2009. May 11 27th, 2009. 12 MR. WINTERMAN: Okay. Thank you. 13 BY MR. ZADOROZNY: 14 Q. Can you please take a look at page 139? 15 A. Page 139 of the transcript? 16 Q. Of the transcript. 17 A. There is two -- 18 Q. It is two different things. 19 A. Okay. 20 Q. I'm going to read from line 19 on page 139 to 21 line 10 on page 140 skipping the colloquy. 22 MR. FINBERG: Please read the colloquy 23 too. 24 MR. ZADOROZNY: Okay. 25

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1 BY MR. ZADOROZNY:

2 Q. "Question: Okay. Have you ever had an
3 industrial hygienist visit any of the plants where
4 the asbestos-containing friction material was being
5 removed or installed? Mr. Toohey: Objection as to
6 any discussion regarding any aspect of Volkswagen's
7 operations after December 31, 1976. Mr. Connelly:
8 I am not agreeing to that stipulation, counsel.
9 Question: Go ahead and answer that, sir. Answer:
10 Your question is have we ever had an industrial
11 hygienist visit a plant where the products were
12 being -- the friction products themselves were being
13 installed or removed? Question: Which contained
14 asbestos. Yes, sir. Answer: Not that I know of."

15 So I'm confused. In 2009, you appear not to
16 have an understanding that there was an industrial
17 hygienist at the plant where asbestos-containing
18 materials were being installed?

19 MR. WINTERMAN: And removed.

20 A. Is that your question?

21 Q. Yes.

22 A. I just explained to you that we don't install
23 and remove the asbestos friction products at the
24 plant in Westmoreland. Those components come inside
25 of another -- front wheel assembly, left or right or

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1 the whole rear axle. So I said if you mean within
2 another component, yes, we do put them on the car,
3 but we don't touch the friction products. They are
4 inside of other component. Nobody is taking the
5 brake shoes and putting them on the car or taking
6 them off the car. They are putting a whole wheel
7 assembly on, and within that wheel assembly is the
8 brake shoes.

9 Q. So your testimony today under oath is that
10 you don't have any information that an industrial
11 hygienist was present and monitoring any -- at any
12 Volkswagen plant the actual -- let me make it very
13 specific -- taking out of boxes of brake parts that
14 contain asbestos?

15 MR. FINBERG: Object to the form of the
16 question. It's -- it is oppressive and
17 harassing in that form.

18 MR. WINTERMAN: I object to the form of
19 the question just because it's vague and
20 ambiguous now because you started and
21 stopped. If you want to rephrase it, maybe
22 it will be clearer for the record.

23 MR. ZADOROZNY: I don't, but if he
24 doesn't understand it, I will rephrase it.

25 MR. WINTERMAN: Okay. Then my formal

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1 objection is vague, ambiguous, uncertain and
2 unintelligible.

3 THE WITNESS: I am not sure of what your
4 question is right at the moment. Maybe you
5 could restate or have the reporter read it
6 back to me.

7 BY MR. ZADOROZNY:

8 Q. I will restate it. My question is, are you
9 aware that there was an industrial hygienist
10 employed by Volkswagen that monitored work in plants
11 that actually involved the -- I'm going to make it
12 very simple -- the removal of asbestos brakes from
13 boxes?

14 MR. WINTERMAN: Would you read the
15 question back to me, please, Ms. Reporter.
16 Thank you.

17 (Question read back as follows:)

18 "QUESTION: My question is, are you
19 aware that there was an industrial hygienist
20 employed by Volkswagen that monitored work in
21 plants -- "

22 MR. WINTERMAN: Okay. Stop. That's all
23 I needed. You mean Volkswagens Group of
24 America, Incorporate, not Volkswagen --

25 MR. ZADOROZNY: Volkswagen Group of

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1 America.

2 MR. WINTERMAN: Okay. With that
3 understanding, go ahead.

4 THE WITNESS: Volkswagen Group of
5 America only had one assembly plant. That
6 was in Westmoreland, Pennsylvania. And I
7 explained to you that nobody was opening up
8 boxes of brake shoes and installing them on
9 vehicles or taking them off vehicles in
10 Westmoreland. The brake shoes were included
11 in other assemblies that we received in big
12 boxes and took the whole assembly and put it
13 on the car, or took it off the car if they
14 had to take it off to reinstall it for some
15 reason. We were not dealing with boxes of
16 brake shoes coming in and assembling brake
17 components. That was not done in
18 Westmoreland.

19 BY MR. ZADOROZNY:

20 Q. So you don't recall any sort of industrial
21 hygienist doing any kind of study of that type of
22 removing asbestos-containing brake shoes from boxes?

23 MR. WINTERMAN: At the factory?

24 THE WITNESS: At the factory?

25

247 1 BY MR. ZADOROZNY: 2 Q. Anywhere at Volkswagen. 3 A. Now you have changed it again. 4 MR. FINBERG: Objection. Object to the 5 form. Vague and ambiguous as to Volkswagen. 6 BY MR. ZADOROZNY: 7 Q. Excuse me. I keep forgetting. VWGOA? 8 A. You changed the question again. We have one 9 assembly plant where the industrial hygienist was 10 monitoring the interior of the plant. I mentioned 11 earlier there was a Workmen's Comp claim concerning 12 a parts warehouse where there was a claim concerning 13 asbestos, and he did go there, monitored the work 14 area for returned brake parts, which were being 15 taken out of boxes and sorted into other boxes for 16 return to the brake reliner. He monitored that, 17 found out that the asbestos levels in the work area 18 were below OSHA specifications. That he did do. 19 That is the only thing I know of. I know he also, 20 in his monitoring of the factory in Westmoreland, 21 found some maintenance room in the plant that had 22 high levels of asbestos, but again below the OSHA 23 levels. Those are the only two asbestos readings 24 that I know that this man ever found. 25 Q. Okay. And were there reports for either of	249 1 the defense of product liability cases, correct? 2 A. Yes. 3 Q. What percentage of your job is that part of 4 it, providing the technical assistance in the 5 defense of product liability cases? 6 MR. WINTERMAN: You are talking about 7 presently? 8 BY MR. ZADOROZNY: 9 Q. Presently? 10 A. In actual case defense? 11 Q. Yes. 12 A. Less than ten percent. 13 Q. And as part of that, have you researched 14 historical knowledge of asbestos? 15 A. I'm sorry, is that your question? 16 Q. Yes. 17 A. I didn't know you were finished. I am sorry. 18 Q. Yes. 19 A. I had researched some information on asbestos 20 years ago, but again, I'm not the main person who 21 would testify concerning asbestos and what it's made 22 up of. 23 Q. Okay. Have you done research in terms of 24 when VWGOA first obtained any information concerning 25 dangers associated with exposure to asbestos?
248 1 those? 2 A. Yes. 3 Q. And have those reports been produced in this 4 litigation? 5 A. I don't know. 6 Q. Do you have copies of those reports in your 7 office someplace? 8 A. I don't, no. But my counsel does. 9 Q. And this warehouse that you're talking about, 10 this parts warehouse, is that a Volkswagen -- excuse 11 me -- is that a VWGOA facility? 12 A. Yes, it was at the time. It's the one that 13 we took over from the distributor that owned it 14 prior to us buying the distributorship back. 15 Q. Did VWGOA then send the industrial hygienist 16 to all of the parts warehouses to monitor to see if 17 there was any issue with asbestos exposure? 18 A. No. It was felt that the levels were okay 19 there, they should be okay in the other ones. 20 Q. And when was this, do you know? 21 A. I don't want to guess. The report would 22 reflect the date. 23 Q. Not only is one of your duties at VWGOA to 24 testify as an expert witness, but you also are 25 responsible for providing technical assistance in	250 1 A. I haven't done research. I was there in the 2 '70s when this information was unfolding, and that's 3 where my knowledge comes from. 4 Q. And why do you say that the knowledge was 5 unfolding in the '70s? Let's just say today. Are 6 you not aware that there was research and papers, 7 you know, as early as the '40s involving dangers 8 associated with asbestos? 9 MR. WINTERMAN: The question is 10 compound. Argumentative. 11 THE WITNESS: I'm sorry. Is everybody 12 finished with their objections? 13 MR. WINTERMAN: Yes. 14 THE WITNESS: I was talking about the 15 automobile industry, and the information that 16 there was asbestos in automobiles and that -- 17 which everybody in the automobile industry 18 knew anyway from day one, but that there was 19 some question as to whether the asbestos in 20 automobiles was harmful to people working on 21 the vehicles and people driving the vehicles 22 and people around the vehicles, as it was 23 being discussed, normally in buildings and 24 other areas. 25

251 1 BY MR. ZADOROZNY: 2 Q. But what I'm talking about is more general 3 knowledge. The knowledge that if you breathe in 4 asbestos it can kill you. You're aware that there 5 were papers and studies going back actually to the 6 Teens and the '20s, certainly by the '40s, talking 7 about dangers associated with breathing asbestos? 8 MR. FINBERG: Objection. Argumentative. 9 Misstates. Lack of foundation. 10 THE WITNESS: Well, again, I know there 11 are different types of asbestos, and I know 12 the type of asbestos that's in automobiles. 13 And was more interested in the performance of 14 that particular product, not what was 15 happening with the buildings and other 16 things, insulation materials, siding for 17 houses, floor tiles, and all those things 18 going on. We didn't have those things in 19 automobiles. We were using something else. 20 And my research had led me to believe that 21 those types of asbestos used in automobiles 22 was not causing this particular type of 23 injury. 24 BY MR. ZADOROZNY: 25 Q. Okay. Tell me what -- strike that.	253 1 how a car is designed and what a car is made of at a 2 marketing organization. But when the case came in, 3 I started asking around as to what we had in the way 4 of information concerning asbestos. I talked to 5 Gunther Storbeck, who was in charge of the emissions 6 group at the time. He was the guy that I thought 7 would be receiving whatever information there was 8 concerning asbestos or anything concerning bad air 9 quality in the cars. And I talked to him. And I 10 also talked to a couple of the factory engineers at 11 the time for other reasons. 12 Q. What did they tell you? 13 A. That, as I know, that there is asbestos in 14 cars. The type of asbestos that we had been using 15 and were using was chrysotile. That it was not seen 16 to be a cancer-causing material in the applications 17 within vehicles, and that there was no problem with 18 it. Other types of asbestos, which were being found 19 in buildings and other products, and those were 20 harmful to the public. 21 Q. And did they point you to any literature that 22 supported that position? 23 A. No. 24 Q. Did they tell you they had researched it or 25 talked to a doctor about that position?
252 1 When did you do that research? 2 A. It started in 1983. 3 Q. Okay. So -- and I want to make this clear. 4 VWGOA started researching the issue after it was 5 served with its first lawsuit? 6 MR. FINBERG: Misstates. 7 THE WITNESS: You just asked me when did 8 I first do it. I first started doing it in 9 1983. Other people at Volkswagen Group of 10 America or Volkswagen of America, as it was 11 known then, may have done it. I don't know. 12 BY MR. ZADOROZNY: 13 Q. Have you tried to talk to anyone or ask 14 anyone about when they may have started to raise 15 issues concerning dangers associated with asbestos? 16 A. Yes, I did. 17 Q. Who did you try to talk to about that 18 specific issue? 19 A. Back when this case first came in in 1983, I 20 started looking into what we knew at Volkswagen of 21 America, and Volkswagen Group of America is a 22 marketing company. We're not an engineering 23 company. We're not a research company. We're a 24 sales company. We sell cars, parts and accessories. 25 And, therefore, there's limited information as to	254 1 A. The factory engineers had, yes. 2 Q. Do you know which doctor they had talked to? 3 A. No. A German doctor within the factory at 4 the time. 5 Q. And you keep talking about chrysotile as -- 6 strike that. Let me ask you this. 7 Were you told that chrysotile asbestos does 8 not cause cancer? 9 A. I was told that there was no evidence that 10 chrysotile asbestos used in automobiles was causing 11 any cancer problems. 12 Q. Any cancer at all? 13 A. That's what I just said. 14 Q. And based on what these engineers told you, 15 did any of them have any medical background? 16 A. They were dealing with medical staff at the 17 factory. I had no reason to doubt them. They are 18 experts in their own particular areas. 19 Q. And these were engineers from Volkswagen AG? 20 A. Yes. 21 Q. And is it your testimony that Volkswagen, 22 based on these conversations with engineers in the 23 '80s, made a determination that the asbestos in 24 whatever products that they were distributing was 25 not dangerous?

255 1 MR. WINTERMAN: Would you restate the 2 question? I'm sorry. Would you reread the 3 question to me please, Ms. Reporter? 4 (Question read back as follows:) 5 "QUESTION: And is it your testimony 6 that Volkswagen, based on these conversations 7 with engineers in the '80s, made a 8 determination that the asbestos in whatever 9 products that they were distributing was not 10 dangerous?" 11 MR. WINTERMAN: Let's go back. My 12 objection is you've now switched Volkswagen 13 again and we got to stay with -- 14 MR. ZADOROZNY: VWGOA. 15 MR. WINTERMAN: Could I have the 16 question -- 17 MR. ZADOROZNY: You want it restated? 18 MR. WINTERMAN: Yes, please. 19 BY MR. ZADOROZNY: 20 Q. So, is it your testimony today that VWGOA in 21 reliance upon what a couple of engineers told you 22 determined that they believed that the asbestos in 23 their -- what they were distributing did not cause 24 cancer? 25 MR. FINBERG: Objection. Argumentative.	257 1 concerning the application of the part and 2 the safety of the part. 3 BY MR. ZADOROZNY: 4 Q. One of the manufacturers and suppliers of the 5 part was Volkswagen AG, correct? 6 A. They were our main supplier and manufacturer, 7 yes. 8 Q. Right. And at some point there was warnings 9 on the products that you received, correct? 10 A. Which products? 11 Q. Asbestos-containing products that VGOA 12 received from its manufacturers. 13 A. From some of the suppliers there were 14 warnings on the boxes, not from all suppliers. 15 Q. How about Volkswagen AG, did it warn? 16 A. No. 17 Q. How about the European -- I don't know what 18 it is -- EVA or EVE or whatever you were talking 19 about -- 20 A. European Parts Exchange? EPE? 21 Q. Yes. 22 A. They did put warnings on their boxes. 23 Q. What about Abex? 24 A. I don't know -- 25 MR. WYLES: Objection. Calls for
256 1 THE WITNESS: I don't think that's the 2 whole story. 3 BY MR. ZADOROZNY: 4 Q. What's the whole story? 5 MR. FINBERG: Objection. Vague and 6 ambiguous. Calls for a narrative. 7 THE WITNESS: It does call for a 8 narrative. The question of asbestos was 9 generally being discussed in the automobile 10 industry at that time. And the automobile 11 manufacturers and the people involved with 12 the braking systems within vehicles were 13 talking to one another and being involved. 14 And the conclusion was that the type of 15 asbestos being used in the cars, and 16 specifically in our cars, was not the 17 dangerous type and was not causing any harm 18 to our customers or the people working around 19 our cars or the people walking around our 20 cars. And that was the conclusion based upon 21 input from a number of people, both from 22 Germany and within the company. But again, 23 Volkswagen of America was a marketing 24 company, and we rely upon the manufacturer 25 and supplier of the part to advise us	258 1 speculation. Wyles. 2 THE WITNESS: I don't know what Abex put 3 on its boxes. I don't believe we received 4 boxes from Abex. 5 BY MR. ZADOROZNY: 6 Q. But VWGOA never went out and put any warnings 7 on any of its products regarding a cancer risk 8 associated with asbestos? 9 A. You mean the products that we imported? We 10 didn't make products. We imported the products. 11 Q. You distributed products? 12 A. And distributed them, that's correct. No, we 13 did not put anything on the boxes ourselves. 14 Q. And you never had somebody go to a doctor and 15 make a determination as to whether there was a 16 danger associated with the asbestos in parts, in 17 asbestos-containing parts, that VWGOA was 18 distributing? 19 A. Again, we are a marketing organization. We 20 have to rely upon the makers and the suppliers of 21 the components to us to do the research, and we 22 believed that they had done the research, and the 23 assurances we received from them was sufficient. 24 Q. They were warning you though at some point? 25 A. Who?

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1 Q. The manufacturers. They were telling you
2 this product can cause cancer, correct?
3 MR. WINTERMAN: Misstates.
4 Mischaracterizes testimony. The question is
5 vague, ambiguous, uncertain and
6 unintelligible. I apologize again, Counsel,
7 I have to have it read back because it just
8 didn't make any sense to me.
9 MR. FINBERG: Also --
10 MR. ZADOROZNY: Let's finish this one
11 and then we'll take a break.
12 (Question read back as follows:)
13 "QUESTION: And you never had somebody
14 go to a doctor and make a determination as to
15 whether there was a danger associated with
16 the asbestos in parts, in asbestos-containing
17 parts, that VWGOA was distributing?
18 "ANSWER: Again, we are a marketing
19 organization. We have to rely upon the
20 makers and the suppliers of the components to
21 us to do the research, and we believed that
22 they had done the research, and the
23 assurances we received from them was
24 sufficient.
25 "QUESTION: They were warning you though

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1 at some point?
2 "ANSWER: Who?
3 "QUESTION: The manufacturers. They
4 were telling you this product can cause
5 cancer, correct?"
6 MR. WINTERMAN: That question is vague,
7 ambiguous, uncertain and unintelligible. I'm
8 not sure who you're referring to.
9 MR. ZADOROZNY: The manufacturers.
10 MR. WINTERMAN: I don't know who they
11 are. He's testified to a multitude of them
12 that supplied parts.
13 BY MR. ZADOROZNY:
14 Q. Any of them. Did any of the manufacturers of
15 the asbestos-containing products warn you that the
16 product could cause cancer?
17 A. The only supplier to us that I know of that
18 had any warning label on its product was EPE, which
19 they put a warning label on all boxes that they used
20 for distribution of brake parts to any manufacturer
21 that they made brake parts for, which there were
22 other people that they made besides us. For us they
23 did reline brake shoes for us. And the boxes we
24 received from them had a standard, what I call the
25 standard warning label that was being put on boxes

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1 back then by some people, and they put it on all
2 their boxes for a while.
3 Q. It warned you that the product could cause
4 cancer, correct?
5 A. That's what it said on the warning label,
6 yes.
7 Q. That the product could kill people, correct?
8 A. I don't recall whether it said it could kill
9 people, but it said it could cause cancer, as I
10 recall.
11 Q. And you didn't at that time say --
12 MR. ZADOROZNY: You know what? It's
13 time to take a break. I am sorry. Let's go
14 off the record.
15 THE VIDEOGRAPHER: We're now going off
16 the record. The time is approximately 10:26
17 a.m.
18 (Recess from 10:26 to 10:37.)
19 THE VIDEOGRAPHER: We are now going back
20 on the video record. The time is
21 approximately 10:37 a.m.
22 BY MR. ZADOROZNY:
23 Q. Mr. Cameron, when we got off I was asking
24 about warnings that VWGOA had received and what was
25 done about that. And I think we established that

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1 there were some warnings received by VWGOA by at
2 least one manufacturer that warned about a cancer
3 risk, correct?
4 A. One of the suppliers was putting a warning on
5 its boxes, yes.
6 Q. And my question is, when VWGOA received that
7 warning, did they hire an expert doctor or an
8 industrial hygienist, or did they hire somebody to
9 go out and research the issue to determine whether
10 there was a danger associated with products that
11 they were distributing?
12 A. No.
13 Q. Did they go out of their way to put any kind
14 of warning on any of the products that they were
15 distributing that contained asbestos?
16 A. No. They relied upon the information
17 supplied by the other manufacturers who were not
18 putting warnings on their boxes that it was not
19 necessary to put that warning on there.
20 Q. Okay. Now let me follow up on that. So
21 you're saying that while some of the manufacturers
22 were sending boxes that contained warnings, others
23 were not. Is that your testimony?
24 A. No.
25 Q. Okay. Then I didn't understand your

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1 Obviously, we're going to meet and confer in
2 good faith. Hopefully, we can resolve all
3 these issues without having to file a motion.
4 However, we do think it's imperative that any
5 documents that are to be produced be produced
6 in a fashion such that we can review them
7 with time to prepare for the deposition,
8 which in my mind means either, one, I do come
9 out here a couple days early and they are
10 produced, or two, they are produced in
11 electronic form or some other form in Los
12 Angeles days before, so that I have a chance
13 to review them prior to the deposition.

14 MR. WINTERMAN: As I indicated to
15 counsel earlier and to everyone else who was
16 on the phone, I am more than happy to meet
17 and confer with counsel. It is our position
18 that we produced the appropriate documents
19 that were called for and that we did assert
20 appropriate objections to various documents
21 because of them being overbroad, vague and
22 ambiguous, and variety of other reasons that
23 are all set forth in our objections. But
24 notwithstanding all of that, I will be happy
25 to meet and confer with counsel and see if we

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1 can agree on which documents counsel is
2 interested in getting, and we will see if we
3 can agree to get those documents if they
4 exist. And then I am also agreeable to not
5 having counsel have to come all the way back
6 out here during the 4th of July weekend or
7 any time around that, but we will try to get
8 them to him in LA as quickly as possible.

9 So, I would urge that the two of us get
10 together, hopefully, maybe Monday or at least
11 talk on Monday, if not over the weekend. I
12 am more than happy to do it over the weekend.
13 I will give you my cell phone. We can get
14 the ball moving and see what we can agree on.
15 We can work this out and it shouldn't be a
16 problem.

17 MR. RODEN: All right. I appreciate --
18 believe me, all the way through this, both of
19 you have demonstrated the highest level of
20 professional skill-sets and respect for one
21 another. So it's much appreciated. And I
22 didn't want that to go unnoticed.

23 MR. ZADOROZNY: I do want to say -- we
24 can actually do this on or off the record,
25 that counsel at one point put on his

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1 sunglasses and threw me off. I recovered
2 quickly. So that was okay.

3 MR. WINTERMAN: The fluorescent light
4 was so bright in here.

5 MR. ZADOROZNY: That makes sense.

6 MR. WINTERMAN: We are -- just in terms
7 of the expansion of the scope of the
8 deposition to include an amendment, again,
9 that will be something that we will address
10 with counsel. I don't want to let anybody
11 believe that we are agreeing with that, but
12 we will certainly address it, and meet and
13 confer and see if we can arrive at an
14 agreement with respect to that. If we can't,
15 then it will be something that would have to
16 be taken up with the discovery referee.

17 MR. RODEN: And then be sure to get on
18 R.A. Carrington's dance card for the 5th.

19 MR. WINTERMAN: Oh, that's right. Thank
20 you very much.

21 MR. ZADOROZNY: There's going to be a
22 switch-off. I forgot. You are going to be
23 in the Baltic someplace having a good time.

24 MR. RODEN: I am going to be teaching
25 that particular week at Chautauqua, and it's

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1 a morning class from 8:30 to 10:30 Eastern
2 time. So it wouldn't be possible for me to
3 jump on the line for this, even if we wanted
4 to keep continuity. So if there is a problem
5 with R.A., he and I will work it out.

6 MR. ZADOROZNY: Are you going to sort of
7 update him on the issues?

8 MR. RODEN: Yes. I will send him an
9 e-mail right now actually.

10 MR. WINTERMAN: That would be great.
11 Both for myself and for Brent, I will tell
12 you that we appreciate you're being involved
13 and appreciate all your efforts on this.

14 MR. ZADOROZNY: Thanks.

15 MR. RODEN: You did all the work. Take
16 care. Have a great weekend. Travel safely.

17 (Whereupon, the deposition was
18 adjourned at 3:33 p.m.)
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399 1 E R R A T A 2 3 4 I wish to make the following changes, for the 5 following reasons: 6 7 PAGE LINE 8 CHANGE: 9 REASON: 10 CHANGE: 11 REASON: 12 CHANGE: 13 REASON: 14 CHANGE: 15 REASON: 16 CHANGE: 17 REASON: 18 CHANGE: 19 REASON: 20 21 22 ROBERT CAMERON, JR. DATE 23 24 25	
400 1 C E R T I F I C A T E 2 3 4 5 I, JEANNETTE McCORMICK, a Certified 6 Shorthand Reporter and Notary Public, certify that 7 the foregoing is a true and accurate Computerized 8 Transcript of the Deposition within. 9 10 I further certify that I am neither 11 attorney, of counsel for, nor related to or employed 12 by any of the parties to the action in which the 13 Depositions are taken, and further that I am not a 14 relative or employee of any attorney or counsel 15 employed in this case, nor am I financially 16 interested in the action. 17 18 19 20 21 JEANNETTE McCORMICK, C.S.R. 22 NJ CSR No. XI-920 Expiration Date 6/30/10 23 My Notary Commission Expires on December 20, 2012 24 Firm No. Dallas: 69 Houston: 373 25 1-888-656-DEPO	

EXHIBIT D

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES -----X LAWRENCE BOMAN and SHIRLEY BOMAN, Plaintiffs, -against- Case No. ALFA LAVAL, INC. (sued BC 405823 individually and as successor-in-interest to THE DELAVAL SEPARATOR COMPANY and SHARPLES CORPORATION), et al., Defendants. -----X VIDEOTAPED DEPOSITION OF: ROBERT P. CAMERON, JR. Friday, July 31, 2009 New York, New York Reported in stenotype by: Rich Germosen, CCR, CRCR, RPR, CRR, CLR	3 A P P E A R A N C E S: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 SIMON, EDDINS & GREENSTONE, L.L.P. BY: JAY E. STUEMKE, ESQ. 3232 McKinney Avenue Suite 610 Dallas, Texas 75204 (214) 276.7680 / (214) 276.7699 (FAX) jstuemke@seglaw.com Attorneys for the Plaintiffs HERZFELD & RUBIN, L.L.P. BY: CRAIG L. WINTERMAN, ESQ. 1925 Century Park East Suite 600 Los Angeles, California 90067 (310) 553.0451 / (310) 553.0648 (FAX) cwinterman@hrllp-law.com Attorneys for the Defendant, Volkswagen of America, Inc. and Robert P. Cameron, Jr.
2 1 Videotaped Deposition of ROBERT P. CAMERON, 2 JR., taken in the above-entitled matter before RICH 3 GERMOSEN, Certified Court Reporter, (License No. 4 30XI00184700), Certified Realtime Court Reporter-NJ, 5 (License No. 30XR00016800), NCRA Registered 6 Professional Reporter, NCRA Certified Realtime 7 Reporter, Certified LiveNote Reporter, and a Notary 8 Public within and for the States of New York and New 9 Jersey, taken at the offices of HERZFELD & RUBIN, 10 L.L.P., 40 Wall Street, New York, New York 10005, 11 on Friday, July 31, 2009, commencing at 10:07 a.m. 12 13 14 15 16 17 18 19 20 21 22 23 24 25	4 A P P E A R A N C E S: (CONT'D.) 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 CHARLES FINBERG, ESQ., P.L.L.C. 266 East Shore North Grand Isle, Vermont 05458 (802) 372.5175 cfinberg@gmail.com Attorneys for the Defendant, Volkswagen of America, Inc. and Robert P. Cameron, Jr. ADAMS NYE TRAPANI BECHT, L.L.P. BY: GEORGE A. HADDAD, ESQ., (appearing telephonically) 222 Kearny Street 7th Floor San Francisco, California 94108 (415) 982.8955 / (415) 982.2042 (FAX) ghaddad@adamsnye.com Attorneys for the Defendants, Whirlpool Corporation and Maytag Corporation

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13 1 A P P E A R A N C E S : (C O N T ' D .) 2 3 4 W A L S W O R T H , F R A N K L I N , B E V I N S & M c C A L L , L . L . P . 5 B Y : S T E P H A N I E R O T H B E R G , E S Q . , 6 (a p p e a r i n g t e l e p h o n i c a l l y) 7 O n e C i t y B o u l e v a r d W e s t 8 F i f t h F l o o r 9 O r a n g e , C a l i f o r n i a 9 2 8 6 8 10 (7 1 4) 6 3 4 . 2 5 2 2 / (7 1 4) 6 3 4 . 0 6 8 6 (F A X) 11 s r o t h b e r g @ w f b m . c o m 12 A t t o r n e y s f o r t h e D e f e n d a n t s , 13 B o n d e x I n t e r n a t i o n a l , I n c . ; R P M , I n c . ; 14 R P M I n t e r n a t i o n a l , I n c . ; H a m i l t o n M a t e r i a l s , I n c . ; 15 D o w m a n P r o d u c t s , I n c . ; C R A T r a i l e r s , I n c . ; 16 U t i l i t y T r a i l e r M a n u f a c t u r i n g C o m p a n y ; 17 J e r g u s o n G a g e & V a l v e C o . ; C l a r k - R e l i a n c e 18 C o r p o r a t i o n , a s t h e c l a i m e d s u c c e s s o r - i n - i n t e r e s t 19 t o J e r g u s o n G a g e & V a l v e C o . 20 21 A L S O P R E S E N T : 22 D A V I D D U N N , L e g a l V i d e o S p e c i a l i s t 23 24 25	15 1 E X H I B I T S 2 D E S C R I P T I O N P A G E L I N E 3 (E x h i b i t 1 f o r 2 7 1 4 i d e n t i f i c a t i o n , m u l t i - p a g e 5 d o c u m e n t o n S i m o n E d d i n s & 6 G r e e n s t o n e l e t t e r h e a d , d a t e d 7 J u l y 2 8 t h , 2 0 0 9 , n o t b e a r i n g 8 B a t e s s t a m p s .) 9 10 (E x h i b i t 2 f o r 3 7 1 11 i d e n t i f i c a t i o n , m u l t i - p a g e 12 d o c u m e n t e n t i t l e d N o t i c e o f 13 T a k i n g T h e V i d e o t a p e d 14 D e p o s i t i o n o f V o l k s w a g e n o f 15 A m e r i c a , I n c . a n d F o r 16 P r o d u c t i o n o f D o c u m e n t s , n o t 17 b e a r i n g B a t e s s t a m p s .) 18 19 (E x h i b i t 3 f o r 6 3 6 20 i d e n t i f i c a t i o n , o n e - p a g e 21 d o c u m e n t e n t i t l e d V o l k s w a g e n 22 G r o u p o f A m e r i c a , n o t b e a r i n g 23 a B a t e s s t a m p .) 24 25
14 1 I N D E X 2 W I T N E S S E X A M I N A T I O N 3 R O B E R T P . C A M E R O N , J R . 4 B Y M R . S T U E M K E 2 7 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	16 1 E X H I B I T S (C O N T ' D .) 2 D E S C R I P T I O N P A G E L I N E 3 (E x h i b i t 4 f o r 6 6 1 8 4 i d e n t i f i c a t i o n , m u l t i - p a g e 5 d o c u m e n t e n t i t l e d V o l k s w a g e n 6 M a k e s A u t o m o t i v e H i s t o r y , n o t 7 b e a r i n g B a t e s s t a m p s .) 8 9 (E x h i b i t 5 f o r 1 3 5 2 0 10 i d e n t i f i c a t i o n , o n e - p a g e N e w 11 Y o r k T i m e s a r t i c l e p u b l i s h e d 12 S e p t e m b e r 3 0 t h , 1 9 7 2 e n t i t l e d 13 S h i p y a r d W o r k e r s o f 1 9 4 0 s 14 T o l d o f C a n c e r P e r i l , n o t 15 b e a r i n g a B a t e s s t a m p .) 16 17 (E x h i b i t 6 f o r 1 4 0 8 18 i d e n t i f i c a t i o n , o n e - p a g e N e w 19 Y o r k T i m e s a r t i c l e p u b l i s h e d 20 O c t o b e r 5 t h , 1 9 7 2 e n t i t l e d 21 W i d e r L i n k t o C a n c e r F o u n d i n 22 A s b e s t o s W o r k e r s , n o t b e a r i n g 23 a B a t e s s t a m p .) 24 25

17 1 E X H I B I T S (CONT'D.) 2 DESCRIPTION PAGE LINE 3 (Exhibit 7 for 185 1 4 identification, multi-page 5 document entitled GTI, Golf, 6 and Jetta Official Factory 7 Repair Manual 1985, 1986 8 Including GLI, Gasoline, 9 Diesel, and Turbo Diesel, not 10 bearing Bates stamps.) 11 12 (Exhibit 8 for 206 3 13 identification, multi-page 14 document on Herzfeld & Rubin 15 letterhead, dated July 29th, 16 2009, not bearing Bates 17 stamps.) 18 19 20 21 22 23 24 25	19 1 PRODUCTION OF DOCUMENTS AND/OR INFORMATION 2 Page Line 3 (none) 4 5 6 DIRECTION TO WITNESS NOT TO ANSWER 7 Page Line 8 79 2 9 154 19 10 11 12 QUESTIONS MARKED FOR LATER RULING 13 Page Line 14 (none) 15 16 17 18 19 20 21 22 23 24 25
18 1 E X H I B I T S (CONT'D.) 2 DESCRIPTION PAGE LINE 3 (Exhibit 9 for 206 8 4 identification, multi-page 5 document entitled Authorized 6 Volkswagen Dealer Directory, 7 North and Central America, 8 December 1987, not bearing 9 Bates stamps.) 10 **original exhibits returned with original 11 transcript by HG LITIGATION SERVICES to 12 SIMON EDDINS & GREENSTONE, L.L.P. 13 (exhibit index concluded) 14 15 16 17 18 19 20 21 22 23 24 25	20 1 IT IS HEREBY STIPULATED AND AGREED, by 2 and between the attorneys for the respective parties 3 herein, that filing and sealing be and the same are 4 hereby waived. 5 IT IS FURTHER STIPULATED AND AGREED 6 that all objections, except as to the form of the 7 question, shall be preserved to the time of trial. 8 IT IS FURTHER STIPULATED AND AGREED 9 that the within deposition may be signed and sworn 10 to before any officer authorized to administer an 11 oath, with the same force and effect as if signed 12 and sworn to before the officer before whom the 13 within deposition was taken. 14 15 16 17 18 19 20 21 22 23 24 25

21 1 PROCEEDINGS 2 THE VIDEOGRAPHER: Stand by, 3 please. 4 My name is David Dunn. Today is 5 Friday, July 31st, 2009. 6 The time is approximately seven 7 minutes after 10 a.m. 8 We are at the law office of 9 Herzfeld & Rubin, 40 Wall Street, 54th Street, New 10 York, New York. 11 This Cause Number is BC405823 12 entitled Boman versus Alfa Laval, Incorporated, et 13 al. 14 The deponent for today is 15 Mr. Robert P. Cameron, Jr. 16 The video deposition is requested 17 by the Plaintiffs' counsel Simon Eddins & 18 Greenstone, L.L.P. 19 Will each of the attorneys present 20 please identify themselves and state their 21 interest in the case. 22 MR. STUEMKE: Jay Stuemke with 23 Simon Eddins & Greenstone appearing on behalf of 24 the Plaintiffs. 25 MR. WINTERMAN: Craig Winterman of	23 1 Handling Corp. 2 MR. HWANG: Good morning. 3 Steve Hwang for Honeywell 4 International, Inc. 5 MR. MURRAY: Good morning. 6 Jim Murray on behalf of Edelbrock. 7 MS. ROTHBERG: Good morning. 8 My name is Stephanie Rothberg on 9 behalf of Bondex International, Inc.; RPM, Inc.; 10 RPM International, Inc.; Hamilton Materials, Inc.; 11 Dowman Products, Inc.; CRA Trailers, Inc.; Utility 12 Trailers Manufacturing Company; Jerguson Gage & 13 Valve Company; and Clark-Reliance Corporation, as 14 the claims successor-in-interest to Jerguson Gage 15 & Valve Company. 16 MR. TINKHAM: Good morning. 17 Brian Tinkham on behalf of PTO 18 Sales Corporation. 19 MR. REMILLARD: Good morning. 20 Thomas Remillard on behalf of Hill 21 Brothers Chemical Company. 22 MS. MEYERS: Good morning. 23 Lesa Meyers appearing on behalf of 24 Dana Companies, L.L.C., Kelsey-Hayes Company and 25 Union Carbide Corporation.
22 1 Herzfeld & Rubin appearing on behalf of Defendant 2 Volkswagen Group of America, Inc. 3 THE VIDEOGRAPHER: If the attorneys 4 on the phone will also state their appearance for 5 the video record. 6 MS. CLAYTON: Good morning. 7 This is Trina Clayton for Defendant 8 IMO Industries. 9 MR. LISTER: Good morning. 10 This is John Lister appearing on 11 behalf of Cla-Val Company. 12 MS. CLINGO: This is Jennifer, 13 Jennifer Clingo, appearing on behalf of Pep Boys. 14 MS. JOHNSON: Josette Johnson 15 appearing on behalf of Luk Clutch Systems, L.L.C. 16 and Schaeffler Group USA, Inc. 17 MR. HADDAD: Good morning. 18 This is Georges Haddad on behalf of 19 Whirlpool Corporation and Maytag Corporation. 20 MR. DAVIS: Good morning. 21 Mark Davis for Defendant John 22 Crane, Inc. 23 Yale Materials Handling Corp. 24 MR. AMEELE: Good morning. 25 Keith Ameele for Yale and Nacco	24 1 MS. GOLDEN: Good morning. 2 This is Catherine Golden for Dap 3 and Cummins. 4 MR. PIEPER: Good morning. 5 This is Tim Pieper on behalf of 6 Genuine Parts Company, Western Auto Supply Company 7 and Sears Roebuck and Co. 8 THE VIDEOGRAPHER: At this time the 9 court reporter may swear in the witness. 10 (Whereupon, the court reporter 11 administered the oath to the witness.) 12 MR. STUEMKE: And we'll wait just a 13 moment for defense counsel who stepped out 14 momentarily. 15 THE VIDEOGRAPHER: Would you like 16 me to go off the record, Mr. Stuemke? 17 MR. STUEMKE: No, he should be 18 right back. 19 THE VIDEOGRAPHER: Okay. 20 MR. STUEMKE: All right. 21 Before we get started, the 22 deposition notice which I'll attach as Exhibit 1 23 requested that documents be produced at the 24 deposition. 25 Prior to the deposition

25 1 Plaintiffs' counsel made numerous written 2 requests to defense counsel that we be provided 3 these documents in advance of the deposition so 4 that we may fully and fairly consider the 5 documents and interrogate the witness about those 6 documents so that we may conclude the deposition 7 today. 8 Other than certain I think four, 9 may be five listings of authorized Volkswagen 10 dealers from various years in the 11 nineteen-eighties, no documents were produced to 12 the Plaintiffs prior to this deposition and the 13 only documents that have been brought to the 14 deposition by Defendant is one additional 15 authorized Volkswagen dealer directory from 1987. 16 As a result of this, the 17 Plaintiffs will not be able to conclude the 18 deposition of Volkswagen today and fully 19 anticipate that we will need to resume this 20 deposition at a later date after having received 21 the requested documents. 22 Subject to that qualification, 23 Plaintiffs are prepared to and will take the 24 deposition of Volkswagen's PMK today to the 25 extent that it's possible in light of the phase	27 1 COURT REPORTER: Number 1. 2 MR. STUEMKE: Marked as Exhibit 1 3 the correspondence dated July 28th, 2009 from 4 Jennifer Bartlett at Simon Eddins & Greenstone to 5 Craig Winterman of Herzfeld & Rubin in 6 Los Angeles, relating to the deposition notice and 7 also included in Exhibit 1 is the first amended 8 notice of taking videotaped deposition of 9 Volkswagen Group of America, Inc. and for 10 production of documents. 11 12 ROBERT P. CAMERON, J.R., 13 conducting business at Volkswagen of America, 14 Inc., One Executive Drive, Suite LL50, Fort Lee, 15 New Jersey 07024, having been first duly sworn or 16 affirmed by a Notary Public within and for the 17 States of New York and New Jersey, was examined 18 and testified as follows: 19 EXAMINATION BY MR. STUEMKE: 20 Q. Mr. Cameron, I'd like to go 21 through with you the areas of inquiry that are 22 identified in Exhibit 1. 23 It's my understanding, sir, that 24 you have a copy of the original notice of taking 25 this deposition in front of you, is that correct?
26 1 of discovery and reserve our rights to resume 2 later. 3 MR. WINTERMAN: Let me just respond 4 by indicating that there -- I think it's premature 5 for counsel to indicate that he can't conclude a 6 deposition until he's had an opportunity to 7 question the witness and find out if there is any 8 documents that even pertain to the various 9 categories that have been requested. 10 In addition, there is nothing in 11 the Code of Civil procedure that requires that 12 documents be produced in advance of the deposition 13 notice where the deposition notice specifically 14 requested that the documents be produced at the 15 depo. 16 As a courtesy we did produce some 17 records in advance. 18 MR. STUEMKE: Let's mark this as 19 Exhibit 1. 20 COURT REPORTER: (Complies.) 21 (Whereupon, multi-page document on 22 Simon Eddins & Greenstone letterhead, dated July 23 28th, 2009, not bearing Bates stamps, is received 24 and marked as Plaintiffs' Exhibit 1 for 25 Identification.)	28 1 A. I have a notice of taking 2 deposition. I don't know which one it is. 3 Q. Okay. 4 A. It's one that was given to me. 5 Q. All right. 6 And if you would turn, sir, to 7 the, it's probably the third page. It has at the 8 top of it areas of inquiry, perhaps the fourth 9 page. 10 MR. WINTERMAN: It's the second 11 page. 12 MR. STUEMKE: Okay. 13 A. It has down at the top of the 14 page, not at the top of the page unless you're 15 working from a different document that I'm 16 working from. 17 18 BY MR. STUEMKE: 19 Q. I am. It's a slightly different 20 document, but the areas of inquiry are the same. 21 MR. WINTERMAN: Do you want a copy 22 of the original, Counsel? 23 MR. STUEMKE: I have, I have it 24 here. I can flip to it. 25

29 1 BY MR. STUEMKE: 2 Q. In any event, sir, you see that 3 there are areas of inquiry that are set forth for 4 which you are going to be giving testimony, is 5 that correct? 6 A. Yes, that's correct. 7 Q. And have you reviewed those areas 8 of inquiry, sir? 9 A. Yes, I have. 10 Q. Okay. 11 And are you prepared to give 12 testimony on behalf of Volkswagen Group of 13 America, Inc. relating to area of inquiry Number 14 1? 15 A. Yes. 16 Q. Are you the person most 17 knowledgeable at Volkswagen of America, Inc. 18 relating to area of inquiry Number 1? 19 A. At the present time, yes. 20 Q. Are you the person most 21 knowledgeable relating to area of inquiry Number 22 2, sir? 23 A. Yes, I am. 24 Q. Are you the person most 25 knowledgeable relating to area of inquiry Number	31 1 hearing some interference and some talking in the 2 background. 3 Thank you. 4 MR. WINTERMAN: Counsel, can we get 5 an agreement that if there are any objections, an 6 objection by one is an objection by all so that 7 counsel don't have to state their names -- 8 MR. STUEMKE: Certainly. 9 MR. WINTERMAN: -- on the record? 10 That would be as to the Defendants. 11 MR. STUEMKE: Certainly. 12 MR. WINTERMAN: Thank you. 13 14 BY MR. STUEMKE: 15 Q. Mr. Cameron, are you the person 16 most knowledgeable for Volkswagen of America 17 relating to area of inquiry Number 9? 18 MR. WINTERMAN: As to Number 9, 19 there is an improper request and we're going to be 20 objecting to any inquiry into 9 which asks for 21 Defendant's contentions. Going to be doing the 22 same thing with respect to request Number 10; same 23 thing with 11; and same thing with regard 24 to -- well, I'll let 16 go, but those particular 25 ones are legal. They're not factual. He's here
30 1 3, sir? 2 A. Yes. 3 Q. Are you the person most 4 knowledgeable regarding area of inquiry Number 4, 5 sir? 6 A. Yes. 7 Q. Are you the person most 8 knowledgeable regarding area of inquiry Number 5, 9 sir? 10 A. Yes. 11 Q. Are you the person most 12 knowledgeable regarding area of inquiry Number 6? 13 A. Yes. 14 Q. Are you the person most 15 knowledgeable regarding area of inquiry Number 7? 16 A. Yes. 17 Q. Are you the person most 18 knowledgeable regarding area of inquiry Number 8, 19 sir? 20 A. Yes. 21 Q. Okay. 22 MR. STUEMKE: And for counsel on 23 the phone, if, if you don't mind putting your 24 telephones on mute unless you anticipate an 25 objection, that would be appreciated. We're	32 1 as a representative of the company to discuss 2 factual materials with respect to the company, not 3 legal matters. 4 MR. STUEMKE: Okay. 5 So just to cut this short, 6 Mr. Winterman, you're telling me that he's not 7 produced as a PMK with respect to areas 9, 10 and 8 11? 9 MR. WINTERMAN: Correct. 10 11 BY MR. STUEMKE: 12 Q. Mr. Cameron, are you the person 13 most knowledgeable with respect to area of 14 inquiry Number 12? 15 A. Yes. 16 Q. Mr. Cameron, are you the person 17 most knowledgeable with respect to area of 18 inquiry Number 13? 19 A. Yes. 20 Q. Mr. Cameron, are you the person 21 most knowledgeable with respect to area of 22 inquiry Number 14? 23 MR. WINTERMAN: And 14, again, he 24 won't -- he is the person most, one of the persons 25 most knowledgeable at the company, but he will not

33 1 be responding to that until there is an 2 appropriate motion made under California law that 3 allows the party to inquire into financials. 4 MR. STUEMKE: So he's not produced 5 today as a PMK on that issue? 6 MR. WINTERMAN: He is produced 7 today, but he's not going to respond to any 8 questioning on that area because there's been no 9 appropriate motion made as required by California 10 law. 11 MR. STUEMKE: So just to save time, 12 is it my understanding that you're going to 13 instruct him not to answer any questions on those 14 issues? 15 MR. WINTERMAN: Yes, to save time, 16 that would be correct. 17 MR. STUEMKE: Thank you. 18 MR. WINTERMAN: And I'll stipulate 19 that he'll -- 20 MR. STUEMKE: And we'll preserve 21 our rights under that. Very good. 22 MR. WINTERMAN: Absolutely. 23 24 BY MR. STUEMKE: 25 Q. Mr. Cameron, are you the person	35 1 interrogatories requested to produce or 3, legal 2 documents. 3 MR. STUEMKE: Okay. 4 MR. WINTERMAN: Those are the ones 5 that I provided to you, Counsel, prior to going on 6 the record. 7 MR. STUEMKE: I'll just identify 8 these for the record. 9 10 BY MR. STUEMKE: 11 Q. We have first a document filed by 12 Mr. Winterman's office entitled responses to form 13 interrogatories propounded to Defendant 14 Volkswagen Group of America, Inc., set 1. 15 Is that one of the documents you 16 reviewed, sir? 17 A. Yes, it is. 18 Q. Okay. 19 I was also handed a document filed 20 by Mr. Winterman's office entitled responses to 21 standard interrogatories propounded to friction 22 Defendant Volkswagen Group of America, Inc., set 23 1. 24 Is that one of the documents you 25 reviewed, sir?
34 1 most knowledgeable with respect to area of 2 inquiry Number 15? 3 A. Yes. 4 Q. Are you the person most 5 knowledgeable with respect to area of inquiry 6 Number 16? 7 A. Yes. 8 Q. Okay. 9 Sir, if you look at the section of 10 the notice entitled instructions re writings 11 requested. 12 Do you see that? 13 A. Yes. 14 Q. Okay. 15 Do you see that you are requested 16 to produce at this deposition all writings used 17 to either support your testimony or refresh your 18 recollection. 19 Have you looked at any documents 20 in advance of today's deposition to prepare for 21 the deposition? 22 A. Yes. 23 Q. What have you looked at? 24 A. I looked at the notice and I 25 looked at our responses to I believe it was	36 1 A. Yes, it is. 2 Q. Finally I was handed a document 3 filed by Mr. Winterman's office entitled 4 responses to standard interrogatories propound to 5 Defendant Volkswagen Group of America, Inc. set 6 1. 7 Is that one of the documents you 8 reviewed, sir? 9 A. Yes, it is. 10 Q. Okay. 11 And is the copy of the notice that 12 you were, you've been looking at for the 13 questions I've asked you already today, is that 14 the notice that you reviewed? 15 A. Yes. 16 Q. Okay. 17 MR. STUEMKE: Let's go ahead and 18 mark that as Exhibit 2 just for the record. 19 COURT REPORTER: (Complies.) 20 (Whereupon, multi-page document 21 entitled Notice of Taking The Videotaped 22 Deposition of Volkswagen of America, Inc. and For 23 Production of Documents, not bearing Bates 24 stamps, is received and marked as Plaintiffs' 25 Exhibit 2 for Identification.)

37 1 COURT REPORTER: Number 2. 2 3 BY MR. STUEMKE: 4 Q. Mr. Cameron, did you review any 5 documents other than what we've just discussed? 6 A. No. 7 Q. Sir, if you look back at the 8 notice in the writings requested section, do you 9 see that Number 2 requests all writings that 10 relate to the areas of inquiry numbered above. 11 A. (Reviews.) 12 Q. Do you see that? 13 A. Yes. 14 Q. Okay. 15 And we looked back at area of 16 inquiry Number 1, it asks about facts, witnesses 17 and documents regarding Defendant's corporate 18 history. 19 Now, you would agree that there 20 are certain -- Volkswagen Group of America, Inc. 21 certainly does have documents relating to its 22 corporate history, correct? 23 MR. WINTERMAN: That's an improper 24 question as to form. 25 Q. You can answer the question.	39 1 document destruction policy? A document 2 retention policy? 3 A. Yes, it does. 4 Q. Okay. 5 Is that written down anywhere? 6 A. Yes, it is. 7 Q. You've not produced that today, 8 have you? 9 A. No, it's a recent document 10 retention policy. It's about two years old. 11 Q. Okay. 12 You've not produced that today, 13 correct? 14 A. No, I thought you wanted the one 15 that was in effect at the time we're talking 16 about in this particular litigation and we don't 17 have copies of that any longer. 18 Q. Okay. 19 MR. WINTERMAN: And again, Counsel, 20 just for the record, that's why we didn't produce 21 it. It's irrelevant because it only pertains to 22 most recent times -- 23 MR. STUEMKE: Well -- 24 MR. WINTERMAN: -- and this lawsuit 25 involves --
38 1 A. What do you mean documents to its 2 history? The company has been around since 1955. 3 What are you looking for? 4 Q. Are there documents, sir? 5 A. I don't know what you mean. 6 MR. WINTERMAN: Excuse me, the 7 question is vague and ambiguous. 8 A. Are you looking for a copy of the 9 incorporation or something of that nature? 10 Q. Are there documents that exist 11 relating to Defendant's corporate history, sir? 12 A. There should be a copy of the 13 incorporation someplace, yes. 14 Q. Okay. 15 Is that the only document relating 16 to Defendant's corporate history? 17 A. I don't know what you mean by the 18 company's corporate history. 19 MR. WINTERMAN: That was the 20 problem with the request, Counsel. It's vague and 21 ambiguous and we're not obligated to piece stuff 22 together to give you corporate history and that's 23 why there is nothing that's being produced here 24 today. 25 Q. Sir, does Volkswagen have a	40 1 MR. STUEMKE: -- as you know, 2 Mr. Winterman, the test is not relevance. The 3 test is reasonably calculated to lead to the 4 discovery of relevant evidence. 5 MR. WINTERMAN: That's correct 6 and -- 7 MR. STUEMKE: And -- 8 MR. WINTERMAN: I'm sorry, Counsel, 9 I didn't mean to interrupt you. 10 MR. STUEMKE: And I think this is 11 reasonably calculated, and we object to it not 12 being produced. 13 MR. WINTERMAN: I think -- I'm not 14 stopping you from inquiring about the document 15 retention policy, and I think once you inquire 16 you'll find out that it's not relevant, nor is it 17 reasonably calculated to lead to the discovery of 18 admissible evidence and accordingly it was not 19 produced. 20 MR. STUEMKE: Okay. 21 22 BY MR. STUEMKE: 23 Q. You indicated, Mr. Cameron, that 24 earlier versions of the document retention policy 25 have been destroyed, correct?

41 1 A. They're no longer available, 2 that's correct. 3 Q. Okay. 4 And were those destroyed pursuant 5 to the current document retention policy? 6 A. Well, they were destroyed pursuant 7 to the fact that they were replaced. They were 8 no longer current. So the document retention 9 policy is to destroy items that you put into 10 storage. 11 The records retention policies 12 supersede one another and, therefore, they are 13 discarded once a new one takes effect. 14 Q. Okay. 15 And you see area of inquiry Number 16 3 relating to Volkswagen brand vehicles sold by 17 Volkswagen Group of America since 1950 and it 18 asks about numerous specific items relating to 19 those vehicles, correct? 20 A. I'm sorry, you're talking about 21 writings requested? 22 Q. Area of inquiry -- 23 A. Number 3 talks about forklifts on 24 my copy. 25 Q. Okay.	43 1 of letting you finish what you have to say and 2 likewise I'd appreciate if you'd do the same 3 thing. 4 The problem that I have with your 5 question is it's vague, ambiguous and uncertain. 6 There are multitudes of topics set forth in 7 inquiry Number 3. 8 In addition, the inquiry is 9 overbroad as to time. The vehicles that you're 10 asking for in this particular inquiry are not 11 relevant to this particular lawsuit because 12 Mr. Boman did not work on any of the -- but for a 13 handful of vehicles that he's identified in his 14 deposition and accordingly this request was way 15 overbroad. 16 17 BY MR. STUEMKE: 18 Q. You can answer the question, sir. 19 A. We may have some information in 20 reference to some of them, but we don't have any 21 one document that would answer all of these 22 questions. 23 Q. Right. And you understand we're 24 not looking just for one document. We're asking 25 for a production of many documents so that we can
42 1 I'm talking about area of inquiry 2 Number 3, sir. 3 A. Oh, I'm sorry. I thought you were 4 talking about the writings requested. 5 Q. Well, you see how Number 2 on 6 writings requested refers back to the areas of 7 inquiry, sir? 8 A. Yes. 9 Q. I'm looking at area of inquiry 10 Number 3. 11 A. Okay. 12 Q. And you would agree that 13 Volkswagen Group of America, Inc. has documents 14 relating to the information requested in area of 15 inquiry Number 3, correct? 16 MR. WINTERMAN: Well, first of all, 17 the question is -- 18 MR. STUEMKE: Let's just have him 19 answer the question. You can make a legal 20 objection, but let's just have him answer the 21 question. 22 MR. WINTERMAN: Well, you 23 interrupted me before you'd give me an opportunity 24 to complete my legal question. 25 I'm going to give you the courtesy	44 1 review those and determine what's relevant. 2 You understand that, correct? 3 A. Yes. 4 Q. Okay. 5 And nevertheless you've not 6 brought any documents, correct? 7 A. That's correct. 8 Q. Even with respect to those 9 vehicles which in your understanding Mr. Boman 10 did identify having worked with, correct? 11 A. That's correct. We brought no 12 documents. 13 Q. Okay. But those documents exist, 14 correct? 15 MR. WINTERMAN: That's vague and 16 ambiguous. 17 A. There may be some documents 18 concerning some of the vehicles involved, yes. 19 Q. Okay. 20 You say there may be some. Are 21 there any? 22 A. Well, that would depend on which 23 question you're talking about, sir. 24 Q. Okay. 25 A. You have about ten different areas

45 1 of inquiry with sidelines going off of each one. 2 So there may be some documents. It would depend 3 on what we're looking for and what the answer is 4 and what we would find if we looked. 5 Q. But the simple answer is you don't 6 know what documents exist because you haven't 7 looked for any, correct? 8 A. That -- 9 MR. WINTERMAN: That's -- excuse 10 me. 11 That's vague, ambiguous and 12 uncertain and unintelligible and assumes facts not 13 in evidence. 14 The fact of the matter is this 15 request is way overbroad. It wasn't tailored for 16 this particular case. It's clearly done because 17 you guys had ad seriatim litigation and you're 18 trying to get information out of this suit for 19 other suits. We're going to limit it to this 20 suit. We're going to limit it to what's relevant 21 to Mr. Boman. 22 MR. STUEMKE: We -- 23 MR. WINTERMAN: So the witness was, 24 the witness was told not to bring anything to this 25 deposition.	47 1 seminars, program and/or classes as described by 2 Plaintiff in his deposition at Page 1287, Line 16 3 through 1289, Line 12. 4 A. (Reviews.) 5 Q. Do you see that? 6 A. Yes, I see it. 7 Q. And you've not brought any 8 documents relating to any such seminars, programs 9 or class, have you? 10 MR. WINTERMAN: Assumes facts not 11 in evidence. 12 Lacks foundation. 13 A. There was nothing to bring, sir. 14 Q. How do you know that there was 15 nothing to bring? 16 A. Because we don't sponsor this type 17 of seminar, so we would have nothing to bring. 18 Q. What type, what type of seminar do 19 you mean? 20 A. I'm sorry? 21 Q. What type of seminar do you mean? 22 You say you don't sponsor that type of seminar. 23 I just want to be sure it's clear what you're 24 referring to. 25 A. Well, you referred to a particular
46 1 MR. STUEMKE: Okay. 2 3 BY MR. STUEMKE: 4 Q. Mr. Cameron, you didn't even look 5 for any documents responsive to this notice, did 6 you? 7 A. In general, no. 8 Q. Specifically did you look for any 9 documents? 10 A. Well, documents to refresh my 11 recollection which is part of the thing that we 12 have here. The information on brakes and 13 clutches, I already know what exists on that 14 particular area. 15 Q. Okay. 16 But in response to this notice 17 which you reviewed, you did not look for any 18 documents, correct? 19 A. No, after discussion with counsel 20 I did not go any further. 21 Q. Okay. 22 Now, turning to area of inquiry 23 Number 4, this request or this is identified as 24 facts, witnesses and documents concerning 25 Defendant sponsorship of brake and/or clutch	48 1 seminar in a section of the Plaintiffs' 2 deposition. We've reviewed that sections, those 3 sections of the deposition and we do not have 4 anything in response to that. We do not do those 5 types of seminars that he was talking about. 6 Q. Never did? 7 A. No. 8 Q. Volkswagen never sponsored 9 seminars to train people on working with their 10 products? 11 MR. WINTERMAN: The question is 12 vague and ambiguous, uncertain and unintelligible. 13 A. We provide training to Volkswagen 14 mechanics who are employed by authorized 15 Volkswagen dealers through our authorized 16 training centers. That's what we provide. It's 17 my understanding from reading the deposition that 18 the Plaintiff was not a mechanic at an authorized 19 Volkswagen dealer, was not attending any 20 authorized Volkswagen training sessions which are 21 not called seminars, but are called training 22 sessions, hands-on training sessions and, 23 therefore, the seminars he's referring to must 24 have been for some other manufacturers, but not 25 for Volkswagen.

49 1 Q. Okay. 2 Now, these seminars that you're 3 referring to that Volkswagen did sponsor, you say 4 those are only for employees of authorized 5 service centers or dealers? 6 MR. WINTERMAN: Misstates, 7 mischaracterizes evidence. 8 He said they were not seminars. 9 Q. These hands-on training course, is 10 that the phrase you used? 11 A. We have service training that we 12 provide through our authorized training centers. 13 That's what we do to employees of authorized 14 Volkswagen dealers. They're not seminars. 15 They're actually training sessions that go on for 16 between one and five days. 17 Q. Okay. 18 And what in your mind is a 19 distinction between that and a seminar? 20 A. Generally a seminar is something 21 sponsored by somebody to bring across some 22 information and possibly in the end sell a 23 product or something. We're conducting training 24 sessions for employees of authorized Volkswagen 25 dealers.	51 1 areas, and particularly when reference to a new 2 product comes out and there is new systems on it, 3 the dealership has to send its mechanics or a 4 certain number of them to be trained on them. 5 That's the responsibility of the area 6 representative. 7 And he makes sure when he goes to 8 the dealership that he checks the training 9 records of all of the employees of the dealership 10 within the service department to see what their 11 training records are and reminds the dealer if 12 he's short in any particular area and will 13 schedule at that time the attendance of that 14 employee to come to the seminar. 15 The dealer pays for the employee's 16 time at the seminar and we provide the training 17 and other things necessary for him to be at the 18 seminar and we track those and they would know 19 which mechanics had which training at which 20 particular time. 21 Q. Okay. We'll come back to that. 22 Sir, does Volkswagen Group of 23 America have any documents responsive to area of 24 inquiry Number 5? 25 A. No.
50 1 Q. Okay. 2 So only employees of Volkswagen 3 dealers were ever allowed at these training 4 seminars, training workshops or whatever? 5 A. Okay, they're training -- it's 6 authorized -- it's training -- yes, it's not a 7 seminar, but it's, it's authorized training and 8 only members of authorized Volkswagen dealers are 9 allowed at those things or company employees are 10 obviously allowed there too. 11 Q. Okay. 12 What kind of security is there to 13 make sure that there is nobody else that goes 14 there? 15 MR. WINTERMAN: The question is 16 vague, ambiguous, uncertain and unintelligible. 17 A. Well -- 18 MR. WINTERMAN: And overbroad. 19 THE WITNESS: Excuse me. 20 A. The field people within service 21 are responsible for determining that the service 22 personnel that are working on Volkswagen vehicles 23 at authorized Volkswagen dealers are properly 24 trained, and that the dealership has sufficient 25 numbers of mechanics trained in its particular	52 1 Q. Does Volkswagen have any documents 2 responsive to area of inquiry Number 6? 3 A. No. 4 MR. WINTERMAN: Counsel, so that I 5 don't have to keep objecting, I'm going to assume, 6 and please correct me if I'm wrong me if I'm 7 wrong, that when you refer to Volkswagen you're 8 meaning to refer to Volkswagen Group of America, 9 Inc. throughout this deposition? 10 MR. STUEMKE: Yeah. 11 12 BY MR. STUEMKE: 13 Q. Let's, let's talk about that just 14 for a second on the record so that we are clear. 15 Volkswagen Group of America, Inc. 16 is the current entity by whom you're employed, 17 correct, Mr. Cameron? 18 A. That's correct, yes. 19 Q. And prior to that corporate name 20 it had at least one other corporate name in its 21 history, correct? 22 A. Yeah, it was Volkswagen of 23 America -- 24 Q. Okay. 25 A. -- Inc.

53 1 Q. And throughout this deposition I 2 suspect that I will lapse into simply referring 3 to that entity as Volkswagen. So for purposes of 4 today's deposition if I just say Volkswagen, can 5 we understand that to mean Volkswagen Group of 6 America, Inc.? 7 A. Yes, that's what I assumed that 8 you were talking about when you mentioned 9 Volkswagen. 10 Q. Correct. 11 A. No other Volkswagen entity other 12 than Volkswagen of America, Inc. or Volkswagen 13 Group of America, Inc. who I'm here to represent. 14 Q. Right. 15 And there is, of course, 16 Volkswagen AG, correct? 17 A. There is a Volkswagen AG, yes. 18 Q. And that is the German auto 19 manufacturer that was started in the 20 nineteen-thirties, correct? 21 A. That's the parent company of a 22 number of automobile franchises in Germany, yes. 23 Q. Okay. 24 And for purposes of today's 25 deposition I may at times refer to Volkswagen AG	55 1 Q. Certainly Volkswagen has documents 2 relating to its financial condition, correct? 3 A. There may be some documents. I 4 assume the tax authorities know what they are. 5 Q. Does Volkswagen have any documents 6 responsive to area of inquiry Number 15? 7 A. No. 8 Q. No? 9 A. No. 10 Q. And for the record, area of 11 inquiry Number 15 is facts, witnesses and 12 documents regarding workers' compensation claims, 13 if any, made against Defendant for injuries 14 and/or death arising out of exposure to asbestos 15 at Defendant's manufacturing and/or authorized 16 dealer repair facilities, correct? 17 A. Yes. 18 Q. All right. All right. 19 Could you state your name for the 20 record, please. 21 A. Sure. It's Robert P. Cameron, Jr. 22 Q. And, Mr. Cameron, what is your 23 current or who is your current employer? 24 A. Volkswagen Group of America, 25 Incorporated.
54 1 as Volkswagen of Germany. 2 Will you understand me to be 3 referring to Volkswagen AG if I use that 4 terminology, sir? 5 A. If you say Volkswagen of Germany, 6 we will assume you're talking about the company 7 in Germany that owns various automobile 8 companies, yes. 9 Q. Very good, sir. 10 And, sir, does Volkswagen have 11 documents responsive to area of inquiry Number 7? 12 A. No. 13 Q. Does Volkswagen have documents 14 responsive to area of inquiry Number 8? 15 A. Other than what's in some of the 16 after market workshop manuals, no. 17 Q. Does Volkswagen have items 18 responsive, excuse me, documents responsive to 19 area of inquiry Number 12? 20 A. No. 21 Q. Other than the documents which 22 Volkswagen has produced in this case, does 23 Volkswagen have other documents relating to area 24 of inquiry Number 13? 25 A. No.	56 1 Q. And what is your current job 2 title? 3 A. I'm the general manager product 4 liaison. 5 Q. And can you describe -- 6 Strike that. 7 When were you first employed by 8 Volkswagen, sir? 9 A. Again, by Volkswagen you mean 10 Volkswagen of America? 11 Q. Yes. 12 A. May of 1965. 13 Q. Okay. 14 And can you tell the jury the 15 different job titles that you've had in your 16 forty-four years of employment with Volkswagen? 17 A. Sure. I joined the company as a 18 technical analyst in the customer service 19 relation or technical correspond in the customer 20 service relations department. Became a 21 technical -- that was in '65. Became a technical 22 analyst I believe it was in the 1968 area. 23 Became a supervisor of product liaison about 24 1970, '71. I became the product liaison manager 25 in '72, '73, somewhere around there. Held that

57 1 position until I became the manager product 2 liaison which the group was elevated to a 3 department level position some time in the 4 eighties I believe it was. And then the general 5 manager's title was about seven years ago. 6 Q. Okay. And it's true that -- 7 Well, strike that. 8 How old a man are you? 9 A. I'm sixty-six. 10 Q. Do you intend to retire soon? 11 A. I have no retirement plans at the 12 present time. 13 Q. Do you have a pension program 14 that's been funded by Volkswagen? 15 A. Yes. 16 Q. I assume you're fully vested after 17 forty-four years? 18 A. Yes. 19 Q. I would hope so. 20 Now, sir, you've been in 21 Volkswagen's product liaison group since it 22 sounds like 1970 or 1971, is that right? 23 A. Yes. 24 Q. Okay. 25 And that product liaison group is	59 1 A. Yes, it was incorporated in New 2 Jersey in 1955. 3 Q. Okay. 4 And it is a wholly-owned 5 subsidiary of Volkswagen of Germany, correct? 6 A. That's correct. 7 Q. Okay. 8 And you under -- 9 A. At the present time we're talking 10 about? 11 Q. Sure. 12 A. Okay. 13 Q. And when it was founded that was 14 also true, correct? 15 A. It was true then, yes. There were 16 some changes in between, but that -- but it was 17 then and it is at the current time. 18 Q. Okay. 19 And Volkswagen of Germany you 20 understand was founded in 1937, correct? 21 A. I don't know exactly when 22 Volkswagen of Germany, whatever that entity is, 23 was founded. 24 Q. Okay. 25 In your forty-four years with
58 1 seventy-five -- seventy-five percent of its work 2 is devoted to litigation support, correct? 3 A. The total group's work is 4 probably, probably closer to sixty percent when 5 you include the various types of litigation and 6 other items that we do. 7 Q. Now -- 8 A. And just to qualify what I said, 9 we're talking today, we're using today's numbers, 10 correct? 11 Q. Well, sure. Over time has it been 12 different? 13 A. Yes. 14 Q. Okay. 15 How has it been different over 16 time? 17 A. Well, the group was much smaller 18 way back in the seventies, and then it evolved 19 that time frame in its work and assignments has 20 varied over the years. 21 Q. Okay. 22 Now, just to give the jury some 23 context of who your employer is Volkswagen Group 24 of America, that is a company that was founded in 25 America in 1955, correct?	60 1 Volkswagen of America you've never learned when 2 Volkswagen of Germany was started? 3 A. Oh, it was started in the 4 thirties, no question about that. 5 Q. Okay. 6 A. But you said it was founded in 7 1937. I don't know if that's correct. I don't 8 know what founding means in Germany. 9 Q. Okay. 10 I'm not going to translate it for 11 you. I don't think I'm qualified. 12 Now, Volkswagen, the term, means 13 car for the people, is that right? 14 A. Well, that's one of the ways 15 people interpret it. It's peoples' car or 16 something of that nature. 17 Q. Right. And the original 18 Volkswagen car was designed by Ferdinand Porsche, 19 correct? 20 A. He's generally attributed to be 21 the original designer of the car, yes. 22 Q. Okay. 23 A. The original Volkswagen. 24 Q. And that car that he designed 25 became what was properly known as the Beetle when

61 1 it was sold in the United States, correct? 2 A. Something similar to his design 3 was sold here -- 4 Q. Sure. 5 A. -- in the United States, yes. 6 Q. It was an evolution from the 7 original design? 8 A. Yes. 9 Q. And Volkswagen of America is an 10 importer and marketer of vehicles manufactured by 11 Volkswagen of Germany, correct? 12 A. It's the sole authorized importer 13 into the United States for Volkswagen and a 14 number of other automobile cars, parts and 15 accessories. 16 Q. Okay. 17 And obviously it sells Volkswagens 18 in the United States, correct? 19 A. That's correct. 20 Q. Also Audis and certain other 21 brands, correct? 22 A. Yes, there are a number of other 23 brands that it, that it imports and distributes 24 to dealerships. 25 Q. Okay.	63 1 COURT REPORTER: (Complies.) 2 (Whereupon, one-page document 3 entitled Volkswagen Group of America, not bearing 4 a Bates stamp, is received and marked as 5 Plaintiffs' Exhibit 3 for Identification.) 6 COURT REPORTER: Number 3. 7 8 BY MR. STUEMKE: 9 Q. You can show that to your lawyer 10 first. 11 A. (Complies.) 12 MR. WINTERMAN: Thank you. 13 MR. STUEMKE: Thanks. 14 15 BY MR. STUEMKE: 16 Q. Sir, you've been handed Exhibit 3. 17 I'll represent to you that I printed that off of 18 the Volkswagen website and the site address is 19 listed at the top of the page. 20 A. (Reviews.) 21 Q. Do you see that? 22 A. Yes, I see it. 23 Q. Okay. 24 And you see that this is a brief 25 statement of the legacy of Volkswagen of America,
62 1 Volkswagen also sells replacement 2 parts for the vehicles that it sells, correct? 3 A. That's correct. 4 Q. And it has since it was founded in 5 1955, correct? 6 A. That's correct. It sells 7 authorized parts, yes. 8 Q. Yes. 9 And you'd agree that within ten 10 years of its founding, Volkswagen of America had 11 more than nine hundred dealers across the United 12 States, correct? 13 A. I don't recall the exact number 14 that they had in 1965 when I joined the company. 15 I don't have any -- off the top of my head I just 16 don't recall. I've never gone back and checked 17 what the total number is. 18 Q. Sure. 19 A. Six hundred and something rings a 20 bell with me, but it may be nine hundred. If 21 you've got some documents that would reflect 22 that, then that's fine. 23 Q. Okay. 24 MR. STUEMKE: Let's mark this as 3 25 (indicating).	64 1 correct? 2 A. That's what it says. 3 Q. Okay. 4 And this document indicates that 5 within ten years of Volkswagen of America being 6 founded, that is by 1965, the company had more 7 than nine hundred dealers across the United 8 States, correct? 9 A. That's what it says, yes. 10 Q. And you have no reason to dispute 11 that, correct? 12 A. No, if it's a company publication 13 I would assume it's accurate. 14 Q. And just to back up a second, 15 you'd agree that before Volkswagen of America was 16 started in 1955, Volkswagen cars were already 17 being imported into the United States under other 18 gray market type means, correct? 19 A. Yes, the cars were coming here 20 from other means other than through authorized 21 channels, yes. 22 Q. Okay. 23 Do you know when it was that the 24 first Volkswagen was sold in the United States? 25 A. It's generally talked about being

65 1 1949,1950, the first one was imported. I don't 2 know whether that was specifically to be sold to 3 somebody, but over the years I've seen 4 information, I've even seen some old pictures a 5 long time ago of a Beetle being unloaded off a 6 ship, a picture of a couple of gentlemen watching 7 it being done saying this is the first car 8 imported, but when that car was sold, I don't 9 know. 10 Q. Okay. 11 And you'd agree that VWs in the 12 nineteen-fifties, nineteen-sixties, 13 nineteen-seventies time frame were especially 14 popular in California? 15 A. California was certainly one of 16 the major markets, yes. 17 Q. Yes. Okay. 18 And the primary car sold by 19 Volkswagen in the United States up until the 20 nineteen-seventies was what is commonly referred 21 to as the Beetle, correct? 22 A. That was the most popular model, 23 yes. 24 Q. Okay. 25 And it's true that in 1972 the	67 1 Let me read the thing if you don't 2 mind. 3 Thank you. 4 I'm sorry, which, which part did 5 you say, second page? 6 MR. STUEMKE: The first paragraph 7 under 1960 to 1980. 8 MR. WINTERMAN: Can you lay a 9 foundation as to what this is, Exhibit 4? 10 11 BY MR. STUEMKE: 12 Q. Well, sir, I'll represent to you 13 that I printed Exhibit 4 off of the Internet, off 14 of Volkswagen.com. The entire -- actually not 15 the entire address of this particular page is 16 available online because it was too long, but you 17 see that at the top of the page that this came 18 from Volkswagen.com? 19 A. Yes, I see that. 20 Q. Okay. 21 And if you turn to the second page 22 of the exhibit, sir, it is stated that on 23 February 17th, 1972 Volkswagen breaks the world 24 car production record with fifteen million seven 25 thousand thirty-four units assembled, the Beetle
66 1 Beetle became the most popular car in history, 2 correct? 3 A. That -- 4 MR. WINTERMAN: The question is 5 vague and ambiguous. 6 A. I don't recall quite frankly. It 7 received a number of awards over the years. 8 Again, if you have something that reflects that 9 from the company, then I wouldn't disagree with 10 it. 11 MR. STUEMKE: Let's mark this as 12 Exhibit 4. 13 COURT REPORTER: (Complies.) 14 (Whereupon, multi-page document 15 entitled Volkswagen Makes Automotive History, not 16 bearing Bates stamps, is received and marked as 17 Plaintiffs' Exhibit 4 for Identification.) 18 COURT REPORTER: Number 4. 19 THE WITNESS: Do I need to show it 20 to counsel? 21 MR. WINTERMAN: Yes. Thanks. 22 MR. STUEMKE: Craig, I only intend 23 to ask him about one paragraph on the second page 24 under the heading 1960 to 1980. 25 MR. WINTERMAN: Okay.	68 1 surpasses the legendary mark achieved by the Ford 2 Motor Company's Model T, popularly known as the 3 Tin Lizzy between 1908 and 1927. 4 A. (Reviews.) 5 Q. Do you see that? 6 A. Yes, I see that. 7 Q. And you certainly don't have any 8 reason to dispute that, do you? 9 A. No, but you're talking about the 10 United States. The fifteen million is the 11 worldwide -- 12 Q. Sure. 13 A. -- production, production numbers 14 for the company for the Beetle throughout the 15 whole world, not just the United States. 16 Q. Sure. 17 And my point was not to suggest 18 that Volkswagen of America had sold that many 19 Beetles here. Simply that it was a very popular 20 car, correct? 21 A. Yes, it was a very popular car. 22 Q. And you'd agree with respect to 23 Volkswagens actually sold in America, there were 24 at least several million that were sold in the 25 nineteen-sixties, correct?

69 1 A. I believe yes, I believe the total 2 if you added it altogether through the sixties 3 into the seventies was several million. 4 Q. Okay. 5 But in the nineteen-sixties itself 6 you'd agree that it was several million just 7 within that decade, correct? 8 A. Yes, depending on what you mean by 9 several million. What is several million? Two 10 million? Five million? Seven million? What is 11 several million? 12 Q. Well, can you, can you provide the 13 jury a more exact number other than several 14 million of how many million Volkswagens were sold 15 in the nineteen-sixties in America? 16 A. Not sitting here today, no, I 17 can't. 18 Q. Okay. 19 And you'd also agree that there 20 were several million Volkswagens sold in America 21 in the nineteen-seventies, correct? 22 A. Nineteen-seventies there probably 23 were. It started to slow up in the, I'm trying 24 to think, 1969, '70. The market slowed up and we 25 had a fuel crisis in the early seventies and	71 1 service people in special Volkswagen courses, 2 correct? 3 A. I don't know that the contract 4 lays that out, but it requires that Volkswagen of 5 America provide service for the products that it 6 is selling in the market which would include 7 training for them for the mechanics at its 8 dealerships, sure. 9 Q. Okay. 10 And Volkswagen does put on 11 training schools for various systems of 12 Volkswagen vehicles, correct? 13 Or strike that. 14 Let me reword the question. 15 Volkswagen does put on training 16 schools that relate specifically to various 17 systems of Volkswagen vehicles, correct? 18 A. Yes, they have, they have training 19 for certain components, and then they have 20 overall training for certain I should say 21 maintenances and repairs that should be done to 22 the cars. 23 Q. Right. 24 A. And they have very specified 25 training for certain new systems as they come out
70 1 sales dropped off drastically in that particular 2 area, but again, without looking at, at, you 3 know, figures that may be out there someplace, I 4 would have to say, yeah, maybe a couple million 5 more in the seventies. 6 Q. Okay. 7 So is it a couple million? Is it 8 a maximum of two? I mean I'm just trying to 9 figure out what we're talking about here. 10 A. Sitting here today I can't give 11 you exact sales figures. 12 Q. Okay. 13 A. I don't want to be inaccurate in 14 what I say to the jury. It was certainly several 15 million in the sixties and several million more 16 through the seventies. 17 Q. Very good. 18 You can set that aside, sir. I 19 don't have any further questions about the 20 document. 21 A. (Complies.) 22 Q. Okay. 23 And we talked about this a bit 24 earlier, but Volkswagen of America's contract 25 with Volkswagen of Germany requires it to train	72 1 on the market. 2 Q. Okay. 3 And they have training schools 4 that are dedicated to engines, transmissions, 5 brakes, body repair, carburation, fuel systems, 6 things of that nature, correct? 7 A. Yes, they do. 8 Q. Okay. 9 And these schools can take 10 anywhere from two days to two weeks depending on 11 the subject, correct? 12 A. The schools could take anywhere 13 from one day to about five days. I don't off the 14 top of my head recall any schools that went on 15 for two weeks unless you were stringing a whole 16 bunch of schools together. 17 Q. Okay. 18 And, sir, we didn't discuss this 19 before, but you've given depositions on behalf of 20 Volkswagen many, many times before, before today, 21 correct? 22 A. I've given many depositions over 23 the years, yes. 24 Q. Okay. 25 And I assume and I know your

73 1 counsel would have objected otherwise, but I 2 assume I can dispense with giving you the usual 3 instructions about what a deposition is and the 4 fact that you're under oath and things of that 5 nature, correct? 6 A. I believe the basics I understand 7 unless you have some special rules and 8 regulations that you operate under in California. 9 Q. But you've always understood that 10 when giving deposition testimony you're under 11 oath to tell the truth, correct? 12 A. Absolutely. 13 Q. Okay. 14 A. No question about that. 15 Q. And I'm not suggesting otherwise. 16 I'm just laying the foundation, sir. 17 Do you recall giving testimony in 18 a case entitled Prior in 2001? 19 A. I believe that's a California 20 case. 21 Q. Yes, sir. 22 A. I don't -- I know I testified at a 23 trial. I don't know if I gave deposition 24 testimony or not in that case. 25 Q. Okay.	75 1 Q. I'll withdraw that. 2 MR. WINTERMAN: I want that on the 3 record. I'm sending it to him. Counsel, whenever 4 you find an appropriate spot to -- 5 MR. STUEMKE: Yeah, we've been 6 going an hour. Let's take a break. 7 MR. WINTERMAN: Thank you. 8 THE VIDEOGRAPHER: We are going off 9 the record. 10 The time is approximately 11:02. 11 This is the end of Videotape Number 12 1 in the deposition of Robert Cameron. 13 (Whereupon, a short recess is 14 taken.) 15 THE VIDEOGRAPHER: Stand by, 16 please. 17 We are now back on the record. 18 The time is approximately 11:14 19 a.m. 20 This is the beginning of Videotape 21 Number 2 in the deposition of Mr. Robert Cameron, 22 Jr. 23 You may now proceed. 24 25 BY MR. STUEMKE:
74 1 Well, let me ask you how many 2 times have you testified at trial for Volkswagen 3 in a case relating to asbestos exposure? 4 A. To asbestos exposure? 5 Q. Yes, sir. 6 A. At trial? 7 Q. Yes, sir. 8 A. Just twice. 9 Q. Okay. 10 And one of those I take it was the 11 Prior case? 12 A. Yes. 13 Q. Okay. And what was the other 14 case? 15 A. I believe it was Reyes, R-e-y-e-s. 16 Q. Okay. And where was that trial 17 held? 18 A. San Francisco I believe. 19 Q. Okay. 20 And do you recall the name of the 21 Plaintiffs lawyer that cross-examined you? 22 A. No, I don't. 23 Q. Okay. Didn't make much of an 24 impression? 25 A. I'm sorry?	76 1 Q. Before the break, Mr. Cameron, we 2 were talking about the training schools that 3 Volkswagen has put on for mechanics. 4 It's my understanding from some of 5 your earlier testimony that you believe only 6 Volkswagen service or dealer employees were 7 permitted to attend those classes, is that right? 8 A. Volkswagen employees or dealer 9 employees, yes. 10 Q. Why do you believe that? 11 A. Well, the training schools were 12 for the mechanics employed by authorized 13 Volkswagen dealers. That was the whole concept 14 that they were set up for. I attended a number 15 of them when I first joined the company and over 16 the years and that's who was at the training 17 sessions. 18 Q. How many different training 19 schools in terms of where they were located were 20 there? 21 A. Well, it depends on what point in 22 time. There was -- way back at the beginning 23 each distributor of which there were fourteen 24 independent distributors around the United 25 States, each distributor had a training facility.

77 1 Right now there are less training facilities than 2 fourteen but I don't know what the exact number 3 is today. 4 Q. Okay. 5 And do you know if any of those 6 training facilities were ever located in 7 California? 8 A. Yes, they were. 9 Q. How many? 10 A. Well, there would have been two in 11 California. 12 Q. Where were they? 13 A. Well, back at the beginning it 14 would have been one in the Los Angeles area and 15 one in the San Francisco area where we had two 16 separate distributors covering parts of 17 California at that time. 18 Q. Okay. 19 And what were the names of those 20 distributors? 21 A. Well, the names changed. The 22 Los Angeles distributor was Volkswagen Pacific or 23 Volkswagen of Culver City or something like that, 24 but it was Volkswagen Pacific the last time I 25 remember and the distributor for San Francisco	79 1 question. 2 (Direction not to answer the 3 question.) 4 MR. WINTERMAN: Counsel, his own 5 personal knowledge is not what he's here to 6 testify to. He's here to testify as to the person 7 most knowledgeable, the person most qualified on 8 behalf of the company. 9 MR. STUEMKE: Sure. 10 I'm just testing the basis for his 11 belief. 12 MR. WINTERMAN: Well -- 13 14 BY MR. STUEMKE: 15 Q. You can answer. 16 MR. WINTERMAN: -- he can answer as 17 to what he knows the company information is. 18 A. Well, I know the training 19 facilities were required to be held by the 20 regional distributors, and Volkswagen of America 21 had trainers who would train the trainers 22 basically. 23 Q. Uh-huh. 24 A. Volkswagen of America's people 25 would go there and train the trainers at the
78 1 was originally a company called Reynold C. 2 Johnson. 3 Q. Okay. 4 And backing up for a second, where 5 do you office? 6 A. I'm sorry? 7 Q. Where do you office? 8 A. Where do I -- where is my office? 9 Q. Yes. 10 A. My office is in New Jersey. 11 Q. Okay. 12 Have you always worked in New 13 Jersey when you've been employed by Volkswagen? 14 A. Yes. 15 Q. Okay. 16 Did you attend the, any training 17 sessions at the Los Angeles or San Francisco 18 training facilities? 19 A. No. 20 Q. Okay. 21 Do you know from your own personal 22 knowledge whether those distributors that ran 23 those training facilities limited the people that 24 could attend the training? 25 MR. WINTERMAN: Don't answer the	80 1 regional or at the independent distributors' 2 offices, and then over the years those offices 3 and distributorships were purchased back from 4 the, from the owners or the deceased owners' 5 families and were turned into Volkswagen of 6 America offices and continued to operate as 7 distributors for a number of years. 8 Q. Okay. 9 Let's break that down a little bit 10 because you said a lot and I want to make sure 11 that the jury is, is clear on this. 12 We talked earlier about how by 13 1965 there are more than nine hundred Volkswagen 14 dealerships in the United States. 15 Do you recall that? 16 A. Yes, that's what it said on the 17 website. 18 Q. And you said that there were 19 fourteen independent distributors within the 20 United States for Volkswagen products, is that 21 correct? 22 A. At a certain given time, yes. 23 Q. Okay. 24 And at what -- 25 A. That was the maximum there were.

81 1 Q. And when was that maximum 2 achieved? 3 A. It would be in the early sixties. 4 Q. Okay. 5 And then over time -- as I 6 understand what you just testified to, over time 7 Volkswagen of America purchased those independent 8 distributorships, correct? 9 A. Yes, the distributorships are 10 either rented back or they were purchased from 11 the families or the deceased owners of the 12 distributorships and then were combined, the 13 areas were combined over the years and the number 14 became less than fourteen. 15 Q. Okay. And are there any left 16 today? 17 A. Independent distributors? 18 Q. Yes, sir. 19 A. No. 20 Q. When was the last one repurchased 21 by Volkswagen of America? 22 A. I believe it was about in the 23 early nineties maybe, '93, '94. 24 Q. Okay. 25 A. '92, somewhere around there.	83 1 during the warranty period, correct? 2 A. It's possible that they could do 3 that if the repair shop or they had access to 4 parts and -- 5 Q. Sure. 6 A. -- special tools and procedures, 7 yes. 8 Q. Sure. 9 And did dealers that sent 10 mechanics to these training facilities run by 11 independent distributors have to pay for those 12 mechanics to get training? 13 A. They paid the mechanics for their 14 time at the facility, but my recollection is they 15 did not pay for the course itself. The course 16 was provided by the distributorship. 17 Q. Okay. 18 And do you know whether either of 19 the two distributorships in California ever 20 offered Volkswagen training courses to mechanics 21 not employed by Volkswagen dealers? 22 A. I have never heard of any of the 23 distributorships throughout the United States 24 that were working under our system providing 25 training to outside people for the regular
82 1 Q. Now, these training facilities 2 you've talked about were actually run by the 3 independent distributors, correct? 4 A. Yes, that was part of their 5 contract with us, that they had to provide 6 training to the dealers who they had authorized 7 to sell Volkswagen parts and accessories within 8 their distributorship areas. 9 Q. And Volkswagen knew that 10 consumers, people that actually purchased 11 Volkswagen vehicles would oftentimes do work on 12 them themselves, correct? 13 A. Well, generally speaking you, you 14 knew that some customers would try to do some 15 repair work on their own, yes. 16 Q. Sure. 17 And certainly Volkswagen knew and 18 understood that not all customers would take 19 their vehicle for service to authorized 20 Volkswagen service centers, correct? 21 A. Once it was out of warranty that 22 would be something that a customer could do, yes. 23 Q. Right. 24 And if it wasn't a warranty 25 repair, that's something they might even do	84 1 Volkswagen training courses. 2 Q. Okay. Who have you asked about 3 that? 4 A. I haven't asked anybody about it. 5 Q. Okay. 6 A. It's just my familiarization with 7 the company over the years. It's a very -- it 8 was a very tightly held organization back at that 9 time, and they wanted to ensure that it was -- 10 the mechanics were properly trained because the 11 Volkswagen was different than other cars, 12 required special tools and special procedures. 13 And any dealerships were very proud of their 14 mechanics that they had attended the training and 15 they kept -- they got certificates for each 16 course, and they would very often have them on 17 the dealership walls at the service counters so 18 that they could advertise that their people were 19 properly trained. 20 Q. Okay. 21 MR. STUEMKE: I'm going to object 22 as non-responsive. 23 Q. Sir, the training schools run by 24 the independent distributors, those were not 25 supervised by the product liaison group of

85 1 Volkswagen, were they? 2 A. By the product liaison group, no. 3 Q. Okay. 4 And that's the group that you have 5 been in since 1970 or 1971? 6 A. That's correct. 7 Q. Okay. 8 And you haven't reviewed any 9 documents that would tell you what policies the 10 Volkswagen training schools run by the two 11 California distributorships had relating to 12 whether non-Volkswagen dealer employees were 13 permitted to attend, have you? 14 A. I have not seen anything like 15 that, no. 16 Q. Okay. 17 And you yourself have attended the 18 Volkswagen training schools for many of the 19 different car systems, correct? 20 A. Yes. 21 Q. Okay. 22 Which training schools did you 23 attend? 24 A. You mean the location of the 25 schools?	87 1 they were employed? 2 A. Some of them had shirts on with 3 dealership names on them, but I quite frankly 4 didn't pay any attention to them. 5 Q. Right. 6 So you don't know whether each and 7 every person taking that course was, in fact, 8 employed by a VW dealer or if they may have been 9 employed by other people, correct? 10 A. That's correct. They could have 11 been company employees too. 12 Q. Okay. 13 And as far as you know they could 14 have been from outside the company, correct? 15 A. Well, I would doubt that they were 16 from outside the company because my understanding 17 even today is that outside, outside personnel are 18 not allowed to participate in the training 19 procedures that go on. 20 Q. Okay. 21 What document is there that 22 reflects that, sir? 23 A. I don't know of any document that 24 reflects that. 25 Q. Well, you say they're not allowed.
86 1 Q. Yes, sir. 2 A. They were located in Orangeburg, 3 New York at the local area distributor which was 4 worldwide Volkswagen corporation. 5 Q. Okay. 6 And have you ever been to either 7 of the training schools in California? 8 A. I have been to the one in 9 Los Angeles, yes. 10 Q. Okay. 11 And was there training being 12 conducted at the time you were there? 13 A. Yes. 14 Q. Okay. 15 And did you -- how many people 16 were there being trained? 17 A. The classroom I was in I believe 18 had about seven, seven people plus an instructor. 19 Q. Okay. 20 And did you ask each of those 21 seven people by whom they were employed? 22 A. No. 23 Q. Okay. 24 Did each of those seven people 25 wear clothing or anything else indicating by whom	88 1 It sounds like you're referring to some rule. Is 2 there a rule that only Volkswagen dealership 3 employees are permitted to attend training 4 schools? 5 A. Well, again, first of all, you 6 have to make an appointment to go to the school. 7 Our engineers even today within my group attend 8 these schools on a regular basis, and we have to 9 call up and make an appointment to get our people 10 into the training facility and we get an 11 exception because we don't have a running -- 12 nowadays they keep track of it all by computer 13 who the mechanic is and what schools he's been to 14 and we get an exception for that because our 15 people are not regular mechanics. 16 So, therefore, they need an 17 exception and they don't get all of the training 18 records put in their system, but it's designed 19 for employees of dealerships who need training. 20 They're referred to the training by the area 21 representative who is one of our employees now 22 and he tracks who is coming in and which 23 mechanics should or do need training and he 24 actually goes over that every month with the 25 dealership when he's at the dealership.

89 1 Q. When were the independent 2 distributorships in California acquired by 3 Volkswagen of America? When were they purchased 4 back? 5 A. I couldn't tell you exactly. I 6 would say in the seventies. 7 Q. Okay. 8 A. My recollection it was Competition 9 Motors originally. Then it became Volkswagen 10 Pacific and then some time after that we 11 purchased it and the Reynold C. Johnson one I 12 believe was also in the seventies some time. 13 Q. Okay. 14 And prior to whatever time it was 15 that Volkswagen acquired these independent 16 distributorships, it was the independent 17 distributorships themselves that were running the 18 training schools in California, correct? 19 A. Yes, but they were running them in 20 conjunction with the requirements of the training 21 courses and the training that their trainers got 22 and the documents and the materials that were 23 supplied through Volkswagen of America. 24 Q. Okay. 25 Can you identify for me a	91 1 Q. Well, I'm just asking you did he 2 read you the part where Mr. Boman testified that 3 he attended a program, class or seminar put on by 4 Volkswagen? 5 A. As I recall, he read a sentence 6 where Mr. Boman said he had attended classes or 7 seminars, as he called them, put on by a couple 8 of different manufacturers, and I think 9 Volkswagen was one of the names that he 10 mentioned. I don't think he said he attended 11 Volkswagen schools specifically, but again, if 12 you've got the testimony there, let's read it and 13 we can get it accurately done. 14 Q. Okay. 15 I'm just asking you yes or no did 16 he read that part to you? It sounds like the 17 answer is yes, correct? 18 MR. WINTERMAN: Well, he doesn't -- 19 Counsel, the problem is he doesn't know what 20 you're specifically referring to. 21 He can tell you and he already has 22 told you that we looked at the pages that were 23 referred to in your notice of taking deposition. 24 That's what was discussed with the witness. 25 Q. Did Volkswagen training schools
90 1 requirement imposed by Volkswagen of America that 2 nobody other than Volkswagen dealership employees 3 or Volkswagen employees were permitted to attend 4 the training? 5 A. No, I can't. 6 Q. And you've not reviewed the 7 deposition testimony given by Mr. Boman in this 8 case, have you? 9 A. Well, we did review verbally the 10 documents that were referred to in the one area 11 of inquiry if you gave some page numbers, and I 12 know counsel read that information. You know, we 13 discussed it. I personally did not look at it 14 and read it myself. I relied on counsel to read 15 it accurately. 16 Q. Okay. 17 Did you read the part of 18 Mr. Boman's testimony where he indicated that he 19 attended a program class or seminar put on by 20 Volkswagen? 21 A. Yes, I, I -- that was -- 22 Volkswagen I believe was one of the brands that 23 was mentioned in that sentence. Do you have the 24 sentence or do you have the testimony there? We 25 could read it and accurately see what it says.	92 1 give certificates to the people that attended 2 them? 3 A. The training centers would issue a 4 certificate to the dealership and to the, excuse 5 me, to the mechanic for his attendance at any 6 training session that he attended so that he 7 could show that he had been there. 8 Q. Okay. 9 And did you -- where you read the 10 portion of Mr. Boman's testimony where he 11 indicated that he had been certified as an 12 automotive brake mechanic by a number of 13 companies including Volkswagen? 14 A. There was testimony read by 15 counsel from the transcripts which were the pages 16 listed in Number 4 in the Notice of Deposition, 17 Pages 1287 colon 16 through 1289 colon 12 where 18 he said something about being certified to 19 perform brake repairs. 20 Q. Okay. 21 And so that's consistent with the 22 practice of the Volkswagen training schools 23 giving certificates to those people that had 24 attended the course, correct? 25 A. No, that's a totally different

93 1 subject. 2 Q. How so? 3 A. Well, we don't certify people to 4 do anything. We train them and then give them a 5 certificate that says they have attended the 6 training. That doesn't certify them to do 7 anything. 8 Q. Okay. 9 A. It just simply says they have 10 attended the training and passed it. 11 Q. Okay. 12 Now, to a layperson receiving a 13 certificate could reasonably be interpreted as 14 being certified, correct? 15 MR. WINTERMAN: Calls for 16 speculation, conjecture and lacks foundation. 17 There is no way he knows. 18 A. Well, generally speaking in the 19 automobile industry when you are certified by 20 somebody, that's an official course that you've 21 gone through. Like right now you can be 22 certified in a number of areas according to the 23 NASAA or whatever there is, there is ASE 24 certifications that you can get and actually 25 pass. You take a test and you pass it and you	95 1 Firestone school and were certified mechanics to 2 work at Firestone in the brake area or whatever 3 it was they were doing. 4 Q. Okay. You don't have any -- 5 Strike that. 6 Volkswagen of America does not 7 have any document that would indicate that 8 Mr. Boman was prohibited from attending a 9 training course held by Volkswagen relating to 10 brakes, correct? 11 A. No, if Mr. Boman worked for an 12 authorized Volkswagen dealer he could attend 13 whatever courses are being offered by a 14 Volkswagen training facility as long as his 15 employer was willing to pay for him to be there. 16 MR. STUEMKE: Objection. 17 Non-responsive. 18 19 BY MR. STUEMKE: 20 Q. Sir, does Volkswagen of America 21 have a document indicating that Mr. Boman would 22 not have been permitted to attend a Volkswagen 23 training course relating to brakes? 24 A. I think I already answered that 25 question. Mr. Boman was an employee of an
94 1 are an approved technician for that particular 2 operation. That's a little bit different than 3 attending a Volkswagen service school and getting 4 a certificate to put on the wall of your 5 dealership saying you've attended that particular 6 service school. 7 Q. Okay. 8 But in either case you're getting 9 a certificate, correct? 10 A. Well, you would get a 11 certification -- you would get a certificate that 12 says you attended that, yes, but there are 13 certain companies that give courses, and you can 14 be a certified mechanic in a certain aspect of 15 repair of a particular item put on by a company 16 representative for particular parts or 17 carburetors or fuel injection systems or whatever 18 it is, brake systems. 19 The companies will give courses, 20 and you can become a certified brake mechanic for 21 Bendix brakes or something like that. It may not 22 be Bendix, but some of those companies used to 23 hold training courses and they would give out 24 certificates so that if you wanted to open a 25 Firestone repair store, your people went to the	96 1 authorized Volkswagen dealer. He would be 2 permitted to train, to attend any training that 3 was put on by Volkswagen as long as his employer 4 approved of it and was willing to allow him to 5 come to that training. That's, that's, that's 6 what we would have. 7 Q. Okay. 8 So Volkswagen does not have any 9 reason to believe that Mr. Boman did not attend a 10 training course relating to brakes held by 11 Volkswagen as he testified, correct? 12 MR. WINTERMAN: Misstates, 13 mischaracterizes the witness' testimony. 14 A. That's not correct. 15 Q. What information, what -- 16 Strike that. 17 What document exists that 18 Volkswagen of America can show this jury to 19 support your testimony that Mr. Boman would not 20 have been allowed to attend a Volkswagen training 21 course for brakes? 22 A. Oh, I'm sorry. 23 MR. WINTERMAN: Excuse me. This, 24 Counsel, with all due respect, I think you're 25 killing a dead horse here. I mean you've been

97 1 over this and over this and over this and his 2 answers aren't going to change. It's pretty clear 3 what the position is so I mean I'm not going to 4 instruct him not to answer as of yet, but all of 5 this has been asked and answered now. 6 A. I have no record that Mr. Boman 7 was ever an employee of an authorized Volkswagen 8 dealership. As such, he would not be able to 9 attend any authorized Volkswagen dealer training. 10 Q. But you -- 11 A. I don't have any records that show 12 that he tried to apply and was rejected because 13 he was not an employee of an authorized 14 Volkswagen dealer. He himself would not apply. 15 The application procedure is that the area 16 representative for the dealership reviews the 17 dealership's training records when he's there on 18 his monthly or bi-weekly visit and he makes the 19 appointments for the mechanics with the dealer's 20 approval to attend the training sessions. 21 Now, if Mr. Boman -- if you -- are 22 you telling me Mr. Boman was employed by an 23 authorized Volkswagen dealership some time during 24 his work career? 25 Q. Okay.	99 1 A. There are no records to look at. 2 Q. Okay. 3 A. What I said was I have no 4 information. I have no record anywhere that 5 Mr. Boman was an employee of an authorized 6 Volkswagen dealer. 7 Q. Okay. 8 And you also -- 9 A. Was he an authorized or employee 10 any time during his work career? 11 Q. Mr. Cameron, you understand I'm 12 asking the questions here today. This isn't -- 13 this isn't Volkswagen's time to learn information 14 from my client. They've already had their chance 15 to do that. 16 A. No, I understand that, sir. 17 Q. Do you understand that? All 18 right? 19 A. But if he was working for a 20 dealership that may still be in existence that 21 was in existence back in the sixties and the 22 seventies and you can point me to that dealership 23 where he worked, then maybe the dealership has 24 some employees. I have no idea. I can't ask 25 every dealership in the United States that
98 1 Now, it sounds like you've 2 actually looked through the records of the 3 training schools in California to see that, have 4 you? 5 A. No, there are no records going 6 back -- 7 Q. Okay. 8 A. -- to the sixties and the 9 seventies -- 10 Q. Okay. 11 A. -- from those repair facilities, 12 but what I said was that the training is still 13 conducted in the same manner basically under the 14 same rules and regulations that we had back then. 15 It's just been improved to include the newer 16 types of systems and materials. 17 Q. Okay. 18 A. And it's still done the same way. 19 Q. But when you told this jury a 20 minute ago, I don't have any records that show 21 that he tried to apply and was rejected because 22 he was not an employee of an authorized dealer, 23 you're not meaning to suggest that you have 24 records that you could even look at for that, are 25 you?	100 1 Mr. Boman ever worked for them back in the 2 sixties and the seventies. 3 Q. Okay. 4 MR. STUEMKE: I'm going to object 5 as non-responsive. 6 Q. So just to kind of sum up, let me 7 see if I understand your testimony: Volkswagen 8 does not have any records of the training schools 9 conducted by the independent distributorships in 10 California in the nineteen-sixties and 11 nineteen-seventies, correct? 12 A. That's correct. 13 Q. Okay. 14 At the time independent 15 distributorships were running those training 16 courses, Volkswagen did not own those 17 distributorships, correct? 18 A. At the time the independent 19 distributor was running a Volkswagen did not own 20 it, it would not be an independent distributor if 21 Volkswagen owned it. 22 Q. And that's my point. It wasn't a 23 Volkswagen owned company that was running those 24 training schools in the nineteen-sixties and 25 nineteen-seventies, correct?

101 1 MR. WINTERMAN: That misstates and 2 mischaracterizes the testimony. Depends on what 3 point in time. 4 MR. STUEMKE: Okay. 5 6 BY MR. STUEMKE: 7 Q. It was not a Volkswagen owned 8 company that ran the training schools in the 9 nineteen-sixties and the nineteen-seventies up 10 until the point in time when Volkswagen acquired 11 those independent distributorships, whenever that 12 was, correct? 13 A. When they were independent 14 distributors they were run by the people that 15 owned the independent distributors and not by 16 Volkswagen, but they operated under the 17 Volkswagen rules and regulations for operating a 18 distributorship. It was a contractual 19 relationship. 20 Q. Okay. 21 And you can't identify any rule or 22 regulation that indicates that only Volkswagen 23 dealership mechanics or Volkswagen company 24 employees were permitted to attend those training 25 schools, can you?	103 1 its beginning in 1955 to the late 2 nineteen-eighties contained asbestos, correct? 3 A. To the when, sir? 4 Q. Late nineteen-eighties. 5 A. That's not correct. 6 Q. Do you recall giving testimony in 7 a case named Gaskill? 8 A. I recall testifying at Gaskill. I 9 think I had one or two depositions or deposition 10 sessions at Gaskill. 11 Q. I point you to, sir, Page 47 of 12 the transcript of your deposition given in the 13 Gaskill case dated July 14th, 2008 here at this 14 same office in New York. Page 47, Line 2 through 15 Line 10. 16 MR. WINTERMAN: Okay. 17 Q. And you can read along with me, 18 sir. 19 Do you see that beginning at Line 20 2 on Page 47 you're asked: So from 1955 until 21 some time in the late nineteen-eighties all of 22 the cars sold by Volkswagen contained asbestos? 23 There is an objection. 24 You ask: Again, we're talking 25 about Volkswagen of America?
102 1 A. I can't show that particular piece 2 of paper, no. 3 Q. Okay. 4 And so you're not in a position to 5 tell this jury that Mr. Boman was either lying or 6 otherwise incorrect when he testified to having 7 attended a brake school put on by Volkswagen, 8 correct? 9 A. No, I can only tell the jury that 10 Volkswagen would not allow anyone to attend its 11 training sessions unless they were an employee of 12 an authorized Volkswagen dealer. That's the way 13 the system was set up. 14 Q. Okay. 15 And, again, there is no documents 16 that reflect that, correct? 17 MR. WINTERMAN: That's asked and 18 answered. 19 Let's move on, Counsel. 20 Q. You can answer the question. 21 A. There is no document that reflects 22 that, that's correct. 23 Q. Okay. 24 Now, sir, it's true that every 25 single car that Volkswagen of America sold from	104 1 Yes, sir. 2 Question, so the answer is yes? 3 And you answer: Yes. 4 A. (Reviews.) 5 Q. Do you see that? 6 MR. WINTERMAN: That's an, that is 7 an incorrect statement or characterization of the 8 transcript and so let's -- why don't you correctly 9 identify what he says. 10 MR. STUEMKE: I did. 11 MR. WINTERMAN: He says -- 12 MR. STUEMKE: I just read it. 13 MR. WINTERMAN: That is incorrect, 14 Counsel. 15 It says, quote: In that area, yes, 16 sir, depending on the model line. 17 Area of time, sir, not, not, not 18 direct as you have tried to mislead this jury to 19 believe. 20 MR. STUEMKE: That's offensive. 21 I'm reading verbatim from the transcript. 22 MR. WINTERMAN: Well, then -- 23 MR. STUEMKE: I don't know what 24 you're looking at. 25 MR. WINTERMAN: Then you ought to

105 1 read, read the whole thing then. 2 MR. STUEMKE: Are you serious? 3 MR. WINTERMAN: I'm dead serious. 4 You're misleading this jury. 5 MR. STUEMKE: That -- wow. 6 MR. WINTERMAN: Or attempting to. 7 MR. STUEMKE: Wow. All right. 8 Well, let's read the entire page then starting 9 with the question on Line 2. 10 11 BY MR. STUEMKE: 12 Q. So from 1955 until some time in 13 the late nineteen-eighties all of the cars sold 14 by Volkswagen contained asbestos. 15 There is an objection. 16 And your answer is: Again, we're 17 talking about Volkswagen of America? 18 Yes, sir. 19 Did I read that portion correctly, 20 Mr. Cameron? 21 A. Yes, sir, that's what it says. 22 Q. Okay. 23 And beginning at Line 9 the 24 question is asked so the answer is yes, and what 25 is your answer on Line 10, sir?	107 1 A. At the same time. 2 Q. Okay. 3 Then it says: So from 1955 all 4 the way through late nineteen-eighties. 5 And what's your answer? 6 A. In that area, sir, yes, depending 7 on the model line. 8 Q. Okay. 9 And that question is relating to 10 the parts, correct, replacement parts? 11 A. Yes, for the cars from 1955 into 12 the late eighties. 13 Q. Okay. 14 MR. WINTERMAN: I'm going to move 15 to strike this whole line of questioning as 16 improper use of the deposition. It's not 17 impeachment. 18 MR. STUEMKE: Okay. 19 20 BY MR. STUEMKE: 21 Q. Give that back. 22 A. (Complies.) 23 Q. So, sir, is it true or not true 24 that from 1955 until some time in the late 25 nineteen-eighties all of the cars sold by
106 1 A. Yes. 2 Q. Okay. 3 And isn't that the same thing that 4 I just read a moment ago? 5 A. That's what you read, sir, but 6 you've got to read the rest of the comments and 7 the answers to the questions on Page 47 all the 8 way over to Page 49 to understand what cars 9 contained asbestos and which ones didn't in that 10 time frame that you're talking about. 11 Q. Okay. 12 MR. STUEMKE: I'll object as 13 non-responsive. 14 Q. The question is asked on Line 11: 15 Did you also sell asbestos-containing replacement 16 parts? 17 What's your answer, sir? 18 A. The parts for those cars would 19 have contained asbestos, yes. 20 Q. Okay. 21 And then the question is asked: 22 And during what period of time would the parts 23 for the cars that you sold have contained 24 asbestos? 25 What's your answer, sir?	108 1 Volkswagen contained asbestos? 2 A. It's not true. 3 Q. Okay. 4 And you recognize that you 5 testified that it was true just a year ago? 6 MR. WINTERMAN: Misstates, 7 mischaracterizes the testimony. 8 Argumentative. 9 A. I testified that some of the cars 10 had it in them until 1989 I believe it was, but 11 we started taking out -- if you continue to read 12 that transcript and go on one or two pages, it 13 talks about we started to take or received 14 vehicles from the manufacturers with non-asbestos 15 parts starting in the early eighties. 16 So that continued on so that all 17 product lines which you characterize, all 18 Volkswagens from 1950 through 1989 had asbestos 19 in them. That's not true. 20 Q. Okay. I didn't say 1989, did I? 21 A. In your original question I 22 believe you did. You said: But we tried to 23 characterize it into the late eighties, whatever 24 you would characterize the late eighties. 25 I'm telling you that in the early

109 1 eighties some of the product lines did not have 2 asbestos in them, and it was taken out over a 3 period of time so that by the end of the eighties 4 the cars were asbestos-free. 5 Q. Okay. 6 So you're telling this jury that 7 in the early nineteen-eighties Volkswagen was 8 able to produce vehicles that didn't contain a 9 single fiber of asbestos? 10 A. What I am saying was that in the 11 early eighties we started receiving vehicles from 12 the manufacturer which contained no asbestos in 13 the brakes or the clutches gaskets which is the 14 area that you're talking about here. 15 Q. Okay. 16 Did it have other asbestos 17 components? 18 A. I don't know if it did or not 19 right at the moment. 20 Q. Okay. 21 So from the early 22 nineteen-eighties when Volkswagen was first able 23 to produce cars that didn't contain asbestos 24 brakes and asbestos gaskets and asbestos 25 clutches, they continued to still sell other	111 1 that, sir. 2 Q. All right. 3 A. I don't have that date. 4 Q. Can you say that's the early 5 nineteen-eighties or no? 6 A. Well, in the early 7 nineteen-eighties they removed the asbestos from 8 the brakes and the clutch systems and they 9 started taking it out of gaskets is what I can 10 tell you. 11 Q. Okay. 12 And what documents exist to 13 support that belief, sir? 14 A. I don't have any documents. It's 15 from my personal knowledge. 16 Q. Okay. 17 So was there a car sold before 18 1985 by Volkswagen of America that did not 19 include either asbestos-containing gaskets, 20 clutches or brakes? 21 A. I believe the type 3, excuse me, 22 type 3 or Quantum or Passat, I forget what we 23 were calling them back then, was the first series 24 that came in and were represented to us as being 25 asbestos-free.
110 1 models that did have those asbestos components, 2 correct? 3 A. I have a problem. You said 4 Volkswagen. Volkswagen, we agreed when you use 5 the word Volkswagen, you're talking about 6 Volkswagen Group of America, is that correct? 7 Q. Okay. Fine. Let's re-ask the 8 question. 9 A. Volkswagen Group of America never 10 manufactured a car. 11 Q. Okay. 12 Volkswagen of Germany first 13 started delivering to Volkswagen of America cars 14 that didn't contain any asbestos components 15 you're telling us in early nineteen-eighties, 16 correct? 17 A. They started removing the asbestos 18 from the cars in the nineteen-eighties, in the 19 early nineteen-eighties, that's correct. 20 Q. Okay. 21 When was the first car -- when was 22 the first car that did not incorporate any 23 asbestos-containing components sold by Volkswagen 24 of America? 25 A. I couldn't give you a date for	112 1 Q. And when was that first sold by 2 Volkswagen of America? 3 A. Oh, in the early eighties, '82, 4 '83, somewhere around there. That's what we were 5 informed. 6 Q. Okay. 7 And were you informed in writing 8 or was this just a phone call or what? 9 A. I don't know how the message was, 10 came across but over the years when we discussed 11 this and answered interrogatories and there's 12 been testimony from factory witnesses that that's 13 the time frame. 14 Q. Okay. 15 What was the -- after the Passat 16 or whatever -- well, first off was it the Passat 17 that you're referring to that that was the first 18 car to be asbestos-free sold by Volkswagen? 19 A. Well, it was the Passat model 20 line. I don't recall exactly what we were 21 calling it back then. 22 Q. Okay. 23 What was the next model line that 24 Volkswagen sold that was asbestos-free? 25 A. I couldn't give you a model line.

113 1 The vehicles had the asbestos removed by the end 2 of the eighties. That's what we were informed. 3 Q. Okay. 4 Volkswagen of America sold 5 asbestos-containing replacement parts from its 6 beginning in 1955 until the late 7 nineteen-eighties, correct? 8 A. We sold asbestos-containing 9 replacement parts, there probably were some in 10 the system up through the late eighties, yes. 11 Q. Okay. 12 And those asbestos-containing 13 products sold by Volkswagen of America included 14 asbestos-containing brakes, correct? 15 A. Yes. 16 Q. And those brake linings contained 17 about thirty percent asbestos, correct? 18 A. My information is from one of the 19 engineers that it was a thirty percent mix, yes. 20 Q. Okay. 21 Now, within Volkswagen of America 22 what does the term material specification mean? 23 A. Well, material specification, I 24 think that's a, it's a document that's produced 25 by a supplier for, to label what the components	115 1 Q. Okay. 2 And so that would be Volkswagen of 3 America telling the manufacturer or supplier of 4 replacement linings what those replacement 5 linings should consist of, correct? 6 A. No, I don't believe we told them 7 what they should consist of. 8 In fact, sometimes the materials 9 that they were made out of might have been a 10 trade secret, so to speak, because they had their 11 own way of making the linings, but what we gave 12 them were performance specifications for what 13 performance the linings should do, and if they 14 submitted linings to us, I believe we passed the 15 linings on to Germany so that they could test 16 them to make sure that they met the Volkswagen 17 performance specifications. 18 Q. Okay. 19 Is it your testimony that 20 Volkswagen of America did not provide material 21 specifications for those replacement linings? 22 A. That's not what I said, sir. 23 Q. Did Volkswagen of America supply 24 material specifications for those replacement 25 linings?
114 1 are within the part that he's supplying. That's 2 my understanding. 3 Q. Okay. 4 And for the replacement products 5 that it sold, well, specifically for the 6 replacement brakes that Volkswagen of America 7 sold, it provided the specifications for 8 manufacture of those replacement linings, 9 correct? 10 A. I don't understand what you mean 11 by that question. 12 Q. Okay. 13 Did Volkswagen of America provide 14 the specifications for the manufacture of any of 15 the bonded brake linings which it purchased from 16 the European Parts Exchange? 17 A. I believe they passed on the 18 performance specifications from the manufacturer 19 of the vehicle which would have been Volkswagen 20 in Germany. 21 Q. Okay. 22 And material specifications as 23 well, correct? 24 A. If such existed I would assume 25 they passed them on, yes.	116 1 A. As I said, I don't know exactly 2 what we supplied to them. If we were given that 3 information from the manufacturer of the car, we 4 would have passed it on to the people who were 5 trying to sell us brake linings. 6 Q. Okay. Okay. 7 And are there any documents that 8 exist that relate to any of that? 9 A. No. 10 Q. Okay. 11 Why not? 12 A. Because our normal document 13 retention program is two years and that 14 information took place or that, those 15 transactions took place in the late seventies, 16 early eighties. 17 Q. And for how long has your document 18 retention policy just been two years? 19 A. Since some time back in the 20 eighties. 21 Q. What was it before that? 22 A. They didn't have one that you were 23 allowed to keep materials for whatever length of 24 time you thought it would be specific to keep it, 25 but then in the sixties, middle sixties they came

117 1 out with the Federal Motor Vehicle Safety 2 Standards which required us to keep documentation 3 in reference to safety items for a specific 4 amount of time. 5 There is IRS regulations for 6 financial regulations. So in the eighties they 7 solidified a records retention program, but 8 general correspondence and general materials are 9 kept for two years. 10 Q. Okay. 11 How long were safety related 12 documents required to be retained by the Federal 13 Motor Vehicle Safety Act? 14 A. I believe it was five years. 15 Q. And can you tell the jury when 16 Volkswagen of America last sold replacement brake 17 linings that contained asbestos? 18 A. I can't give you an exact date. 19 It would have been some time in the late 20 eighties, probably '87, '88. 21 Q. Okay. 22 The replacement products that 23 contained asbestos which Volkswagen sold also 24 included asbestos-containing clutches, correct? 25 A. Yes, that's correct.	119 1 sell vehicles that included asbestos-containing 2 insulation? 3 A. I don't know of any. 4 Q. Okay. 5 Now, the reason I ask, sir, is 6 that you've testified in a prior deposition that 7 certain cars incorporated asbestos-containing 8 insulation. 9 Do you recall that? 10 A. I recall talking about insulation 11 around the heater boxes in the vehicles, yes. 12 Q. Okay. 13 Did -- can you identify any 14 vehicles that contained asbestos insulation? 15 A. In the heater boxes? 16 Q. Anywhere in the car? 17 A. Well, I recall it being in the 18 heater boxes on some of the type 3s and some of 19 the vans. 20 Q. Okay. 21 So Volkswagen did sell vehicles 22 that had asbestos-containing insulation? 23 A. Within a confined -- I thought you 24 were talking about insulation like we're talking 25 about to insulate the roof of your house, you
118 1 Q. Okay. 2 And that was true from 1955 when 3 the company started until the late 4 nineteen-eighties, correct? 5 A. Until 1989. 6 Q. Okay. 7 And the replacement 8 asbestos-containing products sold by Volkswagen 9 also included asbestos-containing exhaust 10 manifold gaskets, correct? 11 A. Some of them did, that's correct. 12 Q. Okay. 13 And Volkswagen of America sold 14 asbestos-containing exhaust manifold gaskets from 15 1955 until the late nineteen-eighties, correct? 16 A. That's correct. 17 Q. Okay. 18 A. Some of the gaskets did. Not all 19 gaskets contained asbestos. 20 Q. All right. 21 Did any exhaust manifold gaskets 22 not contain asbestos prior to 1985? 23 A. I don't know. 24 Q. Okay. 25 Did Volkswagen of America ever	120 1 insulate the body of the car. I thought that's 2 what you're talking about. 3 Q. Okay. 4 But the answer to the question is 5 yes, Volkswagen did sell cars with 6 asbestos-containing insulation, correct? 7 A. Within the heater boxes, yes. 8 Q. And when you say within -- where 9 is the heater box? 10 A. It's attached to the engine, on 11 the air cooled engines. 12 COURT REPORTER: On the what? 13 THE WITNESS: On the air cooled 14 engines. 15 16 BY MR. STUEMKE: 17 Q. And what was the outside material 18 of the heater box? 19 A. Metal. 20 Q. Okay. 21 And what was the purpose of the 22 insulation in the heater box? 23 A. To insulate the heater box and 24 maintain the heat within the heater box. 25 Q. Okay.

121 1 A. It was the heater box that 2 transmitted heat to the car and, therefore, you 3 insulate it just like you do with your house to 4 keep the heat within the heater box. 5 Q. Okay. 6 And what type of asbestos was 7 included in that insulation? 8 A. I don't know. 9 Q. When did Volkswagen last sell 10 vehicles incorporating asbestos insulation in the 11 heater box or anywhere else? 12 A. That would have to be air cooled. 13 So that would -- that would have to be probably 14 maybe mid eighties, late eighties. 15 Q. Okay. 16 A. Somewhere in that area. 17 Q. Could the heater box be opened? 18 A. I'm sorry? 19 Q. Could the heater box be opened? 20 A. Could it be opened? No, it was a 21 crimped welded design. It was not something you 22 took apart. I mean if the heater box was not 23 functioning, you replaced the whole heater box. 24 Q. Okay. 25 And in replacing the heater box,	123 1 tools and the knowledge to do it, yes. 2 Q. Okay. 3 Including replacing exhaust 4 manifold gaskets, correct? 5 A. They could, yes. 6 Q. Okay. 7 And just in terms of how 8 frequently brakes would need to be replaced, on a 9 Volkswagen Beetle, about how much mileage would 10 you expect to get out of a set of brakes? 11 A. Front brakes fifteen to 12 twenty-five thousand miles. Rear brakes could be 13 assuming they weren't abusing them or running 14 with the hand brake on twenty to forty thousand. 15 Some people got more than that out of them. 16 Q. Okay. 17 Now, if somebody were using the 18 Beetle as a race car, that would cause heavier 19 usage of the brakes, correct? 20 MR. WINTERMAN: The question is 21 vague, ambiguous, uncertain and unintelligible. 22 A. If they were using the Beetle as a 23 race car I assume in most race cars that I had 24 association with you changed the brakes after 25 every race.
122 1 would, would the operator be able to see any of 2 this insulation that you're referring to? 3 A. The operator? You mean -- 4 Q. The person -- 5 A. -- the driver? 6 Q. The person replacing it. 7 A. Oh, you mean the mechanic 8 replacing the heater box? Should be able to see 9 it. It's inside the heater box. 10 Q. Okay. 11 And that's my question, is even as 12 it's being removed, is it, is it accessible? 13 A. No. 14 Q. Now, Volkswagen knew that certain 15 customers would change their own brakes on their 16 vehicles, correct? 17 A. Volkswagen America was aware that 18 customers did their own repairs, yes. 19 Q. Okay. Including repairing brakes, 20 correct? 21 A. They could, yes. 22 Q. Okay. 23 Including repairing clutches, 24 correct? 25 A. They could, yes, if they had the	124 1 Q. Okay. 2 And how frequently would clutches 3 on Volkswagens, say up to the late 4 nineteen-seventies, have to be replaced? 5 A. For the normal driver? 6 Q. Yes. 7 A. Should be able to get at least 8 sixty thousand miles out of them. Most of the 9 ones that I recall would be seventy-five, 10 eighty-five, ninety-five thousand miles before 11 you'd consider replacing it assuming, you know, 12 you're driving it correctly. 13 Q. Okay. 14 And if, if that Volkswagen was 15 being utilized as a race car, would, would the 16 clutches need to be replaced more frequently? 17 MR. WINTERMAN: The question is 18 vague, ambiguous, uncertain and unintelligible. 19 It calls for speculation and 20 conjecture. 21 COURT REPORTER: Certainly 22 unintelligible? Is that what you said? 23 MR. WINTERMAN: Uncertain and 24 unintelligible. It calls for speculation and 25 conjecture.

125 1 A. Again, race cars would normally 2 not use a standard clutch, at least in the 3 applications that I know about them. They use 4 something different including a whole different 5 clutch setup in there. 6 Because of the amount of clutch 7 activation and the forces that are being exerted 8 during the races, they use a different setup, but 9 generally speaking you -- again, to take the 10 engine in and out was not that difficult if you 11 had the correct tools, and the ones I was 12 associated with, they would be checking that. 13 They usually removed the engine anyway after 14 every race to check it, and then they would check 15 the clutch at the same time and if necessary 16 replace it. 17 18 BY MR. STUEMKE: 19 Q. Okay. 20 How frequently would exhaust 21 manifold gaskets need to be replaced on 22 Volkswagens? 23 A. Which exhaust manifold gaskets and 24 which Volkswagens are we talking about? 25 Q. Well, can you give us a range?	127 1 between the brake shoe and the brake drum and you 2 apply the brakes, because of the heat that's 3 generated during the braking operation, this 4 material can form like a glaze over the brake 5 shoe. 6 I mean you're driving through a 7 puddle and there is some oil in that puddle and 8 it gets onto the brakes and you apply the brakes 9 later on, you can get a glazing on the surface of 10 the brake lining itself. That's what I would 11 refer to it as a glaze, glaze brake. 12 Q. And you know that people have used 13 sand paper to take the glaze off of brakes, 14 correct? 15 A. I have heard of people doing that. 16 It is not an approved method of doing that. 17 Q. And you're aware that sanding 18 brakes will create visible dust? 19 MR. STUEMKE: On the phone, could 20 you please mute, could you please mute your 21 telephone so we don't have to hear your 22 conversation on the video? 23 Thank you. 24 Q. Let me ask the -- 25 A. I don't think they're paying
126 1 A. No. 2 Q. What is the least amount of 3 mileage that you'd expect to get out of an 4 exhaust manifold gasket, any exhaust manifold 5 gasket? 6 A. Well, that would be something 7 connected with the muffler. You should get a 8 couple of years out of a muffler. Depends on -- 9 you know, mileage is not the determining factor 10 normally with the muffler. 11 Q. Okay. 12 So exhaust manifold gaskets may 13 need to be replaced every couple of years? 14 A. Yes, with the muffler, they get 15 replaced at the time the muffler is replaced. 16 Q. Okay. 17 And you're aware that -- turn your 18 attention back to brakes, you're aware that 19 brakes can glaze, correct? 20 A. I am aware that there are, there 21 is such a thing as glazed brakes, yes. 22 Q. And just define what that is for 23 the jury, please. 24 A. Well, normally if you get some 25 kind of foreign matter into the brake drum area	128 1 attention and this is, this is louder than you in 2 my ear. 3 MR. WINTERMAN: Hang on. 4 Counsel, whoever has their phone 5 and is talking in the background, would you please 6 put it on mute? 7 (No response.) 8 MR. WINTERMAN: Counsel, Counsel, 9 would you please put your phone on mute? 10 (No response.) 11 MR. WINTERMAN: Hello. 12 (No response.) 13 MR. WINTERMAN: Counsel? 14 (No response.) 15 MR. WINTERMAN: Let's take a break 16 and figure out who he is. 17 THE VIDEOGRAPHER: We're going off 18 the record. 19 The time is approximately 12:04. 20 (Whereupon, a short recess is 21 taken.) 22 THE VIDEOGRAPHER: Stand by, 23 please. 24 We are now back on the record. 25 The time is approximately 12:23.

129 1 You may now proceed. 2 MR. STUEMKE: Okay. 3 4 BY MR. STUEMKE: 5 Q. Before our break, sir, we were, 6 Mr. Cameron, we were talking about sanding brakes 7 when they become glazed. 8 Do you recall that? 9 A. I think I had given you some 10 explanation as to what I knew as a glazed brake 11 line. 12 Q. Yes. 13 A. Or how it occurred. 14 Q. And you agree that when someone 15 sands a brake, that that will create visible 16 dust, correct? 17 A. Well, whatever they sand off 18 depends on how they sand it and what kind of 19 sanding they're doing, but certainly if they're 20 going to sand the glaze off, that would create 21 glaze dust or whatever was there. 22 Q. Sure. 23 And if they keep sanding it and 24 they actually sand off some of the brake 25 material, that too would create visible dust,	131 1 And blowing out brake drums 2 creates a cloud of dirt and dust that goes all 3 over everything. 4 Is that fair? 5 A. It could, yes. That's why you 6 don't do it. 7 MR. STUEMKE: Objection to the 8 non-responsive portion. 9 10 BY MR. STUEMKE: 11 Q. Now, Volkswagen of America never 12 told mechanics or anyone else not to use 13 compressed air to blow out drums, correct? 14 A. They never issued that kind of an 15 order, no. That's something a mechanic should 16 know in his normal mechanic training not to do. 17 Q. Okay. 18 What normal mechanic training 19 tells mechanics not to use compressed air to blow 20 out brake drums? 21 A. Well, again it creates a cloud of 22 dirt and dust around the vehicle that you're 23 working on and yourself. I mean you just get 24 everything covered with dirt and dust. You 25 shouldn't normally use compressed air other than
130 1 correct? 2 A. If they kept on sanding beyond the 3 glaze, yes. Again, as I said, that's not an 4 approved repair. 5 Q. And you have seen mechanics use 6 compressed air to blow dust and debris off of 7 brakes, correct? 8 A. I had seen it happen a long time 9 ago at one of the dealerships, yes. 10 Q. Okay. 11 And you've, in fact, seen that 12 done with Volkswagen brakes, correct? 13 A. Well, it was a Volkswagen dealer 14 and a mechanic had blown out some brakes. It was 15 the last time he did it. He only did it once 16 when I was there anyway. I was there for two 17 years. 18 Q. Okay. 19 And blowing, excuse me, using 20 compressed air to blow dust and debris off of 21 brakes creates a cloud of dust, correct? 22 A. It would create a cloud of 23 whatever was on the brakes, mud, dirt, whatever 24 was there. 25 Q. Sure.	132 1 to dry something off that is, that is wet after 2 you've cleaned it off with solvent or water. 3 Q. Okay. 4 But as you say, that's just 5 something you think a mechanic should know. 6 That's not anything that Volkswagen ever told 7 mechanics or other people, correct? 8 A. That's part of your normal -- I 9 mean if you're a mechanic you don't take 10 compressed air and create clouds of dust around 11 the area where you're working. Everything gets 12 dirty. Then you have to clean it up. That's 13 just something you don't do. Like you don't 14 spill battery acid around. A lot of things you 15 don't do as a mechanic. You don't touch steering 16 wheels when you have greasy hands. Things of 17 that nature. 18 Q. Okay. 19 But the answer is no, Volkswagen 20 never told anybody that, correct? 21 A. That's correct. 22 Q. All right. 23 Now, I'd like to talk with you 24 about what's commonly referred to as state of the 25 art.

133 1 What Volkswagen of America knew 2 about the potential hazards of asbestos and when 3 they knew them, okay? Are you prepared to offer 4 that testimony, sir? 5 A. I can tell you what my 6 recollection is for what Volkswagen of America 7 knew while I was employed with them over my 8 period of employment, yes. 9 Q. Okay. 10 And was Volkswagen aware that in 11 the nineteen-forties studies confirmed that 12 asbestos could cause cancer? 13 MR. WINTERMAN: The question is 14 vague, ambiguous, uncertain and unintelligible. 15 A. Was Volkswagen aware in the 16 nineteen-forties? 17 Q. Strike it. 18 Let's ask it this way: Prior to 19 the end of the nineteen-eighties, say up to 1990, 20 okay, was Volkswagen aware that as early as the 21 nineteen-forties studies had confirmed that 22 asbestos could cause cancer? 23 A. I don't have any information about 24 that. 25 MR. WINTERMAN: Excuse me.	135 1 America was based in the nineteen-sixties and 2 nineteen-seventies? 3 A. Yes. 4 Q. Okay. 5 And you'd agree that there 6 certainly would have been a number of Volkswagen 7 employees that read the New York Times in that 8 time frame, correct? 9 A. I would assume some of them read 10 it, yes. 11 MR. STUEMKE: Let's mark this as 12 next. 13 COURT REPORTER: (Complies.) 14 (Whereupon, one-page New York 15 Times article published September 30th, 1972 16 entitled Shipyard Workers of 1940s Told of Cancer 17 Peril, not bearing a Bates stamp, is received and 18 marked as Plaintiffs' Exhibit 5 for 19 Identification.) 20 COURT REPORTER: Number 5. 21 UNIDENTIFIED FEMALE: Are we on a 22 break? 23 MR. WINTERMAN: No, we're reviewing 24 an article. 25 UNIDENTIFIED FEMALE: Oh, thank
134 1 I'm going to move to strike the 2 answer and interpose an objection. 3 The question is vague, ambiguous, 4 uncertain and unintelligible. 5 Q. Prior to 1990 was Volkswagen aware 6 that by the, by the middle of the 7 nineteen-sixties there were over seven hundred 8 articles showing that asbestos could kill people? 9 A. I'm not aware of any of those 10 articles. 11 Q. Okay. 12 Now, you stated that your office 13 is in New Jersey, correct? 14 A. That's correct. 15 Q. And what town in New Jersey? 16 A. Right now it's Fort Lee. 17 Q. Okay. 18 Where has it been historically? 19 A. In Englewood Cliffs, New Jersey. 20 Q. How far away is that from where we 21 are today in Manhattan? 22 A. About ten miles. 23 Q. Okay. And you'd agree that -- 24 Well, strike that. 25 Was that where Volkswagen of	136 1 you. 2 Okay. Sorry. 3 4 BY MR. STUEMKE: 5 Q. Sir, you've been handed Exhibit 5. 6 This is an article from the New York Times 7 published September 30th, 1972. 8 MR. WINTERMAN: Just give him a 9 moment, Counsel, to review the article, please. 10 MR. STUEMKE: Could whoever is 11 typing on the phone please mute your phone? 12 A. Okay, I've read it. 13 14 BY MR. STUEMKE: 15 Q. Now, have you ever seen this 16 article before? 17 A. I believe I have many years ago. 18 Q. Okay. In 1972? 19 A. No. 20 Q. Okay. 21 A. It was more recent than that. 22 Q. In what context did you see this 23 article? 24 A. I believe it was either produced 25 or shown to me in another case.

137 1 Q. Okay. 2 And you see that this article was 3 published September 30th, 1972 in the New York 4 Times? 5 A. That's what it says, yes. 6 Q. Okay. 7 And I've highlighted a couple of 8 paragraphs in this article. 9 A. (Reviews.) 10 Q. Do you see that? 11 A. There are two yellow areas, yes. 12 Q. Okay. 13 The first states: An expert on 14 environmental medicine warned here today that the 15 millions of men and women who were directly or 16 indirectly exposed to asbestos while they worked 17 in shipyards in World War II faced the 18 possibility of an imminent epidemic of a 19 once-rare cancer, correct? 20 A. That's what it says, yes. 21 Q. And you see in the following 22 paragraph that the cancer they're referring to is 23 called mesothelioma, correct? 24 A. That's what it says, yes. 25 Q. And later in the article do you	139 1 Q. Now, Volkswagen of America did not 2 take any action with respect to potential 3 concerns about exposure to asbestos from brake 4 linings as a result of the publication of this 5 article in 1972, correct? 6 A. I don't -- 7 MR. WINTERMAN: Excuse me. 8 Assumes facts not in evidence. 9 Lacks foundation. 10 A. I don't know of anything. I don't 11 know if anybody read the article. 12 Q. Okay. 13 I understand you don't know if 14 anybody read the article, but what you do know is 15 that there were no steps taken by Volkswagen of 16 America following the publication of this article 17 to address potential concerns about asbestos 18 health hazards for brake linings, correct? 19 A. In reference to this particular 20 article? 21 Q. Yes. 22 A. No. 23 Q. Okay. 24 MR. STUEMKE: Mark this 25 (indicating).
138 1 see that it indicates that Dr. Selikoff also 2 expressed concern about the possible risks faced 3 by people in the general urban population? 4 A. That's what it says, yes. 5 Possible risk. 6 Q. Okay. 7 And among the sources of potential 8 exposure to asbestos that are mentioned here is 9 brake linings, correct? 10 A. That's one of them, yes. He 11 mentions a whole bunch of them: Buildings under 12 construction; papier-mache; asbestos-lined air 13 conditioning ducts; brake linings; and some 14 ironing board coverings. 15 Q. Sure. 16 Now, are you aware if anybody at 17 Volkswagen read this article in 1972? 18 A. No, I'm not. 19 Q. Okay. 20 And you don't recall if you 21 yourself did, correct? 22 A. I, I was not a reader of The Times 23 at that time. 24 Q. Okay. Fair enough. 25 A. Nor today.	140 1 COURT REPORTER: (Complies.) 2 (Whereupon, one-page New York 3 Times article published October 5th, 1972 4 entitled Wider Link to Cancer Found in Asbestos 5 Workers, not bearing a Bates stamp, is received 6 and marked as Plaintiffs' Exhibit 6 for 7 Identification.) 8 COURT REPORTER: Number 6. 9 MR. STUEMKE: While you gentlemen 10 are reviewing that let's take a break to change 11 the tape and, you know, if you guys need a break 12 for any other reasons we can do that now. 13 THE VIDEOGRAPHER: We are going off 14 the record. 15 The time is approximately 12:36 16 p.m. 17 This is the end of Videotape Number 18 2 in the deposition of Robert Cameron. 19 (Whereupon, a short recess is 20 taken.) 21 THE VIDEOGRAPHER: Stand by, 22 please. 23 We are now back on the record. 24 The time is approximately 12:41 25 p.m.

141 1 This is the beginning of Videotape 2 Number 3 in the deposition of Robert Cameron. 3 You may now proceed. 4 5 BY MR. STUEMKE: 6 Q. Mr. Cameron, you've had a chance 7 now to review Exhibit 6, correct? 8 A. Yes, I have. 9 Q. You see that Exhibit 6 is an 10 article entitled, entitled Wider Link to Cancer 11 Found in Asbestos Workers, correct? 12 A. Yes, appears to be a follow-up 13 article to the one you referenced earlier. 14 Q. Okay. 15 And you see that this is an 16 article published in the New York Times October 17 5th, 1972, correct? 18 A. That's what it says, yes. 19 Q. Okay. 20 And you see that this article 21 indicates that a team of cancer researchers 22 reported yesterday that asbestos already 23 implicated as a cause of lung cancer in workers 24 repeatedly exposed to the material might also 25 have caused a three-fold increase in the	143 1 A. No, I don't. 2 Q. You can testify though that 3 Volkswagen took no action to investigate the 4 potential health hazards of asbestos brake 5 linings following the publication of this article 6 in 1972, correct? 7 MR. WINTERMAN: Assumes facts not 8 in evidence. 9 Lacks foundation. 10 A. I don't know of anything. 11 Q. Okay. 12 And you understand you're 13 testifying on that issue as the person most 14 knowledgeable for Volkswagen today, correct? 15 MR. WINTERMAN: That's, that's 16 vague and ambiguous. He's told you already having 17 gone through your list of the things that he's 18 here to testify to. 19 20 BY MR. STUEMKE: 21 Q. Sir, you understand that one of 22 the topics you're addressing here today is when 23 Volkswagen knew about potential hazards of 24 asbestos and any steps they took in response to 25 that knowledge, correct?
142 1 incidence of cancer of the stomach, colon and 2 rectum in the same workers. 3 A. (Reviews.) 4 Q. Do you see that? 5 A. Yes, that's the first paragraph. 6 Q. Yes. 7 A. Talking about insulation workers. 8 Q. All right. 9 MR. STUEMKE: Let me object to the 10 non-responsive portions. 11 Q. You see further in the article it 12 states that in urban areas it has been shown that 13 another significant source of airborne asbestos 14 is the wearing away of asbestos brake linings in 15 automobiles and trucks. The act of applying the 16 brakes in such vehicles rubs off a fine asbestos 17 dust that is then kicked into the air by the 18 drafts of moving traffic. 19 A. (Reviews.) 20 Q. Did I read that correctly, sir? 21 A. That's what that paragraph says, 22 yes. 23 Q. Again, you don't know if anybody 24 at Volkswagen read this article at about the time 25 it was published in 1972, correct?	144 1 MR. WINTERMAN: That's not quite 2 what your document says, but in any event. 3 A. Basically, yes. 4 Q. Okay. 5 And to your knowledge Volkswagen 6 of America took no action following the 7 publication of these two articles in the New York 8 Times in the fall of 1972 to investigate the 9 potential health effects of asbestos in brake 10 linings, correct? 11 A. I've testified that I don't know 12 that we even knew about this article. 13 Q. Okay. 14 But you do know that there were no 15 steps taken in that time frame to investigate the 16 potential health effects of asbestos brake 17 linings, correct? 18 A. I don't know whether there were or 19 there weren't. I know that -- I don't know 20 whether we even knew about this particular 21 article. That's what your question was about. 22 Q. And you've been involved in 23 asbestos litigation for Volkswagen for how many 24 years now, sir? 25 A. Since 1983.

145 1 Q. Okay. 2 And in that twenty-six year period 3 nobody has ever told you that Volkswagen took any 4 action to investigate the potential health 5 effects of asbestos brake linings following the 6 publication of these articles in the New York 7 Times in the fall of 1972, correct? 8 MR. WINTERMAN: Assumes facts not 9 in evidence. 10 Lacks foundation. 11 A. That's correct. 12 Q. Now, you would agree that 13 Volkswagen of America knew by the mid 14 nineteen-seventies that mechanics should exercise 15 caution when working around asbestos, correct? 16 A. No, sir. 17 Q. You don't agree with that? 18 A. That's correct. 19 Q. I will show you your deposition 20 transcript from the second day of your deposition 21 in the Gaskill case. This one is dated March 22 12th, 2009. It's just a few months ago. Look on 23 Page 400, the question begins on Line 6 and your 24 answer extends through Line 17, sir. 25 A. Where did it start, sir? 400 you	147 1 sir? 2 A. That was the general information 3 that was included in certain publications back 4 then. 5 Q. Okay. Thank you, sir. 6 MR. WINTERMAN: Move to strike the 7 line of questioning on the grounds that it's not 8 impeachment. Improper use of deposition. 9 Q. And, sir, you'd agree that 10 Volkswagen of America was first concerned that 11 breathing asbestos may result in serious diseases 12 such as asbestosis or cancer in the late 13 nineteen-seventies, correct? 14 A. We are aware of it, that's when we 15 first became aware of it, yes, in the mid to late 16 seventies. 17 Q. Okay. 18 Now, at any point prior to 1990 19 Volkswagen of America never went to any medical 20 library to research whether there were health 21 hazards associated with brakes, correct? 22 A. None that I know of, that's 23 correct. 24 Q. Similarly they never went to a 25 medical library to research whether there were
146 1 said? 2 Q. Yes, sir. It's Page 400 I think 3 in the bottom right beginning at Line 6. 4 A. Yes. 5 Q. Okay. And -- 6 MR. WINTERMAN: Just one second, 7 Counsel. 8 MR. STUEMKE: Sure. 9 MR. WINTERMAN: I just want to see 10 what you're referring to. Okay. 11 MR. STUEMKE: Okay. 12 13 BY MR. STUEMKE: 14 Q. So, sir, four and a half months 15 ago you were asked a question beginning on Page 16 400, Line 6: By the mid nineteen-seventies am I 17 correct that Volkswagen knew that mechanics 18 needed to exercise caution when working around 19 asbestos? And then you clarified the question. 20 You asked by the mid nineteen-seventies 21 Volkswagen of America knew that mechanics should 22 exercise caution when working around asbestos. 23 Is that correct? 24 A. Yes, sir, that's what it says. 25 Q. Okay. And what was your response,	148 1 health hazards associated with 2 asbestos-containing clutches or exhaust manifold 3 gaskets or any other asbestos components, 4 correct? 5 A. That's correct. 6 Q. Volkswagen of America is not aware 7 that Volkswagen of Germany ever did that research 8 either, correct? 9 A. I don't know what research 10 Volkswagen of Germany has done. 11 Q. Volkswagen of America never asked 12 a doctor whether people could be at risk from 13 working with its products, correct? 14 MR. WINTERMAN: Your question is 15 vague and ambiguous. 16 MR. STUEMKE: Okay. 17 18 BY MR. STUEMKE: 19 Q. In light of the objection, sir, 20 did Volkswagen of America ever ask a doctor 21 whether its customers could be at risk from 22 working with the asbestos-containing components 23 of Volkswagen vehicles? 24 A. That question has been asked, yes. 25 Q. Okay.

149 1 When was that question first 2 asked? 3 A. That I would know of, probably in 4 the late nineties. 5 Q. Okay. 6 And was that question asked in the 7 context of litigation, sir? 8 A. Yes. 9 Q. Prior to Volkswagen getting sued 10 for allegedly exposing an individual to asbestos, 11 it's true that Volkswagen never asked a doctor 12 whether its customers could be harmed from the 13 asbestos-containing components in its vehicles, 14 correct? 15 A. That would be prior to 1983. I'm 16 not aware of that happening, yes, sir. 17 Q. And before Volkswagen stopped 18 selling asbestos-containing vehicles and 19 asbestos-containing replacement parts for those 20 vehicles, it never asked a doctor whether its 21 customers could be harmed by working with those 22 asbestos-containing components, correct? 23 A. I don't know of anyone asking a 24 doctor at that time. 25 Q. Okay.	151 1 asked. 2 Q. And what were you told? 3 A. There was no relationship between 4 the types and application of asbestos in our 5 vehicles and the diseases that were mentioned. 6 Q. Okay. And who asked that 7 question? 8 A. I did. 9 Q. Okay. 10 You asked the question of somebody 11 at Volkswagen of Germany whether there was any 12 danger or health hazard associated with the 13 repair of Volkswagen vehicles? 14 A. No, there was a discussion between 15 myself and one of the engineers concerning the 16 aspects of the case and the claims being made and 17 I asked a question as to what, you know, what was 18 the validity of any of these claims being made. 19 Q. Okay. 20 Now, I'm going to hand you again, 21 sir, the transcript of your deposition taken a 22 year ago also in the Gaskill case in this office 23 on Page 87, sir. 24 A. I have it. 25 Q. Now, a year ago you were asked if
150 1 And if somebody at Volkswagen had, 2 you would expect that you would know that because 3 you've been involved in this litigation for 4 twenty-six years for Volkswagen, correct? 5 A. Well, not necessarily. Someone 6 could have asked a doctor that without me knowing 7 it back then, yes. 8 Q. Okay, but you're not aware of it? 9 A. I'm not aware of anyone doing it. 10 Q. Okay. 11 You're not aware of anybody at 12 Volkswagen of America ever asking anyone at 13 Volkswagen of Germany if there was a health 14 hazard associated with the repair of Volkswagen 15 vehicles, correct? 16 A. That's not correct. 17 Q. Okay. 18 When was the first time you 19 understand that question was asked, sir? 20 A. It would be some time in the 21 eighties. 22 Q. And what was the context in which 23 that question was asked, sir? 24 A. It would be in the context of the 25 first case when it came in alleging that it was	152 1 you ever asked anybody at Volkswagen of Germany 2 whether there was any danger or health hazard 3 associated with the repair of Volkswagen 4 vehicles, correct? 5 MR. WINTERMAN: Object to the 6 question. 7 Lacks foundation. 8 Calls for speculation. 9 A. I was asked whether there was a 10 health hazard associated with the removal of 11 insulation of asbestos contained in brakes. 12 Q. You see the question that begins 13 on Page 87 at Line 5? 14 A. Yes. 15 Q. The question was asked of you: Am 16 I correct that you never asked anybody at 17 Volkswagen of Germany whether there was any 18 danger or health hazard associated with the 19 repair of Volkswagen vehicles, correct? 20 A. That is correct. 21 Q. Okay. And what was your answer 22 then? 23 A. I don't remember asking that 24 specific question, no. 25 Q. Okay.

153 1 And then you were also asked: Am 2 I correct you never asked anybody at Volkswagen 3 Germany about whether there was a health hazard 4 associated with the removal and installation of 5 asbestos-containing brakes, correct? 6 A. That's correct. 7 Q. Okay. 8 And what was your answer a year 9 ago? 10 A. No, I never asked that question. 11 Q. Okay. 12 You were also asked: Am I correct 13 that you never asked anyone at Volkswagen of 14 Germany about whether asbestos was potentially 15 dangerous to human health? 16 MR. WINTERMAN: Excuse me, that's 17 improper use of a deposition. This is not 18 impeachment. 19 Q. Do you see that question, sir? 20 A. Yes. 21 Q. Okay. 22 And what was your answer a year 23 ago? 24 A. No, I never asked anyone in 25 Germany that, sir.	155 1 not to answer. That's, that's completely improper 2 questioning, Counsel. 3 MR. STUEMKE: That is, that is not 4 attorney/client. It's not an appropriate basis to 5 instruct him not to answer and you know it. 6 MR. WINTERMAN: Move on. 7 MR. STUEMKE: What's, what, what 8 provision do you rely upon for instructing him not 9 to answer? 10 MR. WINTERMAN: Do you know what, 11 I've given you my grounds. If you don't like it, 12 take me to court. 13 MR. STUEMKE: Well, that's what 14 we're going to do. 15 MR. WINTERMAN: Fine. Okay. 16 MR. STUEMKE: Put it on the list. 17 MR. WINTERMAN: Okay. Put it on 18 the list. 19 MR. STUEMKE: All right. 20 21 BY MR. STUEMKE: 22 Q. Can I have that back, sir? 23 A. (Complies.) 24 MR. WINTERMAN: I would invite you 25 to phrase the question in a way that's proper and
154 1 Q. Okay. 2 And you just told this jury today 3 that you did ask Volkswagen of Germany those 4 questions in 1983 in the context of the first 5 lawsuit, correct? 6 A. No, I said I asked, I asked one of 7 the engineers whether there was any connection 8 between the claims made in that particular case 9 and the diseases that were connected to it and he 10 told me no. 11 Q. Okay. 12 And you think somehow that's 13 different from asking somebody at Volkswagen of 14 Germany about whether asbestos was potentially 15 dangerous to human health? 16 MR. WINTERMAN: Don't answer the 17 question. 18 That's argumentative. 19 (Direction not to answer the 20 question.) 21 MR. STUEMKE: That's not a proper 22 basis to instruct him not to answer, Counsel -- 23 MR. WINTERMAN: I'm instructing -- 24 MR. STUEMKE: -- and you know it. 25 MR. WINTERMAN: I'm instructing him	156 1 then I'll let him answer it. 2 MR. STUEMKE: Okay. 3 4 BY MR. STUEMKE: 5 Q. So it's your testimony to this 6 jury that you asked an engineer in Germany 7 whether there was any connection between the 8 claims made in that particular case and the 9 diseases that were connected to it and he told 10 you no? 11 A. That's correct. 12 Q. Okay. 13 But you never asked him whether 14 asbestos was potentially dangerous to human 15 health? 16 MR. WINTERMAN: That's 17 argumentative. 18 A. That's correct. 19 Q. You never asked anybody at 20 Volkswagen Germany whether there was a health 21 hazard associated with the removal and 22 installation of asbestos-containing brakes? 23 A. That specific question, that's 24 correct. 25 Q. Okay.

157 1 And you never asked anybody at 2 Volkswagen of Germany whether there was a danger 3 or health hazard associated with the repair of 4 Volkswagen vehicles, correct? 5 A. That's correct. 6 Q. Okay. 7 So the only question you ever 8 asked was about that one particular lawsuit, 9 correct? 10 A. It was in a discussion concerning 11 that particular lawsuit. 12 Q. Okay. 13 A. You had asked me had I ever asked 14 and I said, yes. 15 Q. Okay. 16 Volkswagen of America although it 17 had been sued -- 18 Well, strike that. 19 What was the allegation in that 20 first lawsuit in 1983, sir? What was the type of 21 exposure to asbestos that was alleged against 22 Volkswagen? 23 A. I don't recall at this moment. 24 Q. Do you recall if it was a brake 25 case?	159 1 Q. Right. 2 A. That was the first case that came 3 in and an engineer was assigned to the case to 4 assist us and I asked him the question. It was 5 the first case we'd ever had. 6 Q. Okay. 7 So you asked an engineer that 8 question, but you didn't ask a doctor, correct? 9 A. Not a doctor, no. An engineer. 10 Q. Okay. 11 A. I believe I said I asked an 12 engineer. 13 Q. Now, is an engineer the type of 14 person you would ordinarily turn to for a health 15 or disease question? 16 A. I would ask him because he was an 17 engineer specializing in that particular area so 18 he should be fully informed as to what the item 19 was and how it performed. 20 Q. Okay. 21 And you didn't ask him whether 22 other customers of Volkswagen might also be at 23 risk, did you? 24 A. No, I asked him concerning the 25 asbestos applications in the car and the claims
158 1 A. I don't recall. 2 Q. Okay. 3 But Volkswagen of America upon 4 being named in a lawsuit for -- 5 Well, strike that. 6 Let's back up a second. 7 This first lawsuit in 1983 that 8 you've referred to, it related to asbestos 9 exposure, correct? 10 A. It was the first asbestos case, 11 yes. 12 Q. Okay. 13 And it was a case alleging 14 personal injuries or death resulting from 15 asbestos exposure, correct? 16 A. I believe it was for personal 17 injury, yes. 18 Q. Okay. 19 And as I understand your 20 testimony, Volkswagen of America upon being sued 21 for personal injuries arising from asbestos 22 exposure asked Volkswagen of Germany about that 23 particular case only, correct? 24 A. Well, that was the only case we 25 were discussing.	160 1 being made in that particular case and how it 2 would apply to the diseases that he was talking 3 about. 4 Q. But your concern -- 5 Strike that. 6 Volkswagen didn't change its 7 policy regarding the selling of 8 asbestos-containing vehicles or 9 asbestos-containing replacement parts based on 10 having been sued for asbestos exposure for 11 personal injuries, correct? 12 A. You're talking about after 13 receiving the first case in 1983 with that 14 allegation if we would change our sales policies? 15 Q. Because of that allegation, yes, 16 sir. 17 A. In that case, no. 18 Q. And -- now, you'd agree that 19 Volkswagen of America had the money and the 20 resources to conduct any safety testing that it 21 felt was necessary to determine whether people 22 working with its asbestos-containing brakes were 23 at risk for disease, correct? 24 A. I don't know about the question of 25 money, but Volkswagen of America was a marketing

161 1 organization, and for any information concerning 2 the performance of any of the products that we 3 were importing and distributing, we would go back 4 to the manufacturer of the product. We wouldn't 5 have any independent knowledge of systems or 6 anything else as to how to test things or analyze 7 anything. 8 MR. STUEMKE: I object as 9 non-responsive. 10 Q. Sir, listen closely to the 11 question: I'm just asking whether Volkswagen of 12 America had the money and the resources to 13 conduct any safety testing that it felt was 14 necessary to determine whether people working 15 with its asbestos-containing brakes were at risk 16 for disease? 17 MR. WINTERMAN: That's asked and 18 answered. 19 Q. Correct? 20 A. I said the question of the -- 21 THE WITNESS: I'm sorry, are you 22 finished, Craig? 23 MR. WINTERMAN: Yeah. 24 A. The question of the money was not 25 a question, but the resources would include the	163 1 we would not know what, if anything, would even 2 have to be done or could be done to investigate 3 something like that, and again, we would go back 4 to the person who supplied us with the product if 5 we had a question concerning any of their 6 performance attributes of that particular product 7 and that would be Volkswagen in Germany. 8 MR. FINBERG: Excuse me, for 9 clarification, I thought the question related to 10 1983 and the answer is addressing -- 11 MR. STUEMKE: No, it was general. 12 MR. FINBERG: Am I confused? 13 MR. STUEMKE: Yes. 14 15 BY MR. STUEMKE: 16 Q. So as I understand what you're 17 saying now, Volkswagen had enough money to do 18 testing if it felt it was necessary, but you're 19 saying they didn't have the knowledge base to 20 know what testing was necessary, is that right? 21 MR. WINTERMAN: Misstates, 22 mischaracterizes testimony. 23 A. No, you asked me did we have the 24 money and the resources, and I said I don't 25 question whether we had the money because I don't
162 1 ability to even know what to do to analyze or who 2 to engage or what to do about it and that was out 3 of our area. We were a marketing organization 4 importing and selling vehicles and for something 5 concerning the performance of the product, we 6 would go back to the manufacturer or supplier of 7 that product. 8 MR. STUEMKE: Objection. 9 Non-responsive. 10 11 BY MR. STUEMKE: 12 Q. The question is the -- you had the 13 resources and the money to do whatever marketing 14 you wanted, correct? 15 MR. WINTERMAN: Asked and answered. 16 A. No. 17 Q. You didn't have enough money and 18 resources to do the safety testing that you felt 19 was appropriate? 20 MR. WINTERMAN: That's a different 21 question. It's argumentative. 22 A. I've already explained money I 23 don't think was the question at that time 24 although that was a downturn in the market in 25 1972, but the matter had to do with resources and	164 1 know what money would be necessary, although we 2 were probably a profitable company at that 3 particular point in time, but that wasn't the 4 question. 5 The question was resources. You 6 have to understand what it is you want to do, why 7 you want to do it and where you would even go to 8 get the information to accomplish it, and we 9 didn't have anybody in the company that would be 10 competent enough or involved or informed enough 11 to do that particular item. 12 Again, we would go back to the 13 manufacturer of the product or the supplier of 14 the product if we had a question concerning their 15 performance attributes of anything in any way 16 whatsoever. 17 Q. VW had enough money to pay an 18 expert to do testing if it felt it was necessary, 19 correct? 20 MR. WINTERMAN: The question is 21 vague and ambiguous. 22 A. That would depend on the testing. 23 You'd have to determine what it is you want to do 24 or is needed to be done in order to put together 25 an appropriate testing program and the analysis

165 1 of it and the publication of it, whatever was 2 necessary. Those are the resources that you're 3 talking about and we did not have those. 4 Q. Okay. 5 Volkswagen of Germany would have 6 those resources? 7 A. I would think the manufacturer, 8 the supplier of the product would have such 9 sufficient information in order to advise us what 10 type of testing would be necessary and how it 11 would do it. 12 Q. And you never asked Volkswagen of 13 Germany whether they had conducted testing to 14 find out whether working with asbestos-containing 15 brakes in Volkswagen vehicles was safe, correct? 16 A. I never asked that specific 17 question, that's correct. 18 Q. Okay. You never -- 19 Strike that. 20 Volkswagen of America never 21 conducted any testing to determine whether there 22 was any release of asbestos fibers from working 23 with its brake products, correct? 24 A. That's correct. We never did that 25 testing.	167 1 components either, correct? 2 A. Well, globally Volkswagen which is 3 Volkswagen Group of America is not a global 4 company. We're in the United States, Canada and 5 the islands. That's us so we don't globally do 6 anything. We work within the North American 7 region. 8 Q. Okay. 9 And I used an imprecise word. You 10 took me literally when I said globally. I didn't 11 mean it that way. I apologize for the question. 12 Just to kind of sum this up: 13 Volkswagen didn't do any testing of their own 14 asbestos components or anybody else's asbestos 15 components at any time, correct? 16 A. Volkswagen of America, group of 17 America, that's correct. 18 Q. Okay. 19 And likewise Volkswagen Group of 20 America didn't ask Volkswagen of Germany whether 21 Volkswagen of Germany had done that testing 22 either, correct? 23 A. I don't know if they ever asked 24 them that. 25 Q. Okay.
166 1 Q. Or whether its clutches or whether 2 its gaskets or any of the other asbestos 3 components of its products, correct? 4 A. All right, when you say it, you're 5 talking about the products that Volkswagen of 6 America imported, sold and distributed, not 7 anybody else's brakes, clutches or anything of 8 that nature? 9 Q. Well, I was talking specifically 10 about what Volkswagen sold, but they didn't test 11 anybody else's products either, correct? 12 A. No, but you said its products. 13 Q. Okay. 14 A. I assume you're talking about only 15 the brakes and the clutches that we actually 16 handled and sold through our organization, not 17 the other brakes and clutches that were being 18 sold by other people. 19 Q. That's correct. 20 A. For our cars. 21 Q. Right. 22 A. Okay. 23 Q. But the global answer is that 24 Volkswagen didn't do any testing of their own 25 asbestos components or anybody else's asbestos	168 1 And that's true even after 2 Volkswagen found out that breathing asbestos 3 could cause cancer in the late 4 nineteen-seventies, correct? 5 MR. WINTERMAN: I'm sorry, Counsel, 6 hang on one second. I've got to catch up with 7 you. 8 A. Volkswagen learned of the possible 9 dangers of asbestos in the mid to late seventies. 10 What we did then was pass that 11 information on to the factory. That was our 12 function then as the market representatives here 13 in the United States. 14 Q. Okay. 15 A. We did not do any independent 16 testing. 17 Q. And when you passed that 18 information, that breathing asbestos could cause 19 cancer on to the factory, you didn't ask the 20 factory Volkswagen of Germany whether they 21 already knew that, correct? 22 MR. WINTERMAN: Misstates, 23 mischaracterizes his testimony. 24 A. We passed the information on as it 25 was being generally discussed in the automotive

169 1 industry here in the United States. That was the 2 extent of what we did at that time. 3 Q. Okay. 4 And you didn't ask Volkswagen of 5 Germany what they knew about that, correct? 6 A. No. 7 Q. Okay. 8 Volkswagen of Germany didn't 9 volunteer to you that it had been known in 10 Germany since the nineteen-thirties that asbestos 11 exposure caused cancer, did they? 12 MR. WINTERMAN: Assumes facts not 13 in evidence. 14 Lacks foundation. 15 A. They did not pass any information 16 like that on to me, no. 17 Q. Okay. 18 And after Volkswagen found out 19 that breathing asbestos could cause cancer, it 20 didn't check to see if there were any loose 21 asbestos fibers in the boxes of replacement 22 linings that it sold, correct? 23 MR. WINTERMAN: Misstates and 24 mischaracterizes his testimony. 25 He didn't say it could cause	171 1 informed. 2 Q. Okay, but you never passed that 3 information on to the customer who could 4 potentially be exposed to asbestos from your 5 products, did you? 6 A. We did not pass anything on to the 7 customer. The information that we were passing 8 on to the factory was information that was out in 9 the public, the articles in the New York Times, 10 the articles that were in the automotive 11 publications and other publications at the time 12 concerning asbestos in schools and public 13 buildings, things of that nature. So the public 14 was aware of asbestos being, being in the 15 buildings even where they had their children 16 every day. 17 Q. But the public wasn't necessarily 18 aware that the Volkswagen Rabbit they bought down 19 at the VW dealership had asbestos components in 20 it, were they? 21 A. No, they may not know it had 22 asbestos although the fact that asbestos was in 23 brake linings was something that was generally 24 known from way back in the forties. 25 Q. Okay.
170 1 cancer. 2 MR. STUEMKE: He did actually -- 3 MR. WINTERMAN: No, he said it may. 4 MR. STUEMKE: -- earlier in the 5 deposition. 6 MR. WINTERMAN: He said it may, 7 may. There is a difference, Counsel. 8 MR. STUEMKE: There is not an 9 appreciable difference, sir. 10 11 BY MR. STUEMKE: 12 Q. You can answer the question, sir. 13 A. Oh, I'm sorry. I thought you 14 gentlemen were still pondering what you were 15 going to say. 16 We did not do any testing. We 17 already talked about that. 18 Q. Now, you said that once you found 19 out that breathing asbestos could be dangerous, 20 you passed that knowledge on to the factory, 21 correct? 22 A. Yes, we passed the information 23 that was generally being discussed in the public 24 and in the automotive periodicals in the late 25 seventies on to the factory so they'd be	172 1 Well, generally known not because 2 Volkswagen ever made any effort to tell anybody 3 about that, correct? 4 A. Volkswagen never made any special 5 efforts, that's correct. 6 Q. Volkswagen never included a 7 statement to that effect in any owner's manual 8 for any car it ever sold, did they? 9 A. I don't know of any. 10 Q. Now, in the mid nineteen-eighties 11 the replacement brake linings that Volkswagen 12 sold started to have warnings on them about 13 asbestos, correct? 14 A. Some of them did. 15 Q. Okay. Not all of them? 16 A. That's correct. 17 Q. Okay. 18 So -- well, let's back up a 19 second. 20 Volkswagen never asked its 21 suppliers to put a warning about asbestos on the 22 boxes of replacement linings, did they? 23 A. Not that I know of. 24 Q. Okay. 25 And so even in the mid

173 1 nineteen-eighties when some suppliers started to 2 put warnings on the boxes of replacement linings, 3 Volkswagen continued to sell other boxes of 4 replacement brake linings that didn't have 5 warnings on them, correct? 6 A. Yes, we did. 7 Q. Okay. 8 Volkswagen continued to sell 9 replacement clutch facings that had asbestos in 10 them without warnings on them, correct? 11 A. Yes, I don't recall any warnings 12 on clutch facing boxes. 13 Q. Volkswagen continued to sell 14 asbestos-containing gaskets as replacement parts 15 without warnings on them, correct? 16 A. Yes, sir. 17 Q. Now, it's true that after 18 Volkswagen learned in the late nineteen-seventies 19 that breathing asbestos could potentially cause 20 cancer, it continued to sell vehicles with 21 asbestos components for another ten years, 22 correct? 23 A. What do you mean by after 24 Volkswagen learned? What's the learning context? 25 Q. Well, you testified earlier, sir,	175 1 everybody knew that asbestos was dangerous so you 2 didn't have to tell anybody? 3 A. No, that was not your question. 4 Your question concerned who knew 5 about it back in the late seventies, and all I'm 6 saying is that the general public knew about it 7 back in the late seventies since it was being 8 talked about and it was being removed from public 9 buildings and other areas back at that time as a 10 type of asbestos used to insulate buildings and 11 ceilings and beams and things of that nature. 12 Q. How many members of the general 13 public have you polled in order to come to your 14 determination that the general public knew about 15 that at that time? 16 A. I haven't polled anybody, sir. 17 Q. Okay. 18 So in your opinion they should 19 have, but you had never asked anybody if they 20 did, is that right? 21 A. No, I, I was there and I was 22 involved in meetings in my town and recall what 23 was going on concerning public buildings. 24 I even remember being in 25 courthouses where sections of the courthouse were
174 1 that by the mid, by the late nineteen-seventies 2 Volkswagen was aware that asbestos could 3 potentially cause cancer in humans, correct? 4 A. That's what was being talked about 5 in the public, that's correct. 6 Q. Okay. 7 A. It was in publications and 8 national newspapers, things of that nature. 9 Q. Sure. And that's what Volkswagen 10 understood, correct? 11 A. Well, that's what everybody 12 understood, sir. 13 Q. Okay. 14 Well, you're not saying that the 15 Plaintiff in this case had that knowledge, are 16 you? 17 A. I would certainly think the 18 Plaintiff would know that asbestos that was being 19 removed from public buildings and things of that 20 nature, he would be aware of that, and he may 21 have been in some of those public buildings and 22 breathed that asbestos, as we all did back at 23 that time. 24 Q. Okay. 25 So it's Volkswagen's position that	176 1 draped off with plastic sheeting because they 2 were doing asbestos abatement in those buildings. 3 It was a general matter of knowledge back then 4 that there was asbestos used in insulation in 5 buildings and that they were going to either 6 encapsulate it or remove it. 7 Q. Okay. 8 Well, there is a part of your 9 experience of life that you learned that, 10 correct? 11 A. Yes. 12 Q. Okay. 13 You can't testify as to what 14 anybody else may have learned at that time 15 because you've never sought to find that out, 16 have you? 17 MR. WINTERMAN: That's vague and 18 ambiguous. 19 A. That's correct. 20 Q. Okay. 21 So when you're saying that the 22 general public knew this, you're assuming that 23 the general public knew it because you knew it, 24 correct? 25 A. I am assuming that the general

177 1 public knew it because it was a matter of public 2 record and was really being talked about back 3 then and actions were being taken to remove 4 asbestos from public buildings and other items 5 where it was used as an insulation material. 6 Q. Okay. 7 A. It was not a secret back then. 8 Q. Okay. 9 You say it wasn't a secret back 10 then, Volkswagen never took any actions to tell 11 its customers that Volkswagens contained 12 asbestos, you know, the same asbestos that's 13 being removed from buildings and anything else, 14 they never mentioned that, did they? 15 MR. WINTERMAN: Assumes facts not 16 in evidence. 17 Lacks foundation. 18 A. It was not the same asbestos 19 application nor my understanding was it the same 20 asbestos that was being sprayed inside buildings 21 for insulation purposes. 22 COURT REPORTER: Inside buildings? 23 (No response.) 24 25 BY MR. STUEMKE:	179 1 research either, did they? 2 A. I can't say whether we did or we 3 didn't back then. We may have discussed it with 4 the factory, but I was not party to any of those 5 discussions if they took place. 6 Q. Okay. 7 Volkswagen Group of America can't 8 tell this jury that they ever asked anybody 9 whether there was a meaningful difference between 10 the asbestos in its cars and the asbestos that 11 was having to be removed from public buildings 12 because it was hazardous, can they? 13 A. I'm sorry, could you repeat the 14 question back? 15 Q. Yes. 16 Volkswagen Group of America can't 17 tell this jury that they ever asked anybody 18 whether there was a meaningful difference between 19 the asbestos in its cars and the asbestos that 20 was having to be removed from public buildings 21 because it was hazardous, can they? 22 A. I can't point to any particular 23 item, but generally speaking in the automotive 24 industry the information was that the asbestos in 25 the applications that we were doing with the
178 1 Q. Now, you never -- Volkswagen never 2 did any research to find out whether those 3 differences meant anything, did they? 4 MR. WINTERMAN: The question is 5 vague and ambiguous. 6 A. I don't know what you mean by 7 that. 8 Q. Okay. 9 Well, you're saying, well, it's 10 not the same asbestos that was sprayed in 11 buildings for insulation and for other things. 12 Volkswagen in that time frame 13 didn't do any research to find out whether that 14 difference mattered at all, did they? 15 A. Volkswagen -- 16 MR. WINTERMAN: It's vague and 17 ambiguous. 18 THE WITNESS: I'm sorry. 19 A. Volkswagen Group of America did 20 not do any research at that time, that's correct. 21 22 BY MR. STUEMKE: 23 Q. Okay. 24 And Volkswagen Group of America 25 didn't ask anybody else if they'd done that	180 1 asbestos in the brake, clutches and gaskets was 2 not the same asbestos, and obviously not the same 3 application as was being done in public 4 buildings. 5 Q. Okay. 6 MR. STUEMKE: I'm going to object 7 as non-responsive, to the non-responsive portion. 8 Q. Now, you've indicated that 9 Volkswagen never told its customers that there 10 was a potential risk from any of the asbestos 11 components in its cars, correct? 12 MR. WINTERMAN: That's asked and 13 answered. 14 A. That we never ever told the public 15 that there was -- I'm sorry? 16 Q. You've indicated that Volkswagen 17 never told its customers that there was a 18 potential risk from any of the asbestos 19 components in its cars, correct? 20 MR. WINTERMAN: Asked and answered. 21 A. We never went out and specifically 22 addressed our customers to that extent. 23 Q. Okay. 24 A. That is correct. 25 Q. That wasn't in sales and marketing

181 1 materials of Volkswagen, was it? 2 A. Not in sales and marketing 3 materials, no. 4 Q. Okay. 5 It wasn't in an owner's manual or 6 any other document that came with the car when 7 the customer purchased it, was it? 8 A. That's correct. 9 Q. Okay. 10 Now, did Volkswagen at least tell 11 its customers that there was asbestos in the 12 cars? 13 A. Some of our service publications 14 had that in it. 15 Q. Okay. 16 Now, in terms of documents or 17 information that a customer would get when they 18 purchased a car, did Volkswagen ever tell its 19 customer that there was even asbestos in the car 20 at all? 21 A. No. 22 Q. So even if the customer had the 23 general knowledge you referred to that asbestos 24 could be dangerous, Volkswagen didn't even 25 provide them the information to let them know	183 1 Q. Okay. 2 And in that time frame Volkswagen 3 never warned any of the customers that there was 4 a potential risk from asbestos, correct? 5 A. The asbestos in our cars? 6 Q. Yes, sir. 7 A. No, we did not. 8 Q. Okay. 9 And in that time frame Volkswagen 10 never told the customer that they were buying an 11 asbestos-containing product, did they? 12 A. No, did not. 13 Q. Okay. 14 And in that ten years you'd agree 15 that Volkswagen probably sold about a million 16 cars to the American public? 17 A. Could have, yes. 18 Q. Now, you'd agree that if 19 Volkswagen had wanted to include a warning about 20 the risks of asbestos exposure, they could have 21 included a printed warning on the brake linings 22 themselves, correct? 23 A. If they had, if they had felt it 24 was necessary to include a warning, they could 25 have, yes.
182 1 that there was asbestos in their vehicles, is 2 that right? 3 A. We did not give them any direct 4 information about asbestos in the vehicles nor 5 the application or the type of asbestos and how 6 it was used, utilized in the vehicles themselves. 7 A different type of asbestos from what the 8 general public knew concerning insulation 9 materials and buildings. 10 Q. Okay. 11 Well, you didn't give them any 12 indirect information either, did you? 13 A. No. 14 Q. So it's true that Volkswagen of 15 America continued to sell cars with asbestos 16 components for ten years after it learned that 17 breathing asbestos could cause cancer, correct? 18 MR. WINTERMAN: Asked and answered. 19 A. The last vehicles that we sold 20 that had any type of asbestos that we've talked 21 about here was about 1989. 22 Q. So at least ten years? 23 A. Well, the general public and the 24 automobile industry learned about it in the mid 25 to late seventies.	184 1 Q. Okay. 2 And if, if they had wanted to 3 include a warning relating to the hazards of 4 asbestos dust from brakes, they could have 5 included that warning on the metal part of the 6 brake shoe? 7 A. If they felt there was a need to 8 do that or there was a danger, they could have, 9 yes. Certainly would have if they thought there 10 was a danger. 11 Q. Okay. 12 Now, you mentioned something about 13 service manuals. You're talking about the 14 official repair manuals for VW cars, correct? 15 A. Some of the manuals, yes. 16 Q. Okay. 17 MR. STUEMKE: Let's mark this as 18 next. 19 COURT REPORTER: (Complies.) 20 (Whereupon, multi-page document 21 entitled GTI, Golf, and Jetta Official Factory 22 Repair Manual 1985, 1986 Including GLI, Gasoline, 23 Diesel, and Turbo Diesel, not bearing Bates 24 stamps, is received and marked as Plaintiffs' 25 Exhibit 7 for Identification.)

185 1 COURT REPORTER: Number 7. 2 MR. WINTERMAN: Thank you. 3 A. I have it. 4 5 BY MR. STUEMKE: 6 Q. Okay. 7 You've been handed Exhibit 7. Can 8 you identify that for the record, please. 9 A. Appears to be excerpts from a 10 repair manual for the Volkswagen, excuse me, GTI, 11 Golf and Jetta. 12 Q. Okay. 13 And it's called the Official 14 Factory Repair Manual, correct? 15 A. That's correct. That's what it 16 says. 17 Q. And this is a manual that was 18 provided to dealerships for their service 19 requirements for vehicles, correct? 20 A. This is one of the items they had, 21 yes. 22 Q. Okay. 23 And this one was published in 24 1986, correct? 25 A. This one is from November of '86,	187 1 A. I'll look in here and see. Is 2 there a copyright on it someplace? 3 Q. Look at the second to last page. 4 The same page we were just looking at, sir. 5 A. Volkswagen United States service 6 publications is the copyright. 7 Q. Okay. 8 And in this official factory 9 repair manual -- 10 Well, strike that. Let's back up 11 a second. 12 This is not something that was 13 provided to customers when they purchased the 14 vehicle, correct? 15 A. That's correct. 16 Q. Okay. 17 In this if, if they had paid extra 18 to get this, they would learn -- on the last page 19 of this exhibit they would learn that friction 20 materials such as brake and clutch linings or 21 brake pads may contain asbestos fibers, correct? 22 A. That's what the last page of this 23 particular exhibit says. I don't know if this 24 is -- you're representing that this is a page 25 from the original manual?
186 1 yes. 2 Q. Okay. 3 And you see that at the top of the 4 second to last page it indicates that copies of 5 the manual may be purchased from authorized 6 Volkswagen dealers, selected book sellers and 7 automotive accessories and parts dealers, 8 correct? 9 A. That's correct or directly from 10 the publisher. 11 Q. Okay. 12 And so this was information that 13 Volkswagen will make available for its customers 14 if they paid for it, correct? 15 A. This is information that Robert 16 Bentley made available to the public for 17 purchase, but it was also supplied and purchased 18 by us for sale through Volkswagen dealers. 19 Q. Okay. 20 And who obtained the copyright for 21 this publication, the Official Factory Repair 22 Manual for these Volkswagen cars? 23 A. Who obtained the copyright? I 24 don't know. 25 Q. Yes, sir.	188 1 Q. Yes, sir. 2 A. I only have pages -- there is 3 probably several hundred pages in the whole 4 manual. 5 Q. Sure. 6 A. That's what it says on there. 7 Q. And you don't have any reason to 8 dispute that this same language was in the 9 original repair manual, do you? 10 A. I don't know. I'm just saying 11 you're representing this is a page from this 12 particular repair manual. 13 Q. Yes. 14 A. Do you have the whole repair 15 manual here? 16 Q. Not with me, no. 17 A. I don't know what it is. The page 18 doesn't identify -- there is nothing on this page 19 that you have here that says anything that I can 20 see about a Golf, a Jetta or a GTI. It's just a 21 page from a manual. 22 Q. Okay. 23 And this page from the manual has 24 at the top right a large box with the word 25 warning at the top of it, correct?

189 1 A. That's correct. 2 Q. Okay. 3 And that warning relates to 4 asbestos being contained in friction material 5 such as brake and clutch linings or brake pads, 6 correct? 7 A. Yes, that's what it says. 8 Q. Okay. 9 And you know that information was 10 included in these official factory repair manuals 11 by Volkswagen, correct? 12 A. Yes, it was no secret that, that 13 brake -- 14 Q. Okay. 15 A. -- linings and clutches had it in 16 it, however, at the time for the '85, '86 manual 17 it would not be in the brake linings. It might 18 be in the clutch linings. It would not be in the 19 brake linings. 20 Q. Okay. 21 The warning states that -- well, 22 it states do not create dust by grinding, sanding 23 or by cleaning with compressed air, correct? 24 A. That's what it says, yes. 25 Q. Okay.	191 1 it was also sold at bookstores, accessory stores 2 and many other places or you could get it 3 directly from the publisher. 4 Q. Sure. 5 So you're not telling this jury 6 that Volkswagen didn't know about this warning, 7 are you? 8 A. We knew the warning was in the 9 manual, but we did not put the warning in the 10 manual. 11 Q. Right. 12 And at the same time that this 13 warning was in Volkswagen's manual, it was not in 14 Volkswagen's owners manuals, correct? 15 A. That's correct. This is a Bentley 16 manual and it was in the Bentley manual, but it 17 was not in the manual published by Volkswagen. 18 Q. Well, you say the Bentley manual. 19 It's copyrighted Volkswagen, correct? 20 A. The technical content is from 21 Volkswagen, that's correct. 22 Q. Okay. 23 Sir, did Volkswagen ever convey to 24 the purchasers of Volkswagen cars that they could 25 get fatal diseases from working with asbestos
190 1 It states avoid breathing asbestos 2 fibers and asbestos dust, correct? 3 A. That's what it says, yes. 4 Q. It states that breathing asbestos 5 may result in serious diseases such as asbestosis 6 or cancer, correct? 7 A. You're reading exactly what it 8 says there, sir, yes. 9 Q. And it states that it may cause 10 severe injury and death, correct? 11 A. It says it may, yes, that's what 12 it says. 13 Q. And obviously this is all 14 information that, that Volkswagen knew in 1986, 15 correct? 16 A. This particular, the verbiage for 17 this warning? 18 Q. Yes. 19 A. No, it's not our warning, sir. 20 Q. Well, you, you hold a copyright on 21 this document, correct? 22 A. That's correct. 23 Q. And you sold this document in your 24 dealerships, correct? 25 A. It was sold in our dealerships and	192 1 brakes, asbestos clutches or asbestos gaskets 2 that were included in those vehicles? 3 A. No, sir, we have no evidence to 4 that effect. 5 MR. STUEMKE: I'll object to the 6 non-responsive portion. 7 8 BY MR. STUEMKE: 9 Q. Now, when was the first time that 10 anyone asserted a workers' compensation claim for 11 injuries from asbestos exposure against 12 Volkswagen? 13 A. I believe it was late eighties, 14 early nineties, somewhere in that area. 15 Q. What's the basis for that belief, 16 sir? 17 A. Well, there were, there were two 18 workers' compensation claims that we received 19 over the years. 20 Q. Okay. 21 Now, you recall, of course, giving 22 your deposition testimony in the Gaskill case 23 four months ago, correct? 24 A. I recall giving a deposition in 25 the Gaskill case. I think there were two of

193 1 them. 2 MR. WINTERMAN: Counsel, can we 3 just correct the record? I believe you indicated 4 in one of your earlier questions, a number of your 5 earlier questions in fact, that the Gaskill depo 6 was taken approximately a year ago and you said a 7 year ago. The date that's on that transcript is 8 incorrect and you ought to know that. That was 9 taken in '09, not '08. 10 MR. STUEMKE: Well, for clarity 11 sake and I tried to be clear when referring to the 12 time because there are two different transcripts, 13 I've referred to the first session occurring on 14 July 14th, 2008 and the second session occurring 15 on March 12th, 2009. 16 Are you telling me those dates are 17 incorrect. 18 MR. WINTERMAN: I believe the 2008 19 date is incorrect, but we'll -- I'll double-check 20 that just so you know. I think there was an error 21 in the transcript. 22 MR. STUEMKE: Okay. 23 Just can you give me a ballpark of 24 when you think it was. 25 MR. WINTERMAN: You know, I just	195 1 Q. Okay. 2 MR. STUEMKE: I appreciate the 3 clarification. Obviously that's news to me. 4 Q. Did you review your transcript 5 from those deposition sessions, sir? 6 A. I would have. 7 Q. Okay. 8 And other than the date apparently 9 being incorrect for the first session, were there 10 any other changes that you had to make to that 11 deposition? 12 A. I don't recall. Normally you put 13 an errata sheet or whatever you guys call it -- 14 Q. Right. 15 A. -- at the end of it with changes. 16 I don't recall. 17 Q. Okay. You don't recall -- 18 A. It would have been given to 19 counsel and they would have taken care of it. 20 Q. You don't recall having submitted 21 an errata sheet for either session of the Gaskill 22 deposition, do you? 23 A. I don't know one way or the other 24 at this point. 25 Q. Okay.
194 1 don't recall off the top of my head, but I will 2 let you know. Okay. And it's just a 3 typographical error on the part of the reporter 4 and if you read the newspapers you'll see that one 5 of those typographical errors on a date like that 6 cost some law firm a hundred million dollars in a 7 contract just recently, but anyway go ahead. 8 MR. STUEMKE: Okay. 9 Q. In any event, Mr. Cameron, you 10 recall that you were deposed on two separate 11 occasions in the Gaskill case, correct? 12 A. I've already said that, yes. 13 Q. Okay. 14 Do you recall about what month it 15 was that the first session occurred? 16 A. No. It was -- no, I don't. I 17 know one of them was, one of them was here and 18 one of them was in New Jersey. 19 Q. Do you recall about how much time 20 lapsed between those two depositions? 21 A. No. 22 Q. Do you recall in what year the 23 first deposition occurred? 24 A. No, I don't. They were recently, 25 but I couldn't give you specific dates.	196 1 Referring to the deposition 2 session in March of 2009 assuming that date is 3 correct, it was the second session, you were 4 asked questions about workers' compensation 5 claims against Volkswagen. 6 Do you recall that? 7 A. Specifically, no, I don't. 8 Q. Well -- 9 A. I may have been. I'm not going to 10 dispute it. You have the transcript. 11 Q. Sure. 12 A. It says what it says. 13 Q. Turning your attention to Page 14 377, the highlighted portion, sir. 15 MR. WINTERMAN: Thank you. 16 Thank you, Counsel. 17 MR. STUEMKE: Sure. 18 19 BY MR. STUEMKE: 20 Q. Do you see that at Page 377 of the 21 Gaskill deposition transcript you testified that 22 the two workers' compensation claims relating to 23 asbestos exposure were from the late seventies to 24 mid eighties, somewhere in that area? 25 A. Yes, that's what I said.

197 1 Q. Okay. 2 And is it your testimony today 3 that that was incorrect? 4 A. The late seventies is I believe 5 incorrect. The eighties should be correct. 6 Q. And there are documents relating 7 to those workers' compensation claims, correct? 8 A. Yes, they've been produced in 9 other cases as I recall. 10 Q. Okay. 11 And you testified earlier in this 12 deposition when I was asking you about area of 13 inquiry Number 15, and for the record area of 14 inquiry Number 15 is facts, witnesses and 15 documents regarding workers' compensation claims, 16 if any, made against Defendant for injuries 17 and/or death arising out of exposure to asbestos 18 at Defendant's manufacturing and/or authorized 19 dealer repair facilities, I asked you whether 20 documents existed responsive to that area of 21 inquiry and you said that there were not? 22 A. That's correct. 23 Q. Do you recall that? 24 Now, what documents exist 25 regarding the workers' compensation claims that	199 1 workers' compensation claims concerning our 2 manufacturing to and our authorized dealer repair 3 facilities and neither one of the claims involved 4 the manufacturing because we don't manufacture, 5 we assemble, but it didn't involve our assembly 6 plant nor did it involve any retail facility. So 7 we don't have documents responsive to the 8 question that you asked. 9 Q. What was the context of the 10 alleged asbestos exposure in those workers' 11 compensation cases, sir? 12 A. One of them concerned the 13 warehouse at one of our distributors and the 14 other concerned insulation material in the 15 roofing of a stamping plant in Virginia. 16 Q. Okay. 17 How was the person working at the 18 warehouse allegedly exposed to asbestos fibers? 19 A. Well, my recollection, my 20 recollection is they claimed he was working with 21 returned brake parts at the warehouse. 22 Q. And when did that claim come in? 23 A. Boy, one of them was in the -- one 24 of them -- the actual claim itself or at the time 25 of the exposure? What are we talking about here?
198 1 you've just testified happened some time in the 2 nineteen-eighties? 3 A. There were copies of the 4 compensation claims, whatever they were. I 5 received them from our risk management people. 6 Q. Okay. 7 And you testified, and we can find 8 this if we need to, but you testified in your 9 Gaskill deposition that Herzfeld & Rubin 10 Volkswagen's law firm where we are today has 11 those documents. 12 Do you recall that? 13 A. I don't recall that being the 14 testimony, but if that's what it says, that's 15 what it is, and they are the ones that would have 16 those documents. I passed them on to them. 17 Q. Okay. 18 Now, how is it that Volkswagen 19 doesn't have documents regarding workers' 20 compensation claims responsive to area of inquiry 21 Number 15 when they do have documents regarding 22 workers' compensation claims that you've just 23 testified about? 24 A. Because they don't apply to that. 25 You asked a different question. You asked for	200 1 Q. The claim itself. 2 A. One of the claims I believe came 3 in in the mid to late eighties. The other, the 4 actual claim itself didn't come in until ninety 5 something. 6 Q. And for the -- 7 A. But it concerned exposure at an 8 earlier time. 9 Q. And for the person working at the 10 warehouse, when did that claim come in? 11 A. I, I'd have to refer to the claim 12 to be exact. I don't -- I can't, I can't see the 13 documents. I don't recall exactly what date -- 14 you're looking for specific dates. I don't have 15 the documents in front of me here, but it did not 16 concern a retail facility. It did not concern a 17 manufacturing plant -- 18 COURT REPORTER: Manufacturing 19 what? 20 THE WITNESS: Manufacturing plant. 21 A. Which is what you were talking 22 about here -- 23 24 BY MR. STUEMKE: 25 Q. Okay.

201 1 A. -- in the request. 2 Q. So as I understand it, this claim 3 from the warehouse worker involved alleged 4 exposure from working with returned brake parts? 5 A. That's my recollection. 6 Q. What was his job, sir? 7 A. I don't recall. 8 Q. I assume it was a man. Was it a 9 man? 10 A. I believe it was, but I don't 11 recall the specifics of the claim. 12 Q. Okay. 13 And what disease did this 14 individual have? 15 A. I don't recall. Again, I would 16 refer to the files. I did not spend a lot of 17 time reviewing the files. That was a number of 18 years ago those claims were produced. 19 Q. Okay. 20 Well, they haven't been produced 21 to us, so that's why I'm asking about them. 22 A. You didn't ask for them. 23 Q. How many years did this individual 24 who worked at the warehouse work there with these 25 brake parts?	203 1 questions for the witness upon the production of 2 documents. 3 MR. WINTERMAN: Let's go off the 4 record for a moment. 5 THE VIDEOGRAPHER: Going off the 6 record. 7 The time is approximately 1:43 p.m. 8 (Whereupon, a short recess is 9 taken.) 10 THE VIDEOGRAPHER: Stand by, 11 please. 12 We are now back on the record. 13 The time is approximately 1:49. 14 This concludes -- 15 MR. WINTERMAN: (Indicating.) 16 THE VIDEOGRAPHER: I'm sorry, you 17 have a comment? 18 MR. WINTERMAN: Yeah. 19 So as I understand it, Counsel, 20 what you're telling us is that you're adjourning 21 the deposition, that's the technical word in 22 California anyway, until you resolve any of the 23 issues regarding what you believe are additional 24 documents you're entitled to, and if you're 25 entitled to them then you're going to -- you're
202 1 A. I don't know, sir. Again, I don't 2 recall the specifics of the claim. I'd have to 3 refer to the file to give you any, any detailed 4 information concerning them. 5 Q. Do you know whether this 6 individual had any other exposure to asbestos? 7 A. I don't recall any of the 8 specifics of either one of the claims. 9 Q. Do you recall the disposition of 10 either of the claims, whether Volkswagen was 11 ordered to pay money? 12 A. Again, on the details of the 13 claims I would refer to the files. That's what I 14 received from our risk management people and I 15 passed it on to counsel. 16 Q. Okay. 17 MR. STUEMKE: Well, given status of 18 document production, specifically non-production 19 in our view, we cannot conclude this deposition 20 today, and we'll have to continue it to another 21 date. 22 That being said, based on what is 23 available to Plaintiffs' counsel, I do not 24 presently have further questions for the witness. 25 I anticipate having a large number of further	204 1 going to reconvene this session and finish up the 2 depo, is that correct? 3 MR. STUEMKE: I'm not sure that 4 adjourn is technically the correct term. I'll 5 accept your representation, but yes, I anticipate 6 resuming the deposition when we have gotten 7 documents produced we feel we're entitled to. 8 MR. WINTERMAN: Okay. So we're not 9 concluding it? 10 MR. STUEMKE: That's correct. 11 MR. WINTERMAN: Okay. 12 MR. STUEMKE: Yes. 13 MR. WINTERMAN: I just want to make 14 sure it's clear on the record that we're not 15 concluding it. Okay. 16 So we'll terminate for today. And 17 I guess counsel and I will discuss whatever 18 outstanding issues there are and see what we're 19 going to do. 20 MR. STUEMKE: Let me just for the 21 record attach this as an exhibit. I guess we're 22 up to Exhibit 8 that was produced today. 23 Do you have the other ones? 24 MR. WINTERMAN: There were other 25 ones. You don't have them?

205 1 MR. STUEMKE: I don't have hard 2 copies. 3 MR. WINTERMAN: I thought I gave 4 them to you. 5 MR. STUEMKE: No, all that I was 6 given was this (indicating). 7 MR. WINTERMAN: Hang on just one 8 second. I think I have them for you. 9 MR. STUEMKE: Yeah, I don't have 10 hard copies so. 11 MR. WINTERMAN: Here is, here is 12 the letter and the document. You can have that 13 all. That's a copy, and then you'll have that 14 other one. 15 MR. STUEMKE: Okay. 16 MR. WINTERMAN: Okay. 17 MR. STUEMKE: Let's attach as 18 Exhibit 8 a cover letter including four enclosures 19 dated July 29th, 2009 from Mr. Winterman to my 20 California office, and as the next exhibit a 1987 21 authorized Volkswagen dealer directory excerpt. 22 COURT REPORTER: (Complies.) 23 (Whereupon, multi-page document on 24 Herzfeld & Rubin letterhead, dated July 29th, 25 2009, not bearing Bates stamps, is received and	207 1 And we are now going off the 2 record. 3 (Time noted: 1:51 p.m.) 4 5 / 6 / 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
206 1 marked as Plaintiffs' Exhibit 8 for 2 Identification.) 3 (Whereupon, multi-page document 4 entitled Authorized Volkswagen Dealer Directory, 5 North and Central America, December 1987, not 6 bearing Bates stamps, is received and marked as 7 Plaintiffs' Exhibit 9 for Identification.) 8 COURT REPORTER: Numbers 8 and 9. 9 MR. WINTERMAN: Which one is 8? 10 The letter? 11 COURT REPORTER: Yes. 12 MR. WINTERMAN: And the attachments 13 and then 9 is '87. 14 Okay. 15 THE VIDEOGRAPHER: Are you 16 completed now? 17 MR. STUEMKE: Yes, we are done for 18 the day, but we are not done with the deposition. 19 THE VIDEOGRAPHER: This is the end 20 of Videotape Number 3 in the deposition of Robert 21 Cameron. 22 This is Volume 1 of the deposition. 23 This is the conclusion of Volume 1 to be continued 24 at a later date. 25 The time is approximately 1:51 p.m.	208 1 STATE OF _____) Pg. of Pgs. 2) ss.: 3 COUNTY OF _____) 4 I wish to make the following changes, for 5 the following reasons: 6 PAGE LINE 7 _____ CHANGE: _____ 8 REASON: _____ 9 _____ CHANGE: _____ 10 REASON: _____ 11 _____ CHANGE: _____ 12 REASON: _____ 13 _____ CHANGE: _____ 14 REASON: _____ 15 _____ CHANGE: _____ 16 REASON: _____ 17 _____ CHANGE: _____ 18 REASON: _____ 19 _____ CHANGE: _____ 20 REASON: _____ 21 _____ CHANGE: _____ 22 REASON: _____ 23 _____ CHANGE: _____ 24 REASON: _____ 25

209 1 PAGE LINE 2 _____ CHANGE: _____ 3 REASON: _____ 4 _____ CHANGE: _____ 5 REASON: _____ 6 _____ CHANGE: _____ 7 REASON: _____ 8 _____ CHANGE: _____ 9 REASON: _____ 10 _____ CHANGE: _____ 11 REASON: _____ 12 _____ CHANGE: _____ 13 REASON: _____ 14 _____ CHANGE: _____ 15 REASON: _____ 16 _____ CHANGE: _____ 17 REASON: _____ 18 _____ CHANGE: _____ 19 REASON: _____ 20 21 22 I, ROBERT P. CAMERON, JR., have read 23 the foregoing deposition and hereby affix my 24 signature that same is true and correct, except as 25 noted above.	211 1 CERTIFICATE 2 STATE OF _____) 3) :ss. 4 COUNTY OF _____) 5 I, RICH GERMOSEN, a Certified Court 6 Reporter, (License No. 30XI00184700), Certified 7 Realtime Court Reporter-NJ, (License No. 8 30XR00016800), NCRA Certified Realtime Reporter, 9 Certified LiveNote Reporter, and Notary Public 10 within and for the States of New York and New 11 Jersey, do hereby certify: 12 That ROBERT P. CAMERON, JR., the 13 witness whose deposition is hereinbefore set forth, 14 having been duly sworn by a Notary Public of the 15 States of New York and New Jersey, and that such 16 deposition is a true record of the testimony of said 17 witness. 18 I further certify that I am not related 19 to any of the parties to this action by blood or 20 marriage, and that I am in no way interested in the 21 outcome of this matter. 22 IN WITNESS WHEREOF, I have hereunto set 23 my hand this _____ day of _____, 2009. 24 25 RICH GERMOSEN, CCR, CRCR, RPR, CRR, CLR LICENSE NO. 30XI00184700 LICENSE NO. 30XR00016800
210 1 2 _____ 3 ROBERT P. CAMERON, JR. 4 STATE OF _____) 5 COUNTY OF _____) 6 7 8 Before me, _____, on 9 this day personally appearing ROBERT P. CAMERON, 10 JR., known to me to be the person whose name is 11 subscribed to the foregoing instrument and 12 acknowledged to me that they executed the same for 13 the purposes and consideration therein expressed. 14 Given under my hand and seal of office 15 this _____ day of _____, 2009. 16 17 18 Subscribed and sworn to before me 19 this _____ day of _____, 2009. 20 21 _____ 22 23 24 25	212 1 SUPERIOR COURT OF THE STATE OF CALIFORNIA 2 FOR THE COUNTY OF LOS ANGELES 3 -----x 4 LAWRENCE BOMAN and SHIRLEY BOMAN, 5 Plaintiffs, 6 -against- Case No. 7 ALFA LAVAL, INC. (sued BC 405823 8 individually and as 9 successor-in-interest to THE 10 DELAVAL SEPARATOR COMPANY and 11 SHARPLES CORPORATION), et al., 12 Defendants. 13 -----x 14 15 16 17 18 REPORTER'S CERTIFICATION 19 DEPOSITION OF: ROBERT P. CAMERON, JR. 20 Friday, July 31, 2009 21 22 23 24 25

213 1 I, RICH GERMSEN, a Certified Court 2 Reporter, (License No. 30XI00184700), Certified 3 Realtime Court Reporter-NJ, (License No. 4 30XR00016800), NCRA Registered Professional 5 Reporter, NCRA Certified Realtime Reporter, 6 Certified LiveNote Reporter, and Notary Public 7 within and for the States of New York and New 8 Jersey, do hereby certify: 9 That the witness, ROBERT P. CAMERON, 10 JR., was duly sworn by the officer and that the 11 transcript of the oral deposition is a true record 12 of the testimony given by the witness; 13 That the deposition transcript was 14 submitted on _____ to the witness or 15 to the attorney for the witness for examination, 16 signature and return to me by 17 _____; 18 19 20 21 22 23 24 25	215 1 That pursuant to information given to 2 the deposition officer at the time said testimony 3 was taken, the following includes counsel for all 4 parties of record: 5 6 A P P E A R A N C E S: 7 8 SIMON, EDDINS & GREENSTONE, L.L.P. 9 BY: JAY E. STUEMKE, ESQ. 10 3232 McKinney Avenue 11 Suite 610 12 Dallas, Texas 75204 13 (214) 276.7680 / (214) 276.7699 (FAX) 14 jstuemke@seglaw.com 15 Attorneys for the Plaintiffs 16 17 18 19 20 21 22 23 24 25
214 1 That the amount of time used by each 2 party at the deposition is as follows: 3 Mr. Stuemke - (02:54:05) 4 Mr. Winterman - (00:00:00) 5 Mr. Finberg - (00:00:00) 6 Mr. Haddad - (00:00:00) 7 Ms. Clayton - (00:00:00) 8 Mr. Hwang - (00:00:00) 9 Mr. Remillard - (00:00:00) 10 Mr. Lister - (00:00:00) 11 Ms. Clingo - (00:00:00) 12 Mr. Pieper - (00:00:00) 13 Mr. White - (00:00:00) 14 Ms. Golden - (00:00:00) 15 Mr. Davis - (00:00:00) 16 Ms. Vu - (00:00:00) 17 Mr. Tinkham - (00:00:00) 18 Mr. Ameenle - (00:00:00) 19 Ms. Meyers - (00:00:00) 20 Ms. Buty - (00:00:00) 21 Mr. Murray - (00:00:00) 22 Ms. Johnson - (00:00:00) 23 Ms. Shetabi - (00:00:00) 24 Ms. Rothberg - (00:00:00) 25	216 1 A P P E A R A N C E S: (CONT'D.) 2 3 4 HERZFELD & RUBIN, L.L.P. 5 BY: CRAIG L. WINTERMAN, ESQ. 6 1925 Century Park East 7 Suite 600 8 Los Angeles, California 90067 9 (310) 553.0451 / (310) 553.0648 (FAX) 10 cwinterman@hrllp-law.com 11 Attorneys for the Defendant, 12 Volkswagen of America, Inc. and 13 Robert P. Cameron, Jr. 14 15 CHARLES FINBERG, ESQ., P.L.L.C. 16 266 East Shore North 17 Grand Isle, Vermont 05458 18 (802) 372.5175 19 cfinberg@gmail.com 20 Attorneys for the Defendant, 21 Volkswagen of America, Inc. and 22 Robert P. Cameron, Jr. 23 24 25

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EXHIBIT E

To

Technical Occupational Safety

X

Internal notice



From

Safety Chemistry Braunschweig

Notice number

Your reference	Your message from	Our reference [redacted]	House extension [redacted]	Date 08/17/1987	Page 1
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Labeling of asbestos-containing substances

The following asbestos-containing (drum) brake linings are processed for customer service requirements in Braunschweig:

Lining	[Drawing number]	Manufacturer	ZSB Brake Shoe complete
431 609 565 J		Pasgids 554 GG	443 609 537
431 609 565 F		Pagid 555 EF	431 609 537 Q/538
171 609 565 J		Jurid 139 FF	171 609 537 G
171 609 565 F		ABPA 553 GG	171 609 537 F
531 609 565		Jurid 136 EE	531 609 537
171 609 565 A	(without drawing)	Jurid 118 FF	ZSB 171 609 537 A
331 609 565 A	(without drawing)	Jurid 118 FF	ZSB 331 609 537 A
113 609 265 C		Textar TE 18 GG	113 609 537 S
477 609 265		Jurid 334 PGG	no more drawings available

The pads are assembled in the factory to brake shoes and shipped to the service center warehouse Kassel.

These assemblies are currently not labeled as "asbestos-containing products" according to the Hazardous Substances Ordinance, Annex I, 2.5.

No warning and safety instructions are given to the user (after-sales service or private purchaser) who may be exposed to asbestos exposure.

The decision on the marking/non-marking of the brake shoes is to be made by Braunschweig's production.



VOLKSWAGEN

To

☐ Internal notice



From

☐ Notice number

Your reference	Your message from	Our reference [redacted]	House extension [redacted]	Date 08/17/1987	Page 2
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Asbestos-containing products may also be incorporated into other assemblies.

The delimitation between marking requiring and not marking asbestos-containing products (assemblies) should be carried out according to uniform measures for the area of the VW AG.

We therefore ask you to coordinate with the affected departments on the further procedure for labeling.

[redacted]

EXHIBIT F

Page 1

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA
ASBESTOS DIVISION

ROBERT G. CLARK and ALANA CLARK,
his wife,

Plaintiffs, Case No.: 14-027985

v.
BORG WARNER CORPORATION, et al.,

Defendants.

Video Trial Preservation Deposition of Dr. Juergen Albers

Volume 1

Tuesday, April 9, 2019, at 10:49 a.m.

Taken at:
KING & SPALDING
125 Old Broad Street
London EC2N 1AR
UNITED KINGDOM

Court Reporter: Deirdra Jordan

Page 3

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BY: FRANCES LOPEZ

Also in attendance:

BRENDA GODFREY, Volkswagen Group of
America
KATHI STOCK, German Language Interpreter
WENDY VINER, Videographer

Page 2

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BY: CHRISTOPHER S. MARKS

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WITNESS: DR. JUERGEN ALBERS (Sworn) 9
INTERPRETER: KATHI STOCK (Sworn) 9
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EXHIBITS

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Page 5 1 (On the record at 10:49 a.m.) 2 MR MARKS: This is Christopher Marks for 3 Volkswagen AG. We are here today for the continued 4 deposition of Volkswagen AG's corporate witness, who is 5 responding to questions from the Plaintiff in the Clark 6 matter. 7 When we adjourned last January, I did not 8 have an opportunity to follow up with questions. We 9 ran out of time and there were lots of statements on 10 the record to that effect. 11 My intent this morning is to ask the witness 12 Juergen Albers question as follow up to David 13 Jagolinzer's examination as a means for counter 14 designation to his direct examination. I also intend 15 this to be a possible preservation deposition to be 16 used affirmatively, understanding that Mr Jagolinzer 17 may object to that use, the affirmative use of it. 18 The goal here really is to ensure that I have 19 the opportunity to ask Dr Albers questions because I 20 did not have a chance to do so last time. 21 So we're going to do, I guess, a separate 22 transcript this morning. When we conclude, 23 Mr Jagolinzer is going to resume on the transcript he 24 was on last January, at which time, when he completes, 25 I may ask -- cross-examination of Dr Albers -- I may	Page 7 1 Volkswagen Group of America? 2 Either way, it's my position that they were 3 duly noticed; they had the opportunity to be here, if 4 they wanted to be. 5 So if you're not, it's still my position that 6 the notice still will apply to them being here as if -- 7 whether or not you're representing them or not is a 8 different issue, but either way, they were noticed of 9 the deposition, and I believe it can be used against 10 Volkswagen Group of America, due to the notice issued. 11 MR MARKS: I don't know that I agree about 12 the -- whether it can be used against GOA, but I am 13 here for Volkswagen Group of America. 14 MR JAGOLINZER: Okay. That's all. 15 MR MARKS: As well. 16 MR JAGOLINZER: Thank you. 17 MR MARKS: Yes. 18 VIDEOGRAPHER: Okay. 19 My name is Wendy Viner, representing 20 Veritext. Today's date is April 9, 2019, and the time 21 is 10:51 am. 22 This deposition is being held at King & 23 Spalding, located at 125 Old Broad Street, London EC2, 24 UK. 25 The caption of this case is Robert G Clark
Page 6 1 incorporate the questions I've asked this morning, and 2 then David Jagolinzer may go back on and cross-examine 3 on this transcript. 4 So that's my intent for today. 5 MR JAGOLINZER: Yes. Thank you. 6 David Jagolinzer, on behalf of the Clarks. 7 Yes, I have not finished my deposition that 8 we commenced I believe on January 9 and 10, and we're 9 accommodating this procedure to ensure Mr Marks has the 10 opportunity to ask certain questions of Dr Juergens 11 [sic]. 12 Whether or not -- sorry -- Mr Albers is 13 present and is able to testify is a separate issue as 14 to whether or not he will or will not be unavailable, 15 and whether or not the use of that can be used, but we 16 do agree to the procedure in terms of how we are going 17 to proceed, and we'll see how that plays out. 18 Thank you. 19 MR MARKS: Sounds good. 20 All right. So if we could go on the video 21 and do the swear ins and all of that, please? 22 VIDEOGRAPHER: Okay. 23 MR JAGOLINZER: I'm sorry, one quick second. 24 You indicated, Mr Marks, that you are here 25 representing Volkswagen AG. Are you also representing	Page 8 1 and Alana Clark versus Borg Warner Corporation, et al. 2 The case is being held in the Circuit Court of the 11th 3 Judicial Circuit, in and for Miami-Dade County, 4 Florida, Case No. 14-027985. 5 The name of the witness is Juergen Albers. 6 Could attorneys please identify themselves 7 and state whom they represent. 8 MR JAGOLINZER: David Jagolinzer on behalf of 9 Mr and Mrs Clark. 10 MR MARKS: Christopher Marks for Tanenbaum 11 Keale on behalf of Volkswagen AG and Volkswagen Group 12 of America, Inc. 13 VIDEOGRAPHER: Could I ask all other parties 14 present to identify themselves for the record. 15 MR MARKS: Fran. 16 MS LOPEZ: Okay. Thank you. 17 Frances Lopez, Hawkins Parnell & Young, on 18 behalf of Defendant Federal-Mogul Asbestos Personal 19 Injury Trust, as successor to Fel-Pro Products 20 Manufacturing Company. 21 MS GODFREY: Brenda Godfrey on behalf of 22 Volkswagen Group of America, not making an official 23 appearance, but noted as present. 24 VIDEOGRAPHER: Thank you. 25 Our Court Reporter today is Deirdra Jordan,

Page 9 1 representing Veritext. 2 Could I ask the Court Reporter to please 3 swear in the Interpreter, followed by the witness, and 4 we can proceed. 5 DR JUERGEN ALBERS, 6 having been duly sworn with an Interpreter, 7 testified as follows: 8 (Evidence given through the Interpreter, unless 9 otherwise indicated) 10 EXAMINATION: 11 BY MR MARKS: 12 Q Good morning, sir. 13 A Good morning. 14 Q Could you please introduce yourself to the 15 ladies and gentlemen of the jury. 16 A Yes. My name is Dr Juergen Albers. I work for 17 VWAG for about 28 years. 18 I started out in vehicle safety and testing 19 and implemented their crash tests, and co-developed 20 vehicles there in regards to their passive safety. 21 And in 1998, I changed into the product 22 analysis department, and I've been working there as a 23 product expert. 24 Q Do you have a background in engineering? 25 A Yes, I do.	Page 11 1 about the various engines. 2 BY MR MARKS: 3 Q Okay. 4 In light of the objection, let me ask it this 5 way. 6 In addition to brakes and braking systems, 7 what other aspects of the vehicle are you an expert in, 8 based upon your background and training? 9 MR JAGOLINZER: Objection, form. 10 THE WITNESS: During the course of my study, 11 I obtained basic knowledge over vehicles in general, 12 and then during my time in vehicle safety at VW, for 13 eight, nine, ten years, I, of course, widened my 14 horizon in regards to other aspects. 15 BY MR MARKS: 16 Q Did that include engines? 17 A That included engines, but, of course, main 18 emphasis was in vehicle safety, as I mentioned earlier. 19 Q Okay. 20 We were here in London in January of this 21 year. Do you recall that? 22 A Yes, I do recall that. 23 Q Mr Jagolinzer asked you a number of questions 24 at that time. Do you recall? 25 A Yes, I do.
Page 10 1 I studied mechanical engineering at the 2 University of Klausthal and I graduated as a graduate 3 engineer for mechanical engineering in general, and I 4 have been working at the university for another four 5 and a half years, and I work there for the Dean of 6 Mechanical Engineering as an assistant, and in the 7 course of that work obtained my PhD. 8 Q So the focus of your engineering, from what you 9 said, I gather, is on car safety? 10 A For my course of study, vehicle technology was 11 a component. 12 Q And then, for your work at Volkswagen, that has 13 included vehicle safety? 14 A Correct. As I mentioned earlier, I started out 15 for vehicle safety at VW, and as "vehicle safety" 16 implies, that was the big component of my work. 17 Q Does vehicle safety include braking and braking 18 systems? 19 A Yes. Certainly, brakes are one of the most 20 essential components in a vehicle. 21 Q Okay, and does your engineering expertise also 22 include aspects of the engines? 23 MR JAGOLINZER: Objection, form. 24 THE WITNESS: Of course, during my courses of 25 study at the university, I also obtained knowledge	Page 12 1 Q Okay. 2 I'd like to ask some follow up questions from 3 that examination, if I could. 4 A I understand. Please do. 5 Q When Mr Jagolinzer was asking you questions, 6 you had brought with you a set of handwritten notes 7 based upon Volkswagen's investigation in preparation 8 for the deposition. Do you remember that? 9 A Yes, I do recall. 10 Q These were marked as Exhibit 2 to the previous 11 deposition, but I'm going to mark them as Exhibit 1 12 today. 13 (Exhibit 1 marked for identification) 14 A I understand. 15 Q Okay. 16 So I'm handing you what I've marked as 17 Exhibit 1. Could you please confirm that those are the 18 notes -- a copy of the notes that you prepared? 19 A Yes, those are the notes I had in front of me 20 at my first deposition in January. 21 Q Could you please remind me why did you prepare 22 those notes? 23 A Yes, certainly. 24 We had a comprehensive catalog of questions 25 provided by Mr Jag --

Page 13 1 INTERPRETER: I'm sorry, sir, if I 2 mispronounce your name. 3 MR JAGOLINZER: It's okay. It's fine. 4 INTERPRETER: Mr J. 5 MR JAGOLINZER: Just say "Jag" if it makes it 6 easier. 7 THE WITNESS: (Interpreted answer continued) 8 If I recall that correctly, there were, like, 60 topics 9 with 250 subtopics. 10 Within a team at VW, we tried to respond to 11 those questions the best we could, and collected 12 comprehensive material for that. 13 BY MR MARKS: 14 Q Were you part of that team that did the 15 investigation? 16 A I was part of that team, yes. 17 Q And there were others that assisted as well? 18 A Correct. 19 Q Okay, and the notes you prepared -- Exhibit 20 1 -- help list out the effort that you and the team did 21 to answer Mr Jagolinzer's questions? 22 MR JAGOLINZER: Objection, form. 23 THE WITNESS: Yes, and at the same time, it 24 served to help me with my memory, because the topics 25 were so comprehensive, in order to respond to all the	Page 15 1 English. 2 But to put it like that, to speak English is 3 a completely different story, and in order to respond 4 to the questions correctly, I would like to enlist the 5 support of an interpreter. 6 Q Okay. 7 You indicated that Mr Jagolinzer had asked 8 for many dozens of topics to the company questions to 9 be asked? 10 A Yes, lots of topics, and also comprising a 11 timeframe of several decades, 50 to 60 years. 12 It was quite a big volume of topics. 13 Q Okay. 14 The questions that Mr Jagolinzer asked, do 15 they cover -- were they directed at vehicles, cars, 16 that are made in Wolfsburg, Germany, today? 17 A It was about -- in part -- about vehicles that 18 were manufactured in Wolfsburg, but the vehicles in 19 discussion, or at issue, that Mr Clark worked at have 20 not been in production for a long, long time, and also 21 the people who built and manufactured those cars back 22 then are no longer working -- are no longer employed 23 with VW. 24 And also, when we talk about documentation 25 for things that are 50 years back, that can't be
Page 14 1 questions so that I don't forget anything. 2 BY MR MARKS: 3 Q Okay. 4 MR JAGOLINZER: [Addressing Interpreter] Can 5 you, just before you start translating, if I'm going to 6 object to form, just so that I don't want to interrupt 7 anybody -- 8 INTERPRETER: Yes, sir. 9 MR JAGOLINZER: -- can you just pause just 10 one little second? 11 I don't want to interrupt you, and I can't 12 tell when you're done. 13 INTERPRETER: And I need to be prepared. You 14 do that a lot. 15 MR JAGOLINZER: I can't tell when you're 16 done. So I just ... thank you. 17 INTERPRETER: I'm sorry. 18 MR JAGOLINZER: No, no, no, no. 19 BY MR MARKS: 20 Q By the way, and I think Mr Jagolinzer covered 21 this with you before, do you have a working knowledge 22 of English? 23 A Of course, I learned English at school, and 24 also at the university a lot of literature was in 25 English, so that I'm able to understand written	Page 16 1 compared with documentation we have for today's 2 vehicles. 3 There were no computers back then, no 4 databases, no electronic data processing -- there was 5 only paper -- and those papers are not stored for such 6 a long period of time because it's simply not 7 necessary. 8 And that's why it was in part quite difficult 9 to obtain material from this period of time in the 10 past. 11 Q In order to answer the questions by 12 Mr Jagolinzer, what investigation did Volkswagen do? 13 A We did comprehensive investigations with our 14 team. 15 (Court Reporter requested repetition) 16 For example, in regards to vehicles and 17 brakes, we analyzed quite an amount of test reports. 18 Those test reports are stored and saved in our archive. 19 They describe the technical aspects in regards to the 20 engineering knowledge. 21 In addition, we did comprehensive 22 investigations in the historic archive, and, as the 23 name implies, the historic archive contains documents 24 having historic relevance. 25 In addition, we also spoke to the employees

Page 17 1 in the brake department. We also talked about aspects 2 of health protection, work safety, safety chemistry, 3 questions regarding to spare parts and packaging. 4 We talked to procurement, and with the legal 5 department, which were part of that team, and we talked 6 to the employees of vehicle technological provisions -- 7 regulations. 8 And that search was not only limited to 9 Wolfsburg. We also spoke to the plants in Hanover, 10 Braunschweig and Kassel. 11 We also went to the automotive or automobile 12 museum, since they still have original vehicles on 13 display. 14 And we spoke to someone with the Employers' 15 Liability Insurance Association in Hanover, and we also 16 spoke with the patent department. 17 Q You've mentioned the Workers' Council. Is that 18 referred to by shorthand, and I think you referred to 19 this in January, as the "BG"s? 20 A That's correct. 21 Q Okay. 22 A BG. 23 Q And what is the BG? 24 A It's an association or an organization in 25 Germany which is responsible that the workplaces of the	Page 19 1 A That is correct. I believe it's around 3,000 2 pages of documents. 3 Q And these were the documents that were found 4 both in the product analysis department, the 5 engineering group, as well as in the general company 6 archives; is that right? 7 A Yes, from the product analysis department and 8 also from the archive. 9 Q Okay. 10 In the documents that Volkswagen found, did 11 this include any documents that were from the BG 12 related to asbestos and use of asbestos? 13 A Yes. Also, examinations from the VW -- no, 14 from the BG in regards to asbestos were part of that, 15 and that was also part of the documents produced by us. 16 Q Okay. 17 In those documents related to the BGs, you 18 mentioned examinations. What do you mean by that? 19 A On workplaces, where dust is generated, for 20 example, there are rules in place that the employer has 21 to measure the quantity of dust generated in those 22 workplaces, and several documents that we found in the 23 historic archive showed protocols that reflect the 24 measurement of dust in those workplaces. 25 Q Okay.
Page 18 1 employees are safe, and, at the same time, it also 2 functions as an insurance for the employees. 3 That means, in case of work accidents or 4 work-related illnesses, occupational illnesses, the 5 Employers' Liability Insurance Association would pay to 6 those employees a compensation or a pension, or however 7 you want to call it. 8 And every big company in Germany is a 9 compulsory member of this association, and must 10 contribute money, and from those contributed fees, 11 those compensations for the workers are paid. 12 Q Okay. 13 So, in addition to performing an 14 investigation in Wolfsburg, Kassel, Emden, 15 Braunschweig, why did the Volkswagen team go to the BGs 16 to look for information? 17 A Because, as mentioned, the Employers' Liability 18 Insurance Association is responsible for the safety of 19 the workplaces, and/or they are responsible to check up 20 on the employer that he in turn provides safe 21 workplaces for the employees. 22 And we wanted to inform ourselves how the 23 co-operation between VW and BG looks like. 24 Q Volkswagen produced several thousand pages of 25 documents to Mr Jagolinzer; is that right?	Page 20 1 So the BGs were performing, or documenting in 2 the documents you found, their efforts to look for 3 potential hazards associated with asbestos in the 4 Volkswagen manufacturing process? 5 MR JAGOLINZER: Objection, form. 6 THE WITNESS: As stated, the BG is 7 responsible to check on those workplaces, and those 8 documents reflect that. 9 BY MR MARKS: 10 Q Okay. 11 I'd like to mark -- let me ask you first 12 before I do that. 13 Did you find in the documents -- did 14 Volkswagen find in the documents that it located 15 indication from the BG about hazards associated with 16 asbestos, and whether the asbestos could cause cancer? 17 A I do remember one study that was performed on 18 behalf of BG that was in regards to the safety of brake 19 mechanics, or people having to deal with brakes. 20 Q Okay. 21 A And it showed that, from the point of view of 22 the BG, there is no increased risk emanating from these 23 workplaces. 24 MR JAGOLINZER: Objection, form. Move to 25 strike. Non-responsive. Hearsay.

Page 21

1 Go ahead.

2 INTERPRETER: Sorry, sir, do you want me to

3 interpret?

4 MR JAGOLINZER: No, you don't need to

5 translate. That's just us.

6 INTERPRETER: I'm just wondering.

7 MR JAGOLINZER: That's okay. Thank you.

8 MR MARKS: I'm marking for purposes of

9 identification Exhibit 2 to your deposition, which is

10 Bates numbered 99.

11 MR JAGOLINZER: 2 to our last one, or a new

12 one?

13 MR MARKS: New one.

14 (Exhibit 2 marked for identification -- displayed

15 electronically)

16 Q This is a digital --

17 MR JAGOLINZER: Did we mark that last time,

18 do you know?

19 MR MARKS: I don't remember.

20 MR JAGOLINZER: I'm just curious. Okay.

21 BY MR MARKS:

22 Q I'm showing you what's been marked as Exhibit

23 2.

24 Do you remember this document?

25 A Yes, I do recall this document.

Page 22

1 MR JAGOLINZER: I apologize, I'm just trying

2 to see, because I think that might be Exhibit 18, the

3 second page, and I just want to see have we got the

4 same thing.

5 I just want to see what it is. Looks like

6 the second page.

7 MR MARKS: It is Exhibit 18.

8 MR JAGOLINZER: All right. Second page to

9 that?

10 MR MARKS: Erm ...

11 MR JAGOLINZER: Starts with -- got it. Thank

12 you.

13 BY MR MARKS:

14 Q Yeah, in fact, Mr Jagolinzer pointed out that

15 he discussed this document with you in January; right?

16 A Yes, I think I do recall.

17 Q Okay.

18 This document, Exhibit 2, was found in

19 Volkswagen?

20 A It was found at VW, yes.

21 Q And, generally, what is the document?

22 A As the headline implies, it's about an

23 investigation about health dangers by dust in regards

24 to brake pads containing asbestos in motor vehicle

25 repair shops.

Page 23

1 MR JAGOLINZER: Can I ask for a

2 clarification? Brake pads or brake linings or facings?

3 THE WITNESS: Brake pads in general.

4 MR JAGOLINZER: Meaning lining?

5 Can you ask him: linings? Facings? Pads, or

6 is it shoes? I'm just trying to ...

7 No, no. The pad or the shoe? Disc brake, or

8 brakes, or just general?

9 THE WITNESS: Both, in general.

10 MR JAGOLINZER: Just, for purposes, just

11 so -- for us, it makes a difference between a disc

12 brake, which is a brake pad, and a brake shoe, which

13 was a brake lining or a facing.

14 That's just what I was trying to ...

15 INTERPRETER: Okay.

16 MR JAGOLINZER: Thank you.

17 INTERPRETER: Thank you.

18 BY MR MARKS:

19 Q And who prepared this document, from what's

20 written on it?

21 MR JAGOLINZER: Objection, form.

22 THE WITNESS: I need to scroll down a little

23 bit ...

24 So the association who prepared this document

25 is the Northwest Iron and Steel Employers' Liability

Page 24

1 Insurance Association. So it's BG.

2 BY MR MARKS:

3 Q And what relationship was there between this BG

4 and the Volkswagen facilities you've identified?

5 A As stated, VWAG is a member of the BG, and BG

6 has the responsibility to assure work safety, not only

7 with VWAG, but also with other employers.

8 And I would like to correct my statement: VW

9 is not a member of BG, but, as an employer, they are

10 obligated to make contributions to BG.

11 Q Okay.

12 What is the date of Exhibit 2?

13 A I see a receiving stamp when this document came

14 to VW, which is -- would you please scroll up?

15 MR JAGOLINZER: There's two. There's two

16 dates, just so you can see.

17 Bottom left hand corner and then the top.

18 THE WITNESS: Date received is March 23,

19 1981, and the date that is on the bottom left corner

20 says May, 1980.

21 BY MR MARKS:

22 Q Okay, and what information about asbestos and

23 potential health hazard was the BG imparting in May,

24 1980, from your review of this?

25 A Could I have a second to take a glance at the

Page 25

1 document, please?

2 Q Yes.

3 INTERPRETER: Could you scroll?

4 Thank you.

5 (Pause).

6 THE WITNESS: It describes that measurements

7 took place on workplaces where a procedure -- a blow

8 procedure was made at brake drums.

9 And dust measurements were performed, and the

10 proposal was made for technical protection measures,

11 and also, depending on the exposition time, that

12 certain medical check up procedures are taking place.

13 But, at the same time, it is also said that,

14 at the point in time when this document was prepared,

15 that medical check up investigations can be waived.

16 So it was still subject to further

17 investigation.

18 (Court Reporter requested clarification)

19 MR MARKS: We can take a break.

20 (Off the record at 11:30 am)

21 (On the record at 11:33 am)

22 BY MR MARKS:

23 Q We're just back from a brief break.

24 A Mmm hmm.

25 Q I want to return to the investigation that

Page 26

1 Volkswagen did.

2 A Yes.

3 Q And focusing on the documents that Volkswagen

4 located.

5 A Understood.

6 Q In the search to respond to the questions that

7 Mr Jagolinzer provided to Volkswagen, did Volkswagen

8 look for documents that might relate to the testimony

9 that Mr Clark gave?

10 A Could you specify that a little bit more?

11 Q You had the opportunity to look at Mr Clark's

12 testimony about his work with cars, or around cars?

13 A Yes.

14 Q In the search for documents, was Volkswagen

15 able to locate any specific documents that specifically

16 related to cars that Mr Clark talked about?

17 MR JAGOLINZER: Objection, form.

18 THE WITNESS: We searched for documents

19 specifically for the timeframe Mr Clark worked on cars,

20 but since, unfortunately, we did not have any VIN

21 numbers of the vehicles Mr Clark worked on, we couldn't

22 specifically locate the vehicles, since we had no

23 information what specific vehicles Mr Clark worked on.

24 BY MR MARKS:

25 Q What is a VIN number?

Page 27

1 A A VIN number is a specific, precise number.

2 It's a unique number issued only once for a specific

3 vehicle, and describes in short form the manufacturer,

4 the year built, and the serial number, among others.

5 Q The documents that were located, though,

6 focusing on those: did these go back to the 1960s,

7 1970s and 1980s?

8 A They also related to those timeframes, 50 years

9 back, company history, and we found documents, such as

10 importer contracts for companies Mr Clark worked for.

11 Q For the importers -- importer contracts for the

12 countries where Mr Clark worked?

13 A For the countries in which Mr Clark worked.

14 Q Okay, and those contracts were for the

15 importing of vehicles by Canada, the United States, and

16 then the importer for the Caribbean; is that right?

17 A For the American countries, VW Canada, VW USA,

18 correct.

19 Q VW Canada, VW USA, and Intercontinental

20 Americana?

21 A Yes.

22 Q Those were the importers for each of those

23 regions for Volkswagen vehicles?

24 A Those were the importers for the vehicles in

25 the respective countries. That was my understanding.

Page 28

1 yes.

2 Q And those importers in those respective

3 countries, what relationship do they have with

4 individual dealerships?

5 A According to my understanding, those importers

6 give guidelines to the dealerships as to how to

7 maintain those vehicles, how the dealerships are to be

8 set up, in order to offer those VW vehicles in those

9 respective countries.

10 Q Okay.

11 So did Volkswagen AG, the German company,

12 have a direct contact with any of the dealerships that

13 Mr Clark talked about in his testimony?

14 MR JAGOLINZER: Objection, form.

15 THE WITNESS: No, VWAG did not.

16 BY MR MARKS:

17 Q Does Volkswagen have a direct relationship with

18 any dealerships in any of the countries outside of

19 Germany?

20 A No, not according to my knowledge.

21 Q Nevertheless, did Volkswagen look for documents

22 that might relate specifically to individual

23 dealerships?

24 A VW performed a search by name of the dealers

25 Mr Clark mentioned, but no documents were found.

Page 29

1 Q You mentioned earlier this morning that, for
2 much of the time period covered by Mr Jagolinzer's
3 questions, there were no computers, no scanned images
4 of documents.
5 Do you remember saying that?
6 A That is correct. In the '50s, '60s, '70s, that
7 technology was not yet available.
8 Q By the way, in your department at Volkswagen,
9 when did you have access to the first computer for your
10 work?
11 A The first personal computer was procured back
12 then when I started there. That was 1991, an IBM PC,
13 and a black and white laser printer, and that was
14 available for the entire department comprised of 20
15 people.
16 And the predecessor of what we now know as
17 email was running on the big mainframes.
18 Q So the documents that you were searching for --
19 that Volkswagen was searching for -- were documents
20 that predated the computer technology?
21 MR JAGOLINZER: Objection, form.
22 THE WITNESS: Where the technology was not
23 yet available.
24 BY MR MARKS:
25 Q At Volkswagen?

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1 A At VW, yes.
2 Q You spoke about safety. How is safety
3 important to Volkswagen AG?
4 A Safety has the highest priority at VW.
5 Q How do brakes fit into that goal?
6 A Brakes are a very safety-relevant.
7 INTERPRETER: Or hold on ...
8 THE WITNESS: [Answer continued] Brakes are
9 very important as to safety -- as to safety, because
10 you have to be able to make sure that the vehicle comes
11 to a stop within a short period, or within a -- that
12 the stoppage path is very short.
13 BY MR MARKS:
14 Q Okay.
15 A And this has to work, regardless of the
16 environmental condition, whether it's hot, cold or wet;
17 whether there is road salt applied on the road or not.
18 Whether it's winter, whether it's summer, brakes have
19 to perform without a question.
20 Q We've heard some about brakes, but we haven't
21 really talked about what brakes are and how they work.
22 A That's true.
23 Q I'm going to show you what I've marked for
24 purposes of identification as Exhibit 3.
25 A Yes.

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1 (Exhibit 3 marked for identification -- displayed
2 electronically)
3 Q Do you recognize what this is?
4 A It describes a dual-circuit brake for a
5 passenger vehicle.
6 Q Okay.
7 Would this be similar to the type of braking
8 system that would be on vehicles of the vintage that
9 Mr Clark was talking about?
10 A The main principle has stayed the same. Even
11 as of today, vehicle brakes are performing based on
12 this system, but --
13 Q I'm sorry, I'm going to -- let me interrupt.
14 INTERPRETER: Okay.
15 BY MR MARKS:
16 Q I'd like to put this in front of the camera,
17 and ask you some questions about it.
18 If you shift a little to the left, and I will
19 hold this.
20 A Mmm hmm.
21 MR MARKS: And does that come into the camera
22 frame?
23 VIDEOGRAPHER: Yes.
24 THE WITNESS: Okay.
25 MR MARKS: Okay.

Page 32

1 Q So we've heard about brakes, we've heard about
2 disc brakes, we've heard about -- we've heard about
3 brakes with brake shoes.
4 A Correct.
5 Q Please remind us what's the difference between
6 a brake pad and a brake shoe?
7 A A brake pad is a general description. Brake
8 lining is the general description.
9 The disc brake, which is on the upper left
10 corner, or we talk in Germany about "brake blocks", and
11 in the right upper corner of the picture it shows a
12 brake drum, and here we talk about brake shoes.
13 That means, with the drum brake, the outer
14 drum turns with the -- together with the wheel of the
15 vehicle, and those brake shoes are having a fixed
16 connection with the axis [sic] of the vehicle.
17 With the axis [sic] of the vehicle.
18 Q Let me show you what we've also brought -- I'll
19 put this up again in just a moment -- but this is
20 marked as identification as Exhibit 4.
21 (Exhibit 4 marked for identification)
22 MR JAGOLINZER: Sorry, 3 is the board?
23 MR MARKS: 3 is the board, yeah.
24 Q I'm handing you what's Exhibit 4. If you could
25 hold that up, and tell us what we're looking at?

Page 33 1 A That's a typical description of two brake 2 shoes, as they are used in vehicles as of today, i.e., 3 in drum brakes. 4 As I stated before, those parts are fixed to 5 the axis [sic] and can be moved by putting pressure on 6 the brake pedal. 7 Q Okay. So let me hand you what's marked as 8 Exhibit 5, a little heavier. 9 (Exhibit 5 marked for identification) 10 And if you could show us both sides? 11 A This is a typical brake drum, as it's been 12 still in use as of today, even less so, and this drum 13 is connected to the wheel. That means it moves in the 14 same direction as the wheel does. 15 Q So, as fast as the wheel turns, Exhibit 5 turns 16 just as fast? 17 A Yes. They are connected by means of screws 18 with the wheel. 19 Q What is Exhibit 5 made of? 20 A Normally, it's cast iron. 21 Q And it's heavy, so we'll put it down for a 22 moment. 23 If we hold up Exhibit 4 again, there are 24 metal parts? 25 A Yes.	Page 35 1 go inside? 2 A May I? 3 Q Yeah. 4 (The witness indicated) 5 A The brake shoes with the lining are forming 6 part and parcel within the vehicle. 7 If the brake is not triggered, the brake drum 8 can move freely from the -- so if the brake is not 9 triggered, the brake drum can move freely without any 10 friction. 11 Q If someone puts their foot on the pedal, the 12 brake pedal, what happens? 13 A Then the brake pads are moved, and, 14 unfortunately, I cannot show that to you. 15 And with a large force in part up to 1,000 16 kilograms, they are moved against the drum. 17 Q So the two shoes in the middle that you've 18 inserted, they move outwards towards the drum? 19 A Yes. 20 Q And that's what stops the car? 21 A Precisely. 22 Geometrically, they are designed in such a 23 way that the lining is on the surface of the drum, and 24 in that way can also transfer force on a large scale. 25 Q And you said, what was the force that is
Page 34 1 Q The spring just came off. 2 A Now it's back. 3 Q And there are non-metal parts? 4 A Correct. The brake pads -- 5 INTERPRETER: Oh, no, I'm sorry. The brake, 6 erm ... 7 MR JAGOLINZER: Shoe. 8 THE WITNESS: [Answer continued] -- shoes are 9 made by metal, and on the surface of the brake shoes, 10 there's a lining. This one is rivetted on. 11 BY MR MARKS: 12 Q Rivetted: it's because there are bolts that go 13 through? 14 A Bolts -- rivets. 15 Q Okay. 16 So the part that has the yellow on it, that's 17 the part that wears down? 18 A That is the brake lining. 19 Q Okay. 20 What is the yellow part, I'm sorry? 21 This part here, with the yellow on it, what 22 is that called? 23 A The brake lining. 24 Q I see. 25 If I hold up Exhibit 5, where does Exhibit 4	Page 36 1 transferred? 2 A It can be 1,000 kilograms of brake force that 3 can be applied, and of course a large amount of heat is 4 generated in the course of this action, for which the 5 brake needs to be designed. 6 Q How much heat? 7 A Up to 800 degrees centigrade. 8 Q So, in Fahrenheit, that is over 1,000 degrees 9 Fahrenheit? 10 A I would believe so, but, unfortunately, I 11 cannot do the conversion -- 12 Q Okay. 13 A -- in my head right now. 14 Q So much hotter than we would use in our ovens 15 at home? 16 A Much, much warmer. 17 Q And if there's not the friction material 18 between the metal pieces -- the brake shoe and the 19 drum -- what would happen at that temperature? 20 A If the friction material wouldn't be there, and 21 if there would be contact metal to metal, probably the 22 wheel would get so hot that it would be welded against 23 each other, and the wheel would be blocked, not turning 24 at all anymore. 25 Q So you would press the brake and the car would

1 no longer be able to be used, without changing the
2 entire brake again?

3 A Or if it happens during driving, then the
4 vehicle becomes uncontrollable.

5 Q So what is the engineering challenge -- thank
6 you, you can put that down -- that must be addressed
7 with the brake process?

8 A The brake has to perform safely. That means,
9 when applying a certain brake force, that the vehicle
10 comes to a stop within an acceptable brake distance,
11 given all the environmental conditions I described
12 earlier, and the heat that is generated in the course
13 of a braking, which I described earlier, has to be
14 transferred out through the entire brake system and the
15 vehicle.

16 And not only for one brake process, but over
17 and over again in the course of driving.

18 Q Every time you put your foot on the pedal?

19 A Correct.

20 Q If we could go back to Exhibit 3, please, and
21 I'll be hold this up, so you just showed us the shoes
22 and the drum.

23 Where does one put their foot to start this
24 whole process?

25 A That's the brake pedal, and this is where the

1 of the main brake cylinder.

2 As the name "dual-circuit brake" implies,
3 this type of brake is comprised of two independent
4 cylinders.

5 So, if the brake is actuated, then a force or
6 pressure is applied on this main brake cylinder, and
7 the brake fluid that goes through those lines or hoses
8 is -- pressure is applied on them, depending on the
9 amount of force applied on the brake pedal, and a more
10 or less strong pressure is generated, and the brake
11 pressure is transferred to the wheel brake cylinders,
12 and by the pressure applied, also the wheel brake
13 cylinders are expanded.

14 COURT REPORTER: Expanded?

15 MR MARKS: Extended?

16 INTERPRETER: Expanded.

17 MR MARKS: Expanded?

18 INTERPRETER: Yes.

19 THE WITNESS: [Answer continued] Which means
20 that the lining is pressed against the shoe.

21 BY MR MARKS:

22 Q And that stops the car?

23 A And, by that, the vehicle comes to a stop.

24 Q You mentioned the temperatures from the
25 braking.

1 driver would press the brake pedal with his foot.

2 Q And then what is this here?

3 A This one?

4 Q Yeah?

5 A That's the handbrake.

6 Q Like an emergency brake?

7 A As an emergency brake, or as a second,
8 independent brake.

9 Q Okay.

10 Going back to the primary brake, then, if one
11 pushes the pedal, what happens next?

12 A The brake pedal is connected to a rod -- it's a
13 steel rod, so to speak -- and as the name implies, it's
14 a hydraulic brake.

15 Q What do you mean "hydraulic"?

16 A Hydraulic means that force is being transferred
17 by means of a fluid.

18 Q Is that brake fluid?

19 A That is a brake fluid.

20 This is the so-called "main brake cylinder".
21 On top of that is a container that contains the brake
22 fluid, and this main brake cylinder is filled with
23 brake fluid. This also is displayed by this depiction.

24 That means the brake fluid container has two
25 exits, and the brake fluid then runs into the cylinders

1 A Yes.

2 Q Is there any concern about the high
3 temperatures in the brake fluid that runs through the
4 brake line?

5 A You have to consider that every fluid has a
6 boiling point. So every fluid will come to a boil at
7 some point in time, and if the brake fluid would come
8 to a boil, that would generate bubbles -- gas
9 bubbles -- and if you would have bubbles in that area,
10 or in the lines, then you cannot transfer any brake
11 force any longer.

12 That's why the entire brake system must be
13 designed in such a way that the fluid in the brake line
14 will never reach boiling point.

15 Q Because, if it gets too hot, the brakes could
16 fail?

17 A Then the brakes would fail.

18 Q And the car won't stop?

19 A Correct.

20 Q And that would be a hazard?

21 A That would be an extreme hazard.

22 Q In order to address this hazard of the high
23 temperatures associated with the braking process, what
24 mechanism was used to transfer this heat? How did the
25 engineers overcome that challenge?

Page 41 1 MR JAGOLINZER: Objection. 2 MR MARKS: In light of the objection, let me 3 rephrase the question. 4 Q In the period leading up through the mid-1980s, 5 did Volkswagen brakes use asbestos to help stop the 6 car? 7 MR JAGOLINZER: Objection, form. 8 Sorry, go ahead. 9 THE WITNESS: At that time, VW, as other car 10 manufacturers, used brake linings that contained 11 asbestos. 12 BY MR MARKS: 13 Q So it wasn't something unique to Volkswagen? 14 A No. The entire industry used it. 15 Q Why? 16 A Because asbestos has very good physical and 17 chemical properties. 18 At this timeframe, it was the material of 19 choice for those friction linings. 20 MR JAGOLINZER: Objection, form. Move to 21 strike. Foundation. 22 BY MR MARKS: 23 Q The documents that you have reviewed from 24 Volkswagen, does it indicate the type of asbestos fiber 25 used in the brakes?	Page 43 1 the vehicle to a stop. That means, if you actuate the 2 clutch pedal in a vehicle, then force is being applied 3 to the clutch, and the clutch separates engine and 4 gearbox, and once the clutch pedal is released, the 5 link is being re-established. 6 And, during that process, there's a certain 7 amount of friction until the engine and the gearbox 8 have the same amount of rotation -- rotation speed. 9 That means every time the clutch is applied, 10 this friction process is generated as well. 11 Q So similar high temperatures, like you were 12 describing with the brakes? 13 A In a similar way, yes. 14 Q And how did the engineers design the vehicles 15 so that the -- to deal with the high temperatures in 16 that part of the car? 17 A It's the same with the clutch as it is with the 18 brake. You have to take a look at the entire system, 19 and, as with the brake, a large amount of 20 temperature -- of hot temperature -- has to be 21 dissipated through the clutch system. 22 And also here you have to use linings -- 23 friction linings -- which are comparable to the linings 24 of a brake. It's a similar process. 25 Q Do the documents indicate that there was a
Page 42 1 A It was chrysotile -- 2 Q Chrysotile? 3 A Chrysotile asbestos. 4 INTERPRETER: Sorry. 5 BY MR MARKS: 6 Q There's another part of the car that also uses 7 a friction process; is that right? 8 A That is correct. That is the clutch. 9 Q And that is in the engine. Is that right? 10 A Not in the engine. It's a connection between 11 the gearbox and the engine. 12 Q Okay. I did not bring that into the conference 13 room. Too big. 14 A Okay. 15 Q But could you describe the process on how the 16 clutch uses friction, and why, please? 17 A Yes. 18 Within a vehicle, there is a transfer of 19 force or power between the engine and the gearbox. 20 That means the engine generates the force to move 21 ahead, and the gear transfers that force into movement, 22 and, if the connection between engine and gearbox 23 exists, then the vehicle moves forward. 24 But there are certainly situations where you 25 have to disconnect that link, i.e., if you want to get	Page 44 1 period of time when clutches used in the cars contained 2 asbestos? 3 A Yes. In the stated period of time, it was a 4 standard in the industry also to use 5 asbestos-containing clutch facings. 6 Q And do the documents indicate the type of 7 asbestos used? 8 MR JAGOLINZER: Objection, form. 9 THE WITNESS: Yes, also chrysotile asbestos 10 was being used there as well. 11 BY MR MARKS: 12 Q Is there high temperature in the engine? 13 A Yes, in the engine and combustion area, there 14 are high temperatures being generated. 15 Q When you say "combustion", what do you mean? 16 A If you have a combustion engine, the energy 17 that is being generated for the movement is generated 18 by small explosion in the combustion chambers. 19 That means in the cylinders, there's air -- 20 in the compression cylinders, there's air, and then 21 fuel is being injected in addition, and this is a 22 flammable mixture, which in case of an ignition, will 23 cause the vehicle to move forward. 24 And, in this process, also high temperatures 25 are being generated.

Page 45 1 Q What is a gasket? 2 A A gasket is a technical component that is being 3 used when you want to seal off two metallic surfaces. 4 If you have a cylinder block and a cylinder 5 head, for example, and if within those cylinders the 6 combustion processes take place, and when high pressure 7 and high temperatures are generated in this course, you 8 have to make sure that the cylinder block and the 9 cylinder head are tightly connected without leakage, 10 and for that you need a gasket, and in this case a 11 cylinder head gasket. 12 Q What happens if there is a leak with the gasket 13 in the engine? 14 A In a combustion engine, you need high gas 15 pressure within the engine, and in case this connection 16 is not airtight, if gas can leak out, then you have a 17 less effective combustion process, which means the 18 vehicle would not move forward as effectively as it 19 would be the case if it's airtight. 20 Q Okay. 21 Did some gaskets, during some periods in 22 Volkswagen vehicles, have asbestos in them? 23 A Yes. In the stated timeframe, there were such 24 gaskets. 25 Q Why was that the case?	Page 47 1 fosterite is an amorphous material. It's no longer a 2 chrysolite [sic]. 3 MR MARKS: Chrysotile? 4 INTERPRETER: Chrysotile, yes. 5 THE WITNESS: It's no longer fibrogenous. 6 BY MR MARKS: 7 Q I want to show you what I've marked as Exhibit 8 6 before we break. This is Bates number 2554. 9 (Exhibit 6 marked for identification -- displayed 10 electronically) 11 Dr Albers, do you recognize -- 12 MR JAGOLINZER: 25? 13 MR MARKS: 2554. 14 Q Do you recognize Exhibit 6? 15 A Yes, it's a brochure -- 16 COURT REPORTER: It's a what, sorry? 17 INTERPRETER: A brochure. 18 MR MARKS: Brochure. 19 COURT REPORTER: Oh, thank you. 20 THE WITNESS: [Answer continued] -- 21 describing the brakes and the brake linings at VW, 22 functionality, et cetera. 23 BY MR MARKS: 24 Q And the date of this document is? 25 A January of 1988.
Page 46 1 A As stated before, because asbestos has 2 excellent physical and chemical properties, and is very 3 resistant, temperature-wise, and was used in areas with 4 high temperatures, such as is the case with the 5 cylinder head gasket. 6 And that was the reason why it was used as a 7 sealing material. 8 Q Do the documents that Volkswagen located 9 indicate what type of asbestos was used in the gaskets? 10 MR JAGOLINZER: Objection, form. 11 THE WITNESS: Yes. Also, chrysotile asbestos 12 was being used there as well. 13 BY MR MARKS: 14 Q And you reviewed those documents? 15 A Yes. 16 Q I want to take a break in a moment, but before 17 we do, let me ask you: do the documents that were 18 located indicate what happens to the brake linings that 19 contained asbestos when that friction process occurred, 20 the high heat generated when the shoe or the pad is 21 applied? 22 MR JAGOLINZER: Objection, form. 23 THE WITNESS: Yes, the documents describe 24 that, in the course of those brake process, that the 25 chrysotile asbestos is changed into fosterite, and	Page 48 1 Q And I don't want to go through the whole 2 document. But, generally, what is this -- this was a 3 document that was made to be given to customers? 4 MR JAGOLINZER: Objection, form. 5 THE WITNESS: According to my understanding, 6 it's a document that was given to the dealers for 7 display for the customers. 8 BY MR MARKS: 9 Q Okay. 10 Just generally, what does the document 11 describe? 12 MR JAGOLINZER: Objection, form. 13 THE WITNESS: It describes the functionality 14 of the brake; it describes what happens in the brake 15 process; what requirements are there for brakes; and 16 what temperatures and pressures might occur. 17 BY MR MARKS: 18 Q Anything else? 19 A And it describes the difference of lining free 20 of asbestos versus lining containing asbestos, and 21 describes the rough differences between the linings 22 free of asbestos versus containing asbestos. 23 MR MARKS: Okay. 24 Let us take a break, if we could, please, and 25 when we come back, let me talk about that change.

Page 49 1 THE WITNESS: Okay. 2 MR MARKS: May we go off the record? 3 (Off the record at 12:26 pm) 4 (On the record at 12:43 pm) 5 BY MR MARKS: 6 Q Dr Albers, we're back from a brief break, and I 7 wanted to hand back to you Exhibit 6. 8 A Yes. 9 Q If you could turn that around, please, for the 10 camera view, and if we could zoom in on that 11 photograph, page 8, what do we see depicted in that 12 picture? 13 MR JAGOLINZER: Objection, form. 14 THE WITNESS: May I turn it around? 15 BY MR MARKS: 16 Q Yes, please. 17 INTERPRETER: I think it disappeared. 18 THE WITNESS: We see a disc brake on a dyno 19 stand, and we see that, due to the brake process, the 20 disc -- the brake disc is glooming red. 21 And we mentioned earlier that temperatures up 22 to 800 degrees centigrade may be generated, which means 23 also a brake disc might have this glooming appearance. 24 BY MR MARKS: 25 Q Okay. Thank you.	Page 51 1 Q And they were asbestos-free by -- certainly, by 2 1991, then; is that right? 3 MR JAGOLINZER: Objection, form. 4 THE WITNESS: Could you repeat your question, 5 sorry? 6 BY MR MARKS: 7 Q Were they asbestos-free, then, by model year 8 1991? 9 MR JAGOLINZER: Objection, form. 10 THE WITNESS: We are talking about clutches; 11 right? 12 BY MR MARKS: 13 Q Clutches, yeah. 14 A Yes. 15 Q And how about brakes? 16 A The brakes were free of asbestos after 1986. 17 Q I'd like to show you what's marked as Exhibit 7 18 to your deposition, which will be Bates number 2417. 19 (Exhibit 7 marked for identification -- displayed 20 electronically) 21 A Okay. 22 Q And that starts with Bates number 2408. 23 A Mmm hmm. 24 Q What is Exhibit 7? 25 A Exhibit 7 is an employee magazine called
Page 50 1 So, in other words, red hot? 2 A Very hot. 3 Q Okay. 4 We've talked about the use of asbestos -- 5 chrysotile asbestos -- in brakes, clutches, and some 6 gaskets. 7 MR JAGOLINZER: Objection, form. 8 THE WITNESS: Yes. 9 BY MR MARKS: 10 Q Let me ask you: do Volkswagen cars sold in the 11 United States today still have asbestos in those parts? 12 A No, those vehicles are free of asbestos. 13 Q When was asbestos -- when was the last car 14 manufactured -- Volkswagen car -- that had asbestos in 15 the brakes? What year? 16 MR JAGOLINZER: Objection, form. 17 THE WITNESS: The last components containing 18 asbestos were the gaskets, and those ones were last 19 used 1992/93, and after that, the vehicles were free of 20 asbestos. 21 BY MR MARKS: 22 Q What about with respect to clutches? When was 23 asbestos last used in the clutches? 24 A To the best of my knowledge, I think the 25 clutches were last containing asbestos in 1988.	Page 52 1 AutoGramm. 2 MR JAGOLINZER: I'm sorry, Auto what? 3 INTERPRETER: AutoGramm. 4 MR JAGOLINZER: Gramm? 5 INTERPRETER: Yes, with double M. 6 THE WITNESS: [Answer continued] From March, 7 1983. March 2. 8 BY MR MARKS: 9 Q And I wanted to direct your attention to page 10 10, and there's an article there in the left side; do 11 you see that? 12 A Yes. The headline reads, "A Nose Length 13 Ahead". 14 Q And what does that article refer to? 15 MR JAGOLINZER: Objection, form. 16 THE WITNESS: The article describes the 17 utilization of asbestos-free brake linings at VW. 18 BY MR MARKS: 19 Q And why is the article entitled "A Nose Length 20 Ahead"? 21 A It shows that VW was leading in the 22 introduction of asbestos-free linings -- brake linings. 23 MR JAGOLINZER: Objection. Move to strike. 24 Foundation. 25

Page 53 1 BY MR MARKS: 2 Q I'd like to -- thank you -- I'd like to go back 3 and talk about the brakes. 4 A Mmm hmm. 5 Q From the review of the documents and the 6 information available to Volkswagen, when did 7 Volkswagen begin looking for a replacement to brakes 8 that were using asbestos? 9 MR JAGOLINZER: Objection, form. 10 THE WITNESS: The documents showed that, in 11 the early '70s -- I believe 1971 -- that VW started the 12 search for asbestos-free linings. 13 MR JAGOLINZER: Objection, form. Move to 14 strike. Foundation and speculation. 15 BY MR MARKS: 16 Q And, from the same review of documents, what -- 17 why was there a search for a replacement? 18 A It had a technical background. Several large 19 customers complained that the lifespan of our brake 20 linings was not long enough. 21 So VW started to investigate to increase the 22 lifespan of brake linings, and also researched 23 asbestos-free solutions. 24 Q The thought being that asbestos-free brakes 25 might last longer?	Page 55 1 corresponding brakes, which means all of those brake 2 systems had to be aligned, and that is a tremendous 3 amount of testing that is necessary for that. 4 MR JAGOLINZER: Objection. Move to strike. 5 No foundation. No personal knowledge. 6 Thank you. 7 MS GODFREY: Hang on. I think that Fran has 8 been disconnected. I'm sorry. 9 Fran, are you back on? 10 Right, I guess we need to -- 11 MR MARKS: Go off the record. We'll go off 12 the record. 13 (Off the record at 12:57 pm) 14 (On the record at 12:59 pm) 15 MR MARKS: We had a telephone connection 16 issue, so we went off the record briefly. 17 Q I wanted to hand you back Exhibit 4, please. 18 A Yes. 19 Q So, when you were referring a moment ago to 20 replacing the lining, you were referring to which 21 portion, again? 22 A The brake lining is the gray lining, 23 approximately of 4 millimeters wide, or strong, and 24 it's on the outer circumference of the shoe. 25 Q Okay.
Page 54 1 A Yes, precisely. That was the starting point. 2 Q Okay. 3 You told us a few moments ago that 1986 is 4 when the last model year vehicle had asbestos in the 5 brakes. Did I get that right? 6 A That is correct. 7 Q Why did it take from 1970 -- the early 1970s -- 8 until 1986 for there to be asbestos-free brakes in the 9 cars? 10 MR JAGOLINZER: Objection, form. 11 THE WITNESS: It is quite a huge effort 12 necessary in order to replace brake linings containing 13 asbestos, which was the standard in the industry, and, 14 as I tried to describe earlier, you have to see the 15 brake as the entire system. It's -- you cannot simply 16 look at the lining isolated. You have to align the 17 entire brake system. 18 You also have to do a lot of effort of 19 testing on the roads. A hundred thousand of kilometers 20 have to be driven, and that, of course, takes a lot of 21 time. 22 If you take into consideration it was not 23 only about one vehicle model -- there were several 24 models -- and, depending on the vehicle model, the 25 weight, the vehicle power, those vehicles needed the	Page 56 1 At the time in the 1970s -- thank you -- when 2 vehicles were being sold in the United States, were 3 there regulations from the US government that required 4 certain performances from vehicles with respect to 5 stopping? 6 MR JAGOLINZER: Objection, form. 7 THE WITNESS: Yes, there were the Federal 8 Motor Vehicle Safety Standards imposing certain 9 regulations on the stoppage of the vehicle. 10 BY MR MARKS: 11 Q This is shorthand FMVSS? 12 A Exactly. 13 Q And, without going into the details of the 14 specific requirements, what were the requirements 15 generally with respect to stopping? 16 A To explain it roughly, the FMVSS requires that, 17 when applying a certain pressure on the brake pedal, 18 that the vehicle must be stopped when it is at a 19 certain speed, at a certain brake distance. 20 That is just the rough description. If you 21 need it elaborated, then we would have to go into the 22 specific details of that regulation. 23 Q Okay. 24 In order for a car to be sold in the United 25 States, then, would the vehicle have to comply at least

Page 57 1 with that minimum standard? 2 A It must comply with those standards, for sure. 3 Q So, when Volkswagen was looking for 4 replacements to its brakes for longevity, in response 5 to the customer requests, would changes to the brakes, 6 then, have to comply with the FMVSS standards? 7 MR JAGOLINZER: Objection, form. 8 THE WITNESS: Of course. Whether they are 9 free of asbestos or containing asbestos, that is 10 besides the fact, but they have to comply with the 11 standards. 12 BY MR MARKS: 13 Q Okay. 14 Did the Federal Motor Vehicle Safety 15 Standards deal with other aspects of safety, other than 16 brakes? 17 MR JAGOLINZER: Objection, form. 18 THE WITNESS: Yes, there are many other 19 standards. Yes, there are also other standards that 20 are referring to passive safety. 21 But everything that's safety-related is being 22 issued by the FMVSS. 23 BY MR MARKS: 24 Q The Federal regulations in the United States? 25 A Correct.	Page 59 1 BY MR MARKS: 2 Q How did the suppliers -- what about with 3 respect to gaskets? 4 A I believe the gaskets were not manufactured by 5 us. They were procured. 6 MR JAGOLINZER: Objection, form. Move to 7 strike. Speculation. 8 BY MR MARKS: 9 Q You indicated that, in order to comply with the 10 standards, whether they're Federal standards in the US, 11 standards in other countries, or internal standards to 12 Volkswagen, you mentioned testing. 13 What type of testing was done to meet the 14 standards? 15 MR JAGOLINZER: Objection, form. 16 THE WITNESS: On the one hand, driving tests 17 were performed over many thousands of kilometers, and 18 also tests on dyno stands were performed. 19 BY MR MARKS: 20 Q What is a dyno stand? 21 A A dyno-meter, or dyno stand, is a stand that is 22 stationary within a production hall, and where you can 23 simulate the effect of a brake on a wheel, which means 24 a wheel is driven, and then the brakes are applied, and 25 you see what brake forces and what temperatures are
Page 58 1 Q Were there other safety regulations that 2 Volkswagen considered, as it looked for replacement 3 brakes, to make a longer-lasting brake? 4 MR JAGOLINZER: Objection, form. 5 THE WITNESS: Yes. Basically, in every 6 country, the new model is brought to market. The local 7 country regulations have to be complied with, and, of 8 course, VW also has internal regulations. 9 BY MR MARKS: 10 Q Dealing with safety issues, like stoppage, as 11 well? 12 A The stoppage distance, yes. 13 Q Okay. 14 By the way, did Volkswagen itself make the 15 brake shoes, and the brake linings, and the clutches, 16 and the gaskets, that were used in the cars? 17 MR JAGOLINZER: Objection, form. 18 Timeframe? Do you mean AG? 19 MR MARKS: AG. Volkswagen. 20 THE WITNESS: The friction linings, we never 21 manufactured ourselves, but other components, such as 22 the drums or steel parts, were manufactured by VW 23 themselves. 24 The rest was supplied by suppliers. 25	Page 60 1 occurring. 2 Q In the materials that were requested from 3 Volkswagen, were there questions about Volkswagen's use 4 of asbestos in the manufacturing facilities, the 5 manufacturing process? 6 MR JAGOLINZER: Objection, form. 7 THE WITNESS: I believe so. 8 BY MR MARKS: 9 Q Okay. 10 In the United States, there is an 11 Occupational Safety and Health Act, OSHA. 12 In Germany, was there government regulation 13 with respect to use of asbestos in the workplace? 14 MR JAGOLINZER: Objection, form. 15 THE WITNESS: Also in Germany there are 16 regulations in terms of workplace safety. 17 BY MR MARKS: 18 Q And were you asked to look for documents 19 relating to that? 20 A Yes. 21 Q And did Volkswagen find documents about that? 22 A We did find documents about that. 23 Q When did the German regulations with respect to 24 asbestos and workers in factories in Germany take 25 effect?

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1 A 1973.

2 Q And what do the documents that Volkswagen found

3 indicate with respect to Volkswagen's effort to comply

4 with those regulations?

5 A The documents showed that, immediately after

6 the regulation was in place and in force, that it was

7 implemented at VW's workplaces.

8 Q And how do you know that from the documents,

9 generally?

10 MR JAGOLINZER: Objection, form.

11 THE WITNESS: There are documents that are

12 related to this regulation from 1973 and demand changes

13 to take place.

14 BY MR MARKS:

15 Q We haven't talked about Wolfsburg, the factory,

16 and for those that haven't been there to see it, how

17 big a place is this?

18 A I don't know the exact square feet area, but

19 it's a huge one. You have to consider that 60,000

20 people are working there every day in Wolfsburg.

21 We produce our own energy. We have our own

22 power plant that in part also delivers energy to the

23 city of Wolfsburg, and we, of course, have a large

24 infrastructure that goes along with such a huge plant.

25 We have physicians that are responsible for

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1 the work-related safety, and we have other departments

2 located there, such as research and development, where

3 10,000 people alone are dealing with research and

4 development, and we have our own cafeterias, and we

5 make our own curry sausages, which have worldwide fame.

6 You have to imagine the plant to be like an

7 own little city.

8 Q Have you ever walked from the power plant up

9 through the research facility?

10 A In my time at VW, I walked quite some miles.

11 It's -- really, it's huge.

12 Q Were there workshops at the Wolfsburg factory

13 that made things that didn't go into cars?

14 A That manufacture things that don't go into

15 cars? What are you referring to?

16 Q Like blankets, aprons?

17 A There are work materials that we are

18 manufacturing, and there's, of course, also maintenance

19 in regards to the manufacturing of the vehicles, that

20 requires a safe functionality of the vehicles, and that

21 they are ready for operation.

22 And, of course, there are a lot of colleagues

23 dealing with that, just to keep the operation going.

24 Q Was there a foundry?

25 A There used to be a foundry.

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1 Q And what is a foundry?

2 A It's a production facility -- you could name it

3 like that -- where metal parts are cast.

4 The metal is heated until it's fluid and the

5 fluid metal is then cast in forms in order to

6 manufacture parts, such as the brake drum is.

7 Q So melting metal?

8 A Melting of metal.

9 Q Very hot?

10 A Melting of steel. For that, you require quite

11 some hot temperatures.

12 Q In looking for the documents that were

13 requested from Volkswagen, did you find -- did

14 Volkswagen find documents related to use of asbestos in

15 these other processes, like the foundry, the power

16 plant, making things like blankets, and protective

17 clothing for workers?

18 A As earlier described, in those production

19 areas, work areas where high temperatures were

20 involved, such as in the foundry or in the power plant,

21 for insulation purposes, asbestos was used as well.

22 Q Did you -- did Volkswagen find documents

23 showing any effort by Volkswagen to comply with the

24 regulations for workplace safety, as they related to

25 asbestos and dust in the workplace?

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1 MR JAGOLINZER: Objection, form.

2 THE WITNESS: Yes, there are several

3 documents that describe how dust measurements are to be

4 performed at the workplace, and when certain thresholds

5 were reached or exceeded, that certain measures are to

6 be implemented in order to equip the workplace

7 properly.

8 BY MR MARKS:

9 Q So, as an employer of people working with

10 asbestos, Volkswagen had obligations by the Federal

11 government to take certain measures in the workplace to

12 measure asbestos dust, and take steps to reduce the

13 dust levels if they exceeded?

14 MR JAGOLINZER: Objection, form.

15 THE WITNESS: Yes, there were regulations,

16 and we always strived for and did comply with such --

17 to fulfill those regulations, and actually fulfilled

18 them.

19 BY MR MARKS:

20 Q In looking for documents responsive on this

21 point, did Volkswagen look in departments that were

22 assigned responsibility for workers' safety?

23 A We talked to colleagues from healthcare, from

24 work safety, and safety chemistry.

25 Q Okay.

Page 65 1 A And also outside of the company with the 2 Employers' Liability Insurance Association. 3 Q These were all departments within Volkswagen, 4 and then the BGs outside of Volkswagen, that had 5 responsibility for worker safety? 6 MR JAGOLINZER: Objection, form. 7 THE WITNESS: Yes, precisely. 8 BY MR MARKS: 9 Q Coming back to the BGs, were the BGs permitted 10 to come onto the premises to provide inspections of the 11 workplace? 12 A Yes. When we talked to the BG guy, he said, if 13 the company is working 24 hours a day round the clock, 14 BG can come and check up on those workplaces at any 15 time without any notification. 16 Q And did -- in searching for documents at 17 Volkswagen, did Volkswagen find instances of the BG 18 performing inspection and testing for asbestos dust? 19 MR JAGOLINZER: Objection, form. 20 THE WITNESS: We were told by the BG that an 21 unannounced inspection was not performed because VW has 22 always well co-operated with the BG. 23 BY MR MARKS: 24 Q At some point, did Volkswagen, in Germany, put 25 warnings on anything with respect to asbestos materials	Page 67 1 parts? 2 A We didn't find any documents regarding to that 3 and, as far as I recall, we did not put any stickers on 4 boxes. 5 Q Why didn't Volkswagen put a warning on before 6 the Federal regulations required it? 7 MR JAGOLINZER: Objection, form. 8 THE WITNESS: Because VW was of the opinion 9 that the asbestos-containing parts in clutches, brakes 10 and gaskets do not represent a danger. 11 MR JAGOLINZER: Objection, form. Move to 12 strike. Foundation. Speculation. 13 BY MR MARKS: 14 Q And, from the documents and materials found, 15 what was that based upon? 16 MR JAGOLINZER: Objection, form. 17 THE WITNESS: That was based on documents 18 that investigated the dust; that vehicle components 19 containing asbestos, the people working with such 20 vehicle components, that no increased exposure was 21 implied. 22 BY MR MARKS: 23 Q Who was Dr Grimm? 24 A He was a leading medical guy with the VWAG in 25 Wolfsburg. He was an engineer from his education
Page 66 1 that were going to consumers? 2 MR JAGOLINZER: Objection, form. 3 THE WITNESS: At a certain year, and I don't 4 recall the precise year, there was a regulation to 5 label, or put a sticker on, vehicle components 6 containing asbestos, and, of course, VW complied with 7 that requirement. 8 BY MR MARKS: 9 Q That was a government requirement within 10 Germany? 11 A That was a statutory requirement. 12 Q And Volkswagen complied with that? 13 A Yes. 14 Q Before that requirement came into effect, or at 15 the time that it came into effect, was Volkswagen -- 16 were new Volkswagen vehicles sold with asbestos 17 clutches, brakes, or gaskets? 18 A I believe so, because I believe it was in '83 19 or later, and the clutches and the gaskets still 20 contained asbestos. 21 MR JAGOLINZER: Objection, form. 22 BY MR MARKS: 23 Q With respect to the period before the 24 government in Germany required warnings, did Volkswagen 25 place warnings on, for instance, boxes of replacement	Page 68 1 background, but at the same time, also a physician. 2 Q Okay. 3 I want to show you what's marked as Exhibit 8 4 to your deposition, which is Bates number 2310. 5 (Exhibit 8 marked for identification -- displayed 6 electronically) 7 A Okay. 8 Q Do you recognize? 9 A Yes, I do. I recognize the article. 10 Q And what is Exhibit 8? 11 A It's an article. 12 INTERPRETER: Keep on. Up to the end. 13 THE WITNESS: I don't see the rest of the 14 article yet. 15 Okay. Now we've got it. 16 It's an article authored by Dr Grimm, and he 17 did a study of the studies performed by other 18 physicians in regards to friction linings, and he comes 19 to the conclusion that -- and he is stating that other 20 investigations still have to take place, but at this 21 time, there are no findings that show an increased risk 22 in asbestos-containing materials -- the usage of 23 asbestos-containing materials. 24 MR JAGOLINZER: Objection. Move to strike. 25 Hearsay. Foundation.

Page 69 1 BY MR MARKS: 2 Q And what was he reviewing, in reaching that 3 conclusion? 4 MR JAGOLINZER: Objection, form. 5 THE WITNESS: He reviewed various studies -- 6 international studies -- which are also stated as a 7 reference in this article. 8 BY MR MARKS: 9 Q And what year did he publish this article? 10 A I think that was on the last page -- okay -- 11 that it was in a medical journal, 12th edition, 1998. 12 Q '88 or '98? 13 A 1988. 14 Q Okay. 15 As of 1988, was Volkswagen making new cars 16 for sale in the United States with asbestos in the 17 brakes? 18 A No. 19 Q Asbestos was already out? 20 A Was gone from the brakes. 21 Q Why did it take longer to get the asbestos out 22 of the clutches, and then a few more years for the 23 gaskets? 24 A Because the technical frame conditions for the 25 gaskets have high requirements, and the technical frame	Page 71 1 Q And how many inspectors do they have listed 2 there? 3 A I have to enlarge that a little bit in order to 4 be able to read it. 5 THE WITNESS: [Witness interjected in 6 English] Just a second ... 7 No, I put it away ... 8 BY MR MARKS: 9 Q 1,404 inspectors? 10 A 1,104. That's what it says here. 11 Q Right. 12 During all the many decades leading up to 13 now, does Volkswagen maintain that safety was a 14 priority? 15 MR JAGOLINZER: Objection, form. 16 THE WITNESS: It has always been the highest 17 priority with VW. 18 BY MR MARKS: 19 Q Why? 20 A It is our obligation to put safe vehicles on 21 the road, and, in order to reach that, we put all -- in 22 all efforts to implement that. 23 Q And the most important aspect of vehicle safety 24 has been what part of the car? 25 A And one of the most important aspects, if not
Page 70 1 conditions first had to be fulfilled, because also the 2 cylinder head gaskets and the clutch facings are 3 safety-relevant components. 4 So more technical effort and investigations 5 was needed in order to find a good solution. 6 Q Thank you. 7 With respect to safety, did Volkswagen 8 inspect its vehicles for safety before they sold them? 9 MR JAGOLINZER: Objection, form. 10 THE WITNESS: Yes, that's a regular process 11 that vehicles are tested before they are out for 12 delivery. 13 BY MR MARKS: 14 Q I want to show you this advertisement, which is 15 marked as Exhibit 9, which we'll display, but it shows 16 a car. 17 (Exhibit 9 marked for identification -- displayed 18 electronically) 19 Are you familiar with that ad? 20 A Yes, I saw that ad before. 21 Q And what does that ad show? 22 A That shows a large number of safety inspectors 23 standing behind a Beetle car, and give the impression 24 how much effort is made in order to bring a safe 25 vehicle to the streets.	Page 72 1 the most important aspect, is the performance of the 2 brake. 3 Q When Mr Clark was talking about vehicles that 4 he saw in his lifetime, as a mechanic, did Volkswagen 5 believe that those vehicles were safe to be used on the 6 roads? 7 A Yes, definitely so. 8 Q But those vehicles were from the '60s, the 9 '70s, and the '80s; right? 10 A That is correct, but you have to keep in mind 11 for those timeframes what regulations were in place, 12 and what were the expectations from the customer side, 13 but also from the manufacturer side. 14 That was a different time with different 15 expectations. 16 But for the timeframe back then, and for the 17 regulations in place back then, our vehicles were safe. 18 MR JAGOLINZER: Objection, form. 19 BY MR MARKS: 20 Q With respect to the vehicles back in that time 21 period compared to vehicles today, did the performance 22 -- was the performance expectations different? Are 23 they -- are the performance expectations today 24 different than the vehicles driven back decades ago? 25 A Also, the customers had requirements at the

Page 73 1 time. But, if you look at a Beetle vehicle from the 2 '60s, they didn't have an airbag, or safety belts, 3 which back then was not a requirement. 4 But nowadays, the consumer has different 5 requirements and expectations. 6 You always have to put it in relation to the 7 time period. 8 Q Do cars -- Volkswagen cars today have computers 9 in them to help operate the safety features? 10 A Yes, they have a multitude of operating 11 devices. 12 Q And were those devices even invented back in 13 the timeframe that we're talking about in these early 14 years? 15 A It was not available at that time, not invented 16 at that time. There were no electronic components in 17 the vehicles, merely basic electric components. 18 Q But, at the time, those were considered safe 19 vehicles? 20 MR JAGOLINZER: Objection, form. 21 THE WITNESS: Those were safe vehicles, 22 conforming with the regulations in force at that time. 23 BY MR MARKS: 24 Q So, even though Volkswagen was selling cars in 25 the '60s and the '70s without airbags, without the	Page 75 1 BY MR MARKS: 2 Q Dr Albers, we're back from a brief break and I 3 was looking at my notes. 4 A Okay. 5 Q And we were talking about the Federal 6 regulation with respect to warnings and various 7 substances, and I wrote down that you had written -- 8 that you had said 1983. 9 Might that regulation have come into effect 10 in November, 1993? 11 A That was my mistake. It was '93. 12 MR MARKS: Done. 13 MR JAGOLINZER: Right. Why don't we go off, 14 so we can switch? 15 (Off the record at 2:38 pm) 16 (On the record at 2:42 pm) 17 EXAMINATION: 18 BY MR JAGOLINZER: 19 Q Good afternoon. 20 A Good afternoon. Same to you. 21 Q Thank you. 22 Earlier today, doctor, Mr Marks referred to 23 you as a "doctor". I am referring to you as a "doctor" 24 out of respect as well. 25 And you have no -- you're not a medical
Page 74 1 electronic safety devices you've described, did those 2 comply with the Federal Motor Vehicle Safety Standards 3 that were in play at the time? 4 MR JAGOLINZER: Objection, form. 5 THE WITNESS: All vehicles on the market back 6 at that time were in compliance with the VMVSS [sic] 7 standards applicable at that time. 8 BY MR MARKS: 9 Q Is this effort to maintain a priority in 10 safety -- is that consistent with your own experience? 11 A It is in compliance with my own experience. 12 Remember, I've been with VW for 28 years. 13 I've driven myself several VW models. I'm currently 14 driving a VW car, and safety is still the highest 15 priority with VW. 16 MR MARKS: I'd like to go off the record for 17 a break. I may have a follow up question. I'll just 18 look at my notes after lunch, but otherwise, I'll pass 19 the witness. 20 THE WITNESS: Okay. 21 MR MARKS: Thank you for answering my 22 questions. 23 THE WITNESS: You're welcome. 24 (Off the record at 1:46 pm) 25 (On the record at 2:37 pm)	Page 76 1 doctor; correct? 2 A That's correct. I'm an engineer. 3 Q Correct, and am I correct as well, sir, that 4 you never studied medicine and/or asbestos any time 5 before your employment with VW? 6 A That is correct, yes. 7 Q And you have never published on the topic of 8 asbestos as well; correct? 9 A Correct. 10 Q Since the last time I had the opportunity to 11 speak to you in January, you have had the opportunity 12 to meet with Mr Marks and/or other lawyers for 13 Volkswagen; correct? 14 A That opportunity I had, yes. 15 Q And could you give me a reasonable 16 approximation of how much time you've spent with 17 respect to this case with any of the lawyers involved? 18 A I would estimate round about three to four work 19 days. 20 Q And, as part of the approximately three to four 21 work days, did you have the opportunity to review your 22 two volumes of deposition from last time? 23 A Yes, I did. 24 Q Is there anything -- I know this is a difficult 25 question, and I'm going to try and ask this just

Page 77 1 generally first -- is there anything in particular 2 about your answers to the questions in January that you 3 feel is incorrect or you need to correct now? 4 A No. 5 Q Thank you. 6 The board that Mr Marks has designated as 7 Exhibit 3 basically shows different photographs of 8 braking systems; correct? 9 A Yes, various or different brake components of a 10 brake system, yes. 11 Q My only question, doctor, is: did you create 12 that? 13 A No, I did not. 14 Q And Exhibit 4 and 5 that are in front of us 15 now, both the brake shoe and linings and drum, did you 16 procure those yourself? 17 A No, I did not procure them myself. 18 Q Do you know where they came from? 19 A They came from my attorney. 20 Q When you say "my attorney", do you mean 21 Mr Marks or a different lawyer? 22 A I mean Mr Marks. 23 Q Okay. 24 Do you know what type of vehicle that sized 25 drum and/or shoe is for?	Page 79 1 COURT REPORTER: Wheel axis? 2 INTERPRETER: Rear. Rear. 3 MR MARKS: Rear. 4 MR JAGOLINZER: Rear axle; correct? 5 INTERPRETER: Yeah. 6 COURT REPORTER: Axle? 7 INTERPRETER: Axle. 8 MR JAGOLINZER: And, I'm sorry, I didn't hear 9 -- of a passenger? 10 INTERPRETER: Yes. Absolutely, sir. 11 MR JAGOLINZER: Okay. 12 Q I'm correct, doctor, that you first began your 13 career at Volkswagen in 1991; correct? 14 A That's correct. 15 Q And then you stayed in the crash test 16 department until approximately 1998; correct? 17 A The name of the department was "Vehicle 18 Safety", but I was primarily dealing with crash tests. 19 Q Fair enough. 20 You didn't get involved in the product 21 analysis and product liability end of Volkswagen until 22 1998; correct? 23 A That's correct. I changed departments in '98 24 into the product analysis. 25 Q And your commencing in the product analysis in
Page 78 1 A It's definitely for a VW vehicle. I would have 2 to analyze the part number in order to give you the 3 model year and type of vehicle. 4 Q Fair. 5 Actually, the brake shoe itself, or at least 6 one of the brake shoes, indicates the following 7 letters: VWAG; correct? 8 A I would assume so ... 9 Yes, there is a VW part number. 10 Q And it also indicates VWAG for Volkswagen AG; 11 correct? 12 A It's an original spare part of VW. 13 Q Okay. 14 Just generally speaking, forgetting about the 15 model year, can you tell us are we talking about a 16 passenger car the size of a Beetle? Are we talking 17 about a wagon? What general type of vehicle? 18 A As stated, I would have to analyze the part 19 number in order to give you further details. 20 Q Okay. 21 Would you agree with me, or do you have 22 knowledge, that this is for a smaller type of vehicle, 23 not a larger type of vehicle? 24 A I could imagine that it's for the rear axis 25 [sic] of a passenger vehicle.	Page 80 1 1998 was your first time that would involve the defense 2 of product liability actions; correct? 3 A The support in product liability cases was part 4 of my responsibility starting in '98. 5 Q Right, and how many years, sir, was that after 6 Volkswagen had stopped using asbestos in its products? 7 A We said 2000 to 1992/1993, so several years, 8 for sure. 9 THE WITNESS: [Witness interjected in 10 English] 199 -- 2000 is not correct. 11 BY MR JAGOLINZER: 12 Q '93? 13 A Yeah. There are several years in between. 14 Q Regardless, by 1998 when you first became 15 involved in this area, Volkswagen was not using any 16 asbestos-containing products at that time; correct? 17 A That is correct. 18 Q Okay. 19 Am I correct, sir, that you have no personal 20 knowledge of Volkswagen's use of asbestos from your 21 time at Volkswagen? 22 MR MARKS: Objection, form. 23 THE WITNESS: I have obtained the knowledge 24 from the documents I reviewed. 25

Page 81 1 BY MR JAGOLINZER: 2 Q Fair, but you have no personal knowledge 3 yourself, aside from reading documents, as to 4 Volkswagen's use of asbestos; correct? 5 MR MARKS: Form. 6 THE WITNESS: There was no emphasis on that 7 in my work when I started there. That is correct. It 8 was not an emphasis of my work. 9 BY MR JAGOLINZER: 10 Q Sure. 11 You gained your knowledge about asbestos, and 12 Volkswagen's use of asbestos, commencing in 1998, from 13 reviewing documents in order to prepare yourself to 14 assist in product liability cases; correct? 15 A Within the scope of my employment, I reviewed 16 and analyzed various documents; that is correct. 17 Q And that only commenced in 1998, as it relates 18 to the defense of cases? 19 A That began or commenced with my employment in 20 that new department. 21 Q Okay. 22 Mr Marks previously asked you questions about 23 your role as it related to vehicle safety. Do you 24 recall those questions? 25 A I do recall.	Page 83 1 with determining what the composition of the material, 2 such as brakes, would be; correct? 3 A You mean the composition of the friction 4 lining? 5 Q Correct? 6 A I had nothing to do with that. That was in the 7 scope of the supplier. That are their industry 8 secrets. 9 Q Well, they're not industry secrets as to the 10 composition of asbestos in the brakes at any given 11 time; correct? 12 A No, that is general knowledge, but the exact 13 composition of the lining, that is the industry secret 14 of the supplier. 15 Q Okay. 16 My questions really pertain to your role as 17 it relates to vehicle safety had nothing to do in 18 testing the composition and its effectiveness of, say, 19 asbestos or any other composition of the actual lining; 20 correct? 21 A That was not a component of my job, correct. 22 Q Correct. Your role dealt with performance, and 23 safety performance, in terms of stopping, and things 24 like that? 25 A Yes, about vehicle safety.
Page 82 1 Q And your role, as it related to vehicle safety, 2 was involved with respect to an automobile stopping, 3 the performance of the vehicle, and/or crash testing; 4 correct? 5 A My primary emphasis in my work since '91 was in 6 regards to all aspects relating to active and passive 7 safety of a vehicle. 8 Q Okay. 9 None of your positions and/or job 10 responsibilities starting in 1991 dealt with safety as 11 it pertains to the use of chemicals, and any work a 12 mechanic might have to perform on a brake or an engine 13 or a clutch of a vehicle? 14 A With chemicals, I had nothing to do with that. 15 But, of course, in order to prepare vehicles 16 for tests, there was a close co-operation necessary 17 with the mechanics, where also brakes, et cetera, were 18 checked on. 19 Q Yes, and what you were referring to, when you 20 referred to brakes being checked on, are they 21 performing properly in terms of the stopping distance, 22 and the wear, and the degradation; correct? 23 A It was about that before actually performing a 24 test, that the vehicle would perform properly. 25 Q Correct. None of your role had anything to do	Page 84 1 Q You were asked -- I don't think we need to 2 remark this one -- but you were asked about your 3 handwritten notes of search terms. 4 A Yes. 5 Q And, from our last meeting, sir, I made notes 6 of certain terms that you did not search for. 7 A Okay. 8 Q Since our last meeting in January, have you 9 directed a search in the corporate archives for 10 "gaskets"? 11 A Part of our team performed a search for the 12 terms, but I was not part of that -- after my 13 deposition. 14 INTERPRETER: Sorry. 15 MR JAGOLINZER: Okay. 16 Q In the deposition, in the first day on 17 January 10, in response to my questions, you indicated 18 that no one did a search for the word "gaskets" at that 19 time. 20 Are you aware of anybody doing such a search 21 since January? 22 A As stated, a search was performed for new and 23 additional terms, but, as I said before, I was not a 24 part of that. 25 Q Okay.

Page 85 1 Were any materials located after the search 2 for "gaskets" since our last deposition? 3 A I did not receive any documents. 4 Q Do you know if any documents were located in 5 the corporate archives after searching for the word 6 "gaskets"? 7 A I have no knowledge of that. 8 MR JAGOLINZER: I'll just put on the record 9 that the search term "gaskets" was part of the first 10 deposition notice; I think it's part of the second 11 deposition notice. 12 If such a search has been performed and any 13 documents have been located, I would certainly request 14 those, and I imagine we can take that up at a different 15 time. 16 Q At the last deposition as well, on that same 17 day, I asked you as to whether or not anybody had done 18 a search for the word "clutches". 19 Do you recall that? 20 A I believe "clutches", in regards or in the 21 context with asbestos, a search was performed, but a 22 search for "clutches" as a stand alone term was not 23 performed. 24 Q Has it been performed since the deposition in 25 January, to your knowledge?	Page 87 1 A The search was performed, as it was with the 2 other documents, at the historic archive of VW. 3 Q And does it still hold true, as it did last 4 time, that VWAG did nothing to ask its wholly-owned 5 subsidiary, VW of Canada, to search its records about 6 Mr Clark's dealers? 7 (Court Reporter requested clarification) 8 MR MARKS: Form. 9 THE WITNESS: I know that legal department 10 was in touch with VW Canada, but I do not know the 11 outcome. 12 BY MR JAGOLINZER: 13 Q And do you know whether or not the search term 14 "gaskets; clutches", was actually searched for since 15 our last deposition? Do you know that for a fact? 16 A As I stated before, I have no information. 17 Q Okay. 18 So you don't know whether or not those terms 19 were searched for, or not? 20 A Correct. 21 Q Okay. 22 Do you know -- last time, there was no search 23 made for "compressed air" in the corporate archives 24 and/or "grinding" in the corporate archives. 25 Do you know if that still remains true today?
Page 86 1 A As I responded to the earlier question, I know 2 that searches have been performed, but I have not 3 received new documents. 4 Q Fair enough, but do you know specifically if a 5 search was performed since January that pertains to the 6 word "clutches"? 7 A I have no information regarding that. 8 Q You know that a search was performed after the 9 last deposition; correct? 10 A Yes. 11 Q Can you tell me what terms were searched for 12 since January? 13 A I know that a search was performed for terms in 14 regards to dealers and workshops Mr Clark mentioned in 15 his deposition. 16 Q And that was since the January deposition; 17 correct? 18 A That was after my deposition in January. 19 Q And, as you sit here today, you do not know the 20 results of any such search; correct? 21 A If it pertains to the workplaces where Mr Clark 22 worked at, there were no results. 23 Q Okay. 24 Where was that search performed, and how, if 25 you know?	Page 88 1 A I know they looked for "grinding", and there 2 were a lot of search results that were non-related 3 because the German word for "grinding" has also a 4 different meaning, as a ribbon, and therefore it's not 5 relevant. 6 Q As a ribbon, like a tied ribbon? 7 INTERPRETER: Yes, like a ribbon what you put 8 on a present. 9 MR JAGOLINZER: Okay. 10 THE WITNESS: And that's why, or that is also 11 the reason that we always added "asbestos" to the 12 search term, in order to get relevant hits. 13 BY MR JAGOLINZER: 14 Q Fair, but you're talking about what was done 15 before January, in preparation for the last part of the 16 deposition; right? 17 A Correct. 18 Q Okay. 19 Let's just say, since the last deposition, 20 was a search made in the corporate archives, to your 21 knowledge, with respect to the term "compressed air"? 22 A I have no information about that. 23 MR JAGOLINZER: I don't want to belabor this 24 on the record. I just want to make a notation of my 25 objection as to the scope and the breadth of what the

Page 89 1 notice requested in the first place, in terms of the 2 adequacy of the search terms, so Dr Albers could be 3 able to testify. 4 But, okay, we'll move along. 5 MR MARKS: Well, I'm not going to -- I will 6 put it on the record. 7 MR JAGOLINZER: Mmm hmm. 8 MR MARKS: I have a response. I'll put it in 9 writing. 10 MR JAGOLINZER: Okay. 11 MR MARKS: But I do believe that Volkswagen 12 performed a thorough search. 13 The terms are all listed in Exhibit 1 to his 14 deposition today, and we've produced relevant documents 15 that were located. 16 MR JAGOLINZER: I understand your position, 17 and I also don't want to waste time here -- 18 MR MARKS: Right. 19 MR JAGOLINZER: -- since we all came over 20 here, but Exhibit 1, just like last time, had no search 21 terms as it related to "gaskets" and/or "clutches", but 22 we can deal with that later. 23 MR MARKS: Right. We will deal with that off 24 the record. 25 MR JAGOLINZER: Yeah.	Page 91 1 '80s? 2 A I personally did not search for that. I cannot 3 recall at this point in time whether or not other team 4 members performed that search, and/or I don't have any 5 information about it. 6 Q As you sit here today, can you affirmatively 7 state that such a search for employees that may have 8 worked in the 1960s, '70s and '80s are no longer 9 working at Volkswagen? 10 A As stated, I don't have any information about 11 that. 12 Q Do you -- I guess I want to know: do you know 13 whether or not there is any support for your statement 14 to Mr Marks earlier that there is no one left at 15 Volkswagen who would have built and/or manufactured the 16 cars that Mr Clark worked on? 17 A Allowing the fact, if you take into 18 consideration the time period we are talking about 19 here, it's nearly impossible that people working in 20 production back in those days would still be employed 21 with VW. 22 Q Okay. That sounds like an assumption, Dr 23 Albers, not a fact. Is that correct? 24 MR MARKS: Form. 25 THE WITNESS: Let's put it like that:
Page 90 1 MR MARKS: Yeah. 2 BY MR JAGOLINZER: 3 Q Okay. At the last deposition, doctor, and even 4 in response to, I believe, Mr Marks' questions today, 5 you referenced a team of individuals of Volkswagen that 6 investigated to search for the documents here. 7 A That is correct. The search for the documents 8 was a team effort. 9 Q And the team effort that you were referring to 10 earlier today also includes lawyers for Volkswagen; 11 correct? 12 A Also, lawyers are part of that team, yes. 13 Q And also, there are other members of the 14 product analysis department who helped in this search; 15 correct? 16 A Apart from myself, no. 17 Q Okay. 18 You indicated, in an answer to one of 19 Mr Marks' questions, that the people who built and 20 manufactured the automobiles that Mr Clark would have 21 worked with no longer work at Volkswagen. 22 Do you recall those questions? 23 A I do recall this, yes. 24 Q Did you undertake a search at Volkswagen to see 25 if anybody there was working in the 1960s, '70s or	Page 92 1 considering the duration of lifelong work time, it's 2 nearly impossible. 3 If you are talking about the '60s, that means 4 that 60 years of working. Nobody works that long in 5 Germany. 6 BY MR JAGOLINZER: 7 Q Dr Albers, my question was about the 1960s, 8 1970s and 1980s; do you recall that? 9 A I do not recall. 10 Q Okay. 11 In the 1980s, is it your testimony that it is 12 impossible that someone could work at Volkswagen in the 13 manufacturing in the 1980s and still be employed at 14 Volkswagen in some fashion? 15 A Even that I would consider not possible. 16 Q Okay. 17 What, if anything, did you do to check to see 18 if any people worked at Volkswagen back in the 1980s, 19 for example? 20 A I personally did not perform any activities 21 because I also do not have access to any of the HR data 22 of such potential employees. 23 Q Fair enough. But, again, Dr Albers, I'm asking 24 you, not as Dr Albers, but as Volkswagen AG. 25 Do you understand that?

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1 A I understand that, and I said that I don't have
2 any information as to that.

3 Q Okay. I understand that. So let me rephrase
4 my question.

5 Is it Volkswagen AG's position today, on
6 April 8 [sic] of 2019 -- 2019, sorry.

7 MS GODFREY: It's the 9th.

8 MR JAGOLINZER: It's the 9th, is it? Sorry.

9 Q That there are no employees left at Volkswagen
10 AG, who worked in any shape, form, or fashion, for
11 Volkswagen in the 1980s?

12 MR MARKS: Form.

13 THE WITNESS: I have no information about
14 that.

15 BY MR JAGOLINZER:

16 Q Okay.

17 So then it is not Volkswagen's position that
18 there are no individuals working at Volkswagen from the
19 1980s still in employment?

20 A I did not quite understand your question, sir.

21 Q Sure.

22 Nothing was done by Volkswagen to check to
23 see if anybody still employed by Volkswagen was in the
24 employment of Volkswagen back in the 1980s?

25 A As I said that before, I don't have any

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1 information.

2 Q So you cannot sit here and say that every
3 single person who may have been involved in the
4 building or manufacture of any of the cars Mr Clark
5 worked on?

6 MR MARKS: Form.

7 THE WITNESS: And, as I said, I don't have
8 any information about that and, moreover, I don't know
9 what vehicles Mr Clark worked on.

10 We did not get any VIN numbers. We don't
11 know in detail what vehicles Mr Clark worked on.

12 BY MR JAGOLINZER:

13 Q Okay. Let's jump to this.

14 You understand that Mr Clark was a Volkswagen
15 certified mechanic for various dealerships; right?

16 MR MARKS: Form.

17 THE WITNESS: I know that Mr Clark worked for
18 VW dealers and also obtained various certificates.

19 BY MR JAGOLINZER:

20 Q And you understand that Mr Clark worked for
21 these various Volkswagen dealerships in the 1960s and
22 1970s?

23 A Yes.

24 Q As well as in the beginning of 1980?

25 A Yes.

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1 Q And, by the way, is it true you still haven't
2 read Mr Clark's depositions?

3 A I saw excerpts of his deposition.

4 Q Again, is it still true that you did not read
5 Mr Clark's depositions?

6 A As stated, I read excerpts, not the full
7 deposition, and in regards to Mr Clark's work history,
8 I think the summary I read is sufficient.

9 Q Okay. All right.

10 Dr Albers, we already established this last
11 time: what you were given was Dr Feingold's expert
12 defense report that quotes certain parts of Mr Clark's
13 deposition that Dr Feingold thought was relevant;
14 correct?

15 A Those are references from Mr Feingold's report,
16 and I don't have any doubts, or reason for doubts, that
17 the work life summarized there -- the work life of
18 Mr Clark -- is reflected in an incorrect way.

19 Q Dr Albers, do you have any information
20 whatsoever how complete or incomplete Dr Feingold's
21 excerpts are?

22 A If I can recall correctly, Mr Clark's work
23 history was listed chronologically in a quite complete
24 fashion.

25 Q Dr Albers, how can you say it is a complete

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1 fashion if you haven't read Mr Clark's deposition?

2 A I'm assuming that Dr Feingold, being an expert
3 witness, made a correct statement about Mr Clark's work
4 history.

5 Q Okay. So you're making an assumption about Dr
6 Feingold; correct?

7 A Yes. I have no reason to doubt it.

8 Q Have you ever met Dr Feingold?

9 A Personally, no.

10 Q Okay. Impersonally? Any other way?

11 A I read his report.

12 Q Okay, and you understand that Dr Feingold was
13 hired by Volkswagen to defend itself in this case;
14 right?

15 A Mr Feingold -- or Dr Feingold -- was hired in
16 this product liability case as an expert.

17 Q As an expert hired by Volkswagen; correct?

18 A He is an expert of -- on behalf of VWAG, yes.

19 Q And you understand that VW paid Dr Feingold to
20 write that report; right?

21 A He was named as an expert in this case, and of
22 course he gets a remuneration for his service.

23 Q He's not a treating doctor, which is of Dr
24 Clark; correct?

25 MR MARKS: Form, foundation.

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1 THE WITNESS: I don't know.
2 BY MR JAGOLINZER:
3 Q Okay.
4 You understand that Dr Feingold certainly has
5 an interest that is not aligned with Mr Clark's in this
6 case; correct?
7 MR MARKS: Form, foundation.
8 THE WITNESS: I don't know that.
9 But, once again -- but, again, the work
10 history, as summarized by Dr Feingold -- the work
11 history of Mr Clark, I have no reason to doubt that it
12 was reflected incorrectly [sic].
13 COURT REPORTER: Reflected incorrectly?
14 INTERPRETER: Mmm hmm.
15 BY MR JAGOLINZER:
16 Q And what reason do you have to believe that all
17 of Mr Clark's work history is in Dr Feingold's report?
18 A I would have to review the reports, since it
19 has been a while, but, from memory, the chronological
20 data that the main points or stations of Mr Clark's
21 work life are reflected there.
22 Q Isn't the most accurate information about where
23 Mr Clark worked in Mr Clark's actual deposition, rather
24 than somebody else's summary of Mr Clark's work
25 history?

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1 MR MARKS: Form, foundation.
2 THE WITNESS: I think, for the search of
3 documents we performed at VW, the work history of
4 Mr Clark is fully sufficient.
5 BY MR JAGOLINZER:
6 Q That didn't answer my question, Dr Albers.
7 My question is: isn't the best source of
8 where Mr Clark worked to be found in Mr Clark's
9 deposition, not in a paid expert's summary of that?
10 MR MARKS: Form, foundation.
11 THE WITNESS: As stated, I have no doubt that
12 Mr Feingold reflected Mr Clark's work history
13 correctly, and that these -- this data was sufficient
14 for the search performed by us.
15 BY MR JAGOLINZER:
16 Q We're going to finish up this topic.
17 I just want to confirm you've never met or
18 spoken with Dr Feingold; correct?
19 A That is correct.
20 Q And were you aware that Dr Feingold, since
21 1992, has testified exclusively for companies defending
22 themselves in asbestos litigation?
23 MR MARKS: Form, foundation.
24 THE WITNESS: I'm not aware of that.
25 However, I still believe that he reflected

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1 correctly the statements from the depositions.
2 BY MR JAGOLINZER:
3 Q Okay.
4 Were you aware that Dr Feingold has made more
5 than \$37 million since 1992 doing such work?
6 MR MARKS: Form, foundation.
7 THE WITNESS: I don't know that, no.
8 BY MR JAGOLINZER:
9 Q Is that an important consideration for you in
10 determining whether or not you think that he is
11 objective?
12 MR MARKS: Form, foundation.
13 THE WITNESS: You mean that he earned a lot
14 of money?
15 BY MR JAGOLINZER:
16 Q No. That he earned a lot -- he earned over
17 \$37 million for testifying exclusively on behalf of
18 companies that made asbestos products, not victims?
19 MR MARKS: Form, foundation.
20 THE WITNESS: It's not my job to judge that.
21 BY MR JAGOLINZER:
22 Q Okay, but yet you would rather look at the
23 summary that Dr Feingold did, rather than go to the
24 actual deposition of Mr Clark?
25 MR MARKS: Form, foundation.

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1 THE WITNESS: Again, the work history of
2 Mr Clark that is reflected in that report, I have no
3 reason to put that in doubt.
4 BY MR JAGOLINZER:
5 Q Okay.
6 You mentioned something, doctor, with
7 Mr Marks as it related to what we call a "VIN number".
8 Do you remember that?
9 A I do recall.
10 Q That stands for Vehicle Identification Number;
11 correct?
12 A Correct.
13 Q Okay, and does it matter what the VIN number
14 was for, let me say, for example, a 1972 Beetle, in
15 terms of whether or not it had an asbestos-containing
16 component?
17 A There's no question that the 1970 Beetle did in
18 fact contain asbestos-containing brake linings.
19 But, in order to get targeted vehicle
20 information, what model year, what equipment, a VIN
21 number proves to be very helpful.
22 Q But it's not helpful at all whether or not to
23 determine if Mr Clark worked with asbestos-containing
24 parts from VW; correct?
25 MR MARKS: Form, foundation.

Page 101 1 THE WITNESS: As stated before, the brake 2 linings of that time contained asbestos. 3 But, in order to obtain more and more 4 detailed information about the vehicle, you would need 5 the VIN. 6 The general information, we provided you with 7 that, and the brakes, and the linings from the parts at 8 that time contained asbestos. 9 BY MR JAGOLINZER: 10 Q And that would be true also for all of the 11 clutches during the timeframe Mr Clark worked on VWs; 12 correct? 13 A That is also for the timeframe in question in 14 regards to the clutches. 15 Q And that would also be the same issue as it 16 relates to Mr Clark as it relates to gaskets; correct? 17 A It also applies to certain gaskets. 18 Q Sure. 19 By the way, there's more than just head 20 gaskets -- cylinder head gaskets that contained 21 asbestos during that timeframe; correct? 22 A Other gaskets in the high temperature range may 23 also contain asbestos, yes. 24 Q For example, gaskets in the muffler system? 25 A And in the exhaust system. Gaskets in the	Page 103 1 Maybe some of them were from Mexico or other 2 locations. 3 Again, based on the VIN number, we would know 4 more. 5 BY MR JAGOLINZER: 6 Q Okay. Let's break that down. 7 Any of the automobiles that Mr Clark would 8 have worked with in Canada: who were the manufacturers 9 of the Volkswagen automobiles? 10 A As stated, without having the precise knowledge 11 about those vehicles, VWAG -- maybe it was for let 12 [sic]. 13 THE WITNESS: [Witness interjected in 14 English] Westmoreland. 15 INTERPRETER: Westmoreland, I'm sorry. 16 MR JAGOLINZER: I was talking about Canada. 17 (Court Reporter requested repetition) 18 BY MR JAGOLINZER: 19 Q What years do you believe Mr Clark would have 20 worked in Canada with VW vehicles? 21 MR MARKS: Form, foundation. 22 THE WITNESS: I don't have the years in the 23 top of my head. 24 BY MR JAGOLINZER: 25 Q The Westmoreland plant was in Pennsylvania;
Page 102 1 exhaust system. 2 Q I'm not sure whether you mentioned 3 transmissions, or transmission bands today? 4 A What do you mean with that? 5 Q Okay. 6 With respect to the automatic transmissions 7 in an automatic drive vehicle -- 8 A Mmm hmm? 9 Q -- are you aware of whether or not there were 10 any asbestos-containing components in the automatic 11 transmission system? 12 A It would be helpful if you could identify the 13 vehicles in question? 14 Q Are you familiar with any asbestos-containing 15 products in any VW automobile that had an automatic 16 transmission system? 17 A Again, please? 18 Q I'll come back to it. Okay. 19 So we are clear, all of the vehicles, from 20 your knowledge, that Mr Clark would have worked on, no 21 matter where he worked on them, would have been 22 manufactured by VWAG; correct? 23 MR MARKS: Form, foundation. 24 THE WITNESS: I cannot say that with 25 certainty.	Page 104 1 correct? 2 A Correct. 3 Q It didn't start until 1978; isn't that correct? 4 A 1978. 5 Q So, if Mr Clark worked in Canada prior to 1978, 6 who is the manufacturer of those vehicles? 7 MR MARKS: Form, foundation. 8 THE WITNESS: Presumably, VWAG. 9 BY MR JAGOLINZER: 10 Q Volkswagen AG, which has been produced in this 11 case, has certain importer agreements with both VW of 12 Canada, VW of America, as well as VW Central America -- 13 is that? 14 I'll get back to that. 15 A Yes, that's my knowledge as well. 16 Q Okay. 17 And VW, under those importer agreements, is 18 classified as the -- I'm sorry, VWAG, in those importer 19 agreements, is classified as the manufacturer; isn't 20 that correct? 21 A I would have to review the document again, but 22 I'm assuming that is true. 23 Q Does VWAG believe that the Volkswagens that are 24 used in Canada and/or the United States are VWAG's 25 products?

Page 105 1 MR MARKS: Form. 2 THE WITNESS: Yes. 3 BY MR JAGOLINZER: 4 Q And you would agree that VWAG takes 5 responsibility for the products that it exports to the 6 various countries? 7 MR MARKS: Form. 8 THE WITNESS: VW takes responsibilities that 9 vehicles are built based on the applicable regulations 10 and statutory requirements. 11 BY MR JAGOLINZER: 12 Q And whose product is it, ultimately? 13 MR MARKS: Form. 14 THE WITNESS: The vehicles are product of 15 VWAG. 16 MR JAGOLINZER: Thank you. 17 Can we go off the record? 18 (Off the record at 3:46 pm) 19 (On the record at 4:05 pm) 20 BY MR JAGOLINZER: 21 Q All right, doctor, we're going to jump to a 22 different topic now. 23 A Okay. 24 Q Dr Albers, am I correct that you personally did 25 not search, or request a search to be made, to	Page 107 1 wholly-owned subsidiaries of VWAG; correct? 2 MR MARKS: Form. 3 THE WITNESS: In regards to VW Canada, yes, 4 and VW Americana -- 5 MR JAGOLINZER: Interamericana. 6 THE WITNESS: -- Interamericana, those were 7 importers of VWAG products. 8 But whether their legal status was a 9 subsidiary, I'm unable to confirm. 10 BY MR JAGOLINZER: 11 Q And you're referring to the interamericana; 12 correct? 13 A Yes, Interamericana. 14 Q Okay. 15 Certainly, with respect to VW of Canada, VWAG 16 has the right to request documents directly from VW of 17 Canada; correct? 18 A VWAG may certainly request VW Canada for 19 documents. 20 Q And, with respect to the prior deposition, I 21 know you had not taken any steps to speak to Aribert 22 Kolms -- K-O-L-M-S -- correct? 23 A Aribert Kolms. I'm not even sure if he is 24 still alive. I don't know where he is at, if he is 25 still alive.
Page 106 1 Volkswagen AG's subsidiaries, VW Canada or VW 2 Interamericana? 3 A We performed a search in the historical archive 4 and found documents and produced these documents. 5 Q Yes, sir, I understand that. 6 I'm referring with respect to asking the US 7 -- I'm sorry, asking the VWAG subsidiary itself, VW 8 Canada and VW Interamericana, for documents. 9 MR MARKS: Form. 10 THE WITNESS: Legal department was in touch 11 with VW Canada; and VW Interamericana, I'm not quite 12 sure if they are still in existence in this form, as of 13 today. 14 BY MR JAGOLINZER: 15 Q Regardless, you have not been provided with 16 documents, or seen documents, that came from VW of 17 Canada or VW Interamericana as it relates to the 18 dealers that Mr Clark worked at; correct? 19 MR MARKS: Form. 20 THE WITNESS: Apart from the documents that I 21 found in the historic archives, I have not found any 22 other documents. 23 BY MR JAGOLINZER: 24 Q And I am correct, sir, that VW of Canada and VW 25 Interamericana, when it did exist, were 100 per cent	Page 108 1 Q Okay. 2 First off, I think we established last time 3 Mr Kolms, if he is still alive, would be getting a 4 pension from VWAG; correct? 5 A VWAG may certainly have the necessary data, but 6 I do not have this data. 7 Q Understood, but you understand, doctor, you are 8 here speaking on behalf of the entire company, not just 9 yourself; correct? 10 A That is correct. That is correct, but I do not 11 have any further information about Mr Aribert Kolms. 12 Q And then I'd also be correct, then, you haven't 13 spoken to Mr Kolms, if he is alive, since our last 14 deposition; correct? 15 A That is correct. 16 Q Okay. 17 And, in response to Mr -- some of Mr Marks' 18 questions, you were talking about what we will call the 19 "BGs"; correct? 20 A About the Employers' Liability Insurance 21 Company [sic]. 22 INTERPRETER: Association, sorry. 23 BY MR JAGOLINZER: 24 Q Is that a governmental agency? 25 A It's not a government agency, but it's a

Page 109 1 carrier of public law. 2 The Employers' Liability Insurance 3 Association cannot enact any laws, but they can make 4 proposals, which then will be implemented 5 correspondingly by government agencies. 6 Q But it is a public carrier, or a public entity; 7 correct? 8 A From my point of knowledge, it's a public law 9 entity. 10 Q Okay. 11 And last time we met, you indicated you spoke 12 to an individual at the BG; correct? 13 A Yes, with one of the management people of the 14 BG in Hanover. 15 Q As you sit here today, sir, do you still refuse 16 to tell me the name of the individual for the 17 management of this public entity in Hanover? 18 MR MARKS: Let me interject. 19 I've been advised by German counsel that 20 privacy laws in Germany and the EU prohibit disclosure 21 of personal information, and do not wish to subject Dr 22 Albers or myself to a violation of that. 23 I'm happy to meet and confer on that further, 24 but, on that basis, I'm going to instruct him not to 25 disclose the identity of any individuals by name.	Page 111 1 MR MARKS: Well, he's going to follow my 2 instruction. 3 MR JAGOLINZER: Do you understand what I'm 4 getting at? 5 MR MARKS: I'm his attorney here today. 6 MR JAGOLINZER: Yeah. 7 MR MARKS: But it's based upon the advice of 8 German counsel, and so whether he can, he will not. 9 I understand your position -- 10 MR JAGOLINZER: Yes. 11 MR MARKS: -- and we can take that up 12 separately. 13 MR JAGOLINZER: Right. We'll get to that 14 later, and I'll just clear it on the record: the reason 15 why I'm following up is, now we've made it clear that 16 it is a public entity, and I don't think there could 17 possibly be any privacy laws, but you're right; we'll 18 deal with it later. 19 MR MARKS: I understand your position. 20 MR JAGOLINZER: Yeah. 21 Q Dr Albers, you indicated, in response to 22 Mr Marks' questions, that the BG was responsible for 23 the safety of the workplace. 24 Do you recall that? 25 A I believe I specified a little bit more
Page 110 1 But he may respond by telling a title, but 2 anything that would be personally identifying, 3 I understand to be not permitted. 4 THE WITNESS: Understood. 5 BY MR JAGOLINZER: 6 Q So my question still stands: do you still 7 refuse to tell us the name of the management person in 8 the Hanover office of the BG, which you've now told us 9 is a public entity? 10 MR MARKS: Upon the advice of counsel, I 11 would ask him not to reveal the name. 12 BY MR JAGOLINZER: 13 Q So I just need an answer. You're not going to 14 tell us the name; correct? 15 A According to my knowledge, I would violate 16 German law, and therefore I cannot reveal the name. 17 Q Right, and is your knowledge based on anything 18 other than what Mr Marks has just said? 19 MR MARKS: Let me just -- please, counsel, if 20 I might: it's based upon the advice of German counsel, 21 and he's taking the direction of that counsel. So ... 22 MR JAGOLINZER: Right. I was trying to 23 figure out if he was going to follow your instruction, 24 but his answer back was it was some other thing. 25 That's what I was trying to get at.	Page 112 1 afterwards. 2 It's the BG's obligation to check whether the 3 workplaces are safe. The safety of the workplace is in 4 the responsibility of the employer. 5 Q Great. Thank you. I just needed to clarify 6 that. Thank you. 7 Dr Albers, I'll tell you we're going to get a 8 little bit more into the BG and the relationship with 9 Volkswagen, I think, tomorrow when we get back to some 10 documents. So I'm going to move off of that; okay? 11 A Okay. 12 Q So I want to hand you what Mr Marks was 13 reviewing with you earlier that we said was Bates 14 stamped 99, and this one doesn't have the Bates stamp 15 99 on the bottom, but I'll represent it is 99. 16 A There is nothing on this page indicating a 17 Bates stamp. 18 MR MARKS: It's Exhibit 2. 19 (Exhibit 2, previously marked, shown to witness) 20 (Brief discussion between counsel about the exhibit) 21 MR JAGOLINZER: Let me do this, and maybe 22 I'll make it easier. 23 Q This particular document, Dr Albers, was marked 24 in first deposition as my Plaintiffs 18. 25 The first page, you'll see the Bates stamp

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1 number is 99 on the bottom; correct?

2 A Correct.

3 Q The following page, that Mr Marks showed you on

4 his computer, is the next page in your pile, and that

5 is Bates 99, and is that the document that Mr Marks was

6 showing you earlier and asking you questions on his

7 computer?

8 A It seems to be the document.

9 Q Right. This is where we had the conversation

10 that it was received by Volkswagen in March 23 of 1981;

11 correct?

12 A Correct.

13 Q And that the document may have been created in

14 May of 1980 at the bottom; correct?

15 A Yes, correct.

16 Q Okay.

17 I just want to follow up on a couple of

18 questions, following on Mr Marks' questions.

19 A Okay.

20 Q In the second column, under what is paragraph

21 number 8; do you see that?

22 A Yes.

23 Q Does it say that, when blowing out brake drums,

24 linings -- well, I'm sorry, limits for asbestos

25 containing dust are exceeded for a short time in the

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1 workplace?

2 A Correct, but it's put into relation that at the

3 ...

4 However, at the work environment, it is

5 certainly -- it's left below the threshold.

6 Q Right.

7 It does not -- this document doesn't say

8 which particular work spaces it is referring to in

9 either part of that; correct?

10 A There are no geometrical data provided, or

11 anything.

12 Q Right. It doesn't show, for example, whether

13 there is air reduction suction devices there, for

14 example?

15 A That is not reflected here, correct.

16 Q Right.

17 But what it does show, that the limits for

18 asbestos-containing dust are exceeded when blowing out

19 brake drums; correct?

20 A For a short period of time within the work

21 space.

22 Q Right.

23 Then if you jump to paragraph 10, does this

24 document, that Volkswagen received in March of 1981,

25 indicate that the dust from working on brake facings

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1 clearly has a fibro-genic and a carcinogenic effect?

2 Fibro-genic and carcinogenic?

3 A It is stated here without really specifying

4 what type of lining, but it's stated here.

5 Q Correct.

6 A Without elaboration.

7 Q Okay.

8 That is something Volkswagen certainly

9 received in 1981; correct?

10 A That's what the receiving stamp implies, so I'm

11 assuming so.

12 Q Right, and also I'm assuming so, since it was

13 produced to me from Volkswagen from their files.

14 Is that fair?

15 A I would assume so, too.

16 Q Okay.

17 And carcinogenic, you understand that to mean

18 it can cause cancer; correct?

19 MR MARKS: Form, foundation.

20 THE WITNESS: I'm not a medical guy, but

21 "carcinogenic", yes, that would imply causing cancer.

22 BY MR JAGOLINZER:

23 Q And "fibro-genic" would imply causes fibrosis,

24 you would agree; correct?

25 MR MARKS: Form, foundation.

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1 THE WITNESS: "Fibro-genic" to me has

2 something to do with fiber. So I don't know whether

3 that's the case or not.

4 BY MR JAGOLINZER:

5 Q Fair enough.

6 So you notice that, when Volkswagen produced

7 this document to me, they marked it "Confidential".

8 Do you see that on the very bottom?

9 A Where do you see that?

10 Q At the very bottom of the page? Maybe yours

11 doesn't. I don't know.

12 May I see?

13 (Document handed to Counsel)

14 Okay. Yours doesn't say it. The first page

15 says it, but ...

16 Fair enough. Let me just ask you this, then:

17 there is nothing confidential in this document, you

18 would agree with me; right?

19 MR MARKS: Form, foundation.

20 THE WITNESS: According to what my belief, it

21 was provided by the BG, and, yes, it is from the BG,

22 and there's nothing confidential in it.

23 MR MARKS: And I'll just state for the record

24 that the designation of confidentiality has to do with

25 the GDPR and, upon advice of German counsel, the

Page 117 1 repercussions for potentially, or even inadvertently, 2 disclosing protected data under the GDPR is 3 significant. 4 So the documents, because they were produced 5 in American litigation in the form that they were found 6 in German, we were uncertain as to which terms, if any, 7 would be subject to that. 8 So, out of an abundance of caution, all 9 documents were labeled "Confidential", and we have a 10 stipulation in place to deal with any document that 11 is -- anyone feels should not be subject to that, and a 12 procedure to handle it. 13 MR JAGOLINZER: I understand that, and we 14 have been discussing that, Mr Marks, and thank you, and 15 it's the Plaintiffs' position that VWAG certainly 16 waived any of the confidentiality of these documents by 17 not following the protective order that was in place in 18 the first place. 19 But, regardless, I was just trying to 20 establish that this particular document -- this is 21 simply just an article from the BG; right? 22 THE WITNESS: I did not quite understand the 23 first part of your statement. 24 But, from my understanding, names were 25 redacted based on the GDPR.	Page 119 1 their employees. 2 BY MR JAGOLINZER: 3 Q Well, doctor, you'd agree with me that any of 4 the dealers in Canada or the United States would not be 5 members of the BG; correct? 6 MR MARKS: Form, foundation. 7 THE WITNESS: Not of the BG, but I heard of 8 OSHA, that they would have to be members of OSHA, which 9 in turn would make them obligated to provide safe 10 workplaces. 11 BY MR JAGOLINZER: 12 Q Sir, are you familiar, and do you hold yourself 13 out to be an expert in what OSHA requires and does not 14 require? 15 MR MARKS: Form, foundation. 16 THE WITNESS: As I said, I'm not an expert, 17 but, according to my knowledge, OSHA is an organization 18 similar to BG. 19 BY MR JAGOLINZER: 20 Q Have you seen anything with respect to OSHA 21 where they were put on notice that the blowing out of 22 brake drums with asbestos exceeds acceptable limits? 23 A I don't know such documents from OSHA. They 24 certainly would not show up at VWAG. 25 Q Right.
Page 118 1 BY MR JAGOLINZER: 2 Q Right, and, as it stands now, you would agree 3 with me there's nothing confidential if names have been 4 redacted, even if under the GDPR? 5 MR MARKS: Form, foundation. 6 THE WITNESS: It's an article of the BG. 7 BY MR JAGOLINZER: 8 Q Yeah. 9 A And I don't even see a stamp "Confidential" on 10 it. 11 Q I understand that. 12 All the documents, I'll represent to you that 13 were produced to me, mine says "Confidential", but it's 14 fine. It doesn't matter. 15 Dr Albers, would you agree with me that 16 Volkswagen AG at no point in time advised any of its 17 dealers, or any VW certified mechanics, or owners of 18 vehicles, that limits of asbestos-containing dust can 19 be exceeded when blowing out brake drums? 20 MR MARKS: Form. 21 THE WITNESS: At least, I did not find any 22 documents of such nature. 23 But, again, dealers are independent 24 operations that normally would also be a member of the 25 BG, and hence obligated to provide safe workplaces to	Page 120 1 So we do know that Volkswagen AG did get 2 notice from the BG in 1981 that the blow out of drums 3 exceeded acceptable levels; right? 4 A For a short period of time. 5 Q Okay. 6 The question then becomes is that: it is also 7 correct that Volkswagen AG did not take that 8 information and provide it to any of the individuals 9 who were expected to work with the Volkswagen products; 10 correct? 11 A Again, please? 12 Q Yes. We'll start over. 13 Volkswagen, in 1981, knew that, when blowing 14 out brake drums, limits of asbestos-containing dust are 15 exceeded for a short time, and, with this information, 16 they did not pass that along to VW of America, for 17 example, as well as VW of Canada, or any VW certified 18 mechanic; correct? 19 MR MARKS: Form. 20 Objection, form. 21 THE WITNESS: The forwarding of the article, 22 I don't know whether that happened. 23 But VWAG, as an employer, it's their 24 responsibility to meet statutory requirements as to the 25 dust measuring, et cetera, and to fulfill those

Page 121 1 statutory standards. 2 I don't know if it makes any sense to forward 3 that article. 4 BY MR JAGOLINZER: 5 Q Okay. 6 Was information about blowing out of brake 7 drums, and that it would -- and that it could exceed 8 limits of exposure to asbestos, ever put in any VW 9 manuals? 10 MR MARKS: Form. 11 THE WITNESS: As stated, it doesn't say here 12 where and in what way those works were performed, and 13 whether that was applicable at all for VW repair shops. 14 BY MR JAGOLINZER: 15 Q Did VWAG at any point in time advise in its 16 manuals that compressed air should not be used when 17 blowing out brake drums? 18 A I'm not aware of any such warnings in the 19 workshop manuals. 20 Q And is it similarly true, sir, that you're not 21 aware of any such warnings in any Volkswagen 22 promotional or other material that would have been 23 handed out? 24 MR MARKS: Form. 25 THE WITNESS: At least, we did not find any	Page 123 1 Q Okay, and would you agree that Volkswagen AG 2 certainly had highly qualified technical engineers 3 going back into the 1940s as well? 4 MR MARKS: Form. 5 THE WITNESS: I would assume so, that VW also 6 hired and employed good technicians as well. 7 INTERPRETER: Engineers as well, sorry. 8 BY MR JAGOLINZER: 9 Q And Volkswagen was certainly performing 10 performance, wear and degradation tests on, for 11 example, its brakes going back into the 1940s and '50s; 12 correct? 13 A I would assume so, although I'm not sure 14 whether we have documentations from the '40s. 15 But, from the beginning, VW strived to 16 perform comprehensive testing in regards to brakes. 17 Q And you would agree that, since the beginning, 18 that VW could certainly have been performing tests if 19 it wanted to, similar to the blow out tests that were 20 described in Exhibit 99, if they wanted to? 21 MR MARKS: Form, foundation. 22 THE WITNESS: If it were considered to be 23 necessary, then such tests could have been performed. 24 But, since workplace safety had a high 25 emphasis at VW, even back then, I would assume the same
Page 122 1 such documents in the course of our search. 2 BY MR JAGOLINZER: 3 Q And, similarly, sir, there was no such 4 precautions or warnings put on any of the Volkswagen 5 genuine parts that would advise not to use compressed 6 air; correct? 7 MR MARKS: Form. 8 THE WITNESS: As far as I know, such warnings 9 were not available -- did not exist. 10 BY MR JAGOLINZER: 11 Q And you've not seen any documentation that 12 information of this type was passed on to Volkswagen of 13 Canada or Volkswagen of America; correct? 14 A I do not have any information and/or documents, 15 correct. 16 Q Dr Albers, I think in the last deposition you 17 said that Volkswagen AG had medical doctors in its 18 employ going back to 1949; correct? 19 MR MARKS: Form. 20 THE WITNESS: Those are information provided 21 to you in the interview of the medical personnel. 22 BY MR JAGOLINZER: 23 Q Right, but Volkswagen AG did have medical 24 doctors in its employment going back to 1949; right? 25 A Yes.	Page 124 1 to apply also later. 2 BY MR JAGOLINZER: 3 Q And you didn't find any documents in, or you 4 were not provided with any documents, that would show 5 that any tests with respect to the servicing of brakes 6 was performed and measured at VW at any time prior to 7 even 1981? 8 MR MARKS: Form. 9 THE WITNESS: We found many documents that 10 showed that dust measurements were performed at various 11 workplaces within VW. 12 BY MR JAGOLINZER: 13 Q That was in the manufacturing setting; correct? 14 A That was in the VW plants, correct. 15 Q Not in the servicing of, let's say, for 16 example, the automotive brakes in a brake repair 17 setting; correct? 18 MR MARKS: Form. 19 THE WITNESS: You mean with a repair shop? 20 BY MR JAGOLINZER: 21 Q Yes, or in a repair setting, where somebody 22 would be doing a repair? 23 A As stated, the owner of such repair shops would 24 be responsible for providing their employees and staff 25 with a safe work environment -- workplace.

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1 Q Now, didn't VWAG know that asbestos was in the
2 brakes that it was selling, going back into the 1950s?
3 A We mentioned that several times, that VW knew
4 that asbestos was used in brakes and friction parts,
5 and that was not only applicable to VW, but it was an
6 industry standard.
7 Q Let me ask you this: did Volkswagen AG ever put
8 on its packaging or the actual brake shoe the word
9 "asbestos"?
10 A At a certain point in time, and we spoke about
11 that before, and I believe it was 1993, there was the
12 obligation to indicate asbestos contained in certain
13 parts by using a template, and VW certainly met that
14 requirement.
15 Q Fair enough.
16 With respect to brakes, which stopped being
17 manufactured with asbestos in 1986, the word "asbestos"
18 never showed up on the packaging or the actual product,
19 as placed by Volkswagen; correct?
20 A At least, I don't know any of such documents
21 that would contain such a warning.
22 Q And you also read the depositions of Mr Kolms
23 and Mr Cameron in the past; right?
24 COURT REPORTER: Was that Cameron?
25 MR JAGOLINZER: Cameron, C-A-M-E-R-O-N.

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1 COURT REPORTER: Thank you.
2 MR MARKS: Form.
3 THE WITNESS: I read the one of Mr Kolms,
4 yes.
5 BY MR JAGOLINZER:
6 Q Okay, and from his testimony -- well, strike
7 that.
8 You were aware that Mr Kolms, on behalf of
9 Volkswagen, testified that there never were such
10 warnings or information on the actual products of
11 brakes; correct?
12 A That is what Mr Kolms stated in his deposition
13 at that time, yes.
14 Q And, in 1993, when you said that Volkswagen was
15 putting some warnings about asbestos on products, did
16 that apply only to gaskets?
17 A As far as I know, all parts containing asbestos
18 had to be indicated or labeled like that.
19 Q I apologize. I mean, Volkswagen --
20 Volkswagen -- in 1993, Volkswagen, the only
21 asbestos-containing part that you've testified that was
22 still in use was a gasket; correct?
23 MR MARKS: Form.
24 THE WITNESS: '92/'93 in the timeframe.
25

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1 BY MR JAGOLINZER:
2 Q Right.
3 So, in 1992/'93, there was no more
4 asbestos-containing brakes or clutches put out by
5 Volkswagen; correct?
6 MR MARKS: Form.
7 THE WITNESS: Containing asbestos?
8 BY MR JAGOLINZER:
9 Q Yes?
10 A They were no longer existing.
11 Q Right.
12 So, first off, the 1993 regulation, that is a
13 German regulation; right?
14 A That was a German regulation.
15 Q And that only applies to Volkswagen making a
16 product -- gaskets -- that had asbestos for sale in
17 Germany; correct?
18 MR MARKS: Form.
19 THE WITNESS: The regulation was only
20 applicable to Germany.
21 Whether the packaging going into other
22 countries contained that label, I have no information
23 about that.
24 BY MR JAGOLINZER:
25 Q And if I'm concerned about Mr Clark and what

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1 information was on the packaging as it related to his
2 time in Canada, or the United States, that 1993
3 regulation doesn't apply; correct?
4 MR MARKS: Form, foundation.
5 THE WITNESS: This regulation is of 1993, and
6 Mr Clark was significantly earlier working in Canada
7 and the United States.
8 BY MR JAGOLINZER:
9 Q Right. So you agree with me that that
10 regulation doesn't apply to Mr Clark's exposure;
11 correct?
12 MR MARKS: Form, foundation.
13 THE WITNESS: I don't know what that has to
14 do with Mr Clark's exposition, but the regulation was
15 not applicable yet.
16 BY MR JAGOLINZER:
17 Q Okay.
18 Volkswagen of Germany only placed a warning
19 or a hazard about asbestos on any of its products in
20 response to the German government's actions; correct?
21 A It was a regulation, and VW complied with it.
22 Q Yes, and VW didn't voluntarily decide to put a
23 caution on its products until the German regulation was
24 issued; correct?
25 A That is correct, because VW also didn't see the

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1 necessity to do so.

2 Q And you agree, VW also didn't do the testing

3 necessary to determine the levels of exposure to

4 asbestos that a mechanic would actually experience

5 while changing brakes and/or clutches?

6 MR MARKS: Form.

7 THE WITNESS: As stated, VW always strived to

8 provide safe workplaces, and dust measurement were

9 performed in order to make sure of that, and VW, thus,

10 lived up to their responsibility to provide safe

11 workplaces.

12 BY MR JAGOLINZER:

13 Q Dr Albers, you're talking about safe

14 workplaces; correct?

15 A Yes.

16 Q I'm talking about safely working with

17 Volkswagen's own products.

18 Do you understand the difference?

19 A Maybe you can elaborate a little bit on that?

20 Q Sure.

21 Volkswagen AG has its own workplace in its

22 facility, and you're using that, for example, as the

23 Wolfsburg [sic] plant -- the Wolfsburg plant; correct?

24 A As an example, yes.

25 Q Right, and, for the example, you're talking

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1 about Volkswagen AG's actual employees to protect;

2 correct?

3 A Correct.

4 Q Okay.

5 Sir, does Volkswagen AG believe it has a duty

6 to sell products that are safe for users to use?

7 MR MARKS: Form.

8 THE WITNESS: According to my knowledge and

9 conviction, VW only sold safe products.

10 BY MR JAGOLINZER:

11 Q What steps did Volkswagen AG take, during the

12 time it sold asbestos-containing brakes or clutches, to

13 determine whether or not the normal use of those

14 products would present a health hazard?

15 A There are numerous studies out there, among

16 them by the BG, which show that workers dealing with

17 brake jobs are not exposed to a higher risk.

18 Q Okay.

19 Sir, I asked a question of what steps did

20 Volkswagen AG take to determine whether the products it

21 was selling were safe for use by the public?

22 MR MARKS: Form.

23 THE WITNESS: As stated, VW only brought safe

24 products on the market, and, if those products were

25 installed properly, then that also meant that there

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1 wasn't any increased risk.

2 BY MR JAGOLINZER:

3 Q Okay. Let's break that down into two sections.

4 MR MARKS: We're at 5 o'clock.

5 MR JAGOLINZER: Yeah, I'm going to finish

6 this now and then we can go off; all right?

7 Q What steps did Volkswagen itself take to ensure

8 that asbestos fibers were not being released into the

9 air when workers were working with brakes and/or

10 clutches in its normal repair?

11 MR MARKS: Form.

12 THE WITNESS: You mean workers outside of

13 Volkswagen?

14 BY MR JAGOLINZER:

15 Q Yes, sir.

16 What steps did Volkswagen take to ensure that

17 the products it sold out into the public wouldn't cause

18 injury to those who they expect to work with it?

19 MR MARKS: Form.

20 THE WITNESS: As stated, the products are and

21 were safe, and there were instructions to workshops how

22 to remove and install such parts, and the workplaces

23 where such work was performed, and for the safety of

24 those work areas, that was in the responsibility of the

25 corresponding owner of the workshops or repair shops.

Page 132

1 BY MR JAGOLINZER:

2 Q So Volkswagen AG sold a product under a

3 Volkswagen genuine product name, correct, for example,

4 a Volkswagen genuine replacement brake and/or clutch,

5 that contained asbestos prior to 1986, let's say, and

6 did no tests to ensure that the regular work with those

7 products would be safe; correct?

8 MR MARKS: Form.

9 THE WITNESS: Yes. As I stated before, VW

10 measured at the workplaces and took samples at the

11 workplaces.

12 BY MR JAGOLINZER:

13 Q Are you referring to samples of the asbestos

14 fiber that would be released when one changes a brake?

15 A I believe I didn't get that.

16 Q No problem.

17 Volkswagen would expect that brakes on its

18 cars would have to be changed; correct?

19 A From time to time, yes.

20 Q Okay, and, in order to meet the need to replace

21 those brakes, Volkswagen would sell a Volkswagen

22 genuine replacement brake; correct?

23 A An original, genuine part, correct.

24 Q Sold under the Volkswagen trademark logo name;

25 correct?

1 A Yes.

2 Q And Volkswagen AG certainly knew that those
3 brakes would have to be replaced; right?

4 A After a certain wear.

5 Q And have you seen any documents, prior to 1986,
6 in Volkswagen's files, where Volkswagen was studying
7 the potential release of asbestos fiber from changing
8 of those brakes?

9 A I don't know any VW own studies, only the ones
10 from the BG and other scientific institutions.

11 Q Okay.

12 What is the earliest document that you've
13 seen from the BG or any scientific institution that
14 tested the level of exposure to asbestos when changing
15 a brake?

16 A I don't have a certain year and number in the
17 top of my head.

18 Q Okay.

19 Well, we're going to be --

20 MR MARKS: We're --

21 MR JAGOLINZER: I got to finish this area,
22 Chris, I'm sorry.

23 MR MARKS: Yeah, we're going an hour, so
24 we've got to take a break.

25 MR JAGOLINZER: I got it. I need to finish

1 evening.

2 MR JAGOLINZER: Go off. If you're done,
3 you're done. If you're saying we're done now, we're
4 done.

5 MR MARKS: Yeah, that's what I'm saying.

6 So, if you have one or two questions on this
7 line of questioning --

8 MR JAGOLINZER: I would love to say I have
9 one or two questions, but I don't think I'm getting a
10 straight answer to any of my questions --

11 MR MARKS: Well --

12 MR JAGOLINZER: -- so I'll continue tomorrow.

13 MR MARKS: -- I disagree. I disagree.

14 MR JAGOLINZER: Fair. That's fine.

15 MR MARKS: We'll resume in the morning.

16 MR JAGOLINZER: That's fine.

17 MR MARKS: We talked about stopping at 5.

18 MR JAGOLINZER: Let's do it. Let's do it.

19 MR MARKS: Actually, we talked about stopping
20 at 4, and it's now 5:08.

21 MR JAGOLINZER: That's fair.

22 MR MARKS: So ...

23 MR JAGOLINZER: We're going to break for the
24 evening.

25 MR MARKS: Good.

1 this area before we take a break. I'll go quick and
2 then we can move on, but I need to get this part done.

3 MR MARKS: Well, I mean --

4 MR JAGOLINZER: I'm in the middle of a
5 question, Chris, in this area. Let me finish.

6 Or, if you want to go out to take a break,
7 feel free, but I don't want you talking to the witness
8 on this part.

9 MR MARKS: I'm not talking to the witness.

10 MR JAGOLINZER: Go for it.

11 MR MARKS: I'm telling you that --

12 MR JAGOLINZER: Go for it.

13 MR MARKS: -- we're stopping at 5 --

14 MR JAGOLINZER: Mmm hmm.

15 MR MARKS: -- and it's now 5:05 and we've
16 been going an hour. So you can resume tomorrow morning
17 with this line of questioning.

18 MR JAGOLINZER: Yeah, well ...

19 MR MARKS: I mean, if you literally have one
20 or two questions to finish this line of questioning --

21 MR JAGOLINZER: You know what? You know
22 what? Fair enough. We'll take a break, and we'll get
23 into it.

24 Go for it. We can go.

25 MR MARKS: No, we're not going into the

1 Did you get an answer to the last question?

2 MR JAGOLINZER: I have no idea, but it
3 doesn't matter. We'll go back.

4 Thank you. We're going to go off.

5 (Whereupon the deposition was adjourned at 5:08 p.m.
6 until the following day)

CERTIFICATE OF COURT REPORTER

I, DEIRDRA JORDAN, a British Court Reporter, hereby certify that the testimony of the witness DR. JUERGEN ALBERS, in the foregoing transcript, numbered pages 1 through 136, taken on this 9th day of April, 2019, was recorded by me in machine shorthand and was thereafter transcribed by me; and that the foregoing transcript is a true and accurate verbatim record of the said testimony.

I further certify that I am not a relative, employee, counsel or financially involved with any of the parties to the within cause, nor am I an employee or relative of any counsel for the parties, nor am I in any way interested in the outcome of the within cause.

Signed: <%10474,Signature%>

Name: DEIRDRA JORDAN

Date: Monday, April 22, 2019

CERTIFICATE OF WITNESS

I, DR. JUERGEN ALBERS, declare that I have read the entire transcript of my deposition testimony contained in pages 1 through 136 inclusive, or the same has been read to me, and certify that it is a true, correct and complete transcript of my testimony given on April 9, 2019, save and except for changes and/or corrections, if any, as indicated by me on the attached Errata Sheets, with the understanding that I offer these changes and/or corrections as if still under oath.

Signed _____

DR. JUERGEN ALBERS

Dated this _____ day of _____ 2019

ERRATA SHEET

Dep: DR. JUERGEN ALBERS - Taken Tuesday, April 9, 2019

Page/Line	From	To
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EXHIBIT G

To
Mailing list
From
Health Protection Wolfsburg

01/19/1981
X Internal notice
Notice number



Your reference	Your message from	Our house extension [redacted]	Our reference 1594/0 Dr. [redacted]	Date 01/09/1981	Page 1
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Subject: Use of asbestos or asbestos-containing materials

The harmful effect of asbestos is today a general state of knowledge.

Deposits of asbestos fine dust or asbestos-containing fine dust in the lungs lead to asbestosis and/or cancer.

The Occupational Health and Safety Committee and its task force for Occupational Medicine and Safety Chemistry, therefore, dealt with the use of asbestos or asbestos-containing material at VW-Wolfsburg and listed occupational safety in which departments asbestos materials are processed. Thereafter, asbestos-containing material is processed or used in your area.

The following actions must be taken immediately:

1. Exchange these asbestos-containing materials with asbestos-free materials as far as possible,
2. or restrict their use,
3. Review of the processing methods,
4. When processing asbestos or asbestos-containing materials, ensure appropriate protective measures of the workers concerned if fine dust is to be expected during processing.
These protective measures include appropriate personal respiratory protection and possibly suction devices.
5. In the case of exposure to asbestos in accordance with the TRK values, the affected plant members must be listed (updated regularly) and subjected to health protection for suitability and surveillance examinations and must be brought to follow-up care after he ended the job containing asbestos.

Reference is made to the accident prevention regulation "Protection against harmful mineral dust".

Thresholds:

	TRK values	
	Asbestos fine dust	Asbestos containing fine dust
New installations	0.05 mg/m ³ or 1 fiber /cm ³	2.0 mg/m ³
Incidentally	0.10 mg/m ³ or 2 fibers /cm ³	4.0 mg/m ³
Beginning 07/01/1982	0.05 mg/m ³ or 1 fiber /cm ³	2.0 mg/m ³

PENGAD 800-631-6989	EXHIBIT EW
	<u>19</u>
	01/11/2019

EXHIBIT H



- Asbestos dust -
- Silicogenic dust -

If materials containing asbestos or more than 2% free crystalline silica are used, this must be reported to the trade association and the Trade Supervisory Board by the Occupational Safety Department.

Asbestos lightweight panels with a density < 1.0 g/cm³ must not be used. This prohibition also applies to materials containing asbestos and are used

- for spray on or spraying
- as insulating materials or insulation for fire, sound, heat, cold or moisture protection
- as paints, putties, adhesives, filters, mortar and filler compounds, floor and road coverings,

if asbestos fine dust occurs. If silicone-based or asbestos-based dust can be generated during work, then air-analytical monitoring must be carried out.

The determination and assessment of the dust conditions are made at the request of the safety chemistry.

Regardless of dust measurements or structural measures taken, the following points should be noted when asbestos or silicogenic dust occurs:

1. The existing suction must be switched on before commencing work.
2. If despite technical and organizational measures, it cannot be achieved that the respiratory air can be sufficiently freed of silicogenic or asbestos dusts, respiratory protective equipment must be used. The requirement of the respiratory protection equipment must be made via form Pr 52.
3. Workrooms, machinery and equipment are to be cleaned so that no dust is whirled up if possible. For cleaning, only vacuum cleaners or sweepers approved for this purpose may be used.
4. All technical equipment used to remove dust in the respiratory air must be maintained so that its full effectiveness is maintained at all times.

This also applies to respiratory protection equipment. The maintenance and care of these devices are carried out by the respiratory protection unit of the Fire Protection Department.



Occupational safety

As of: 08/01/1983 Page 2 of 2

Replaced: 05/10/1982

5. If silicogenic or asbestos dust may be whirled up during work, it must be instructed by the company supervisor before commencing work that the affected group of persons be sent to a suitability test by the Health Protection Department.

For repeat examinations, the interval specified by the authorized physician must be observed. According to the work order, the company supervisor is responsible for compliance.

6. If symptoms (shortness of breath, coughing, weight loss, bad general condition) occur between the examinations, the company doctor must be consulted immediately.

EXHIBIT I

Mr./Mrs./Ms.		Department / Site	
			
TO: [redacted]		Service Station	
Statement	information and return	information and filing	
☐	☐	☒	
With the request for	Translation /Edit	Consultation	Execution
	☐	☐	☐
	as discussed	verbal	by phone
	☐	☐	
Best regards			
Dr. med. [redacted]			
FROM:	Name	[redacted]	Plant Physician Volkswagen AG
	House phone	[redacted]	3160 Wolfsburg 12/15/1982

Form AV 32 - 1.77

PENGAD 800-631-6989	EXHIBIT EW
	<u>18</u>
	01/11/2019

[illegible]

International Congress Center, Berlin

polluted areas
[illegible] areas
heat supply
waste management

The colloquium is aimed at science, administration and industry professionals involved in emission reduction and pollution control legislation, regional planning, municipal development planning and land use planning, environmental sanitation and urban climatology.

Information issued: VDI-Commission Clean Air, PO Box 1139, D-4000 Dusseldorf 1, Phone: (0211) 62 14-4 51, 532

The future will also be affected by damaging environmental effects by means of a stronger focus of spatial planning on the objectives of the project to achieve emission protection.

For the first time in the series of public events, the VDI Commission for Clean Air will be organizing a **Spatial Planning** Conference as a thematic focal point.

domestic fuel, vehicle traffic)
Urban climate, measurement data and models
Problems of urban development from an interdisciplinary point of view
(Urban development, ecology, economy)
Institutional Instruments
(Municipal Environmental Planning, Political Science, Legislators, Trade Control).

From the work of the German Institute for Occupational Safety - BIA

Asbestos emissions from brake lining processing machines

Brake service workshops for trucks and buses use increasingly brake pads processing machines for over-revving of used and new brake pads, which are placed directly on the axle without disassembly of the brake shoe carrier. The resulting dust contains asbestos fibers, which get into the respiratory air of the employees and, depending on the concentration and exposure time, can lead to damaging health effects.

Extensive measurements of dust concentrations at workplaces in brake workshops showed that

1. the dust concentrations vary greatly depending on the work intensity, spatial and ventilation conditions as well as

the type of brake pads and the processing machine.

2. the asbestos fine dust concentration exceeds the TRK value of 0.05 mg/m³ on average if no dust reduction measures have been taken,
3. a dust suction at the point of origin of the dust (on the turning steel) leads on average to a safe deviation below the TRK value (no measured value was above the TRK value).

It can be derived from this that by using suitable dust reduction measures (e.g. effective dust suction on the rotating steel), concentrations in the respiratory air of the employees can be achieved far below the TRK values.

The German Institute for Occupational Safety - BIA is currently carrying out fundamental investigations, financially supported by the project sponsor Humanization of Working Life (PT HdA), in order to determine the "suitability" of the dust mitigation measures and to develop safety requirements that form the basis of a partial test within the meaning of the Equipment Safety Act. The tests carried out so far on the test stand confirm the trends observed in brake service practice and that it is anticipated that test-technical requirements can be drawn up shortly, as have already been published for hand-guided devices for asbestos cement processing (ZH 1/616, BIA-Information 2/82) G. Kühnert [ST 17161]

Pollutant measurement in the power plant, Wolfsburg

No.	Date	Time	a) Temperature b) Rel. humidity c) Air pressure	Place	Machine output or function	% asbestos content in fine dust	Fine dust	Assess. Index <u>concentration</u> TRK	TRK value
1	03/03/19	09:00 AM – 01:00 PM	a) 31°C b) 33% c) 1007 mbar	Power plant north Height 8 m Turbine (A) No. M 7370	37 rpm Idle speed	19.2	0.048 mg/m ³	0.09	0.519 mg/m ³
2	03/04/19	08:03 AM – 12:03 PM	a) 44°C b) 29% c) 1009 mbar	Power plant north Height 8 m Turbine (D) No. M 00707	3000 rpm Full load	< 100	0.598 mg/m ³	< 0.60	0.1000 mg/m ³
3	03/05/19	01:40 PM – 03:22 PM	a) 19°C b) 46% c) 1006 mbar	Power plant north Height 8 m Turbine (A) No. M 7370	Removal of the outer asbestos insulation	9.2	0.756 mg/m ³	0.70	1.087 mg/m ³
4	03/06/19	08:02 AM – 09:18 AM	a) 27°C b) 42% c) 991 mbar	Power plant north Height 8 m Turbine (A) No. M 7370	Removal of the inner asbestos insulation	10.8	1.53 mg/m ³	1.65	0.926 mg/m ³
5	03/06/19	12:30 PM – 01:36 PM	a) 28°C b) 40% c) 988 mbar	Power plant north Height 8 m Turbine (A) No. M 7370	Cleaning of the high-pres part from the remains of asbestos insulation using wire brush and industrial vacuum cleaner	20.4	2.124 mg/m ³	4.33	0.49 mg/m ³
6	03/07/19	08:00 AM – 09:56 AM	a) 22°C b) 50% c) 977 mbar	Power plant north Tube sheet 4 m below the turbine M 7370	Bagging of the asbestos insulation by hand	10.8	0.861 mg/m ³	0.93	0.926 mg/m ³
7	03/07/19	11:05 AM – 02:02 PM	a) 18°C b) 5 % c) 978 mbar	Power plant north Cinder cellar 0 m below the turbine M 7370	Bagging of the asbestos insulation by shove	3.12	0.669 mg/m ³	0.21	3.21 mg/m ³

Process department/Process
Planning and Coordination
- Security chemistry -

03/23/1981

D/ Mr. [redacted], KD workshop

Dipl. Ing. [redacted] Hanover

Health hazards due to dusts of asbestos-containing brake pads in motor vehicle workshops

The development and implementation of the accident prevention directive "Protection against harmful mineral dust" showed that there are particular difficulties in assessing the health risk of occupational groups exposed to low concentrations or exposed for short periods of time.

At that time, the knowledge was not sufficient to be able to decide to what extent there was a health risk due to the dust of asbestos-containing brake linings in motor vehicle workshops.

From this decision, it depended, whether

☐ technical protective measures are required when processing brake linings and when cleaning brakes with compressed air (brake drums, brake shoe carriers, brake linings);

☐ employees who work on brake pads or clean brakes must undergo preventive occupational medical examinations.

A Research was started therefore in 1972, which should provide information on the following questions.

1. What dust concentrations do occur at workplaces where asbestos-containing brake pads are processed or at which abrasion of brake linings reaches the respiratory air, and what is the asbestos content in this dust?

2. How is the biological effect of these dusts to be assessed, in particular with regard to fibrogen and carcinogenicity?

3. For persons who have been subjected to the dusting of asbestos-containing brake linings for a prolonged period (at least 10 years) - are there any health impairments or damage to health (diseases) that can be attributed to this exposure?

The processing of brake pads as part of their production was also included in the investigations.

The investigation program included

1. dust measurements for the determination of mass concentration and asbestos content of the airborne dust at a representative number of working places;

2. laboratory and test stand tests to determine possible mineralogical chemical changes of the asbestos by the mechanical and thermal stresses of the brake pads during braking;

3. animal and cell experiments to determine the fibrogenic and carcinogenic effect of dusts occurring (no inhalation tests);

4. Medical examinations of a sufficient number of persons who were exposed to the occurring dusts as often as possible at the same workplace for many years.

The results can be summarized as follows:

1. Brake pads of motor vehicles contain 10 to 70 percent by weight of asbestos, essentially 20 and 30 percent by weight. In all cases examined, it was chrysotile asbestos. Other types of asbestos are obviously not used.

2. The main sources of dust are the brake services with the processing of the brake pads and the blowing out of the abrasion from the brake drums.

3. The duration of exposure of workers is difficult to pinpoint, as the processes associated with the formation of dust are generally short-term. Guide values are 1 hour/shift, better 3 hours/week for processing, 1-3 hours/shift for blowing out.

4. The dust generated by the processing of brake pads contains slightly less asbestos than what is present in the brake pad itself.

5. A chrysotile asbestos accumulation could be detected only in extremely small proportions in the dust produced when blowing out the brake drums of German motor vehicles. The dust contained virtually no fibers.

6. Up to 30 % by weight of chrysotile asbestos was found in the abrasive dust of American brake pads.

7. The threshold for chrysotile asbestos at the workplace is exceeded when working on the brake pads, while in the workplace it is certainly below the limit.

8. When blowing out brake drums, the threshold for asbestos-containing and inert dust at the workplace are exceeded for a short period of time, while in the workplace it is certainly below the limit.

9. Fibers, located in the friction surface are destroyed during the braking process and the crystal lattice of the chrysotile is transformed, probably to an amorphous state.

10. The dust from the processing of the brake pads clearly has fibrogenic and carcinogenic effects.

11. The brake drum dust has rare and then only slight fibrogenic effect: a carcinogenic effect cannot be excluded.

12. Long-term brake pad dust exposure is likely to lead to fibrogenic asbestos inhalation effects.

The risk of disease is lowest in people who mostly blow out brake drums.

The results justify 3 obligations:

☐ When working on brake linings, technical protective measures (e.g. encapsulation of the dust sources, dust suction on processing equipment) are required as well as occupational health precautionary examinations taking into account the exposure time.

☐ When blowing out brake drums, the short-term particulate matter concentration must be reduced by technical measures (e.g. blowing out in vacuum hoods, sucking out, washing out), and the occupational medical examinations can initially be dispensed in the case of German brake linings.

☐ Further research is needed to improve technical protection measures and to clarify the cancer risk of brake drum dusts.

The results of the investigation are put into practice by integration into the further training of the supervisory bodies as well as by the distribution of information material and intensive consultation in the companies concerned. At the same time, the companies will receive technical support. Further research, e.g. on suction options with mounted rotary lathes on the stub axle brake lining are already prompted.

Finally, I make an appeal to those responsible for occupational safety in companies, and in particular to the supervisory bodies. The basis for this is the successes achieved by the Northwestern Iron- and steel-trade association in the replacement of asbestos-containing partitions in ship interiors.

Use the results of the research paper "Investigations on the dangers of dusts from asbestos-containing brake pads" in the consultation and monitoring of vehicle repair shops consistently and uncompromisingly. You will make a major contribution to speeding up the development, which has already been suggested by the presentation of the first asbestos-free brake linings at the IAA in Frankfurt.

Address of the author:

Northwestern Iron- and Steel-Trade Association
Hans-Böckler-Allee 26
3000 Hanover 1

EXHIBIT J

SOUTH GERMAN IRON AND STEEL PROFESSIONAL ASSOCIATION
(Statutory accident insurance)
DISTRICT ADMINISTRATION MAINZ

Health Care Protection

Received: 04/24/1980

South German Iron and Steel-Professional Cooperation
District Administration Mainz · 6500 Mainz · P.O. Box 37 60

Company
Volkswagenwerk AG
Plant Kassel

35 K a s s e l
For the attention of Mr.
Safety Ing. [redacted]

MAINZ, 06/19/1973
Diether-von-Isenburg-Straße 9-11
Phone (0 61 31) 2 35 49

Bank account
Landesbank Rheinland-Pfalz, Clearing House Mainz no. 53
502

Reference: H-TA/623/0210/0/[redacted]
Please always indicate

Subject: Check for possible asbestos-related hazards in the processing of asbestos dust containing materials

Dear Sirs,

Please find attached the measurement report from the Dust Research Institute of the main association of the industrial professional associations about the sampling on 04/17 and 04/18/1973. It is therefore apparent that the technical thresholds for chrysotile-containing fine dust (4 mg/m³) are likely to be reached or exceeded over time as a result of the work on riveting the clutch linings and cutting the Fiberfrax slabs for cooker upgrading. In both cases, therefore, a suction of the resulting dust should be made.

We kindly ask for notification about the measures put in place by you by

08/30/1973.

Attachment

-ee-

Yours sincerely,

Technical Supervisory Service

[redacted]

tabbies*	PLAINTIFF'S EXHIBIT <u>22</u>
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R E P O R T

on the measurement of air pollutants at the workplace

Report number: 73 00 201 0 8

Company: Volkswagenwerk AG, plant Kassel

Address: 3501 Kassel-Baunatal

Street: same Phone [redacted]

Place of operation: same

Sampling date: 04/17 – 04/18/1973

Prior measurements by the Dust Research Institute: no

At the sampling constantly or temporarily present gentlemen: [redacted] Safety Ing. of the company VW
[redacted] Dust Research Institute, Bonn

Medical monitoring: yes

Dust monitoring: no

Number of reported occupational disease cases in the last three calendar years: none

Number of recognized occupational disease cases in the last three calendar years: none

Type of operation: Automobile manufacturing

Measuring task: Check for possible asbestos-related hazards in the processing of asbestos dust containing materials

Brief description of the measuring method:

Sampling: Filter sampling device "VC 20"

Evaluation: Determination of the fine dust concentration in mg/m^3
as well as the amount of asbestos in % by means of IR analysis

Measurement results

Consec. number	Name of the place of sampling, date and time of sampling. Designation of the working method, special observations	Pollutant		Measured concentration[mg/m ³]			Assessment index *) <u>Concentrat.</u> Threshold
		Type	Weight. %	Total dust c _G	Fine dust D _F	Pollutant c _S	
1	<u>Removal of the brake shoes:</u> 04/17/1973 08:10 AM - 10:52 AM The old brake shoes are freed from the old lining by pressing down the old rivets with a compressing die. The work is carried out on an approximately 2x1 m2 work table at 4 compression dies at the same time. The brake shoes are washed before and therefore still wet.	Asbestos	2	-	1.9	-	0.48
2	<u>Rivetting of brake shoes:</u> 04/18/1973 08:24 AM 11:04 AM New brake pads are riveted on the brake shoe carrier on three riveting machines in a narrow area. During the measurement were Energit-pads type 334 HG used. A suction does not exist.	Asbestos	too little	-	0.13	-	-
3	<u>Removal of clutch linings:</u> 04/17/1973 08:00 AM – 12:00 PM The riveting of the clutch linings takes place using a single exhaust system from Meissner and Wurst, type Staubmeister with 0.5 m suction speed in the intake level. The purified air is returned to the hall.	Asbestos	4	-	0.48	0.02	0.13
④	<u>Rivetting of clutch linings:</u> 04/17/1973 08:25 AM – 12:25 PM The riveted clutch disc carriers are again provided with discs on both sides, with a softer pad on one side and a harder pad on the other.	Asbestos	36	-	0.41	0.15	1.0

*) Basis of assessment: Currently valid xxxxxx technical thresholds (VBG 119)
The results refer to the conditions during sampling. (Clerk) [redacted]

Measurement results

Consec. number	Name of the place of sampling, date and time of sampling. Designation of the working method, special observations	Pollutant		Measured concentration[mg/m ³]			Assessment index *) <u>Concentrat.</u> Threshold
		Type	Weight. %	Total dust c _G	Fine dust d _F	Pollutant c _S	
5	Heat exchanger dismantling, dust level in the hall: 04/17/1973 01:45 PM - 05:45 PM	Asbestos	too little substance	-	0.14	-	-
6	Heat exchanger dismantling – trimming tables: 04/17/1973 01:45 PM - 05:45 PM There are exhaust pipes or mufflers (heat exchanger) freed from the old asbestos insulation casing. The heat exchangers are knocked out of the jacket on a pull-down table with additional side and rear cladding.	Asbestos	too little substance	-	0.2	-	-
7	Electrical department Insulation work on casting pipes Dust level in the hall: 04/18/1973 08:08 AM - 11:50 AM + 02:00 PM - 03:22 PM	Asbestos	6	-	0.37	0.02	0.13
8	The filling pipes for aluminum casting are wrapped with asbestos tapes or unpacked after wear. The unwinding of the casting tubes results in visually recognizable slight dust turbulence. A suction is not available. Electrical department Wrapping and unwinding of the filling pipes 04/18/1973 08:08 AM - 11:50 AM + 02:00 PM - 03:22 PM	Asbestos	6	-	0.64	0.04	0.27
9	Cooker extension cutting of Fiberfrax panels 04/18/1973 08:15 AM - 08:30 AM Material is sawed and processed. The cutting is done with a jigsaw about 2 hours a day, suction is not available despite heavy dust accumulation.	Asbestos	6	-	6.4	0.38	2.5

*) Basis of assessment: Currently valid xxxxxx technical thresholds (VBG 119)
The results refer to the conditions during sampling. (Clerk) [redacted]

EXHIBIT K

VOLKSWAGEN

To
MAILING LIST

From
Aggregate Preparation

Internal notice
Meeting
Notice number



X

Your reference	Your message from	Our reference [redacted]	House extension [redacted]	Date 10/31/1988	Page 1
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Exceeding the tripping threshold (asbestos dust) during brake shoe preparation (riveting).

Meeting in the Aggregate Preparation on 10/28/1988

PROCESS DEPARTMENT
11/02/19 [redacted]
1,745
KASSEL PLANT

The following asbestos-containing (drum) brake linings are processed for customer service requirements in Braunschweig:

Participants:	[redacted]	- Health Protection
	[redacted]	- Health Protection
	[redacted]	- Process Department
	[redacted]	- Process Department
	[redacted]	- Occupational Safety
	[redacted]	- Workers Council
	[redacted]	- Workers Council
	[redacted]	- Aggregate Preparation
	[redacted]	- Aggregate Preparation

1. Brake shoes – riveting

In the last asbestos dust measurement and safety-chemical evaluation, was for the first time in years during brake shoe riveting an evaluation index of $I = 0.264$ determined, thus the threshold trigger was exceeded.

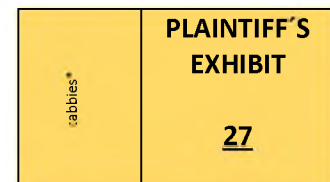
The meeting served to discuss dust-reducing and control measures.

Previous history:

Beginning August 1980, the old brake shoes are washed before riveting and then riveted. Thus, at the previous location in Hall 4, valuation indices of 0.09 to 0.10 were achieved with still a double TRK value and without a triggering threshold.

With the relocation to Hall 3, a container for rewetting the brake shoes before riveting was additionally installed because of the longer transport routes and times after washing from Hall 4 to Hall 3. In addition, the general dust load is higher in hall 3 than in hall 4.

Still, approximately 50% of the old brake shoes delivered from the organization for processing have asbestos-containing linings, But the ratio is declining due to the gradual conversion to asbestos-free brake pads in the series between 03/1985 and 07/1987. A recognition of asbestos-containing/asbestos-free linings on old brake shoes is not possible.



To
MAILING LIST

From
Aggregate Preparation

Internal notice
Meeting
Notice number



X

Your reference	Your message from	Our reference [redacted]	House extension [redacted]	Date 10/31/1988	Page 2
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The following measures were adopted to reduce the I of 0.264 at riveting:

1. From 10/26/1988 on will the water, which is used to wet the brake shoes before riveting, be mixed with 5% glycerol.
2. The work table, on which the riveting machine will be operated, is equipped with a perforated plate as a worktop including a water tank below.
3. To clean the work area a suitable vacuum cleaner class C will be bought, offers from Ruwac and from the company Nilfisk are on the way.

A new measurement will be performed after the implementation of all changes.

2. Brake shoes – rivetting (asbestos-containing)

In May 88, most of the AT brake shoes were converted from manufacturing to asbestos-free pads. Only 6 types (of which 2 types have not been required for months) have not yet been converted from production to asbestos-free. The share is also falling. The September production of 22,810 sets (each 4 pieces) had a share of 1,675, which corresponds to 7.3%.

As of December 1988, 3 other types will be converted to asbestos-free.

113 698 237 H/HX will be 237 Q/QX
131 698 237 C/CX will be 237 Q/QX
113 698 237 C/CX will be 537 Q/QX

As of today, there is no release for asbestos-free linings for the following types:

171 698 527 D/DX September program 900 sets, trend declining
331 698 527 / X last requirement in April 1988
527 A/AX last requirement before inventory 1987.

[redacted] calls for the discontinuation of these brake shoes or the short-term conversion to asbestos-free. The current demands of the program period Nov. 1988 are still fulfilled. The spare parts program, spare parts scheduling, and logistics/production control will be informed about the discontinuation.

[redacted]

Mailing list:
Participants

EXHIBIT L

To
Mailing list

X

Internal notice



From
Health Protection

Notice number

Your reference	Your message from	Our reference Dr. [redacted]	House extension [redacted]	Date 10/14/1987	Page 1
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Packaging of asbestos-containing parts

As part of inspections on 10/06/1987 in the spare parts warehouse and on 10/13/1987 in the CKD were measures between operators, process technology, occupational safety, health protection and works council coordinated, to further minimize the exposure to asbestos.

The workplaces must be kept free of dust with the aid of special vacuum cleaners; the employee wears a 3M mask (P 2-filter) and dust measurements are taken again.

The process engineering will also investigate how high the asbestos content of each part is and whether asbestos-free substitutes are available. The implementation of occupational health check-ups with notification of the exposed persons to the Northwest Iron and Steel Trade Association is made dependent on the result of the dust measurements.

However, the above rules can only be considered as provisional measures. Until the general conversion to asbestos-free materials, all necessary packaging work on a workplace optimized by extraction should be carried out by a small defined group of people.

The present solution, which distributes these activities across multiple departments, different employees and in large rooms, leads to uncontrolled asbestos dust contamination and exposure. Remedial measures appear urgent and should be initiated before the results of the dust measurements are presented. Due to the carcinogenic effect of asbestos fibers, also low asbestos dust values require a corresponding procedure.

[redacted]

Dr. [redacted]

Mailing list: Mr.[plural] [redacted], Production Planning
[redacted], Plant Technology
[redacted], 2-VT-2 Dispatch
[redacted], Vehicle Assembly II
[redacted], VF-33 Spare parts external warehouse
Dr. [redacted], Production Planning Surfaces and process technique
[redacted], Occupational Safety
[redacted], Workers Council

tabbies *	PLAINTIFF'S EXHIBIT <u>25</u>
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EXHIBIT M

To

Mr. [redacted], Prototyping Department

X

Internal notice



From

Process Department/Process planning and coordination

Notice number

Your reference	Your message from	Our house extension	Our reference	Date	Page
		[redacted]	1493-[redacted]	03/18/1980	1

[redacted]

[redacted]

Asbestos dust concentration measurement in workshop 73

Based on your internal communication, we performed an asbestos dust concentration measurement on the brake pad grinding machine on 01/24/1980 in workshop 73, field C 36. The sampling took place in the breathing area of the grinder. The evaluation of the filter showed a fine dust content of 0.19 mg/m³.

Asbestos dust has a technical standard concentration (TSC) value of 2 fibers/cm³ air. The determined result of the evaluated filter resulted in less than 0.02 fibers/cm³ of air. This is less than 1% of the technical standard concentration (TSC) value.

[redacted]

[redacted]

[redacted]

[redacted]

See also consecutive number: 196/82

Consecutive number: 34/79

PENGAD 800-631-6989	EXHIBIT EW
	<u>14</u>
	01/11/2019

VOLKSWAGEN WERK											Sheet 2		
Analysis task		Dust samples on filter Material samples				Register number of the company					Sample number: 034/79		
Sender		Date: 01/24/1980				?							
		Reference: MO				Dear Gentlemen, Please find attached the analysis report of the samples you sent to us. Best regards by order							
Plant WOB		Sampling on											
		01/24/1980											
Cost center 1493		Assigned cost center											
Phone		Mailing of new filter cartridges						Filter samples					
		Number:				1		% Contam. in tot. dust		% Contam. in fine dust		Determin. MAK Concentration mg/m ³ Total dust <u>fine dust</u> contaminant	
I	II Label of the sample / filter no	III Material: Filter:		III Sample designation Place of sampling		IV	Contaminant	2	Material samples				
									% Contam. in original	% Contam. in fine dust	Fine dust factor %		
	Series E IV 6202	Disc pad disk: 78 pieces Series 431 609 565 B		Workshop 73, field C 36		a) 0.5 h m ³ — min	Asbestos:		< 1 % of TSC value				1.028 mg/Ring 0.1867 mg/cm ³
*)Material		Membrane-	Microsorban-	Fiber optic filter	b)	59 % rel. humidity 21 C; 995 mbar							
					a)								
					m ³ - min								
*)Material		Membrane-	Microsorban-	Fiber optic filter	b)								
					a)							1.028993908 MG/FINE DUST - RING .1866974188 MG/M3 FINE DUST	
					m ³ - min								
*)Material		Membrane-	Microsorban-	Fiber optic filter	b)								
					a)								
					m ³ - min								
*)Material		Membrane-	Microsorban-	Fiber optic filter	b)								

EXHIBIT N

To

Mr. Dr. [redacted], Health Protection

From

Process Department/Process planning and coordination

Your reference	Your message from	Our house extension [redacted]	Our reference 1493-[redacted]
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[redacted]

[redacted]

Health Care VW AG
Head

11/06/2001

[redacted]

[redacted]

[redacted]

[redacted]

Dr. [redacted]

[redacted]

Pollutant levels in the service station and in hall 52

BJT8

1. We performed in the service station fine dust measurements in the breathing area of the plant worker responsible for cleaning brake drums.

These operations are usually only at longer intervals and are of short duration.

In the present case, these are short-term exposures. The assessment of these measured values is carried out in accordance with ZH 1/561, 4.3 - "Rules for the measurement and evaluation of dangerous mineral dusts" -.

Breaches of the TSC (technical standard concentration) values for asbestos-containing particulate matter and the MWC-values (maximum workplace concentration) for copper (dust) and lead occurred during the blowing out of the brake drums. Meanwhile, the cleaning of the brake drums is performed according to another method in which pollutants are not released.

For this reason, it should be indicated to all service stations of the group that, according to the old cleaning procedure, MWC values or TRX exceedances may occur with asbestos-containing materials. This information should also be included in the service station manual - by Mr. [redacted], Coating/Environmental protection procedure.

2. For the plant workers employed in Hall 52 at the car wash, were the values for gasoline hydrocarbons, n-octane (C₈H₁₈) between 165.6 ppm and 182.3 ppm.

The individual results can be found in the attached table.

[redacted]

[redacted]

Attachment

To D/ Gentlemen [redacted] - VK-41, Service station Wolfsburg
 [redacted] - VK-31, Technical procedures
 [redacted] - Occupational safety
 [redacted] - Committee for occupational safety

200 ppm	200 ppm	VW internal threshold		1.3	32.4	0.45	Assessment index according ZH 1/561 4.3 <u>Concentration</u> TSC
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Total pages 01

CAS – numbers – statistics for all measurement days

Page 2

CAS number

1332-21-4 ASBESTOS (CHRYBOTILE)

	Measuring point	Active / passive	Cost center	Substance index	
				Min	Max
[illegible]	B8TZ 05	Passive	1942	0.01	0.01
	FEH20GE10401	Active	1762	< 0.01	< 0.01
	FEH20GE10501	Active	1763	< 0.01	< 0.01
	MATERIAL 01	Passive	1396		
	010 HG 80601	Passive	1319	0.08	0.08
	040 WAREH. 01	Passive	1643	< 0.01	< 0.01
	054 EGFB 7001	Passive	1335	0.08	0.08
	071 SIGNED 01	Passive	1412		
[illegible]	- no measurement protocol				
[illegible]	- no measurement protocol				
	[illegible]				
	[illegible]				
GSA					
Society for Occupational Safety					
[illegible]					
[redacted]					
Dr. [redacted]					
REM					
				[illegible]	
				Threshold	= [illegible] → 1
				Time of the measurement	

TRGS 519

EXHIBIT O

To
Mr. Dr. [redacted] – Central Health Care
From
Security chemistry BS

X Internal notice



Notice number

Your reference	Your message from	Our reference Dr. [redacted]	House extension [redacted]	Date 09/02/1987	Page
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Asbestos determination in Braunschweig

Attached you will find the requested compilation of asbestos determination in fine dust.

The measurements were taken at workplaces where asbestos-containing materials were processed during the measurement.

The sampling was performed with the particulate matter measuring device VC 25-F. The detection of asbestos in fine dust was carried out by optical microscopy. For positive detection, asbestos was quantified by the IR method.

[redacted]
Dr. [redacted]

Attachment

PENGAD 800-631-6989	EXHIBIT EW <u>16</u> 01/11/2019
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 Security chemistry Braunschweig	Asbestos determination in fine dust at asbestos workplaces in Braunschweig			Date: 09/02/1987 Sheet: 1 of 3 Signed: Dr. [redacted]
Day of measurement	06/16/1982	06/23/1982	06/23/1982	11/19/1983
Measurement order	0001/1982	0001/1982	0001/1982	0001/1983
Device	Brake shoe riveter	Brake shoe grinding machine	Rotary table riveter	-----
Inventory number	33 207	3-30 C 31 550-1	17 174	-----
Site: Workspace/field	3 / J4	3 / J5	3 / G8	5 / N10
Process	Inserting the brake shoes	Outlet of the grinding machine	Inserting the brake shoes	Removal of brake pads from the container
Processed material	Brake shoes Company Jurid 171 609 565 J	Brake shoes Company ABPA 443 609 537/538	Brake shoes Company ABPA 171 609 525/526 A	Unknown company (asbestos-containing brake pads)
Processing volume during the measurement	2,170	1,500	3,070	-----
Fine dust (mg/m ³)	0.100	0.150	0.130	0.180
Asbestos (mg/m ³) (Chrysotile)	0.009	0.045	0.009	Unverifiable (optical microscope)
Asbestos in fine dust	9%	30%	7%	-----
Comments	The devices were moved at the extraction system with dust	end of the year 1982 and separation.	equipped with a central	

 Security chemistry Braunschweig	Asbestos determination in fine dust at asbestos workplaces in Braunschweig			Date: 09/02/1987 Sheet: 2 of 3 Signed: [redacted]
Day of measurement	11/20/1983	11/13/1983	11/20/1983	11/19/1983
Measurement order	0001/1983	0001/1983	0001/1983	0001/1983
Device	Brake shoe riveter	Brake shoe grinding machine	Brake shoe grinding machine	Rotary table riveter
Inventory number	33 207	3-30 C 31 550-1	3-30 C 31 550-1	10 174
Site: Workspace/field	5 / N 13	5 / N 14	5 / N 14	5 / O 22
Process	Inserting the brake shoes	Outlet of the grinding machine	Inserting the brake shoes	Inserting the brake shoes
Processed material	Asbestos containing brake shoes (Company unknown)	Asbestos containing brake shoes (Company unknown)	Asbestos containing brake shoes (Company unknown)	Asbestos containing brake shoes (Company unknown)
Processing volume during the measurement	-----	-----	-----	-----
Fine dust (mg/m ³)	0.110	0.220	0.130	0.240
Asbestos (mg/m ³) (Chrysotile)	0.002	Unverifiable by optical microscope	0.002	Unverifiable by optical microscope
Asbestos in fine dust	-----	-----	-----	-----
Comments	Concentration below the detection limit		Concentration below the detection limit	

 Security chemistry Braunschweig	Asbestos determination in fine dust at asbestos workplaces in Braunschweig			Date: 09/02/1987 Sheet: 3 of 3 Signed: [redacted]
Day of measurement Measurement order Device Inventory number Site: Workspace/field Process Processed material Processing volume during the measurement Fine dust (mg/m ³) Asbestos (mg/m ³) (Chrysotile) Asbestos in fine dust Comments	11/30/1983 0002/1983 Suspension arm assembly LT 40 ----- 5 / L 22 Assembly of suspension arms Assembly work with complete components ----- 0.081 0.018 22%	02/10/1984 0002/1983 Brake shoe grinding machine Automotive workshop ----- 1 / without Regrinding of brake pads Asbestos-containing pads 16 0.164 0.003 30% Concentration below the detection limit	06/05/1986 0018/1986 Brake shoe grinding plant 3-30 C 31 550-2 5 / N 14 Inserting the brake pads Asbestos-containing brake pads (Company unknown) ----- 0.836 Unverifiable by optical microscope 7%	

EXHIBIT P

South German Iron and Steel Professional Association

(Statutory accident insurance)

Headquarter

6500 MAINZ-WEISENAU · WILHELM-THEODOR-RÖMHELD-STRASSE 15 · PHONE: (0 61 31) 802-1

Technical Supervisory Service

REPORT on the measurement of air pollutants at the workplace

1.1 Report number: 91 2231 Date: 07/03/1991

1.2 Company: VW AG Kassel Company number: 624/0133/8
P.O. box 10 38 60
3500 Kassel-Baunatal

Place of operation: ☒ same address

Phone number: 05 61/4 90 [redacted]

1.3 Type of operation: Automobile industry

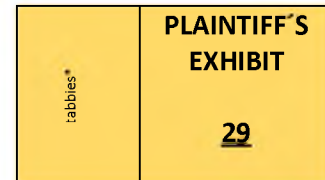
1.4 Participants at the meeting: Mr. [redacted], SI, Mr. [redacted], SI
Chemist, Mr. [redacted], SFK

at the measurement: temporarily Mr. [redacted] [redacted], Mr. [redacted]

1.5 Measurement performed by: Mr. [redacted], TAD, HV
on: March 25, 26, 26 and 28, 1991

1.6 Measurement task: Determination of asbestos dust concentration in the
Aggregate preparation and in halls 3 and 4. Measurement
order from 03/28/1991.

1.7 Responsible TAB: Mr. Dipl. Ing. [redacted]



[redacted]
03/1987

2. Work areas and measurement results

Page 2 to report no: 91 2231

Work areas/measurement points/sample -- IBA --				Hazardous material	T (F/m ³)	STV	Date MMDD	SD (h)	p/s	se	Conc. (F/m ³)	S / STV	AI Conc T x se
WA	MP	S	Designation										
3	1	1	Riveting brake linings	Fibers in general: d < 3µm l > 5µm (here Chrysotile asbestos)	250 000	-	03/25	2	p	-	80 000	S	0.32
40	1	4	Brushing off engine block		250 000	-	03/26	2	p	-	130 000	S	0.52
40	2	5	Clutch disassembly		250 000	-	03/26	2	p	-	40 000	S	0.16
40	3	6	Sanding of the sealing surface of the intake manifold		250 000	-	03/27	2	p	-	540 000	S	2.16
40	4	7	Sanding of the sealing surface of the water pump		250 000	-	03/27	2	p	-	40 000	S	0.16
40	5	8	Scraping off the seal residues from the cylinder head		250 000	-	03/27	2	p	-	110 000	S	0.44
40	9	9	Scraping off the seal residues of the water pump		250 000	-	03/27	2	p	-	< 40 000	S	< 0.16
146	1	2	Oil fired power plant		250 000	-	03/26	2.0	s	-	< 40 000	S	< 0.16
220	1	3	Repacking of clutch discs		250 000	-	03/26	2.0	p	-	< 40 000	S	< 0.16

WA Number of the work place

MP Number of the measurement point

S Number of the sample in the analysis report

T Threshold (for example MAK, TRK)

STV Short term value category

02/1991

SD Sampling duration

p on the person

s stationary

se factor for shortened exposition

Conc Pollutant concentration

S / STV Shift mean average / Short term value

AI Assessment index

CONFIDENTIAL

Clark vs. VWAG (Ferraro) - 00000327

3. Findings/Comments

The work performed during the measurement can, according to the attendant, be regarded as representative.

The assessment of the measurement result was uncorrected on the basis of the shift mean value in comparison to the threshold.

The overview tables on page 2 are used for quick information. The attachments contain the BIA analysis report with environmental conditions.

Since dealing with asbestos-containing materials, it has been assumed that the general fiber count measured in the respiratory air consists mainly of asbestos fibers. The assessment was therefore based on the asbestos fiber limit of chrysotile (most common asbestos type).

Critical concentration values are to be determined at the following work processes:

– Trigger threshold exceedances (AI-S > 0.1) at one-time measurement)

Riveting brake linings (IBA 31) asbestos

Brushing off engine block (IBA 401) asbestos

Clutch disassembly (IBA 402) asbestos

Sanding of the sealing surface of the water pump (IBA 404) asbestos

Scraping off the seal residues from the cylinder head (IBA 405) asbestos

- Exceedance of threshold (AI-S > 1)

Sanding of the sealing surface of the intake manifold (IBA 403) asbestos

Processed by: [redacted]

Technical Supervisory Service
on behalf of [redacted]

[hand-written text illegible on this page]

Attachments

BIA analysis report

Pictures of the measurement points

Assessment criteria