

FILE NAME: Paccar (PAC)

DATE: 2025 Feb 14

DOC#: PAC008

DOCUMENT DESCRIPTION: Legal - Deposition of Rodney Curbo; Morris v. Bel Air Auto [Ex. E]

EXHIBIT E

IN THE CIRCUIT COURT
FOR BALTIMORE CITY

IN RE: BALTIMORE CITY *
ASBESTOS LITIGATION *
* * * * *
ROSALIND MORRIS, * CASE NO.:
Individually, and as * 24-X-23-000029
Personal Representative * April 8, 2025
of the Estate of John * Trial Date
Alan Morris, et al., *
Plaintiffs *
v. *
BEL AIR AUTO PARTS, INC., *
et al., *
Defendants *
* * * * *

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

RODNEY CURBO
FEBRUARY 14, 2025
Reported by: Sarah Thomas

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Rodney Curbo 2/14/2025
Rosalind Morris, et al. v. Bel Air Auto Parts, Inc., et al.,

Page 2

1 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
2 RODNEY CURBO
3 The Videotaped Videoconference Deposition
4 of Rodney Curbo, taken in the above-captioned
5 case on Friday, February 14, 2025, commencing
6 at 10:33 a.m., and reported by Sarah Thomas,
7 Court Reporter and Notary Public.
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Page 4

| EXHIBIT | DESCRIPTION | PAGE |
|---------|---|------|
| 7 | February 4, 1997 - PACCAR Answers to Master Interrogatories - Tinker Case | 15 |
| 8 | August 26, 1993 PACCAR Degenstein Deposition | 15 |
| 9 | April 28, 2009 PACCAR Bean Deposition - Martin Case | 15 |
| 10 | June 25, 2009 PACCAR Bean Deposition - Gobel Case | 15 |
| 11 | August 11, 2020 PACCAR Curbo Deposition - Pawlik Case | 15 |
| 12 | Rockwell Components for Kenworth Trucks - 1977 | 15 |
| 13 | KW Family of Trucks Brochure | 15 |
| 14 | K100 S&O Equip. 1981 | 15 |
| 15 | KW K100 S&O Equip. 1979 | 15 |
| 16 | KW K100 S&O Equip. 1976 | 15 |
| 17 | KW K100 S&O Equip. 1974 | 15 |
| 18 | KW W900 S&O Equip. 1983 | 15 |
| 19 | KW W900 S&O Equip. 1979 | 15 |
| 20 | KW W900 S&O Equip. 1975 | 15 |

19
20
21

Page 3

1 INDEX
2 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
3 RODNEY CURBO
4 Friday, February 14, 2025
5
6 EXAMINATION BY: PAGE
7 Mr. Ruckdeschel 9, 159, 176, 184
8 Mr. Marshall 138
9 Mr. Adams 160, 182
10 Mr. Quigg 185
11
12 EXHIBIT DESCRIPTION PAGE
13 1 Notice of Deposition 15
14 2 January 3, 2025 Supplemental
Responses to Rosalind Morris 15
15
16 3 January 3, 2025 Supplemental
Responses Ms. Bradley 15
17 4 PACCAR Answers to Interrogatories -
Morris Case 15
18
19 5 PACCAR Answers to Interrogatories -
Lehn Case 15
20 6 July 16, 2004 PACCAR
Answers to Mad. County (Simmons)
Interrogatories 15
21

Page 5

| EXHIBIT | DESCRIPTION | PAGE |
|---------|---|------|
| 21 | KW W900 S&O Equip. 1974 | 15 |
| 22 | KW L-700 S&O Equip. 1978 | 15 |
| 23 | KW C-500 S&O Equip. 1974 | 15 |
| 24 | MVMA OSHA Comment - PACCAR | 15 |
| 25 | 1971 PACCAR Annual Report | 15 |
| 26 | 1974 PACCAR Annual Report | 15 |
| 27 | Image 128 of 152 - "Does Your Kenworth Still Stop Like a Kenworth?" | 15 |
| 28 | PACCAR - Pursuit of Quality Third Edition | 15 |
| 29 | Documents Mr. Curbo Identified | 45 |

(Note: Exhibits retained by Mr. Ruckdeschel.)
15
16
17
18
19
20
21

2 (Pages 2 to 5)

Page 6

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Page 7

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10 Internal Motors
11
12 Also Present: Paula Wolff, Videographer
13
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15
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19
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Page 8

1 PROCEEDINGS
2 * * * * *
3 THE VIDEOGRAPHER: We are on the
4 record. This is the video-recorded corporate
5 designee deposition of PACCAR, Incorporated,
6 given by Rod Curbo.
7 Today's date is February 14th, 2025.
8 And the time is 10:33 a.m.
9 This is the case of Rosalind Morris,
10 et al., versus Bel Air Auto Parts,
11 Incorporated, et al.
12 The case number is 24-X-23-000029
13 pending in the Circuit Court for Baltimore
14 City.
15 This deposition is being recorded via
16 videoconferencing. My name is Paula Wolff, the
17 videographer associated with Pohlman Reporting,
18 headquartered at 10 South Broadway, Suite 1400,
19 St. Louis, Missouri.
20 The court reporter is Sarah Thomas,
21 also with Pohlman Reporting.

Page 9

1 All counsel will be reflected on the
2 stenographic record.
3 Will the court reporter please swear
4 in the witness.
5 Whereupon,
6 RODNEY F. CURBO,
7 the witness herein, called for oral examination
8 in the matter pending, being first duly sworn
9 to tell the truth, the whole truth, and nothing
10 but the truth, testified as follows on
11 EXAMINATION
12 BY MR. RUCKDESCHEL:
13 Q Good morning, Mr. Curbo. My name is
14 Jon Ruckdeschel. I represent Rosie Morris and
15 the other plaintiffs in this case.
16 Would you please state your name and
17 business address for the record?
18 A The full name is Rodney Forrest
19 Curbo. The business address -- well, I'm
20 currently contracting for PACCAR. I worked at
21 Peterbilt Motors -- Peterbilt Motors address.

Page 10

1 **Where I worked previously was -- wow -- amazing**
2 **how you forget in a couple years. It's on**
3 **Airport Road in Denton, Texas, 3200 Airport**
4 **Road. Sorry.**
5 Q That's how memory works here. Can
6 you hear me okay?
7 **A I can.**
8 Q Great. All right. If that becomes a
9 problem, let me know. Sometimes I trail off
10 when I'm asking questions. And if you ever
11 need to stretch, you know, even if it's not to
12 take a break, you just need to stretch your
13 knee, whatever, let me know, and we'll
14 accommodate it.
15 You're here today as the corporate
16 designee of PACCAR, correct?
17 **A Correct.**
18 Q And you have testified in that
19 capacity a number of times going back to
20 approximately 2010; is that correct?
21 **A That's correct.**

Page 11

1 Q Okay. We're going to do a little
2 housekeeping here. And this will be the most
3 boring part of the deposition. But we're going
4 to go ahead and roll through it, and then
5 hopefully we can roll through what we're doing
6 in an hour and a half to two hours tops.
7 Just for housekeeping purposes, I'm
8 going to go through the exhibits. I've put
9 them in the chat.
10 Exhibit 1 is going to be the
11 deposition notice. We'll make Exhibit 1A the
12 objections that were filed by PACCAR to the
13 deposition notice.
14 MR. ADAMS: Hey, Jon, they're not in
15 the chat. I guess we logged in after you did
16 it. Can the court reporter send them back
17 through the chat or something just so that I
18 can see?
19 MR. RUCKDESCHEL: I'm going to try
20 and do it again. We'll see if it works.
21 MR. ADAMS: Thank you very much.

Page 12

1 MR. RUCKDESCHEL: Maybe not.
2 MR. MARSHALL: Yeah, Jon, it cleared
3 when we all signed off.
4 MR. RUCKDESCHEL: Oh, see, I didn't
5 sign off. That's the -- well, anyway, sorry.
6 I'm not a --
7 MR. ADAMS: That's okay. I'll take
8 notes on it. That's fine.
9 MR. RUCKDESCHEL: All right. So 1A
10 is going to be the objections.
11 Exhibit 2 is the January 3, 2025,
12 supplemental responses to Mrs. Morris's
13 interrogatories.
14 Exhibit 3, January 3, 2025,
15 supplemental responses to Ms. Bradley's
16 interrogatories.
17 Exhibit 4 is going to be PACCAR'S
18 answers to the master interrogatories in the
19 Morris case.
20 Exhibit 5 will be PACCAR's answers to
21 interrogatories from the Lehn, L-e-h-n, case.

Page 13

1 Exhibit 6 will be July 16th, 2004,
2 PACCAR answers to Interrogatories from Madison
3 County, Illinois.
4 Exhibit 7, February 7, 1997, PACCAR
5 answers to interrogatories in the Tinker,
6 T-i-n-k-e-r, case in New York.
7 Exhibit 8, August 26th, 1993
8 deposition of PACCAR, through its designee,
9 Mr. Degenstein, D-e-g-e-n-s-t-e-i-n, in the
10 River Bank case -- or River Bark case. I typed
11 that wrong in the chat.
12 Exhibit 9, April 28, 2009, deposition
13 of PACCAR through its designee, Mr. Bean,
14 B-e-a-n, in the Martin case.
15 Exhibit 10 will be the June 25, 2009,
16 deposition of PACCAR, through its designee,
17 Mr. Bean, in the Gobel case, G-o-b-e-l.
18 Exhibit 11, the August 11, 2020,
19 deposition of PACCAR through Mr. Curbo in the
20 Pawlik case, P-a-w-l-i-k.
21 Exhibit 12 is going to be a brochure

Page 14

1 entitled, "Rockwell Components for Kenworth
2 Trucks," from 1977.
3 Exhibit 13 is a brochure, "Kenworth
4 Family of Trucks."
5 Exhibit 14, 15, 16 and 17 are
6 Kenworth K100 standard and optional equipment
7 lists respectively for the years 1981, 1979,
8 1976 and 1974.
9 Exhibits 18, 19, 20 and 21 are
10 Kenworth W900 standard and optional equipment
11 lists from 1983, 1979, 1975 and 1974.
12 Exhibit 22, Kenworth L700 standard
13 and optional equipment lists from 1978.
14 Exhibit 23, Kenworth C500 standard
15 and optional equipment lists from 1974.
16 Exhibit 24, Motor Vehicle
17 Manufacturing Association OSHA comments from
18 1984.
19 Exhibit 25, PACCAR's annual report
20 from 1971.
21 Exhibit 26, PACCAR's annual report

Page 15

1 from 1974.
2 Exhibit 27 is image 128 of 152 from
3 the Kenworth.com website in the archive gallery
4 section of Kenworth's website. It's entitled,
5 "Does your Kenworth stop like a Kenworth."
6 And Exhibit 28 is a copy of PACCAR's
7 Pursuit of Quality," the third edition.
8 (Curbo Deposition Exhibits 1 through
9 28 marked for identification.)
10 BY MR. RUCKDESCHEL:
11 Q All right. Sorry for that delay,
12 Mr. Curbo. How old are you, sir?
13 A **Sixty-eight.**
14 Q All right. And when did you start
15 working with Peterbilt?
16 A **1983.**
17 Q And is it fair to say that you have
18 no personal knowledge of the internal workings
19 of PACCAR, either Peterbilt or Kenworth, prior
20 to beginning there at Peterbilt in 1983?
21 A **I would say that's probably fair to**

Page 16

1 **say.**
2 Q All right. And so the information
3 you have regarding activities and business
4 operations of PACCAR'S Kenworth and Peterbilt
5 divisions prior to 1983 comes from things
6 you've been told by other people or that you've
7 read in documents, fair?
8 A **Yeah, I would say that's probably**
9 **fair.**
10 Q Okay. And am I correct you started
11 acting in your capacity as the corporate
12 designee in 2010?
13 A **It was about 2010, 2011.**
14 Q Okay. Prior to you, an individual
15 named Larry Bean had been the designee for a
16 couple years; is that fair?
17 A **I believe so.**
18 Q And then way back in 1993, PACCAR had
19 offered Mr. Degenstein, D-e-g-e-n-s-t-e-i-n, as
20 the corporate designee in one case, correct?
21 A **That's my understanding.**

Page 17

1 Q All right. And you've reviewed that
2 deposition in the past?
3 A **It's been quite a few years ago, but**
4 **yes.**
5 Q All right. And has anyone, to your
6 knowledge, testified as the corporate designee
7 for PACCAR other than Mr. Degenstein in 1993,
8 Mr. Bean and yourself?
9 A **Not to my knowledge.**
10 Q All right. Now, one of the things
11 that you've done over the years is review and
12 verify answers to interrogatories in litigation
13 for PACCAR; is that fair?
14 A **That's correct.**
15 Q All right. And prior to your doing
16 that, it's my understanding that an individual
17 named Bob Morrison did that for a while in
18 litigation. Are you familiar with
19 Mr. Morrison?
20 A **I am familiar with Mr. Morrison. I**
21 **didn't know that he had done -- had verified**

Page 18

1 **any interrogatories. That's news to me.**
2 Q Who is Mr. Morrison?
3 **A He was -- at least part of the time**
4 **that I worked at Peterbilt, he was chief**
5 **engineer.**
6 Q Okay. Fair enough. And with respect
7 to the questioning today, sir, I'm going to try
8 to refer to PACCAR, since you're speaking for
9 the company. There may be times when I have to
10 clarify. If I say you, then I mean you PACCAR,
11 versus you Mr. Curbo personally.
12 I'll try and do my best, but if it's
13 ever ambiguous to you, please let me know if
14 you have a question.
15 All right. Now, when you have --
16 when you started working as the corporate
17 designee for PACCAR, can you describe for me
18 generally what you did to educate yourself
19 regarding the matters about which you expected
20 to have to give testimony?
21 And in doing so, I'm asking for you

Page 19

1 to describe it for me generically. I want to
2 make sure that you're not telling me the
3 content of any discussions you've had with the
4 lawyers for PACCAR. Okay?
5 **A Okay. It's been quite a few years**
6 **ago, but to the best of my recollection, I**
7 **reviewed the documents that we had at the time.**
8 **I also spoke with -- you know, there was some**
9 **specific areas of inquiry that were of interest**
10 **at that time frame. So I spoke with a lot of**
11 **people that either were still employed by**
12 **PACCAR and also to some people who were**
13 **retired.**
14 Q All right. Did you speak with
15 Mr. Bissonnette?
16 **A I did not.**
17 Q All right. Did you speak with
18 Mr. Degenstein?
19 **A I do not recall.**
20 Q Okay. That's fair. Okay. Did you
21 speak to Mr. Morrison?

Page 20

1 **A Not that I recall about**
2 **asbestos-related issues.**
3 Q Fair enough. Did you also review
4 transcripts of Mr. Degenstein and Mr. Bean as
5 part of your educating yourself in getting
6 ready to be the corporate representative?
7 **A As I said before, it's been quite a**
8 **few years ago when I reviewed those**
9 **transcripts. I don't recall exactly when it**
10 **was, but I reviewed them. But I have in the**
11 **past.**
12 Q Fair enough. And did you also look
13 at any prior answers to interrogatories that
14 PACCAR had issued over the years and verified
15 as part of your educating yourself?
16 **A I don't recall specifically.**
17 Q All right. Does PACCAR agree that
18 when its corporate designees have testified in
19 the past, they have testified truthfully?
20 **A I would say yes, based off of the**
21 **information they had at the time.**

Page 21

1 Q Does PACCAR agree that when it has
2 signed verified answers to interrogatories in
3 the past, it has told the truth?
4 **A I think to the best of their ability,**
5 **yes.**
6 Q All right.
7 **A And what I mean by that is based off**
8 **the information that they had.**
9 Q Sure. The events that we're
10 generally talking about in these cases predate
11 the 1990s, would you agree, by and large?
12 **A By and large that is correct.**
13 Q All right. And so whatever
14 information was available about, for example,
15 the operations of Kenworth in the 1970s, would
16 have been available to PACCAR in 1993, correct?
17 **A At least every detail, no, but to --**
18 **the way that I would answer that is compared to**
19 **when?**
20 **You know, over time things become**
21 **less -- I think we would all agree that things**

Page 22

1 **become less and less -- you become less and**
2 **less confident in the things you hear.**
3 **So you want to ensure that you have**
4 **some sort of, I'm going to say, documentation**
5 **or whatever to substantiate maybe the things**
6 **that you've heard.**
7 Q I think I asked the question poorly.
8 I appreciate your answer.
9 Let me try it again. Can we agree
10 that any documentation about Kenworth's
11 activities in the 1970s would have existed in
12 1993 or in 2000? In other words, new documents
13 about Kenworth's activities in the '70s were
14 not being created in the '90s or the 2000s?
15 **A I would agree with your last**
16 **statement.**
17 Q That's what I was trying to ask.
18 Okay.
19 **A They're not going to be creating new**
20 **documents.**
21 Q All right. And does PACCAR agree

Page 23

1 that prior to responding under oath in
2 depositions or answers to interrogatories in
3 the past, it has conducted a diligent
4 investigation to uncover information
5 responsible to -- responsive to the questions
6 that were being asked?
7 **A What I would say it that's been my**
8 **experience.**
9 Q Okay. Fair enough. All right. I
10 have a question for you. There's been a
11 reference in the discovery responses to a 1978
12 Rockwell brochure or manual or some
13 documentation that PACCAR has apparently come
14 into possession of that contains some
15 information about the potential dangers of
16 asbestos from working with friction products.
17 Are you familiar with what I'm
18 talking about?
19 **A I believe so.**
20 Q All right. Now, in response to
21 written discovery, interrogatories, in response

Page 24

1 to deposition questions to Mr. Degenstein and
2 to Mr. Bean regarding whether PACCAR ever
3 passed along any information about the hazards
4 of asbestos to its customers, the response from
5 PACCAR was no information was passed on about
6 the dangers of asbestos.
7 Subsequently, when you've been the
8 corporate designee, there's been references to
9 this 1978 brochure from Rockwell.
10 And my question to you is, when was
11 that located and where?
12 **A I'll give you to the best of my**
13 **recollection when and where that was found. I**
14 **believe -- so probably a little bit of**
15 **background before I answer the question.**
16 Q Sure.
17 **A PACCAR, over the years, has done**
18 **multiple document sweeps. The first one we**
19 **have record of is '97.**
20 **And it's not exactly every five**
21 **years, but when you look at -- we have records**

Page 25

1 **of doing document sweeps looking for**
2 **asbestos-related information. You can kind of**
3 **average it out and say it's been about every**
4 **five years.**
5 **I believe that one of those -- well,**
6 **I know one of those document sweeps, which was**
7 **done, whenever we changed national coordinating**
8 **counsel, and I believe that document was**
9 **found -- I can't tell you right now where it**
10 **was found, but it was found during that**
11 **document sweep, I believe.**
12 Q Was it found in PACCAR's possession?
13 In other words, was this a document that PACCAR
14 had in its possession or was this a document
15 that PACCAR's new lawyers provided to PACCAR?
16 **A My understanding is it was a document**
17 **that was found within PACCAR's documents,**
18 **within our possession.**
19 Q Did you participate in that document
20 sweep that located that document?
21 **A I did not participate in finding that**

Page 26

1 **document, if that's what you're asking. To the**
2 **best of my recollection, I had a part -- I took**
3 **part in looking for documents during that**
4 **document sweep.**
5 Q Okay. Let me ask you, sir. You
6 indicated the first time such a document sweep
7 or document collection effort to look for
8 asbestos-related historical documents at PACCAR
9 was in 1997; is that right?
10 **A Just for clarification, I indicated**
11 **the first one that I've seen records on was**
12 **1997.**
13 Q And that's the first one -- as you
14 sit here today as the corporate designee of
15 PACCAR, that is the earliest document sweep
16 that PACCAR can identify as we sit here today?
17 MR. ADAMS: Form.
18 THE WITNESS: Yeah, I guess what I
19 would -- what I would qualify that is my
20 understanding is that was a let's go look --
21 when I say document sweep, it's let's go look

Page 27

1 widely within the organization for documents
2 relating to whatever these subjects are.
3 My experience has been not only with
4 asbestos litigation support, but other
5 litigation support, that we always go look for
6 documents related to a specific case.
7 So with that clarification, what I
8 would say is 1997 is the first information --
9 is the first information we have that we did a
10 broad sweep for documents related to asbestos
11 litigation.
12 I don't know if it was the first one,
13 but it's the first one that we have
14 documentation on.
15 BY MR. RUCKDESCHEL:
16 Q When was PACCAR first sued as a
17 defendant in a case alleging an injury from
18 asbestos and the use or maintenance of a PACCAR
19 product?
20 MR. ADAMS: Form.
21 THE WITNESS: You know, I have looked

Page 28

1 at that. I have that information somewhere,
2 because we've been asked that question quite a
3 while back. I don't recall -- I'm going to
4 give you my best estimate. I think it was late
5 '80s, early '90s, but that may be off. I would
6 have to go back and look.
7 BY MR. RUCKDESCHEL:
8 Q One of the things that we requested
9 PACCAR produce in the deposition notice was all
10 discovery responses of PACCAR and any documents
11 that were produced by PACCAR in response to
12 written discovery requests in the first 20
13 lawsuits filed against PACCAR alleging an
14 asbestos personal injury -- asbestos-related
15 personal injury.
16 Now, PACCAR has not produced those
17 documents in this case, correct?
18 **A Based off -- based off my**
19 **understanding, I don't think we've produced it**
20 **for those first 20 cases, because I'm not for**
21 **sure how we would find those first 20 cases.**

Page 29

1 Q Okay. I wasn't asking you why. I
2 was just asking you to confirm that it hasn't
3 happened, but I appreciate the explanation.
4 We may jump around a little bit here.
5 So just bear with me if there are little
6 pauses.
7 Does PACCAR have any records or
8 historical information regarding, if anything,
9 it attempted to do to collect and preserve
10 documents related to its historic use of
11 asbestos products, when it was first sued in an
12 asbestos-related personal injury case in the
13 late '80s or early '90s?
14 **A I'm not for sure I understand your**
15 **question. Maybe I just didn't follow it. If**
16 **you can reask.**
17 Q Yeah. PACCAR, you just told me
18 PACCAR was first sued to the best of your
19 recollection in a case asserting an asbestos
20 personal injury in the late '80s or early '90s,
21 right?

Page 30

1 **A I said that's my recollection. I**
2 **would have to go back and check. I could be**
3 **wrong on that.**
4 Q For purposes of today, that's the
5 best recollection that PACCAR has, in terms of
6 when it was first sued in an asbestos personal
7 injury case, right?
8 **A I would say that's the best**
9 **recollection that Rod Curbo personally has.**
10 Q All right. You're here for PACCAR.
11 So I'm going to keep saying that's what PACCAR
12 has. And I don't mean it to -- as a
13 correction. That's just part of my job in
14 making the record.
15 Now, with respect to that first
16 lawsuit, whenever it happened, what, if any,
17 records does PACCAR have regarding what
18 attempts it undertook at that time to collect
19 and preserve historic information regarding its
20 use of asbestos-containing products?
21 **A I'm not for sure that I've seen**

Page 31

1 **anything specifically related to that first**
2 **case.**
3 Q And I guess that's -- and am I
4 correct, Mr. Curbo, that you are unaware of any
5 actions that PACCAR took to collect and
6 preserve documents regarding its historic use
7 of asbestos-containing products prior to the
8 1997 sweep that you have described and that you
9 have seen records for?
10 **A I would say '97 is the first time**
11 **I've seen documentation on a document sweep. I**
12 **would agree with that.**
13 Q All right. And you haven't seen any
14 documentation of any document sweep or any
15 preservation order that went out in the company
16 telling everybody don't ever throw anything out
17 about asbestos or anything else regarding
18 collecting or preserving information regarding
19 PACCAR's historic use of asbestos products
20 prior to the records that relate to the 1997
21 sweep? You're unaware of any such

Page 32

1 documentation or efforts, correct?
2 MR. ADAMS: Form.
3 THE WITNESS: I do not recall seeing
4 any such document that -- I don't recall seeing
5 any documents related to a sweep associated
6 with, I would say, prior to '97.
7 BY MR. RUCKDESCHEL:
8 Q All right. In 1997 you were not
9 working with the legal department in a capacity
10 that would have put you involved in assisting
11 or conducting a sweep, were you?
12 **A No, I was not.**
13 Q All right. And prior to 1997 -- so
14 back in the late '80s or early '90s, or
15 whenever the first lawsuit was against PACCAR
16 for an asbestos personal injury, you were not
17 working with the legal department or assisting
18 in any collection of documents that may have
19 occurred, fair?
20 **A Personally I was not.**
21 Q All right. Now, you've mentioned a

Page 33

1 couple times that you're not aware of any
2 documentation of a sweep prior to 1997. Other
3 than documentation, do you have any information
4 that a sweep occurred prior to 1997?
5 **A No, I do not.**
6 Q All right.
7 **A Not that I can recall right now for**
8 **sure.**
9 Q Fair enough. All right. Are you
10 familiar with a publication called PACCAR
11 World?
12 **A Yes.**
13 Q All right. And was that a monthly
14 publication or multiple-time-a-year publication
15 that PACCAR put out historically?
16 **A I think it was quarterly or something**
17 **like that.**
18 Q Fair enough. And do you know how
19 long PACCAR was putting out PACCAR World prior
20 to your starting with PACCAR?
21 **A No, I do not.**

Page 34

1 Q What about PACCAR profiles, was that
2 another publication that PACCAR periodically
3 put out?
4 A **I'm not familiar with that
5 publication.**
6 Q Okay. Do you know if PACCAR
7 maintains in its archives or other collections
8 historic copies of PACCAR World?
9 A **No, it does not.**
10 Q What is the basis of your saying
11 that?
12 A **Because I've looked. We've looked.
13 We don't maintain that. The publisher
14 maintains some, but not -- they don't go way
15 back.**
16 Q Okay.
17 A **The publisher does maintain some
18 copies, some historic copies of PACCAR World.**
19 Q All right. Fair enough. Now, we
20 marked, sir, as Exhibit 7 PACCAR's answers to
21 interrogatories from a case back in 1997 --

Page 35

1 well, the interrogatory answers were back in
2 1997 -- in a case called Tinker from New York.
3 When I mentioned that, you were
4 nodding your head. Is it fair to say you've
5 reviewed the Tinker answers to interrogatories
6 in the past?
7 A **Yes. It's been quite a few years
8 ago, but yes.**
9 Q All right. Is there any part of the
10 answers to interrogatories in the Tinker case
11 that PACCAR believes is inaccurate?
12 MR. ADAMS: Form.
13 THE WITNESS: To my understanding,
14 there is, yes.
15 BY MR. RUCKDESCHEL:
16 Q Okay. And what is that?
17 A **To the best of my recollection, I
18 think in the Tinker interrogatories it says
19 something to the effect of gaskets contained --
20 we may have some hub gaskets that contained
21 asbestos. And we have not been able to find**

Page 36

1 **within our records any hub gaskets that
2 contained asbestos.**
3 Q All right. Is there anything else
4 that PACCAR believes was inaccurate about the
5 answers to interrogatories in the Tinker case
6 when they were given?
7 MR. ADAMS: Form.
8 THE WITNESS: I don't recall.
9 BY MR. RUCKDESCHEL:
10 Q All right. Fair enough. All right.
11 I'm going to do my best to share my screen here
12 with respect to the Tinker interrogatories.
13 And I have a question or two about
14 some of the information there, which I don't
15 think is going to be controversial. I have way
16 too many windows open now.
17 All right. Sir, do you see on your
18 screen something that says "Fan clutches"?
19 A **I do.**
20 Q Okay. I've got the right screen up.
21 So I'm going to go up to the top here. You'll

Page 37

1 see here, state of New York, Seventh Judicial
2 District. We've got here the Tinker case
3 caption and Defendant Kenworth Truck Company
4 and PACCAR, Inc., Answers to Plaintiffs' First
5 Set of Interrogatories.
6 Do you see that?
7 A **Yes.**
8 Q Okay. And if we go down,
9 interrogatory number four asks for information
10 regarding purchase of asbestos component parts
11 for the years 1970 to 1980, including for
12 section A, clutch products, and B, brake
13 products, and C, gaskets.
14 And so I'm going to go down to B.
15 Can you see this here?
16 A **I can.**
17 Q And I'm just going to go to the next
18 page, so you see this is all that's listed
19 for B. And we go immediately to C when we go
20 to the next page?
21 A **Correct.**

Page 38

1 Q Now, with respect to brakes, PACCAR
2 responds that brake friction material has
3 historically been provided by the brake
4 suppliers to PACCAR as a component of the brake
5 assemblies. That's a true statement, correct?
6 A Yes.
7 Q And then it states the brake
8 assemblies during the years 1970 to 1980 were
9 supplied by the following companies. And it
10 lists Eaton Corporation and Rockwell
11 International Corp, correct?
12 A It does.
13 Q And that's a true statement, correct?
14 MR. MARSHALL: Objection. Form.
15 THE WITNESS: Based on the
16 information that I have.
17 BY MR. RUCKDESCHEL:
18 Q And as we sit here today, am I
19 correct that PACCAR cannot identify any other
20 supplier of brake assemblies for its open road
21 trucks during the time period 1970 to 1980

Page 39

1 other than Eaton Corp and Rockwell?
2 A I think what we've --
3 MR. MARSHALL: Objection. Form.
4 THE WITNESS: I think what we've said
5 since I've been involved is those are the major
6 suppliers.
7 We know, for instance, that the truck
8 has a -- let's say it's a six-by-six truck,
9 meaning, you know, like a four-by-four but it's
10 got a front-drive axle. Most of the time,
11 those brakes on that front-drive axle are
12 provided by that axle manufacturer.
13 So I wouldn't say -- even during the
14 '70s and '80s, based on my experience, I would
15 say, you know, that's -- the wide majority of
16 the trucks were probably -- the majority of the
17 brakes were probably supplied by Eaton and
18 Rockwell, but we built custom trucks. And so I
19 would fully expect there to be some exceptions
20 to that.
21

Page 40

1 BY MR. RUCKDESCHEL:
2 Q All right. But as we sit here today,
3 you cannot identify during the time period 1970
4 to 1980 any manufacturer of brake assemblies
5 other than Eaton and Rockwell that supplied
6 brake assemblies for PACCAR over-the-road
7 trucks, correct?
8 MR. MARSHALL: Objection. Form.
9 MR. QUIGG: Objection. Form.
10 THE WITNESS: I'm going to say what I
11 said before. It's the same answer. They
12 supplied the majority of the brakes, to the
13 best of my knowledge. I have no reason
14 to believe that there weren't some other
15 low-volume suppliers.
16 BY MR. RUCKDESCHEL:
17 Q But you can't identify any of those
18 suppliers as we sit here today?
19 A Not as I sit here today, but I have
20 no reason to believe that there are not some
21 additional low-volume suppliers.

Page 41

1 Q All right. No other suppliers were
2 identified by PACCAR in its answers to
3 interrogatories in 1997 in the Tinker case,
4 correct?
5 A Based off of this, there were not.
6 Q I'm going to come back and share this
7 again. Okay. Do you see interrogatory number
8 nine on your screen?
9 A I do.
10 Q Here, it states relabeling asbestos
11 component parts, and it asks whether the
12 defendant from 1970 through 1980 engaged in the
13 relabeling or rebranding of any
14 asbestos-containing products listed in
15 interrogatory number four, manufactured in
16 whole or in part by someone else.
17 And in response, here in the
18 answer to number nine, PACCAR states,
19 "Kenworth/Peterbilt has not engaged in
20 relabeling or rebranding any of the asbestos
21 component parts listed in interrogatory number

Page 42

1 four from 1970 through 1980."
2 And you recall from our looking at
3 number four that one of the things identified
4 were brake linings and brake assemblies,
5 correct?
6 **A Let's go back and look at the**
7 **interrogatory number four.**
8 Q Sure. So here in 4B, brake friction
9 material has historically been provided by
10 brake suppliers to pressurize components of the
11 brake assemblies. And then the brake
12 assemblies. Right. And then you'll look here
13 in the question for number four, it asks for
14 asbestos component parts, correct?
15 **A That's correct.**
16 Q All right. So in interrogatory
17 number nine, PACCAR states that it did not
18 engage in the rebranding of any asbestos
19 component parts, which would include brake
20 linings and brake assemblies, correct?
21 **A That's correct.**

Page 43

1 Q Okay. Now, in this case, there has
2 been a reference to PACCAR having some
3 information that Abex may have put PACCAR brand
4 names onto replacement brakes or containers of
5 replacement brakes, correct?
6 **A That's correct.**
7 Q Okay. How did PACCAR come into that
8 information?
9 **A Abex produced some documents which**
10 **indicate, to the best that we've been able to**
11 **determine, is that there was a drop-ship**
12 **program or a direct-ship program.**
13 **We have looked to -- within our**
14 **documents to see if we can confirm that. I've**
15 **actually also talked to some of the people**
16 **whose names were on the Abex documents.**
17 **And to this point, I can't find any**
18 **documents that substantiate or confirm the**
19 **information that Abex produced, nor have I been**
20 **able to get at least three people -- I believe**
21 **three people that I've talked to don't**

Page 44

1 **recall -- that were involved with PACCAR parts**
2 **and drop-ship -- I said drop-ship, sorry --**
3 **direct-ship programs, they don't recall a**
4 **direct-ship program related with brakes.**
5 **So we haven't been able to confirm**
6 **the documents that Abex produced through any**
7 **information in our company.**
8 Q Okay. I appreciate --
9 **A We're not saying it didn't happen.**
10 **We're just simply saying we haven't been able**
11 **to confirm that.**
12 Q When did PACCAR first become aware of
13 these Abex documents?
14 **A I don't remember the exact date.**
15 **Probably in the last, I would say, year or two**
16 **maybe. Probably less than two years, I think.**
17 Q Was it in connection with this case,
18 the Morris case, or was it in connection with
19 something else?
20 **A I believe -- it was prior to the**
21 **Morris case, I believe. That's to the best of**

Page 45

1 **my personal knowledge.**
2 Q All right. Has PACCAR produced those
3 documents today?
4 **A I'm sorry? Say that again. I**
5 **couldn't hear you.**
6 Q Has PACCAR produced those documents
7 in this case, produced them to me?
8 **A I don't know.**
9 MR. RUCKDESCHEL: All right. Well,
10 we're going to go ahead and mark the documents
11 that Mr. Curbo has just identified as Exhibit
12 29 to this deposition.
13 (Curbo Deposition Exhibit 29 marked
14 for identification.)
15 MR. RUCKDESCHEL: And, Counsel, I
16 will work out with you the mechanics of getting
17 those to the court reporter, as they're clearly
18 responsive to the deposition notice and the
19 discovery requests in this case.
20 MR. ADAMS: I will just say obviously
21 we'll work with you on whatever we need to.

Page 46

1 But these are not documents that were
2 maintained in the possession of PACCAR. So
3 they're not documents that we can attest as
4 true and correct. They came from litigation
5 from another company. And Abex would be the
6 proper party to get those documents from. But
7 we will work that out.

8 MR. RUCKDESCHEL: These are documents
9 that are responsive to our discovery requests
10 that are requesting documents and information
11 that PACCAR's designee has reviewed and
12 considered in preparation for this deposition.
13 Mr. Curbo has testified in that regard. We can
14 find out with the judge if we need to. I think
15 we both made our position clear.

16 BY MR. RUCKDESCHEL:
17 Q Mr. Curbo, can you please identify
18 for me the three people that you've spoken to
19 with respect to these Abex documents that you
20 just mentioned?
21 A I know you were going to ask that.

Page 47

1 **One of them was a gentleman with the last name**
2 **Titus.**
3 Q Can you spell that, T-i-t-u-s?
4 A **That's correct. And the other two I**
5 **cannot remember their names.**
6 Q How did you come across their --
7 they're referenced in the Abex documents?
8 A **Yes.**
9 Q And how did you track Mr. Titus and
10 the other two down?
11 A **I believe they talked with our legal**
12 **department to check and see if anybody had**
13 **contact information for -- might have contact**
14 **information for those people. They were no**
15 **longer working -- no longer with the company,**
16 **retired, I believe.**
17 Q Okay. And as we sit here today, am I
18 correct that you cannot provide me with their
19 names or their contact information or any
20 contact information for Mr. Titus other than
21 his last name?

Page 48

1 A **Yeah, I don't have that information**
2 **with me, and I don't recall the other two**
3 **people's names.**
4 Q Fair enough. I'm just trying to stop
5 the sharing of the document. I think I've done
6 that. All right. You got me back and not the
7 document?
8 A **I have me back.**
9 Q All right. You got you back. Even
10 better. I always find it odd to have the big
11 screen be me.
12 MR. ADAMS: We can change it on the
13 break if you want to see Jon.
14 MR. RUCKDESCHEL: I promise you
15 that's not an improvement.
16 BY MR. RUCKDESCHEL:
17 Q All right. Mr. Curbo, am I correct
18 that in the time period between 1968 and 1980
19 Rockwell's class A over-the-road trucks -- and
20 let's just limit it to the W900 and the -- is
21 it K100.

Page 49

1 MR. MARSHALL: Objection to form.
2 THE WITNESS: You said Rockwell.
3 BY MR. RUCKDESCHEL:
4 Q Let me start over. Sorry.
5 Mr. Curbo, during the time period 1965 through
6 1980, am I correct that the Kenworth K100 and
7 Kenworth W900 would come standard with S-cam
8 brakes?
9 A **I believe that that's accurate.**
10 Q Okay. And let's just -- sorry, I'm
11 going to go ahead and pull up the document that
12 I was going to refer to if we needed to. Bear
13 with me.
14 Okay. In the Morris case, PACCAR
15 provided answers to plaintiffs' master
16 interrogatories.
17 You'll see here we have the Morris
18 case caption and Defendant PACCAR, Inc.'s
19 Objection to Answers to Plaintiffs' Master
20 Interrogatories.
21 Do you see that?

Page 50

1 **A I do. Can you make it wider?**
2 **Q I can. Is that better?**
3 **A Yeah, that way, I can read it if I**
4 **need to.**
5 **Q Of course. So I'm going to roll down**
6 **to page 26 and interrogatory 13. And I want to**
7 **read for you this paragraph here.**
8 But let's -- interrogatory number 13
9 asks, if you discontinued mining,
10 manufacturing, blah, blah, blah, asbestos
11 products, have been identified previously, give
12 the date of the discontinuance.
13 PACCAR then has a long series of
14 objections, and then says, "Subject to, and
15 without waiving the foregoing objections." And
16 it provides an answer.
17 The third paragraph of that answer
18 says, "PACCAR is informed and believes that for
19 those S-cam brakes used in typical applications
20 on Kenworth and Peterbilt trucks that
21 historically contained asbestos, the brake

Page 51

1 lining manufacturers completed their transition
2 to nonasbestos in 1987."
3 Did I read that correctly?
4 **A You did.**
5 **Q Am I correct that PACCAR agrees that**
6 **the typical over-the-road class A truck that**
7 **was sold by Kenworth or Peterbilt in the 1965**
8 **to 1980 time frame came with S-cam brakes?**
9 MR. MARSHALL: Objection. Form.
10 MR. RUCKDESCHEL: Madam Reporter,
11 that's S hyphen cam, c-a-m.
12 THE WITNESS: I want to make sure I
13 understood your question.
14 BY MR. RUCKDESCHEL:
15 **Q All right. Let me try -- let me ask**
16 **it -- so let's look at the next sentence.**
17 The next sentence in the response
18 says, "PACCAR is informed and believes that for
19 certain severe duty applications and/or wedge
20 brakes used on Kenworth and Peterbilt
21 heavy-duty trucks that historically contained

Page 52

1 asbestos, the brake lining manufacturers
2 completed their transition in 1990."
3 Did I read that correct?
4 **A You did.**
5 **Q All right. It then says, "Wedge**
6 **brakes were typically used on a small**
7 **subsection of heavy-duty trucks, either**
8 **specifying lightweight components or used in**
9 **off-highway applications."**
10 Did I read that correctly?
11 **A You did.**
12 **Q All right. Am I correct, sir, that**
13 **for a run-of-the-mill Kenworth truck built in**
14 **1974, that was an average box trailer on the**
15 **highways, that standard equipment for that**
16 **truck would have been S-cam brakes?**
17 MR. ADAMS: Object to form.
18 THE WITNESS: I would expect for the
19 most part that a truck as you described it
20 would most likely have S-cam brakes.
21

Page 53

1 BY MR. RUCKDESCHEL:
2 **Q Okay. And there were things called**
3 **wedge brakes that were, as described in this**
4 **response to interrogatory number 13, used on**
5 **specialty applications for heavy-duty or**
6 **off-road trucks, correct?**
7 **A Or trucks who wanted lighter weight.**
8 **Q Right. Okay. We're going to stay**
9 **with these answers to master interrogatories,**
10 **which have been marked as Exhibit 4. I'm going**
11 **to share it again.**
12 Now, in response to interrogatory --
13 interrogatory number five asks, if you have
14 divisions which have ever manufactured,
15 produced, blah, blah, blah --
16 **A I'm seeing, like, your --**
17 MR. ADAMS: Yeah, you're showing your
18 file.
19 MR. RUCKDESCHEL: You're seeing the
20 wrong screen. Thank you so much.
21

Page 54

1 BY MR. RUCKDESCHEL:
2 Q Let's try it again, share, desktop.
3 Let's try that again. All right. Do you see
4 interrogatory five?
5 A I do.
6 Q Great. All right. So interrogatory
7 five, summarized, asks whether the defendant
8 ever sold or put into the stream of commerce
9 products that contained asbestos and asks for
10 some information about them.
11 A Correct.
12 Q And in response, one of the things
13 that PACCAR says -- and I'm rolling down --
14 here on -- I'm just going to go to page 11 of
15 the responses.
16 In response to number five, it
17 states, "Kenworth and Peterbilt provided
18 service literature authored by the component
19 suppliers to dealers and customers.
20 "Specifically, Kenworth and Peterbilt
21 provided their dealers with master shop manuals

Page 55

1 that were comprised of a series of three-ring
2 binders, which included component supplier
3 service manuals.
4 "Kenworth, Peterbilt also made these
5 master shop manuals available to end users for
6 purchase."
7 And then it states, "Customers could
8 also purchase custom maintenance manuals that
9 include only specific information for their
10 specific truck."
11 Did I read that correctly?
12 A You did.
13 Q All right. Did Kenworth or Peterbilt
14 divisions of PACCAR take any steps to advise
15 the end users of their trucks that it was
16 important for them to purchase the master shop
17 manual, or the custom maintenance manual, so
18 that they would have information on how to
19 safely work with or around a Kenworth and
20 Peterbilt truck?
21 MR. ADAMS: Form.

Page 56

1 THE WITNESS: I'm trying to figure
2 out how to answer that question, because if I'm
3 a customer, if I own a truck, and I'm not going
4 to be doing my own maintenance, why would I
5 purchase a maintenance manual?
6 So I guess if you're asking have I
7 seen any documentation where we encouraged
8 customers to purchase a custom maintenance
9 manual, not that I recall right now as I sit
10 here. I know that they were available. And we
11 have -- I've seen samples of that.
12 I also know that in every truck the
13 maintenance manual -- there was a Peterbilt or
14 a Kenworth maintenance manual. And then the
15 manuals that went along with the components
16 that belonged -- that that truck was built with
17 were also placed in every truck.
18 So, for instance, you mentioned the
19 '78 Rockwell manual. Those -- manuals from
20 those suppliers, from our brake suppliers, axle
21 suppliers, transmission suppliers, engine

Page 57

1 suppliers, were placed in the trucks based off
2 of the components that the truck was built
3 with.
4 So they did come with manuals. A
5 custom manual was one that was put together
6 with all of that information, I call it bound
7 together, if you will, in some type of a
8 binder.
9 So beyond making those available, I
10 don't know that I've -- I don't recall seeing
11 anything that encouraged people to purchase
12 them beyond making them available. It's a long
13 answer.
14 BY MR. RUCKDESCHEL:
15 Q And am I correct, sir, that PACCAR
16 has no documents or evidence that any purchaser
17 of a Kenworth truck or a Peterbilt truck, prior
18 to 1978, would have received with the truck,
19 either in PACCAR documentation or any other
20 documentation that came with the truck, any
21 information about the potential hazards of

Page 58

1 asbestos related to any parts of the truck?
2 **A As I understand your question, you're**
3 **asking do we have any documentation that would**
4 **indicate that. And I have not seen any**
5 **documentation that indicates that we would have**
6 **passed along any information associated with**
7 **asbestos.**
8 Q All right. And in addition to -- and
9 this is just the way we lawyers think, because
10 we're paranoid. You just said we don't have
11 any documentation about that. Am I correct
12 that PACCAR has no other information that it
13 passed along, information regarding the
14 potential dangers of asbestos to the end users
15 of its trucks prior to the 1978 Rockwell brake
16 maintenance manual?
17 **A Can you rephrase the question?**
18 Q Sure. So I'm asking now -- not just
19 confining it to documents -- PACCAR doesn't
20 have any other information, it doesn't have,
21 for example, a statement of a witness, or a

Page 59

1 recording of, you know, a video of some prior
2 employee that said, well, I know we don't have
3 any documents of it, but I remember in '72 we
4 were sending out information about OSHA.
5 PACCAR doesn't have any other
6 nondocumentary evidence that that happened
7 prior to 1978 in the Rockwell brake maintenance
8 manual, correct?
9 MR. ADAMS: Form.
10 THE WITNESS: I'm trying to think if
11 I've seen anything or heard anything.
12 I guess the way that I would answer
13 that is -- let's talk brakes for a second or
14 clutches. Those components were manufactured
15 by our suppliers. Those were their components.
16 And we provided their documentation.
17 We passed along the information that
18 they provided. And we do know through
19 speaking -- we do know that -- I believe
20 Rockwell began including warnings in their
21 maintenance manuals in 1976.

Page 60

1 Aside from that, I don't believe we
2 have any, as you called it, additional
3 information that predates the 1978 document
4 that we found.
5 BY MR. RUCKDESCHEL:
6 Q Okay. What documentation does PACCAR
7 have that reflects that with every truck that
8 it sold, the purchaser of the truck received
9 documentation from the manufacturer of the
10 actual brake assemblies?
11 **A Now, unfortunately, we don't have**
12 **very good documentation.**
13 **The way that that worked is when the**
14 **truck got back into our test department, there**
15 **were racks which held these various manuals.**
16 **And the test mechanics would take the order.**
17 **So as the truck went down -- a little**
18 **bit of background. As the truck goes down the**
19 **line, you have a build paper, which is**
20 **essentially a reorganized version of the final**
21 **chassis building material. It's organized in**

Page 61

1 **build station order.**
2 **And then you would have the sales**
3 **order, which is the option codes that the**
4 **customer ordered. The test mechanic would take**
5 **that sales order. They would read on it that**
6 **it's got a Cummins engine. So he would pick up**
7 **a Cummins engine book.**
8 **He would read that it has Rockwell**
9 **front brakes, Rockwell front axle, Rockwell**
10 **rear axle, Eaton rear axle, whichever one it**
11 **was, and they would pull those books off and**
12 **put them in the truck.**
13 **I know that happened prior to my time**
14 **at Peterbilt proper, because I was a truck**
15 **mechanic in the late '70s.**
16 **And I know that it happened, because**
17 **being at a Peterbilt dealership, I would see**
18 **new trucks come in with those -- with those**
19 **manuals in it. Sorry. That was a little bit**
20 **of diversion.**
21 Q It's great. I appreciate it.

Page 62

1 MR. ADAMS: Jon, we've been going
2 about an hour. Can we take five and let him
3 walk around a little bit or do you --
4 MR. RUCKDESCHEL: Let me just finish
5 this line of questioning, and then we will in
6 three or four minutes.
7 MR. ADAMS: For sure.
8 BY MR. RUCKDESCHEL:
9 Q So Mr. Curbo, when you were working
10 at the Peterbilt dealership as a truck
11 mechanic, when did you start doing that? When
12 did you start working there?
13 A About '76, '77 time frame.
14 Q Okay. And did that dealership keep
15 trucks, for lack of a better phrase, on the lot
16 for sale, as well as having customers come in
17 and order trucks to their individual
18 specification?
19 A Yes.
20 Q All right. So it worked, like --
21 like a car dealership, but with trucks?

Page 63

1 A I would say from a hundred thousand
2 foot view, you might say it worked like a car
3 dealership. The reality is in the details. It
4 was significantly different.
5 Q All right. Got it. And with respect
6 to that, you don't have any personal knowledge
7 that the Kenworth division of PACCAR was
8 placing component manuals in the glove box of
9 the new Kenworth trucks prior to 1980, correct?
10 A I don't have personal knowledge, but
11 I have done research, talked to some people,
12 people that worked at the Kenworth plants and
13 the -- back into the '70s on the Kenworth side.
14 And they did exactly the same thing
15 they did at Peterbilt. And Peterbilt guys
16 have -- there was a guy who worked in test in
17 the late '60s who actually confirmed that we
18 did the exact process that I spoke to.
19 So personally Rod Curbo doesn't have
20 personal knowledge of what Kenworth was doing,
21 but I have talked to people at Kenworth who did

Page 64

1 have personal knowledge. And they confirmed
2 the process was as I explained.
3 MR. RUCKDESCHEL: I appreciate your
4 explanation, sir. I was just asking whether
5 you had personal knowledge of that.
6 And why don't we go ahead and take
7 our break right now. So let's come back --
8 it's 11:38 Eastern. Why don't we come back at
9 11:45.
10 MR. ADAMS: That's perfect.
11 THE VIDEOGRAPHER: We're going off
12 record. The time is 11:39 a.m.
13 (Recess taken -- 11:39 a.m.)
14 (After recess -- 11:47 a.m.)
15 THE VIDEOGRAPHER: We're back on the
16 record. The time is 11:47 a.m.
17 BY MR. RUCKDESCHEL:
18 Q Mr. Curbo, we're back from our break.
19 I'm going to share another document with you.
20 I've put up on the screen PACCAR
21 Inc.'s Answers to Interrogatories from the

Page 65

1 Third Judicial Circuit of Madison County,
2 Illinois, in the, In Re, et al., Asbestos
3 Litigation filed by the Simmons firm.
4 Do you see that?
5 A I do.
6 Q Okay. Let me just see if I can't --
7 at the end of these we have an attestation
8 signed by Bob Morrison.
9 And he signs here that he's
10 authorized to respond to these interrogatories
11 on behalf of PACCAR, Inc., "In my capacity as
12 technical center general manager."
13 Do you see that?
14 A I do.
15 Q All right. And that's consistent
16 with your understanding of what Mr. Morrison
17 was doing for PACCAR in 2004, correct?
18 A It must be. That's what he said. I
19 do recall that he was also general manager of
20 the tech center.
21 Q Got it. Okay. Great. I have two

Page 66

1 interrogatories I would like to look at.
2 Here, interrogatory number 77 asks
3 PACCAR to describe in detail any tests -- any
4 and all tests, if any -- that's not very well
5 worded -- conducted by the defendant and
6 predecessor, or any related company or anyone
7 acting on behalf thereof, concerning the
8 quantity, quality or threshold limit values of
9 asbestos dust or particles to which applicators
10 or consumers of asbestos-containing products
11 were exposed while using any product identified
12 in response to interrogatory numbers 19 and 42.
13 And then it has a long list of things
14 it wants described.
15 PACCAR's answer is, "The consumers of
16 PACCAR's heavy-duty trucks were truck owners
17 and operators. PACCAR did not perform any
18 tests concerning the level of asbestos dust to
19 which these persons may be exposed."
20 Did I read that correctly, the
21 answer?

Page 67

1 **A You did.**
2 Q Okay. I know I didn't read the
3 question correctly, because I interjected about
4 the poor grammar.
5 Now, am I correct that PACCAR now
6 claims that it did perform or that
7 Mr. Bissonnette performed some dust tests to
8 evaluate the potential exposures of individuals
9 performing brake or clutch repair on PACCAR
10 trucks?
11 **A That's correct. In my tenure as --
12 acting as PACCAR's corporate rep, we found some
13 documents from Mr. Bissonnette that indicated
14 that he did do some testing.**
15 Q Was Mr. Bissonnette alive when you
16 found those documents?
17 **A I don't know.**
18 Q Have you ever spoken to
19 Mr. Bissonnette?
20 **A I have not.**
21 Q Do you know if PACCAR's lawyers have

Page 68

1 ever spoken to Mr. Bissonnette or taken a
2 statement from him?
3 **A I believe the attorneys may have
4 spoken to Mr. Bissonnette.**
5 Q Okay. And what's the basis of that
6 understanding?
7 **A I'm going off of memory, but it seems
8 to me that -- I don't remember if it was
9 in-house counsel or external counsel, but I
10 believe some of the attorneys may have spoken
11 with him. It's just a memory that I have.**
12 Q I understand. Are you aware of
13 whether Mr. Bissonnette ever provided any
14 written or recorded statements to PACCAR or any
15 of its lawyers?
16 **A I am not.**
17 Q Where were the documents that reflect
18 the testing Mr. Bissonnette allegedly performed
19 located?
20 **A I'm not for sure. I would have to
21 check on that.**

Page 69

1 Q Were records kept of where documents
2 like that were found when sweeps were performed
3 for documents?
4 **A Not that I've seen.**
5 Q What explanation, if any, does PACCAR
6 have for why it had not discovered those
7 documents as of the date in 2004 when
8 Mr. Morrison verified interrogatory number 77,
9 which states PACCAR never performed any such
10 testing?
11 **A I think the only thing that I can
12 tell you is, you know, we've done multiple
13 document sweeps.**
14 **Why would we do -- it's kind of the
15 same answer. Why would we do multiple document
16 sweeps? Because we might be looking in the
17 wrong places. You might not be looking for
18 exactly the right information.**
19 **You know, there's literally thousands
20 and thousands of boxes, probably hundreds of
21 thousands of files. It's the same answer that**

Page 70

1 **I would probably give, why do we, for every**
2 **case also -- if we don't already have the**
3 **information, why do we go look again to see if**
4 **we can find that information?**
5 **And so the only explanation that I**
6 **could give is, you know, every time we do a**
7 **document sweep, we find some documents here or**
8 **there.**
9 **Now, whether or not they're relevant**
10 **to specific cases is, you know, one of those**
11 **things that's up for discussion, but I can only**
12 **say that at that time they had not found those**
13 **documents.**
14 Q All right. Thank you, sir.
15 The next one I have a question for
16 you about is answer to interrogatory number 94.
17 It begins on page 35 of Exhibit 6, which is the
18 document we're looking at.
19 Interrogatory number 94 asks PACCAR
20 to identify any and all trade organizations,
21 associations or other entities, including, but

Page 71

1 not limited to -- and it lists a number of
2 organizations here, including the National
3 Safety Council.
4 Do you see that?
5 **A I do.**
6 Q All right. And in response, PACCAR
7 answers, "PACCAR's records of trade association
8 memberships are not complete. It was a member
9 of the National Safety Council from
10 8/1/44-7/19/96."
11 Did I read that correctly?
12 **A You did.**
13 Q Okay. And so here PACCAR
14 acknowledges that it was a member of the
15 National Safety Council from August 1st of 1944
16 through July 19th of 1996, correct?
17 **A Yeah, it does.**
18 Q And what documents did PACCAR -- what
19 records did PACCAR look at to ascertain that
20 very precise information?
21 **A I can't tell you.**

Page 72

1 Q Do you know whether those documents
2 still exist?
3 **A I can't tell you.**
4 Q Have you ever seen documents that
5 reflect the dates of membership of PACCAR in
6 the National Safety Council in your 15 years or
7 so of working in this capacity?
8 **A I have not.**
9 Q The answer then continues, "It was a
10 member of the Motor Vehicle Manufacturers
11 Association for several years."
12 Did I read that correctly?
13 **A You did.**
14 Q When was PACCAR or any of its
15 divisions a member of the Motor Vehicle
16 Manufacturers Association?
17 **A I don't know.**
18 Q Have you ever seen any documentation
19 reflecting its membership in the MVMA, the
20 Motor Vehicle Manufacturers Association?
21 **A I've seen some documents from the**

Page 73

1 **MVMA. And we have looked to ascertain whether**
2 **or not we were members of the MVMA. And we**
3 **have not been able to determine whether we were**
4 **just receiving some information from them or**
5 **whether we were members.**
6 Q All right. Other than the fact that
7 here in 2004, PACCAR admitted it was a member
8 for several years, it just doesn't specify
9 which years, right?
10 **A That's correct. This is the first**
11 **time I've seen these responses.**
12 Q Well, PACCAR would not have put this
13 information in these answers to interrogatories
14 if it did not believe it to be true, correct?
15 MR. ADAMS: Form.
16 THE WITNESS: I don't believe that
17 they would put those -- that information in
18 there if they didn't believe it to be true at
19 the time.
20 BY MR. RUCKDESCHEL:
21 Q Right. Okay. And you're not aware

Page 74

1 of any information that PACCAR has come across
2 since these were assigned in 2004 that
3 indicates that PACCAR was never, in fact, a
4 member of the Motor Vehicle Manufacturers
5 Association, correct?
6 **A I'm sorry? I had a hard time**
7 **following that question.**
8 Q You're not aware of any information
9 that has come to light to PACCAR since 2004
10 that would demonstrate that this statement
11 about its membership in the Motor Vehicle
12 Manufacturers Association was false, you just
13 haven't been able to confirm it; is that fair?
14 **A I think I would say two things. This**
15 **is the first time I've seen anything that**
16 **indicated that we were, in fact, members of**
17 **MVMA. It was a question in my mind, because we**
18 **found some MVMA documents. We have looked for**
19 **information to determine whether or not we were**
20 **MVMA members and have not been able to find**
21 **anything to confirm that.**

Page 75

1 **So I think if you look at some of our**
2 **more recent -- I'm trying to figure out whether**
3 **we were consistent on this -- but I believe we**
4 **said something to the effect that we may have**
5 **been.**
6 Q Right.
7 **A But we didn't have -- we don't have**
8 **anything that confirms that.**
9 Q You're unaware as we sit here
10 today -- PACCAR is unaware as we sit here today
11 what the basis was for PACCAR swearing in 2004
12 that it was a member of the Motor Vehicle
13 Manufacturers Association for several years;
14 you're just not aware of what the basis was at
15 that time?
16 **A I'm not aware of what the basis was**
17 **at that time.**
18 Q Fair enough. Okay. I'm going to
19 skip ahead in exhibits to Exhibit 24. I'm
20 going to try to share this for you.
21 Okay. Exhibit 24 is the document on

Page 76

1 Motor Vehicle Manufacturers Association of the
2 United States letterhead bearing a date of
3 May 24, 1984.
4 Do you see that?
5 **A I do.**
6 Q This is a letter addressed to John
7 Martonik, M-a-r-t-o-n-i-k, the deputy director
8 of the health standards program at the
9 Occupational Safety and Health Administration
10 in Washington, D.C.
11 Do you see that?
12 **A I do.**
13 Q Okay. It then indicates that the
14 Motor Vehicle Manufacturers Association of the
15 United States, Inc., MVMA, and there's a little
16 asterisk, is a nonprofit trade association
17 whose members produce more than 99 percent of
18 the domestically produced motor vehicle and
19 employ nearly 700,000 workers.
20 Did I read that correctly?
21 **A You did.**

Page 77

1 Q Okay. And if we go down to the
2 asterisk here, it indicates, MVMA members are
3 American Motors Corporation, Chrysler
4 Corporation, Ford Motor Company, General Motors
5 Corporation, International Harvester Company,
6 MAN Truck and Bus Corporation, PACCAR Inc.,
7 Volkswagen of America, Inc., and Volvo North
8 America Corporation.
9 Did I read that correctly?
10 **A You did.**
11 Q Have you ever seen documents from the
12 MVMA before, like this one, that indicate that
13 PACCAR was, in fact, a member of the MVMA?
14 **A Not that I recall. Like I said,**
15 **we've looked for some.**
16 Q All right. All right. The next
17 series of documents that I would like to look
18 at with you are documents regarding the
19 Kenworth K100 and W900 trucks and some related
20 documents with that.
21 So I'm going to bring these up and

Page 78

1 see if we can work through this efficiently.
2 I'm going to start with Exhibit 13, which is a
3 document -- a brochure entitled, "The Kenworth
4 Family."
5 Do you see that?
6 **A I do.**
7 Q All right. And that's the Kenworth
8 logo there on the cover of this document,
9 right?
10 **A Correct.**
11 Q That would be the emblem that you
12 would see on trucks during the vintage of the
13 time that the emblem looked like that, right?
14 **A Yeah, I believe so. If I understand**
15 **your question right, yeah.**
16 Q So when we go to the first page here
17 of this brochure, there's a page that describes
18 the W900 and some pictures of it, and then on
19 the facing page, there's a description of the
20 K100.
21 Do you see that?

Page 79

1 **A I do.**
2 Q All right. And just for purposes of
3 background, the W900, is that what's called a
4 conventional truck?
5 **A Yes.**
6 Q And a conventional truck is one that
7 has the engine out in front under a hood, like
8 a sedan, right?
9 **A Correct.**
10 Q And the K100 is something called a
11 cab-over-engine or a COE truck; is that right?
12 **A Correct.**
13 Q And that's the truck that has the
14 flat front, like reflected here in the picture
15 of the K100?
16 **A That's right.**
17 Q All right. And I haven't been able
18 to find a year, a specific year in this
19 brochure, but am I correct that we can at least
20 determine that this brochure relates to the
21 1976 model year or later, because of the roof

Page 80

1 of the K100 here and this elevated sleeper
2 compartment -- elevated roof on the sleeper
3 compartment, which was released by Kenworth on
4 its trucks in 1976?
5 **A I believe what you said is accurate.**
6 Q Okay. All right. Now, am I correct
7 that the W900 and the K100 were the main
8 over-the-road tractors that Kenworth sold
9 during the 1965 to 1980 time frame?
10 **A I don't remember when the W900 or the**
11 **K100 began production, but, in general, at**
12 **least in the later parts of that date range, I**
13 **would agree.**
14 Q Okay. And then Kenworth also made
15 other trucks like the C500. That was a real
16 heavy-duty truck for heavy-duty applications
17 like hauling, logging stuff or mining ore,
18 right?
19 **A Correct.**
20 Q Okay. And then the L700 here on the
21 facing page, this was a smaller truck that was

Page 81

1 designed with being used in cities or other
2 tight spaces, correct?
3 **A Basically, mostly for refuse for**
4 **garbage trucks.**
5 Q Right. Okay. Yeah. And they
6 describe it here as the super rugged, super
7 responsive low cab forward truck, designed and
8 engineered for the urban market.
9 Do you see that?
10 **A I don't see it, but it sounds**
11 **accurate.**
12 Q I'm zooming in here.
13 **A Okay. There it is.**
14 Q Right. And the first thing that they
15 say is this is the one that's built special for
16 refuse. And then it continues, right?
17 **A Right.**
18 Q Okay. And then you have some nice
19 pictures of various Kenworth trucks here. And
20 then there's some real specialty models that
21 Kenworth made for special applications. And

Page 82

1 so, like, the K184 down here on the left, this
2 was an eight-by-four truck, right?
3 So that would mean it had four drive
4 axles; is that right?
5 **A Four drive wheels. So basically two**
6 **drive axles in the rear and a tandem front**
7 **axle, tandem steer front axle.**
8 Q Got it. Right. And that's what we
9 see here, because the two front wheels are both
10 turned?
11 **A Correct.**
12 Q And then we've got one here that's
13 got something like a crane on it. And there's
14 one for oilfield work. These were specialty
15 trucks that Kenworth also made and sold as part
16 of its business, correct?
17 **A That's correct.**
18 Q Okay. I think those are the
19 questions that I have for you regarding 13.
20 And let's just go down to the next thing I've
21 got here.

Page 83

1 Now, one of the things that Kenworth
2 did was produce for its trucks, brochures that
3 would list the standard and optional equipment
4 that were available for a particular model in a
5 particular year; is that fair?
6 **A In general, I would agree with that**
7 **statement.**
8 Q And here we have a four-page document
9 that we're going to come back up in, but I
10 wanted to show you at the bottom, here you see
11 this is Kenworth. And we've got the Kenworth
12 logo here on the bottom left?
13 **A Correct.**
14 Q It states, "Kenworth Truck Company,
15 P.O. Box 1000, Kirkland, Washington, a division
16 of PACCAR," correct?
17 **A Correct.**
18 Q And then down in here, it says that
19 it was LITHO in the USA, and KW Pub. 6-81,
20 right?
21 **A That's correct.**

Page 84

1 Q Okay. And Kenworth had its own print
2 shop, is that right, or its own print division,
3 Kenworth Printing --
4 **A I'm not --**
5 Q -- or PACCAR did?
6 **A PACCAR publishing, they didn't do**
7 **their own printing, but they would, I guess, do**
8 **the formatting and the artwork is my**
9 **recollection.**
10 Q Okay. And you've seen documents like
11 this Exhibit 14 before in your work for PACCAR
12 and in your work as the corporate designee,
13 correct?
14 **A I've seen similar documents, yes.**
15 Q And this is the type of document that
16 PACCAR's Kenworth division would issue in the
17 ordinary course of its business back in the
18 time period that we're talking about, the '70s
19 and '80s, correct?
20 **A Yes. Like I said, I've seen these**
21 **types of document.**

Page 85

1 Q And one of the things -- you can see
2 this was at one point three-hole punched. This
3 is the type of material that Kenworth would
4 provide to its dealers and to other people that
5 were interested so that they could figure out
6 whether they wanted to order special equipment
7 on a truck when ordering a truck, right?
8 **A Well, what I would say is this is**
9 **more what I would call a sales brochure/spec**
10 **sheet.**
11 Q Perfect.
12 **A When someone ordered a truck, there**
13 **was a price, but those price books typically**
14 **contained -- I mean, there was hundreds of**
15 **option codes that they would choose from. This**
16 **is what I would say, in general, is a type of**
17 **specification sheet.**
18 Q Right. All right. So we'll call
19 this -- is it okay if we just call it the sales
20 brochure then? I think that's one of the
21 phrases you just used. Just tell me what to

Page 86

1 call it.
2 **A I would call it a spec sheet. And it**
3 **is a sales brochure, but, like, the first**
4 **document you showed me is what I would call a**
5 **sales brochure. I would call this a spec**
6 **sheet. It's different.**
7 Q It was typical for Kenworth to put
8 out spec sheets like this for each model --
9 each truck for each model year?
10 **A I wouldn't say for each model, but**
11 **for -- maybe not all models, but, yes, it was**
12 **typical for them to put out specification**
13 **sheets like this.**
14 Q Okay. And so if you look here at
15 1981, it tells us in the first page here that
16 the standard equipment -- it says optional
17 equipment shown available upon request,
18 referring to the picture here. But it then
19 lists the standard equipment. And it lists the
20 standard engine.
21 This would be the engine that would

Page 87

1 come with the K100 in 1981 if the customer did
2 not say they wanted a different engine; is that
3 fair?
4 **A That's fair.**
5 Q All right. And same with the cooling
6 system, it also lists the clutch and the drive
7 line, right?
8 **A Correct.**
9 Q And then down here, it lists as the
10 standard equipment, front axle, the Rockwell --
11 let me zoom in a little bit -- FF-931-TW. And
12 then it tells you what the rating is for it,
13 right?
14 **A Correct.**
15 Q Okay. And if we go down to the third
16 page of the spec sheet, it then lists optional
17 equipment, and you can get a different front
18 axle if you wanted, right?
19 **A Correct.**
20 Q And it says you get Eaton axles in a
21 12,000-pound capacity or Rockwell axles in a

Page 88

1 12,000-pound capacity up to a 20,000-pound
2 capacity, correct?
3 **A Correct.**
4 Q And you could get single or dual
5 wedge brakes if you didn't want S-cam brakes,
6 right?
7 **A Correct.**
8 Q And if we go back up in the standard
9 equipment, they also list the standard rear
10 axle as the Rockwell SQ100, hypoid,
11 h-y-p-o-i-d, single reduction tandem axle,
12 correct?
13 **A That's correct.**
14 Q And a tandem axle is one where there
15 are four sets of wheels, two axles in the back,
16 and four sets of wheels, each set having two
17 wheels on each side?
18 **A Correct.**
19 Q And then as an option, if we go back
20 down to options, on the rear axles, you can get
21 a single or dual drive. What does that mean?

Page 89

1 **A One axle or two axles. So single**
2 **axle is one axle. Dual axle is two axles -- or**
3 **dual drive is two axles.**
4 Q And the reference to drive there is
5 because this is the axle that's providing the
6 propulsion for the truck?
7 **A Correct.**
8 Q Got it. Okay. And then it says you
9 can get -- you can get a single or dual drive.
10 You can get Rockwell or Eaton as an option.
11 And you can get different capacities depending
12 on whether they [audio fade]?
13 **A I'm sorry, you kind of broke up at**
14 **the end of that question. I couldn't hear it.**
15 Q You could get different capacities
16 depending on whether they were single or dual?
17 **A Correct.**
18 Q All right. And you could also
19 hear -- get wedge brakes for the rear brakes as
20 well, correct?
21 **A That's correct.**

Page 90

1 Q Okay. But the standard brake -- if
2 you didn't order something special, the
3 standard axle that would come with the 1981
4 T100 -- I'm sorry, K100 -- would be this
5 Rockwell dual axle, and in the back the drive
6 axle, and the front axle would be the Rockwell
7 FF-931-TW, right?

8 A I think you said the standard brake
9 would be the axle. So, no, that's not correct.

10 Q I meant to say the standard axle.

11 A Okay. The standard axle for that
12 model during that time frame would be the
13 Rockwell axle.

14 Q Okay. And if we look here, the
15 standard equipment for the service brakes would
16 be the quick-change type. In the front
17 would be 15 by 4 inches and the back would be a
18 16 1/2 by 7 inch S-cam, correct?

19 A That's correct.

20 Q And am I correct that ordinarily,
21 unless someone asked Kenworth specifically, a

Page 91

1 Rockwell axle would have Rockwell brakes on it
2 when a truck was constructed by Kenworth?

3 MR. MARSHALL: Objection. Form.

4 THE WITNESS: No, I can't agree with
5 that statement.

6 BY MR. RUCKDESCHEL:

7 Q Okay. Have you testified in the past
8 that the typical arrangement for PACCAR was
9 that unless somebody special-ordered, for
10 example, an Eaton brake to be put on a Rockwell
11 axle, Rockwell axles would get Rockwell brakes?

12 MR. MARSHALL: Objection. Form.

13 THE WITNESS: I believe what I've
14 testified to in the past is that in general
15 that statement is accurate. If you have an
16 Eaton axle, you'll get Eaton brakes. Rockwell
17 axles will get Rockwell brakes. But that's not
18 always the case.

19 BY MR. RUCKDESCHEL:

20 Q And that's really what I asked.

21 A Except you said it had to be selected

Page 92

1 by the customer. I believe that there are
2 times when the customer didn't have to select
3 it. It was just set up that way, but it was
4 also an option.

5 Q Does PACCAR have any documentation
6 that at any time between 1965 and 1980 the K100
7 or the W900 had a Rockwell axle standard
8 equipment, like listed on this spec sheet, but
9 had Eaton brakes standard?

10 MR. MARSHALL: Objection. Form.

11 THE WITNESS: I can't tell you --
12 what I can tell you is that I have seen trucks
13 that were manufactured with an Eaton or
14 Rockwell axle. And without matching supplier
15 brakes, meaning I've seen Eaton axles with
16 Rockwell brakes and vice versa. And I've also
17 seen -- yeah.

18 BY MR. RUCKDESCHEL:

19 Q I understand. I've read your
20 testimony from the Pawlik case where you
21 testified back in 2020 that you had seen that

Page 93

1 happen. It was more than once, but you
2 couldn't say it was more than five times. All
3 right. And that was on August 11th of 2020 in
4 the Pawlik case on page 54 and 55.

5 My question is slightly different.
6 My question is, as we sit here today, can
7 PACCAR provide me with any documentation or
8 evidence that the standard equipment
9 configuration, like the standard equipment
10 configuration listed on Exhibit 14, for the
11 1981 K100, was for a Rockwell axle with an
12 Eaton brake or an Eaton axle with a Rockwell
13 brake, standard on the K100 or the W900, at any
14 time between 1965 and 1980?

15 MR. QUIGG: Form.

16 MR. MARSHALL: Objection. Form.

17 THE WITNESS: Can you scroll up to
18 what it shows to be standard for the brakes?

19 BY MR. RUCKDESCHEL:

20 Q Yeah. Standard.

21 A For the brakes?

Page 94

1 Q I understand. I'm just getting to
2 the right part here. So here you see rear
3 axle. And then there's the service brakes.
4 **A Right. And the service brakes don't**
5 **specify manufacturer.**
6 Q That's right. But you've already
7 testified, both in the Pawlik case and today,
8 that ordinarily Rockwell brakes got -- Rockwell
9 axles got Rockwell brakes, right?
10 MR. QUIGG: Form.
11 MR. MARSHALL: Objection. Form.
12 THE WITNESS: Based off my experience
13 generally, that would be the case.
14 BY MR. RUCKDESCHEL:
15 Q All right. And it would be the same
16 with respect to Eaton, right? You have an
17 Eaton axle that's standard, then ordinarily an
18 Eaton axle would get Eaton brakes, correct?
19 MR. QUIGG: Form.
20 MR. MARSHALL: Objection. Form.
21 MR. ADAMS: Objection. Form.

Page 95

1 THE WITNESS: Based off of my
2 personal experience, that would be the case in
3 general.
4 BY MR. RUCKDESCHEL:
5 Q And you're not aware of any
6 documentation, as we sit here today, that
7 Kenworth ever had for the standard equipment
8 for the K100 or the W900 an axle by one
9 manufacturer and standard brakes by a different
10 one, correct?
11 MR. MARSHALL: Form.
12 MR. ADAMS: Objection. Form.
13 THE WITNESS: I can't recall any
14 documentation that specifically points that out
15 as standard equipment.
16 BY MR. RUCKDESCHEL:
17 Q All right. We're going to go to the
18 next document to see if I can -- I think I'm
19 going to be able to do this, if I share the
20 correct screen.
21 Okay. Can you now see the K100 here

Page 96

1 that I'm zooming in on?
2 **A Yes. It appears to be the same. No.**
3 **It's a little different document than what you**
4 **had before.**
5 Q I'm going to go down to the last
6 page, because I think you'll see it is slightly
7 different.
8 So here we see again on page 5 on
9 this spec sheet, Kenworth Truck Company, and
10 its P.O. Box 80222, in Seattle, Washington,
11 right?
12 **A I see that.**
13 Q It lists that it's a division of
14 PACCAR, right?
15 **A It does.**
16 Q And then here it says KW -- that
17 would be Kenworth -- publication 6-79, right?
18 **A Correct.**
19 Q All right. And so that would
20 indicate to us this was regarding 1979, where
21 Exhibit 14, when we go down to the bottom, we

Page 97

1 see it was regarding 1981, right?
2 **A That would be my assumption.**
3 Q Okay. Now, when we go up here to the
4 K100 spec sheet from '79, we see that the front
5 axle here is the Rockwell FF-931-TW,
6 12,000-pound rated capacity, right?
7 **A Correct.**
8 Q Okay. And with the rear axle it's
9 the Rockwell SQHD, hypoid single reduction,
10 tandem axle, 38,000-pound rated capacity,
11 correct?
12 **A Correct.**
13 Q And then for the service brakes, it
14 lists Rockwell S-cam air brakes, 15 inch by 4
15 inch in the front, 16 1/2 by 7 inches in the
16 rear, right?
17 **A It does.**
18 Q Okay. And then just like in the 1981
19 spec sheet, there's optional equipment. We got
20 the standard equipment second page twice here
21 in this PDF.

Page 98

1 But here in the optional equipment,
2 you can get the same -- you can get a Rockwell
3 axle from 12,000 up to 20,000 pounds as an
4 option on the front axle, correct?
5 **A That's what the document says, yes.**
6 Q All right. And that's different than
7 the 1981, which had as optional equipment --
8 here in Exhibit 14, you can order an optional
9 Eaton or an optional Rockwell in the front,
10 correct?
11 **A That's correct. It's different.**
12 Q All right. And then for the rear
13 axle here, you've got you can order an optional
14 Rockwell or Eaton, single or dual with brake
15 capacities, right?
16 **A That's correct.**
17 Q And you can also get optional wedge
18 brakes, if you wanted them, right?
19 **A That's correct, or Eaton brakes.**
20 Q Right. Or the Eaton 16 1/2 by 7 inch
21 S-cam rear brake?

Page 99

1 **A Correct.**
2 Q All right. Because standard was
3 Rockwell S-cam 15 4 by 16 1/2, right?
4 All right. So let's go to
5 Exhibit 16. We're going to do the same thing
6 as we go through this. So we'll go to the end.
7 And here we see Kenworth -- I know
8 you have to turn your head sideways here, I'm
9 sorry about that -- Kenworth Truck Company, the
10 same P.O. Box as the last one, Division of
11 PACCAR, and then it says 576, correct?
12 **A Correct.**
13 Q All right. And so as we sit here
14 today, our understanding of this is this would
15 be for 1976 model's spec sheet?
16 **A That would be my assumption.**
17 Q Okay. And then if we go up here in
18 the K100, the front axle, again, is a Rockwell
19 FF931-P, 12,000 pounds, correct? Can you see
20 that? I can zoom in.
21 **A There it is. Yeah. Correct.**

Page 100

1 Q And then the rear axle, once again,
2 it's the Rockwell SQHD, hypoid single reduction
3 tandem axle, 38,000 pounds, correct?
4 **A Correct.**
5 Q And then for standard equipment, the
6 service brakes, just like in the 1970s, it
7 lists the Rockwell S-cam air brakes as the
8 standard equipment, correct?
9 **A This document references Rockwell
10 brakes.**
11 Q All right. And that's -- the service
12 brakes are the brakes on the drive axle; is
13 that right?
14 **A The service brakes --**
15 Q Oh, no, because this lists rear and
16 front.
17 **A It's all the brakes. That's the
18 brakes -- when you push on your brake pedal,
19 that's the brakes that operate as opposed to
20 emergency brake.**
21 Q Right. And then there's a reference

Page 101

1 to FMVSS 121 specifications. What's that?
2 **A Federal Motor Vehicle Safety
3 Standard 121.**
4 Q And one of the things I noticed, this
5 is a standard that PACCAR actually was involved
6 with litigation against the government about.
7 Are you familiar with that?
8 MR. ADAMS: Form.
9 THE WITNESS: I believe I've seen
10 something to that effect, yes.
11 BY MR. RUCKDESCHEL:
12 Q You've looked at -- at some point or
13 another in the past, you've read the PACCAR --
14 the Pursuit of Quality book that PACCAR put out
15 several editions of, right?
16 **A I believe I have, yes.**
17 Q All right. And there's a description
18 in the Pursuit of Quality about that
19 litigation. Is that what you're referring to
20 in terms of being familiar with it, the
21 description from the textbook -- or the book

Page 102

1 that that PACCAR published?
2 MR. ADAMS: Form.
3 THE WITNESS: I don't recall seeing
4 it there.
5 BY MR. RUCKDESCHEL:
6 Q Okay. Fair enough. All right. And
7 then --
8 **A What I would say is, you know,**
9 **FMVSS 121 is where ABS was mandated on trucks.**
10 **And it was implemented -- since the time frame**
11 **when I was working as a mechanic, it was**
12 **implemented, and actually was unsafe.**
13 **NHTSA had to rescind that rule,**
14 **because the technology they pushed -- in my**
15 **opinion, this is Rod Curbo's opinion -- they**
16 **pushed that implementation too early, but it**
17 **didn't work well.**
18 **And they actually rescinded FMVSS**
19 **121, and then had to -- as I recall. And then**
20 **redid the rule, the regulation. And then what**
21 **do you call it -- republished it -- I don't**

Page 103

1 **know what the right word is -- but this was**
2 **that time frame --**
3 Q Let me ask you -- yeah, I wasn't
4 being critical of PACCAR for what it did.
5 **A And I believe what I've seen is that**
6 **litigation was against the government because**
7 **it wasn't working. It wasn't working and it**
8 **wasn't safe. That's my recollection.**
9 Q And it added -- according to page 209
10 of Exhibit 28, quote, the regulation added from
11 2,000 to 3,000, to the cost of a heavy-duty
12 truck was to take effect on March 1, 1975, and
13 many fleet buyers rushed to make their
14 purchases ahead of that deadline.
15 So one of the issues that was
16 involved there was cost too, right?
17 MR. ADAMS: Form.
18 THE WITNESS: I have not read that
19 document. I need to put that into context.
20 BY MR. RUCKDESCHEL:
21 Q Sure. Okay. That's fair. We don't

Page 104

1 need to go down that rabbit hole any further.
2 With respect to the 1976 K100, the
3 front axle we looked at before, the only option
4 available for the front axle was to get a
5 different Rockwell axle, correct?
6 **A Is that optional or --**
7 Q This is optional equipment.
8 **A According to this spec sheet.**
9 Q Right. Okay. Yeah. And if a
10 customer came in, and came into a dealership,
11 and said, I want you to make me something
12 that's off the spec sheet, PACCAR would have
13 tried to accommodate that customer to sell a
14 truck, right?
15 **A Well, what I would say is we would**
16 **entertain the idea. We did build custom**
17 **trucks. And if it was something that could be**
18 **designed and built safely, yeah, we would**
19 **likely do it.**
20 Q Sure. Okay.
21 **A You know, if they were willing to**

Page 105

1 **accept.**
2 Q Understood. All right. Let's go to
3 Exhibit 17. Here we've got the K100 again.
4 If we go down, we see slightly
5 different formatting of the last page of the
6 brochure. But it's Kenworth here again with
7 the Kenworth logo, and the address here in
8 Seattle, correct?
9 **A Correct.**
10 Q And then it's copyright Kenworth
11 Truck Company, 1974. So we don't have to
12 assume what they're referring to in terms of
13 years here, right?
14 **A Correct.**
15 Q And this spec sheet from 1974 for the
16 K100 lists here for the front axle the standard
17 equipment is the Rockwell model FF 921-N,
18 correct?
19 **A Correct.**
20 Q And for the rear, we have, once
21 again, the Rockwell SQHD. This is single

Page 106

1 speed, 38,000-pound rated capacity, correct?
2 **A Correct.**
3 Q And then it lists that it has S-cam
4 service brakes, right --
5 **A Yes.**
6 Q -- under axle?
7 All right. And it also lists
8 separately under service brakes that they're
9 air operated, and it gives the size of the
10 S-cam, correct?
11 **A That's correct.**
12 Q And then as optional equipment, with
13 respect to the 1974 K100 -- sorry -- there are
14 a number of axles listed that you can get for
15 the front axle. Those are all Rockwell axles,
16 correct?
17 **A They appear to be.**
18 Q All right. And you know that from
19 your experience based on the model numbers here
20 with the FF and FE and FL designation, correct?
21 **A That's correct.**

Page 107

1 Q And then for the rear axles, just
2 like the other ones that we've looked at, you
3 could get an Eaton or a Rockwell, single or
4 dual axle with different capacities, if you
5 wanted to order off the optional equipment
6 list, right?
7 **A Correct.**
8 Q Okay. Great. Let's go now to spec
9 sheets for the W900. Let's start with
10 Exhibit 18, which is -- I believe we're going
11 to see it here on the last page -- here, again,
12 we see the Kenworth name and logo, a Division
13 of PACCAR, and here we have KW Publication
14 6-83, correct?
15 **A Correct.**
16 Q All right. And so here on this 1983
17 spec sheet, we see for the W900 that the
18 standard equipment lists, for the front axle,
19 the Rockwell FF-941 12,000-pound axle with
20 Rockwell TW cam air brakes, correct?
21 **A That's correct.**

Page 108

1 Q And then with respect to the rear
2 axle, Rockwell SQ100, hypoid single reduction
3 tandem axle, 38,000 pounds, and Rockwell Q
4 series brakes, correct?
5 **A That's correct.**
6 Q And the Q series brake was an S-cam
7 brake, correct?
8 **A That's correct.**
9 Q And then for optional equipment, if
10 you wanted to order off the optional equipment
11 menu, you could get a front axle from Eaton or
12 from Rockwell with a different capacity than
13 the standard Rockwell front axle, correct?
14 **A That's right.**
15 Q And the same for the rear, you could
16 get a single or dual drive Rockwell or Eaton
17 axle with different capacities, if you wanted
18 optional equipment, right?
19 **A That's correct.**
20 Q Exhibit 19 is 1979, W900. Let's
21 scroll down here. Here, we have the same

Page 109

1 Kenworth truck format that we've seen in the
2 past. And we see it's KW Publication 7-79,
3 correct?
4 **A Correct.**
5 Q All right. And here, again, if we
6 look at the standard equipment, and we roll
7 over to the front axle, you see the front axle
8 is a Rockwell FF-931-TW, 12,000 pounds,
9 correct?
10 **A Correct.**
11 Q And the rear axle is the Rockwell
12 SQHD hypoid single reduction tandem axle,
13 38,000 pounds, correct?
14 **A That's right.**
15 Q And the service brakes are Rockwell
16 S-cam brakes 15 by 4 in the front and 16 1/2
17 by 7 in the rear, correct?
18 **A Correct.**
19 Q That's the standard equipment on the
20 '79 W900. And if you wanted to order optional,
21 the front axles you could get only optional

Page 110

1 equipment offered here on the spec sheet, as a
2 Rockwell axle with a different weight capacity,
3 right?
4 **A For the front axle.**
5 Q Yeah. And you could get wedge brakes
6 on the front axle if you wanted to?
7 **A Yes.**
8 Q Okay. And then I'll zoom in a little
9 more in the future. I'm sorry. And then for
10 the rear axle, you could have a single or dual
11 Rockwell or Eaton with different weight
12 capacities, just like the other ones that we've
13 seen, correct?
14 **A Correct.**
15 Q And you could get wedge brakes for
16 the service brakes as an option also. And they
17 list -- specifically, you could get an Eaton
18 S-cam rear brake, if you wanted that as an
19 option, right? Do you see that here?
20 **A That's correct. According to the**
21 **spec sheet. I do.**

Page 111

1 Q All right. Exhibit 20 is the W900
2 from 1975. Let's go down to the last page.
3 Let's see here. Kenworth and the
4 logo. And then it's kind of blurry. But you
5 can sort of see that it says 7-75 here.
6 If we had a better copy, it would be
7 more clear. I think it's actually more clear
8 if we zoom out. But for the standard equipment
9 here, axle in the front, Rockwell model
10 FF-931-TW, 12,000 pounds, correct?
11 **A That's correct.**
12 Q All right. And standard equipment
13 for the rear axle is the Rockwell SQHD, single
14 speed, up to 38,000-pound rated capacity,
15 correct?
16 **A Correct.**
17 Q And it comes with S-cam service
18 brakes, correct?
19 **A Yes.**
20 Q And then with respect to the service
21 brakes --

Page 112

1 MR. MARSHALL: Objection. Form.
2 BY MR. RUCKDESCHEL:
3 Q -- there's a separate entry for them,
4 in addition to the reference where they're
5 listed in the axle.
6 And here they give you the sizes of
7 the S-cam brakes in the front and the rear,
8 correct?
9 **A That is correct.**
10 Q That's for the standard. And then
11 for the optional equipment, if we go down, here
12 again we've got optional axles in the front.
13 These are all Rockwell axles, correct?
14 **A They appear to be, yes.**
15 Q And, again, we know that because of
16 the code designation numbers that appear on the
17 left, right?
18 **A Correct.**
19 Q And then for the rear axles, again,
20 you have options for single and dual front,
21 both Rockwell and Eaton, correct?

Page 113

1 **A Yes.**
2 Q And they list as optional service
3 brakes that you could get a 15 by 7 wedge
4 brake, correct?
5 **A That's correct.**
6 Q All right. Exhibit 21 is the 19 --
7 no, I've got the wrong -- okay. Here we go.
8 Sir, are you aware of what the W900 S-12 was as
9 opposed to just the W900?
10 **A Personally, I'm not --**
11 Q All right. Well, let's go down to
12 the end here. And what we see is copyright
13 Kenworth Truck, 1974. Do you see that?
14 **A I do.**
15 Q And then we go back up for this.
16 W900 S-12 front axle for standard equipment,
17 Rockwell model FF 921-N, 9,000 pounds, correct?
18 **A Correct.**
19 Q And for the axle for the rear, it's
20 the Rockwell SQHD. And it's 38,000 pounds.
21 And it lists here under axle, S-cam service

Rodney Curbo 2/14/2025
Rosalind Morris, et al. v. Bel Air Auto Parts, Inc., et al.,

Page 114

1 brakes, correct?
2 MR. MARSHALL: Objection. Form.
3 THE WITNESS: Yes.
4 BY MR. RUCKDESCHEL:
5 Q And then the service brakes, there's
6 a separate entry. And it tells you the size
7 for the rear service brakes, 16 1/2 by 7 S-cam,
8 correct?
9 A **It does.**
10 Q All right. If we go to optional
11 equipment, again, here for the axles, all the
12 front axle options are Rockwells based on the
13 model numbers, correct?
14 A **It appears to be, yes.**
15 Q And then the rear axles you can get
16 single or dual, Rockwell or Eaton, with
17 different weight ratings, correct?
18 A **Yeah, that's what it shows.**
19 Q And you could get an optional service
20 brake of the 15 by 7 wedge, correct?
21 A **Yes, that's what it says.**

Page 115

1 Q As we sit here today, Mr. Curbo, can
2 PACCAR identify any model year for the W900
3 between 1965 and 1980 that did not have as the
4 standard equipment as described in the spec
5 sheets we just looked at, Rockwell front and
6 rear axles?
7 MR. MARSHALL: Objection. Form.
8 MR. ADAMS: Form.
9 THE WITNESS: You know, I would have
10 to look. That's not a detail that I was
11 prepared for that I looked into.
12 BY MR. RUCKDESCHEL:
13 Q Okay. What about for the K100, same
14 issue, you haven't looked into it, so you would
15 have to go and do some more research?
16 A **That's correct.**
17 Q All right. Well, then we're not
18 going to waste time on that. Let me see if I
19 can stop the share.
20 MR. ADAMS: Jon, how much do you
21 think you have left, just to see if we want to

Page 116

1 take a break or push through until you're done?
2 MR. RUCKDESCHEL: Ten minutes.
3 MR. ADAMS: Then let's push through
4 until you're done.
5 MR. RUCKDESCHEL: I'll tell you what.
6 Let's take a ten-minute comfort break. I'm
7 going to go through, see if I can't cut out a
8 bunch of things, because I think I can, but it
9 will be more efficient if everybody stretches
10 their legs, gets a cup of coffee, or gets rid
11 of a cup of coffee.
12 And why don't we come back at 12:50,
13 so that's eight minutes from now, Eastern, and
14 hopefully we can finish by a couple minutes
15 after 1:00.
16 MR. ADAMS: Perfect.
17 THE VIDEOGRAPHER: We're going off
18 record. The time is 12:42 p.m.
19 (Recess taken -- 12:42 p.m.)
20 (After recess -- 12:52 p.m.)
21 THE VIDEOGRAPHER: We're back on the

Page 117

1 record. The time is 12:52 p.m.
2 BY MR. RUCKDESCHEL:
3 Q All right. Mr. Curbo, I'm going to
4 try and finish this up in a few minutes.
5 In looking at your testimony from the
6 Pawlik case in 2020, in Illinois, you were
7 asked some questions about brake assemblies and
8 axles being mismatched by manufacturers. And I
9 just want to put that testimony up on the
10 screen.
11 We've talked about this testimony
12 before today. This is your deposition in the
13 Pawlik, P-a-w-l-i-k, case. And we're on
14 page 54.
15 A **If you don't mind, if you can make**
16 **the screen --**
17 Q Yeah, sure. Let me go up. Here you
18 see -- hold on. Let me make it bigger. Cook
19 County, Illinois: Pawlik versus ArvinMeritor,
20 MC, Zoom deposition of Rodney F. Curbo, that's
21 you, right?

Page 118

1 **A Correct.**
2 **Q** So now let's see if I can get this
3 right. If we go down to page 54 of the
4 transcript, you're asked a question.
5 It says, "And I know we talked about
6 for the aftermarket, perhaps a Rockwell
7 assembly could be installed with an Eaton brake
8 and vice versa, but did PACCAR sell any trucks
9 with a mismatched foundation brake to the
10 axle?"
11 The answer is, "Yes, that's what I
12 was referring to. I wasn't referring to the
13 aftermarket. I was referring to we built
14 trucks with Eaton axles on Rockwell, Eaton
15 brakes on Rockwell axles, and Rockwell brakes
16 on Eaton axles. That was an available
17 combination to order."
18 The question then is, "That makes
19 sense."
20 And the answer continues, "It wasn't
21 common, but it was."

Page 119

1 And then the next question begins,
2 "Go ahead. You said it wasn't common. Are you
3 able to tell me how many times you've seen a
4 mismatch between the axle manufacturer and the
5 brake manufacturer for new trucks that PACCAR
6 was building and selling?"
7 Answer, "No. Only that I've seen
8 it."
9 Question, "Do you know if it's just
10 the one time, or less than five, more than
11 five? Are you able to tell me in any way?"
12 Answer, "No, I don't recall the
13 number at all."
14 Question, "Okay."
15 Answer, "More than -- "
16 Question, "Now, again -- sorry, go
17 ahead, sir."
18 Answer, "More than once."
19 Question, "Would it be more than
20 five?"
21 "I don't know."

Page 120

1 Did I read that correctly?
2 **A You did.**
3 **Q** Okay. And that testimony is
4 consistent with the testimony you've given us
5 today, fair?
6 MR. ADAMS: Objection. Form.
7 THE WITNESS: I would say I don't
8 know how many times I've seen it, but I have
9 seen it.
10 BY MR. RUCKDESCHEL:
11 **Q** Okay. And one of the things you were
12 then asked about is in the early '80s, whether
13 axles that came to PACCAR's manufacturing
14 facilities came dressed or trimmed.
15 And what that means is whether they
16 had the brake assembly already attached to them
17 or not, right?
18 **A That's correct.**
19 **Q** And am I correct that prior to your
20 arrival at Peterbilt in -- what year was it,
21 '83?

Page 121

1 **A 1983.**
2 **Q** Prior to your arrival at Peterbilt in
3 1983, you, Rod Curbo, have no personal
4 knowledge about how axles may have arrived at
5 any Kenworth manufacturing facility?
6 **A I would say only that I -- you know,**
7 **I've looked at final chassis bill of materials,**
8 **which are the book of record for what and how**
9 **we built trucks.**
10 **And I've seen -- I believe I've seen**
11 **trucks older than 1983 that had trimmed axles.**
12 **And I know I've seen them have untrimmed axles.**
13 **I believe I've seen both configurations.**
14 **Q** All right. We don't have any of
15 those documents here, correct?
16 **A No, I do not.**
17 **Q** And, again, my question was, you
18 don't have any personal knowledge of that?
19 And by that I mean you did not
20 witness any axles arriving to a Kenworth
21 facility prior to 1983 in order to be able

Page 122

1 to -- you, Rod Curbo -- say, I have personal
2 knowledge that some of the axles came in
3 trimmed and some came in untrimmed?
4 MR. ADAMS: Objection. Form.
5 THE WITNESS: I did not witness axles
6 coming into Kenworth manufacturing facility
7 prior to 1983.
8 BY MR. RUCKDESCHEL:
9 Q And you don't have any documentation
10 as you sit here today as the PACCAR designee
11 that prior to 1978, Kenworth was purchasing
12 untrimmed axles from Rockwell, correct?
13 MR. MARSHALL: Objection. Form.
14 THE WITNESS: I don't -- I do not
15 have any documentation showing that with me.
16 BY MR. RUCKDESCHEL:
17 Q And we can agree that if an axle
18 arrived trimmed from either Eaton or Rockwell,
19 it would have that manufacturer's brake
20 assembly on it?
21 **A I would suspect that any axle that**

Page 123

1 **came from that manufacturer would have its own**
2 **brakes on it if it were a trimmed axle.**
3 Q All right. And, in fact, in the
4 Pawlik case, on page 56, you said in response
5 to one of the questions, quote, obviously, if
6 it was coming in dressed from Rockwell, it
7 wouldn't have Eaton brakes on it.
8 You still stand by that testimony,
9 right?
10 **A I believe that's an accurate**
11 **statement. At least I think so.**
12 Q Great. Now, at some point in the
13 past, we discussed you had reviewed the
14 deposition testimony of -- from 1993, of
15 Mr. Degenstein, correct?
16 **A Yeah, like I said, many years ago I**
17 **remember that I read through that.**
18 Q All right. And in Mr. Degenstein's
19 deposition in nineteen -- well, let's start
20 actually with something else.
21 So let's go to Exhibit 9, which is

Page 124

1 the April 28th, 2009 deposition of Mr. Bean,
2 Larry Bean, from the Martin case.
3 This was a case where Mr. Bean was
4 offered as the corporate designee of PACCAR,
5 correct?
6 **A I believe that's accurate.**
7 Q All right. And in that deposition
8 Mr. Bean testifies. On page 72 he's asked a
9 question.
10 "Okay. Earlier you told me that
11 Peterbilt and Kenworth purchased axles from
12 Eaton and Rockwell. Can you give me a time
13 reference for when Kenworth and Peterbilt
14 purchased axles from Eaton and Rockwell?"
15 And the answer is, "I believe back to
16 the probably beginning days of Kenworth and
17 Peterbilt and their involvement of the time
18 that we've owned them that we have purchased
19 axles from Eaton and Rockwell."
20 Question, "Is that still the case?"
21 Answer, "Yes."

Page 125

1 Question, "Did the axles come fully
2 assembled?"
3 Answer, "Yes."
4 Question, "From both Eaton and
5 Rockwell?"
6 Answer, "Yes."
7 Question, "Can you describe for me
8 what a fully assembled axle -- what the
9 components of a fully assembled axle are?"
10 And the answer is, "Sure. The axle
11 would include the housing as well as the
12 differential, as well as the axle shaft. And
13 then out on the end of the axle assembly would
14 be the axle and equipment, which would include
15 your brake chamber, would be your mounting
16 plate through your brake hardware. You have
17 your S-cam mechanism. You'd have your shoes.
18 And then eventually you'd have your drums."
19 Did I read that correct?
20 **A You did.**
21 Q Do you agree with his description of

Page 126

1 what a fully assembled axle would have on it?
2 MR. ADAMS: Objection. Form.
3 THE WITNESS: Yeah, I would need to
4 read a little bit more of his deposition to put
5 that in context.
6 BY MR. RUCKDESCHEL:
7 Q Okay. I'm just asking you about the
8 description right here on the screen. Can you
9 tell me what components are on a fully
10 assembled axle?
11 Do you agree that he has described
12 accurately the components of a fully assembled
13 axle, which would include the axle, the
14 differential, the shaft, and then the brake
15 assembly and hardware, including the shoes?
16 **A Yeah. The thing I'm unclear on is he**
17 **talking about an assembled axle as it comes**
18 **into the factory or as it leaves? It's a**
19 **little unclear.**
20 Q So the question immediately above is,
21 "Did the axles come fully assembled?"

Page 127

1 Do you see that?
2 **A I do.**
3 Q And then he's asked, "Can you
4 describe for me what the components of a fully
5 assembled axle are," correct?
6 **A I see that.**
7 MR. ADAMS: Objection. Form.
8 BY MR. RUCKDESCHEL:
9 Q All right. And so if we're talking
10 about -- I think we've used the term earlier
11 today, a dressed axle. Does he describe here
12 in the description of a fully assembled axle
13 what you would say are the components of a
14 dressed axle?
15 MR. ADAMS: Objection. Form.
16 THE WITNESS: He described what I
17 would call a dressed -- a dressed axle.
18 BY MR. RUCKDESCHEL:
19 Q Okay. Great.
20 **A I would tell you that I have not**
21 **seen -- prior to 1983, the final chassis bill**

Page 128

1 **of materials, there's plenty of them that**
2 **indicated that those axles did not come in**
3 **fully dressed, as you're speaking of.**
4 Q Okay.
5 **A Mr. Bean may have been a little**
6 **mistaken or may have misunderstood the**
7 **question.**
8 Q All right. Are you aware of PACCAR
9 ever issuing an errata sheet or a correction or
10 otherwise recanting the testimony of Mr. Bean
11 here as PACCAR's designee?
12 MR. ADAMS: Form.
13 THE WITNESS: I don't know.
14 BY MR. RUCKDESCHEL:
15 Q Okay. I just asked whether you're
16 aware of it.
17 Let's go to Exhibit 10. This is the
18 testimony of -- you'll see it's the PMK, person
19 most knowledgeable deposition, of Lawrence
20 Bean, from June 25th, 2009, in the Gobel case,
21 G-o-b-e-l.

Page 129

1 Do you see that?
2 **A I do.**
3 Q And, again, this is another
4 deposition where Mr. Bean was offered as the
5 corporate designee of PACCAR, like you are
6 today, right?
7 **A I believe that's the case.**
8 Q All right. Let's go down to -- let
9 me find the specific testimony that I was
10 referring to or going to refer to. Apologies,
11 I had the wrong page written down in my notes.
12 Okay. Now, here on page 110 of the
13 deposition of Mr. Bean, as PACCAR's corporate
14 representative, there's a question.
15 "You would give the customer options
16 as to that, as to the brakes they could choose,
17 correct?"
18 And the witness says, "Not
19 necessarily."
20 And the question, "So you --"
21 And then the answer continues,

Page 130

1 "Again, it's up to the axle manufacturer to
2 provide the lining to us or provide the lining
3 to the axle, that the axle assembly would then
4 come to us."
5 Question, "And you would provide that
6 information to your customers for them to make
7 a choice as to what they wanted, correct?"
8 The witness answers, "We would give
9 them options in terms of what axles were
10 available and work with those customers to
11 define exactly what they want."
12 Question, "Those axles would have
13 brake assemblies on them, correct?"
14 Answer, "The axles would come with
15 brake assemblies preinstalled."
16 Did I read that correctly?
17 **A You did.**
18 Q Are you aware of PACCAR ever
19 correcting or recanting the testimony of
20 Mr. Bean in that regard with respect to the
21 axles coming with the brakes preinstalled?

Page 131

1 MR. ADAMS: Objection. Form.
2 THE WITNESS: Well, again, I would
3 need to read the deposition and put it in
4 context.
5 If he was talking specifically about
6 trimmed axles, I think I just said, I would
7 expect if a Rockwell was to come in trimmed, it
8 would have Rockwell brakes. If it was to come
9 in trimmed from Eaton, it would have Eaton
10 brakes.
11 If that was the context of what he
12 was speaking about, then what he said is
13 accurate.
14 BY MR. RUCKDESCHEL:
15 Q With respect to trucks being
16 constructed with the standard equipment, as
17 designed, as specified on the spec sheet, in
18 the 1965 to 1980 time frame, did Kenworth order
19 trimmed axles from Rockwell for those trucks?
20 And let's just keep it to the K100
21 and the W900.

Page 132

1 MR. MARSHALL: Objection. Form.
2 MR. ADAMS: Objection. Form.
3 THE WITNESS: I would have to look.
4 I would have to do some research to determine.
5 The easiest way to determine that is if we have
6 a VIN, we can go look it up.
7 And that's really the only way that
8 we have with the documentation that we have
9 existing is to look in the final chassis bill
10 of materials, and determine what was ordered,
11 what were the part numbers that were called
12 out. If it was a trimmed axle that was called
13 out, you can clearly see that in the final
14 chassis bill of material.
15 BY MR. RUCKDESCHEL:
16 Q I'm not asking about any particular
17 truck, sir.
18 My question is, if a customer came to
19 a Kenworth dealer and wanted -- or a Kenworth
20 dealer contacted Kenworth because they wanted
21 to have some trucks on the lot, and they said,

Page 133

1 send me five K100s with the standard equipment,
2 I don't want any of the options, just send me
3 five K100s with the standard equipment, that's
4 something a dealer could have done in 1974,
5 correct?
6 **A That's correct.**
7 Q All right. And when that truck
8 arrived, or those trucks arrived at the dealer,
9 they would be fully operational trucks that
10 were ready to be sold, licensed and put on the
11 road; you didn't have to order any optional
12 equipment in order to have an operating legal
13 truck, correct?
14 MR. ADAMS: Form.
15 THE WITNESS: If they ordered a
16 tractor?
17 BY MR. RUCKDESCHEL:
18 Q Yeah.
19 **A And a tractor be something that**
20 **was -- if it was a complete vehicle -- we built**
21 **both complete and incomplete vehicles.**

Page 134

1 **An incomplete vehicle, it's a truck,**
2 **right -- we call trucks to get -- to delve into**
3 **the details, generally we call -- tractors are**
4 **things that have a fifth wheel on them and pull**
5 **a trailer. Those are typically complete**
6 **vehicles as they're built.**
7 Q I appreciate that explanation. Let
8 me rephrase my question.
9 **A Okay.**
10 Q If a dealer in 1974, through whatever
11 the mechanism was, ordered five K100 tractors
12 from Kenworth, so they would have five tractors
13 on the lot that they could sell to somebody,
14 and they said to Kenworth, I just want the
15 standard equipment, I don't want any optional
16 equipment, the tractors that they received
17 pursuant to that order for five K100s, with the
18 standard equipment would be operational, ready
19 to be licensed and put on the road?
20 **A That would be my expectation.**
21 Q All right. Great. Now, with respect

Page 135

1 to an order coming in to Kenworth for a K100,
2 with standard equipment in 1974, would Kenworth
3 order from Rockwell a dressed axle?
4 MR. MARSHALL: Objection. Form.
5 THE WITNESS: I can't tell you that.
6 My understanding is over time, the dressed
7 versus undressed axle was really based on two
8 things.
9 One was some cost. Was it less --
10 was it more efficient for us to install the
11 brakes or for the axle supplier to install the
12 brakes or it was some sort of specialized
13 brake.
14 And so over time those numbers
15 specifically changed. And so there were times
16 when we had trimmed axles, times when we didn't
17 have trimmed axles.
18 I can't tell you in 1974, without
19 looking at specific trucks, whether those axles
20 came in trimmed or untrimmed.
21 That's the only way -- that's the

Page 136

1 only document we have that would tell us that
2 is the final chassis bill of material for all
3 of these trucks.
4 MR. RUCKDESCHEL: All right.
5 Mr. Curbo, I have some issues with the
6 objections that were raised by PACCAR to our
7 notice, but those are not issues that you or I
8 are going to hack out here. So I am done.
9 Anybody else have questions for
10 Mr. Curbo before we go off the record?
11 MR. ADAMS: I'm going to have some,
12 but if any of the other parties have them, they
13 can go first.
14 MR. RUCKDESCHEL: Who's speaking?
15 MR. ADAMS: Adams. This is counsel
16 for PACCAR.
17 MR. RUCKDESCHEL: I'm sorry, Chip,
18 okay.
19 MR. ADAMS: Yeah. So if anybody else
20 has got anything, they can go first, and I'll
21 come up on the back end.

Page 137

1 MR. MARSHALL: Yeah. This is Barret
2 Marshall for Meritor. I've got some questions,
3 Chip. Do you want me to go first?
4 MR. ADAMS: Go ahead.
5 THE VIDEOGRAPHER: Can you take down
6 the exhibit?
7 MR. RUCKDESCHEL: Yeah. Thanks for
8 the reminder.
9 MR. MARSHALL: Before I get started,
10 for housekeeping purposes, is the last exhibit
11 that was used Exhibit 29? Do I have that
12 right?
13 MR. RUCKDESCHEL: No.
14 MR. MARSHALL: I'm sorry. What was
15 it?
16 MR. RUCKDESCHEL: The last exhibit
17 that was referenced --
18 MR. MARSHALL: I'm sorry, not
19 referenced, but just the last exhibit --
20 MR. RUCKDESCHEL: Yeah. The next
21 marked exhibit will be Exhibit 30.

Rodney Curbo 2/14/2025
Rosalind Morris, et al. v. Bel Air Auto Parts, Inc., et al.,

Page 138

1 MR. MARSHALL: Very good. Okay. All
2 right.
3 EXAMINATION
4 BY MR. MARSHALL:
5 Q Bear with me for a second. I'm going
6 to try to share my screen also.
7 Okay. If I've done this correctly, I
8 should be sharing a deposition transcript in
9 the Felicitas Salas case. Is that what's
10 showing up on your screen, Mr. Curbo?
11 A Yes, it is.
12 Q Okay. Is that a case that you
13 remember testifying in?
14 A I recall the case.
15 Q It was back in 2014, if it jogs your
16 recollection a little bit.
17 A I recall the case.
18 Q Okay. Very good.
19 A At least the case name. I don't
20 recall the specifics of the case.
21 Q Right. Right. Fair enough. I don't

Page 139

1 want to test your memory too much.
2 MR. RUCKDESCHEL: Counsel, so that
3 I'm not jumping in after every question, can we
4 agree that with respect to the witness's
5 personal knowledge, we've got a standing
6 objection, so that I don't have to after every
7 question make the same objection?
8 MR. MARSHALL: So --
9 MR. RUCKDESCHEL: I don't want to
10 break up your transcript, but I also have
11 objections to this witness testifying to things
12 that he doesn't have personal knowledge of when
13 he is not testifying against the interest of
14 PACCAR.
15 So, you know, we can fight that out
16 later. Under the standing order here in
17 Baltimore, because this is being videotaped, I
18 can only object and just say objection.
19 But I would rather not have stuff
20 that we have to cut out later, if we're editing
21 the video. But it's up to you. I can say it

Page 140

1 after the questions or not.
2 MR. MARSHALL: Well, I'll tell you
3 what. I don't know that everything is going to
4 raise that objection --
5 MR. RUCKDESCHEL: That's fine. Go
6 ahead.
7 BY MR. MARSHALL:
8 Q Okay. So, Mr. Curbo, in the Salas
9 case, you were asked, "Are you familiar with
10 Bendix being a supplier of brake products to
11 PACCAR divisions? And I'm opening that up to
12 Dart, KW-Dart, Peterbilt and Kenworth."
13 And your answer was, "Bendix was a
14 supplier to PACCAR." Correct?
15 MR. RUCKDESCHEL: Objection.
16 Personal knowledge.
17 THE WITNESS: That was my answer.
18 BY MR. MARSHALL:
19 Q Okay. Well, first of all, do you
20 have personal knowledge from your time at
21 PACCAR that Bendix was a supplier of brake

Page 141

1 components to Kenworth?
2 A Yes.
3 Q Okay. And do you have personal
4 knowledge that Bendix was a supplier of brake
5 products to Kenworth prior to your time
6 actually being an employee of PACCAR because of
7 documents that you've reviewed in conjunction
8 with your role as serving as the corporate
9 representative of PACCAR?
10 MR. RUCKDESCHEL: Objection.
11 Misstates what personal knowledge is.
12 THE WITNESS: Yeah, I believe that
13 there's documents that indicate that Bendix was
14 a supplier of brake components.
15 BY MR. MARSHALL:
16 Q Okay. Perfect. Okay. I'm going to
17 try to share another document real quick.
18 Okay. The document that I should be
19 sharing now is actually a Kenworth document.
20 You can't really see the Bates number on the
21 first page, but it was produced in this case.

Page 142

1 You see the watermark, Morris v.
2 PACCAR, produced. And then it gives the dates.
3 Sometime in July of -- well, 2024, it looks
4 like, with the Bates number, PACCAR 001918,
5 correct?
6 **A I see that.**
7 Q And is it fair to say you've reviewed
8 the documents that PACCAR produced in this
9 actual case, the Morris case?
10 **A Yes, I have.**
11 Q Okay. And you understand, it's fair
12 for me to say that in the Morris case, PACCAR
13 produced sets of brochures or spec sheets,
14 however you want to phrase the term of art as
15 to what they're called, and this is one of
16 those sheets, right, starting with the K100
17 series?
18 **A We produced brochures and spec sheets**
19 **that we found within our possession.**
20 Q Okay. And one thing that I noticed,
21 just as an aside, correct me if I'm wrong, the

Page 143

1 spec sheets that Mr. Ruckdeschel, the
2 plaintiffs' attorney was going over with you,
3 those didn't have the PACCAR Bates numbering or
4 the Morris v. PACCAR, you know, produced on
5 7/5/2024, to indicate that they were actually
6 produced in the case; is that correct?
7 **A That's correct.**
8 Q All right. Is it fair for me to say
9 that documents produced by PACCAR in this case,
10 with PACCAR Bates numbering 1 through 2248, and
11 a Morris v. PACCAR watermark, are authentic
12 corporate records kept in the ordinary course
13 of business?
14 MR. RUCKDESCHEL: Compound.
15 THE WITNESS: Yes.
16 BY MR. MARSHALL:
17 Q All right. And what I really wanted
18 to ask you about on this document, sir, is at
19 Bates number 1932. I've highlighted standard
20 equipment for a Kenworth truck that was
21 historically produced.

Page 144

1 And what I've highlighted are the
2 spec sheets for the rear axle and service
3 brakes. Okay?
4 **A You'll need to blow it up for me to**
5 **be able to see it.**
6 Q Fair enough. Thank you for that.
7 MR. RUCKDESCHEL: Counsel, can you
8 show him what the end of this document is?
9 MR. MARSHALL: You know what, I have
10 it ended here, so I don't know that it runs all
11 the way through. So I'm not sure.
12 MR. RUCKDESCHEL: All right. Fair
13 enough.
14 MR. MARSHALL: Yeah. Sorry about
15 that.
16 BY MR. MARSHALL:
17 Q Are you able to see the highlighted
18 portion now, Mr. Curbo?
19 **A I can.**
20 Q Okay. Very good. Okay. So this
21 spec sheet for this Kenworth truck, it lists as

Page 145

1 standard equipment for the rear axle a Timkin
2 SQHD hypoid drive, forged steel housing,
3 aluminum hubs, CentriFuse drums, RSA-340 rubber
4 block suspension, correct?
5 **A Correct.**
6 Q Okay. So Timkin was one brand of
7 axles that Kenworth ordered, right?
8 MR. RUCKDESCHEL: Objection.
9 THE WITNESS: Yes.
10 BY MR. MARSHALL:
11 Q Okay. And next, right below the rear
12 axle specifications, it specifies service
13 brakes. Westinghouse air brakes, 12 cubic
14 foot, you know, dot dot dot. And then it skips
15 down to the specified sizes for those air
16 brakes, 16 1/2 by 5 or 16 1/2 by 7, correct?
17 **A Yes, it does.**
18 Q Okay. And Westinghouse, in addition
19 to Bendix, in addition to Rockwell, in addition
20 to Eaton was a supplier of brakes for Kenworth
21 trucks historically, right?

Page 146

1 MR. RUCKDESCHEL: Objection.
2 THE WITNESS: At certain points in
3 time, I believe that that's accurate.
4 BY MR. MARSHALL:
5 Q Okay. Fair enough. And this is a
6 situation -- if you're just talking about
7 trimmed versus trimmed or dressed versus
8 undressed axles, because the standard axles and
9 brakes come from different companies, it
10 necessarily establishes that Kenworth ordered
11 undressed axles for its trucks at various
12 points in time, right?
13 MR. RUCKDESCHEL: Objection.
14 THE WITNESS: I would have no reason
15 to believe that in this situation that the
16 axles would come in undressed.
17 BY MR. MARSHALL:
18 Q Do you mean dressed, because they're
19 different companies?
20 A No. I mean undressed. The axle
21 would come in without the brakes in this

Page 147

1 particular situation.
2 Q Okay. Let me ask it again --
3 MR. RUCKDESCHEL: Objection.
4 BY MR. MARSHALL:
5 Q -- because I think we might have
6 crossed wires there, right?
7 I think you said you would have no
8 reason to believe that the axles would come in
9 undressed.
10 My definition of undressed is when
11 the axle comes in without the brake assembly,
12 right?
13 A Correct.
14 Q Correct. So in this situation
15 Kenworth would be ordering an undressed axle
16 from Timkin, correct?
17 A That's correct.
18 MR. RUCKDESCHEL: Objection.
19 THE WITNESS: That's what I would --
20 I'm pretty certain, you know, 99.9 percent
21 certain that that would be the case.

Page 148

1 BY MR. MARSHALL:
2 Q Fair enough.
3 MR. RUCKDESCHEL: Objection.
4 BY MR. MARSHALL:
5 Q Because Timkin is a different company
6 than Westinghouse, to your knowledge --
7 MR. RUCKDESCHEL: Objection.
8 BY MR. MARSHALL:
9 Q -- correct?
10 A That's my understanding.
11 Q Right. Okay. And then separately
12 for, you know, this truck, standard equipment,
13 the Kenworth plant would also get separate
14 brake assemblies from Westinghouse that they
15 then, through the course of building the truck
16 out completely, installed on the axle with the
17 wheels and everything else, right?
18 MR. RUCKDESCHEL: Objection.
19 THE WITNESS: Based on my
20 interpretation of this document, that's exactly
21 what would happen.

Page 149

1 BY MR. MARSHALL:
2 Q Okay. Great. And this 16 1/2 by 7
3 brake assembly that we see here, that's the
4 standard size of the S-cam brakes, right, that
5 were on some of the spec sheets that
6 Mr. Ruckdeschel, the plaintiffs' attorney, went
7 over with you also, nothing really special
8 about that, right?
9 A That's correct.
10 Q Okay.
11 A That's pretty standard brake size.
12 Q Right. And you mentioned a few times
13 that you can't testify as to whether or not an
14 axle that was going to be put on a particular
15 truck came to the plant dressed versus
16 undressed or if it had a combination of
17 standard and optional equipment on it or
18 anything like that unless you look at the build
19 sheet, correct?
20 MR. RUCKDESCHEL: Mischaracterizes.
21 And objection.

Page 150

1 THE WITNESS: Yeah, I think what I
2 was saying -- I mean, Peterbilt and Kenworth
3 both built custom trucks. And, you know,
4 oftentimes people say no truck is -- you know,
5 no truck is the same.
6 But I don't think you can go that way
7 100 percent of the time. But trucks -- one
8 truck versus another truck, one customer versus
9 another truck -- another customer's truck,
10 there almost always are differences.
11 And so really the only way to tell
12 if -- it's very -- I guess what I would say is
13 it's very difficult to generalize. There are
14 trucks that are built with standard axles and
15 standard brakes, but there are an awful lot of
16 trucks that are built with optional axles and
17 optional brakes as well.
18 So really the only way to tell when a
19 given truck is manufactured, how it was built,
20 how it was assembled, is to look at the final
21 chassis bill of material.

Page 151

1 BY MR. MARSHALL:
2 Q Okay. And explain in your own words
3 what that final bill of chassis material, the
4 build sheets, as I like to call them, what it
5 is? What does it list out?
6 MR. RUCKDESCHEL: Objection. Overly
7 broad.
8 THE WITNESS: The final chassis bill
9 of material is a listing of every part and the
10 quantity of that part that are used to build a
11 given truck.
12 It's organized by bill of material.
13 So it's grouped -- those parts are grouped by
14 bill of material. They're typically about --
15 I'm going to say on average somewhere between
16 40 and 60 pages long.
17 Over time trucks are a little bit
18 more complex. The newer trucks and stuff are
19 70 to 80 pages long. It's a listing -- I guess
20 the bottom line is it's a listing of every
21 single part that was purchased and installed on

Page 152

1 a given truck.
2 BY MR. MARSHALL:
3 Q Okay. Very good. And, in fact, I
4 believe that PACCAR produced a final chassis
5 bill of material build sheet that they located
6 for a vehicle for a Kenworth truck sold to
7 Mr. Morris, correct?
8 **A Well, what I would say is it was a**
9 **vehicle that was ordered with the customer**
10 **name, Alan Morris.**
11 Q Fair enough.
12 **A I can't tell you if it was sold to**
13 **him. But the dealer ordered it for an Alan**
14 **Morris. And we did produce a final chassis**
15 **bill of material.**
16 Q Okay. All right. And that final
17 chassis bill of material, like you said, it
18 would list out the exact front and rear axle
19 and brake combination that was actually on that
20 truck, right?
21 **A That is correct.**

Page 153

1 Q Okay. And do you recall the
2 manufacturer of the axles and the brake
3 assemblies that were listed in that build
4 sheet, that one build sheet that was produced?
5 **A Yes. I believe they were Eaton axles**
6 **and Eaton brakes.**
7 Q Okay. Fair enough. And, in this
8 case, have you seen any final chassis bill of
9 material or other document that shows that
10 Mr. Morris drove any Kenworth truck that
11 actually had Rockwell brake assemblies on them?
12 **A Not to this point.**
13 Q Okay. When Mr. Ruckdeschel,
14 plaintiffs' attorney, was showing you the
15 brochures or spec sheets that he asked you
16 questions about, they had, you know, various
17 dates. They came from various points in time,
18 right?
19 **A Yes, they appeared to.**
20 Q Okay. And what he showed you -- you
21 know, what was on those spec sheets or

Page 154

1 brochures were the publication dates of those
2 spec sheets, right?
3 **A Yeah, I was about to say I believe**
4 **that those dates were -- my understanding,**
5 **based on other brochures and spec sheets,**
6 **similar to those that I've seen, is that those**
7 **dates would be the publication date.**
8 Q Okay. Fair enough. Does a
9 publication date correspond in any particular
10 way to an actual model year of truck? Does it
11 lag behind or is it ahead? How does it work
12 like that?
13 MR. RUCKDESCHEL: Objection.
14 THE WITNESS: I guess what I would
15 say is, going from memory from just a few
16 minutes ago, but it appeared, in general, those
17 publication dates were, like, in midyear of
18 each year.
19 And we had various over time model
20 year changeovers, change in time, but I guess
21 to explain, a truck that was built in

Page 155

1 nineteen -- let's say a truck that was a 1980
2 truck could be built anytime between, like --
3 it can be built prior to January 1st, 1980, up
4 through whatever the next model year changeover
5 date is. And those change over time.
6 Back in the time frame that we're
7 talking about, 1980 and prior, those are
8 generally, like, September time frame, what you
9 would expect.
10 So thinking about -- I think one of
11 the publications was 6 of '74. My guess is
12 that's going to be referring to trucks that are
13 '75 model year, because they're looking ahead
14 to building those. And so by midyear they're
15 probably taking orders for trucks that are
16 going to be -- by midyear '74, they're likely
17 taking orders for trucks that are going to be
18 built as model year '75 trucks.
19 BY MR. MARSHALL:
20 Q Okay. So is it --
21 **A It's complicated.**

Page 156

1 Q I understand. I understand. And
2 that's what I was getting at.
3 So essentially if Mr. Mulhausen
4 testified that Mr. Morris purchased three
5 Kenworth trucks, model years 1968, 1974 and
6 1978, there's no way for you, as you sit here
7 today, to actually match up any of the spec
8 sheets that Mr. Ruckdeschel went over with you
9 to being applicable to those trucks that
10 Mr. Mulhausen said Mr. Morris purchased; is
11 that fair?
12 MR. RUCKDESCHEL: Objection. Go
13 ahead.
14 THE WITNESS: Yeah, I think what I
15 would say is those spec sheets wouldn't match
16 up to any given truck. I would say that's a
17 document that a customer would look at and say,
18 in general, this is what I can get.
19 The order process is that when
20 somebody wants to order a truck, they sit down
21 with the salesperson from that dealership, and

Page 157

1 factoring that time frame, they had what we
2 call price books.
3 And a price book is about an inch,
4 inch and a half thick. And it lists every
5 published option that was available.
6 And they would -- they would go
7 through and say, okay, what frame do you want?
8 Here is all the frames. What clutch? What
9 interior? What transmission? What engine?
10 What axles do you want? What brakes do you
11 want?
12 And it would list all those options
13 out along with the standard. Typically, the
14 price book, it had various options. And the
15 standard list with what the cost differential
16 and the weight differential would be, because
17 those are two things that customers are
18 typically concerned with is cost and weight of
19 their trucks.
20 MR. RUCKDESCHEL: Move to strike
21 entire response as speculation.

Page 158

1 BY MR. MARSHALL:
2 Q I appreciate your response,
3 Mr. Curbo. I think it makes perfect sense.
4 Did you have an opportunity to review
5 the deposition testimony in this case from
6 Mrs. Morris and Mr. Mulhausen, Mr. Curbo?
7 **A Yes, I did.**
8 Q Okay. And in reading through that,
9 do you agree that both Mrs. Morris and
10 Mr. Mulhausen identified Mr. Morris using
11 Bendix brakes as replacement brakes?
12 MR. RUCKDESCHEL: Objection.
13 Go ahead.
14 THE WITNESS: What I will tell you is
15 I recall Mr. Mulhausen mentioning Bendix
16 brakes. I don't recall whether Mrs. Morris
17 said that or not. She may have. I just don't
18 recall.
19 MR. MARSHALL: Okay. Fair enough.
20 Okay. Mr. Curbo, that's all I've got for you.
21 I greatly appreciate your time today, sir.

Page 159

1 FURTHER EXAMINATION
2 BY MR. RUCKDESCHEL:
3 Q Mr. Curbo, I have a follow-up
4 question with respect to the questions that
5 Meritor's counsel just asked you.
6 You gave a long response about what
7 might have happened at a dealership if a
8 customer went -- if a customer went in to order
9 a truck, that I objected to as being
10 speculation.
11 Do you recall that answer that I
12 objected to?
13 **A I do.**
14 Q If a customer went in and was buying
15 a truck that was already on the lot, that
16 process you described wouldn't occur, correct?
17 **A That process would have occurred by**
18 **the dealer salesperson who ordered that truck.**
19 Q But the customer would not have been
20 involved in that process?
21 **A Just without the input from an**

Page 160

1 **outside customer --**
2 Q All right. Great. That's it.
3 **A -- if it were a stock truck -- what**
4 **we call a stock truck, which is the truck that**
5 **a dealer stocks on their lot.**
6 MR. RUCKDESCHEL: Super. I
7 appreciate your explanation. Thank you.
8 MR. ADAMS: Anybody else?
9 MR. RUCKDESCHEL: You're up.
10 EXAMINATION
11 BY MR. ADAMS:
12 Q All right. Mr. Curbo, as you know,
13 my name is Chip Adams, and I represent PACCAR
14 in this matter.
15 I'm just going to have a few
16 questions. I want to start off just kind of
17 talking a little bit about your background.
18 And I would like you to tell the
19 jury -- I don't want to go all the way back to
20 high school.
21 Once you got out of high school, when

Page 161

1 you started working and going to school, can
2 you walk me just briefly through your education
3 and work history, please?
4 **A Sure. When I was out of high school,**
5 **I went to technical school and obtained a**
6 **certificate to be a diesel technician. I**
7 **worked for several years as a truck mechanic.**
8 **Decided I would go back and get my**
9 **engineering degree. Got my engineering degree.**
10 **My first job out of college was working at**
11 **Peterbilt as an engineer.**
12 Q Let's stop a little bit, because you
13 said you worked as a truck mechanic while you
14 were in college or before college?
15 **A Before and during.**
16 Q Walk us through what you did as a
17 truck mechanic. Let's start with that. Prior
18 to graduating from college.
19 **A In general, I worked at three or four**
20 **different shops over time. I worked at an**
21 **international distributor or dealership for a**

Page 162

1 short time. I worked for a Detroit Diesel
2 distributor. I worked -- I did quite a bit of
3 engine work, but also other work, including
4 brake work for a company called Equipment
5 Service Company, which is, like I said, a
6 Detroit Diesel distributor.

7 And then I went to work for
8 New Mexico Peterbilt. And worked there part
9 time and worked part time while I was going to
10 school.

11 Q And were you working part time to
12 help pay for your school?

13 A Yes.

14 Q And you said you worked with brakes.
15 What other kind of things did you work on on
16 these trucks when you were a mechanic?

17 A Gosh. I would say engine work was
18 mostly done at the Detroit distributor. Other
19 than that, it wasn't much engine work.

20 I did, you know, all different kinds
21 of maintenance. I did a lot of electrical. A

Page 163

1 lot of HVAC that the Peterbilt used. By HVAC,
2 I mean air conditioning.

3 Also, like I said, I did brakes. And
4 myself and another guy, who was a -- he was a
5 body guy with his background. He came to work
6 there. I trained him to be a mechanic on the
7 mechanic stuff, he trained me on the body
8 stuff, and we rebuilt trucks.

9 Q What kind of brake work did you do
10 when you were doing this mechanic work, the
11 different types of things?

12 A The same kind of things that a lot of
13 mechanics in this type of litigation talk
14 about, replacing brakes. You know, the other
15 thing is it's not always replacing the brakes
16 because they were out. Sometimes there's a
17 wheel seal that leaks, gets oil all over,
18 replacing, cleaning up -- maybe just cleaning
19 up depending on the shape of the brakes, but
20 that -- essentially, that's what we would do.

21 Q All right. And then after college,

Page 164

1 you said you graduated as an engineer. Tell me
2 about your -- just kind of a 10,000-foot view
3 of what you did after college leading up to
4 where you are today.

5 A I started out as what they call a
6 liaison engineer, which is a liaison between
7 the plant engineering and our division
8 engineering.

9 I was at the Denton, Texas, plant.
10 And the division engineering was in California.
11 Over time I moved into a special project. It
12 was associated with what we call the model 320.
13 It was the successor to the Kenworth L700.

14 Ultimately -- also, for a while, I
15 was a group leader over doing the customized
16 design. And somebody would -- if there was
17 something that was asked for that hadn't been
18 designed for, and we said, yes, we can do that,
19 our group would do that, and we did.

20 We weren't specialized in any area of
21 the truck. We did designs from the front to

Page 165

1 the back of the truck. Then I went into the
2 electrical area. I was group lead for
3 electrical. I became engineering manager, had
4 responsibility for electrical, electronics,
5 instrumentation, HVAC and air brake systems.

6 And then moved out of that for a
7 short time, did a special project where we were
8 supporting relocating the production of a truck
9 from one plant to the other. And then bid on
10 the position to become product safety
11 compliance manager.

12 Q Tell me what was involved being
13 product safety compliance manager.

14 A We had responsibility for reviewing
15 all the designs and making sure that they met
16 all of the -- it wasn't just reviewing -- we
17 were kind of auditing, but also working with
18 our engineers to ensure that they were aware of
19 the regulatory requirements. And so ensuring
20 that those designs met the regulatory
21 requirements and that they were safe designs.

Page 166

1 **We had responsibility for conducting**
2 **investigations. If there was an alleged defect**
3 **on a truck, and if that defect wound up being**
4 **true, and whether -- I was the chair of the**
5 **safety committee. We would take the**
6 **information to the safety committee to**
7 **determine whether or not it was a safety**
8 **defect.**
9 **And if it was, we would then manage**
10 **the recall process. We also provided support**
11 **to law enforcement. We would get phone calls**
12 **about helping them when there were stolen**
13 **trucks and the like.**
14 **We also provided litigation support.**
15 **So this type of support that related to**
16 **everything from lemon law cases, to accidents,**
17 **to fires, and ultimately got involved in this**
18 **type of asbestos-related litigation.**
19 Q Okay. I want to ask you just about a
20 few different topics that counsel in his
21 cross-examination discussed, just to get some

Page 167

1 clarity.
2 The first thing is, he asked you a
3 few questions about a Mr. Bissonnette. Do you
4 recall that?
5 A Yes.
6 Q Can you tell me who that is?
7 A **Dave Bissonnette was an industrial**
8 **hygienist that PACCAR had hired in 1974. What**
9 **we know about Mr. Bissonnette is we found**
10 **documents where he did -- what we know about**
11 **Mr. Bissonnette is related to this type of**
12 **litigation.**
13 **We found documentation where he did**
14 **air sampling over about a ten- to 12-year**
15 **period in different various locations.**
16 **I believe the earliest that we have**
17 **is 1976. And there's other reports. All of**
18 **the testing that we've seen that was done, it**
19 **was done by outside contractors, if you will.**
20 **But he was having --**
21 MR. RUCKDESCHEL: Objection to the --

Page 168

1 and move to strike the response. It's beyond
2 the personal knowledge of the witness and
3 violating the best evidence rule.
4 BY MR. ADAMS:
5 Q What kind of testing was this that
6 you're talking about?
7 MR. RUCKDESCHEL: Same objection.
8 THE WITNESS: Based off the
9 documents, it was air sampling testing where
10 they were looking for asbestos.
11 BY MR. ADAMS:
12 Q Where were they sampling air?
13 MR. RUCKDESCHEL: Same objection.
14 THE WITNESS: They did sampling on
15 mechanics at a dealership. They did some in
16 offices. They did some in our plants around
17 where they installed brakes. Those are the
18 ones I recall offhand.
19 BY MR. ADAMS:
20 Q And when they were doing the
21 sampling -- mechanics, when they were doing

Page 169

1 works on brakes, or whatever else, can you tell
2 me what you've seen in the documents that they
3 found?
4 MR. RUCKDESCHEL: Same objection.
5 THE WITNESS: What I would say is in
6 the documents, what it indicates is that there
7 was -- they found that there was no health
8 hazard.
9 They found -- a lot of the times they
10 found no asbestos whatsoever. I'm just doing
11 all of them together, because -- and then they
12 did find some where they found some fibers, but
13 the fiber count was so low that the contractor
14 consultant that they had doing it, at least one
15 of the reports said that the fiber count is so
16 low, it doesn't matter what kind of fibers it
17 is. It's well below the limit.
18 MR. RUCKDESCHEL: Move to strike for
19 hearsay. Violation of best evidence. Lack of
20 personal knowledge.
21

Page 170

1 BY MR. ADAMS:
2 Q So based on your review of these
3 documents, all the way back in the '70s, PACCAR
4 had brought people in to confirm whether it was
5 safe to work with their products, and the
6 conclusions that you've seen indicated that it
7 was safe?
8 MR. RUCKDESCHEL: Same objection.
9 THE WITNESS: Yeah, what I would say
10 is what we know is in '74 they hired an
11 industrial hygienist. By '76, which is the
12 first air sampling test that we have, we know
13 that he was doing some air sampling, looking
14 for asbestos, and he continued to do that over
15 time.
16 The other thing I would point out is
17 he did a presentation. The kind of
18 presentation he had done, where he had talked
19 about a three-step process that was, what I
20 would say, was typical, or what you would
21 expect out of an industrial hygienist.

Page 171

1 And that was determine, you know, if
2 there was a suspected hazard. Then you
3 should -- then you should investigate and
4 determine whether or not it's truly a hazard.
5 And then if there is a hazard, then put
6 controls in place.
7 And what we see over time is we see
8 him following that process. He is looking. If
9 there's an alleged or concern of whether or not
10 there's an asbestos hazard, he does sampling.
11 He doesn't find anything. So he never makes it
12 to the third step of that process.
13 MR. RUCKDESCHEL: Same objection.
14 Move to strike.
15 BY MR. ADAMS:
16 Q Okay. The other topic that I wanted
17 to touch on is counsel was talking to you about
18 comparing like a Peterbilt or Kenworth
19 dealership to a car dealership.
20 And you said, you know, from a
21 hundred-thousand-foot view, it's similar, but

Page 172

1 when you get down into the details, it's not.
2 Can you explain what you meant by
3 that?
4 A Yeah. I mean, I think I went through
5 kind of the order process. But the other thing
6 is, you know, when you go in and buy a car, you
7 get three to five different option packages, if
8 you will.
9 That's not what you do with a truck.
10 A truck is -- it's really a tool. And the
11 people who buy that tool are sophisticated
12 customers. They know what they need. They're
13 buying it not just to drive around for pleasure
14 or take a trip in, they're driving it in order
15 to do a specific job, to do work, and to make
16 money.
17 And so, in general, just from the
18 onset, the purpose of ordering that vehicle is
19 totally different. And so what happens is
20 those customers will come in, and they will
21 specialize their truck to fit their particular

Page 173

1 operation.
2 Now, we talked a little bit about
3 stock trucks. But what dealerships will do is
4 they'll look out if they're -- and this is
5 based off of my personal knowledge of dealing
6 with dealers -- is they will determine what
7 customers are around that might buy a truck --
8 you know, there are some people, they're not
9 going to buy ten trucks. They're not going to
10 go through that ordering process. But what
11 kind of customers do I want to build a stock
12 truck for?
13 And so they might build one that's
14 set up to become a dump truck. Or they might
15 build one -- yeah, they might order one that's
16 set up to be an over-the-road truck hauling a
17 flatbed versus it might be a little bit
18 different if it's hauling a refrigerated van.
19 Or whether it's going short distance versus
20 long distance, with or without a sleeper, for
21 instance.

Page 174

1 **So they will look at their customer**
2 **base that they have in their area. And that's**
3 **how they determine what a stock truck would**
4 **look like for them.**
5 **So they would still go through that**
6 **same decision process of determining what**
7 **options do we want on this truck. What**
8 **configurations do we need this truck to be so**
9 **that people will purchase it.**
10 MR. RUCKDESCHEL: Move to strike that
11 entire speculative narrative as fantasy.
12 BY MR. ADAMS:
13 Q Have you had personal experience with
14 this through your years as working for
15 Peterbilt and as a mechanic?
16 A **Yes.**
17 MR. RUCKDESCHEL: Same objection.
18 And improper expert opinion.
19 BY MR. ADAMS:
20 Q Have you personally seen it, sir?
21 A **Yes, I have.**

Page 175

1 Q So is it fair to say, based on your
2 experience, and your viewing and being a part
3 of this process, that a stock truck doesn't
4 mean it comes with standard parts; a stock
5 truck is just a truck that's been ordered to
6 sit on the lot?
7 MR. RUCKDESCHEL: Same objection.
8 Calls for speculation. Beyond the personal
9 knowledge. Improper expert testimony.
10 THE WITNESS: A stock truck, in the
11 world of Peterbilt and Kenworth, for certain,
12 is a truck that's ordered by a dealer to be
13 stocked on their lot. It is not a standard
14 truck.
15 MR. ADAMS: That's all I have, sir.
16 Thank you.
17 FURTHER EXAMINATION
18 BY MR. RUCKDESCHEL:
19 Q Mr. Curbo, I have a couple follow-up
20 questions. It's Jon Ruckdeschel. With respect
21 to your time -- you started at Peterbilt in

Page 176

1 1983. But you did have some experience in the
2 truck industry prior to 1983, fair?
3 A **Yes.**
4 Q All right. You've just provided your
5 opinion regarding how dealers in -- including
6 dealers in Maryland in the 1960s and 1970s
7 would have behaved; is that fair to say?
8 MR. ADAMS: Objection.
9 THE WITNESS: Well, I would say I've
10 provided my opinion based off of 40 years'
11 experience.
12 BY MR. RUCKDESCHEL:
13 Q Were you --
14 A **Excuse me -- based off 40 years'**
15 **experience at Peterbilt, based off prior**
16 **experience as a mechanic, and the fact that I**
17 **grew up with a dad who drove a truck. And so**
18 **I've seen those things occur over time.**
19 Q How sophisticated was Mr. Morris when
20 he bought his first Kenworth?
21 A **I don't know. You would have to ask**

Page 177

1 **him. I don't know Mr. Morris.**
2 Q Well, you just testified that people
3 that buy truck are sophisticated customers.
4 How sophisticated was Mr. Morris?
5 A **I don't know how sophisticated he**
6 **was.**
7 Q How far did he go in school?
8 A **I don't believe he graduated from**
9 **high school.**
10 Q What interaction did he have with a
11 dealership from which he bought any of his
12 Kenworth trucks?
13 A **I don't know.**
14 Q What dealership did he buy them from?
15 A **He testified to, I think, an**
16 **international dealership or -- yeah, an**
17 **international dealership, Ford dealership, I**
18 **don't recall the names, a Kenworth dealership**
19 **in Chester.**
20 Q Have you ever been to that Kenworth
21 dealership?

Page 178

1 **A No, I have not.**
2 Q Do you know any of the people that
3 worked there in the '60s or '70s?
4 **A No, I do not.**
5 Q Do you have any records as to how
6 they conducted business?
7 **A No, I do not. Well, I would say**
8 **PACCAR does in the fact that we have final**
9 **chassis bill of materials from -- assuming that**
10 **they actually sold trucks -- from that dealer.**
11 Q Did PACCAR go back and look at its
12 historic records for 1978 model year K100s and
13 look for Mr. Morris?
14 **A What I would say is that's really**
15 **almost -- that's almost impossible to do,**
16 **because the records are indexed by serial**
17 **number, if you will.**
18 They're indexed by -- prior to '81,
19 it was what we call a chassis number. Post
20 '81, once the VINs came in, the chassis number
21 is the last six digits of the VIN, that those

Page 179

1 records are only indexed by that number.
2 **And so what you're talking about is**
3 **going back and looking through probably tens of**
4 **thousands of records to try to find one that**
5 **may or may not have the name of the customer,**
6 **the ultimate customer.**
7 **So it's almost impossible. I**
8 **wouldn't say it's impossible. But it would**
9 **take an awful lot of time.**
10 Q Are the chassis numbers sequential?
11 **A They are.**
12 Q Okay.
13 **A Well, the numbers are sequential**
14 **based off of when that order came in. But just**
15 **because an order came -- if I have two chassis**
16 **numbers -- let's just make it easy. I've got**
17 **chassis order number one and number two.**
18 **And there's nothing -- there's all**
19 **kinds of things that can happen, including the**
20 **customer saying, when do I want those trucks**
21 **built. The chassis number two can be built**

Page 180

1 **next week and it might be six months from now**
2 **before chassis number one is built. And I've**
3 **seen that all the time. It happens all the**
4 **time.**
5 Q How many units did Kenworth
6 manufacture in 1978?
7 **A I don't have those numbers right off**
8 **the top of my head.**
9 Q How many units did PACCAR, in total,
10 manufacture in 1978?
11 **A Like I said, I don't have those**
12 **numbers on the top of my head -- off the top of**
13 **my head.**
14 Q Did Peterbilt or Kenworth manufacture
15 more tractors in 1978?
16 **A What I can tell you over time is they**
17 **were about the same.**
18 Q Okay.
19 **A There was obviously always**
20 **differences. They were pretty comparable over**
21 **time.**

Page 181

1 Q All right. Well, in Exhibit 28, the
2 Pursuit of Quality book on page 205, PACCAR
3 states that in 1978, it produced 14,128 truck
4 units.
5 Based on your testimony, would it be
6 your assumption as the corporate representative
7 of PACCAR that that was approximately 7,000
8 Kenworths?
9 **A I would say probably 7,000 to 8,000.**
10 **But, again, I would have to look at the numbers**
11 **to make sure.**
12 Q Sure. Okay. And PACCAR has made no
13 attempt to look at its 1978 records to
14 ascertain where the build sheet is for the K100
15 that Mr. Morris purchased new, correct?
16 **A I think I have -- you know --**
17 Q My question isn't why did you do it
18 or not do it. My question is has PACCAR made
19 an attempt in this case to locate the build
20 sheet for the 1978 K100 Mr. Morris purchased?
21 Have they made an effort or not?

Page 182

1 MR. ADAMS: Objection.
2 BY MR. RUCKDESCHEL:
3 Q Your counsel can ask you why. Just
4 tell me yes or no.
5 **A I don't believe that we have.**
6 Q All right. And the same would be for
7 the '68 W900 and the '74 W900, correct?
8 **A That's correct.**
9 MR. ADAMS: Objection.
10 MR. RUCKDESCHEL: No further
11 questions.
12 FURTHER EXAMINATION
13 BY MR. ADAMS:
14 Q Sir, you explained this a little bit.
15 Can you once again for the jury explain the
16 reason why it's so difficult to track down any
17 particular tractor without the VIN or chassis
18 number?
19 **A Well, first of all, they're not --**
20 **the numbers are not sequential. So what you**
21 **might be able to do -- well, first of all,**

Page 183

1 **you've got to deal with that.**
2 **Secondly, those records are on**
3 **microfiche. And so what you would have to do**
4 **is -- say, if I were wanting to be able to find**
5 **data, it's like looking for a needle in a**
6 **haystack.**
7 **I have to go find a chassis number**
8 **that was built during that time frame. And**
9 **then I would have to take, not 7,000, but**
10 **probably ten or 15,000 of final chassis bill of**
11 **materials, because, as I said, they're not**
12 **built sequentially. And then I would have to**
13 **go in and look at each one of those for the**
14 **customer name.**
15 **And previously I've been asked about**
16 **that. And I believe that we actually timed how**
17 **long it would take. And it was like three to**
18 **five minutes per truck just to go in and look**
19 **for one piece of information.**
20 **So, I don't know, figure that out in**
21 **hours, that's a lot longer than we've known**

Page 184

1 **about this case.**
2 MR. ADAMS: That's fine. Thank you,
3 sir.
4 FURTHER EXAMINATION
5 BY MR. RUCKDESCHEL:
6 Q All right. I have one more, sir.
7 One thing you can do is you can look
8 to see what model truck it was. You wouldn't
9 have to look for the customer name. All you
10 would have to do is look and make sure it was a
11 K100, or you can exclude it, correct?
12 MR. ADAMS: Objection. Form.
13 THE WITNESS: That one piece of
14 information still takes you three to five
15 minutes to look up.
16 MR. RUCKDESCHEL: Okay.
17 Go ahead, David.
18 EXAMINATION
19 BY MR. QUIGG:
20 Q Mr. Curbo, this is David Quigg. Good
21 afternoon. Can you hear me okay?

Page 185

1 **A I can.**
2 Q I represent Eaton Corporation. I
3 just have a few questions for you.
4 Earlier, in response to counsel's
5 questions I believe from Rockwell, you were
6 asked about and shown a document -- I didn't
7 write down the Bates number -- it was a final
8 chassis bill of materials that showed Eaton
9 axles and Eaton brakes.
10 Do you recall that document?
11 **A I don't think it was shown. I was**
12 **just asked about it.**
13 Q Okay. I thought there was something
14 that was flashing up on the screen with a
15 PACCAR Bates number.
16 Well, let me just ask you, sir. In
17 doing your research in this case, have you
18 come -- I thought it was your testimony that
19 you identified a final chassis bill of
20 materials that was associated with somebody
21 with the last name of Morris, but it wasn't --

Page 186

1 you weren't clear as to whether or not that
2 order had been fulfilled?
3 **A I think you must have misunderstood.**
4 **We found -- we have data that is searchable.**
5 **It's electronic from 1988 on. And so anytime**
6 **we have a case like this, we look for customer**
7 **names.**
8 **And so we did the same thing. We**
9 **went and looked -- I did a search on the word**
10 **Morris, for a customer name. And we found a**
11 **truck that was built, I believe it was a 1999,**
12 **for an Alan Morris.**
13 **And so we -- although it was out of**
14 **the date range, we said, you know, this might**
15 **be responsive. We produced that.**
16 **That particular truck that was**
17 **built -- that was ordered and built for**
18 **allegedly a customer named Alan Morris, whether**
19 **or not it was the same Alan Morris, we don't**
20 **know, was -- that truck was built with Eaton**
21 **axles and Eaton brakes. They were nonasbestos**

Page 187

1 **brakes.**
2 Q Okay.
3 **A But you would expect that given the**
4 **time frame that it was built.**
5 Q Certainly. Certainly. So for the
6 particular vintage years that are at issue in
7 this case, am I correct you don't have any
8 information based upon your review of the
9 documents that would show any of the three
10 Kenworth trucks that Mr. Morris -- the decedent
11 in this case -- purchased or owned a truck that
12 had Eaton axles or Eaton brakes on it, correct?
13 **A As I understand your question, I**
14 **believe it's correct.**
15 MR. QUIGG: Okay. Thank you, sir.
16 Those are my questions.
17 MR. MARSHALL: I've got another quick
18 question if I'm next in line. This is Barret
19 Marshall again.
20 MR. RUCKDESCHEL: Go ahead.
21 MR. MARSHALL: Okay. Thanks.

Page 188

1 FURTHER EXAMINATION
2 BY MR. MARSHALL:
3 Q Mr. Curbo, is it fair to say that if
4 a Kenworth brochure or spec sheet simply lists
5 out the size of S-cam brakes that are standard
6 equipment on a truck without any identification
7 of brand or manufacturer -- for example, if a
8 spec sheet or brochure only lists out 16 1/2 by
9 7 by 4 inch S-cam brakes, then those brakes
10 could have been supplied by any of the brake
11 suppliers Kenworth utilized at the time; is
12 that fair?
13 **A That's my understanding.**
14 MR. RUCKDESCHEL: Objection to form.
15 BY MR. MARSHALL:
16 Q I'm sorry, did you say that's my
17 understanding?
18 **A I said that's my understanding.**
19 MR. MARSHALL: Okay. Thank you, sir.
20
21

Page 189

1 FURTHER EXAMINATION
2 BY MR. RUCKDESCHEL:
3 Q All right. Mr. Curbo, I have one last
4 question. This is Jon Ruckdeschel.
5 If Mr. Mulhausen testifies that the
6 brake assemblies on the Kenworth trucks that
7 Mr. Morris owned were Rockwell brake
8 assemblies, that would be entirely consistent
9 with your understanding of how Kenworth
10 manufactured trucks like the 1968 W900, the
11 1974 W900, and the 1978 K100, all of those had
12 Rockwell brakes available for them, correct?
13 MR. MARSHALL: Objection. Form.
14 THE WITNESS: No. What I would say
15 is -- I wouldn't say no way. But the only way
16 to determine what brakes were on a given truck
17 is to get the chassis number and look it up on
18 the final chassis bill of material.
19 Were trucks during that time frame
20 built with Rockwell brakes, to the best of my
21 knowledge, they were. But they were also built

Page 190


1 with other brakes as well.
2 BY MR. RUCKDESCHEL:
3 Q If Mr. Mulhausen testifies that based
4 on his personal knowledge of the brakes that
5 were on Mr. Morris's trucks, they were Rockwell
6 brakes, not Eaton brakes, that's something that
7 would be consistent with the information that
8 you have about the types of brakes that
9 Kenworth put on its trucks?
10 MR. MARSHALL: Objection. Form.
11 BY MR. RUCKDESCHEL:
12 Q Correct?
13 A **As I said, during that time frame,**
14 **Kenworth built trucks with Rockwell brakes as**
15 **well as other brakes.**
16 Q And when you were working as a
17 mechanic in the 1970s on heavy trucks, you
18 could visually tell the difference between an
19 Eaton S-cam brake and a Rockwell S-cam brake,
20 correct?
21 A **Yes, there are differences.**

Page 191

1 MR. RUCKDESCHEL: All right. Thanks.
2 Nothing further.
3 THE VIDEOGRAPHER: Anybody else?
4 MR. RUCKDESCHEL: Do you want to read
5 and sign or waive? Counsel, what do you want
6 to do?
7 MR. ADAMS: Yeah, we'll read and
8 sign.
9 MR. RUCKDESCHEL: All right. Great.
10 We're off the record. Could you read us off,
11 Madam Videographer?
12 THE VIDEOGRAPHER: This ends the
13 deposition of Rod Curbo, February 14th, 2025.
14 The time is 2:06 p.m. We are off the record.
15 (With signature reserved, the
16 deposition concluded at 2:06 p.m.)
17
18
19
20
21

Page 192

1 REPORTER'S CERTIFICATE
2 STATE OF MARYLAND
3 BALTIMORE CITY
4 I, Sarah Thomas, a Notary Public of
5 the State of Maryland, County of Baltimore, do
6 hereby certify that the within-named witness
7 appeared via videoconference at the time and
8 place herein set out, and after having been
9 first duly sworn by me, according to law, was
10 examined by counsel.
11 I further certify that the
12 examination was recorded stenographically by
13 me, and that this transcript is a true record
14 of the proceedings.
15
16 I further certify that I am not of
17 counsel to any of the parties, nor an employee
18 of counsel, nor related to any of the parties,
19 nor in any way interested in the outcome of the
20 action.
21
As witness my hand and seal this 19th
day of February, 2024.


SARAH THOMAS, NOTARY PUBLIC
My Commission Expires:
5/8/2027

Page 193

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2 REVIEWING TRANSCRIPT
3 Read your deposition over carefully.
4 It is your right to read your deposition and
5 make changes in form or substance.
6 You should mark any change in the
7 appropriate columns on the errata sheet. Due
8 to any substantive changes made to your
9 testimony in this transcript on this errata
10 sheet, counsel may be entitled to retake your
11 deposition regarding those changes according to
12 Maryland Rule of Civil Procedure 2-415(d).
13 Please note any change in form or
14 substance on the following errata sheet. Enter
15 the relevant page number and the line number.
16 Also enter the incorrect word and your
17 correction.
18 Then sign and date your deposition at
19 the end of the errata sheet in the space
20 provided. You are signing it subject to the
21 changes you have made in the errata sheet,
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